The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, December 7, 1976. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; and John DiGiulian. Mr. Tyler Swetnam was absent.

The meeting was opened with a prayer by Mr. Barnes.
The meeting began at 10:20 a.m.
10:00 - BIBLE BAPTIST CHURCH appl. under Sec. 30-7.2.6.1.11 of the Zoning Ord. to permit temporary mobile classroom for Sunday School classes, 3435 Aston St., 59-2((1))55, 3.9 ac., Mason Dist., RE0.5, S-268-76.

Mr. Walter Phelps, pastor of the church, 3534 Gallows Road, testified on behalf of the church. He submitted the required proof of notification to property owners. The notices were in order.

Mr. Phelps stated that their request is for temporary mobile classrooms on the existing church property for use as Sunday School classrooms only. The church has been in existence for approximately ten years. The membership at this point is around 250. It has grown some since this application was made. The size of the trailer is 12' x 60'. They hope to get a five year period to give them time to get their proposed new building constructed.

Mr. Smith stated that this request will bring the entire church operation under Special Use Permit.

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

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WHEREAS, Application S-268-76 by Bible Baptist Church under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit temporary mobile classroom for Sunday School classes, 3435 Aston Street, 59-2((1))55, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 7, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Tr. of Bible Baptist Church.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 3.92577 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

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6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The trailer is for temporary Sunday School classroom space and is granted for a 2 year period and an additional three year period, if they obtain necessary site plan waivers.
8. The maximum number of memberships shall be 350 with 85 parking spaces.
Mr. Barnes seconded the motion.

The motion passed unanimously with the members present. Mr. Swetnam was absent.

12:20 - PASTORAL COUNSELING AND CONSULTATION CENTERS OF GREATER WASHINGTON
a.m. appl. under Sec. 30-7.2.6.1.3.4 of the Fairfax County Zoning Ord. to permit school of special education, 20 students, 8 a.m. to 10 p.m., 3017 Chain Bridge Road, 47-2((1))81, (.94140 ac.), Providence Dist., RE-0.5, S-269-76.

John T. Hazel, attorney representing the applicant before the Board, submitted the required proof of notification to property owners. The notices were in order.

Mr. Hazel stated that this corporation is the largest ecumenical interphase pastoral counseling organization in the world with 23 centers located in the churches of various faiths and denominations in the Greater Washington area. The total staff of 45 counselors cover activities that center in Virginia, Maryland, the District of Columbia and West Virginia. This Special Use Permit is to allow the establishment of the Gary O. Morris Education Center, which would be used primarily for the education of professional and lay persons in theory and skills of pastoral counseling, including individual counseling, marriage and family counseling and group counseling. The building will be used secondarily as a clinical center for individual and marital counseling and supervision of individual pastors' work in these skills. The proposed hours of operation will be from 8:00 a.m. to 10:00 p.m. with a maximum total at any one time of 20 students and 6 teachers. The teachers will all be ordained clergy and licensed psychologists. It is estimated that there would be no more than 30 round trips per day, primarily during the hours of 9:00 a.m. and 4:00 p.m.

Mr. Hazel stated that even though he could not say that this is in a potential commercial area, it is harmonious with the uses intended for this area. There is a large white house on the property. The applicant intends to use that house without significant changes.

Mr. Hazel stated that they will agree with the suggestions of Preliminary Engineering concerning widening of the entrance to the property and the dedication, but they do not feel they should have to construct the road for the frontage of the property at this time since there is no need or reason to do so. The properties on either side of this property have not yet been developed. They will conform to the parking regulations for community uses. If there is a problem with the front parking spaces, they will move some of them back toward the well.

In answer to Mr. Smith's question, Mr. Hazel stated that this property is under a contingent contract to purchase. A copy of that contract is in the file.

Mr. Smith stated that there is no certificate of good standing in the file but that Mr. Hazel could furnish that at a later date since he was just getting into the case for John Wilkins, who originally filed this application, and in view of the circumstances.

Mr. Hazel stated that he would furnish that promptly.

In answer to one of the Board member's question, Mr. Hazel stated that there are regularly scheduled classes on Monday night only. The other classes are by appointment only and are on individual basis. This operation will replace the existing operation that is now in the manse of the Lewinsville Presbyterian Church.

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

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-269-76 by Pastoral Counseling and Consultation Centers of Greater Washington, Inc. under Section 30-7.2.6.1.3.4 of the Fairfax County Zoning Ordinance to permit school of special education, 20 students, 8:00 a.m. to 10:00 p.m., 3017 Chain Bridge Road, 47-2((1))81, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 7, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Robert and Ruby Groves. The applicant is the contract purchaser.
2. That the present zoning is RE-0.5.
3. That the area of the lot is .97140 acre.
4. That compliance with the Site Plan Ordinance is required; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 20.
8. The minimum number of parking spaces shall be ten (10), and all parking shall be on-site in accordance with the ordinance.
9. The applicant will comply with the suggestions made in comments from Preliminary Engineering Branch of Design Review which are:
"This use will be under site plan control. Under site plan control, the construction of a standard median, sidewalk and service drive for the full frontage of the property along Chain Bridge Road, Route 123, is required. Therefore, it is suggested that the owner dedicate to the back of the proposed sidewalk for future street improvements for the full frontage of the property. Any necessary landscaping or screening should be provided to the satisfaction of the Director of Environmental Management. A standard, commercial type, entrance should be provided to the site from Chain Bridge Road."

Mr. Barnes seconded the motion.

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

10:40 a.m. JOHN S. BURNS, D.V.M., S-270-76.
Mr. Smith read a letter from Bernard Fagelson, attorney for the applicant, requesting that the Board allow the applicant to withdraw this application without prejudice.

Mr. Barnes so moved that the request be granted.

Mr. Durrer seconded the motion.

There was no one in the audience interested in this application.

The motion passed unanimously with the members present. Mr. Swetnam was absent.

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11:00 a.m. - GEORGE STANLEY WEBB III, V-271-76. The staff report indicated that this case had been withdrawn administratively. No action was needed by the Board.

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11:10 a.m. - ROBERT B. BENNETT appl. under Sec. 30-6.6 of the Zoning Ord. to permit house to be constructed 15' from side property line (20' required), 10821 Greene Dr., 117-2((2))52, (25,890 sq. ft.), Mt. Vernon Dist., RE-2, V-272-76, Harbor View Subd.

Mr. Robert Bennett submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Bennett stated that he needs this variance in order to build a spacious house on his property that will blend with the neighborhood. This subdivision was laid out before the area was zoned. He stated that he had owned the property since 1967. There is a house on Lot 51, next door, which is the only residence there. That house was built by the developer and was constructed in 1960 or 1961.

In answer to Mr. Barnes' question, Mr. Bennett stated that the blacktop driveway that goes through the side of his property was built by the builder and developer, Mr. Atkins, who constructed the drive over the property line from his property to the subject property. The present owner of the adjacent property, Lot 51, uses that driveway to get back to his boat dock. He stated that he had discussed this with his neighbor and the neighbor and he have agreed that they can share the use of this driveway. The driveway is on the subject property owned by Mr. Bennett. The neighbor would have to build a retaining wall in order to get to his boat dock if he did not use that driveway. The neighbor's property slopes rather steeply.

There was no one else to speak in favor.

Mrs. William H. Tankersley, 10817 Greene Drive, Lorton, Virginia, owner of Lot 51, contiguous property owner, spoke in opposition to this application. She stated that they own both lot 51 and 50A. She stated that the granting of this variance would infringe on their right to use the property. The entrance to the driveway that was questioned is on her and Mr. Tankersley's property. That driveway has been in use for fifteen years. It goes to their boat dock and tennis courts and the propane tank. She stated that she and Mr. Tankersley had discussed this problem with Mr. Bennett and asked Mr. Bennett to grant them an easement through his property. Mr. Bennett refuses to do this. They are now prepared to go ahead and move the road onto their own property. She stated that she objects to his building his house 5' closer to her property.

Mr. Smith stated that according to the staff report this property in question is zoned RE-2 even though the advertisement read RE-0.5.

Mr. Covington stated that the staff could grant a variance administratively to allow Mr. Bennett to build within 16' of the property line without a variance from this Board since this property is not over 105' at the building setback line.

The Board deferred the case until the engineer, Mr. Kephart, could get the exact footage at the building setback line.

Mr. Kephart returned after the 11:50 a.m. case of Robert D. Schultz had been completed to report that the exact footage of this lot at the building setback line, 50' from the property line, is 99'.

Mr. Covington stated that that confirms that Mr. Bennett's lot is a sub-standard lot so he can build within 15' of the side property line. The plan that he had submitted with the application did not show that lot width at the building setback line, therefore, the staff did not know that a variance from this Board was not necessary.

Mr. Bennett stated that since this proposed construction could be allowed by the Zoning Administrator then he would request that the Board allow him to withdraw his application without prejudice.

Mr. Durrer moved that in application V-272-76 by Robert Bennett, that he be allowed to withdraw his application without prejudice.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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11:20 a.m. - RESTON HOMEOWNERS ASSOC., INC. appl. under Sec. 30-7.2.6.1.3.4 of the Zoning Ordinance to permit school of special education (arts and crafts classes for 70 students, 9 a.m. to 2 p.m., 11300 Baron Cameron Avenue, 11-2((1))pt. of parcel 33A, 2+ acres out of a 793 acre parcel, Centreville Dist., RE-2, S-273-76.

Mr. Paul Orlando, Hunter Station Road, represented the applicant before the Board. He submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Orlando stated that their association proposes to use the basement of this building for these classes to serve the community. There will be a slight charge to cover the cost of the instructors and materials uses for the classes. There is an existing day care camp in the facility for 60 children. They will close in the middle of June in order for the day camp to meet again in the building. The day camp is an entirely different program. They are putting in pottery wheels, etc. and the day camp will probably utilize some of their equipment. Their classes will start around 9 a.m. and continue until 3 or 4 p.m., but the evening hours will be set aside for individuals who wish to come in. The morning and early afternoon classes will probably be for adults and the later afternoon classes for children when they get out of school.

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

Mr. DiGiulian questioned who the actual owner of the property is since the staff report indicates that the John Hancock Mutual Life Insurance Company is the owner.

Mr. Orlando stated that that is correct, but the property is administered by Gulf Reston, Inc. John Hancock holds title under a mortgage agreement. They, Reston Homeowners Assoc., Inc., has a lease with them.

Mr. Barnes confirmed that there is a copy of the lease in the file.

Mr. Orlando stated that it is an open ended lease. They wish to continue to operate this facility, but should the facility become a financial burden they would discontinue its operation.

In answer to Mr. Smith's question, Mr. Orlando stated that the only outside structure that they plan to have constructed is the kiln in the back yard where a play ground was located when the preschool was operated out of this building. That preschool no longer operates there.

Mr. Orlando in an answer to Mr. Smith's question stated that they will not subsidize this program that it will have to pay for itself.

RESOLUTION

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Mr. DiGiulian made the following motion:

WHEREAS Application S-273-76 by Reston Homeowners Assoc., Inc. under Sec. 30-7.2.6.1.4 of the Fairfax County Zoning Ordinance to permit school of special education (arts and crafts classes for 70 students), 11300 Baron Cameron Avenue, 11-2((1))pt. of parcel 33A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 7, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is John Hancock Mutual Life Ins. Co. The applicant is the lessee.
2. That the present zoning is RE-2.
3. That the area of the lot is 2+ acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is not valid until a Non-Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be 9 a.m. to 9 p.m., Monday through Saturday.
8. The maximum number of students shall be 70.
9. The minimum number of parking spaces shall be 15.
10. This permit is granted for 3 years with the Zoning Administrator being empowered to grant three one year extensions.

Mr. Durrer seconded the motion.

The motion passed unanimously with the members present. Mr. Swetnam was absent.

11:40 a.m. - DAVID K. KEHL & THOMAS D. FINNIGAN appl.under Sec. 30-6.6 of Ord. to permit 50' street frontage (200' required), 10811 Sycamore Springs Lane, 7-1((4))1, Dranesville Dist., 5 acres, RE-2, V-274-76.

(The hearing began at 11:47 a.m.)

Mr. Kehl stated that they are requesting a variance of 150' in order to allow them to use the pipestem concept which will only provide 50' lot width. The request is necessary in order to divide the property. They are restricted because of the septic field. They have sufficient total lot width on a state maintained road for two lots. The total is 409' and this property is in an area of two acre zoning. They have 5 acres. Originally they had asked the engineer, Mr. Kephart, to divide the property into two nearly equal parcels. They received approval from all departments except Environmental Health. The only place the Health Department would approve a septic field was in a piece of land near the road in the area that the department of Design Review had asked them to dedicate. They requested a waiver of that dedication, but the request was denied. Design Review suggested that they request an easement for the septic field, but the Health Department's Mr. Jones, rejected this alternative. They had only one alternative left and that was to come before this Board and request a variance to divide the lot in the opposite direction. Each lot will have a septic field. Approval for this division has been received from all departments, pending approval of this variance request. Mr. Hendrickson has indicated verbally that he would support the application. They have exhausted all other options and feel this is a reasonable request.

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

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R E S O L U T I O N

Mr. DiGiulian made the following motion:
WHEREAS, Application V-274-76 by David K. Kehl and Thomas D. Finnigan under Sec. 30-6.6 of the Zoning Ord. to permit one lot with less minimum lot width than required, 10811 Sycamore Springs Lane, 7-1((4))1, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 7, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 5 acres.
4. That the applicant's property
   (a) has exceptional topographic problems; and,
   (b) has an unusual condition in the requirement for the location of the septic fields.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present. Mr. Swetnam was absent.

11:50 a.m. - ROBERT D. SCHULTZ appl. under Sec. 30-6.6 of Ord. to permit construction of carport 27.0' from front property line (40' required), 8019 Hatteras Lane, 79-2((3))14, 13,676 sq. ft., Annandale Dist., R-12.5, V-275-76.

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Mr. Schultz submitted the required proof of notification to property owners. The notices were in order. Mr. Schultz stated that most of the houses in the area already have carports. He stated that he had lived on the property since 1965. He has a pie-shaped lot and this is the only location on the lot where he could build a carport.

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

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Mr. Durrer made the following motion:

WHEREAS, Application V-275-76 by Robert D. Schultz under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit construction of carport 27.0' from front property line (40' required), 8019 Hattaras Lane, 79-2((3))14, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 7, 1976; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,676 sq. ft.
4. That ~~the Board finds that~~ the applicant's property is exceptionally irregular in shape (pie-shaped).

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

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

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

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

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

Mr. Barnes seconded the motion. The motion passed 3 to 0 with the members present. Mr. Swetnam was absent. Mr. Smith abstained.

12:00 Noon - LAWRENCE J. PASCAL appl. under Sec. 30-6.6 of the Zoning Ord. to permit screened patio on side property line (20' required), 11813 River Drive, 122-2((2))11, Hallowing Point River Estates, 36,306 sq. ft., Mt. Vernon Dist., RE-2, V-276-76.

(The hearing began at 12:07 p.m.)

Mr. Pascal submitted the required proof of notification to property owners. The notices were in order. Mr. Pascal stated that his property abuts a tract of land owned by the Hallowing Point Community Association. That property is densely wooded. There is a letter in the file from that association indicating that there was a meeting held by the Board of Directors in which this case was presented to them. There was no objection to the variance being granted. Mr. Pascal stated that his lot is a pie-shaped lot and the patio is necessary because this property abuts the water and they have a severe mosquito problem. Without a screened patio, they would be unable to use their outside area. The patio was built by a former owner. It has a semi-brick walled area. The house was constructed in 1950. There is no possibility of the adjacent land being subdivided since it is owned by all the members of the association and would require 100 percent approval of all members. If that ever was approved by the members, there is still doubt that the land could be developed since the original grant of that land to the association indicated that it should be used only for recreational purposes.

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

RESOLUTION

Mr. DiGiulian made the following motion:

WHEREAS, Application V-276-76 by Lawrence J. Pascal under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit screened patio on side property line (20' required), 11803 River Drive, Hallowing Point River Estates, 122-2((2)) 11, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 7, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 36,306 sq. ft.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing building on the subject property; and

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

THAT the applicant has satisfied the Board that physical conditions exists which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and building involved.

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

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

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

Mr. Barnes seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained. Mr. Swetnam was absent.

Board of Zoning Appeals
December 7, 1976, After Agenda Item.

1. ALEXANDRIA BIBLE PROTESTANT CHURCH, S-255-75, Granted January 14, 1975. Request for extension.

Mr. Smith read a letter from Russell W. Jenkins, Jr., architect for the church requesting an extension since the site plan has not yet been approved by the County.

Mr. Barnes moved that the request be granted for a six month extension from January 14, 1977.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Swetnam was absent.

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Board of Zoning Appeals - December 7, 1976 - After Agenda Item

2. DR. WILLIAM D. SWARTZ AND DR. GORDON DAVIS, S-1002-68, Granted March 11, 1969 for a small animal hospital, 30-2((9))17, 18, 19 & 20, Bren Mawr Subd. REQUEST FOR ADDITION TO BE ADDED TO EXISTING BUILDING OF OLD DOMINION ANIMAL HOSPITAL, Old Dominion Drive, McLean.

Dr. Gordon Davis appeared before the Board and requested the Board allow him to have a small addition to be constructed toward the rear of the existing building for storage of materials that they now have stored in the attic.

Mr. Mitchell from the Zoning Enforcement staff explained that Mr. Knowlton, Zoning Administrator, had been under the impression that this addition would be only a minor storage space which he thought would probably be O.K. However when he saw the plats showing the size of the addition, he felt the Board should be asked whether or not the addition could be approved without a new

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After Agenda Item (continued)
SWARTZ & DAVIS, OLD DOMINION ANIMAL HOSPITAL
public hearing.and new application.

Mr. Smith stated that this is a 900 sq. ft. addition, 29' x 39' and 61.8' in length. It has been the policy of the Board that the Permittee would have to come back with a new application for any addition or any change in the plans that were approved by this Board at the public hearing.

Mr. Covington stated that they are not expanding the use any. It is not on a lot with another shopping center facility.

Dr. Davis stated that this would not change the parking. They still will have fifteen spaces. This will only displace two parking spaces that were never used anyway. A small trash dumpster has been there. The addition will come over toward the Shell station. It will not be visible from the street because the Shell Station blocks the view.

In answer to Mr. Smith's question, Dr. Davis stated that the dumpster will be placed next to the Shell station. This will not further delete the parking area.

Mr. Smith stated that this is an expansion of the Special Use Permit. He stated that he did not believe there should be an expansion without a public hearing even though he says that the expansion will not expand the actual use. It is an expansion of building space, whether it be for the storage of equipment of to keep animals.

Mr. Durrer stated that he agreed with the Chairman. He moved that the applicant be required to come back to the Board for proper processing.

Mr. Barnes seconded the motion.

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

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AFTER AGENDA ITEM -
3. AMOCO GASOLINE STATION, GRANTED CANOPY NOVEMBER 30, 1976, S-203-76, 6703 Backlick Road, 90-2((1))Parcel 25A and 25B. Original station granted by S-238-70.

At the last hearing on November 30, 1976, there was a question as to whether or not the station operator was in violation of the Zoning Ordinance and the existing Special Use Permit, S-238-70. The operator had been cited for numerous sign violations. Mr. Covington, Zoning Administrator, reported that the operator will put up illegal signs, he will be issued a violation notice, the operator will remove the signs, the inspector will clear the violation, and then the operator will put the signs back up again and start the entire thing over again. Mr. Covington, at the last meeting, stated that he thought the violation had been cleared at this point.

Mr. Hayward, representative from AMOCO Oil, stated that if the Zoning Inspector would issue the violation notice to him directly with AMOCO Oil Company, that AMOCO would see to it that the violation is cleared.

The Zoning Administrator's Office through the Zoning Inspector, J. E. Ash, has again issued a violation notice for illegal signs on the gas station property. This violation notice was issued to Mr. Hayward of AMOCO Oil Co.

It was the Board's decision that the Special Use Permit for the canopy that had been granted at the hearing of November 30, 1976, should be held up until this violation has been cleared and that if the violation is not cleared by January 7, 1977, 30 days from this date, that the original Special Use Permit on the existing station will be in jeopardy. This was Mr. Durrer's motion. Mr. Barnes second and passed unanimously with the members present. Mr. Swetnam was absent.

The Board asked the Clerk to so notify Mr. Hayward of AMOCO of the Board's decision in this.

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Page 11, December 7, 1976

APPROVAL OF MINUTES

Mr. DiGiulian moved that the Minutes for October 26, November 9, November 12, and November 16, 1976, be approved with minor corrections.

Mr. Durrer seconded the motion.

The motion passed unanimously.

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The Board discussed briefly the 'bus court case' in which Mildred Frazer, owner and operator of a private school, refused to paint the vehicles that she uses to transport children to and from school. This was a requirement of the Special Use Permit that had been granted to her. She took the case to court. However, her attorney, Don Stevens, and the County Attorney's office agreed to drop the suit and abide by the decision of the Attorney General, Andrew Miller. Mr. Miller sent his opinion back to the County Attorney, but apparently there could be two different interpretations of it. Now, Mr. Tate, who has taken over the case since Don Stevens' accident, wishes to meet with the Board and discuss this and try to get it settled. Mildred Frazer has a new application that will come before the Board on December 21, 1976, for an expansion of the existing use.

The Board agreed to meet with Mr. Tate sometime during the day, preferably around 12:30 p.m., Tuesday, December 14, 1976.

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The meeting adjourned at 12:47 p.m.

Jane C Kelsey

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

Submitted to BZA on Dec. 14, 1976.

Submitted to other Depts., Board of Supervisors and Planning Commission on _____.

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED Jan. 11, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Tuesday, December 14, 1976, in the Board Room of the Massey Building. All members were present - Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

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

A.M.
10:00 - MT. VERNON ON THE POTOMAC CITIZENS ASSOC., INC. appl. under Sec. 30-7.2.6.1.6 of the Zoning Ord. to permit private noncommercial marina, 4801 Ferry Landing Road, 110-3((1))part of parcel 3, 3 acres, Mount Vernon District, RE-0.5, S-277-76.

Mr. Gant Redmon, 6911 Richmond Highway, Alexandria, attorney for the applicant, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Redmon stated that the subject property is presently owned by Potomac Farm Corporation who is building the houses in the subdivision which this marina will serve. He stated that he would agree to adding Potomac Farm Corporation to the application and make them a co-applicant. He submitted a certificate of good standing on that corporation.

The Board amended the application to include the Potomac Farm Corporation as co-applicant in this application.

Mr. Redmon stated that this proposed marina will have 36 slips constructed on the east portion of the water front next to the presently existing Mount Vernon Yacht Club. The proposed subdivision which this marina will serve is presently under development and consists of 70 acres being developed in three sections. The marina will be a portion of the final development. The marina consists of three plus acres. The shore line is 2,000 feet and the proposal involves around 500 feet. The exact dimensions are shown on the plat before the Board. This marina will serve solely and exclusively the residents of the Mount Vernon on the Potomac Subdivision. It is not to be constructed and is not designed or proposed for use by any others. It will be owned by the citizens association. It will, of course, produce some revenue, he stated. This will come from the rental of the slips. The income will help pay the taxes on the park areas owned by the association. It is not contemplated that all of the residents of this subdivision will utilize the slips. Originally the marina was planned for 128 slips which would have accomodated all of the houses in the subdivision. That was subsequently reduced after discussion with various agences to 76 slips. Last April there was a meeting before the Corp of Engineers at the Mount Vernon High School concerning this marina. There was a good number of representatives from the surrounding community present at that time. In view of the comments and the testimony at that meeting, the number of slips was again reduced from 76 to 36 slips. In the event the association finds there is a need for more slips at some future date, it will be the responsibility of the association to determine whether to seek additional authority for additional slips. At this time, however, they wish to make it clear that they are only seeking permission to have 36 slips. The application before the Corp of Engineer is for 36 slips. They expect to have a permit from the Corp in the next week or two.

Mr. Redmon stated that as a result of the meeting last April where objections were raised by the Mount Vernon Yacht Club regarding the danger they feel the deposit of the spoils near their marina would do to their property, the applicant has had the engineers take another look and the spoil deposit area has been moved from the area near the Mount Vernon Yacht Club to the center of the property owned by the applicant. He submitted to the Board a copy of the plan prepared by the Marine engineers. He stated that a copy of the plan was furnished to the five contiguous property owners that were notified as well as to the President of the Yacht Club and Major Williams. The applicants have had discussions with the two associations nearby and the Yacht Club. They believe that they now have fulfilled all the areas of contention and ask the Board to grant this permit. The fish and wildlife will be protected and the quality of the affluent will be monitored and will be kept within the standards set by the appropriate agencies. There have been concerns expressed by the residents to the west of the property from the Mount Vernon Terrace subdivision with regard to drainage. He stated that he had met with those residents and had tried to assure them that the spoil area lies beyond the ridge line of the property owned by the Potomac Farm Corporation. The spoil will not run beyond that ridge line so that it will not endanger their properties.

Mr. Redmon stated that there would be no other facilities on the site other than the fuel dispensing station, storage shed and restrooms.

Mr. Redmon stated that they have had much discussion with the Corp of Engineers regarding the erosion that is occurring along the shore line They have agreed that all areas subject to erosion will be stabilized by rip-rap.

Mr. Richard Buckley, representing Mt. Vernon Yacht Club, which has a marina for 230 boats, stated that his club had sent a letter to this Board and to the Corp of Engineers dated December 8, 1976 which said that their club would not take issue with the proposed project, but they do have a couple of concerns which Mr. Redmon has spoken to already. He read his letter into the record. (That letter is in the file with this case.)

Mr. Edwin Coursen, 5305 Remington Drive, Mount Vernon Terrace Subdivision, spoke in opposition to this application. He stated that he had been asked by Major Williams to present his position because he was unable to attend today. There is no wholesale community opposition to this application, but there is individual interest by those who occupy water front properties and who are more directly affected. There is increasing concern with the drainage conditions resulting from the development of the houses in this subdivision which drainage conditions presents a health and safety problem for the community. Mr. Coursen asked 'why start on the new marina venture when the drainage problems for the subdivision have yet to be resolved...'. He then asked the individuals who are more directly affected to speak.

Mr. Smith explained that the drainage problems with the development comes under the department of Design Review. These problems should be presented to those departments. He asked Mr. Redmon if the subdivision plan has been approved.

Mr. Redmon stated that Section 1 has been approved and is on record. Section 2 and 3 are in the Department of Environmental Management at this time and under review.

Lt. Col. Messing, 9100 Remington Drive, Alexandria, who owns property contiguous with the subdivision development, not this marina, spoke in opposition. His points were mainly to the drainage problems that already exist.

Mrs. Margaret Phillips, 5101 Burke Drive, contiguous to the subdivision development on the west side of this problem, spoke in opposition. Her comments were also related to the drainage problems that already exist in her area and particularly on her property. She showed the Board photographs of her problems and the damage that has been done to her property. She stated that she had lived on her property for ten years and she has never had this kind of water and this water force before.

Col. Messing stated that he had lived on his property for twenty-one years. He stated that they have called Design Review previously about their drainage problems. But, the County comes down and looks and goes back home.

Mr. Smith stated that the Board will and can suggest that the proper County department respond to the request for action, but this Board cannot take action on these problems. These problems are not within this Board's jurisdiction.

Mr. Durrer stated that he wished to ask Mr. DiGiulian his opinion as far as this project is concerned and its effect on the opposition's property.

Mr. DiGiulian stated that from the map, it looks like the marina property would be about 1,000 feet from the nearest property on the west. It would appear that the water from the marina site would drain to Dogue Creek before it gets to anybody's property.

Mr. Smith stated that he felt the concern here is for the conditions that already exists.

Mr. DiGiulian agreed and stated that he felt the problem is being caused by the developing of the lots up above rather than the marina site.

Col. Messing stated that he is concerned about the silt and the water level.

Mr. Swetnam stated that he felt the development of the marina will help this problem. With the approval of the plan, the drainage will be taken care of.

014

Mr. Swetnam stated that at this point he would like to withdraw from the motion.

Dec. 14, 1976 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-277-76 by Mt. Vernon on the Potomac Citizens Assoc., Inc. and Potomac Farm Corporation under Section 30-7.2.6.1.6 of the Fairfax County Zoning Ordinance to permit a noncommercial marina for Mt. Vernon on the Potomac Citizens Association, 4801 Ferry Landing Road, 110-3((1)) part of Parcel 3, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 14, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is The Potomac Farm Corporation.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 10.31 acres, total with 2.5500 acres being land and 7.7667 acres being water.
4. That compliance with the Site Plan Ordinance is required.

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

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

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 115.
8. The minimum number of parking spaces shall be 40.
9. The maximum number of boat slips shall be 36.

Mr. Durrer seconded the motion.

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

015

10:20 A.M. - JACQUES MOORE appl. under Sec. 30-7.2.10.3.8 of the Zoning Ord. to permit automobile sales room and service facilities appurtenant thereto, south side of Leesburg Pike, 800' east of Dulles Access Road, 29-3((1))1 & 1S (304,920 sq. ft.), Centreville Dist., C-D, S-278-76. (Fairfax Cadillac)

(The hearing began at 11:05 a.m.)

Mr. John T. Hazel, P. O. Box 547, attorney representing the applicant, submitted the required proof of notification to property owners. The notices were in order.

Mr. Hazel submitted to the Board a rendering of the proposed structure and new plats showing a new configuration for the building and changes in the alignment of the entrances.
Mr. Swetnam moved that the Board accept the new plats in lieu of those already on record.

Mr. DiGiulian seconded the motion. The motion passed unanimously.

Mr. Hazel stated that by way of explanation when the actual survey was made for most of that site, it turned out that the as-builts of the Highway Department for the crossing at Route 7 were considerably different from the plans by which it was supposed to be built. The engineer for the applicant then had to make adjustments at the Route 7 intersection plus further review of the property disclosed that there should be a change in the alignment in the entrances and the applicant is now proposing the entrances as shown on the plats just substituted. In effect, there will be one entrance from the service road and another entrance on the interior side of the property.

Mr. Hazel stated that this automobile dealership will be the Cadillac dealership. The plat shows 468 parking spaces. 156 of those in the rear is for car storage, 80 for used car sales, 82 for repair cars in the rear of the structure, 60 for employees and 80 for visitors and general use. The front area in the 50' front setback will be maintained in open area and maybe the site of storm water detention but will not be used for parking, but will be landscaped. There was a statement in the staff report that said that this was in the Ashgrove Historic District. However, there is in the file as of this morning, a memo from the Historic Commission correcting that. This is near the Ashgrove home site that lies to the west quite a distance from this property. There is no historic zone commitment. However, this application does try to meet the suggestion of the Historic Commission that we try to put some trees on the site. There is an area of 10' to 12' along the property line that will be landscaped as part of the development.

Mr. Hazel stated that this property is under contract to purchase contingent on this special use permit. He stated that he represents both the contract holder, Mr. Moore, and the seller. A copy of the contract is in the file.

Mr. Hazel stated that the building will be masonry with a showroom along the front. The proposal is to commence construction immediately. Recognizing the several auto agencies on the other side of the street, the applicant thinks that this will be harmonious and reasonable and a very desirable use. There will be 70 employees as revised since the filing of the application. He stated that they have no objection to meeting the site plan requirements that would generally be in effect on this site.

In answer to Mr. Durrer's question he stated that the building will probably be brick at least in the front elevation.

The Board discussed whether or not to allow a free standing sign.

Mr. Covington stated that they would be entitled to a free standing sign and probably would be at a disadvantage without one since the auto agencies across the street do have free standing signs.

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

There was no one else to speak in favor of this application.

016

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-278-76 by Jacques Moore under Section 30-7.2.10.3.8 of the Fairfax County Zoning Ordinance to permit an automobile sales room and service facilities including sales and rental lot for autos and trucks accessory to a new car dealership on property located at south side Leesburg Pike, 800' east of Dulles Access Road, 29-3((1))1 & 1S, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 14, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is V. J. and Josephine Dardin Estate. The applicant is the contract purchaser.
2. That the present zoning is C-D.
3. That the area of the lot is 7 acres.
4. That compliance with the Site Plan Ordinance is required.

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

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

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This SPECIAL PERMIT is NOT valid until a Non-Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non-Residential Use SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. DiGiulian seconded the motion.

The motion passed unanimously, 5 to 0.

Page 17, December 14, 1976
A.M.
10:40 - PANORAMA REAL ESTATE OF NORTHERN VIRGINIA, INC. appl. under Sec. 30-7.2.9.1.7 of the Zoning Ord. to permit real estate office in older structure to have change in permittee and expansion of parking, 2100 Chain Bridge Road, 39-1((3))58, (39,204 sq. ft.), Centreville Dist., RE-1, S-279-76.

(Hearing began at 11:15 a.m.)

Mr. Boykin, President of the corporation, whose address is 7900 West Park Drive, McLean, Virginia, submitted the required notices to property owners of this hearing to the Board. He did not, however, have a copy of the letter he sent to those property owners, just the return receipts. The Board went ahead with the hearing of the case, but stated that it could not make a decision until a copy of that letter had been furnished.

Mr. Piper, the owner of the land, stated that he had a copy of the letter at his office and he would have his secretary bring it to the hearing as soon as possible.

Mr. Boykin stated that this property was the subject of a Special Use Permit which was granted three or four years ago. A real estate office has been operating out of that property since that was issued. Mr. Boykin stated that his corporation proposes to have a brokerage office there also. They now have an office across the street. There will be no changes to the structure. The only change will be the increase in parking spaces. They have twelve full time employees. All the real estate agents are independent. There will be only one permanent employee and that is the secretary. They have a lease from Mr. Piper for five years with an option to renew.

The Board discussed the free standing sign.

Mr. Boykin stated that Mr. Piper has had a free standing sign. He showed the Board members a photograph of that sign. He stated that he would like to have something similar to that if it is permissible with the Fairfax County Ordinances.

Mr. Smith stated that the sign is not on the plat.

Mr. Piper stated that he had had the sign for four years. He has a permit for it.

Mr. Covington stated that his office grants permits for signs for Special Use Permit uses unless the Board specifically prohibits them in the motion.

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

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

The Board recessed the hearing on this case for a few minutes until Mr. Piper could obtain the copy of the letter of notification.

Mr. Piper returned to present the letter of notification and the following motion was made by Mr. DiGiulian.

December 14, 1976 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-279-76 by Panorama Real Estate of Northern Virginia, Inc. under Section 30-7.2.9.1.7 of the Fairfax County Zoning Ordinance to permit real estate office in older structure - change in permittee and expansion of parking, 2100 Chain Bridge Road, 39-1((3))58, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 14, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is John B. and Virginia Piper. The applicant is the lessee.
2. That the present zoning is RE-1.
3. That the area of the lot is 39,204 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with

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Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.'
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is not valid until a Non-Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The minimum number of parking spaces shall be sixteen (16).
8. This permit is granted for a period of five (5) years with the Zoning Administrator being empowered to grant an additional five (5) year extension upon presentation of a lease for the second five (5) years.
9. This permit is granted to include a sign the same size and the same location as the existing sign subject to submission to the BZA of revised plats showing the sign by December 21, 1976.
10. All other requirements of Special Use Permit S-180-71 shall apply.

Mr. Swetnam seconded the motion.

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

A.M.
11:00 - PARK WEST ASSOC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit community recreation facility, 3135 Remuda Road, Oakton, Vale Park West Subd., 36-3((6))D, 391,018 sq. ft., Centreville Dist., RE-1 Cluster, S-280-76.

(Hearing began at 11:30 a.m.)

Mr. Gregory Harney, 6944 Spaniel Road, represented the applicant before the Board. He submitted the required proof of notification to property owners. The notices were in order.

Mr. Harney stated that he represents Park West Association which is a joint venture that owns the property on which this recreation facility is to be constructed. The developer of the land has established the Park West Association which will ultimately be the owner of the land. That construction company is the builder of the subdivision which is presently being developed around that particular recreation area. The subdivision consists of 114 units that will be two sections of Vale Park West. It is anticipated that the parties that purchase the homes will be the ones holding membership and using the recreation area. This subject property is one of the three or four open spaces that will be part of this subdivision. This subdivision was developed under the cluster density.

Mr. Swetnam stated that he notes from the plats that there is no parking area provided. He stated that the Board has had some repercussions from people parking on the street who use these facilities to the detriment of the nearby property owners. He stated that there will be 114 homes in this area and even if the majority of the people walk to the pool, he feel they need at least ten parking spaces.

The other Board members agreed. The Board deferred this case until 1-11-77 for new plats showing adequate parking spaces, at least ten.

Mrs. Wilma Rasnick, 11721 Larriot Lane, spoke in opposition to the parking spaces being located next to her house. She also stated that she agreed that the association should provide adequate off-street parking.
Mrs. Susan Drier, lot 18, agreed with Mrs. Rasnick.
Mr. Swetnam moved that the case be deferred until January 11, 1977 at 12:00 Noon. For guidance to the applicant, he suggested that the new plats show the parking area down close to the recreation facility, not up close to the homes.

Mr. Covington reminded the applicant that the parking must meet the specific setback of the Ordinance. It can't be in any required setback, or 25' from <u>any</u> property line in this instance.

Mr. DiGiulian seconded Mr. Swetnam's motion. The motion passed unanimously.
Mr. Smith stated that Mrs. Rasnick and Mrs. Drier would be permitted to
// speak to the Board regarding the new parking proposal on January 11.

A.M.
11:20 - DEAN H. RAY appl. under Sec. 30-6.6 of the Zoning Ord. to permit an enclosed porch to be constructed 8' from side property line (12' required), 4505 Dartmoor Lane, Kerrybrooke Subd., 82-1((12)) 50, 12,206 sq. ft., Lee Dist., R-12.5, V-281-76.

Mr. Ray presented the required proof of notification to property owners to the Board.

Mr. Ray stated that he purchased this property in 1968 and would now like to enclose his porch because he needs some additional storage space. Above the storage space would be a room off the dining room.

Mr. Swetnam asked him if the house were properly situated on the lot if he would have problems meeting the setback requirements.

Mr. Ray stated that he would not have problems meeting the setback requirements if the house were properly situated on the lot. The house is turned sideways, he stated.

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

December 14, 1976 R E S O L U T I O N Bd. of Zoning Appeals

WHEREAS, Application V-281-76 by Dean H. Ray under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit replacement of an existing open porch and patio with an enclosed addition to his residence, 4505 Dartmoor Lane, 82-1((12))50, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 14, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 12,206 sq. ft.
4. That the applicant's property has an unusual condition in the location of the existing building on the subject property.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
Mr. Barnes seconded the motion. The motion passed unanimously with all members present and voting.

020

A.M.
11:40 - BURKE CENTRE PARTNERSHIP appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit recreation facility to be located off Burke Lake Road, Burke Center, 78-3((1))pt. 39, 2.50613 acres, Springfield District, RPC, S-282-76.

(Hearing began at 12:00 Noon)

John T. Hazel, P.O. Box 547, Fairfax, Virginia, attorney for the applicant, submitted the required proof of notification to property owners to the Board. The notices were in order.

The Board began the hearing by discussing the Planning Commission recommendation to the Board that the permit be granted for two years only, so that this special permit can be reviewed in connection with a subsequent proposed development plan amendment, and superseded by whatever results from that development plan amendment.

Mr. Hazel stated that he did not have any strong objections to that, but he was not yet sure that one could work out the details in order to make a single presentation. He stated that there is no way to project a recreation plan for this area for the next eight to ten years. This application is the first for recreation facilities within the Burke Center project of 1300 acres. The subject parcel is a little over two acres and is part of a recreation system for neighborhood One. Essentially the Lynch Farm is over 200 acres and runs from Burke Lake to the Lynch homestead. The lots before the Board are all part of that section.

Mr. Hazel then showed the Board slides showing how this recreation plan fits into the total project of Neighborhood One. The slide shows the parkway that bisects this facility from Burke School to Fairview School.

Mr. Hazel stated that this subject recreation facility has two tennis courts, an all-purpose court, tot lot and play area. This facility will be connected to the rest of the development by a couple of miles of jogger trails which have at intervals,exercise stations.

Mr. Hazel stated that there are no parking spaces provided at this recreation facility deliberately. The use of this facility will be restricted to pedestrians who wish to make use of these facilities. If someone wants to drive to tennis courts, there will be other recreation facilities in this development that will have parking lots they can use. The other recreation area nearby will contain a swimming pool and a large parking lot. He showed a slide indicating how the two recreation facilities would connect.

Mr. Smith stated that this lack of parking would be a good reason to put this permit on a two year basis.

Mr. Hazel in answer to Mr. Durrer's question, stated that this recreation facility will be operated by the Burke Center Homeowners Association. The only people who can join would be the people within the project. This recreation center would be within the jurisdiction of the local Neighborhood One cluster. There are three divisions in this development. These three divisions are under the main conservancy. The courts will be available on a users basis for people outside the immediate neighborhood group or division.

Mr. Hazel stated that fifty production models have now been sold. They expect those homes to be occupied by March or April.

Mr. Swetnam stated that his problem with this proposal is still the parking. He told Mr. Hazel that the Ordinance prohibits any parking for this use on any public street.

Mr. Hazel stated that should the need for parking arise, there is room on the site now. However, they would lose the play area that is 100' long. That area could be graded. They planned that area for the children to toss their football or baseball.

Mr. Morrow, 6304 Belle Aire Road, spoke before the Board. He stated that his property fronts on the subject property in the Burke project. He stated that he wished to ask questions more than object. His main question related to the tax structure for this recreation association, and if any lights were proposed for these tennis courts.

Mr. Smith stated that no lights are proposed for these tennis courts. The

facilities would be open from 9 A.M. to 9 P.M. The police are responsible for policing this area. This will be taxed as a non-profit organization, but it will have to pay real estate taxes.

Mr. Hazel confirmed this.

Mr. Swetnam stated that the concern should be addressed to the fact that the Park Authority might be able to take over these facilities. He stated that that is what concerns him.

Mr. Smith stated that if the Park Authority takes over these facilities, the land would be tax exempt, but the facility would be open to everyone not just residents of this subdivision. He stated that he too is concerned about this land escaping the tax records.

Mr. Durrer stated that as he understands this application, this land will be common area for this subdivision. He stated that he did not know of another site that has been developed as well as this or along the same lines as this. This applicant does not want the Park Authority to take over. The only services the County will provide these citizens will be the general services that are furnished to everyone.

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

December 14, 1976 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-282-76 by Burke Centre Partnership under Sec. 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit recreation facility on property located off Burke Lake Road, 78-3((1))part of 39, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 14, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Burke Centre Associates.
2. That the present zoning is RPC.
3. That the area of the lot is 2.50613 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additonal structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This SPECIAL USE PERMIT IS NOT VALID until a Non-Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be from 9 A.M. to 9 P.M., seven days a week.
8. This permit is granted for a period of two (2) years with the need for on-site parking to be reconsidered at the end of two (2) years.

Mr. Swetnam seconded the motion. The motion passed unanimously.

NOON *

12:00 - H. THOMAS MURRAY appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition to be constructed 30' from front property line, 8135 Carr Place, West Springfield Subd., 89-2((2))89A, 13,103 sq. ft., Springfield Dist., R-12.5, V-283-76.

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(*Mr. DiGiulian moved that the Board go into executive session to discuss legal matters.
Mr. Durrer seconded the motion. The motion passed unanimously.

Mr. Smith announced that immediately after the executive session, the Board would recess for lunch and return at 2:15 to take up the 12:00 Noon item.)

The Board returned at 2:20 P.M. to take up the captioned case.

Mr. Murray submitted the required proof of notification to property owners of this hearing. The notices were in order.

Mr. Murray stated that he had also submitted a letter from all of the property owners notified stating that they have no objection to this variance being granted.

Mr. Murray stated that his justification for this variance request is the very irregular shape of his lot that does not permit him to improve his house in any other direction. He stated that he wishes to expand the family room to the left of the property as indicated on the plat before the Board. The curve of the cul-de-sac cuts into the property line causing a portion of this addition to infringe on the setback requirement which is 40' according to the Zoning Ordinance. The addition will be used as a family room addition. The family room is now only 12' wide and he wishes to expand it to 20' by 26'. He stated that he does already have the construction started due to a number of errors that he had made because of his lack of knowledge about these matters and some misinformation from a couple of reputable contractors that he had had out to his house to discuss this addition. He stated that he had not received the building permit. He explained how this happened to the Board. He stated that he has now had a certified engineer certify that he does meet the County requirements and specifications and he has proceeded since he already had the footings poured. He stated that he had sent a letter to Mr. Knowlton, Zoning Administrator stating that he would in no way hold the County or any persons thereof responsibile for any expenses that he had incurred based on his ignorance.

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

December 14, 1976 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-286-76 by H. Thomas Murray under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit an addition to be constructed 30' from the front property line, 8135 Carr Place, 89-2((2))39A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 14, 1976; and

WHEREAS, the Board has made the following findings of fact:
1- That the owner of the property is the applicant.
2- That the present zoning is R-12.5.
3- That the area of the lot is 13,103 sq. ft.
4- That the applicant's property is exceptionally irregular in shape.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only,and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. That the addition shall be architecturally compatible with the existing structure.

Mr. Barnes seconded the motion.
The motion passed 4 to 0. Mr. Smith abstained.

DEFERRED CASE: 12:20 P.M. - December 14, 1976
MB IMPORTS, INC. appl. under Sec. 30-7.2.10.5.4 of the Zoning Ord. to permit sale of autos (used), 8230 Leesburg Pike, Apple Grove Subd., 29-3((1))81 and part of 82, Apple Grove Subd., 29-3((1))81 and 82, Dranesville Dist., C-G, S-220-76. (Deferred from Oct. 26, 1976 for proper notices.)

Mr. M. Robert Kerr, attorney for the applicant, with offices at 6817 Tennyson Drive, McLean, Virginia, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Kerr stated that Mr. Klespis has been doing business on this same site for five years. He originally occupied a structure that is on an adjacent piece of property and he rented the subject property at 8230 Leesburg Pike for storage space for the automobiles. This was an old Sunoco Service station that is now abandoned. When he moved his office into this building on this property in January of this year he learned afterwards that he was in violation of the Zoning Ordinance. He made a serious mistake in that he did not understand the seriousness of the violation. MB Imports, Inc. is a corporation held by Mr. Bruno Klespis. He is the major stockholder of the corporation.

Mr. Durrer stated that the last time this case came up, Mr. Klespis had been cited for a violation of the Zoning Ordinance and he was at that time in Court.

Mr. Kerr stated that the Court has deferred decision until this Board makes a decision.

Mr. Claude Kennedy, Zoning Inspector, testified that he made an inspection this morning and took some photographs. He submitted those to the Board. He stated that he had copies of the notices of violation which have been issued for the operation of a used car lot and for keeping junked automobiles on the property. The photographs show that there is an area to the rear of the building that is fenced with a 6' fence. Mr. Klespis keeps his automobiles in that area. The photographs show that there are several vehicles that are wrecked vehicles that are there at the present time and have been there since October. Mr. Klespis was issued a notice of violation on October 26, 1976 for storing junked vehicles. As far as the Zoning Office can determine, that notice has not been cleared.

The Board and the Zoning Administrator, Mr. Covington, discussed what constituted junked vehicles. The definition of 'junked vehicle' as defined in the Zoning Ordinance is:

"Any motor vehicle, trailer, or semi-trailer which is inoperable and which, by virtue of its condition, cannot be economically feasibly restored to operable condition, provided that such vehicle, trailer, or semi-trailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than sixty days."

Mr. Bruno Klespis, 2060 Bowling Green Drive, Vienna, Virginia, stated that he did not feel that he has junked vehicles. The cars that he has are mostly accident cars. He stated that he has a repair shop. He stated that he has a Non-Residential Use Permit to have a repair shop for automobiles at 8230 Leesburg Pike.

Mr. Covington in answer to Mr. Smith's question, stated that the structure where Mr. Klespis now has his office for this business was formerly a gasoline station. Mr. Klespis used the paved area for the storage and sale of automobiles since there was no storage facilities at his previous location, 8240 Leesburg Pike. Mr. Klespis has told the Zoning Office that he had a new car dealership and under that permit he was allowed outside display in the same ratio as inside area. The new car dealership is permitted by right in a C-G zone. However, Mr. Klespis is operating a used car dealership and that requires a Special Use Permit.

Mr. Kerr stated that Mr. Klespis has taken a number of steps to clear the violations and to make improvements to the property. He got sewer hookup to the property, he had engineering work done and the engineer drew up the site plan which cost $6,000 to get the area graded and paved, he moved the sign because the Zoning Inpsector told him that it was improperly placed. He stated that this use will cause no adverse impact to the surrounding area.

Mr. Klespis stated that one of the reasons some of the wrecked cars are on the property so long is because he has to order the parts from Germany.

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

Mr. Swetnam stated that the Board has not addressed itself to the proposed addition.

Mr. Durrer stated that to approve this use with an addition would be perpetuating a problem that already exists and has existed for some time.

Mr. Barnes stated that he felt the Board should point out to the attorney for the applicant exactly what is wrong and how it can be rectified. Before it comes to the Board again, the inspector can take a look at the property and see if these things have been done. Mr. Barnes made that his motion.

Mr. DiGiulian seconded the motion.

Mr. Smith stated that the Board should set a definite time for this case to come back.

The Board set January 11, 1977, as the deferral date.

The motion passed unanimously.

Mr. Covington stated that after the hearing, he, the zoning inspector, and Mr. Smith would view the site.

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APPROVAL OF MINUTES

Mr. Swetnam moved that the minutes for November 30, 1976, be approved with minor corrections.

Mr. Durrer seconded the motion.

The motion passed unanimously.

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The meeting adjourned and went into executive session to discuss legal matters with the County Attorney. The Board officially adjourned at 4:30 P.M.

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

Submitted to BZA on Jan. 4 1976

Submitted to Bd. of Supervisors,
Planning Commission, and other Depts.
on _____.

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED January 11, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals was held on Tuesday, December 21, 1976, in the Board Room of the Massey Building. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

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

The meeting began at 10:30 a.m.

A.M.
10:00 - VINCENT & SOK HUI CUNNING, S-231-76. (Deferred from Nov. 9, 1976 for full Board.)

The Board was in receipt of a letter from Mr. Cunning stating that he would like this case deferred until January 4, 1977, in order for him to be present to represent he and his wife. He stated that he could not be present today because he works for the Post Office Department and could not get leave during this Christmas season.

The Board deferred this case until January 4, 1977.

A.M.
10:20 - METROPOLITAN CHRISTIAN SCHOOLS appl. under Sec. 30-7.2.6.1.3.2 of the Ord. to permit operation of private Christian School, grades Kindergarten through twelve, 5411 Franconia Road, 81-4((1))66, (104,970 sq. ft.), Lee Dist., R-12.5, S-236-76. (Deferred from November 9, 1976 for proper notices.)

Rev. Owens, pastor of the church, 5810 Ashville Road, Alexandria, Virginia, submitted the required proof of notification to property owners. The notices were in order.

Rev. Owens stated that they plan to have 200 studehts when they have full enrollment. They already have 142 enrolled. They are now operating in a temporary capacity in the City of Alexandria. The grades will be from Kindergarten through twelve, or ages 4 through 18. The children will be bussed to and from the school. The busses have been properly painted, lettered, etc. in accordance with the State Code. The busses are van type busses. They presently have five busses, but that number will probably increase with the increased enrollment.

Mr. DiGiulian inquired if the applicant's representative had read the staff report.

Mr. John Liner, administrative assistant at the church, 6107 Cloud Drive, Springfield, testified that he had read the staff report. At the time he made application for this permit, he had not received an approved copy of the plans from the health department indicating where the play area should be. He stated that he had now received those approved plans. He submitted a copy of those plans to the Board showing the location of the play area.

There was no one to speak in opposition to this application and no one else to speak in support of the application.

Dec. 21, 1976 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-236-76 by Metropolitan Christian School under Section 30-7.2.6.1.3.2 of the Fairfax County Zoning Ordinance to permit operation of private Christian School, grades Kindergarten through twelve, 5411 Franconia Road, 81-4((1))66, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 21, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Metropolitan Christian Center. The applicant is the lessee.
2. That the present zoning is R-12.5.
3. That the area of the lot is 104,970 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

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THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 200, ages 4 through 18.
8. The hours of operation shall be 9 A.M. through 3 P.M., Monday through Friday.
9. The minimum number of parking spaces shall be 98.
10. All busses and other vehicles used for transporting children shall be painted yellow with the words "School Bus, Stop, State Law" on the front and rear in letters at least six inches high, except that the words "School Bus" on the front may be in letters at least four inches high if space is limited, or with only the words "School Bus" on front and rear in letters at least eight inches high, and shall be equipped with such warning devices as are required by state law. Those vehicles which are prohibited by state law from being marked in the manner required by this condition may not be used to transport children.
11. This Special Permit is granted for a period of five (5) years.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

A.M.
10:40 - DONALD AND BARBARA GUNNELL appl. under Sec. 30-6.6 of the Zoning Ord. to permit subdivision of lot with less than required land area, (8,781 sq. ft. 10,000 sq. ft. rq.), 2330 Great Falls Street, Sherwood Property, 40-4((1))25, 18,781 sq. ft. total, Dranesville Dist., R-10, V-284-76.

Mr. Gunnell submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Gunnell stated that the surrounding community is an area of widely varying lot sizes, both in Fairfax County and in the adjacent jurisdiction, Arlington County. In Fairfax County alone, there are 36 properties located within 1/4 mile of the subject parcel, all improved, and having lot areas of less than 7,400 square feet. Additionally, there are more than 24 properties, both improved and unimproved, with lot areas from 7600 to 9900 square feet; again within one-fourth mile of the subject property. If granted, this subdivision would not materially increase the density of the area since the average lot area of the subdivided parcel would be nearly 9400 square feet or 6 percent less than the average lot area established by the R-10 zoning regulations.

Mr. Gunnell stated in answer to Mr. Durrer's question that he purchased this property in 1966, but he has never lived in the house. It has been rented.

In answer to Mr. Smith's question, Mr. Mitchell stated that this property is not considered a subdivision. This property was cut out of the surrounding property long before the subdivision ordinance existed. He stated that there are not too many lots in existence in Fairfax County that are non-conforming as to lot size.

There was no one else to speak in support of this application.

Mr. Barkley, 2334 Great Falls Street, immediately adjacent to the subject property, spoke in opposition to the application. His main points of objection were that he did not want to see another house built on the front of that property because the back door of that house would be right in his front door. He stated that the lot on Great Falls Street which would have 10,000 square feet may have some of that square footage reduced with the widening of Great Falls Street. He stated that he had contacted the Highway Departmtent and was told that these plans were very much alive. This would reduce this lot by 1,030 square feet plus additional square footage for curb entrance, sidewalk, etc. Therefore, both lots would then have less than 10,000 square feet, instead of just one.

Mr. Barkley stated that the third reason for his objection is that there appears to be no compelling reason to permit this subdivision with less than the required lot area. The denial of this would not cause the applicant an undue hardship since the existing lot with its house is quite usable.

Mr. Barkley also submitted another letter in opposition from one of the other neighbors. He stated in answer to Mr. Smith's question that his lot is 17,000 square feet and runs approximately the same length as the subject lot. The letter in objection was from R. G. Schottler, 2338 Great Falls Street whose lot was a little larger than Mr. Barkley's lot.

Mr. Andrew A. Ellis spoke in opposition. He stated that he owns property that is contiguous to the subject property and he felt that the granting of this subdivision would destroy the character of the neighborhood. He stated that his property is about one-half acre and one side is entirely on the side that this planned subdivision would take place. He stated that his property faces Walnut Street. He stated that his lot is approximately the same size as the subject property.

Mr. LaSalle, 2311 Briley Place, Falls Church, spoke in opposition to this subdivision. He stated that he was afraid that if this subdivision is granted with less than the required lot area that a lot of the other larger lots will also want to subdivide their property along Great Falls Street.

Mrs. Richard Barkley, 2334 Great Falls Street, spoke in opposition.

Mr. Gunnell in rebuttal stated that he could understand the neighbor's opposition, but he felt there was enough evidence on record showing properties that have considerably less than the present minimum lot requirements to justify the granting of this variance.

In answer to Mr. Swetnam's question, Mr. Gunnell stated that he was not fully aware of the exact size house that he could place on the proposed new lot.

Mr. Swetnam stated that he would have to conform to the setback requirements for two front setbacks which is 60' from the center line of the road or 45' from the property line, whichever is greater. In addition he would have side setbacks. He stated that he had computed it and found that he could build no larger house than 20' x 35'.

Mr. Gunnell stated that he did not believe Mr. Swetnam was correct.

Mr. Smith stated that Mr. Gunnell has not presented a hardship under the Ordinance for the Board to consider.

Mr. Durrer stated that the only hardship he sees is that the applicant wants to build a house on this lot and the lot will be too small. He is renting the other house on the lot. He stated that this would be a financial hardship and that cannot be considered under the Ordinance.

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RESOLUTION

Mr. Swetnam made the following motion:

WHEREAS, Application V-284-76 by Donald W. and Barbara Gunnell under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit subdivision of property into two lots so that the average size would be 9,390.5 square feet, 10,000 sq. ft. is required., 2330 Great Falls Street, 40-4((1))25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on December 21, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 18,781 square feet.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved;

NOW, THEREFORE, BE IT RESOLVED that the subject application is denied.

Mr. Barnes seconded the motion. The motion passed unanimously with all members present and voting.

A.M.
10:50 - AMERICAN MULTI-CINEMA, INC. appl. under Sec. 30-7.2.10.4.4 of the Zoning Ordinance to permit an enclosed theatre, South Jefferson Street at Leesburg Pike, 62-1((1))pt. 16E, 23.4506 acres, Mason Dist., C-D, V-285-76.

The Board was in receipt of a letter from the applicant requesting that this case be deferred. Ms. Minerva Andrews, attorney for the applicant whose address is 820 Turkey Run Road, McLean, submitted the required proof of notification to property owners to the Board. The notices were in order.

Ms. Andrews stated that the reason for the request for the deferral was because the lease arrangements have not been completed.

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

Mr. Swetnam moved that the request for the deferral be granted and the case be set for February 15 or 16, whichever date the Board meets.

Mr. DiGiulian seconded the motion. The motion passed unanimously.

Mr. Smith asked Ms. Andrews if she was familiar with the request from a member of the Board of Supervisors that the applicant give a statement that they will not have X-Rated movies shown from these theatres.

Ms. Andrews stated that she was familiar with that request.

Mr. Smith stated that the letter that is in the file regarding that request does not fully state that there will be no X-Rated movies shown. He asked Ms. Andrews if she would contact the applicant and ask them to submit a letter or statement being a little more explicit.

Ms. Andrews stated that she would do so.

Mr. Swetnam stated that there was a constitutional issue involved in this, and he felt the BZA should not insert itself into that issue by imposing this condition. Mr. Smith stated that the Board could impose any reasonable condition on the granting of the use if that condition would make the use more compatible with the surrounding neighborhood. He stated that he would prefer to have the applicant agree with this condition.

Mr. Smith stated that the applicant would be notified of the exact date and time of this case. He would not have to renotify since the notices were in order and since there was no one present interested in this case other than the attorney for the applicant.

Page 29, December 21, 1976
A.M.
11:10 - ST. ANDREW'S EPISCOPAL CHURCH appl. under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit operation and construction of a church building, 9221 Old Keene Mill Road (between Sydenstricker and Old Keene Mill Road), 88-2((1))5, (7.88 acres), Springfield Dist., RE-1, S-286-76.

Frederick Beck, 7120 Dryburgh Street, Junior Warden of the church, spoke before the Board. He submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Beck stated that the maximum number of seats would be 300. There are proposed adequate parking spaces for the first building phase and the second building phase. They expect to begin the second phase in three to five years. They have not decided on the type of materials they will use for the construction yet although they anticipate that it will be masonry, perhaps with a shake roof. The site covers 7.8 acres. However, there is a strip of land along the back that they would like to swap with Mrs. Russell for a strip of her land that is closer to the proposed building. This is still in the negotiation stage, however.

In answer to Mr. Durrer's question, Mr. Beck stated that he did agree with the comments from Preliminary Engineering. They would agree not to use the Keene Mill Road entrance until such time as they can get adequate sight distance. The Department of Highways will be the deciding factor there.

Mr. Durrer stated that that is a dangerous section of road at that point. Even though VDH might give the church the "go ahead" sometimes they cut it a little short. Even though this entrance will have the heaviest use on Sundays when the traffic should be less, there is still traffic going to and from other churches.

Mr. James Darrock, engineer, stated that the normal requirement for sight distance varies according to the speed limit at a given location, but it would be at least 300 to 400 feet at this location. He stated that this entrance is across the street and a little over from the shopping center entrance. The plan as laid out and before the Board is taking into consideration the VDH project which is mentioned in the staff report.

Mr. Durrer stated that he has no problem with this entrance when the road is improved, but he is concerned about it now and in the interim which might be several years. He suggested that the church use Sydenstricker Road as the major entrance and exit and use the Keene Mill Road entrance as an entrance only.

Rev. William Peterson, Dean of Region Seven of the Diocese of Virginia spoke next. Region Seven is a group of eight churches including St. Andrews. He stated that as Dean of Region Seven, he could state that they are most pleased that St. Andrews is making this effort to build their own church. They feel this area has great potential and this is the kind of "on-the-scene" approach that they like to have. Region Seven is most cooperative in St. Andrews efforts. They are helping St. Andrews with the financing of this construction.

There was no one else to speak in favor of this application and no one to speak in opposition.

Mr. Beck stated that he appreciates the concern about the traffic problem, but anyone who has tried to make a right turn from Sydenstricker to the east on Keene Mill is aware that there are even more hazards there than the hazards coming out on Keene Mill at a right angle.

Mr. Durrer stated that he is not familiar with Sydenstricker, but he is familiar with Keene Mill and he knew that it is very dangerous.

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RESOLUTION

Mr. Durrer made the following motion:

WHEREAS, Application S-286-76 by St. Andrews Episcopal Church under Section 30-7.2.6.1.11 of the Fairfax County Zoning Ordinance to permit construction of a church building, 9221 Old Keene Mill Road, 88-2((1))5, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 21, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the Episcopal Diocese of Virginia.
2. That the present zoning is RE-1.
3. That the area of the lot is 7.88 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of seats shall be 260.
8. The minimum number of parking spaces shall be 77.
9. There shall be no exit on KeeneeMill Road until improvements are made.

Mr. Barnes seconded the motion. The motion passed unanimously with all members present and voting.

A.M.
11:30 - EDWARD A. AND KATHY PRAVLIK, JR. appl. under Sec. 30-7.2.6.1.5 of the Zoning Ordinance to permit operation of a beauty shop in home, 7312 Inzer Street, North Springfield Subd., 71-3((4))(36)8, 10,500 sq. ft., Annandale District, R-12.5, S-287-76.

Mrs. Dora Calhoun, 7314 Inzer Street, next door to Mr. and Mrs. Pravlik, representing the applicants, submitted the required proof of notification to property owners to the Board. The notices were in order. Mrs. Pravlik was present, but Mr. Pravlik was ill and could not be present, Mrs. Calhoun stated.

Mrs. Calhoun stated that Mrs. Pravlik would like to operate a very small beauty shop in her home with only one chair and have two customers at one time. One customer would be in the chair and one customer would be waiting.

Mrs. Pravlik has adequate parking and most of the customers would be from around the neighborhood and would walk to the shop. There would be no exterior change except the garage door would be a solid wall with a window. That is in line with the appearance of several other houses in this subdivision that have enclosed their garage. There would be no outside sign or any other type of advertisement. Mrs. Pravlik has one child and is expecting another in March. She wants to stay at home with her children and still help with the family expenses. She also wants to maintain her skills and keep up with the new styles so that when the children are older and she goes back to work in a regular beauty shop she will not have lost those skills.

The Board questioned the enclosure of the garage from a carport so close to the side property line. Mr. Mitchell checked with the Zoning Office and found that a building permit had been issued for this enclosure because of the 25 percent rule in the Ordinance.

Mrs. Calhoun stated that Mrs. Pravlik does have a current state license to be a beautician and has had that license for nine years.

Mrs. Pravlik testified that she formerly worked at the Village Beauty Shop on Fort Hunt Road.

Mr. W. R. Calhoun testified in support of this application. He submitted a petition containing 29 signatures from nearby property owners in support of this application. Some of those signatures were from both occupants of the households.

Mr. Durrer stated that there is a letter in the file from the North Springfield Citizens Association in opposition to this application.

Mr. Smith read that letter into the record.

Mr. Smith stated that there is also in the file a letter in opposition from Mrs. Aboudara, 7308 Fox Place, Springfield, Virginia in opposition to this application and a letter from Mrs. Dannelet A. Grosvenor, contiguous property owner, in opposition to this application.

In rebuttal, Mrs. Calhoun stated that we all know that people do lots of activities in their home, such as income taxes. The citizens association has taken no stand in opposition to these uses. Not far from this property is a man that has a sign on his door that indicates that he is in the insurance business. He is located at the corner of and Garner. Mrs. Pravlik just wants to maintain her skills and keep her children in her home. Mr. and Mrs. Pravlik have owned their home for about five years. Her husband is an expert mechanic and works for Metro.

In answer to Mr. Barnes' question, Mrs. Calhoun stated that the nearest beauty shop is in the Bradlick Shopping Center, about 7/10 of a mile, but there is no sidewalk to it. She stated that she felt this shop would be an asset to the community because of its convenience. Mr. and Mrs. Pravlik are very mature people who constantly help their neighbors.

December 21, 1976 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-287-76 by Edward A. and Kathy Pravlik, Jr. under Sec. 30-7.2.6.1.5 of the Fairfax County Zoning Ordinance to permit operation of a beauty shop in home, 7312 Inzer Street, North Springfield Subdivision, 71-3((4))(36)8, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 21, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,500 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of patrons in the shop at any one time SHALL BE TWO (2).
8. No employees are permitted.
9. The hours of operation shall be from 10 A.M. to 8 P.M., Tuesday through Saturday.
10. No sign shall be permitted.
11. This permit is granted for a period of three (3) years.
12. The only exterior change that will be permitted is that the garage door will be replaced by a full wall with a window similar to the others that are in the neighborhood.

Mr. Swetnam seconded the motion adding limitation no. 12 which was accepted by Mr. DiGiulian.

The amended motion passed 3 to 1. Mr. Durrer voted No. Mr. Smith abstained.

A.M.
11:50 - MILDRED W. FRAZER AND VIVLOW AND COMPANY appl. under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to amend existing Special Use Permit to add a building, a porch, and to extend hours of operation, 4955 Sunset Lane, 71-4((1))12 & 23, (2.8495 acres, Annandale Dist., RE-0.5, S-288-76.

Mr. James Tate, attorney for the applicant, with offices in Vienna, Virginia, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mrs. Mildred Frazer, 4953 Sunset Lane, adjacent to the school, explained to the Board the changes she wishes to make on the property now under Special Use Permit. She stated that the main reason she needs a building down closer to Sunset Lane is because during snow days the parents bringing the children to the school have a hard time getting up the hill to the building. If she had a building down nearer Sunset Lane, she could bring the children down there to be picked up by the parents. The building primarily would be used for a gym and for use during ballet classes. She stated that she did not have plans drawn for that building yet, but she knew it had to be a building with a vaulted ceiling.

In answer to Mr. Smith's question, Mrs. Frazer stated that she is the sole stockholder for the corporation that she is requesting be co-applicant on the Special Use Permit. The school will be transferred to the corporation after the first of the year. She stated that she would continue to own the property.

Mrs. Frazer stated that at this point there is no lease agreement between herself and the corporation. The stock has not yet been issued and the corporate seal has not yet been issued. This will come about the first of January.

Mrs. Frazer stated that she has a Special Use Permit for 220 children, but she only has 165 at the present time. The hours of operation are from 7 A.M. to 6 P.M. She stated that the hours for the use of the gym would extend beyond 6 P.M. and might even be on Saturdays. She stated that the building also might be used for groups that wished to have meetings there.

Mr. Smith stated that the only request before this Board is for school uses. He stated that if her women's group might wish to have a meeting there on a once-a-month basis, he would see no problem with that. However, if she starts renting the building out for other groups, there would be a problem.

Mr. Swetnam inquired why part of Mrs. Frazer's turnaround area encroaches onto the adjacent property owner's property.

Mrs. Frazer stated that the turnaround area doesn't extend that far, but the blacktop does. Sometimes people park there, but it is not one of the regular spaces. The blacktop was put there because water comes down from that property and makes the driveway very icy. The blacktop keeps the water off her property. She stated that there is no written agreement between her and that property owner, Mr. Susong.

In answer to Mr. Swetnam's question, Mrs. Frazer stated that she is not proposing to increase the parking.

Mr. Swetnam stated that the plat shows seven parking spaces that are proposed

Mr. Smith stated that Mrs. Frazer's last Special Use Permit was granted in 1973 for a period of three year with the Zoning Administrator being empowered to grant three one year extensions. However, there is no record in the file that a request for an extension was ever granted. The Special Use Permit expired November 14, 1976. This application was filed November 17, 1976.

Mrs. Frazer stated that the reason she did not request the extension was because she was coming back in with this application.

Mr. Smith stated that she should have come back in before November 14, 1976.

Mr. Swetnam stated that according to the plats approved with the motion on the previous Special Use Permit, there are 18 parking spaces.

Mrs. Frazer stated that they park one car behind the other and get more than 18 cars in that parking area. Some of the people also have small cars. They really are parking about 20 cars within those parking spaces.

Mr. Swetnam stated that he is reluctant at this time to postpone this case, but in view of the discrepancies in the plats, the Board should defer this case to another time certain for corrected plats. He stated that he couldn't tell from these plats what he was doing or what she is doing or proposing. He made that a motion.

Mr. DiGiulian seconded the motion.

Mrs. Frazer stated that she would like to start her corporate changeover the beginning of the new year and she asked the Board if it could allow the change of name for the school.

Mr. Smith stated that as long as she still has control over the school, he would see no problem. He stated that as a matter of fact it would be good to have the corporation in operating position. Now there is no valid corporation.

Mr. Swetnam stated that in view of the request to allow this use to continue, he would amend his original motion to defer and add to permit the operation until such time as the applicant can submit new plats In answer to Mrs. Frazer's question, Mr. Swetnam stated that everything should be on the plats that is on the property, especially the parking spaces, existing and proposed, and he stated that he did not mean putting two cars in one space.

Mr. Smith asked if Mr. Swetnam felt there is adequate parking on site now.

Mr. Swetnam stated that he could not tell from the plats exactly how many parking spaces are on the site.

Mrs. Frazer stated that there are twenty-five. She stated that the parking is adequate. She stated that she has small classes because her enrollment is not yet to the maximum of 220.

Mr. Smith stated that if she has adequate parking to take care of the people who are now using the facility, she may not have adequate parking for the maximum number of people who will be on site when that time comes.

Mr. Durrer stated that if Mr. Swetnam's motion passes, Mrs. Frazer will be allowed to continue to operate even though her Special Use Permit has expired and she is already under violation of the previously granted Special Use Permit.

Mr. Durrer stated that he did not know how he could prevent the school from continuing. The Board has to let her continue or shut the school down.

Mr. Smith stated that the Board could set forth a remedy if Mr. Durrer is referring to the school bus situation.

Mr. Swetnam further amended his motion to include that Mrs. Frazer be allowed to continue the operation of the school as long as she complies with all of the requirements of the previously granted Special Use Permit.

Mr. DiGiulian seconded the motion.

Mr. Swetnam stated that perhaps he should rephrase his motion and start all over again. Mr. DiGiulian agreed.

Mr. Swetnam made the following motion:

1. That this case be deferred until January 18, 1977, at 10:00 a.m. to allow the applicant additional time to bring in new plats showing all existing and proposed facilities, including particularly the parking spaces, existing and proposed.
2. That this applicant, Mrs. Mildred Frazer, be permitted to continue her operation until this hearing on January 18, 1977, provided she complies with all of the provisions of the previous Special Use Permit, most particularly, that all busses and other vehicles used for transporting children shall be painted yellow with the words "School Bus, Stop, State Law" on the front and rear in letters at least six inches high, except that the words "School Bus" on the front may be in letters at least four inches high if space is limited or with only the words "School Bus" on front and rear in letters at least eight inches high, and shall be equipped with such warning devices as are required by state law. Those vehicles which are prohibited by state law from being marked in the manner required by this condition may not be used to transport children.

Mr. Durrer seconded the motion.

The motion passed unanimously with all members present and voting.

Mr. Tate, attorney for the applicant, stated that Mrs. Frazer could not paint these busses overnight. He asked the Board how much time it would allow her to do this.

Mr. Swetnam stated that in extending the Special Use Permit, he had to assume that she has equipment that is properly marked.

Mr. Tate stated that if the Board wants to require the busses to be properly marked in accordance with the resolution, then he will have to be in Court tomorrow (meaning Wednesday, December 22, 1976).

Mr. Smith stated that he felt Mr. Swetnam's resolution is in order if the Board is to extend the use permit at this time. The Board is interested in compliance with the condition now. He stated that he was sure that if the applicant needs additional time and starts to comply, the Board will be reasonable in its request and certainly give it consideration. What the Board is interested in is compliance with this condition. If the applicant does not see fit and wants this resolved in Court, then we should proceed

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with the Court action. In extending the use, it appears that this should be the procedure of the Board.

Mr. Smith stated that before this hearing, the Board was not aware that this Special Use Permit had expired. It expired the 14th of this month. The applicant did not request an extension from the Zoning Administrator for an additional year as required by the conditions of the previously granted Special Use Permit. The Board is trying to protect Mrs. Frazer by extending the use permit until such time as the Board can hear the case. In extending the use permit, the Board is trying to correct some of the deficiencies that now exist.

Mr. Swetnam stated that the intent of the motion is to let her operate until the 18th of January, 1977.

Mr. Smith stated that this is a Board action and the applicant or Permittee will have to comply with the time status. If she does not make an attempt to comply with this condition before the 18th, this is something the Board should take note of. If the applicant wants to resolve it in Court, this should be done.

A gentleman in the audience indicated that he was present to speak in opposition to this application, but he agreed to the deferral of the case.

// The Board recessed for lunch at 1:10 p.m. and returned at 2:30 p.m.

P.M.
12:10 - VICTOR L. CHAPMAN appl. under Sec. 30-6.6 of the Zoning Ordinance to permit construction of a house on less than required land area, (40,117 sq. ft., 43,560 sq. ft. required), Hickory Hollow Lane, Oakton, 37-4((1))26A, Centreville District, RE-1, V-289-76.

(The hearing began at 2:30 p.m.)

Mr. Chapman submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Chapman's justification for this variance was as follows:
"Until May 1976, the applicant was the owner of all of Parcel 1, shown on the plat as Lot 1A and Outlot 'A', comprising a total area of exactly two (2) acres. The division of this property would ordinarily have resulted in two parcels of land, each containing exactly one (1) acre. However, as a condition preceding this division, the County required dedication of certain footage adjacent to Hunter Mill Road for public right-of-way, which dedication consequently reduced the total area to less than two (2) acres."

"To fulfill the zoning ordinance requirements the applicant sold the residence on Lot 1A on one (1) full acre, after deducting the required dedication for the right-of-way on Hunter Mill Road. As a result, Outlot 'A' was reduced in area to 40,117 square feet."

Mr. Chapman stated that he had submitted for the file a copy of the subdivision waiver, signed by O. S. Hendrickson, Branch Chief of Preliminary Engineering, to permit subdivision of the property into two lots, one lot without public street frontage. He stated that he also included in the file a letter from Mr. Hendrickson which requires that he agree to place a restriction on the deed that they would not ask the County for maintenance of the road, called Hickory Hollow Road. They have agreed to do that, Mr. Chapman stated. He stated that one lot will have its driveway on Hunter Mill Road.

There was no one else to speak in favor of this application.

Mr. Richard Nelsson, 2600 Hickory Hollow Lane, spoke in opposition. His main opposition was to the additional use of this road for new construction, when the road is so costly to maintain.

Mr. Chapman stated that he would be happy to join with the other neighbors in the maintenance of that road.

Mr. Swetnam stated that he shared the applicant's opinion that they were forced to give up the land for dedication and now they cannot divide their property because of that forced dedication.

There was no one else to speak in opposition to this application.

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R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-289-76 by Victor L. Chapman under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit construction of a house on less than required land area, Hickory Hollow Lane, Oakton, 37-4((1))26A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 21, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 40,117 square feet.
4. That there are unusual circumstances surrounding the dedication of the frontage of Hunter Mill Road out of the two acres which brought about the reduction in the land area.

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

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

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

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been rerecorded eliminating the outlot restrictions among the land records of Fairfax County.

Mr. Barnes seconded the motion.

The motion passed unanimously.

P.M.
12:30 - RICHARD E. GRAY appl. under Sec. 30-6.6 of the Zoning Ordinance to permit construction of garage with less than required total side setback distance, (17', 24' required), 9904 Corsica Street, Tanglewood Subd., 38-1((22))78, 16,806 sq. ft., Centreville Dist., R-17 Cluster, V-290-76.

Mr. Gray did not submit the required proof of notification to property owners.

Mr. Smith explained what he should have done to notify these owners.

Mr. DiGiulian moved that the case be rescheduled until January 18, 1976 at 10:20 a.m.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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P.M.
12:40 - ELIZABETH PECK, DONALD PECK & KATHLEEN PECK HERING appl. under Sec. 30-6.6 of the Ord. to permit building to be constructed within 60' of adjoining residential property (100' required), 7459 Lee Highway (off of Hartland Road), 49-2((1))pt. of parcel 31, I-L, Providence District, V-296-76.

(The hearing began at 2:52 p.m.)

Mr. Robert Lawrence, attorney for the applicant, P. O. Box 547, Fairfax, Virginia, submitted the required notices and receipts stamped by the Post Office Department of letters sent. However, he did not have the return receipts for those letters. The Board continued with the hearing with the

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PECK (continued)

understanding that the decision would not be made until the receipts had been submitted.

Mr. Lawrence stated that there is an unusual configuration of the R-12.5 zoning district which borders on aportion of the subject property. A very small portion of the western boundary of the subject property borders on this R-12.5 district. The County Staff's interpretation of the setback requirement from this R-12.5 district could cause the applicant to lose two developmental units while providing no appreciable benefit to the contiguous property owner in the R-12.5 zone. Therefore, the strict application of the appropriate setback ordinance would produce an undue hardship on the applicant which is not shared generally by properties in the same zoning district. Further, he stated that authorization of the requested variance will not be of substantial detriment to the adjacent properties.

Mr. Lawrence stated that originally when this application was filed for site plan approval, the property on the left was master planned for industrial and no setback was required. Subsequent to the filing, the comprehensive plan was changed to make the property on the left planned for residential uses, thereby requiring a setback of 100'. As a result of that change, the developer was required to drop four units. The staff also felt that the developer should set back from that small portion of land which was changed in the plan to R-12.5. The plats show the 100' arch. The applicant needs an additional 30' in order to construct his warehouse and not lose any more units. The amount of encroachment into the setback amounts to .02 acre. The property immediately to the right is industrial. The owner of the planned R-12.5 land has agreed to this request. There is a letter from Mr. and Mrs. Charles Dunn in the file stating that they have no objection to this variance being granted.

In answer to Mr. Smith's question, Mr. Lawrence stated that the height of the building will be 17 feet.

In answer to Mr. Durrer's question, Mr. Lawrence stated that construction has not begun on the residential properties yet. It is quite a large parcel, he stated. Now it is pasture land.

Mr. Swetnam asked Mr. Lawrence if it is true that the point the [illegible] arc is swung from is all swamp land.

Mr. Lawrence answered 'yes'.

Mr. Bill Bloker, Jr., representing his parents who own the I-P property on the corner, spoke in support of this application.

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

The receipts were submitted to the Chairman and the notices were in order.

Dec. 21, 1976 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application No. V-296-76 by Elizabeth Peck, Donald Peck and Kathleen Peck Herring, under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit a building to be constructed within 60' of residential property, 7459 Lee Highway, 49-2((1))part of parcel 31, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 21, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is I-L.
3. That the area of the lot is 2.87 acres.
4. That the applicant's property has an unusual location re the master plan.

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

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

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

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

DEFERRED CASE: 2:00 P.M. -- December 21, 1976
SHOW-CAUSE HEARING:
LAKE BARCROFT RECREATION CENTER, INC., S-261-76 (Deferred from November 30, 1976.)

Mr. Richard Hobson,before the lunch break, came before the Board and stated that he was the attorney in a case that has been in trial in Court for four days. He is unable to be released and will not be present at 2:00 P.M. to represent the Permittee, Lake Barcroft Recreation Center, Inc. He requested the Board to defer this case until a later date in order that he might be present, or that he might have someone else from his office be present to represent the applicant.

Mr. Hobson stated that for the record he would request a deferral. He stated that he had filed a petition on the Board's action taken November 30, 1976, in the Circuit Court.
Mr. Durrer moved that the request for deferral be granted and the case be rescheduled for January 11, 1977.

Mr. Barnes seconded the motion.

Mr. Hobson stated that he would try to be present January 11, but if he was unable to be present he would have someone from his office represent the applicant.

The motion passed unanimously.

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AFTER AGENDA ITEM - December 21, 1976

GARETH M. NEVILLE, TRUSTEE, Special Use Permit No. 16060(Calvary Memorial Park)
GARETH M. NEVILLE, TRUSTEE, Special Use Permit No. 13445(Fairfax Memory Gardens)
both cemeteries located at the northeast corner of Braddock Road and Burke Station Roads (#620 and 652).

The Board was in receipt of a letter from Cornelius H. Doherty, Jr., attorney for and President of Calvary Memorial Park, Inc. who has just acquired Fairfax Memory Gardens, Inc. He also appeared before the Board. He stated that the two cemeteries will be operated as one under the ownership of Calvary Memorial Park, Inc., t/a Fairfax Memorial Park, as of December 22, 1976. He requested the Board authorize the change of the name on the existing Special Use Permit No. 13445 granted to Gareth M. Neville, Trustee, on April 23, 1957. He submitted a copy of the Agreement of Sale showing the acquisition and also a copy of the bill for the franchise tax for Calvary Memorial Park, Inc.,for the year 1976, and a copy of the check by which it was paid.

Mr. Doherty stated that these two cemeteries have operated separately for 18 or 19 years. He stated that part of the property of Calvary Memorial Park was sold to Bo-Bud Construction Company.

The Board decided that Mr. Doherty should bring in new plats showing the merger and request the Board to delete the 25' setback requirement between the two cemeteries. The new plats should show the proper setbacks under the existing Special Use Permits and under the Zoning Ordinance as far as the burial sites are concerned. The previous permit requires a 100' setback from 620 and 652 for burial sites. The Board agreed that there would be no problem with the continuing operation of the two cemeteries and also would allow the change in name to take place prior to the time the new plats are officially approved by the Board. The Board deferred this until February 23, 1977.
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Jane C. Kelsey
By Jane C. Kelsey
Clerk to the Board of Zoning Appeals

Submitted to the Board of Zoning Appeals on January 4, 1977.

Submitted to the Board of Supervisors, Planning Commission and other Depts. on _____.

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED January 11, 1977
DATE

At a Regular Meeting of the Board of Zoning Appeals held on Tuesday, January 4, 1977, in the Board Room of the Massey Building all members were present. Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam; George Barnes and John DiGiulian.

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

The first order of business for the new year was the election of officers for the Board.

Mr. Swetnam nominated Daniel Smith. Mr. DiGiulian seconded the nominations. Mr. Smith was elected Chairman by acclamation.

Mr. Swetnam nominated William Durrer for Vice-Chairman. Mr. Barnes seconded the nomination. Mr. Durrer was elected Vice-Chairman by acclamation.

Mr. Swetnam nominated Jane Kelsey for Clerk to the Board of Zoning Appeals. Mr. Barnes seconded the nomination. Jane Kelsey was elected Clerk by acclamation.

Mr. Swetnam stated that the past year has been a pleasure for him on this Board and he is looking forward to working with this Board next year.

Mr. Durrer stated that he had found the job as Vice-Chairman a very easy job to fill since the Chairman is a good competent Chairman.

Mr. Smith thanked Mr. Durrer and stated that he hoped to do a better job in 1977. He stated that the Staff makes his job much easier and the Staff has worked diligently to keep the Board's records and minutes in order. He stated that he had had the opportunity during the past year to review the records of other Boards of Zoning Appeals and he has seen no other Board that operates and keeps records as well as the Staff and the Clerk keeps this Board's records.
Mr. Durrer stated that there are several things that the Board should look into during the coming year. He stated that the Chairman has spent a lot of his time in Court with no compensation. He moved that when the Chairman has to appear in Court and it takes any time, even if he just appears and leaves that he be paid a full day's compensation.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Mr. Smith asked Mr. Covington if he saw any problem with this.

Mr. Covington stated that he did not, but he would like to know about how much money would be needed in order to try to get it in the budget.

Mr. Smith stated that there should be a small surplus of money in the budget for the Board since when a Board member is not present at a meeting, he is not paid. This happens several times during the year and should cover the times that he or any other member might have to appear in Court.

Mr. Durrer stated that he had been on this Board since last February and there are many times when Board members have to go view properties that are the subject of applications before it. This is done at the Board members own expense. He moved that when a member of the Board does go out in the field to conduct business of any sort of this Board, that he be reimbursed for his travel at the going rate that the County pays for mileage.

Mr. Barnes seconded the motion.

Mr. Smith stated that this item used to be in the budget, but the Board members at that time did not use the money, and the County took it out of the budget.

The motion passed unanimously.

Mr. Swetnam stated that if the Board members did the job properly, it would take an additional day other than the day the Board has this meeting.

The other Board members agreed that it would take at least an additional day and perhaps more since the cases are scattered all over the County.

MEETING BETWEEN BOARD OF SUPERVISORS AND BOARD OF ZONING APPEALS

Mr. Smith stated that for several years he has been trying to arrange a meeting with the County's Board of Supervisors. That has finally been arranged and the meeting is scheduled for 9:00 a.m., Monday, January 10, 1977. He stated that this is very short notice since he just found out about it this morning, but he stated that he hoped all the Board members would be able to attend.

All the members except Mr. DiGiulian stated that they would be able to attend. Mr. DiGiulian stated that he would try to attend.

Mr. Durrer stated that he felt this meeting would open up the line of communication between the two Boards.

The Board agreed to discuss possible items for discussion at that meeting later in the day.

CHANGE IN BOARD'S LUNCH HOUR

Mr. Durrer suggested the Board change the lunch hour from 1:00 p.m.to either 12:00 Noon or 12:30 p.m.

The other Board members agreed.

The Clerk advised the Board that the Agenda had already gone to press for the January hearing dates, but the lunch break could be changed in February.

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A.M.
10:00 - JAMES R. HUNTER appl. under Sec. 30-6.6 of the Zoning Ord. to permit pool 7' from side property lines, 6021 Pike Branch Drive, Pike Branch Addition to Wilton Woods Subd., 82-4((12))10, (18,012 sq. ft.), Lee Dist., R-17, V-264-76. (Deferred from 12-7-76.)

Mr. Smith read a letter dated January 3, 1977 requesting deferral of this case in order for Mr. Hunter's architect to have more time to try to redesign the pool farther away from the adjoining property of Mr. Jenkins. The letter had also been signed by Mr. Jenkins.

Mr. Barnes moved that the request be granted. Mr. Durrer seconded the motion.

The case was rescheduled for March 22, 1976.

The motion passed unanimously.

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A.M.
10:20 - MR. AND MRS. S. A. WALKER appl. under Sec. 30-6.6 of the Zoning Ord. to permit a 6' fence in the front setback area, (4' maximum), 1031 Saville Lane, Neumeyer Subd., 22-4((1))7E, 1 acre, Dranesville Dist., RE-1, V-291-76.

Mr. Richard Banchoff, 4455 McArthur Blvd., Washington, D. C. 20007, represented the applicant before the Board. He submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Banchoff stated that Mr. and Mrs. Walker have two children and two pets. They live on a hilly road and because of the physical contours as well as the road side trees and bushes, a driver of an automobile does not have a clear view of the road as he approaches their property. Because the area is so lightly settled, people frequently drive on the road at high speeds. As a result of the poor visibility and nature of the driving on the street, a dangerous situation exists with respect to the two small children. They feel a fence is a necessary precaution. Because of these conditions, they feel that they are being deprived the reasonable use of their property unless the safety of the children and their own peace of mind is adequately provided for.

In reply to Mr. Swetnam's concern about sight distance, Mr. Banchoff stated that the front fence will be wrought iron and wrought iron will also be on the sides for 15' back. The Outlet Road along the side of the property is not in existence, Mr. Banchoff stated.

In answer to Mr. Barnes' question, Mr. Banchoff stated that the Outlet Road is supposed to connect to Basil Road at some time in the future.

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There was no one else to speak in favor of this application and no one to speak in opposition.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-291-76 by Mr. and Mrs. S. A. Walker under Section 30-6.6 of the Fairfax County Zoning Ord. to permit a 6' fence in front setback 1031 Saville Lane, 22-4((1))7E, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on January 4, 1977; and

WHEREAS,the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is one acre.
4. That the applicant's property has exceptional topographic problems.

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

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

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

1. This approval is granted for the location and the specific structure indicated on the plats (note limitation No. 3) included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. The front fence and the two sides shall be set back 15' from the road right-of-way and shall be wrought iron pickets.

Mr. DiGiulian seconded the motion.

Mr. Swetnam stated that the fact that the outlet road is not being presently used changed his mind in favor of this variance request.

Mr. Smith stated that this would still be a 35' variance.

The motion passed unanimously with all members present and voting.

A.M.
10:40 - KINGS RIDGE SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit a community swimming pool, end of Wheatstone Drive, 68-2((5))V, 2.64711 acres, Annandale Dist., R-17 Cluster, S-292-76.

(Hearing began at 10:55 a.m.)

Mr. Russell Rosenberger, attorney for the applicant, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Rosenberger stated that this application is for the operation of a non-profit community swimming pool and related facilities located in the Kings Park West Subdivision. The site is presently heavily wooded and they plan to limit the clearing to the greatest extent in order to protect the surrounding property owners. The number of families will be 350 rather than 450 as is indicated on the plats before the Board. Most of the homes surrounding this facility have not been sold. However, as part of the contract to purchase there is included a clause that says that the property under contract is immediately adjacent to a proposed swimming pool facility. This is the only recreation facility proposed for this development.

Mr. Rosenberger stated that the proposed bath house will be 48' x 22', or about 1,000 square feet. The construction will be of brick with traditional architecture. They have provided 57 parking spaces, which they feel will be sufficient for 350 families since this is a cluster development. They have provided a bike rack for 30 bicycles.

In answer to Mr. Smith's question, Mr. Rosenberger stated that they do plan to have swim metes at this pool although the actual plan has not been formalized. They probably could get more parking on site, if it is needed, but they had hoped to leave the maximum amount of buffering between the pool facilities and the homes.

Mr. Smith stated that off-site parking is not permitted under the Ordinance, even for occasions.

Mrs. Markee, 4848 Gainsborough Street, Lot 1145, asked if she could see the pool plan. She stated that they had just recently purchased the Salisbury home and was not aware prior to signing the contract for that purchase, that there was to be a recreation facility at this location.

Mr. Swetnam and Mr. DiGiulian asked her to come forward and they would explain the plat to her in relation to her house. She did so. Mr. Rosenberger gave her a copy of the plat showing the location of the proposed facilities.

In answer to Mr. Durrer's question, Mrs. Markee stated that she found out about the proposed facility after they had signed the sales contract, but before they settled on the house.

There was no one else to speak regarding this case.

Jan. 4, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application No. S-292-76 by Kings Ridge Swim Club and Richmar Construction Company under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit a community swimming pool on property located at the end of Wheatstone Drive, 68-2((5))V, Kings Park West Subdivision, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 4, 1976; and

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

1. That the owner of the property is Richmarr Construction Company.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 2.64711 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS

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NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permited use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 350.
8. The hours of operation shall be 10:00 a.m. to 9:00 p.m.
9. The minimum number of parking spaces shall be 57.
10. Any after hours parties shall require the prior written permission from the Zoning Administrator for each party individually. These parties shall be limited to six (6) per year.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present and voting.

Mr. Rosenberger stated that they will provide additional space for overflow parking during peak usage at the time of the site plan.

The Board agreed that this would be agreeable.

A.M.
11:00 - ORAN L. AND GAE A. BENNETT appl. under Sec. 30-6.6 of the Zoning Ordinance to permit subdivision of a lot into 2 lots each with less than required lot width, 7420 Calamo Street, Springvale Subd., 90-1((2))151, 76,968 sq. ft., Springfield Dist., RE-0.5, V-293-76.

(The hearing began at 11:22 a.m.)

Mr. Bennett submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Bennett stated that he is proposing to divide lot 151 into two lots. Lot 151A will contain 44,568 sq. ft. and lot 151B will contain 32,400 sq.ft. Lot 151A would have a width of 60 feet at the building setback line and lot 151B would have a width of 54 feet at this line. The narrowness of the portion of the lot fronting on the street makes it impossible to divide this property into two lots and have them comply with the zoning ordinance with respect to the required lot width. Without this variance as requested, an undue hardship exists since it prevents him from getting the highest and best use of the lot.

Mr. Bennett showed the Board members a topography map of his property.

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

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Mr. DiGiulian made the following motion:

WHEREAS, Application V-203-76 by Oran L. and Gae A. Bennett under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit subdivision of a lot into two lots, each with less than required lot width, 7420 Calamo Street, Springvale Subd., 90-1((2))151, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 4, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 76,968 sq. ft.
4. That the applicant's property is exceptionally irregular in shape.

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

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

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

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

11:20 a.m. - RICH-LAB ENTERPRISES, INC. appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of a carport closer to front property line than allowed by the Ordinance (36', 40' required), 4312 Pickett Road, Old Creek Estates Subd., 69-1((3))37, 10,530 sq. ft., Annandale Dist., R-17 Cluster, V-294-76.

Mr. Richard Labbe submitted the required proof of notification to property owners to the Board. The notices were in order.

In answer to Mr. Smith's question, Mr. Labbe stated that he was aware of the situation of this land before he purchased the property. He stated that the deed has not been recorded yet.

Mr. Smith stated that if the deed has not been recorded, then this is not a proper applicant and the Board cannot hear this case.

Mr. Labbe stated that he settled on the property November 5, 1976. He stated that this property was before the Board prior to this with a request for a variance on the house. This variance is for the construction of a carport on the house. He stated that he did not own the property when it was before the Board previously. It was owned at that time by Belleau Woods.

Mr. Durrer stated that the house is several feet into the 15' easement to the Park Authority property.

Mr. DiGuilian stated that there is a note on the plat that says that the 15' easement is in the process of being relocated to the northerly boundary of Route 37.

Mr. Labbe stated that that is true. The only thing holding up that is the fact that he has not yet installed a gate which they are requiring.

Mr. Smith stated that the previous variance request was denied to construct a house. If the applicant cannot justify a side yard variance, he can't justify a front variance.

Mr. Labbe stated that there is enough setback as far as the house is concerned but there is not enough setback for a carport.

Mr. Smith stated that reasonable use of the land can be had without putting a carport on the house. If the Board grants this request after denying the previous application, then all other applicants that have had their variance denied for their house, can change that portion of the house to a carport and again request a variance within a few weeks, or months, instead of waiting a year which is required.
Mr. Labbe requested the application be withdrawn without prejudice.
Mr. Swetnam then moved that the variance be withdrawn without prejudice in accordance with the request.

Mr. DiGuilian seconded the motion. The motion passed unanimously.

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11:40 - REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, S-295-75.

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

Mr. Barnes so moved.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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NOON
12:00 - WALT McARTOR appl. under Sec. 30-6.6 of the Zoning Ordinance to permit subdivision with four lots having less than minimum required lot width, 4116 Bennett Drive, 60-4((8))1,2,4 & 5, 3.10 acres, Mason Dist., R-12.5, V-297-76.

(Hearing began at 12:20 p.m.)

Mr. William C. Putnam, with the engineering firm of Patton, Harris, Rust and Guy, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Putnam stated that the main justification for the need for this variance is the unusual situation of the configuration of the existing lots and normal frontage is not available. They are asking for four pipestem lots.

In answer to the Board members question regarding the access for lot 7, Mr. Putnam stated that lot 7 would be given the width driveway that is required under the Subdivision Ordinance. This is the plat that goes on record and must only show the size of the easements, not the driveways.

Mr. Putnam showed the Board a copy of the preliminary plat of the subdivison showing the proposed driveways.

Mr. Durrer inquired if the applicant could build on this land by right without these variances.

Mr. Putnam stated that the property could be developed, but at much less density. Without this pipestem concept, the development would be much too expensive to develop as buildable lots. Even with the proposed ten lots, the density of the development is much less than the R-12.5 zoning.

In answer to Mr. Smith's question, Mr. Covington stated that all the proposed lots meet the minimum lot size requirement. However, there is not much surplus.

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

Mr. Smith read a letter from Paul A. Nutter, 904 Shephard Street, Altamonte Springs, Florida, owner of one of the contiguous properties, in opposition to this variance request.

Mr. Swetnam moved that this be made a part of the record. Mr. DiGuilian seconded the motion and the motion passed unanimously.

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Mr. Durrer made the following motion:

WHEREAS, Application V-297-76 by Walt McArtor under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit subdivision of land with four lots having less than minimum required width, 4116 Bennett Drive, 60-4((8))1, 2, 4 and 5, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 4, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 3.10 acres.

4. That the applicant's property is located such that without pipestem access, the property could not be subdivided into ten lots in order to have reasonable use of the land.

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

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

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

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Barnes seconded the motion.

The motion passed unanimously.

P.M.
12:20 - HOWARD T. PULLEN appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of addition to house closer to side lot line than allowed by the Ordinance, 12101 Deming Drive, 56-1((3))5, 27,091 sq. ft., Springfield District, RE-1, V-298-76.

Mrs. Pullen submitted the required proof of notification to property owners to the Board. The notices were in order.

Mrs. Pullen stated that their house was built in 1950 prior to the Zoning Ordinance. The lot is substandard in width as far as the requirement for lot width on a corner lot. The house was also built a greater distance back from the street than was required (Quality Street) and therefore, the construction is going to be too closer to the side property line than is required by the present Zoning Ordinance.

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

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Mr. DiGiulian made the following motion:

WHEREAS, Application V-298-76 by Howard T. Pullen under Section 30-6.6 of the Zoning Ordinance to permit construction of addition 14.8' from side property line than allowed by the Zoning Ordinance, 12101 Deming Drive, 56-1((3))5, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 4, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 27,091 sq. ft.
4. That the applicant's property has an unusual condition in the location of the existing building on the subject property.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land or buildings involved.

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

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

Mr. Swetnam seconded the motion.

The motion passed unanimously.

P.M.
2:00 - HIGHLANDS SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit installation of lights (DeVoe) on four existing tennis courts and increase hours of operation, S-214-76. (Deferred in order for applicant to meet with County departments to determine whether or not permission had been granted to construct the upper tennis courts over a water main and to construct the lower courts in a flood plain.

The Board was in receipt of a comment from Preliminary Engineering stating: "As of this date, plans have not been submitted for a flood plain study on subject property. Prior to the Board of Supervisors hearing an application for a variance for construction within a flood plain, the Director of Environmental Management must prepare a recommendation to the Board after his review of properly submitted plans. Subsequent to the Director's review and recommendation, the Board of Supervisors will be asked to render a decision on the variance application."

The Clerk advised the Board that the water main is owned by the Falls Church Water Authority and that the applicant has been requested to furnish the Board with a copy of the "hold-harmless agreement", if they have one between the club and the water authority.

Mr. DiGiulian stated that he would like a justification from the applicants regarding the parking since the lower tennis courts have been constructed where the required parking was to be.

Mr. Haugh, representing the applicant, stated that the club had found that a lot of people walk to the facility. Even on the hottest days of summer only one-half of the parking lot is used. They do hold swim metes, but they do not overflow their parking lot during these metes. There is one occasion every three to five years where they hold a regional or divisional mete. During that time, they do overflow the parking lot. Even with 165 spaces, which was the requirement, they would not have enough parking.

Mr. DiGiulian stated that he would like to see the individual parking spaces delineated on the plat rather than just a note saying "148 spaces". He moved that the case be deferred until March ~~16~~ 22, 1977, for the additional information and the new plats.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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P.M.
2:10 - VINCENT AND SOK HUI CUNNING, application under Sec. 30-7.2.6.1.5 of the Zoning Ordinance to permit beauty shop in home as home occupation, 6716 Amlong Avenue, 92-2((12))10, S-231-76. (Deferred from 11/9/76).

Mr. Durrer stated that this was deferred for a full Board on November 9, 1976. Mrs. Cunning had a violation on this use because she had three patrons on the premises at one time. She is only allowed to have two by her Special Use Permit. She had been granted a permit for three years with the Zoning Administrator empowered to grant three additional years. However, the Zoning Administrator would not grant the extension because of the violation. This is the reason the case is back before the Board.

Mrs. Cunning explained that the reason she had three patrons on the premises at one time was because one patron had called a cab and waited 45 minutes and the cab had not yet arrived.

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CUNNING (continued)

Mr. Durrer stated that at the earlier hearing, he asked the inspector how many times he had inspected and the inspector said only once. He stated that that indicates to him that this has possibly happened before. This violation may not have been an exception.

In answer to Mr. Smith's question, Mr. Cunning stated that they still have the equipment in the house. He stated that at the time of the original hearing several years ago, he was told that they could have more than one, two, patrons at one time if they provided off-street parking. He stated that he did install a circular driveway in front of the house. However, most of the patrons walk to the shop.

Mrs. Ernest Snyder, Harrison Street, adjacent to the subject property, spoke in support of the application. She stated that the nearest beauty shop would be all the way out to Route 1, which is over a mile.

Mrs. Becker, who lives on South Kings Highway, spoke in support of the application. She stated that there is a problem with the limitation of two patrons on the site because it takes both she and her sister to get her mother to the shop.

In answer to Mr. DiGiulian's question, Mrs. Cunning stated that the proposed hours of operation are from 9 A.M. to 5 P.M., Thursday, Friday and Saturday.

There was no one else to speak in favor of this application and no one to speak in opposition.

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-231-76 by Vincent and Sok Cunning under Section 30-7.2.6.1.5 of the Fairfax County Zoning Ordinance to permit new Special Use Permit for a beauty parlor in home as a home occupation, 6716 Amlong Avenue, 92-2((12))10, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 4, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 15,066 sq. ft.
4. That compliance with the Site Plan Ordinance is required.
5. That the property is subject to Pro-Rata Share for off-site drainage.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

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5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of patrons on the premises at any one time shall be two (2).
8. The hours of operation shall be from 9 A.M. to 5 P.M., Thursday, Friday and Saturday.
9. All other conditions and requirements of Permit S-154-71 shall remain in effect.
10. This permit is granted for a period of One (1) year with the Zoning Administrator empowered to grant three (3) one year extensions.

Mr. Swetnam seconded the motion.

Mr. Barnes stated that he was going to vote for the motion because this use is in the Ordinance as a permitted use if it meets the requirements of the Ordinance for Special Use Permit uses. He stated that he hoped it would be taken out of the Ordinance soon.
*Originally was three years, amended to one year.
*Mr. Smith stated that he had hoped the Board would stick to a one year extension and put this permit on a year to year basis. He asked the applicant if she was now operating a beauty shop.

Mrs. Cunning stated that she has part interest in another beauty shop in a commercial area.

Mr. Durrer stated that the Board is aware of his feelings about having these uses in residential zones and this case has less merit than any that he has seen. He stated that he could understand a woman who has children needing to work out of her home, but a person who already has a commercial establishment in a commercial area, he could not understand the Board granting.

Mr. DiGiulian amended his motion to read: 10. This permit is granted for a period of One (1) year with the Zoning Administrator empowered to grant three one year extensions.

Mr. Swetnam accepted the amendment.

The motion as amended passed 3 to 2 Mr. Smith and Mr. Durrer voted No.

January 4, 1977
AFTER AGENDA ITEM:

RICHARD J. HARDY, V-228-76, Request for rehearing.

The Clerk advised the Board that Mr. Charles Shumate has recently been retained as counsel for Mr. Hardy. Mr. Shumate is unable to be present before the Board today and he would like the Board to defer action on this request until he has had an opportunity to discuss this with Mr. Hendrickson in Preliminary Engineering. In addition, Mr. Hardy is out of town and Mr. Shumate has been unable to get all the details of the case.

Mr. Smith stated that the Board will note that the appeal for the rehearing was received within the time limit afforded the applicant.

Mr. Durrer stated that this is a case that really should not have come before this Board. It should have been done administratively. This pipestem was just to satisfy the subdivision Ordinance and it would not be used.

Mr. Smith stated that he would like to see the waiver to the subdivision ordinance requested and acted on administratively before this Board makes any consideration of the request.

Mr. Covington stated that he thought the request for the waiver had already been made. He was not sure of the disposition of it. He stated that there is also a covenant battle involved in this case. He stated that he understood that the covenants of this subdivision prohibits a reduction in the size of the lots. He stated that he had discussed this case with the staff of Preliminary Engineering and had told the staff that he felt that if this Board turns down the variance, that the staff has no right to approve it.

Page 51, January 4, 1977
HARDY (continued)

Mr. Smith stated that his thought is that this should have been done administratively and should not have come to this Board for a variance.

Mr. Covington stated that once there is a public hearing and there is opposition, those people rely on that hearing. If the staff does something different, then they are in a bad position.

Mr. Smith stated that that is why they should have exhausted all remedies before coming to this Board.

Mr. Swetnam stated that the applicant's recourse is through the Courts. This Board has no right to reverse itself.

Mr. Durrer stated that they should have been told to go through the administrative process first.

Mr. Covington stated that he agreed that the Board should not reverse itself and the staff should not reverse the Board's decision. If that is done, the citizens think there is some hanky-panky going on.

Mr. Durrer stated that the staff decided not to make a decision, but to put the burden of the decision on this Board. He stated that it looks like the administrative staff person who made that decision was trying to sidestep his duties.

Mr. Covington stated that if it is a controversial issue, then it is better to have the decision made by a Board, rather than one person.

Mr. Durrer stated that that is what the staff is getting paid for.

Mr. Durrer asked if there is evidence enough to have another hearing.

Mr. Smith stated that from reading the letter, there certainly is not. The letter says that the opposition has disappeared, but there is no signatures or evidence of that.

Mr. Durrer moved that the Board reject the request for a rehearing.

Mr. Swetnam seconded the motion.

Mr. Barnes stated that he would like to hear what Mr. Shumate has to say.

Mr. Durrer withdrew his motion.

Mr. DiGiulian moved that Mr. Shumate be allowed to come in and discuss this as an after agenda item.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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The Board meeting adjourned at 4:12 P.M.

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Jane C. Kelsey

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

Submitted to the BZA on Jan. 18, 1977

Submitted to the Bd. of Supervisors, Planning Commission, County Attorney and Real Estate Assessments on _____.

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED ~~March 8, 1977~~ February 1, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals was held in the Board Room of the Massey Building on Tuesday, January 11, 1977. Members present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

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

A.M.
10:00 - WILLIAM & VIRGINIA SHAPIRO appl.under Sec. 30-6.6.5.4 of the Zoning Ordinance to permit a 6' fence to remain in the front setback, 5631 Southampton Drive, 79-1((6))699, 11,415 sq. ft., Annandale Dist., R-12.5, V-299-76.

Mr. Shapiro submitted the required proof of notification to property owners to the Board. The notices were in order. He also submitted copies of letters from four of the five property owners that were notified. The fifth letter of notification was to an absentee property owner.

Mr. Shapiro stated that the fence is located on his property which is at the corner of Rolling Road and Southhampton Drive. The fence is located on the Rolling Road side in a manner that is in violation to the setback requirements of the Zoning Ordinance. When the fence was constructed, he believed it to be in conformity with the Zoning, R-12.5. He received a notice of violation and was told that on a corner lot, his side property line is really a front property line in that it abuts a street, even though it is on the side of the house. The fence was located on the Rolling Road side at this location because of the unusual contour of the land there. It is located on the top of a steep slope. Were the fence to have been located 40' back from Rolling Road in accordance with the setback requirements, it would have disappeared because it would have been below the street level and it would not have provided any buffer or security from Rolling Road.

Mr. Shapiro stated that the fence is identical to the fence of Mr. Robert Cole, one of the abutting property owners. Mr. Cole erected his fence at the same time as he erected his and the two fences are extensions of one another. Mr. Shapiro read a letter from Mr. Cole in support of the request.

Mr. Swetnam asked if this error was made because of a misunderstanding of the Zoning Ordinance.

Mr. Shapiro stated that it was.

There was no one else to speak in support of the application and no one to speak in opposition.

Jan. 11, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-299-76 by William D. and Virginia L. Shapiro under Section 30-6.6.5.4 of the Fairfax County Zoning Ordinance to permit a 6' fence to remain in front setback, 5631 Southampton Drive, 79-1((6))699, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 11, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the Board has found that non-compliance was due to the misunderstanding of the Zoning Ordinance;

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
Mr. DiGiulian seconded the motion.
The motion passed 4 to 0. Mr. Smith abstained.

Page 53, January 11, 1977
A.M.
10:20 - CECIL J. ZIRKLE appl. under Sec. 30-6.6 of the Zoning Ordinance to permit construction of dwelling 12' from rear and 8.0' from side, (25' from rear required and 12' from side required), 1905 Miracle Lane, V-300-76.

Mr. Richard H. Frizzell, agent for the applicant, 1540 Westmoreland Street, McLean, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Frizzell stated that all the property surrounding this lot is owned by Mr. Zirkle. Mr. Gordan Nash is contiguous on one side of Mr. Zirkle's property and Mr. Jack Torregrossa is contiguous on the other side. He stated that he is the contract purchaser of this property. He would like to build a house to live in himself. Part of this lot is zoned R-17 and part is zoned R-12.5. He plans to construct a brick dwelling with basement The lot is very irregular in shape and slopes in two directions from the road. to the rear and west. No two corners of this lot are on the same elevation. The west boundary of the lot runs at a sharp angle to make the connection with the narrow front boundary. The house is constructed of sufficient size and value to conform with the surrounding properties in this neighborhood. The reason for the one story house is for health reasons for one of the occupants of the house. One of the unusual features of this lot is that it has pipestems of 12' each on its western boundary. Thus setting the structure closer to the side lot lines does not crowd the properties on either side. The overall measurements for the structure shown on the plats include a garage and a screened porch at the easterly end. The porch is behind the garage. The builder who will construct this residence is developing the other lots in this cluster. The structure on the eastern boundary is now in place and the other adjoining lots will be developed at the same time as the one-story residence on Lot 43 is built or at a later date and will be placed so as to be compatible with the overall scheme of the cluster.

Mr. Frizzell stated that because of the many easements and of the curvature of the street circle in front of the property there is little available on-street parking in front of the property, or for twenty-four feet to the east and thirty-six feet to the west of the front of the property. Because of the need for on-site parking and since the land slopes down to the rear of the lot it is desirous to have the structure set back as far as possible to make the best use of the more level land at the front of the property for off-street parking.

Mr. Frizzell stated that the house is 54' x 36' without the garage and porch and 69' x 36' with them. He stated that he originally designed the house to have two garages, but he reduced it to one garage. The lot has approximately 8,400 sq. ft. The two lots behind this property have about 9,200 sq. ft. This subdivision was approved in 1970.

Mr. Frizzell stated that the height of this house is 21' which raises the roof angle and give it a better roof pitch in proportion to the size of the base of the house. It is not a match box house. He stated that he does not intend to have a second story. There may be truss used that would prevent expansion upward. There could be expansion to the basement, however, because the north section of the house will be above ground.

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

Jan. 11, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application V-300-76 by Cecil J. Zirkle under Section 30-6.6 of the Zoning Ordinance to permit construction of dwelling closer to rear and side property lines than required by the Ordinance (12' from rear and 8.0' from side), 1905 Miracle Lane, 40-1((9))43, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 11, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17 and R-12.5.
3. That the area of the lot is 8,407 sq. ft.

4. That the applicant's property is exceptionally irregular in shape.
5. That the property is subject to Pro Rata Share for off-site drainage.

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

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

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only,and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Barnes seconded the motion.

The motion passed 4 to 0. Mr. Smith abstained. He stated that he felt this variance is more than is necessary for the reasonable use of the land.

Mr. Frizzell thanked the staff for their kind consideration and help in helping him get this application before this Board. He stated that he made his application on December 7 and to have the hearing by this date is exemplary.
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A.M.
10:40 - WAYNEWOOD RECREATION ASSOCIATION appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit lights on three existing tennis courts, 1027 Dalebrook Drive, 102-4((5))(21)21C, Mt. Vernon District, R-12.5, S-301-76.

Mr. Martin T. Wagenhoffer, President of Waynewood Recreation Assoc., whose address is 1013 Emerald Drive, Alexandria, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Wagenhoffer stated that this application is for an amendment to their existing Special Use Permit for the addition of lights on the three existing tennis courts. The type of lights would be metal halide. The amount of light would be about 20 to 25 footcandles near the court surface, which under Illuminating Engineering Society standards is appropriate for club-level play. The type of poles will be aluminum or steel poles, compatible with the nearby existing poles for swimming pool lights. The height will be about 35 feet, same height as the pool lights and the VEPCO safety light. The wiring will be underground.

The reason they chose metal halide vs. the Devoe system of lighting is first of all the cost involved. The total capital cost of the least costly Devoe system is estimated at $14,000 for hardware and $13,000 to $14,000 for installation, or a total of $27,000 for the three courts. By comparison, the metal halide system is estimated to cost a total of $12,000 for the three courts. They can barely afford the metal halide system. The Devoe system would be prohibitive to them. The other reason is vandalism. They foresee the possiblity of very costly vandalism with the Devoe system, which at a low height would be more susceptible. The metal halide lights, with impact-resistant shields and considerably higher, would be better protected. The metal halide lights are a small, concentrated light source, and narrow-beam lamps can be used to some extent. This means that the light is restricted much more closely to the tennis courts, and spillage is reduced better than is possible with older types of lighting systems, even if not quite as well as with the Devoe system. He gave several other minor considerations.

Mr. Wagenhoffer stated that they have an effective screen of high, dense trees between the tennis courts and the homes to the west of the courts. They will cooperate with residents by establishing an earlier shut-off time in the evening or even eliminating night play if necessary, if the lights become a problem. They plan to place green fabric tennis curtains along the full length of the tennis fence on the west side of the courts.

Mr. Wagenhoffer stated that this use would not create a traffic problem. They will have an automatic shut-off of the lights at 10:00 p.m.

In response to Mr. Smith, Mr. Wagenhoffer answered that there will be a light on each pole. There are six poles.

Mr. Smith stated that this would be similar to lights on football fields.

Mr. Wagenhoffer stated that these lights would have shields on them.

Mr. Smith stated that there is nothing in the advertisement that says that the hours are proposed to be extended. Without this being advertised, this could not be done at this time. This is a legal requirement.

Mr. Wagenhoffer stated that that request was made in the statement of justification for the lights, on the second page.

Mr. Smith stated that that would have to be in the application and also in the advertisement of this case in the newspaper, the property posted, etc.

Mr. Swetnam asked the applicant if he had any diagrams of the scope of the coverage of these lights or any other technical data.

Mr. Wagenhoffer stated that he did not have this. He could not say how far the light spillage would be. However, he stated that with the precautions they plan to take, the existing bamboo screen, the nylon mesh, the tall trees, they feel there will be no adverse impact from these lights on the adjacent homes.

Mr. Swetnam stated that the pool is pretty much from front to back in the center of the site and the tennis courts are not. And, there is some 10' difference in the height of the poles, so there will be more spread and more coverage for the proposed lights.

Mr. Swetnam wondered what is going to happen to these tennis courts when the tennis craze is over.

Mr. Wagenhoffer stated that the members of Waynewood Recreation Association number 450. The permit limits membership to 500. There are 750 families in the subdivision. He stated that he felt there would be active participation in tennis for a long time in this area.

There was no one else to speak in support. The developer, Mr. Gosnell, the developer of the subdivision, sent a letter in support of this request.

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

Jan. 11, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-301-76 by Waynewood Recreation Association under Sec. 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit lights on three existing tennis courts, 1027 Dalebrook Drive, 102-4((5))21 and 21C, County of Fairfax, Virginia, has been properly filed in accordance with the applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 11, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 8.5315 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

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1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the lights indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The effects of all lighting are to be confined to site.
8. All other requirements of Permit S-233-69 shall remain in effect, i.e.
All parking in connection with this use shall be confined to site. (amended September 15, 1970 to read: So long as there exists from either or both, the Fairfax County Public School, Waynewood Elementary School or Plymouth Haven Baptist Church, permission to use not less than 79 spaces for overflow parking, that the applicant be required to furnish 65 spaces, and that the Recreation Association have people to direct overflow parking toward these parking areas during swim metes and special events.)
The Zoning Administrator may cause the property to be fenced with a 4' chain link fence where none presently exists at such time as he finds that parking in connection with this use is not being confined to the site or that trash is being allowed to accumulate excessively on adjacent properties. (amended March 17, 1970)

Hours of operation 9 A.M. to 9 P.M., 7 days a week. (Any after hours parties shall be limited to six (6) per year and shall receive the prior written permission for each individual party from the Zoning Administrator. --policy adopted for all recreation associations by the BZA)

Mr. Swetnam seconded the motion.

The motion passed unanimously.

The applicant was advised that he would have to come back to the Board for any extension of hours of operation.

// (Page 55 and 56 recorded in stenographic notes by Wanda Thorpe substituting for the regular Clerk, Mrs. Kelsey.)

WANDA THORPE

Page 57, January 11, 1977

11:00 a.m. - JOHN O. WAGNER, EXECUTOR OF ESTATE OF MABEL V. WAGNER appl. under Sec. 30-6.5 of the Zoning Ordinance to appeal Zoning Administrator's decision in his interpretation of the zoning district boundary line located at the southwest corner of Kirby Road and Dolley Madison Blvd., 31-2((1))102, Dranesville Dist., C-N and RE-1, V-302-76.

Mr. William Hansbarger, attorney, 10523 Main Street, Fairfax, represented the appellant before the Board.

There were no notices since this was an appeal from the Zoning Administrator's decision.

Mr. Hansbarger presented his case to the Board. He felt that the Zoning Administrator should have used the "Rules for Interpretation" under Section 30-2.1 of the Zoning Ordinance to determine the size of the commercial area for this parcel of land. He gave some of the background of the case. There exists on the site, a gasoline service station that was built in 1936 which is nonconforming since there was no zoning ordinance at that time. The gasoline service station could continue, but there could be no new construction or changes to the structures on the property. The Pomeroy Ordinance and map was adopted in 1959. In 1957, 4,068 square feet of land was rezoned to C-N to permit the relocation of the two pumps and the underground storage tank and shortly thereafter the BZA granted a variance to permit the pumps to be 12' from Kirby Road and Dolley Madison Blvd. The rezoning and the variance came about because of the taking of some land by the State for the widening of Kirby Road.

After the 1959 Pomeroy Map was adopted, Mr. Hansbarger continued, no change in zoning could be made without notice to the property owner, and since that has not been done, no legal zoning change has been made, and therefore, the "Rules for Interpretation" must apply and not the metes and bounds of the 1957 rezoning, as Mr. Knowlton, the Zoning Administrator, says.

The appellant had applied for a rezoning to C-N of this piece of property to include an area of 40,000 square feet in order to permit the reconstruction of this gasoline station to more adequately serve the motoring public. That rezoning was denied by the Board of Supervisors on December 13, 1976. However he stated that Mr. Shacochis, the Supervisor from the Dranesville District, had said that even though he felt the rezoning would do irreparable damage to the community, he agreed that the course that Mr. Hansbarger was taking through administrative remedies of one kind or another to permit the reconstruction of this station was the proper way to go.

Mr. Hansberger stated that "Rules of Interpretation" of the Pomeroy Ordinance, if you apply them, would put a larger portion of property in the C-N category than the Zoning Administrator says now exists. Mr. Hansbarger stated that the Zoning Administrator reaches his conclusion by going beyond the Pomeroy Ordinance to the original zoning of the 4,068 square feet, which happened about two years prior to the adoption of the Ordinance, and says that that is the amount of C-N zoning that should exist today. He then read a portion of Mr. Knowlton's letter regarding this, as follows in full:

"On January 15, 1957, the Board of Supervisors rezoned approximately 4,068 square feet of the referenced property to a general business district. The rezoning was at the request of the property owner presumably to permit additions to the existing, non-conforming gasoline station on that site.

In 1959, with the adoption of the then new Zoning Ordinance and the associated new Zoning Map, there is no evidence of a specific attempt to change the boundaries of that zoning. The unusually small scale of the 1959 map makes the use of a scale impractical and completely inaccurate.

With the transfer to the assessment maps and the subsequent adoption of the December 1967 maps at the scale of the assessment maps, it became obvious that no attempt had been made to change the boundary of that which was made commercial in 1957. Therefore, the existing commercial area contains 4,068 square feet, today.

As to the language of Section 30-2.1.2 (Rules for Interpretation), it is the purpose and intent of the Zoning Ordinance that these rules be applied only in unclear situations which need an interpretation. These procedures cannot be applied to the location of every zoning boundary line. The Board of Supervisors rezones land by metes and bounds in every case. Were we to ignore the metes and bounds and use

the interpretative system, zone boundaries would amost never conform to the applications before the Board. Therefore, where a tract of land has been the subject of a rezoning with metes and bounds, and where no subsequent action has specifically or intentionally changed the boundary, this office would not employ the interpretive methods of Section 30-2.1.2.

I have reviewed the various maps and documents on file with the County related to the zoning of this referenced property. It is my interpretation that the present boundary of the C-N (Commercial Neighborhood) district is that which was rezoned in 1957, and that the limits of that C-N property follow the metes and bounds adopted by the Board ofSupervisors in connection with that rezoning application number 1391."
/s/ Gilbert Knowlton, Zoning Administrator, dated November 16, 1976.

Now, if there had been no previous zoning application on the Wagner property at the time the Pomeroy Ordinance was passed, the Zoning Administrator would have had to go to the zoning map and since it is not spelled out on the zoning map, he would have had to go to the Zoning Ordinance and apply the "Rules of Interpretation". He stated that once the Board of Supervisors adopted the Pomeroy Zoning Ordinance, everything that had happened before converged and became part of that zoning map. Any change of zoning on individual properties thereafter would either have to have been by the specific request of the applicant or the Board itself when it adopted the subsequent Comprehensive Plan. If the Board did change the zoning, it would have had to send notice to this property owner, which it did not do. Consequently, Mr. Hansbarger stated, he thought the way that one must construct the Zoning Ordinance and the way one must interpret the map is to apply these "Rules of Interpretation".

Mr. Smith then read State Code Section 15.1-495. He inquired of the Clerk if she had followed the procedure laid out in the State Code for notification.

The Clerk, Mrs. Kelsey, answered that the case had been advertised, the property had been posted, and the applicant had been notified.

Mr. Smith stated that he felt that should be sufficient under the State Code.

Mr. Knowlton stated that he felt his letter, alluded to earlier by Mr. Hansbarger, summed up his position. He stated that he felt there were two things before this Board. One is an interpretation of where the zone line is and the other is the Zoning Administrator's interpretation of the Ordinance and how it is applied. He stated that it is his contention after reviewing the various things that were before him that the Board of Supervisors did act, in 1957, to rezone by metes and bounds, a specific area of land and that although a number of things have happened since that time, no specific action was taken that intentionally or by inference appeared to have changed the original Ordinance which put 4,068 square feet of land into the commercial category. Consequently, he stated, he felt it serves no purpose to assume that there is approximately ten times that amount of land in a commercial zoning district now just because there is interpretative language which is designed to be used when there is a problem in trying to find out where the boundary is. There are many pieces of land in Fairfax County which were zoned by the 1941 zoning map, prior to which there was none, which, because they were not defined by metes and bounds, need this interpretative language. When a piece of land is specifically zoned by an Ordinance adopted by the Board and contains its area and its metes and bounds, he stated, he feels that the interpretative language is not to be employed.

Mr. Swetnam asked Mr. Knowlton the following question: "You said that the 4,068 square feet was for a specific purpose of a pump island, and we have continuing a nonconforming use on other properties. As I understand the request, it is to consider the other properties and not the 4,068 square feet. The 4,068 square feet was a specific thing to allow a specific operation, i.e. the location of the pumps, the pumps that they had lost in the widening of the road. At that time, perhaps, the foresight was lacking to get the whole piece of property?"

Mr. Knowlton stated that if the foresight was lacking or if there is need for more commercial land, it appeared to him that neither this body nor himself has the right to create that because neither this body nor himself can legislate the zoning map or the zoning ordinance. He added that if it is necessary to have additional land, then it is necessary to go through the rezoning process and legislatively change the map.

Mr. Swetnam inquired if the corner of Kirby Road was at the dotted line back some 55 feet from Kirby Road, under the "Rules of Interpretation".

Mr. Knowlton stated that if, legislatively, the Board had established "x" number of square feet at any location by specific metes and bounds, then it would have to be interpreted that that line was whereever those metes and bounds say it was: The land is zoned by metes and bounds and does not increase or decrease because of the roadway.

Mr. Swetnam asked, what the applicant would have to build on if construction setbacks were applied to this property.

Mr. Knowlton admitted that it would be very little.

Mr. Swetnam stated that he felt that when the Board of Supervisors rezoned the 4,068 square feet, they did it for the sole purpose of giving these people the opportunity to get the pumps moved over.

Mr. Barnes inquired what the position of the property would have been if it had been all residential zoning and the Pomeroy Ordinance had not been adopted.

Mr. Knowlton replied that the gas station would have been a nonconforming use and could continue unchanged item for item, and, of course, be maintained.

The Board and Mr. Knowlton and Mr. Hansbarger then examined the original zoning map adopted with the Pomeroy Ordinance.

Mr. DiGiulian stated that all he had heard so far told him that there was an existing use of a gasoline station on a piece of property at this intersection, that Kirby Road had been widened, necessitating the removal of a pump island, and that there had been a rezoning of a portion of ground to accomodate a new pump island to replace one which the road widening removed. He stated that he didn't know that he could agree that the rezoning in 1957 did not change the fact that the remainder of the property was a nonconforming use and he didn't know that the Pomeroy Ordinance in 1959 didn't create this 200 by 200 foot area at this intersection. There are other intersections in the County that have nonconforming uses where this 200 foot area was created.

Mr. Swetnam stated that he found it difficult to understand why the Board of Supervisors would only rezone 4,068 square feet because when you apply the setback rules to it, you couldn't build anyting on it. He stated that it seemed to him that all the Board did was to allow the replacement of the pump islands. If you pull that piece out of the discussion today, then you go back to the "Rules of Interpretation".

Mr. Smith stated that that was correct, but that that specific action is the basis for this appeal.

Mr. Swetnam stated that as long as he could remember that has been a gas station. He stated that after looking at the Pomeroy map he didn't know and he didn't think anybody else could say what the boundary of that district is, from the map.

Mr. Smith stated that there is no question on the boundary at the time of the rezoning.

Mr. Durrer stated that he believed that the Board of Supervisors had, or a member of that Board had said to Mr. Hansbarger, in effect, to attempt to get some administrative relief, and this is what he is attempting to do.

Mr. Smith stated that that had been done before the rezoning hearing. He then asked if there was anyone else in the room that had anything to add.

Mrs. Lilla Richards, representative from the McLean Citizens Association, came forward.

Mr. Smith stated that her statements would have to deal directly with the interpretation and nothing else.

Mrs. Lilla Richards gave her address as 8703 Brook Road, McLean. She stated that the record should be clear that the rezoning of the 4,068 square feet

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was granted on the 15th of January, 1958. This is the Ordinance adopted by the Board with the metes and bounds. (She placed a copy of that action in the record.)

Mrs. Richards stated that the point that the Board needs to be aware of is that the legislative history of this granting of the pump island in spite of the fact that the staff had recommended the granting of the 4,068 square feet, stating: "...while this was technically spot zoning, the actual granting of the application amounts to recognition of a factual situation, a long established business has been injured by the State when it acquired right-of-way resulting in a situation which will practically ruin the business and, therefore, take away the applicant's livelihood.By granting this small area, the applicant will have access to his property which will compensate for the damages which would practically ruin the business. The Planning Commission believes that this is a good disposition of a bad situation."

Mrs. Richards stated that this compassionate act in 1958 has been used in subsequent years as precedent for demanding additional commercially zoned area. In 1964, application 824, 1964 application A861, 1965 application B192, and in 1974 application 103. The reasons all along in the legislative history has been that the Board's intent was not to create any area larger than the 4,068 square feet and it was an act of compassion at that time. She stated that it is the position of the McLean Association of Citizens Associations that the Zoning Administrator's position is correct, that the metes and bounds governs.

There was no one else to speak from the audience.

Mr. Hansbarger stated that his rebuttal would be to simply clarify some of the statements made. First, the only way the appellant can get administrative relief on any decision that involves the Zoning Ordinance is to go to the Zoning Administrator for an interpretation, and if it is the one the appellant seeks, there is no need to go further. If it is the one that they disagree with and they feel the Zoning Administrator is in error, then the Ordinance provides that this Board is the body to decide on that question raised. The statement has been made that there is no question about the nonconformity of the use then and now. That is the whole issue here, he stated. There is a question about the nonconforming use. If you apply the Pomeroy Ordinance "Rules of Interpretation", there is no nonconforming use. He stated that he went before the Board of Supervisors, but that wasn't administrative relief. At that time, he stated to the Board of Supervisors that by appearing he waived no other rights that this applicant might have. If the Board proceeded in that fashion, he then reserved those rights for this right of appeal and this is why this case is before this Board. There is a great deal of concern and question about the nonconformity of this station after the adoption of the Pomeroy Ordinance. He continued that he felt the Pomeroy Ordinance was a recognition by the Board of Supervisors of a use that they had already recognized in a prior zoning, by granting the 4,068 square feet for the pump island -- that there was a service station there which they wanted to remain, and application of the "Rules of Interpretation" would produce a service station that was no longer nonconforming.

He stated that he had asked the Board of Supervisors to wait until such time as this interpretation could be made by this Board, as it might then be unnecessary to continue with the zoning case.

Mr. Hansbarger stated that the Board did rezone to an RE-0.5 category a portion of land belonging to Mr. Wagner, but left approximately an acre of land, on which they denied C-N zoning, but zoned all the land around it to a residential classification.

Mr. Hansbarger concluded by stating that he thought if this Board ignores the "Rules of Interpretation, it would have to rule with Mr. Knowlton, but if it feels that they apply, it would make this service station a conforming use, and that is what he was requesting.

Mr. Smith stated that this concludes the public hearing. He asked if there was anyone else in the room that had a statement to make.

Mr. Symanski, Assistant County Attorney, stated that he thought that there are two parts to the matter before this Board. First, the Zoning Administrator has made an interpretation of the Zoning Ordinance itself to the effect that the "Rules of Interpretation" are applied only when there is something that is unclear, and in this case nothing is unclear, so the "Rules for Interpretation" do not apply. Mr. Hansbarger disagrees with that

interpretation, and says the "Rules of Interpretation" apply, no matter what went before. Secondly, the other part that is before the Board, is the interpretation of the map as provided by the State Code and the Zoning Ordinance. There are two parts to this, one is the interpretation of the Zoning Ordinance and the other is the interpretation of the map. In the State Code, it is not absolutely clear that there is first an interpretation by the Zoning Administrator on a dispute on a boundary. That code section provides that this Board hear and decide applications for interpretation. Whereas, if you look at prior sections of 495, for example, part (a) is to hear and decide appeals from an order, requirement, or determination by an administrative officer, namely the Zoning Administrator.

Mr. Swetnam stated that he was ready to make a motion on this case. He moved that the "Rules for Interpretation" be applied in the case of John O. Wagner, Executor of Estate of Mabel V. Wagner, V-302-76, and the action of the Board of Zoning Appeals is to overrule the Zoning Administrator's decision in this case.
Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

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11:30 a.m. - STRATFORD RECREATION ASSOC., INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit increase in number of members, Camden Court, Stratford Landing Subd., 111-1((1))10, 5.7576 ac., Mt. Vernon District, R-12.5, S-303-76.

Capt. Bob Perry, 2501 Culpepper Road, represented the applicant. He did not have a copy of the letter that accompanied the notices to property owners. The case was recessed until he could obtain that letter. He later returned with the proper letters and notice receipts to adjoining property owners. The notices were in order.

(The hearing began at 2:15 p.m. after the case of Park West had been heard.)

Mr. Pete Brinitizer, Vice-President of the association, spoke before the Board. He stated that when they first started, they had an active membership limitation of 400. The community has grown from 350 to 785 homes. Approximately 100 of the members who continuously pay dues no longer use the facility at all and the pool is under utilized. Some of those members have been transferred to other areas, but are retaining their membership. Some of them have children who have grown up and no longer use the pool to full capacity. The waiting list has grown. They would like to make it possible for some of the people who have been on the waiting list for three years to join the association. They would like to increase the membership from 400 to 425. All the people surrounding the pool have been notified and there are no objections to this.

There was no one present to speak in opposition and no one else to speak in favor of the application.

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Mr. Swetnam made the following motion:

WHEREAS, Application S-303-76 by Stratford Recreation Assoc. under Section 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit increase in number of members to 425 families, Camden Court, Stratford Landing Subd., 111-1((1))10, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 11, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Stratford Recreation Assoc., Inc.
2. That the present zoning is R-12.5.
3. That the area of the lot is 5.7576 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with

Standards for Special Permit Uses in C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED that the subject application is granted with all of the conditions set forth in the previously granted Special Use Permit, S-12-76, granted March 9, 1976.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Noon
12:00 - PARK WEST ASSOCIATES appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit community recreation facility, 3135 Remuda Road, Vale Park West Subd., S-280-76, (Deferred from 12/14/76 for new plats showing sufficient parking for the use.)

Mr. Gregory Harney, representing the applicant, stated that they are going to have to move the site of the recreation facility to another site. This is going to require some liasion with the Park Authority. This is necessitated because of the parking requirement this Board placed on the facility at the last meeting.

Mr. Swetnam moved that this applicant be allowed to withdraw the application without prejudice, in order that they may move the site to a different location in order to provide for adequate parking on site for the facility.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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P.M.
12:10 - MARIE GROVES appl. under Sec. 30-6.6 of the Zoning Ordinance to permit less lot width than required at building setback line for Lot 1A, 3029 Sleepy Hollow Road, 51-3((1))Parcel 14, Mason Dist., R-12.5, V-304-76.

(Hearing began at 2:20 P.M.)

Mr. Charles Runyon, representing the applicant, 152 Hillwood Avenue, Falls Church, with the engineering firm of Runyon Associates, submitted the required proof of notification to property owners to the Board. The notices were in order.

He stated that he has a letter to submit to the Board indicating that he is authorized as the agent and further requests the removal of the name of Henry Groves from the application. Mr. Groves is deceased.
The Board so amended the application.
Mr. Runyon stated that this property is surrounded by R-12.5 zoning. Mr. Groves passed away and Mrs. Groves is in the midst of selling the property and moving to an apartment. In order to do this, she has received a contract and the contract purchaser would like to subdivide the property and exclude the existing structure and sell that. The contract purchaser would like to utilize the pipestem lot concept. The existing driveway from the existing house now goes down the same pipestem. It will be extended on out the same driveway. He submitted some photographs of the property to the Board showing the entrance to the drive, of the house and Lot 1A as shown on the plat. In order to bring this property into conformity size-wise with the rest of the residential neighborhood, the variance is necessary since the property is too narrow to provide adequate frontage under the ordinance. The property in Lot 2 has sufficient frontage and no variance will be required for that lot.

Mr. Ed Grimms, 3037 Sleepy Hollow Road, in the neighborhood of the application, two houses removed, lot 60 of Sleepy Hollow Manor, spoke in opposition. He stated that he feels this variance is contrary to the nature of the neighborhood.

In answer to Mr. Smith's question, Mr. Grimms stated that his lot has 80' frontage and is 232' long. He did not know the frontage of lot 61 or the size of it.

Mr. DiGiulian stated that it is about 18,400 square feet.

Mr. Grimms stated that his lot is the largest lot except for Mrs. Groves' lot.

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Mr. Burton A. Emerson, 3033 Sleepy Hollow Road, Lot 61, spoke in opposition to this application stating that he felt this variance would change the character of the neighborhood. He stated that he has about one-half acre of land, 21,596 square feet.

Mr. Smith stated that the proposed lot does meet the square footage requirement for R-12.5 zoning.

Mrs. Ann Coleburg, 3041 Sleepy Hollow Road, representing the Sleepy Hollow Manor Citizens Association, spoke in opposition stating that this development of this property will not conform with the rest of the neighborhood to have one house fronting on Sleepy Hollow Road, up near the road, and another house stuck behind the first one.

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

Mr. Runyon stated that in answer to the Board's question as to how much land was in Mr. Grimms and Mr. Emerson's property, Mr. Grimms has 19,592 square feet and Mr. Emerson has 21,500 square feet. He stated that the applicant wishes to create a lot that will be larger than most of the people's lots except Messrs. Grimes & Emerson. They are just trying to get lot with the density of the zoning category that they are in in order to have the reasonable use of the land.

January 18, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-304-76 by Marie Groves under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit less lot width than required at the building setback line for Lot 1A, 3029 Sleepy Hollow Road, 51-3((1))14, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 11, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 0.6307 acre.
4. That the Board finds that the applicant's property is exceptionally irregular in shape, including narrow; and
5. That the width of the property does not allow development in accordance with the zoning category and zoning of the surrounding property.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditons exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

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

1. This variance is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

12:20 p.m. - THOMAS LEE COLE AND TED HEFLIN CONSTRUCTION CO., INC. appl. under Section 30-6.6 of the Zoning Ordinance to permit side yards of 15' in lieu of required 20', Lot 7, Grays Addition to Oakton Subd., Centreville Dist., 2921 Chain Bridge Road, 47-2((5))7, RE-0.5, V-305-76.

(hearing began at 2:37 p.m.)

Mr. Charles Runyon, 152 Hillwood Avenue, Falls Church, Virginia, with the engineering firm of Runyon Associates, represented the applicants before the Board. He submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Runyon stated that these lots are very old. The property is zoned one-half acre. The property adjoins commercial property that has been developed. He stated that the applicant is lucky to have someone who wants to build a house this close to commercial development. The property adjoins the animal hospital. Across the road is the Oakton Shopping Center shown on the map as C-D zoning. He submitted a photo of the area to the Board. He stated that these lots remain undeveloped basically because the owner was hoping for commercial zoning being spread along that area. The new Comprehensive Plan for that area does not show commercial zoning, but does indicate a greater density. This Lot 7 has 10,094 square feet. The highway department has removed 4,000 square feet reducing the lot from an original 15,000 square feet to about 11,000 square feet. The applicants wish to move the house back as much as possible away from the highway. By doing so, sideyard variances are necessary. If the lots were under different ownership, no variance would be necessary, but at the moment Ted Heflin Construction Co., Inc. is the contract purchaser from Thomas Lee Cole for both lots. Therefore, they cannot receive the fifteen percent reduction in sideyard requirements. The lots are extremely narrow.

Mr. Covington, Assistant Zoning Administrator, stated that Mr. Cole has owned the property for quite some time. He lives on the property.

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

January 18, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application V-305-76 by Thomas Lee Cole and Ted Heflin Construction Co., Inc. under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit construction of a house on one of two adjoining substandard lots in the same ownership, 2921 Chain Bridge Road, 47-2((5))7, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 11, 1976; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 10,941 square feet.
4. That the applicant's property is exceptionally narrow and is a substandard lot.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

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12:40 p.m. - THOMAS LEE COLE & TED HEFLIN CONSTRUCTION CO., INC. appl. under Section 30-6.6 of the Zoning Ord. to permit side yards of 15' in lieu of the required 20', Lot 8, Grays Addition to Oakton Subd., Centreville Dist., 47-2((5))Lot 8, 2923 Chain Bridge Road, RE-0.5, V-306-76.

Mr. Charles E. Runyon, 152 Hillwood Avenue, Falls Church, with the engineering firm of Runyon Associates, submitted the required proof of notification to property owners. The notices were in order.

Mr. Runyon stated that this lot has about 11,356 square feet left after the highway's taking of about 1400 square feet. This lot is across the street from commercial zoning. The applicant had hoped to have commercial zoning on this property. However, the latest Comprehensive Plan calls for residential to remain in this area. The applicant wishes to move the house back from the highway as much as possible and still have a reasonable sized house. The applicant could have received a 15 percent reduction in side yard setbacks had the lot in question and the lot mentioned on the previous application not been under the same ownership. This is an old lot in a substandard area. Because this is a substandard lot, it has only one-third the area that would normally be required and the width of the lot at the building setback line is such that it does not meet the requirements for one-half acre subdivision.

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

January 11, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-306-76 by Thomas Lee Cole and Ted Heflin Construction Co., Inc. under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit side yards of 15' in lieu of required 20' on property located at 2923 Chain Bridge Road, 47-2((5))8, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on January 11, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 11,356 sq. ft.
4. That the applicant's property is exceptionally narrow and is a substandard lot.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

066

DEFERRED CASE:
MB IMPORTS, INC. appl. under Sec. 30-7.2.10.5.4 of the Zoning Ord. to permit sale of autos (used), 8230 Leesburg Pike, Apple Grove Subd., 29-3((1))81 & part of 82, 44,951 sq. ft., Dranesville Dist., C-G, S-220-76. (Deferred from October 26, 1976.)

Mr. Smith stated that this case had been deferred in order for the Board to view the site and in order for the applicant to clear all violations now existing or that existed at the time of the last hearing.

Mr. Doug Leigh, Zoning Inspector, stated that at 11:30 a.m. today, there was one untagged vehicle in the rear storage area and a few car doors were lying around. It has been greatly improved, but there is still one inoperable vehicle there. Other than this, the property does meet the Code as to junk vehicles.

Mr. Robert Kurr, attorney for the applicant, appeared on behalf of the applicant.

Mr. Durrer stated that the applicant has not attempted to clear up these violations other than when the Board has dragged it out of him. If the Board allows him to continue to operate after all this, then we are just asking for more problems. The staff can't keep an inspector down there everyday. Today the Board hears that the applicant has complied, but there may be a technical violation.

Mr. Kurr stated that Mr. Klespis says the one car in the rear that is untagged is there waiting for parts in order that it can be repaired.

Mr. Covington stated that Mr. Klespis can repair cars at this location by right and even though he has the right to repair cars there he is in violation of the Zoning Code for storing automobiles there. They apparently have been used for parts.

Mr. Kurr stated that he no longer is doing that.

Mr. Smith stated that there is another question involved in this and that is concerning the trailer that he stores parts in on the site.

The Zoning Inspector stated that there is no permit on record that he could find on that trailer.

Mr. Smith stated that he is in violation on that too then.

Mr. Covington stated that they had had Mr. Klespis in court on these violations and it was dismissed for lack of evidence.

Mr. Smith stated that Mr. Klespis and the attorney admits that he is selling cars there. He has admitted it on the record here before this Board and he has admitted it to both Mr. Covington and himself. He stated that there was a lady that was in the office on the site in question on the day Mr. Kennedy, Mr. Covington and himself inspected the site who was taking care of sales. He stated that he admires the zoning inspectors for their diligence in doing their job, but he had always said that they need training in the area of court procedure. This is two-thirds of the battle in the area of enforcement.

Mr. Covington stated that it was the Commonwealth Attorney who did not want pursue the case.

Mr. Smith stated that it seems that we are finding that quite frequently over there. He stated that it is up to the inspector to convince the attorney that he has a case and you need a lot of evidence today to convince them of that and apparently they are not too anxious to proceed anyway.

The Board members indicated that they were ready for a motion to resolve the case.

There was no one else present to speak regarding this case.

Page 67, January 11, 1977
MB IMPORTS, INC. (continued)

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application No. S-220-76 by MB IMPORTS, INC. under Section 30-7.2.10.5.4 of the Fairfax County Zoning Ordinance to permit sales of used automobiles, 8230 Leesburg Pike, 29-3((1))81 and part of 82, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 26, 1976, December 14, 1976 and January 11, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is C-G.
3. That the area of the lot is 44,951 square feet.
4. That the use is under Site Plan control.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has not presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED that the subject application is denied.

Mr. DiGiulian seconded the motion.

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

Mr. Smith stated that he would have felt differently and would have voted differently if he were convinced that the applicant was in compliance with the Ordinance.

Mr. Swetnam stated that for him to vote against something, it has to be a real dog and this fits that category.

January 11, 1977
DEFERRED CASE: LAKE BARCROFT RECREATION CENTER, INC., SHOW-CAUSE HEARING. (Deferred from December 21, 1976 to give the applicant additional time to decide if it would be able to comply with the conditions of the original permit permitting Recreation Lane to be a public road.)

The Board was advised that this case is now in court and that by order of the court, the Board could not act on the Show-Cause hearing at this time.

The Board deferred this case until April 13, 1977.

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January 11, 1977
AFTER AGENDA ITEM

IMMANUEL CHRISTIAN SCHOOL, INC., S-149-76, 7210 Braddock Road.

The Board was in receipt of a letter dated January 3, 1977, requesting that the school be allowed to increase the age of the students to age 13. That change will enable the school to honor requests for enrollment in higher grades, up through grade 8. There will be no increase in number of students and no other change.

The Board approved this change.

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068

AFTER AGENDA ITEM: TEXACO GASOLINE STATION, granted in 1961 a Special Use Permit to permit erection and operation of service station and S-867-68 granted in 1968 to permit erection of canopy 20.5' from Keene Mill Road.

The Board was in receipt of a copy of a letter addressed to Myron Boncarosky, Texaco, Inc., dated April 13, 1976, giving notice of violation for having continuous display of illegal signs and/or banners, display of merchandise and illegal signs within the required front setback, display and sale of merchandise not associated with service station use, extensive vehicle repairs, and storing large number of vehicles and boats to the point of over filling the designated parking area. They were given a ten day notice to clear the violation. The station in violation was at 8315 Old Keene Mill Road.

Texaco was again issued a notice of violation on December 29. They have not cleared the violations.

Mr. Smith inquired if this is Don Crump's station.

Mr. Covington stated that it was.

After considerable discussion, the following motion was made.

Mr. Swetnam moved that Mr. Covington send an inspector out to this site. If there is still a violation, photographs should be taken and a registered letter sent from this Board to Texaco's main office, telling them that this station is in violation and give them ten days to clear the violation. If this is not done, then the Board will schedule a show-cause hearing.

Mr. DiGiulian seconded the motion.

Mr. Covington stated that Mr. Crump has also has sales of fertilizer at this station.

The motion passed unanimously with all members present and voting.

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APPROVAL OF MINUTES OF DECEMBER 7, 14 and 21, 1976.

Mr. Durrer moved that the Minutes of the Board's meetings of December 7 and 14, 1976, be approved.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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The meeting adjourned at 3:52 p.m.

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Jane C. Kelsey
JANE C. KELSEY, CLERK TO THE BOARD
OF ZONING APPEALS

Submitted to the Bd. of Zoning
Appeals on Jan 31, 1977

Submitted to the Bd. of Supervisors,
Planning Commission and other Depts.
on _____

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED March 8, 1977
DATE

A Special Meeting was Held on Monday, January 10, 1977, between the Board of Supervisors and the Board of Zoning Appeals. All the Board of Zoning Appeals' members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam; and John DiGiulian.

Board of Supervisors' members present: Mrs. Martha Pennino, Mr. John Shacochis; Mrs. Audrey Moore.

Mrs. Travesky, Mr. Magazine, Mr. Cikens and Mr. Alexander arrived later.

Present from the staff: Mr. Whorton, County Executive; Mr. Wessel, Executive Assistant to the County Executive; Mr. Knowlton, Zoning Administrator; Mr. Mitchell and Mrs. Kelsey from the Zoning Administrator's staff.

(The meeting began at 9:30 a.m.)

The two Boards discussed the items listed in the proposed agenda contained in a letter from Mr. Knowlton to Mr. Wessel dated January 6, 1977.

"I. The degree of discretion available to the BZA in acting upon a Special Permit.
II. The safeguards to prevent a Special Permit from the BZA being expanded by another permit from the Board, or vice versa.
III. The role of the BZA in the implementation of the County's Comprehensive Plans.
IV. Meeting dates for the BZA: 1977 presents several conflicts in which the Board may be using Tuesdays."

In consideration of Item No. I, the main consensus of the Board of Zoning Appeals was that Special Use Permits for home professional offices should be removed from the Zoning Ordinance.

Mr. Smith stated that probably about three members of the BZA feel that as long as these Special Use Permit uses are in the Zoning Ordinance, if those applications for Special Use Permit uses meet the criteria of the Ordinance, then it should be granted and that the Board of Zoning Appeals has no alternative but to grant them. He stated that it is not quite equitable to have it in the ordinance and permit it to be utilized by some citizens and not by others.

Some Special Use Permits are granted on a temporary basis because these were supposed to be temporary uses. When these expire, if the Board should remove these uses from the Ordinance, then these uses would expire and the applicant could not reapply.

The question of enforcement for Special Use Permit uses was raised. It is a problem. There are approximately 3,000 Special Use Permit uses in the County today, Mr. Knowlton told the Boards. The Boards discussed what an adequate number of inspectors might be to adequately check to see that the Special Use Permit conditions are being adhered to. Mr. Knowlton proposed that three senior zoning inspectors would be sufficient. He stated that at the present time, the inspectors inspect Special Use Permit properties on a once a year basis, or on a complaint basis. When they do inspect, they do not have adequate time to be sure that all the condtions are being complied with.

The other problem that arises from Special Use Permit uses is that the use grows and the applicant continues at the same location with the expanded use since there are not enough inspectors to adequately check this out.

There have been instances where a group of people have gone into a subdivision and purchased a number of houses for the sole purpose of converting these buildings to commercial uses, such as doctors, lawyers, etc. This would completely change this neighborhood from residential to commercial, Mr. Smith told the Boards.

The Board of Zoning Appeals felt and the Board of Supervisors agreed that use permits for home professional uses are no longer necessary in Fairfax County. They are granted simply because they are in the Ordinance and the BZA or Board of Supervisors, whichever Board is hearing the application, feels that the Ordinance allows this use and that it does meet the criteria set forth in the Ordinance. The only way to cure the problem is to remove these uses from the Ordinance. In addition to home professional uses, beauty shops and barber shops which are under a separate section of the "Community Use" section of the ordinance are no longer needed as permitted uses in residential areas in Fairfax County and should be removed. There are

adequate commercial and medical facilities scattered throughout Fairfax County to give each and every citizen good care within a reasonable distance from his home without having these offices in residential areas. These offices in residential areas also take away from the tax base for Fairfax County. A doctor or lawyer who has an office in a commercial area pays three times the rent as the doctor who has an office in his home, Mr. Smith stated. There has been a great influx of these home professional office applications in the past few years. The Board of Zoning Appeals has seen more and more people moving their office into their homes for these home professional offices. It is taking away from the Central Business concept. These uses should only be by a definitive action of the Board of Supervisors in certain specific areas, if the Board of Supervisors wants to do it that way. The Board of Zoning Appeals, however, felt strongly that these uses are no longer necessary in residential zones. Having these uses in commercial areas would encourage additional investment in commercial buildings and commercial districts.

The two Boards did not discuss items II, III, and IV on the Agenda since it was 10:10 and past time for the beginning of the Board of Supervisors regularly scheduled meeting.

It was noted that the proposed amendment to the Zoning Ordinance before the Board of Supervisors today was only a portion of Group 6 (Community Use) category. It does not include Group 9 (Uses in Older Structures for such things as Real Estate Offices, Antique Shops, etc.)

Mrs. Pennino stated that hearing no objection to the proposal of the Board of Zoning Appeals that she would assume that that is the way the Board of Supervisors will proceed this afternoon.

The Board of Supervisors adjourned to the Board Room.

The Board of Zoning Appeals took up the item concerning meeting dates. Because of other conflicts, the Board decided to continue meeting on Tuesdays unless a Holiday occurs on Monday, moving the Board of Zoning Appeals to Wednesday.

Mr. DiGiulian moved that the meeting adjourn.

Mr. Barnes seconded the motion.

The meeting adjourned at 10:15 a.m.

Jane C. Kelsey

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

Submitted to the Board of Zoning Appeals January 11, 1977.

Submitted to the Board of Supervisors, Planning Commission and other Depts. on _____.

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED _____
DATE

The Regularly Scheduled Meeting of the Board of Zoning Appeals for January 18, 1977, could not be held because of a conflict of meeting dates with the Board of Supervisors. However, the Board of Zoning Appeals came together at 10:02 a.m. on January 18, 1977 for the purpose of announcing to the public that the scheduled cases would all be deferred until February 1, 1977 at the same times scheduled for January 18.

Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; and John DiGiulian. Mr. Tyler Swetnam was in the hospital and was unable to attend. Mr. George Barnes was also absent.

Mr. Mitchell and Mrs. Kelsey were present from the Staff.

Mr. Smith announced that this was to have been the scheduled meeting of the Board of Zoning Appeals for January 18, 1977. Due to a conflict of scheduling and due to the fact that January 17th was a State Holiday, the Board of Supervisors had to move their meeting date until this date. This precluded this Board from holding its meeting. By the time the staff discovered the conflict, the Clerk and the Chairman made every effort to find a suitable facility close by to hold the meeting, but this was not possible. In view of that fact, the Chair announced that he would entertain a motion to defer all cases scheduled for January 18 until the same time scheduling for February 1, 1977.

Mr. DiGiulian so moved.

Mr. Durrer seconded the motion.

The motion passed unanimously with the members present.

Mr. Smith stated that it should be noted that any Special Permits that are scheduled to expire should be extended until the first of February, 1977.

Mr. DiGiulian so moved.

Mr. Durrer seconded the motion.

The motion passed unanimously.

Mr. Smith announced that the Board needed to take up a couple of items other than that on the scheduled agenda, and since it was time for the Board of Supervisors to convene its meeting in this room, the Board of Zoning Appeals would continue its meeting in the conference room to the rear of this room.

The Board of Zoning Appeals convened again with the same members present and Mr. Mitchell and Mrs. Kelsey from the Zoning Staff; George Symanski, Assistant County Attorney; and the three citizens who had been in the audience in the Board Room a few moments before, Mr. Putnam, Mrs. Day and Mrs. Richards.

Mr. Smith stated that the Board has a request for reconsideration or re-hearing of a case that was before the Board of Zoning Appeals on January 11, 1977 which was an appeal from a decision of the Zoning Administrator on an interpretation of a zoning district map. He stated that one letter on this subject was delivered to his home on Sunday and another was received just this morning from Mrs. Richards. He stated that he had not had an opportunity to read Mrs. Richards' letter. He asked Mrs. Richards to recap that letter for the Board.

Mrs. Richards stated that at the hearing on this appeal on January 11, 1977, she had thought that notice had been given to abutting property owners Mrs. Kelsey's answer to Mr. Smith was not audible. Now, she finds that this was not done. She stated that she had read Section 15.1-431 of the State Code and feels that that section does require notice to abutting property owners. She stated that she had also read the requirement under Section 15.1-495 of the State Code as saying that the Board of Zoning Appeals may not change substantially the boundaries of districts, but the change from 20' to 200' that the Board changed is substantial in her opinion.

Mrs. Richards stated that also at the time of the hearing when she spoke before the Board the Chairman admonished her that her testimony had to deal with the interpretation, nothing else, and there were a great deal of other things about the existing Master Plan, the history of the case, the use of the building, that he was ready to talk about if she had been allowed to, but she tried to abide by the Chairman's admonition to deal only with the interpretation. On the other hand, the attorney was allowed three different

opportunities to speak for thirty minutes. She stated that it does not seem that the whole story was heard by the Board.

Mr. Smith apologized if she interpreted his statement to curtail her speech. He stated that he had no intention of curtailing any of her prepared statement or information that she wished to present to the Board.

Mr. Durrer stated that it was his interpretation that she had finished her statement when she stopped talking.

Mrs. Ann Day inquired if the Board had read her letter that had been hand delivered to each member's home.

The Board members that were present nodded affirmative.

Mrs. Day stated that there was a great deal of opposition and there has been for twenty years. Mrs. Richards was present before the Board on January 11 and she could have given all the history of the case, had she been allowed to.

Mr. Durrer stated that the Board had an hour to make a decision on something that he understands has been boiling for some time. He stated that he is sympathetic to anybody who wants to speak on the subject and who was not allowed to or didn't get a chance to.

Mr. Symanski, Assistant County Attorney, stated to the Board that there is some question in his mind about notification and he wished to look into that. The Attorney General gave an opinion as far as Section 15.1-431 of the State Code as to whether adjoining land owners had to be notified. At that time, this Board passed a resolution saying that this Board could go beyond what the Attorney General said the law requires and the Board passed a resolution requiring that at least five abutting property owners be notified.

Mr. Smith confirmed this.

Mr. Symanski stated that he thought that the motion at that time included variances and special permits.

Mr. Durrer moved to reopen the case and set it down for a new hearing so that all information that could not have been presented could be presented and for notification to abutting property owners.

Mr. DiGiulian seconded the motion.

Mr. Smith stated that the thing that concerns him is, had the land not been advertised as 7. acres, he would not have been as concerned about the notification requirement. He stated that the Board is not considering the entire seven acres, but the seven acres was advertised and all the abutting property owners should have been notified.

Mr. Mitchell stated that the seven acres was the size of the parcel of land in one ownership. The applicant may own additional land beyond that, but that particular parcel which was set forth in the County land book, was seven acres. The question before this Board was, how much of that seven acres was commercial zoning.

Mr. Smith stated that it is true that Mr. Wagner's property surrounding the property under interpretation is owned by him. He felt the Board should have had notification to all property owners around that and across the street.

The Board recessed the meeting in order for the Clerk to telephone Mr. Hansbarger, attorney for the appellant, and check the scheduled suggested time of February 15, 1977, at 10:00 a.m. with him. Mrs. Kelsey reported back to the Board that Mr. Hansbarger did not agree that the Board could unilaterally make this decision to rehear this case without his presenting his side. He requested that he be allowed to come before the Board and present his side. Mr. Smith stated that it was his opinion that the Board could set a rehearing if it decided that all the information had not been received at the original hearing, or if it found that the notice requirement had not been met. Mr. DiGiulian and Mr. Durrer indicated agreement.

The motion to rehear passed 3 to 0. Mr. Barnes and Mr. Swetnam were absent.

Mr. Ruck, County Attorney, arrived during the recess and after a brief discussion stated that he agreed that the Board had the right to rehear a case if it found that the notice requirement had not been met. He stated, "I don't think you can make a decision against the appellant without his presence, but legally you can make a decision to reopen the hearing."

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Mr. Durrer stated that Mr. DiGiulian's term expires on February 13, 1977. He is filling the unexpired term of Loy Kelley. He moved that the Board write Judge Jennings notifying him of this expiration and ask him to reappoint Mr. DiGiulian for a full term.

Mr. Smith stated that Mr. DiGiulian has been an excellent member of the Board. He is an engineer which helps a great deal in the deliberations and his services are greatly appreciated by the Board. He certainly is an asset.

Mr. DiGiulian thanked the Board for its kind remarks.

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The Board of Supervisors needed the conference room. Therefore, the Board of Zoning Appeals curtailed further discussion and adjourned.

The meeting adjourned at 11:30 a.m.

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Jane C. Kelsey

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

Submitted to the Board of Zoning Appeals on January 21, 1977.

Submitted to the Bd. of Supervisors, Planning Commission and other Depts. on _____.

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED March 8, 1977
DATE

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The Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, February 1, 1977, having been deferred from January 18, 1977. The meeting was held in the Board Room of the Massey Building. Present: Daniel Smith, Chairman; George Barnes; Tyler Swetnam, and John DiGiulian. Mr. William Durrer was absent.

The meeting opened with a prayer by Mr. Barnes.

10:00 A.M.
MILDRED W. FRAZER & VIVLOW AND COMPANY, INC. appl. under Sec. 30-7.2.6.1.3 of the Zoning Ord. to amend existing SUP to add a building, a porch and to extend hours of operation, 4955 Sunset Lane, 71-4((1))12 & 23, 2.8495 acres, Annandale Dist., RE-0.5, S-288-76. (Deferred from 12-21-76 for proper plats.) The case was also deferred from January 18, 1977, along with all the other cases for that date.

Mr. James Tate, attorney for the applicant, stated that new plats had been submitted to the staff and the proper corporate papers had also been submitted. He stated that suit has been filed on the bus issue.

Mr. Smith stated that he would rather not even discuss the suit. The Board is aware of it. The Board is treating this as a new application. The Board had previously on January 11, 1977, extended the permit and unless someone questions the extension, there is no problem with the use continuing.

Mr. Swetnam questioned the shed that is shown to be over the property line on the plats.

Mrs. Mildred Frazer, 4953 Sunset Lane, testified that she is the owner of this school. She stated that when she came in for the Special Use Permit to increase the number of students, that shed was on the plats in this same location. The shed, however, is not over the line, only the slab. She stated that she had made the contiguous property owner aware of the protrusion and has put a letter in the record that any time that property owners wishes that shed to be removed, that she will remove it.

Mr. Swetnam then inquired about the turn-around area that encroaches on the Susong property.

Mrs. Frazer stated that that is not a turn-around area, but because of a drainage problem, she added the blacktop to divert the water across her own real property so that it would not cause the school's driveway to be icy during the winter months. The Sosongs are aware of this and they have a verbal agreement.

Mr. Swetnam stated that from looking at the plats, he notices 23 parking spaces with 7 additional spaces to be provided, if needed. He stated that he hoped this would be adequate.

Mrs. Frazer stated that that number meets the Code.

Mr. Smith stated that the Code says that this Board determines the adequacy of the parking spaces. He inquired the number of teachers and personel she has on the property.

Mrs. Frazer stated that she has ten classrooms. Some of the teachers are aids and are part-time. She employs eighteen people, some of which are there in the morning and some are there in the afternoon.

The activities proposed for the new 30'x70' building is student related, such as gymnastics and ballet.

In answer to Mr. Smith's question, Mrs. Frazer stated that there will be no performances for the public in that building. She stated that she has a ballet school that comes in and gives the lessons for the students that want them. The pupils contract with the ballet school. It is an optional after school activity. The requested hours of operation for the school is from 7:00 a.m. to 10:00 p.m.

Mr. Smith stated that this building is awfully close to a residential property line to be open until 10:00 p.m. at night.

Mrs. Frazer stated that she owns the contiguous property on one side and there is a church on the other side.

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

Mr. Joseph Taylor, 4102 Van Beebeek Place, resident of Sunset Village which is a townhouse development nearby the subject property, spoke in opposition. He stated that he represents the Sunset Village Homeowners Association and is also speaking as a resident of the nearby area. There are 59 houses along Sunset Lane and Backlick Road. He urged the Board to deny the request for this expansion to this facility. He stated that he felt the expansion of this use would seriously affect the zoning classification of residential for this area. Several years ago, several residents, including Mrs. Frazer, asked the Board of Supervisors to consider changing the zoning from residential to commercial. This will only entice the same people to make the request again with more justification. This additional building will only add more children and more traffic to Sunset Lane. If Mrs. Frazer wants a commercial business, then she could purchase some property adjacent to her present location which is already zoned commercial.

Mr. David Russell, 4912 Van Masdag Court, Annandale, Virginia, President of the Sunset Village Homeowners Association, spoke in opposition to the application. He stated that they understood that this proposed building was to be used for a community building, in addition to a school. His association feels that there is no need for a community building in their area. In addition, they feel that this additional use this close to the road will create an additional traffic hazard to this very narrow, 25', street. A number of residents in the area use Sunset Lane because the entrance of Sunset Lane on Backlick Road on the north side is not a safe exit into Backlick Road. They prefer to drive around the horseshoe and make the exit down by the church.

There was no one else to speak in opposition to the application.

Mr. Jim Tate, in rebuttal, stated that Mrs. Frazer has told him that she was not a party to the request for commercial zoning and she did not list her property for sale with the people who were trying to buy up the property in order to get it rezoned for commercial uses. This school has been in existence since 1965. He stated that he did not feel the proposed structures would affect the nearby neighbors at all. There is no increase in the number of children that will be at the school at any one time.

Mr. Smith stated that at the time the school originally went in, there was a lot of opposition. One of the things the people said was that they were afraid Mrs. Frazer would build more building and expand the facility. This proposed building will be closer to Sunset Lane and there are some students of the ballet class that will not be students of the school.

Mrs. Frazer stated that she would never have more than the 220 students that she is allowed even with the ballet classes. She stated that she has 165 students enrolled now. She stated in answer to Mr. Smith's question that she did not intend to sublease the proposed building to anyone else. She asked if the Board would object to her using the building for meetings of the various clubs that she is involved in, women's club, etc.

Mr. Smith stated that she had applied for a special use permit for a school and under that particular section of the ordinance, this is the only use the Board can consider. He stated that as far as he is concerned, a school is the only permitted use on the property.

The opposition, Mr. Russell and Mr. Taylor, asked if Mrs. Frazer would clarify her statement with regard to her support of the rezoning to commercial He stated that he had proof that she had signed a petition for rezoning.

Mrs. Frazer stated that she did not recall whether she did or did not sign a petition, but she had never actively supported a rezoning for commercial.

Mr. Russell asked if Mrs. Frazer considered her school to be non-profit.

Mrs. Frazer stated that this is not a non-profit organization. She pays taxes to the state and federal government. She stated that in the new County Plan, her property is designated as an "institutional use".

There was no further testimony. This concluded the public hearing.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-288-76 by Mildred W. Frazer and VIVLOW AND COMPANY appl. under Section 30-7.2.6.1.3 of the Fairfax County Zoning Ordinance to permit amendment to existing Special Use Permit to add a building, a porch, and extend hours of operation, 4955 Sunset Lane, 71-4((1))12 & 23, 2.8495 acres, Annandale District, RE0.5, S-288-76, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on December 21, 1976 and deferred to February 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 2.84 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students enrolled shall be 220.
8. The hours of operation shall be from 7:00 a.m. to 10:00 p.m., for school use only.
9. The minimum number of parking spaces shall be 27.
10. The building shall be used for school use only.
11. That the applicant shall comply with all of the provisions of the previous Special Use Permit, most particularly, that all busses and other vehicles used for transporting children shall be painted yellow with the words "School Bus, Stop, State Law" on the front and rear in letters at least six inches high, except that the words "School Bus" on the front may be in letters at least four inches high if space is limited or with the words "School Bus" on the front and rear in letters at least eight inches high, and shall be equipped with such warning devices as are required by state law. Those vehicles which are prohibited by state law from being marked in the manner required by this condition may not be used to transport children.
12. This permit is granted for three (3) years.

Mr. DiGiulian seconded the motion.

Mr. Tate objected to the time limitation on the permit because of problems it will cause with financing the new building.

Mr. Smith explained that the Board puts this limitation on most of the schools that are granted. This does not deny the applicant continued use if all conditions are met and she does not violate the Ordinance or Permit.

The motion passed 3 to 0. Mr. Smith abstained. He felt the building was too close to the narrow 25' street and that it will cause additional impact to the residential community.

10:20 a.m. - RICHARD E. GRAY appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of garage with less than required total side setback (17', 24' required for total), 9904 Corsica Street, Tanglewood Subd., 38-1((22))78, (16,806 sq. ft.), Centreville District, R-17 Cluster, V-290-76. (Deferred from 12-21-76 for proper notices.)

Mr. Gray submitted the required proof of notification to property owners of this hearing to the Board. The notices were in order.

Mr. Gray's main justification for the need for the variance was the irregular shape of his lot. In addition, the house sits at an angle on the property. The side of the house where the proposed double garage is to be is the only practical place the garage can be located. The proposed garage will be 8' from that property line. The other side is already only 9' from a pipestem to a lot in the back. The garage is proposed to be 21.8' wide.

In answer to Mr. DiGiulian's question, Mr. Gray stated that there is a step from the existing carport to the entrance to the house and there is a difference in the level of the carport and the level of the entrance to the house.

This step takes up some of the room needed for a double garage.

Mrs. Shirley Dash, property owner next door at 9904 Corsica Street, spoke in opposition to the application because she felt that this would cause Mr. Gray's house and her house to be too close together. She could not estimate the approximate distance between the two houses. She has a two car garage already.

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

Feb. 1, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-290-76 by Richard E. Gray under Section 30-6.6 of the Zoning Ordinance to permit construction of garage with less than required total side setback distance (17' requested, 24' required, total), 9904 Corsica Street, Tanglewood Subd., 38-1((22))78, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on February 1, 1977.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 16,806 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditons exist which under a strict interpretation of the Zoning Ord. would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land/involved.
/or buildings

NOW, THEREFORE, BE IT RESOLVED that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. The addition shall be architecturally compatible with the existing structure.

Mr. Barnes seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. He stated that he felt the applicant could cut the size of the garage down and still get reasonable use of his land.

10:40 - TRUSTEES, ST. JOHNS EPISCOPAL CHURCH, S-307-76
a.m.
Mr. Henry Machall, attorney for the applicant, submitted notices to property owners to the Board. However, his notices did not reflect the place of the hearing. The Board, therefore, deferred the case to March 8, 1977 at 10:00 a.m. for proper notices.

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11:00 - CANTERBURY WOODS SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of
a.m. the Zoning Ord. to permit addition to existing bath house of community swimming pool, 5101 Southampton Dr., Canterbury Woods, 70-3((8))5, 3.56362 acres, Annandale Dist., R-12.5 Cluster, S-308-76.

(Hearing began at 11:12 a.m.)

Janice Ruhlen, 8600 Dora Court, Annandale, Virginia, represented the applicant before the Board. She submitted proof of notification to property owners to the Board. The notices were in order.

Ms. Ruhlen stated that the proposed addition will be 20' x 14'. There will be no other changes. The hours of operation will remain the same, 9 A.M. to 9 P.M. The description of the building facade is 8" brick, buff colored to match the existing exterior brick of the existing structure.

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

February 1, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-308-76 by Canterbury Woods Swim Club, Inc. under Sec. 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit addition to existing bathhouse, 5101 Southampton Drive, 70-3((8))5, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5 Cluster.
3. That the area of the lot is 3.56362 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED that the subject application is granted with the following limitations:
1. All conditions of Special Use Permit S-725-67, as last amended, shall remain in effect.
i.e. 6. The maximum number of family membership shall be 400, which shall be residents of this subdivision.
7. The hours shall be from 9 A.M. to 9 P.M. Any after hours parties shall be limited to six (6) per year with prior written permission from the Zoning Administrator.
8. There shall be a minimum of 134 parking spaces for cars and 40 parking spaces for bicycles, and an emergency lane to the pool.
9. The site shall be completely fenced with a chain link fence as approved by the Director of County Development (now called Environmental Management.)
10. Landscaping, fencing, screening and/or planting shall be approved by the Director of County Development (now called Environmental Management.
11. All loudspeakers, noise and lights shall be directed to pool area and confined to site.
2. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
3. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of

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expiration.
4. This approval is granted for the building and use indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
5. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
6. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

Mr. Swetnam seconded the motion.

The motion passed unanimously. Mr. Durrer was absent.

11:10 a.m. - MARCIA BACHNER AND GREAT EQUITATIONS, INC. appl. under Sec. 30-7.2.8.1.2 of the Zoning Ordinance to permit riding school and stable, 9809 Arnon Chapel Road, 8-3((1))19, 66.2397 acres., Dranesville District, RE-2, S-309-76.

Mr. Charles Shumate, attorney for the applicant, submitted the required proof of notification to property owners of this hearing to the Board. The notices were in order.

Mr. Shumate submitted a copy of the lease modification to the Board. Great Equitations, Inc. is purchasing the assets of Deerfield Riding School and assuming the existing lease. This will be the same type operation as Deerfield with only the change in ownership. He stated that he had filed the application in the name of Marcia Bachner because he was still in the process of filing for the corporation. The corporation now has been formerly organized. A certificate is in the file on the corporation from the State Corporation Commission.

The Board amended the application to remove the name of Marcia Bachner.

Mr. Shumate stated that on March 3, 1976, this Board granted a Special Use Permit to Deerfield Riding Stable and School. This use goes back to 1964 when the Board granted a permit for a riding stable and school to the Erkiliations.

He read a letter into the record from Karen Washburn, Arnon Chapel Road, dated January 26, 1977, in support of this application.

In answer to Mr. Swetnam's question, Mr. Shumate stated that the driveway from the road has been paved.

Marcia Bachner, 11509 Bedfordshire Avenue, Potomac, Maryland, testified before the Board. She stated that they will have five instructors. These are qualified instructors. They do have full insurance with the Payola Insurance Company. They will buy, sell and trade horses and also take boarders. Some of the students board their horses there. They normally keep about 25 boarders. They have 40 school horses.

In answer to Mr. Smith's question, Ms. Bachner stated that there are no living quarters on the property. They leave the property every night about 9:30 and make sure that the horses have plenty of hay and water. There is no one there during the night.

Mr. Barnes stated very emphatically that there was no way that this could be allowed. He inquired about what would happen if there was a fire.

Ms. Bachner stated that there is a house nearby with someone living there who could let the horses out. They are not employeed by them to do that, however.

Mr. Barnes stated that if the operation is to continue, they must have someone on the property at all times. He asked if they have a sprinkler system in

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the barn.

Ms. Bachner answered "No", but there are five fire extinguishers and an alarm system. They also have a guard dog.

After a brief discussion regarding the lack of insurance papers, the Board decision was that it could make a decision conditioned upon receiving the insurance papers.

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

Feb. 1. 1977 R E S O L U T I O N Bd. of Zoning Appeals

WHEREAS, Application S-309-76 by Great Equitations, Inc. under Section 30-7.2.8.1.2 of the Fairfax County Zoning Ordinance to permit riding school and stable on property located at 9809 Arnon Chapel Road, tax map 8-3((1))19, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Cajoll Company. The applicant is the lessee.
2. That the present zoning is RE-2.
3. That the area of the lot is 66.2397 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT THE applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of horses shall be eighty (80).
8. The hours of operation shall be 8 A.M. to 9 P.M., 7 days per week.
9. A caretaker or security guard shall be on the premises at all times.
10. This permit is granted for three (3) years with the Zoning Administrator being empowered to grant three (3) one (1) year extensions.
11. Proof of adequate insurance is to be provided and kept current.
12. A method approved by the Health Dept. is to be used in the disposal of horse manure.

Mr. Barnes seconded the motion.

The motion passed unanimously. Mr. Durrer was absent.

11:30 a.m. - CLARKE L. HERBERT appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of a wooden deck 40' from the front property line (45' required), 7500 Elba Road, Hollin Hills Subd., 93-3((16))8, 17,515 sq. ft., Mount Vernon District, R-17, V-310-76.

Mr. Herbert submitted the required proof of notification to property owners of this hearing. The notices were in order.

Mr. Herbert's main justification for the need for this variance was the location of the existing building on the lot.

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

Feb. 1, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-310-76 by Clarke L. Herbert under Sec. 30-6.6 of the Zoning Ordinance to permit a wooden deck 40' from front property line (45' required), 7500 Elba Road, 93-3((16))8, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. The present zoning is R-17.
3. The area of the lot is 17,515 sq. ft.
4. The Board finds that the applicant's property has an unusual condition in the location of the existing buildings on the subject property;

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

NOW, THEREFORE, BE IT RESOLVED that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

11:40 a.m. - THEODORE B. SIMPSON appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of a garage 10' from side property line (20' required), 934 Dead Run Drive, Broyhill Langley Estates, 21-3((11)) 74, 20,086 sq. ft., Dranesville District, RE-0.5, V-311-76.

Mr. Simpson submitted the required proof of notification to property owners to the Board. However, in his letter to the property owners, he failed to give them the time, date and place of the hearing. He had referred to an attachment. He stated that that attachment was a copy of the County's letter to him notifying him the time, place and exact date of the hearing.

Mr. Smith stated that that would not be sufficient to meet the notice requirement of this Board. The case was deferred to March 8, 1977 at 10:20 a.m.

The Board explained to Mr. Simpson exactly what the letter of notification to property owners should say.

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11:50 a.m. - ROBERT V. H. DUNCAN appl. under Sec. 30-6.6 of the Zoning Ord. to permit subdivision of a lot into two lots with less than required lot width, 10700 Old Colchester Road, 113-3((1))24, 2.8289 acres, Mount Vernon District, RE-1, V-321-76.

(The hearing began at 12:10 p.m.)

Mr. Paul M. Hunt, Jr.,740 Harrison Lane, Alexandria, Virginia, represented the applicant before the Board. He submitted the required proof of notification to property owners which were in order.

Mr. Hunt stated that because they are requesting subdivision of this parcel they arerequired to dedicate 10' along Old Colchester Road and 15' along Furnace Road. This dedication, along with the irregular shape of the property causes the need for these variances. In addition, the property fronts on two streets. Parcel "B" of the proposed subdivision has an existing structure on it already which is occupied and maintained. Parcel "A" also had a house on it which burned down. The remains are still standing. The granting of these variances will not cause any adverse impact to the neighborhood. There are improved lots across the street and directly to the rear of the property. The lots across the street are smaller than the two proposed lots. Both lots meet the minimum area requirements as set forth in this zoning district.

There was no one else to speak in support of the application and no one to speak in opposition.

Feb. 1, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-312-76 by Robert V. H. Duncan under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit subdivision of lot into two lots with less than required lot width, 10700 Old Colchester Road, 113-3((1)) 24, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.8289 acres.
4. The Board finds that the applicant's property is exceptionally irregular in shape.

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

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

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Swetnam seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained.

12:00 Noon - PARKMONT SCHOOL, INC. appl. under Sec. 30-7.2.6.1.3.2 of the Zoning Ordinance to permit construction of a temporary structure on existing school property for use as an athletic facility, 1670 Chain Bridge Road, 30-3((1))54, 55, (4 acres), Dranesville District, R-12.5, S-313-76.

(Hearing began at 12:25 p.m.)

Ms. Elia Parsons, 210 Fifth Street, N.E., Washington, D. C., President of Parkmont School, submitted the required proof of notification to property owners to the Board. The notices were in order.

Ms. Parsons stated that the request is to build a structure on the property. The structure will be in the form of a bubble, 35' x 40' and 15' high. This building must be a certain number of feet away from any building. The building will be used for indoor sports and some drama work. She stated that the bubble will be approved by Fairfax County's building department.

In answer to Mr. Smith's question as to whether or not the building is fire-proof, Ms. Parsons stated that it would be.

Mr. Smith stated that this is the type structure that has a continuous blower in it that keeps the balloon inflated. He stated that he is concerned about the safety of the children should this structure deflate for any reason.

Mr. Covington, Assistant Zoning Administrator, stated that he has some concerns about that also.

In answer to Mr. Swetnam's question, Ms. Parsons stated that the school has a total of 58 children enrolled from 8:30 a.m. to 4:00 p.m. They have a split shift. There would never be 58 children in this structure at any one time. She stated that have have a lease agreement with the landowner which expires in 1979.

There was no one else to speak in support and no one to speak in opposition to this application.

Feb. 1, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-313-76 by Parkmont School, Inc. under Sec. 30-7.2.6.1.3.2 of the Zoning Ord. to permit the construction of a temporary structure on existing school property to be used as an athletic facility, 1670 Chain Bridge Road, 30-3((1))54, 55, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Warren R. Birge, Jr., W. C. Thomas and T. Roy McIntosh. The applicant is the lessee.
2. That the present zoning is R-12.5.
3. That the area of the lot is 4 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures, structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board. It shall be the duty of the Permittee to apply to this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board.

for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

7. The maximum number of students in the entire school shall be 55.

8. The hours of operation shall be from 8:30 a.m. to 3:30 p.m.

9. The minimum number of parking spaces shall be six (6).

10. All provisions of the previous Special Use Permit shall be in force.

Mr. Barnes seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. Mr. Durrer was absent.

DEFERRED ITEM: February 1, 1977
C. E. REID, V-256-76. The Board deferred this case until January 18, 1977, in order for the applicant to work out some problems. The Board had ruled that it could not hear all the variance requests for all the lots in questions in one application. The Board had informed the applicant that he could amend his application to request a variance on just one lot in the subdivision. For any other requests, he would have to make a separate application for each lot in question. The Board had ruled this way because granting variances on all the lots in question would be tantamount to rezoning, which this Board has no authority to do.

Mr. Reid has now gone back to the Board of Supervisors for rezoning. His case is scheduled to be heard by the Planning Commission on February 16, 1977 and by the Board of Supervisors on February 28, 1977. Mr. Reid is requesting R-10 zoning. He now has R-12.5.

The Board had had no correspondence or information from the applicant that he wished to continue with the variance procedure.

The Board deferred the decision on this case until March 18, 1977.

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AFTER AGENDA ITEM: February 1, 1977
JIM L. WELLS, Special Permit No. 8177, Granted originally March 13, 1962 and JIM L. AND EVA J. WELLS, S-122-70, Granted July 21, 1970 for antique museum Mr. Wells is in violation of the Special Use Permit limitation which states, "No. 7. There shall be no outside storage of equipment or display of advertising signs." In addition, he is in violation of the section of the Ordinance governing signs for Special Permit uses, Section 30-7.1.5.

Mr. Wells appeared before the Board in person and requested the Board remove its limitation No. 7. He stated that this article which he has on his property is a prize possession. It is not for sale for any price. This is a replica of the RCA trademark with a dog talking into a victrola.

Only two of the members of the Board that was on the Board at the time this was granted are still on the Board; Mr. Smith and Mr. Barnes.

Mr. Smith's feeling was that this is in violation to the Special Permit and must be removed. It is also in violation of the Ordinance.

The Board discussed this at length.

Mr. Barnes stated that he saw no problem with this dog, but if the Board allows this dog displayed, it will have to allow display for all antique shops.

Mr. Wells stated that the one difference is that this item is not for sale. This could be considered a toy because it is a personal item that he does not wish to get rid of. This is a farm and all farms have dogs. He stated that he does enjoy seeing children come to visit the dog and seeing their eyes light up with joy.

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Mr. Smith stated that in 1970, the Board granted the applicant permission to replace some existing buildings on the property with new facilities for recreational and educational musical museum. These new facilities have never been constructed. It would be perfectly all right to place the dog in a new building, or in an old building, as long as it is not outside. He suggested to Mr. Wells, if this was not possible, to ask the Park Authority or Federal government to take the dog.

Mr. Wells stated in answer to Mr. Smith's question, that the dog is 14' high.

Mr. Swetnam stated that he would rather see the dog in private ownership rather than the government. He suggested that Mr. Wells see what he could do about placing some type of roof over this dog, or a glass house.

Mr. Smith stated that that would be creating a problem. People slow down as they drive by on Lee Highway now just to see the dog. This could be a hazard. He stated that he would have no problem with Mr. Wells' building a building for the dog. He stated that he didn't feel there would be any opposition to that.

Mr. Wells asked how the Board would feel about moving the dog back behind his house.

Mr. Smith stated that the Code and the Special Use Permit specifically prohibits anything outside for display purposes. He stated that the Zoning Department has been especially lenient with Mr. Wells. Mr. Wells stored a steam engine outside there for a long time.

Mr. Covington stated that that could be construed as farm equipment.

It, therefore, was the consensus of the Board that the dog would have to either be removed or housed in a structure in order to meet the specific requirements of both the Zoning Ordinance which was adopted by the Board of Supervisors and the Special Use Permit granted by this Board in accordance with that Ordinance.

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AFTER AGENDA ITEM: February 1, 1977

JOSEPH SHOLTIS, S-224-72, Granted January 9, 1974 for 2 years with the Zoning Administrator being empowered to grant 3, one year extensions. On Nov. 23, 1976, Mr. Sholtis requested the Board lift the time limit restriction in order that the antique shop could continue to operate since the Board of Supervisors removed "Antique Shop" from the community use section of the Ordinance.

Lenn Koneczny, Zoning Inspector, made an inspection of the property and found the use to be in compliance with the Special Use Permit and the Zoning Ordinance.

(This is the only Special Use Permit granted for a limited time period for an antique shop which is about to expire and cannot be renewed under the new Ordinance amendment.)

Mr. Smith stated that the Board had discussed this previously and had agreed to remove the restriction of time limitation with certain conditions. Those conditions being that Joseph and Maude Sholtis own, operate, and live on the premises. When they cease to live there or own the property, or no longer operate the shop, then the permit is no longer valid.

Mr. Swetnam suggested that they be allowed to operate it for the next 25 years under those conditions, if they live on the premises.

Mr. Smith stated that that was all right, as long as no one else be allowed to operate it.

Mr. Smith stated that the Board is amending Condition No. 9 of S-224-72, by extending the operation for 25 years.
All the Board members agreed. Mr. Durrer was absent.

// The Board added that Joseph and Maude Sholtis must continue to own and operate the property and the shop as well as continue to live on the premises.

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SHOLTIS (continued)

AFTER AGENDA ITEM:

DON'S TEXACO, 8315 OLD KEENE MILL ROAD, 79-3((1))14, S-867-68.

This station was found to be in violation because of several things, primarily the Sign Ordinance. However, the violations have now been cleared. (See Letter from Zoning Inspector) and the Board is also in receipt of a letter from Mr. G.R. Mills, Acting Division Marketing Manager, dated January 26, 1977, stating that the company has asked Mr. Donald Crump, the retailer, to conform with all zoning.

Mr. Smith stated that he was glad the station has finally conformed and justice has prevailed.

The Board members agreed. No Show-Cause hearing is now necessary.

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AFTER AGENDA ITEM: February 1, 1977
WALNUT HILLS RACQUET CLUB, INC., S-261-75, Granted January 28, 1976.
REQUEST FOR EXTENSION (SEE LETTER IN FILE)

Mr. DiGiulian stated that he would abstain since he worked on the plats for this case.
Mr. Smith read the letter requesting the extension citing the reasons for delay.
Mr. Swetnam stated that he would move that the requested extension be granted for 180 days from January 28, 1977.

Mr. Barnes seconded the motion.

The motion passed 3 to 0. Mr. DiGiulian abstained. Mr. Durrer was absent.

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AFTER AGENDA ITEM: February 1, 1977
JOHN O. WAGNER, EXECUTOR OF ESTATE OF MABEL V. WAGNER, V-302-76.
(Letter from Mr. William Hansbarger, attorney for the applicant, dated January 28, 1977 requesting the Board reconsider having a rehearing on this case and stand by its original decision. His letter set out the points pertinent to that position.)

Mr. Barnes stated that he felt it was a mistake to have a rehearing. He stated that the letters submitted by Mrs. Richards and Mrs. Day requesting the rehearing did not set forth any new evidence, in his opinion.
He stated that he felt that when you have a hearing on whether or not to have a rehearing, the evidence should be presented then.

Mr. Smith stated that one of the points of the new evidence was that the Chair did not allow Mrs. Richards to say what she had planned to say that might have caused the Board's decision to have been different. He stated that there is also a question on the adequacy of the notification to property owners of this original hearing. In order to sustain the Board's position in this case and to be sure that the Board has all the information to make a decision, then if the case goes to Court, the Board will be in a better position on it if it goes ahead with the hearing.

It was the Board's decision to go forward with the rehearing.

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AFTER AGENDA ITEM:

APPROVAL OF MINUTES.

Mr. Swetnam moved that the Minutes of January 4, 1977 be approved.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

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February 1, 1977 - After Agenda Item
HOME PROFESSIONAL OFFICES, ZONING AMENDMENT #285.

The Board was in receipt of a letter from Mr. Knowlton, Zoning Administrator, dated January 31, 1977, attaching a certified copy of Zoning Amendment #285 relating to Home Occupations, Home Professional Offices and Offices in R Districts, which was adopted by the Board of Supervisors on January 10 to take effect on January 24, 1977. At its meeting on January 24, the Board of Supervisors further amended this amendment, on an emergency basis, by adding a paragraph to the definition of Home Occupation (which does not directly relate to the BZA), and a grandfather clause to the provisions regarding Home Professional Offices. The Zoning Office is not yet in receipt of the text of that amendment. The letter further discussed the details of that amendment and how it might conflict with the present Board policy for the granting of Home Professional Offices in residential districts.

The Board deferred further discussion or action on this until they had had time to read and study the amendment and the emergency amendment which they did not have the text for.

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There was no further business before the Board. Mr. Swetnam moved that the meeting adjourn. Mr. DiGiulian seconded the motion and the motion passed unanimously. The meeting adjourned at 3:52 p.m.

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Jane Carolyn Kelsey
JANE CAROLYN KELSEY, CLERK
TO THE BOARD OF ZONING APPEALS

Submitted to the Board of Zoning Appeals on _____

Submitted to the Board of Supervisors, Planning Commission and other Depts. on _____.

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED March 8 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, February 8, 1977. Members Present: Daniel Smith, Chairman; George Barnes; Tyler Swetnam; and John DiGiulian. William Durrer, Vice-Chairman, was absent.

The meeting opened with a prayer by Mr. Barnes.

(The meeting began at 10:10 a.m.)

10:00 a.m. - ERNEST AUDET AND ALEXANDRIA SMALL PARTS AND RAPAIR, INC. appl. under Sec. 30-6.5 of the Zoning Ord. to appeal Zoning Administrator's interpretation of Sec. 30-2.2.1 (subsec. C-N), 4711 Backlick Road, 71-1((1))122 and 123, Annandale Dist., C-N, V-314-76.

Mr. Roland Hartshorn, 6400 Arlington Blvd., attorney for the applicant, appeared before the Board on the applicant's behalf.

Mr. Hartshorn submitted to the Board notices to contiguous property owners of this hearing, photographs of the property, a certificate of good standing on the corporation, and a statement of Mr. Audet.

Mr. Hartshorn submitted maps locating this property and explained that this shop in question is in a small shopping center and is one of three stores. The other stores are a 7-11 and a hardware store.

This matter has come before the Board upon an appeal of Mr. Audet who is the President and operating manager of Ward's Workshop. Ward's Workshop is owned by the corporation. The shop is licensed in the corporate name. Mr. Audet was issued a violation notice by Zoning Inspector, Lenn Koneczny, which constitutes a decision by the Zoning Administrator. The violation alleges that Mr. Audet is violating Sec. 30-2.2.1 and the letter from the Zoning Administrator regarding this case says that Mr. Audet had "storage of merchandise and material outside of an enclosed building...a use not permitted". The Schedule of Regulations for the C-N District allows appellant's business as a use permitted by right "...when conducted entirely within an enclosed building, with no outside display of food or any other goods or merchandise except plants and flowers...".

Mr. Hartshorn stated that it is the appellant's position that he did not violate the regulations in question and that the Zoning Administrator's decision is unduly restrictive of the terms of the Ordinance. Mr. Audet does not store merchandise outside because it is the appellant's position that when you display food or merchandise, you put them out to offer them for sale. Mr. Audet does not offer the lawnmowers that he has in the rear of his shop for sale. These are customer's lawnmowers that are in various stages of repair. Some have been abandoned by the customers and Mr. Audet has not yet been able to get the man who picks up junk to take them away. Some of the abandoned lawnmowers are taken to schools and given to the industrial arts department for students to tear them down and work on them. He stated that there is nothing in the Zoning Ordinance that prohibits the storage of items outside the building.

Mr. Smith stated that he felt the Zoning Administrator is being very generous with the Ordinance to allow repair of lawnmowers in this C-N zone. This is a noisy job.

Mr. Covington stated that repair is not permitted in a C-N district. Apparently Mr. Audet has been there a long time or is doing this illegally.

Mr. Koneczny stated that Mr. Audet was not charged with the repair of the lawnmowers, just with the storing of them outside.

In answer to Mr. Smith's questions, Mr. Hartshorn stated that this business has been in existence since 1968. Mr. Audet purchased the business in 1973. There is an occupancy permit for the use. That permit says that this workshop will be used as a tool sales and service.

The Board members discussed what constitutes a "tool" whether that would include lawnmowers or not.

Mr. Covington, Assistant Zoning Administrator, stated that he had occasion to go to the County Attorney, Don Stevens, to inquire as to whether or not lawnmowers could be repaired in a C-N district. It was his opinion that they could not be repaired in a C-N district. The location in question at that time was in a C-N district across from Mr. Alexander's hardware store in Franconia.

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Mr. Covington stated that the section of the ordinance pertaining to the uses that are permitted in a C-N zone says, "b. Stores for the retail sale or repair (or both) of household appliances; musical instruments; sports goods..."

Mr. Smith stated that he did not feel that lawnmowers are household items.

The Board members discussed this question at length.

Mr. Hartshorn stated that he did not feel that this is the question before the Board. Mr. Haley was the man who signed the statement as to the use of the property when the occupancy was obtained in 1968. Mr. Audet did not purchase the property until 1973. Lawnmowers have been repaired there since 1968. He stated that the word "service" means repair.

Mr. Smith disagreed and stated that "service" in the Ordinance refers to personal service.

Mr. Lenn Koneczny, Zoning Inspector, stated that his office received a complaint regarding Ward's Workshop in December. On December 7, he issued Mr. Audet a violation notice for the storage of merchandise and equipment outside the building. He submitted photographs of the property showing this merchandise. There were approximately 50 lawnmowers there at that time. They have subsequently been removed. They are now in a fenced area behind the building. They are still outside the building.

In answer to Mr. Smith's question,if Mr. Koneczny discussed with the Zoning Administrator the possible violation of the repair shop in this district,

Mr. Koneczny stated that he had discussed it with Mr. Knowlton and Mr. Knowlton said that lawnmowers fall within the category of household items.

Mrs. Kelley, a contiguous property owner in the townhouse development next to these shops, testified that Mr. Audet has not only been repairing lawnmowers outside the shop, but also has been repairing chain saws and mini-bikes. She stated that they moved into their house in 1971. For about eighteen months, there was no problem. There were lawnmowers being repaired, but they were not too bad. Then he started to repair chain saws and it became impossible. They had their elderly mother living with them and this constant noise became unbearable. Their mother is now in a nursing home. She stated that she is an audiometric technician and knows what this constant noise can do to anyone. All of the repairs on these large lawnmowers, chain saws, and mini-bikes are done outside. At one time the noise went on until 11:00 p.m. and on Saturday and Sunday. One Saturday, two young men were on the riding mowers going back and forth just playing with them.

Mrs. Kelley stated that the chain saw is the most disturbing machine that they repair.

Mr. Smith stated that this is just the reason why these items should not be allowed to be repaired in a C-N district because there are so many people living so close to these districts. Under no condition should these repairs be allowed outside.

Mr. Covington stated that that should be in an industrial zone.

Mr. Barnes stated that this shop is surrounded by residential.

Messrs. DiGiulian agreed that mini-bikes certainly could not be construed to be household items.

Mr. Smith noted for the record,correspondence the Board had received from Mr. E. B. Duff detailing the amount of noise that comes from the chain saws, etc. being repaired.

In rebuttal, Mr. Hartshorn asked Mr. Koneczny through the Chair, what he felt corrective measures might be for this problem.

Mr. Koneczny answered that he could put a trailer on the property with the proper permits or he could construct a building for this purpose, or confine the use to the building that he now has.

In answer to his question if Mr. Koneczny felt this use constitutes an effect on the public welfare, Mr. Smith stated that that was an unfair question. He stated that Mr. Hartshorn is putting the Zoning Administrator in a position of expanding on his primary job which is to uphold the Zoning Ordinance.

Mr. Swetnam stated that he felt the problem could be resolved, at least in part, by several means, either holding the equipment inside or acquiring a trailer with the proper permits. However, he stated that the appellant is going to have to limit himself to the repair of those things that are permitted under the Ordinance. He stated that he couldn't see stretching the Ordinance that far to allow the repair of mini-bikes and even the repairing of a chain saw gets a little 'far out' under the Ordinance. He stated that he would recommend not repairing those two items.

Mr. Smith stated that a chain saw is certainly very noisy. And no repair can be permitted outside the building.

Mr. Swetnam moved that in this case of Ernest Audet and Alexandria Small Parts and Repair, Inc., V-314-76, the Board uphold the decision of the Zoning Administrator; that storage of merchandise and equipment or materials is not permitted outside the building in the C-N zone.
Mr. Barnes seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

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10:30 - OLD KEENE MILL SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit community recreation facility, 6301 Lee Chapel Road, 78-3((1))pt. of 7, Bent Tree Subd., 3.5 ac., Springfield Dist., RE-1, S-315-76.

Mr. Robert Waples, 6138 Shiplett Blvd., represented the application before the Board. He submitted the required proof of notification to property owners of this hearing. The notices were in order.

Mr. Waples stated that this facility will serve the Bent Tree Subdivision bordered by Burke Lake Road, Lee Chapel Road, and Pohick Creek. There are 1,000 families residing in those boundaries. These 1,000 families will be served without crossing a major thoroughfare. This pool will have a 600 family membership register. There are 84 parking spaces, or 7.5 families per parking space. This is a better ratio than most of the similar type pools in the area. Hunt Valley has 7.3 families per parking space. In addition to the parking, Mr. Waples stated that they also have bicycle racks. The hours of operation are proposed to be from 9:00 a.m. until 11:00 p.m. The swim team will practice from 9:00 a.m. until 11:00 a.m. when the pool will open for the members.

Mr. Waples stated that from their studies of other pools in the area, there will be an average of no more than 100 to 120 people at this pool at any one time. There will be three tennis courts. The courts will be lighted with Devoe type lights which will be automatically turned off at closing time.

Mr. Smith stated that there is a letter in the file from the Highway Dept. approving the cul-de-sac as shown on the plats. He asked Mr. Winfield from the office of Preliminary Engineering if he had comments on this.
Mr. Winfield stated that he did not. Mr. Waples stated that all the problems concerning this cul-de-sac have been worked out with the Highway Department and Preliminary Engineering through much effort.

In answer to Mr. Swetnam's question, if the facility would have enough parking during swim metes, Mr. Waples states that he had been over to Hunt Valley and other nearby pools and has found that they have no major problems with parking. Most of the teams come to the pool in a bus. It will be a hassle with the major swim metes, but there is only one each summer.

In answer to Mr. Swetnam's question, if the club plans to expand to 1,000 families in the future, Mr. Waples stated that they do not.

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

Mr. Swetnam reminded the applicant's representative that all parking must be on site at all times.

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RESOLUTION

Mr. Swetnam made the following motion:

WHEREAS, Application S-315-76 by Old Keene Mill Swim Club, Inc. under Section 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit the construction of and operation of a community recreation facility including a swimming pool, wading pool, bath house, and 3 lighted tennis courts, 6301 Lee Chapel Road, 78-3((1))part of Lot 1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 3.27 acres.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the building and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit shall be POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 600 family members.
8. The hours of operation shall be from 9 A.M. to 9 P.M.
9. The minimum number of parking spaces shall be 84.
10. Any After-Hours Parties shall be limited to Six (6) per year and shall require the prior written permission from the Zoning Administrator.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

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10:45 - RONALD E. PELLETIER appl. under Sec. 30-6.6 of the Zoning Ordinance to permit subdivision with two lots having less than required lot width, about 800' from Kinchelow Road on Old Yates Ford Road, 94-2((1))3, 13.4316 acres, Springfield Dist., RE-1, V-316-76.

Mr. Larry N. Scartz, 2804 Davis Ford Road, Woodbridge, Virginia, the surveyor on this job, submitted the required proof of notification to abutting property owners. The notices were in order.

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PELLETIER (continued)

Mr. Scartz stated that the main reason for needing these pipestems is because of the soils information. The two areas in the back known as Parcel C and D would be where the two rear building sites would be located. That is where the soils are good enough for septic fields. To get back to these two lots, they are using the pipestem concept. All these lots meet the required lot area for RE-1 zoning. He showed Mr. DiGiulian the soils map indicating the two areas that would perk. He stated that these lots are all on septic fields and wells.

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

Feb. 8, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-316-76 by Ronald E. Pelletier under Sec. 30-6.6 of the Zoning Ordinance to permit subdivision with two lots having less than required lot width on property located on Old Yates Ford Road approximately 800' from Kincheloe Road, 94-2((1))3, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the area of the lot is 13.4316 acre.
3. The Board finds that the applicant's property has an unusual requirement for the location of the septic systems on the property.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

11:00 a.m. - KARL J. STALKER appl. under Sec. 30-6.6 of the Zoning Ord. to permit erection of garage closer to side property line than allowed by Ord. (4', 12' required), 8722 LaGrange St., Pohick Estates Subd., 108-1 ((2))266, 10,711 sq. ft., Lee Dist., R-12.5, V-1-77.

Joan Stalker testified before the Board. She submitted the required proof of notification to property owners to the Board. The notices were in order.

Mrs. Stalker's main justification for needing this variance is the shape of the lot which is pie-shaped which causes the back corner of the proposed garage to be too close to the side property line.

Mr. DiGiulian stated that the front portion of the garage is 11.9' from the side property line and the requirement is 12'.

Mr. Smith suggested that the applicant cut the size of the garage down to a one-car garage.

In answer to Mr. DiGiulian's question, Mrs. Stalker stated that there is a step and a platform leading into the house.

Mr. DiGiulian stated that that would cut down the size of the garage to where only one car would fit into it.

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

STALKER (continued)

RESOLUTION

Mr. DiGiulian made the following motion:

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WHEREAS, Application V-1-77 by Karl J. Stalker under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit construction of a garage closer to side property line than allowed by Ordinance (4', 12' required), 8722 LaGrange Street, 108-1((2))266, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,711 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. The construction is to be architecturally compatible with existing structure.

Mr. Swetnam seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained. Mr. Durrer was absent.

11:15 a.m. - KENNETH PAUL THOMAS appl. under Sec. 30-7.2.6.1.14 of the Zoning Ordinance to permit architect's office in home, 3318 Hemlock Drive, Holmes Run Acres Subd., 59-2((8))(4)27, 10,200 sq. ft., Providence Dist., R-12.5, S-2-77.

(Hearing began at 11:45 a.m.)

Mr. Thomas submitted the required proof of notification to property owners of this hearing to the Board. The notices were in order.

Mr. Thomas stated that he is contracting to purchase this property. He is now living in an apartment. He will operate this office with a partner, Mr. Larry Barton, resident of Holmes Run Acres for nine years, at 7800 Sycamore Drive. The proposed hours of operation will be from 9 A.M. until 5 P.M., Monday through Friday. The firm name will be Barton and Thomas A.I.A. Architects - Planners. He will reside on the second floor of the structure, using the first floor for the business. There will be no employees other than Mr. Barton and himself. The number of clients is difficult to estimate, he stated, because of the nature of the profession. Architects generally require only spasmodic and infrequent communication with clients. The number quoted in the statement, five, represents the number of clients they performed services for during the year of 1976. The total number of times they hosted meetings with these clients was a maximum of one to two times per month and probably less. It has been their practice to leave their place of business and travel to the client for required meetings. It is their opinion that the "trip generation" will be so irregular and infrequent that they could be compared to normal residential family visitation movement. Mr. Barton will walk or bicycle to the property.

In answer to Mr. Smith's question regarding the comments from Preliminary Engineering, Mr. Thomas stated that he has submitted new plats showing that the parking spaces and driveway will be paved with a dustless surface. However, he stated that he did not wish to increase the driveway to 22' because he did not feel this would be in keeping with the residential character of the neighborhood. He stated that he would ask Preliminary Engineering for a waiver of this requirement. He stated that he had discussed this with Mr. Reynolds from that department.

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THOMAS (continued)

The staff report indicated that since this application is the first of its kind to be considered under the amended specific requirement for Home Professional Offices, it is noted that the obvious non-residential uses in the vicinity include the VEPCO Substation adjoining the Subdivision at Gallows Road and I-495, Woodburn Elementary School at Gallows Road and Hemlock Drive, and Luria Park at the easterly end of Holmes Run Drive.

Mr. Smith stated that he felt the report was vague and stated that he felt the staff should do more thorough checking.

Mr. Thomas stated that there is another architect's office in Holmes Run Acres on Surrey Lane where Mr. Robert Norstrom lives and operates his business. He has operated his business there since 1965.

Mr. Covington stated that architects did not have to have Special Permits in 1965. They could open their business in their home by right. The Zoning Office would have no record of that.
There was a letter in support from the property owner across the street. Mr. Smith noted this for the record.

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

Feb. 8, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-2-77 by Kenneth Paul Thomas under Sec. 30-7.2.6.1.14 of the Fairfax County Zoning Ordinance to permit an architect's office in home, 3318 Hemlock Drive, 59-2((8))(4)27, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Hans P. and Elka Deede. The applicant is the contract purchaser.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,200 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses IN R DISTRICTS as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Boad's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of parking spaces shall be 2.
8. This permit is granted for a period of three (3) years.

9. The sign shall be limited to two (2) square feet.
10. There shall be no exterior alterations.

Mr. DiGiulian seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained. Mr. Durrer was absent.

11:30 a.m. - BURKE CENTRE PARTNERSHIP appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit construction of a community center (including bath house), swimming pool, and tennis courts, located off Burke Lake Road, Burke Center Subd., 78-3((1))part of parcel 33, 5.23339 acres, Springfield Dist., RPC, S-3-77.

John T. Hazel, attorney representing the applicant with office on University Drive, Fairfax, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Hazel stated that the subject property is surrounded by property owned by the applicant. He stated that this applicant was before the Board in December for a permit to construct an all-purpose court. He put on the screen before the Board a layout of what Neighborhood One of Burke Centre would consist of. He stated that this recreational area will serve primarily Neighborhood One, but anyone from Burke Centre could conceivably use it.

The proposed bath house will be a bungalow type low building.

Mr. Hazel stated that he has no problem with either the site plan requirements or parking requirements. As far as a development plan for the entire Burke Center, they do have problems with that. He stated that he is not sure that it would be well for the County or the owners to try to file a development plan for the entire 1400 acres. They are filing development plans by neighborhood. This is much more realistic. About 500 homes are eligible to participate in this facility. This will yield about 300 that will actually participate. The community building of which the bath house is a part will be used for general meetings. The materials to be used in the construction of this building will be wood and masonry with a tin or galvanized roof. They have no plans to light the tennis courts. They propose the hours of operation to be from morning until dusk.

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

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-3-77 by Burke Centre Partnership under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit construction of community center, swimming pool bath house, and tennis courts, on property located at Burke Lake Road, Burke Centre, 78-3((1))part of 33, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Burke Centre Partnership.
2. That the present zoning is RPC.
3. That the area of the lot is 5.23339 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in

the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additbnal uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be from 8 A.M. to 10 P.M., seven days a week.
8. The minimum number of parking spaces shall be 61.

Mr. Swetnam seconded the motion.
The Board discussed the hours of operation. They were left as stated above.
The motion passed 3 to 0. Mr. Smith abstained.
Mr. Durrer was absent.

11:45 a.m. - 820 SOUTH CARLYN SPRING ROAD, A VA. LTD. PARTNERSHIP & WILLIAM J. AND NORMA F. BRILL appl. under Sec. 30-7.2.6.1.3 and Sec. 30-7.2.6.1.3.2 of the Zoning Ord. to permit change of ownership for existing school, 820 South Carlyn Spring Road, 62-1((2))6, 31,855 sq. ft., Mason District, R-12.5, S-4-77.

Mr. William Hansbarger, attorney for the applicant with offices at 10523 Main Street, Fairfax, submitted the required proof of notification to property owners of this hearing to the Board. The notices were in order.

(The hearing began at 12:22 p.m.)

Mr. Hansbarger stated that this is an existing private school that has been in operation for about twenty years under a Special Permit granted to Mr. and Mrs. Runyon. There are no proposed changes in this school other than a change of ownership. The proposed change will have the partnership owning the school and the property and William and Norma Brill operating the school. The permit was granted for 225 students with ages 2 to 8 from 7 A.M. to 6 P.M., nursery through 1st grade. They would like to have nursery through 2nd grade with the same number of students and the same hours of operation. The ages of the children will also stay the same.

Mr. Smith stated that the Health Dept. states in its letter to the Board that it will allow the school to have 195 students at any one time. He suggested the resolution reflect this number.

Mr. Hansbarger stated that the name of the school will also stay the same, Bobbe's Private School.

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

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

RESOLUTION

Mr. Swetnam made the following motion:

WHEREAS, Application S-4-77 by 820 SOUTH CARLYN SPRING ROAD, A VA. LTD. PARTNERSHIP & WILLIAM J. AND NORMA F. BRILL appl. under Sec. 30-7.2.6.1.3 and Sec. 30-7.2.6.1.3.2 of the Zoning Ord. to permit change of ownership for existing school, 820 South Carlyn Spring Road, 62-1((2))6, 31,855 sq. ft., Mason Dist., R-12.5, S-4-77, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the contract owner is 820 South Carlyn Spring Road, a Va. Ltd. Partnership.
2. That the present zoning is R-12.5.
3. That the area of the lot is 31,855 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land .
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 195 at any one time.
8. The hours of operation shall be from 7 A.M. to 6 P.M., five days a week.
9. The ages of the children shall be from 2 years through 8 years.
10. This Special Permit shall be effective March 1, 1977.

Mr. DiGiulian seconded the motion.

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

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AFTER AGENDA ITEM:

MANSION HOUSE YACHT CLUB, INC., S-74-75, Granted September 16, 1975. Extended for six month from September 16, 1976 on September 14, 1976.

REQUEST FOR APPROVAL OF REVISED PLATS.

Mr. George Arkwright representing the applicant and Permittee requested the Board allow the club to make some necessary engineering and layout changes that have become necessary because of the latest Corps of Engineers permit which refused them permission for the harbor but permitted them an extension of their breakwater into the Potomac River. They also proposed to move the club house and service building approximately 170' east of the present proposed location and reduce the size from 50x77 feet to 35x48 feet and from 20x32 feet to 12x24 feet, respectively. These changes stem from the high cost of construction and the realization that a smaller facility would meet the clubs space requirements for at least the next 10 to 20 years. Both the proposed buildings will remain at the base of a hill and will be screened from the adjacent property owner by natural grade and foliage. He submitted a request in letter form and also revised plats showing the changes.

The Board had been given this letter and a copy of the plats at the previous meeting on February 1, 1977.

Mr. DiGiulian moved that the revised plats be accepted and approved with the two requested changes as indicated in the letter from Mr. Arkwright dated January 30, 1977 with its copy of a letter from Stuart T. Terrett, Director of Design Review in the County addressed to Louis Nees, and dated January 28, 1977, recommending approval of these changes.

Mr. Swetnam seconded the motion.

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

AFTER AGENDA ITEM -- FEBRUARY 8, 1977

FORDSON ROAD PRIVATE STORAGE UNITS LMTD. PARTNERSHIP, S-278-75, granted February 17, 1976.

The Board was in receipt of a letter from James H. McMullin, General Partner, dated February 8, 1977, requesting an extension of 90 days on this permit because Fairfax County Dept. of Public Works has not released the site plan required for the proposed improvements. Many changes and delays have been incurred during the past year through no fault of the applicant.

Mr. Barnes moved that the request be granted for a 90 day extension from February 17, 1977.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

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The meeting adjourned at 12:45 p.m.

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

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED March 8, 1977
DATE

Submitted to the Board of Zoning Appeals on _____

Submitted to the Bd. of Supervisors, Planning Commission and other Depts. on _____

The Regular Meeting of the Board of Zoning Appeals was Held on Tuesday, February 15, 1977, in the Board Room of the Massey Building. Members Present: Daniel Smith, Chairman; George Barnes; Tyler Swetnam and John DiGiulian. Mr. Durrer was absent.

The meeting was opened with a prayer by Mr. Barnes. The meeting began at 10:20 a.m.

10:00 - REHEARING - JOHN O. WAGNER, EXECUTOR OF ESTATE OF MABEL V. WAGNER appl. under Sec. 30-6.5 of the Zoning Ordinance to appeal Zoning Administrator's decision in his interpretation of the zoning district boundary line located at the southwest corner of Kirby Road and Dolly Madison Blvd., 31-2((1))102, Dranesville Dist., C-N & RE-1, V-302-76.

Mr. Smith after calling the case stated that he wished to inform the applicant and the people who wish to be heard today by the Board that, unfortunately, there are only four Board members present. Mr. Durrer's automobile broke down in North Carolina and he will not be present today, or if he does make it, it will be much later in the afternoon.

Mrs. Lila Richards representing the McLean Citizens Associations stated that they would like the case deferred.

There was no one present to represent the applicant.

Mr. Swetnam moved that this rehearing on this case be deferred until the 23rd of February, 1977, next Wednesday, at 2:00 p.m.

Mr. DiGiulian seconded the motion.

Mrs. Richards came forward and stated that what she had meant to say was that they wished to have the case deferred until later in the afternoon.

Mr. Smith stated that the Board is not positive that Mr. Durrer will arrive before the Board adjourns for the day. He stated that he felt it would be better to defer until next week because he was sure that Mr. Durrer will be quite tired after driving that distance.

Mr. Smith asked if there was anyone in the room who objected to this.

(No one indicated that they objected to this deferral)

Mr. Swetnam suggested that the notices be checked for accuracy.

The Chairman checked the notices and called the names of the people who were notified. There were seven notified of this hearing instead of the usual five.

A lady in the audience stated that Mr. and Mrs. McMullin no longer own the property at 1323 Kirby Road. She stated that she and her husband own it. It is titled in the name of Barbara L. and Lee M. Mitchell. They purchased the property last August.

Mr. Smith stated that apparently the land records are not yet up-to-date. The Code requirement is that the property owners as listed in the real estate tax records be notified. That has been done. He stated that the Chair will accept the notices as being proper.

He asked that all those in favor of the deferral say "Aye".

All members voted "Aye". Mr. Durrer was absent.

Mr. Swetnam stated that he wanted to be sure the County Attorney is satisfied that the notices are proper.

Mr. Bob Flinn, Assistant County Attorney, stated that he would respond by saying that abutting property owners have to be notified of the hearing and in addition, notice has to be published in the newspaper and notice has to be posted on the property. If that has been complied with, then the notice requirement has been fulfilled.

In answer to Mr. Smith's question, Mrs. Kelsey, Clerk to the Board of Zoning Appeals, stated that the notice had been published in the Providence Journal, the property had been posted and checked, letters have been mailed to abutting property owners by certified mail and the return receipts are in the file before the Board.

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WAGNER (continued)

Mr. Flinn stated that if all those things have been done, then the requirement for notification has been complied with.

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10:45 a.m. - GORDON S. DAVIS D.V.M. and WM. D. SWARTZ D.V.M. appl. under Sec. 30-7.2.10.3.9 of the Zoning Ord. to permit addition to existing animal hospital, 6705 Whittier Ave., 30-2((9))17, 18, 19 & 20, 22,259 sq. ft., Dranesville Dist., C-D, S-5-77.

Dr. Swartz and Dr. Davis, 6705 Whittier Avenue, appeared before the Board.

Dr. Davis submitted the required proof of notification to property owners of this hearing to the Board. The notices were in order.

Dr. Davis stated that they are applying for an addition to their existing building for the expansion of the surgery room and for some storage room for the hospital. The existing building is one story and they propose to add a two story addition. The second story will be used for storage of supplies for the hospital, such as dog food.

The materials to be used in the addition will be brick. They will try to match the brick on the existing building. All activities for this use will continue to be confined to the inside of the building. This addition will not house any dogs at all.

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

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Mr. Swetnam made the following motion:

WHEREAS, Application No. S-5-77 by Gordon S. Davis, D.V.M. and William D. Swartz, D.V.M. under Section 30-7.2.10.3.9 of the Zoning Ordinance to permit an addition to an existing animal hospital, 6705 Whittier Avenue, 30-2((9))17, 18, 19, and 20, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owners of the property are the applicants.
2. That the present zoning is C-D.
3. That the area of the lot is 22,259 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an examption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. All conditions of the previous Special Use Permit shall remain in effect.
1.e. That this Special Permit is for a completely contained and enclosed operation, air conditioned, sound proofed and odors to be contained within the building itself, in conformity with the new animal hospital criteria and that all other provisions of the Ordinance pertaining to this, including the stipulation on access shall be adhered to.

11:00 a.m. - EMMANUEL LUTHERAN CHURCH, appl. under Sec. 30-7.2.6.1.11 of the Zoning Ord. to permit temporary trailer-type structure for classroom, 2589 Chain Bridge Road, 38-3((1))40, (4.171 acres), Providence Dist., RE-1, S-6-77.

Mr. Dan Rosen, 1402 Jackson Parkway, Vienna, Virginia, represented the applicant before the Board. He submitted the required proof of notification to property owners of this hearing to the Board. The notices were in order.

Mr. Rosen requested the Board substitute plats for new ones that show the parking spaces designated separately. He stated that this was a request from the staff. The information regarding the seating capacity was also updated. The sanctuary seats only about 240 people, maximum. He stated that the proposed temporary trailer will be used for Sunday School classes on Sunday mornings only from 9:30 until 10:30. They have a total of 200 Sunday School students in both the church and the trailer. The trailer will have about 40 students. He called the Board's attention to the pictures in the file showing a similar trailer. He stated that it is the same type used by the Fairfax County school system and it does meet all State Codes.

There was no one else to speak in support of the application and no one to speak in opposition to the application.

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-6-77 by Emmanuel Lutheran Church under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit temporary trailer-type structure for classroom, 2589 Chain Bridge Road, 38-3((1))40, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Trustees of Emmanuel Lutheran Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 4.171 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT SHALL

NOT BE VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

7. The hours of operation shall be Sunday mornings 9:30 A.M. to 10:30 A.M. for Sunday School and normal hours for religious services for the church.

8. The minimum number of parking spaces shall be 96.

9. The maximum seating capacity of the church shall be 400, sanctuary 240.

10. The maximum number of students in the church school is 200.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

11:15 a.m. - KLARE, LTD. appl. under Sec. 30-6.6 of the Zoning Ord. to permit subdivision with 8 lots having less than minimum required lot width, 10750 Hunter Station Road, 27-1((1))4, 4A, and 4B, 45.68 acres, Centreville Dist., RE-2, V-7-77.

The applicant was not present to present the case. The Board discussed the application.

Mrs. Klare appeared before the Board and requested the Board defer this case until the last item on the day's agenda. She stated that her agent, Mr. Runyon, was on his way to the hearing, but had not yet arrived.

Mr. Swetnam moved that the Board defer the case until the last item on the day's agenda. Mr. Barnes seconded the motion.

Mr. Smith stated that in view of the fact that there is only four members present today, he would prefer to defer the case until next week or a later date.

Mr. Swetnam withdrew his motion and Mr. Barnes withdrew his second.

Mr. Swetnam made a substitute motion to defer this case until March 8 at 2 P.M. Mr. Barnes seconded the motion and the motion passed unanimously.

Mr. Runyon appeared shortly after the case was called and disposed of. He requested the Board rescind its previous motion since there was no one in the room at the time the case was called that was not in the room now. He apologized for being late.

Therefore, the Board, after hearing the remainder of the Agenda came back to the 11:15 a.m. case and Mr. Swetnam moved that the Board rescind the previous action taken on the 11:15 a.m. item to defer the case to March 8th, and hear the case immediately after the Long Branch Swim and Racquet Club, Inc. case.

Mr. Barnes seconded the motion. The motion passed 3 to 0. Mr. Smith abstained and Mr. Durrer was absent.

Mr. Charles Runyon, agent for the applicant, 152 Hillwood Avenue, Falls Church, Virginia, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Runyon's justification for the need for this request was because of the severe topography problems of this land. He stated that there are a lot of cluster developments in this area with one acre lots. However, the owner wishes to develop this land into two and three acre lots rather than go to the cluster option. The applicant chooses to utilize the existing topography by using the winding driveways rather than carrying the roads on down the slopes, removing many trees and creating a lot of fill. The private driveways will be maintained by the owners, not the taxpayers. This will help provide the type of lot that will not in the future jeopardize the quality of the land that is there already.

The staff report, Mr. Runyon stated, refers to the fact that if the developer develops this property under the alternate density method, then the County can obtain the area surrounding the stream for preservation. He stated

that he had discussed this with Steve Reynolds in Preliminary Engineering. He stated that they would be willing to either give an easement for the land the County wishes to have or to dedicate that land. They would prefer, of course, to give an easement.

Mr. Runyon submitted photographs of the area which he indicated would show the steepness of the area and some of the tree cover which they wish to preserve.

Mr.Smith stated that the thing that concerns him is that this development could take place without a variance. Both the State and County Code dictates to this Board that when the owner can make reasonable use of the land without a variance, it should be developed in that manner.

Mr. Swetnam stated that any time an owner wishes to upgrade a subdivision, he is inclined to try to help him in any way he can. If this applicant goes to a small acreage cluster subdivision, it will not be near the quality subdivision nor will it be the size and quality of houses in that subdivision as will be in this larger acreage subdivision. The tax base will suffer considerably in the downgrading of the lots.

Mr. DiGiulian asked Mr. Runyon if this subdivision were to be developed in the cluster concept, if the majority of the lots would loose all of the existing trees.

Mr. Runyon stated that he is the culprit in this case because the applicant was interested in doing just that, clustering the subdivision. He stated that he walked the property with Mr. Klare and suggested that he develop this way. There will be fewer lots and less yield and most of the trees would be saved. This will give a better marketability and a better environmental situation. Mr. Klare lives in this area and he has an appreciation for the quality of life there.

Mr. Smith stated that the thing that bothers him is the fact that the Board would be granting variances on several lots without hearing them individually and the fact that we are discussing quality rather than the factors which we must address to meet the standards and criteria set forth in the State Code in reaching decisions on variance requests.

Mr. DiGiulian stated that the Board did the same thing last week on four lots. Two of those four lots were pipestem lots.

Mr. Smith stated that this is four times that number.

Mr. Swetnam stated that the Board had done six lots like this several weeks ago.

Mr. Smith stated that there was no indication from the staff to this Board that those lots could have been developed without variances. This can readily be developed without the need for a variance or variances. It would cost more. He stated that he could appreciate the preservation of the trees part of this justification. However, if the Board wants to use that as a justification for granting variances, then the Board of Supervisors and the State must give the Board the flexibility to do it.

Mr. Swetnam stated that he felt this is one variance on one lot. "This is a proposed subdivision, so we can grant one variance, not eight." There is one piece of property here, not eight lots, and this is the way he would grant it.

Mr. Smith stated he did not feel (Mr. Swetnam) he was meeting the Code requirements if he did it in that manner. If the eight parcels of land aren't addressed, the applicant will not be able to develop.

Mr. Mitchell stated that what Mr. Swetnam is saying is that this is an application for a variance to permit a subdivision. There are more lots than eight involved. It is the same variance to the lot width requirement for eight proposed lots in the whole subdivision.

Mr. Runyon stated that the plat is in Preliminary Engineering and has approval pending this variance. This is the way the subdivision will develop.

There was no one else to speak in favor of this application.

Mr. Larson, 1605 Greenbriar Court, Reston, speaking for the Reston Community Association spoke before the Board. He stated that he was not speaking in

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opposition to the application. He was present primarily to tell the Board that if the Board chooses to grant this request, that it require the applicant to dedicate the land along the stream in order that it might be included in the "strip park" that is being developed all along that stream. He stated that his citizen's association is partial to planned development and it has been their observation that there are fewer trees torn down in planned developments, than in straight single family developments.

The Board members discussed whether or not to request the applicant to dedicate or give an easement.

Mr. Barnes commented that the County has too much park land now that is not creating taxes.

There was no one else to speak regarding this application.

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Mr. DiGiulian made the following motion:

WHEREAS, Application V-7-77 by Klare Ltd. under Sec. 30-6.6 of the Zoning Ord. to permit subdivision with 8 lots having less than minimum required lot width, lots 5, 6, 7, 8, 9, 11, 12 & 16 (these 8 lots having width of 15') (200' required), on property located at 10750 Hunter Station Road, 27-1((1)) 4, 4A and 4B, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 45.68 acres.
4. That the Board finds that the applicant's property has exceptional topographic problems; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

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

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

3. That an easement for the flood plain area of the stream valley be granted to Fairfax County.

Mr. Swetnam seconded the motion.

The motion passed 3 to 0. Mr. Smith voted No. Mr. Durrer was absent.

11:30 a.m. - WAYNEWOOD RECREATION ASSOC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to extend hours of operation for tennis courts to 10 p.m., seven days a week, 1027 Dalebrook Drive, Waynewood Subd., Mt. Vernon Dist., 102-4((5))(21)21C, 8.53 ac., R-12.5, S-8-77.

Mr. Pete Arcola, Vice-President of the association, submitted the required proof of notification to property owners. The notices were in order.

Mr. Arcola stated that several weeks ago their association obtained a special permit for tennis courts to be added to their facility. However, in that application, they had neglected to ask that the hours for the tennis courts be increased. They would like to operate the tennis courts from 9 A.M. to 10 P.M., instead of 9 A.M. to 9 P.M. At the last hearing, there was no opposition to the request for the courts.

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

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Mr. Swetnam made the following motion:

WHEREAS, Application S-8-77 by Waynewood Recreation Association under Sec. 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit extended hours for tennis courts from 9 A.M. to 10 P.M., 1027 Dalebrook Drive, 102-4((5))(21)21C, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 8.53 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. All conditions of S-301-76 shall continue in effect except that
2. The hours of operation shall be 9 A.M. to 10:00 p.m.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent

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11:45 a.m. - CHESAPEAKE AND POTOMAC TELEPHONE CO. OF VIRGINIA appl. under Sec. 30-7.2.2.1.4 of the Zoning Ord. to permit addition to existing dial center and to increase parking, 2935 Gallows Road, 49-4((1))32, 4.6848 acres, R-12.5, S-9-77, Providence District, S-9-77.

Randolph W. Church, Jr., attorney for the applicant with offices at 4069 Chain Bridge Road, Fairfax, Virginia, submitted the required proof of notification to property owners to the Board. The notices were in order.

Mr. Church stated that the addition is required to house No. 1 ESS equipment, which is needed to serve the local area. The construction material for the addition will be brick and will match the existing construction.

He stated that all equipment in the existing building operates continuously as will the new equipment. At present ten people are on duty. Available parking will be increased by four spaces. The Company expects to assign thirteen employees to the building after the new equipment is installed. One additional employee will probably be needed about 1984. The proposed addition should make the facility capable of serving the area through 1989. The general area served by the addition is identical to that served by the existing facility as is shown on the service map that is in the file. The additional traffic generated by the facility when it is in operation should be negligible.

In answer to Mr. Smith's question, Mr. Church stated that the Telephone Company has not requested the Board of Supervisors to rezone this land to industrial. The reason they have not applied for rezoning is that it would take about eighteen months before the Board of Supervisors could hear the application.

Mr. Covington stated that even if it were rezoned to industrial, the telephone company would still have to come to this Board for a Special Permit.

Mr. Ward, architect on this project, stated in answer to Mr. Swetnam's question, that there are 27 parking spaces either there or proposed for this facility, not including any loading spaces.

Mr. Church stated that this addition will have 6500 square feet of space. The color of the brick will be rose and will look exactly like the existing brick. This is basically a one story building, 15' high. The extension will be the same height.

There was no one else to speak in favor of this application and no one to speak in opposition to the application.

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Mr. Swetnam made the following motion:

WHEREAS, Application S-9-77 by C & P Telephone Company under Section 30-7.2.2.1.4 of the Zoning Ordinance to permit an addition to an existing dial center&to increase the parking on property located at 2935 Gallows Road, 49-4((1))32, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 4.68 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of

expiration.

3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

7. The minimum number of parking spaces shall be 27.

8. The addition shall be compatible with existing building.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

12:00 Noon - LONG BRANCH SWIM & RACQUET CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit a community swim pool and tennis courts, about 400' off Alyssum Way down about 400' off Mignonette Court to temporary access through lot 126, 69-4((1))pt. of 48 and pt. of 9, (3.06 ac.), Annandale Dist., RE-1 and R-12.5 Cluster, S-10-77.

Mr. Vorbau, representing the applicant, 4801 King Solomon Drive, submitted the required proof of notification to property owners of this hearing to the Board. The notices were in order.

Mr. Vorbau explained that the property is owned by Thomas and Martha Johnston and is under contract to Ardoke Associates who in turn has given the applicant an option to purchase the property. The entire land transaction will be accomplished at the same time. The law firm of Hazel, Beckhorn and Hanes is handling the transfers.

There was no copy of the contract between Mr. and Mrs. Johnson and Ardoke Associates in the file. Mr. Swetnam moved that the Board go ahead and hear the case while the applicant is obtaining the necessary copies of the contract.

Mr. DiGiulian seconded the motion.

Mr. Smith stated that he opposed hearing the application until the file is in order. There is nothing in the file that says the applicant has the right to occupy the property.

Mr. Swetnam stated that he would add that the Board will not make a decision on the case until the necessary papers are obtained.

The motion passed unanimously with that stipulation.

Mr. Vorbau stated that this facility is located on three acres of land. They wish to build a community pool and two tennis courts. This is a non-profit organization. They anticipate the membership to come from adjacent established neighborhoods. At the time they conducted the survey of people interested in becoming members of this pool, there were 200 families waiting for pool memberships in their immediate area. The planned membership would be 450. The vast majority of these members would not be required to cross any main thoroughfare to get to the facility. The proposed hours of operation for the facility is from 9 A.M. until 9 P.M. There will be no lights on the tennis courts. The access to this facility will be through lot 126 which is also part of the option agreement. Under this agreement, they would be allowed to use lot 126 with no type of enumeration for a period of one year. At that point, there would hopefully have access through the cul-de-sac which is part of the plan for that proposed subdivision that is contiguous to the recreation facility. If not, they would pay rent on the property until such time as they

felt it was economically unfeasible, then they would purchase the property.

Mr. DiGiulian stated that the Board should grant or deny this application based on the present access and, if, at some future date, they wished to change the access, they would come back in and have another hearing.

Mr. Vorbau stated that everything will be developed that is on the plat with the exception of the two future tennis courts. The development will depend of future membership and their financial posture. He stated that these are single family dwellings, R-12.5.

Mr. Smith stated that he did not feel 82 parking spaces are sufficient for 450 family memberships in a single family neighborhood.

Mr. Vorbau stated that at the present time their membership lives within one-fourth mile of the site and with the addition of 145 homes at Bradfield, which is the subdivision immediately adjacent to the site, and the additional 170 homes that will be built at Long Branch, they believe that the vast majority of the membership will live within one-fourth mile radius of the pool site. They are providing a bike rack with 32 positions. There will be a total of 390 homes in the Long Branch subdivision. There is a new area across Guinea Road from this subdivision called Hidden Creek which has an additional fifty homes and then immediately contiguous to Bradfield and Long Branch is Red Fox Forest, which is one of the established subdivisions, which has a need to participate in the pool facility.

Mr. Smith stated that the problem here is, there is no room to expand the parking, except where the future tennis courts are indicated, should there be a need for more. There can be no off-site parking, he stated.

Mr. Vorbau stated that he wished to place in the record a letter in support from Foster Brothers, Inc. and the Long Branch Civic Association.

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

Feb. 15, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application No. S-10-77 by Long Branch Swim & Racquet Club, Inc. under Section 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit community swim pool, bath house and two tennis courts, on property located 400' off Alyssum Way, down about 400' off Mignonette Court to temporary access through lot 126, 69-4((1))pt. of 48 and pt. of 49, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Thomas H. and Martha D. Johnson. The applicant is the contract purchaser.
2. That the present zoning is RE-1.
3. That the area of the lot is 3.06 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this applciation. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this

Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the various legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

7. The maximum number of memberships shall be 450.

8. The hours of operation shall be for the pool: 9 A.M. to 9 P.M., 7 days per week; Tennis courts: 8 A.M. to 9 P.M., 7 days a week.

9. The minimum number of parking spaces shall be 82.

10. The number of after hours parties shall be limited to Six (6) per year with the prior written permission from the Zoning Administrator.

11. This permit is granted with access through lot 126, Section 3, Long Branch, only.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

Copies of the option agreements were submitted for the file.

DEFERRED CASE:

12:15 p.m. - AMERICAN MULTI CINEMA, INC. appl. under Sec. 30-7.2.10.4.4 of the Zoning Ordinance, S-285-76. (Deferred from 12-21-76 at request of applicant.)

The Board was in receipt of a request for additional deferral.

The Board granted the deferral and indicated that the Board would hear the case on May 10, 1977, and would be reluctant to grant any additional deferrals without some additional information as to the reason.

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AFTER AGENDA ITEM: February 15, 1977

ST. AIDAN'S EPISCOPAL DAY SCHOOL, 8531 Riverside Road, Alexandria, Virginia, S-578-67 -- Granted Feb. 14, 1967 for 100 children, nursery through first grade, ages 4 through 6, 9 A.M. to 2 P.M. On September 12, 1967, the Board granted an additional ten children.

REQUEST: To allow the school to have children 3 years of age.

Mr. Barnes so moved that the request be granted.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

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AFTER AGENDA ITEM

HARRY R. CROUCH, SUP No. 2708, Granted February 21, 1950 with the stipulation that "NO STORAGE OF CARS NOR WRECKED CARS NOR WRECKING OF CARS SHOULD TAKE PLACE ON THE PREMISES - WITH A 100' SETBACK FROM THE ROAD."

On December 11, 1965, the Board advised the applicant to clean up his operation. If he did not clean it up within 80 days, the Board would revoke his permit.

The file reflects that the Board again took up this item on September 28, 1965 and that the junk cars had been removed, but that he still had a large quantity of junk.

The file reflects that a violation notice was given to Mr. Crouch again on March 22, 1967. The file does not reflect if he ever cleared the past violations.

The Zoning Administrator on February 10, 1969 suggested that the Board of Zoning Appeals revoke the Special Use Permit. However, that was not done.

The Board is now in receipt of a letter from Mr. Jack Ash, Zoning Inspector, regarding the present violations.

Mr. Ash was present and stated to the Board that his file reflects a lengthy list of past violations. He stated that he tried to get pictures of the junked vehicles, but Mr. Crouch would not permit him to walk around the property. He stated that Mr. Crouch had sent him a letter from one of his clients praising the operation. He read the letter into the record. Mr. Ash stated that a lot of the junked vehicles are the same as the ones that were there in 1967.

Mr. Smith stated that he felt Mr. Durrer should be present before the Board takes action on this case.

Mr. Durrer is scheduled to be at the next meeting. The Board deferred this item until then.

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The Board adjourned at 1:20 p.m. without lunch.

Mr. Barnes moved that the meeting adjourn.

Mr. DiGiulian seconded the motion. The motion passed unanimously.

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Jane C. Kelsey

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

Submitted to the Board of
Zoning Appeals on March 15, 1977.

Submitted to the Bd. of
Supervisors, Planning Commission,
and other Depts. April 1977.

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED April 13, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Wednesday, February 23, 1977. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.

(The meeting began at 10:10 a.m.)

10:00 a.m. - MICHAEL PALLONE appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of a swimming pool 5' from side property line, (8' minimum with 20' total required), 6122 Rockwell Road, 78-4((13))278, 9,395 sq. ft., Springfield Dist., R-12.5 cluster, V-12-77.

Vince Gaeta from Anthony Pools, 9615 Lee Highway, represented the applicant and submitted the required proof of notice to property owners. The notices were in order, except that the letter of notification stated that the request was to obtain a variance to build a pool 6 feet away from Mr. Pallone's home instead of the normal 12 feet required by the County.

Mr. Covington, Assistant Zoning Administrator, stated that the applicant needs a variance to the side yard requirement.

Mr. Michael Pallone testified to the Board that he and his wife personally visited each neighbor and explained to them what they planned to do and showed them a copy of the proposed plans. In the discussion that ensued, it was discovered that one of the contiguous property owners had not been notified of the hearing.

Mr. Pallone stated that he wished to have the application withdrawn.

Mr. Swetnam moved that this application, V-12-77 be withdrawn without prejudice.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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10:20 a.m. - HERBERT C. FERLMANN appl. under Sec. 30-6.6 of the Zoning Ord. to permit enclosure of and addition to existing carport (9.5' from side property line, 12' required), 2508 Ryegate Lane, 102-3((2))(19)24, Mt. Vernon Dist., Stratford Landing Subd., 11,307 sq. ft., R-12.5, V-13-77.

(Hearing began at 10:26 a.m.)

Mr. Ferlman submitted the required proof of notice to property owners. The notices were in order.

Mr. Ferlman stated that his justification for the need for this variance is the way the lot line is skewed toward the back line. He stated that he plans to put two cars in this garage, end to end and there will also be a small place to store tools in the back. There is no other place on the property to put a garage. He has owned the property for ten years and plans to continue to live there.

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

Feb. 23, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application No. V-13-77 by Herbert C. Ferlmann under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit enclosure of and addition to existing carport, 2508 Ryegate Lane, 102-3((2))(19)24, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements, and

WHEREAS, following proper notice to the public and a public hearing by the Board on February 23, 1977.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,307 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

February 23, 1977
10:40 a.m. - ROTONISU INVESTMENT CORP. & RAMADA LTD. PARTNERSHIP appl. under Sec. 30-7.2.10.5.1 of the Zoning Ord. to permit a motel to be constructed at the intersection of Parcher Ave. and Centreville Road, Reflection Lake Subd., 16-1((1))6, Dranesville Dist., C-DM, 8.48964 ac., (393 units, total; 151 in first phase),S-14-77.

Grayson Hanes, attorney for the applicant, submitted the required notices to the Board. The notices were in order.

Mr. Hanes stated that the proposed motel is on an eight and one-half acre site located one-half mile from the Town of Herndon, on the west side of Centreville Road going into the Town of Herndon. This motel will be a Ramada Inn which Rotonisu Investment Corp. has a franchise for. He stated that he had submitted for the record documents showing that the franchise is presently in existence and also he had submitted the limited partnership agreement and the certificate of good standing on the corporation.

Mr. Hanes gave the background for this piece of property. It was a portion of a rezoning application containing approximately 200 acres that was zoned by the Board of Supervisors on July 26, 1967. At that time it was represented to the Board that the site would be used for a motel and accessory uses. In order to alleviate any question concerning this, the applicant voluntarily recorded an Indenture dated November 14, 1967, in the land records of Fairfax County, Virginia. A copy of that Indenture is also in the file. In 1974, the applicant requested the Board of Supervisors to allow it to construct a motel with a maximum height of one hundred fifteen feet (12 stories), rather than the allowed forty foot (3 story) height. This application was ultimately amended to request a variance to allow the construction of a seven (7) story structure. The Board denied the special height variance, thereby restricting the height of the structure to that of the proposed use permit.

Mr. Hanes stated that this proposed motel will contain 393 units on the site as soon as the necessary permits are granted. As accessory uses to the motel, the applicant will build two tennis courts, an indoor swimming pool and wading pool, seven meeting rooms, an office a cocktail lounge, a dining room, a coffee shop, five retail commercial shops, a room for lockers and a sauna bath. In addition to the occupants of the 393 rooms, there will be approximately forty employees. The applicant will build this project in two phases. The first phase will contain 151 units, as well as the aforementioned accessory uses. At a point in time when the occupancy rate is acceptable the remaining units will be constructed. At that time it may be necessary, depending upon the County's interpretation of its ordinances, to construct a parking deck to accommodate necessary parking as shown on the submitted plan. If this becomes necessary, a variance of the side yard requirements will be requested at that time.

Mr. Hanes stated that this has been on every master plan since 1967 for this proposed use. The people they hope this motel will serve will be basically people arriving at the airport. The people will be shuttled to the motel from the airport, therefore, the vehicular traffic will be minimum. A study made by Mr. Petersen indicates that the road system at the present time can accommodate this use and will not be overburdened by this use.

Mr. G. T. Ward, with the architectural firm of Ward & Hall in Springfield, submitted a rendering of the proposed motel to the Board. He indicated which of the buildings would be constructed in the first phase. The services will be enclosed in a brick enclosure on the north elevation of the building. Three of the meeting rooms will be on the third level of the tallest building. The overall height remains at 40'. The material to be used will be precast concrete slabs with tan brick. The window area is adequate, but minimum. The main emphasis for activities will be designed toward the interior courtyard.

Mr. Hanes stated that they would have to come back before this Board for the second phase of the building.

Mr. Smith stated that it would not be necessary if they can start building within five years. As long as the final plan is the same as the proposed plan.

Mr. Hanes stated that they would need a variance for the parking structure. They feel they can demonstrate that the normal parking requirements can be reduced for this particular motel, based on the fact that people will be coming in by shuttle from the airport and based on the experience of other motels in Fairfax County.

Mr. Smith asked him if he wished to refer to those motels that are now experiencing parking problems.

Mr. Hanes answered "No".

Mr. Smith stated that he knew of several that are having very bad parking problems, particularly in the summer months during the evenings.

Mr. Peter Van Alsete, President of the homeowners association located west of the Hutchison School stated that he was not speaking in opposition to this application, but was concerned about the unsightlyness next to the Hutchison School. There will be about 20 families that will have a view of this motel. They would like to be assured that there will be adequate screening. They also would like to request that there be no entrance or exit on Parcher.

Mr. Swetnam stated that the Fire Marshall may require an emergency entrance off Parcher Avenue. This Board can't tie that restriction to the use without knowing whether or not another department might require it.

Mr. Cleve Tate, owner of the land opposite the proposed motel, next to the Dulles Access Road, spoke in support of the application.

Mr. Norge, resident of Herndon, also spoke in support of this application.

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

Feb. 23, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-14-77 by Rotonisu Investment Corp. and Ramada Ltd. Partnership under Section 30-7.2.10.5.1 of the Zoning Ordinance to permit a motel to be constructed at the intersection of Parcher Avenue and Centreville Road, Reflection Lake Subd., maximum height 40'; 151 units, 2 outdoor tennis courts, indoor swimming pool and wading pool, and meeting rooms, office, cocktail lounge, dining room, five (5) retail commercial shops, sauna bath and lockers, Parcher Avenue and Centreville Road, 16-1((1))6, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 23, 1977; and

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

1. That the owner of the property is Rotonisu Investment Corp.
2. That the present zoning is C-DM.
3. That the area of the lot is 8.48964 acres.
4. That compliance with the Site Plan Ordinance is required.

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

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

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of motel rooms shall be 151.
8. The hours of operation shall be 24 hours per day, seven days per week.
9. The minimum number of parking spaces shall be 351.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

11:00 - VIRGINIA HILLS CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit increased size of existing pool with two additions (7 x 35 and 12x24), 6500 Robinson Dr., Virginia Hills Subd., 92-1((3))(2)A, 3.814 ac., Lee Dist., R-10, S-15-77.

(Hearing began at 11:12 a.m.)

Mr. Ron Wolfe came before the Board and stated that the president of the club was supposed to be present. He asked the Board if the Board would delay the case until after the other cases had been heard.

In answer to Mr. Smith's question, Mr. Wolfe stated that he did have the proof of notice to property owners and that he could present the case since he was familiar with the request. He stated that he is employeed by National Construction Company and has a contract to do the improvements on the swimming pool. He made the application for Virginia Hills Club, Inc.

Mr. Wolfe submitted the notice to property owners. The notices were in order.

Mr. Wolfe stated that the pool has been in existence since 1955. They would like to add a little more play area for the younger children on one end of the pool and increase the size of the diving area for the adults on the other side of the pool. This is not a request for an increase in membership. The shallow end of the pool will be increased by 2 or 3 feet deep, 12' wide, and 24' long. The diving area will be increased by 7' wide and 35' long.

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

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-15-77 by Virginia Hills Club, Inc. under Sec. 30-7.2.6 .1.1 of the Zoning Ordinance to permit increase in size of pool with two additions (7x35 and 12x24), 6500 Robinson Drive, 92-1((3))(2)A, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 23, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 3.8 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance,

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The sizes of the additions shall be 7x35 and 12x24.
8. All conditions of the previously granted SUP shall remain in effect.*

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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*i.e. That this swimming pool and community recreation facility is for use of residents primarily located in the vicinity of this use and that off street parking be provided for all users of the project and this is subject to all regulations now in existence or later enacted. Also that adequate fencing be provided.

Policy later enacted: that any after hours parties be limited to six (6) per year with the prior written permission for each individual party from the Zoning Administrator.

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11:20 a.m. - JOHN CALVIN PRESBYTERIAN CHURCH appl. under Sec. 30-7.2.6.1.11 of the Zoning Ord. to permit construction of sanctuary for existing church, 6531 Columbia Pike, 60-4((1))35A and 35B, 4.67 acres, Mason Dist., R-17, S-17-77.

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(Hearing began at 11:25 a.m.)

Mr. Ray Marks, 3901 Moss Drive, Annandale, elder in the church and chairperson of the building committee, submitted the required notices to the Board. The notices were in order.

Mr. Marks stated that this church began in 1950 in the Bellvedere Elementary School. The present structure is a single story block building with a full basement. During the past several years, the church has grown and there is a need for more space for the santuary. This proposed santuary will be immediately adjacent to the current facility. Currently, there are 425 members in the congregation. The average attendance is 230 of which 190 are adults and 40 are children. They have been keeping a record of the number of cars in the parking lot each Sunday. There has been 97 cars, 30 of those are small and 66 regular size. When the new sanctuary is constructed, they will loose some of the parking spaces. There will be 64 spaces left. They have obtained permission to park across the street on the school parking lot. There are 50 spaces there.

Mr. Durrer inquired if this parking lot across the street would create a safety problem since Columbia Pike is a heavily used road.

Mr. Marks stated that he did not feel it would. He stated that they do eventually plan to provide additional parking on-site. However, their finances will not permit that at the present time.

Mr. Smith stated that the letter of permission is from the principal of the school, not the School Board. Should another person become principal, the letter of permission would become void. This letter of permission is only for a period of one year also.

Mr. Harry E. McAdams, an adjoining property owner, spoke in support of the application. He stated that he wished to go on record regarding the soil erosion problems that exist on the church property. The sanitary sewer system which is to be put in in conjunction with this construction project runs along the property line and they have had for a number of years an existing surface water runoff problem from the church property which is eroding the back of his property. He stated that he has had an expression of total cooperation from Mr. Marks, that the church would deal with this problem as part of the overall construction operation.

There was no one else to speak regarding this case.

Feb. 23, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application S-17-77 by John Calvin Presbyterian Church under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of sanctuary, 6531 Columbia Pike, 60-4((1))35A & 35B, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 23, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owners of the property are Trustees of Presbyterian Church of Washington, D. C.
2. That the present zoning is R-17.
3. That the area of the lot is 4.67 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in

the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum seating for the sanctuary shall be 392.
8. The minimum number of parking spaces on site shall be 64, in conjunction with the additional parking spaces on the school property across the street.

Mr. Barnes seconded the motion.

The motion passed unanimously.

10:40 - RESTON DIRT RIDERS, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit trail riding park off road for motorcycles, on property located between Reston Avenue and Stuart Road, 11-3, 11-4, 17-1, 17-2, 246.37 acres, RE-1, Centreville Dist., S-11-77.

RESTON DIRT RIDERS, INC. appl. under Sec. 30-6.6 of the Zoning Ord. to permit entrance road and parking with other than a dustless surface, on property located between Reston Avenue and Stuart Road, 11-3, 11-4, 17-1, 17-2, County of Fairfax, Centreville Dist.,V-16-77.

Mr. James P. Sperger, 2425 Bramblebush Court, Reston, submitted the required proof of notice to property owners. The notices were in order. He stated that this is undeveloped property and the contiguous property is actually owned by Gulf Reston and John Hancock Life Insurance Company. The applicant is leasing the property. A copy of the lease is in the file. The lease was entered into in 1974. The lease can be cancelled upon 30 day notice from the owner. However, the owner is willing to allow the applicant to continue to use the property until such time as Gulf Reston is ready to develop it. It will probably be in 1980.

Mr. Michael Was, Resident Planner for Gulf Reston, stated that Gulf Reston anticipates that they will be ready to develop this probably in the early part of 1980. They do not have an exact time table for development. It will not be developed in the next three years according to current plans.

Mr. Sperger stated that Reston Dirt Riders, Inc. was originally formed as a result of meetings between Gulf Reston, Reston Security and the Fairfax County Police Department and members of the community. There had been considerable problems in the area with children riding trail bikes in streets and on other property. This arrangement was made where the children could ride in a controlled area. This has dramatically reduced the problem. It has not completely eliminated it, however.

In answer to Mr. Durrer's question, Mr. Sperger stated that the size of the bikes vary. The minimum size is 50 cc's and the maximum is possibly 500. The younger riders usually ride 80 cc's and 250 is the maximum in the majority of instances. There are only three or four 500 cc's at the facility. These are dirt bikes. Some are licensed for the street, but one would not see 3 or 4 cylinder bikes and almost no twins. There is no mininum age. He stated that he would guess the minimum age to be 6 to 8 years. The parents are always there with that age group. He stated that there are a number of

members present in the audience and as the Board can see, some of them are not too old. The Club is open, first of all, to those who live or work in Reston and secondly, those who live nearby. The fee is $15.00 per year or a maximum of $40.00 per family. The qualifications get into such things as, when you ride you must have silencers on the bike, you have to wear a helmet, you have to have eye protection, no alcohol and you are in low gear in the parking. Primarily, these are common sense rules. The Club would be open to people outside Reston, if there was space available. There are members now outside the Reston area such as Vienna, Herndon and Great Falls, but the majority of the members are from Reston. The current membership is 151. They are limited by Gulf Reston to 250. They have commited themselves to the Stuart Ridge Citizens Association that they would never raise that membership beyond that limit.

Mr. James Adams from the audience interrupted to say he had a point of order. When the Chairman inquired what that point was, he stated that he objected to the characterization of a meeting that Mr. Sperger had with certain officials of the Stuart Ridge Citizens Association.

Mr. Smith told him that he would have an opportunity to rebut that later.

In answer to Mr. Smith's question, Mr. Sperger stated that they do allow non members to use the trails if they come in with a guest application. The application has to be signed if it is for an adult and if the person is under 18 years of age, it has to be notorized and given to an officer prior to the time.

Mr. Sperger stated that the fee is used to pay insurance premiums, to pay for the portable chemical toilets there, fence repair, and gates and items such as that. He stated that they have a refreshment stand about twice yearly which is sponsored by the Reston Youth Association. The hours of operation are seven days a week during daylight hours. They have not operated since the notice was received from the Zoning Office.

Mr. James E. Adams, 12027 Cheviot Street, stated that he objected to the implication that Stuart Ridge Citizens Association had approved or supported this application. There was no vote of the association. It has not been put to the membership. He stated that he did not think this proposal has enough safe guards to properly limit the activities that Mr. Sperger advocates. He stated that he is concerned about where this can go in the future. He was concerned about the possible noise pollution that might come from this use. He stated that he had moved into this neighborhood not too long ago, about six months ago, and he had not been bothered by the noise as yet, but he thought that the facility was not in operation during that time. He stated that he lived about one-eighth mile from Stuart Road (about 12 houses in from Stuart Road) He stated that he would also like to see the group put a limit on the number of keys they pass out. He stated that Mr. Sperger's assurances about the level of activity is no assurance at all. If Gulf Reston would enter into some type of agreement with the County whereby the assurances were enforceable, he might have another view of the activity.

Mr. David Herbert, 12000 Stuart Ridge Drive, at the corner of Stuart Road and Stuart Ridge Drive, spoke before the Board. He stated that he is concerned about the safety of the children in the neighborhood and about the noise. He stated that he felt that 9 A.M. would be a reasonable hour to start in the morning and 9 P.M. in the evening.

Mr. Philip Nicholson, 1425 Stuart Road, opposite the Stuart Ridge community, on the same side as the Reston land, commented that he had been disturbed by the noise. He stated that it seemed that the noise is about the same time that he likes to be outside enjoying himself on his property, generally it is Saturday and Sundays after dinner. He estimated that he lives about 400 yards from the trails. He stated that he lives back up in the woods fairly close to the pipeline. He stated that if the bikes are using silencers they are not very good.

In rebuttal, Mr. Sperger stated that he did not intend to say that the Stuart Ridge Citizens Association was supporting the application. He stated that he had given to the Board a copy of the commitment they had made to the Stuart Ridge Citizens Association. He stated that that association did not oppose or support this application.

Mr. Sperger stated that 90 db is the current level they use for the bikes. He stated that the officers of this club have discussed going ahead and

purchase some db level meters so that they can check the noise levels themselves. They have had noise problems with some of the bikes. Whenever they encounter such a problem, they ask the rider to leave the property until he can get his bike fixed. In all cases such as this, the rider has left the property.

In answer to Mr. Smith's question regarding the type of fire protection they use, Mr. Sperger stated that in the two wooded areas, the bikes have spark arresters on them. It is a wire screen in back of the muffler to catch sparks. They have had no problems.

In answer to Mr. DiGiulian's question, Mr. Sperger stated that the Stuart Ridge subdivision is about 100 to 150 yards away from the subject property, he would guess. He did not know the exact distance. At the nearest point to the subdivision, the trails are extremely winding. It would be rare for a rider to get out of low gear. A very experienced rider might average 20 mph He stated that this club has been operating about three years.

Mr. Sperger's justification for a variance to the dustless surface requirement was that the vehicular traffic is minimal and in fact so minimal that the grass must be cut off to get the cars in. This is a temporary use. There is only one entrance and that is on Reston Avenue. The other entrances have been cut off.

Mr. Swetnam stated that he felt what one of the citizens was concerned about is the dust that would be raised by the bikes, not the parking area.

Mr. Sperger stated that there is only one logging road where there is a stretch of mud and that trail is very narrow, so that the bikes could not go fast enough to make much dust. Should it become a problem, they will close that trail. He stated that they would be happy to provide a gravel area for the entrance way.

Mr. Barnes agreed that the gravel would be better.

Mr. DiGiulian stated that if they make application to the Highway Dept. to build a new entrance, they will then be required to make that area a dustless surface.

Mr. Barnes stated that they then should not change the entrance, just use what they have now.

There was no one else to speak regarding this case.

Feb. 23, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-11-77 by Reston Dirt Riders, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit trail riding park off road for motorcycles, between Reston Avenue and Stuart Road, 11-3, 11-4, 17-1, 17-2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 23, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is John Hancock Mutual Life Ins. Co. The applicant is the lessee.
2. That the present zoning is RE-1.
3. That the area of the lot is 246.37 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

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1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 250.
8. The hours of operation shall be from 9 A.M. to 7 P.M., Monday through Sunday.
9. There shall be no ingress and egress from Stuart Road (present entrances to be blocked).
10. The applicant shall comply with the County's noise control ordinance and air pollution control ordinance.
11. This permit is granted for one (1) year with the Zoning Administrator being empowered to grant three (3) one (1) year extensions.
12. The applicant shall meet the national requirements as to spark arresters for the vehicles operated within the wooded areas.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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Mr. Swetnam made the following motion:

WHEREAS, Application No. V-16-77 by Reston Dirt Riders, Inc. under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit entrance road and parking area to be other than dustless surface on property located between Reston Avenue and Stuart Road, 11-3, 11-4, 17-1, 17-2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on February 23, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 246.3 acres.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. THAT the mud shall be cleaned from the state road as necessary.

Mr. Barnes seconded the motion.

The motion passed unanimously.

The Board recessed for lunch at 12:45 p.m.

AFTER AGENDA ITEMS:

RICHARD J. HARDY, V-228-76. The Board had earlier last month had a request for a rehearing on Mr. Hardy's variance request, but had deferred action at the request of Mr. Shumate, who had just been retained as attorney for Mr. Hardy. Mr. Shumate now has written the Board requesting that the request for rehearing be dropped.

The Board agreed to drop this request for rehearing and close the file.

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AFTER AGENDA ITEM: February 23, 1977
ST. DUNSTANS CHURCH, S-16-76, granted March 9, 1976.

The Board was in receipt of a request from Mr. Charles Runyon, representing St. Dunstans Church, requesting an extension to the Special Use Permit for a six month period.

The Board granted this extension with a comment that this is the only extension the Board can grant.

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AFTER AGENDA ITEM: February 23, 1977

GARETH M. NEVILLE, Special Use Permit 13445 and 16060.
Special Use Permit No. 13445 (Fairfax Memory Gardens and 16060 (Calvary Memorial Park). Cemeteries located at the northeast corner of Braddock Road and Burke Station Road.

On December 21, 1976, Mr. Cornelius H. Doherty, Jr., attorney for and president of Calvary Memorial Park, Inc., came before the Board and told the Board that he had just acquired Fairfax Memory Gardens, Inc. He stated that the two cemeteries will be operated as one under the ownership of Calvary Memorial Park, Inc., t/a Fairfax Memorial Park, as of December 22, 1976. He had requested that the Board change the name on the existing Special Use Permit No. 13445 granted to Gareth M. Neville, Trustee, on April 23, 1957. The Board had asked Mr. Doherty to bring in new plats showing the merger and also a request for the Board to delete the 25' setback requirement between the two cemeteries. The Board had advised Mr. Doherty that the plats should show the proper setbacks under the existing Special Use Permits and the Zoning Ordinance. The Board had indicated at that time that there would be no problem with this change in name.

The Board was in receipt of new plats and a copy of the Agreement of Sale for the cemetery. The Board reviewed the plats.

Mr. Swetnam moved that the request be granted to change the name to Calvary Memorial Park, Inc. t/a Fairfax Memorial Park and that the plats be accepted.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEM: February 23, 1977

KLARE, LTD., V-7-77. Mr. DiGiulian stated that at last week's meeting the Board granted a variance to permit the subdivision of a parcel of land with eight of the lots in that subdivision having less than required lot width. The staff finds that there are three more lots in that subdivision that must have variances in order for this subdivision to be approved.

Mr. Smith stated that that would require a new hearing with a formal application for the additional lots.

Mr. DiGiulian stated that it was his intention in granting the variance to accept the plat as submitted.

Mr. Smith stated that it could not be done that way. The Board has to spell out the individual lots. The Board cannot adopt a plan as such. Each and every variance has to be set forth in the resolution.

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DEFERRED CASE: FEBRUARY 23, 1977

2:00 P.M. - REHEARING - JOHN O. WAGNER, EXECUTOR OF ESTATE OF MABEL V. WAGNER, appl. under Sec. 30-6.5 of the Zoning Ordinance to appeal Zoning Administrator's decision in his interpretation of the zoning district boundary line located at the southwest corner of Kirby Road and Dolly Madison Blvd., 31-2((1))102, Dranesville Dist., C-N, and RE-1, V-302-76.

Mr. Smith stated that the Board received two requests for rehearing based on three factors. There was a question on the notification as to whether it met the requirements of the by-laws of the Board; one of the participants in support of the Zoning Administrator's decision alleged that the Chair did not grant due process during the hearing to hear arguments and that she was cut off without being able to give the information that she had available at the time. He stated that it was not the intent of the Chair to cut her off, but his statements could have been construed in such a manner that would indicate that he did. The third factor was that there was new information that could not have been presented at the time of the original hearing. In view of these factors, the Board did grant a rehearing on this application.

Mr. Smith asked if there was anyone in the room to represent the John O. Wagner case.

There was no one in the room to represent this applicant before the Board.

Mr. Smith stated that the Board had received a letter from Mr. Hansbarger, attorney for the applicant, stating that he would not be present for this rehearing. He stated that it is his opinion that this Board does not have the power to rehear the case. Consequently, he feels that any participation in the rehearing would constitute a waiver on the applicant's part of the right to raise, if it should subsequently become necessary, the issue of the Board's lack of authority with respect to the rehearing.

Mr. Knowlton gave his position in this matter to the Board. He stated that in the Board's meeting of January 11, 1977, the applicant presented a great deal of information which was concerned primarily with the rezoning that took place in 1958 and the new zoning map that was adopted in 1959. Actually, as a matter of fact, both of these have been superseded. In December 20, 1967, the Board of Supervisors adopted a new zoning map. That meeting was advertised and held in such a way as to allow the Board to make any changes, corrections or rezonings as it desired. This is the map that is in effect at the present time. He stated that a copy of that map is in the Board's folder.

Mr. Knowlton stated that in studying that 1967 Official Zoning Map, you find the area of commercial, which is C-N zoning, existing at the intersection of Chain Bridge Road and Kirby Road. Although no dimensions appear on that map, guidance is provided by the Zoning Ordinance as to how that line may be exactly determined. Section 30-2.1.2.3 provides that zone lines are to be determined by the use of a scale. He stated that he has scaled the C-N portion of that map and has found the dimensions, as near as he can scale them, to be eighty by fifty feet, fifty feet depth off Route 123 and eight feet along that road, which is approximately 4,000 square feet.

Mr. Knowlton continued by stating that the interpretative language which was suggested by the applicant is the fifth in the series of things that can be used to correct the map. He stated that the one he is using is the third in that series and the first one that can be applied in this case. He stated that it is his opinion that where you have found a solution to the interpretation of the map, you need not go on to subsequent sections of the ordinance in search of other ways to locate it.

Mr. Swetnam asked Mr. Knowlton if he was referring to a memo from him as Zoning Administrator to the Chairman of this Board. He also asked what date that memo was dated.

Mr. Knowlton stated that he was referring to that memo and the date of the memo is January 24, 1977.

Mr. Swetnam expressed concern that he had not received the memo until just this morning.

Mr. Smith stated that the Board had requested some assistance from the County Attorney's office and Mr. George Symanski on February 3, 1977, answered that and the subject was "Notice Requirements for Boundary Interpretations". He stated that all the Board members have a copy of that memo and that it would be made a part of the record, if there were no objections.

There was no objection stated.

Mr. Symanski explained that the request was not exactly a request from Mr. Knowlton, it was a demand from Mr. Hansbarger. As a result of the Board's decision to rehear the case, there was some discussion about notice requirements and Mr. Hansbarger did call him and say that in light of the questions remaining that he would appreciate it and felt it would be only proper that an opinion be issued.

Mr. Smith stated that he had also made a similar request to Mr. Knowlton for the opinion.

Mr. Symanski, in answer to Mr. Smith's question, stated that his opinion stated that the notice requirement is not based on the State Code, but on the Board's own by-laws. He stated that he did not feel it is the County Attorney's place to interpret the by-laws. The by-laws do say that the applicant shall be responsible for notification to abutting property owners. He stated that he had not reviewed the notice that was sent out. He stated that he would have to assume that the staff sent out notices as it usually does.

Mr. Swetnam stated that the staff did what it thought was proper before to properly notify the adjacent property owners and that became in question. He stated that he wanted an opinion from the County Attorney as to whether or not this is correct.

Mr. Symanski stated that if five abutting property owners were notified in compliance with the Board's by-laws, Article VI, paragraph 4, then the notice requirement has been met.

Mr. Swetnam asked the Chairman if he was satisfied with the notices.

Mr. Smith stated that proper notice has been given. He stated that he did not believe that any of the Board members except for probably Mr. Barnes and himself has ever been involved in a boundary interpretation application previously. He stated that it has been a number of years since he and Mr. Barnes has been involved in this type application. He stated that normally the Board gets this type request after there has been a new map adopted. There were several after the 1959 map was adopted. For this reason, Mrs. Kelsey was not as familiar with this type application as she is the others, and she handled this in a different manner. We are now aware, after having researched the requirements, of what the requirements are.

Mr. Durrer stated that he had made the motion to have the rehearing so the citizens could express their views clearly and as much as they wished to. He stated that he wanted to also be sure that this is a legal hearing.

Mr. Smith assured him that it was.

Mr. Smith asked if there was anyone present to speak in support of the applicant, JOHN O. WAGNER. There was no one present who wished to speak.

Mr. Smith asked if there was anyone present to speak in support of the Zoning Administrator's interpretation.

Mrs. Lila Richards, 8703 Brook Road, McLean, spoke for the Planning and Zoning Committee and Board of Directors of the McLean Citizens Association. She submitted a list of the members names. She also submitted a copy of her statement which is in the file. She then gave the Board the history of this piece of property. She submitted several exhibits, exhibit A, the 1957 plat which she stated had the precise area delineated for commercial use and exhibit B, the metes and bounds description. She stated that the area to be zoned commercial was in addition to the 37,422 sq. ft. which the Wagners leased to Esso. She pointed out to the Board that on the 1957 plat the little house which was to be removed so it could be replaced by the pump island, the underground storage tanks, and the new 50-foot access onto Kirby Rd. She stated that the zoning application was filed because the Fairfax County Board of Zoning Appeals refused on May 14, 1957, to give permission for Mr. Wagner to put the pump island on the 4,068 sq. ft. lot. This corner lot was not included in the pre-existing non-conforming use. Therefore, if the Board granted the location at the intersection they would be extending a non-conforming use onto residential property, which they did not have the authority to do. The BZA's minutes of May 14, 1957, indicated very clearly that the Board refused to do it and referred the matter to the Planning Commission and the

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Board of Supervisors. The Planning Commission decided to recommend granting the 4,068 sq. ft., stating, quote: "While this is technically spot zoning, the actual granting of the application amounts to recognition of the factual situation - a long-established non-conforming business has been injured by the State when it acquired right-of-way resulting in a situation which would practically ruin the business and therefore take away the applicant's livelihood. By granting this small area the applicant will have access to his property - which will compensate for damage which could practically ruin the business. The Commission believes that this is a good disposition of a bad situation." Unquote.

(The remainder of Mrs. Richards' statement is attached as Page 125A, 125B, and 125C.)

Mr. David Putnam spoke in support of the Zoning Administrator's interpretation. He stated that he is an interested nearby neighbor.

In answer to Mr. Swetnam's question, Mr. Putnam stated that he was not familiar with the setback requirements for a corner lot.

Mr. Swetnam explained that where a piece of property fronts on two streets, there are two fronts to that property and the structures must set back from both streets using the front setback requirements.

Mr. Putnam stated that if he has two frontages, then the L shaped commercial district as a result of applying the Pomeroy Ordinance, would seem to them as being an L shape, zoned 200' along Dolly Madison which is 50' wide and 200' along Kirby which would be approximately 40' wide.

Mr. Swetnam stated that that would make 40,000 sq. ft. He stated that he felt that that is where the error started in the beginning.

Mr. Putnam stated that "to apply 200' on the basis of what is already the consequence of applying the Pomeroy, that you would not be able to apply the same Pomeroy over again to the extended 200' because that would be like a chain letter. According to the Pomeroy Ordinance, 30-2.15, it says that 200' back from the boundary line of the road and the boundary of Dolly Madison is approximately 80', so it would be 80' by 200' back from that, and if it is a corner and you want to apply both fronts, then from the line perpendicular to the line of Kirby would provide under the Pomeroy utilization, a piece 50' by 200'."

Mr. Durrer stated that he thought Mr. Swetnam is talking about the Pomeroy Ordinance, the '59 Ordinance. From the literature that he had seen, he stated that it would seem that the 1967 Ordinance superceded the Pomeroy Ordinance. He asked the Assistant County Attorney for his opinion.

Mr. Symanski stated that that was correct, and that is his opinion.

Mr. Day, 1329 Kirby Road, representing more than 250 residents of the neighborhood surrounding Langley Exxon and who signed petitions opposing the granting of approximately one acre of zoning, spoke in support of the Zoning Administrator's decision.

Diane Vantrees, 6004 Clayborn Drive, McLean, spoke in support of the Zoning Administrator's interpretation and stated that she endorsed what the other speakers had said.

Twelve people in the audience stood to indicate that they too supported the statements made by the previous speakers and that they supported the Zoning Administrator's interpretation.

Debro Fialka, representing the Franklin Park Citizens Association, which is located off Old Dominion Drive and Kirby Road, stated that they wished to support the Zoning Administrator's interpretation because they do not wish a precedent set for commercial development along Kirby Road.

Barbara Mitchell, 1523 Kirby Road, across the street from the subject property, stated that she felt that any time an interpretation of this Board has the effect of rezoning the nearby neighborhood, that the neighbors should be properly notified. She submitted a letter from an abutting property owner, Frances Mazio, in support of the Zoning Administrator's interpretation. She stated that she does concur with the statements made by the previous speakers.

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Mr. Swetnam inquired of Mr. Knowlton what type building could be constructed on the piece of land shown on the plat drawn by Mr. Paciulli, engineer, dated 1957, using the setback lines that are required by the Ordinance today.

Mr. Knowlton stated that something is already built on that property, but whether something was built or not is not germane to this hearing. This hearing is to determine where the zone line is now.

Mr. Swetnam that there has been a considerable amount of testimony today and previously which refers to this 4,068 sq. ft. as being the intent of the governing body * If it doesn't have any bearing at all, then the intent of the governing body is not being considered.
*as that amount of land in the C-N zoning category.

Mr. Knowlton stated that there have been various intents of the governing body The governing body in 1958 rezoned this land which was 4,068 sq. ft. In 1959 when the Pomeroy map was adopted, the map was at such a small scale that this piece of property is approximately the size of a pin, the commercial part. In several cases over the years since that time there have been applications to the Board of Supervisors where the owners of this property have applied to enlarge that commercial area and the governing body has seen fit not to act favorably on that request. In 1967, when the zoning map was placed on a map base that was of a scale where it could be scaled, it was put on in such a way as to be approximately 80' x 50', and is so shown today. He stated that he could not explain any descrepancy on the 50' x 80' dimensions that are on the survey by Orlo C. Paciulli which plat was probably submitted with the rezoning request of 1958. Whatever the size shown on the plat, it came out to 4,068 sq. ft. at that time.

Mr. Durrer stated that he felt this boils down to a technical case of whether the Pomeroy map of 1959 still holds, or if the 1967 Ordinance applies today. He stated that if the 1967 Ordinance applies today, then the Board has to vote to uphold the Zoning Administrator's ruling, and if not, then the Board has to rule the other way. He stated that it is regretable that Mr. Hansbarger could not be present to rebut the statements that have been presented and the statements that have been made today that were not made at the original hearing.

Mr. Durrer stated that with the information that he now has that he would move that the Board rescind its previous action of January 11, 1977 on this case of John O. Wagner, Executor of the Estate of Mabel Wagner, V-302-76, and reverse its position. The Board would now be upholding the Zoning Administrator's interpretation.

There was no second to Mr. Durrer's motion and therefore the motion died.

Mr. Swetnam stated that he did not feel a resolution is necessary.

Mr. Smith stated that there has to be a resolution to reaffirm the action of January 11, 1977.

Mr. Smith stated that the Chair would entertain a resolution to resolve the matter.

Mr. Symanski stated that if the Board chooses to accept his opinion to Mr. Knowlton on the subject of notice that he would suggest if the Board wants to uphold or continue that resolution, that it take action. The previous hearing under the circumstances, the validity of that hearing is questionable, he stated.

Mr. Smith stated that that was why he was trying to get a resolution to resolve the matter.

Mr. Swetnam moved that in the case of V-302-76, John O. Wagner, that the boundary of the C-N district be set at 200 feet from Route 123 and 200' from Route 695, that being Kirby Road and Dolly Madison or Chain Bridge Road.

Mr. DiGiulian seconded that motion.

Mr. Durrer stated that he felt the Board is getting into rezoning with this motion and is doing something that is against the legislative Board of the County.

Mr. Barnes stated that this Board is here to interpret Mr. Knowlton's findings and that is all.

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Mr. Swetnam stated that the action today only states that this Board's interpretation is that the boundaries set back 200 feet from each of those streets.

Mr. Durrer stated that he felt Mr. Swetnam is still going back to the 1959 Ordinance and all of the evidence presented today says that the 1967 Ordinance superceded that.

The motion passed three to two. Messrs. Barnes, Swetnam and DiGiulian voted Aye and Mr. Durrer and Mr. Smith voted No.

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The meeting adjourned at 3:40 p.m.

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

Submitted to the Board of Zoning
Appeals on March 15, 1977.

Submitted to the Bd. of Supervisors,
Planning Commission and other Depts.
on April 15, 1977.

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED April 13, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, March 8, 1977. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam; and John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.

(The meeting began at 10:30 a.m.)

10:00 a.m. - TRUSTEES, ST. JOHNS EPISCOPAL CHURCH appl. under Sec. 30-7.2.6.1.11 of the Zoning Ord. to permit additional trailer for Sunday School classes, 9220 Georgetown Pike, 13-2((1))8, 7 acres, Dranesville Dist., RE-2, S-307-76. (Deferred from 2/1/77 for proper notices.)

Henry Mackall, 1032 Towlson Road, McLean, represented the applicant. The notices to property owners were in order.

Mr. Mackall stated that this trailer will be used for Sunday School classes. The trailer is 12' x 55' with 3 rooms. Each room will accomodate one teacher and 10 small students. Classes will last about 45 minutes. Classes will be in conjunction with regular church services. The trailer proposed to be used will be similar to that presently in use for which a Special Use Permit was previously granted. The proposed location is well back from the road and the owner of the adjoining land has consented to the use of the trailer in the proposed location.

In answer to Mr. Swetnam's question, Mr. Mackall stated that the renewal date for the existing trailer has expired since it was to run concurrently with the Site Plan Waiver. They have requested another waiver and that should come before the Board of Supervisors shortly.

The Board discussed the area of land that was shown as the plat as being used for the septic field. Mr. Mackall stated that they have an easement from Mr. Shands for that area. They have been negotiating to purchase it and that will be done in the near future.

Mr. Smith stated that if the church purchases the property, it will have to be included in the Special Use Permit. The Board should note for the record that the septic field area that is shown on the plat is under easement. That septic field area is required by the Health Department to meet the requirements for the church use.

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

(The hearing ended at 10:45 a.m.)

Mar. 8, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-307-76 by Trustees, St. Johns Episcopal Church under Section 30-7.2.6.1.11 of the Fairfax County Zoning Ordinance to permit an additional trailer for Sunday School classes, 9220 Georgetown Pike, 13-2 ((1))8, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 7 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. This granting is for two (2) years with the Zoning Administrator empowered to grant three (3) one (1) year extensions.
8. That all the conditions of Special Use Permit S-174-74 be continued.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

10:20 A.M. - THEODORE B. SIMPSON appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of a garage 10' from side property line (20' required), 934 Dead Run Drive, Broyhill Langley Estates, 21-3((11)) 74, 20,086 sq. ft., Dranesville Dist., RE-0.5, V-311-76. (Deferred from February 1, 1977 for proper notices.)

Mr. Simpson presented notices to property owners to the Board. The notices were in order.

Mr. Simpson's justification was that his lot is one of the narrowest lots in the subdivision. The front and back has a steep grade. He stated that his entire side of the street is on a hillside.

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

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Mr. DiGiulian made the following motion:

WHEREAS, Application V-311-76 by Theodore B. Simpson under Sec. 30-6.6 of the Zoning Ord. to permit construction of garage 10' from side property line, 934 Dead Run Drive, 21-3((11))74, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE0.5.
3. The area of the lot is 20,086 sq. ft.
4. That the Board finds that the applicant's property is exceptionally narrow and has exceptional topographic problems;

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

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

11:00 A.M. - PEYTON E. DUNCAN, JR. appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition to dwelling 5' from side property line (10' required), 8209 Lorton Road, Lee Dist., 107-3((1))6, RE-1, 0.340 acre, V-18-77.

Mrs. Duncan submitted the required notices to property owners to the Board. The notices were in order.

Mrs. Duncan stated that she and her husband are requesting a 5' variance in order to extend the living area of their house. She stated that she hoped the Board would consider the extreme narrowness of the lot and the placement of the house on the lot in relation to other homes in the area. The house sits quite far back on the lot from the other homes. The lot only has 55' frontage She stated that they have owned the property for two years and plan to continue to live there. The house was built in 1943. The size of the addition is 12' by 33.6'. The addition will be brick on the front and the same material as the house on the other sides.

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

Mar. 8, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-18-77 by Peyton E. Duncan, Jr., under Sec. 30-6.6 of the Zoning Ord. to permit an addition to a dwelling 5' from side property line, 8209 Lorton Road, 107-3((1))6, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 0.34 acres.
4. That the Board finds that the applicant's property is exceptionally narrow.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. That the addition shall be compatible with the existing dwelling.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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11:10 A.M. - PREFERRED PROPERTIES, INC./RICHARD BROWN appl. under Sec. 30-6.5 of the Zoning Ordinance to appeal decision of Zoning Administrator in his interpretation of Sec. 30-16.2.1.2 in refusing to allow a free standing sign to be erected at 7802 Little River Turnpike, 59-4((5)) 7, Accotink Heights Subd., Annandale Dist., 15,000 sq. ft., R-17, V-19-77.

(The hearing began at 11:13 a.m.)

Mr. Richard Brown, 7802 Little River Turnpike, stated that his attorney Mr. Duggan would not be able to be present today. He requested that the case be withdrawn because he was moving his office out of that building.

Mr. Donald Beaver, Zoning Inspector, testified that there is a violation existing on this property. There is also litigation pending on this case which has been continued until March 18.

Mr. Brown stated that he would be moving his office from this location this weekend, hopefully. However, he would not agree to remove the sign from the property.

There were three people in the room interested in this application. Kathleen Needham , President of the Accotink Heights Citizens Association, stated that about two years ago Mr. Brown came into their neighborhood and placed a Preferred Properties sign over the door. Then all of a sudden, he placed a large Century 21 sign in the yard and turned this residence into a commercial business. She questioned whether or not Mr. Brown actually lived at this location.

In answer to Mr. Smith's questions, Mr. Brown stated that he does live at this address and that it is his legal residence. He is moving to 7331 Little River Turnpike. He has applied for an occupancy permit for the new location.

The Board deferred the case until next Tuesday, March 15, 1977, at which time the Board will reconsider the request for withdrawal. However, if Mr. Brown has moved from the premises by that time, it would not be necessary for anyone to appear. This case will be called at 1:00 p.m. or later.

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A.M.
11:20 - LOGICON, INC. appl. under Sec. 30-6.8 of the Zoning Ord. to appeal the Zoning Administrator's decision in issuing a non-residential use permit for the Warehouse Restaurant, 8300A Merrifield Avenue, 49-1((16))4, Providence District, (45,131 sq. ft.), I-L, V-20-77.

Lee Fifer, attorney for the appellant with offices at 4085 University Drive, Fairfax, submitted notices to nearby and contiguous property owners of this hearing. He stated that Mr. Howard Mappen, operations manager with Logicon, was present to assist him in his presentation.

Mr. Winfield from Preliminary Engineering located the property on the map before the Board. The building is located in the Merrifield Industrial Park, off Lee Highway.

Mr. Jerry Friedlander, attorney for the landowner, called for a point of order because he had not received notice from Mr. Fifer. Mr. Smith stated that the Clerk had notified Mr. Friedlander by giving him a copy of the letter of notification in person. Mr. Friedlander confirmed this, but stated that Mr. Fifer had not notified him of any of these actions and he and Mr. Fifer have been in litigation over several questions relating to this matter for some time now, and he wished this to be in the record. Mr. Smith stated that Mr. Fifer was not required to send out notices to anyone, but he had sent out notices to contiguous and nearby property owners, which the Board appreciated.

Mr. Fifer stated that his clients are contending that under provisions of Sec. 30-6.8 of the Zoning Ordinance that there was an error in the issuance of the non-residential use permit for the use of The Warehouse Restaurant in the building located at 8300A Merrifield Avenue, owned by the Merrifield Corp., Mr. and Mrs. Andrew God. They feel there was an error made for a number of reasons:

(1) that erroneous information was provided for the County at the time of the seeking of the non-rup and the site plan waiver for the Warehouse Restaurant, issued on January 7, 1977;
(2) that the building itself is in violation of the Zoning Ordinance, especially as it relates to parking requirements;

(3) that the building is in violation of the site plan requirements; and
(4) that the restaurant is presently in violation of the sign ordinance.

Mr. Fifer submitted exhibits of plats of all the building permits relating to this building and all the non-rups that have been issued by the County for uses within this building, a copy of the site plan waiver, WV 3559; and a lengthy lease between the landlord and Logicon, which Mr. Smith stated could not be considered since it was not one of the points under this Board's jurisdiction. The question on the lease would be a civil matter.

Mr. Fifer then showed viewgraphs indicating the schedule of parking tabulation used for the restaurant, the number of spaces required for each use in the building and the parking required. The restaurant was proposed to have 24 seats at 1 parking space for every 4 seats, which would require 6 spaces, and 350 sq. ft. of carry-out space which would require 6 spaces for a total of 12 parking spaces. Up until today, there were 56 seats in the restaurant. This has been confirmed by Mr. Winfield in Design Review, Mr. Carpenter, Zoning Inspector, and Mr. Fifer. A report from the Health Department dated January 7, 1977, included in the exhibits, listed 56 seats as the seating capacity. An inspection this date revealed 48 seats.

The plan for the entire building showed a total of 71 parking spaces. This plan has now been revised to show 75 parking spaces.

Mr. Fifer said that Logicon alone would need 96 parking spaces, as derived by the Zoning Ordinance; Tom's Auto Parts, 4 spaces; the Warehouse Corp., 4 spaces; the proposed bakery, 4 spaces. Therefore, there is a severe shortage of parking spaces for this building. Part of this shortage is because the original site plan showed only 2 stories and there are now 3 stories in this building. There has been no site plan approval for 3 stories to this building. There was approval for a storm sewer system, which did show 3 stories, but there was a notation on the approval which said that the approval was for the storm sewer system only.

Mr. Friedlander, attorney for the landowner, Merrifield Industrial Corp., discussed points in the negotiating of the lease regarding the number of parking spaces that would be provided to Logicon. The lease calls for 80 spaces for Logicon, but it was never understood that those were to be on-site. 32 were to be on-site and the balance off-site. On November 27, 1973, Logicon wrote a letter to the Merrifield Industrial Corp. relative to the lease stating that they no longer wished to use the off-site parking and that they would find their own. Logicon said that they did not wish to use the off-site parking because it was not convenient to the building but was on Dorr Avenue and Logicon had been under the impression that the parking would be adjacent to the building. When Logicon came into this building they had 35 employees, but the landowner did have some idea that they would expand. Mr. Friedlander stated that he went with Mr. God to the Fairfax Building to obtain the non-rup and the site plan waiver. He checked at that time with Logicon and found that they had 96 employees, some of whom worked across the street in the Preston Walker building. The representations that Logicon has 350 employees is news to the landowner. Never had they ever contemplated that being the situation. The space was leased to Logicon as a warehouse. The lease provided that Logicon would make certain improvements to the facility. This is part of the litigation between the landowner and Logicon. There are hard feelings between the parties.

Mr. Friedlander then went into several factors which he stated would demonstrate that Logicon is trying to put the building on trial. He stated that that was not the issue before this Board.

Mr. Smith asked Mr. Reynolds, engineer in the office of Preliminary Engineering, what was indicated on the original site plan as the use for this building.

Mr. Steve Reynolds, engineer with Preliminary Engineering, Division of Design Review, Dept. of Environmental Management, stated that on the original site plan approved by the County, the use indicated for the proposed building was "warehouse only". He stated that there is considerable difference in the parking requirements for warehouse use and for office and restaurant use.

Mr. Friedlander stated that there were certain tenant revisions to that site plan as improvements were made. As these improvements were made, the appropriate permits were obtained, so that everything was in order. The non-residential use permit was obtained in 1974 for Logicon to use the 3rd floor for testing, electronics laboratory and office. The building plans were approved for a 3 story building. It is now a 3 story building, has been a 3 story building, which 3rd story was constructed along with the other two.

Mr. Reynolds in answer to Mr. Smith's question stated that there has been no site plan approval that would include the 3rd floor of this building. The building permit application, which he stated he had a copy of, was signed by Design Review as per the attached site plan No. 377, and that is the site plan that shows 2 stories. He stated that he has the original site plan that was approved in front of him now, and by elevations, it states that there are two levels, or two floors in this building. The parking tabulation is based on employees. By using that rather than square footage, you can't tell exactly how many floors there are in the building, but the upper level elevation and lower level elevation and roof elevation are shown on the plans. This tells the site plan office and the people who reviewed these plans that there are two levels. There were subsequent revisions approved to the site plan for storm sewer revisions, that reflected 3 stories to the building, but none of the revisions approved a site plan as a three story building. The original site plan was approved by John Chilton, Deputy Director of Design Review, who did take part in the review.

Mr. Friedlander stated that when the original site plan was submitted, they were required to provide 71 spaces, which they did provide. They did request and receive permission to have the restaurant for 24 seats and 350 square feet of carry-out area. When the Gods decided to change the carry-out portion of the restaurant to seats, they called the County and asked Mr. Winfield in Design Review, if they could do that. They answer was that they could if they did not increase the number of parking spaces that would be required. Mrs. God did not understand that she had to send in a letter requesting additional site plan amendment, which letter she now has sent in. There has been no increase in the number of parking spaces needed. 48 seats will not increase the need for more than 12 parking spaces.

Mr. Friedlander brought out several points regarding the lease between the landlord and Logicon. However, Mr. Smith stated that the Board, he hoped, would disregard the testimony connected with the civil matters involved. Mr. Friedlander then submitted a copy of the non-residential use permit certificate,A-119-74, issued on January 4, 1974 to Logicon for the use of the 3rd floor of the building for the use of testing, electronic lab and office purposes, signed by the Zoning Administrator. He stated that the problem comes because of the number of employees on the 2nd and 3rd floors. The question is, can a tenant on his own increase personnel, put the burden on the landlord to provide him parking spaces which were never contemplated by the parties at the outset. If he can, the landlord can't possibly meet the criteria established by Logicon. Logicon does have space across the street and the question comes up now, how many people do they really have over there and how many people are really working in the subject building.

In answer to Mr. Durrer's question if Logicon's lease limits the number of people that can work in the building, Mr. Friedlander stated that there was no mention in the lease of a specific limitation on employees for Logicon. As to whether or not Logicon has the legal authority to add more people than they had when they moved into the building, if that question has no connection with parking, then the answer is that they could bring in as many people as fire and county regulations would permit, if they upgrade the use of the building. The only limitation was that they could not improve the premises without permission from the landlord.

Mr. Swetnam stated that he did not see how one could permit a tenant to expand his personnel past the facilities for parking requirements set by the County. He stated that he felt Logicon has caused a parking problem by adding personnel.

Mr. Smith stated that the action of allowing the restaurant to occupy the premises took place after Logicon had occupied the property for two years. It is the contention of the appellant that the landowner has exceeded the parking availability for the building.

Mr. DiGiulian asked Mr. Knowlton if there was a number of parking spaces set aside with these non-residential use permits, or if the zoning office waits until the last one to see if there is enough parking.

Mr. Knowlton stated that there was a number of parking spaces shown on the original site plan and then at a point in time, it was brought to the zoning office's attention that there was a parking problem. They talked with the landowner who submitted a revised parking schedule which is now in the hands of the Division of Design Review and which has been approved.

Mr. Winfield, engineer with the office of Preliminary Engineering, Division of Design Review, Dept. of Environmental Management, Fairfax County, in answer to Mr. Knowlton's question regarding the most recent amendment to the site plan stated that the building permit came through the Plans Control Section of his office for interior finishes for a restaurant and he was asked for his signature on the plans. He compared this use to the site plan which proposed warehouse uses and saw that the restaurant was not included on the site plan, so he required the revised parking tabulation. On the site plan, it shows 71 total spaces required. The plan submitted with it shows 71 spaces would be provided and that is including the restaurant with 24 seats and 350 square feet of carry-out area, which would total 12 parking spaces.

Mr. Durrer inquired of Mr. Knowlton if that information convinced him that the parking situation was taken care of for all the uses in the building.

Mr. Knowlton stated that that convinced him that the plans did show sufficient parking for the things the plans said would be in the building. The plans showed 24 seats and there were 56 seats up until yesterday. Now there are 48 seats.

Mr. DiGiulian stated that it was his understanding that this Board is here to hear an appeal of the Zoning Administrator's decision in issuing a non-residential use permit for a restaurant. The site plan shows that 25 parking spaces would be allocated to Logicon and Mr. Fifer says that Logicon needs 96 spaces.

Mr. Smith stated that the lease calls for 80 parking spaces for Logicon.

After further discussion, the Board determined that even though a portion (48) of the 80 parking spaces were to have been off-site, the landowner never received approval of an off-site parking lot and that the parking lot that he did provide did not meet site plan and code requirements for off-site parking lots.

Mr. Gerald Carpenter, Zoning Inspector, testified that he had inspected the property and had issued violation notices for violation of the site plan waiver which called for 24 seats in the restaurant and by last inspection, there were 48 seats. He also issued a violation notice for having signs on both this property and other properties relating to the restaurant that were in violation of the sign ordinance.

Mr. Durrer asked if Mr. Reynolds or Mr. Winfield had heard anything different today from what they were told at the time the application for non-residential use permit and the site plan waiver was submitted.

Mr. Winfield stated that in November when Mr. God requested the site plan waiver, they did have a meeting in which they went through a long discussion of what the uses of the building were to be. He stated that his office took that information at face value. He stated that he did not personally go out to the site to ascertain if it was correct or not at that time. Since then, yesterday morning, he did view Logicon and there is a great discrepancy in the information that was presented with the site plan waiver request and with what is actually in the field at this time.

In answer to Mr. Smith's question, Mr. Winfield stated that the information for the site plan waiver was presented to his office by the landlord, Mr. God.

Mr. Knowlton stated that there are no discrepancies as far as the staff can determine in what has been presented by Mr. Fifer, according to the inspections that have been made in the past month or so.

Mr. Andrew God, 8300 B Merrifield Avenue, testified regarding the gasoline pumps that he has on this property and explained as Mr. Friedlander had, the chain of events that led up to having 48 seats in the restaurant. He testified that Logicon had leased warehouse space at $2.50 per square foot, not office space.

Mr. Preston Walker, owner of the building across the street from the subject property, testified about the terrible parking problems and the hazardous conditions these parking problems are causing in that a fire truck or rescue vehicle could not get to his building because of the parking problem created by Mr. God's building.

After a brief discussion among the Board members, Mr. DiGiulian moved that the Board uphold the decision of the Zoning Administrator in issuing the non-residential use permit for the Warehouse Restaurant, 8300A Merrifield Avenue.

Mr. Swetnam seconded the motion. He stated that in seconding the motion, he felt that there comes a time when everybody in the County government has to face up to what they have done and he believed that Mr. Knowlton made the decision with all of the information in hand.

Mr. Durrer stated that he would back him up also, but the staff has said that they didn't have the correct information at the time the non-rup was granted.

Mr. Smith stated that Mr. Knowlton has admitted that he did not have the proper information at the time the non-rup was granted.

Mr. DiGiulian stated that if that was true, then the Zoning Administrator has other ways to correct this situation. He stated that he still had not heard from the Zoning Administrator how many parking spaces are required based on the number of people in the building and the uses in the building. If there are more people in the building than parking is provided for, then there is a way to remedy that situation and it is not at this hearing today. This Board is not here to arbitrate a lease.

Mr. Durrer stated that he felt Mr. Knowlton might have made a good decision at the time, but that is not necessarily true now.

Mr. Smith stated that he thought that this is what this appeal is all about today, to ascertain that the information that was given to the Zoning Administrator at the time the non-residential use permit was granted was not correct and for that reason he did erroneously grant the non-rup for the restaurant use.

The motion to uphold the decision of the Zoning Administrator passed 3 to 2. Messrs. DiGiulian, Swetnam and Barnes voted Aye and Messrs. Durrer and Smith voted No.

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11:40 A.M. - J.K.J. CHEVROLET, INC. & J. KOONS PONTIAC GMC, INC. appl. under Sec. 30-7.2.10.3.8 of the Zoning Ord. to permit additional lot for the sale and rental of automobiles and trucks incidental and accessory to above-named new car dealerships, 8517 Leesburg Pike, 29-3((1))pt. of 3 & 43, (7.4155 acres), Centreville Dist., C-D, S-21-77.

(The hearing began at 3:10 p.m.)

Ralph Louk, attorney for the applicants, submitted the required notices to property owners to the Board. Mr. Louk had notified the Fairfax County Park Authority instead of the Board of Supervisors, who is the actual legal owner. However, he had sent out six other letters in addition to that one.

Mr. Durrer moved that the notices be declared in order.

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

Mr. Covington told the Board that he had given each members earlier a copy of the Zoning Administrator, Mr. Gilbert R. Knowlton's, ruling which says that this use as proposed in this application must be on the same site as a new car dealership, or contiguous to it.

Mr. Louk disagreed and stated that Section 30-7.2.10.3.8 of the Zoning Ordinance states on page 582.3 "sales and rental lots of automobiles and trucks not exceeding one and one-half tons capacity incidental and accessory to a new car dealership". This is an application on behalf of J.K.J. Chevrolet, Inc., which has a new car dealership one-half mile or less down the road and concurrent with J. Koons Pontiac GMC, Inc., a new car dealership which will occupy the front 4.5 acres adjoining this site. The proposal is for a sales lot for both dealerships. The contract to purchase is between the two corporations and Mr. Capper and it is contingent upon getting this Special Use Permit. He stated that there is no law that says you must have the dealership in operation. The Board can make a condition of this Special Use Permit that it is subject to a site plan being filed for a new car dealership. The word "accessory" does not mean contiguous. "Accessory" means that it has reasonable access. He stated that in the Tysons area something is accessory that can be eventually gotten to by a side street or service road. The property across the street is zoned high-rise office buildings and apartments. There is a shopping center on this site all the way down to the Capper

property in the C-D zone. On Route 7 there are eight or ten automobile dealerships. The Board of Supervisors have indicated that they do not want a regional shopping center on this side of Route 7. There is I-P and C-D zoning contiguous to this subject property. The different owners who have automobile dealerships similar to J.K.J. will also be using some of this C-D land and coming before this Board for sales and rental lots for automobiles and that would be proper.

Mr. Covington stated that the Code defines "accessory" in several places. Under Sec. 30-1.8.3.36.1 the definition given for the use "accessory" states:
"a use that is customarily incidental and subordinate to the principal use of a lot or a building and which is located on the same lot therewith."

Under Sec. 30-1.3.2.1, "building accessory", the Code states:
"a building detached from and subordinate to a main building, on the same lot and used for purposes customarily incidental to those of the main building. Any building that is customarily incidental to any agricultural use shall be deemed to be an accessory building whether located on the same lot with the principal building or not."

He stated that the Code treats both building and use by definition as requiring them to be on the same lot. He stated that this is the Zoning Administrator's interpretation.

Mr. Louk stated that he earlier received a Special Use Permit on the lot of the Giant Dept. Store, next to J.K.J. Chevrolet for a sales and rental lot for automobiles. He stated that this is the Board that hears this application. Mr. Knowlton, the Zoning Administrator, is not a member of this Board. Therefore, this Board must resolve this question.

Mr. DiGiulian stated that the Zoning Administrator accepted the application and his fee for the application and then in a memo dated today the Board gets an interpretation that it cannot hear this application.

Mr. Durrer moved that the Board continue with the hearing.

Mr. DiGiulian seconded the motion.

Mr. Smith objected to continuing the hearing until the question on accessory use is resolved.

Mr. Durrer stated that no one has indicated where in the Ordinance, it says that this subject property is not accessory to the proposed contiguous dealership.

The motion to continue with the hearing passed 4 to 1. Mr. Smith voted No.

Mr. Louk stated that the plats before the Board speak for themselves as to the proposed use of the property. He stated that the report from Comprehensive Planning regarding the proposed application does not fully explain the history of this case. There was a rezoning that was applied for by Mr. Capper. The staff requested that the rear of the property that adjoins the Tysons Green Subdivision, Section 3, be for 21 single family lots on 11 acres rather than for townhouses. Mr. Capper amended his application to so reflect 21 single family houses. Then the citizens requested that those lots not be allowed and that they be conveyed to a public interest in order to keep the stream valley. At the time of the Board of Supervisors' hearing, Mr. Capper conveyed the 11.16 acres to the Board of Supervisors with a designation to the Park Authority. The citizens requested that the land of which the subject application is part not be used for a regional shopping center. Mr. Capper agreed to that. Now, he wishes to have a sales lot for automobiles accessory to a new car dealership. This land is zoned C-D which allows this use with a Special Use Permit from this Board so that this Board can look at the impact this use will have on the surrounding area. He stated that this use will be compatible with the other uses in this area.

Diedra Ricks, Fairfax County Park Authority, spoke on behalf of the Park Authority. The Park Authority's recommendations were that:

1. No construction occur in the flood plain.
2. No construction occur on land adjacent to the flood plain that is 25' or greater in height with slopes equal to or in excess of 15 percent.
3. No construction occur on land located within 25 horizontal feet of the flood plain where slopes adjacent to the flood plain are less than 15 percent.
4. Adequate storm water detention devices be installed.
5. A natural buffer be established between the proposed parking lot and the adjacent stream and flood plain to preserve the aesthetic and

scenic amenity of the stream valley.

The Office of Comprehensive Planning in a memo also dated March 8, 1977 and submitted to the Board at the time of the hearing stated that in summary, it is unclear, to date, as to whether the area embraced by S-21-77 lies within the floodplain-stream valley area identified by cases C-586 and 75-L-024 and referenced by provision #1 of the covenants. If the area does not lie within the existing RE-1 District deeded to the Park Authority for park uses, then it would appear that the special permit request would conflict with provision #5 of the covenant, referencing the generalized development plan. Even without these legal constraints, however, it would appear that it was not the intent of the staff and others responsible for comprehensive plan formulation and implementation to encourage such uses as envisioned by S-21-77 for the specific site in question.

Dr. Leonard M. Schwab, President of the Tyons Green/Ankerdale Civic Association, submitted his statement to the Board, which can be found in the file. He stated that his civic association feels this application is unreasonable and totally inappropriate because of

1) The environmental grounds. He stated that in the Woodland Conservation Report filed on September 10, 1975 by D. E. Sheads, as part of the original rezoning application for the Capper tract, of which this parcel is a part, Mr. Sheads recommends that:

"1. No tree or vegetative cover removed from low flood plain area along Old Courthouse Branch (probably an average distance of 50 to 75' each side of the stream). This vegetative area will help prevent further stream siltation and erosion, along with many other environmental benefits.

2. Exercise care in building site layout, street design and landscape work throughout the mixed hardwood stand. Save as many individual and groups of trees as practicable, for soil protection, shade areas and the general aesthetic value.

3. Retain a portion of the vegetative strip along the west boundary for screening and general environmental benefits."

Mr. Schwab submitted four letter from adjoining property owners in opposition to this application.

Mrs. Donald Spiece, 8705 Higdon Drive, Vienna, spoke in opposition to the granting of this Special Use Permit stating that a very careful site review should be made to insure the preservation of this Environmental Corridor.

Mar. 8, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-21-77 by J.K.J. CHEVROLET, INC. & J. KOONS PONTIAC GMC, INC. under Section 30-7.2.10.3.8 of the Fairfax County Zoning Ordinance to permit an additional lot for sales and rentals of automobiles and trucks as an accessory to the above-named car dealerships, 8517 Leesburg Pike, 39-3((1))part of 3 & 43, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 8, 1977; and

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

1. That the ownersof the subject property are Meredith and Daniel S. Capper.
   The applicants are the contract purchasers and/or lessees.
2. That the present zoning is C-D.
3. That the area of the lot is 7.41 acres.
4. That compliance with the Site Plan Ordinance is required.

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

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

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

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

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be from 7:00 A.M. to 10:00 P.M.
8. The maximum number of parking spaces shall be 1,469.
9. This Special Use Permit is subject to the approval of a site plan for a new car dealership on the contiguous property.

Mr. DiGiulian seconded the motion.

The motion passed.

Mar. 8, 1977
1:00 p.m. - AMOCO OIL CO. appl. under Sec. 30-7.2.10.2.1 of the Zoning Ord. to permit construction of 24'x45' canopy over existing gas pump islands, 6550 Arlington Blvd., 50-4((1))22, Providence Dist., (19,506 sq. ft.), C-N, S-22-77.

Mr. Lawrence Hayward, 1 North Charles Street, Baltimore, Maryland, Project Attorney for AMOCO, submitted the required notices to the Board. The notices were in order.

Mr. Hayward submitted a rendering showing how the proposed canopy would look.

Mr. Smith stated that the words "AMOCO SELF SERVICE" would have to be deleted from the canopy.

Mr. Hayward stated that that rendering is just to show how the canopy will look. AMOCO will abide by the Ordinance as it relates to signs and also to the Board's decision.

Mr. Smith stated that it has been the Board's policy that no signs are to be permitted on the canopies.

Mr. Hayward stated that there is to be no change to the facility other than removal of the island lights in order to construct the canopy. This will not be a detriment to the community, nor will it interfere with traffic on Arlington Boulevard.

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

Mr. Hayward stated that this request for a canopy is necessitated because of a definite change in the marketing concept of the petroleum industry to change the pump islands to self service. To create a more conducive atmosphere for the customers while servicing their cars in inclement weather, they feel it is necessary to erect this canopy.

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RESOLUTION

Mr. Durrer made the following motion:

WHEREAS, Application S-22-77 by AMOCO OIL COMPANY, INC. under Sec. 30-7.2.10.2.1 of the Zoning Ordinance to permit construction of 24'x45' canopy over existing gas pump islands, 6550 Arlington Blvd., 50-4((1))22, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is North Washington Properties, Inc. The applicant is the lessee.
2. That the present zoning is C-N.
3. That the area of the lot is 19,506 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. There shall be no display, selling, storing, rental, or leasing of automobiles, trucks, trailers, recreational vehicles, lawn mowers, etc. from this property.

Mr. Barnes seconded the motion.

The motion passed unanimously.

AFTER AGENDA ITEMS - MARCH 8, 1977

1. REQUEST FOR OUT OF TURN HEARING -- MURRELL W. PROCTOR T/A CENTURY MOTORS, S-50-77. Scheduled for April 19, 1977. Applicant requests an OTH for April 12, 1977.

The Board read Mr. Proctor's letter requesting the early hearing. Mr. Smith stated that Mr. Proctor had to have proof that he had a franchise for a new car dealership. If he doesn't his money might as well be refunded.

Mr. Swetnam moved that Mr. Proctor be granted an out of turn hearing for April 12, 1977 in accordance with his request.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEM

2. LUCK QUARRIES, Request for extended hours: from April 1 to June 30, 1977.
   Monday through Friday - 5:30 A.M. to 9:30 P.M.
   Saturday - 7:00 A.M. to 12:00 Noon.

Mr. Swetnam stated that he felt that 5:30 A.M. was too early. He stated that the Board had relaxed the hours once before and he did not see why the Permittee did not find some other way to alleviate his problems.

Mr. Roy Spence, attorney for the Permittee, stated that only one of the secondary crushers would be operated during these extended hours. It will only be the crusher that produces the 8-A stone. The plant has had to shut down for 25 to 30 days. If they are permitted to operate these extended hours until June 30, they will have enough stockpiled. The nearest home is 1500 to 2,000 feet away. There were no complaints during the extended hours last September.

Mr. Durrer moved that the request be granted. Should there be complaints, the Board can put the normal hours back into effect.

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

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March 8, 1977
AFTER AGENDA ITEM

3. ARAUJO, SYDENSTRICKER SCHOOL, S-745-67. The Board for the record noted that the Araujos have now submitted a signed and notarized deed for road dedication and they now have their non-residential use permit which means that they now have a valid Special Use Permit.

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March 8, 1977
AFTER AGENDA ITEM

4. MURRAY WEINBERG, TRUSTEE, V-111-73; Question on fence.

Mr. Smith read a letter from Mr. Nagel regarding questions he had concerning the wall that was required to be constructed along the property line separating the residences from the office building.

Mr. Covington stated that he had inspected the minutes and could find no place where the Board required an 8' wall. The condition on the variance required the wall, but did not specify how high.

Mrs. Kelsey explained to the Board that a waiver had been obtained for the front lot along the easterly boundary, lot 8, from Daniel J. O'Flaherty and Dorothy DelCampo for the screening requirements. However, they did not waive the retention walls made necessary and required by differences in elevation between the properties.

The Board members agreed that the owner of lot 8 had the right to waive screening requirements along that property line if they so chose. There was no stipulation as to how high the fence along the easterly property line should be. The site plan reflects that the fence height of the wall is to be 6 above finished grade of the higher elevation, whether the higher elevation occurs on the subject property or the adjacent property.

APPROVAL OF MINUTES
Mr. Durrer moved that the Minutes for January 10, 11, 18, February 1 and 8 be approved.
Mr. Barnes seconded the motion.
The motion passed unanimously.

OTH FOR CHARLES WESLEY UNITED METHODIST CHURCH. The Board approved the out of turn hearing for this church for March 22, 1977, at 1:45 p.m.

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

DANIEL SMITH, CHAIRMAN

APPROVED _____
DATE

Page 141, March 8, 1977

AFTER AGENDA ITEM

CHANGE IN SETBACKS FOR ROCK QUARRIES.

Mr. Covington advised the Board that the Board of Supervisors had amended the Ordinance as it relates to setbacks for rock quarries. As soon as the recently adopted amendment has been printed, a copy will be brought to the Board's attention.

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March 8, 1977
BOARD POLICY

Mr. Swetnam stated that in recent weeks the Board has been given a rather lengthy memorandum at or during a meeting for a case coming up that day. He moved that the Board adopt a resolution that says that staff input and information should be given to the Board on a regular distribution basis, so the Board will have at least a day to read the material and that the Board will not accept such information at a later time.

Mr. DiGiulian seconded the motion.

Mr. Durrer stated that he had brought that problem up several months ago and the Zoning Administrator said that he did not have the staff to get these memos out to the Board in a timely fashion.

The Board discusses several instances where this became a problem.

Mr. Covington explained that the reason the memo regarding the J.K.J. case was so late today was because the research was not completed until yesterday.

Mr. Durrer moved to amend Mr. Swetnam's resolution the Board will not accept any documents later than the day before the hearing from any staff or Mr. Knowlton's office on matters pertaining to cases coming before it unless a personal report is given, or the memorandum read into the record at the time the case is called.

Mr. Swetnam and Mr. DiGiulian accepted the amendment.

The amended resolution passed unanimously.

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After the lunch recess, Mr. DiGiulian brought up the case of John O. Wagner, Executor of Estate of Mabel V. Wagner, V-302-76 which was originally heard on January 11, 1977 and a rehearing was held February 23, 1977.

Mr. DiGiulian stated that the question has been raised as to whether the Board of Zoning Appeals had the legal authority to make the decision that it did. He asked for some input from both the Zoning Administrator and the County Attorney.

Mr. Knowlton stated that he had presented information at the last hearing in which he expressed his belief that the legislative history as to the establishment of that particular zone line was clear. He deferred to the County Attorney to tell the Board what it might or might not do in connection with a zone line change.

Mr. Ruck stated that there is no question but that the Board of Zoning Appeals can resolve ambiguities. Up until 1966, the zoning history of this parcel was ambiguous. There was insufficient scale on the Pomeroy map to be able to adequately judge. There was text in the Pomeroy map that was seemingly contrary to existing Board's own motion zoning that occurred simultaneous with, or shortly after, certain acquisitions and widening of Dolly Madison Blvd. In 1967, during the remapping process to the sectional sheets, that issue was resolved and whether the Board of Supervisors knowingly or unknowingly, intentionally or unintentionally resolved the ambiguity in favor of the dimensions which the Zoning Administrator informs him are scaleable from the map, the ambiguity has been resolved, other than the potential engineering deviations from that scaling. The actions of the Board of Zoning Appeals are limited to the scaling that can be made from the current sectional sheets. He stated that in his judgment, the action taken last week by this Board returned to pre-1967 zoning boundaries and commercially zoned residential land. This was not a quasi-legislative or quasi-administrative act resolving

ambiguities in a boundary line, but was a legislative act of rezoning property. He stated that he felt the property owner is left with no alternative but to return to the Board of Supervisors for a legislative change because he did not believe that this body can rezone property. He stated that he believed that this Board had done this unintentionally.

In answer to Mr. Swetnam's question, Mr. Ruck stated that he came to this conclusion within the past several weeks, but it had been only within the last week that he had been able to finalize his view as to what actually occurred to this piece of property, and what actually happened intentionally or unintentionally in the 35 years that this property has been subject to zoning. At the originaly January hearing, he stated that he did not have a firm position on this question and neither did his assistants.

Mr. Durrer stated that at last week's hearing he had asked Mr. Symanski, Assistant County Attorney, the same question as has been asked Mr. Ruck this morning and received the same answer, that the 1967 ordinance did supercede the Pomeroy Ordinance. He stated that there was no question in his mind but that this Board rezoned land and it is not this Board's job to do that.

Mr. Smith stated that the Chair concurred with Mr. Durrer's statements.

Mr. DiGiulian stated that based on the County Attorney's opinion, that he would move that the Board reconsider its decision of February 23, 1977.

Mr. Durrer seconded the motion.

Mr. Swetnam stated that he did not believe that that decision should be reconsidered. He stated that he felt that people are listening to emotions, rather than facts. The facts are that a draftsman could have deprived the owners of this property, of their right in it.

In answer to Mr. Swetnam's question, Mr. DiGiulian stated that there was no conference prior to this meeting on this case. He stated that the decision that the Board made on the 23rd of February has bothered him ever since that day. From a standpoint of equity, he stated that he felt there was a 200 x 200 foot parcel of ground that was zoned commercial by the Pomeroy Ordinance. But, he stated that he also felt that it was taken away with the adoption of the 1967 zoning map. From the standpoint of equity, he felt that something had been taken away from the owners of this property, but from the standpoint of what this Board's authority is, then it has to work within the Zoning Ordinance, and adhere to the 1967 map.

Mr. DiGiulian stated that he had discussed this case with the County Attorney prior to this meeting.

The motion to reconsider passed 3 to 2. Messrs Smith, DiGiulian and Durrer voted Aye and Messrs. Swetnam and Barnes voted No.

The time was set for the reconsideration of the decision made on February 23, 1977, for April 26 at 10:00 a.m.

The Board asked the Clerk to notify all interested parties of the resolution to reconsider and the date and time set for the reconsideration.

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The Board meeting adjourned at 5:30 p.m.

// Jane C. Kelsey
JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

Submitted to the BZA on
March 22, 1977

Submitted to the Bd. of Supervisors,
Planning Commission and other
interested Depts. on April 5, 1977.

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED April 13, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, March 15, 1977. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam; and John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.

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(The meeting began at 10:10 a.m.)

10:00 A.M. - JAY L. BRUBAKER appl. under Sec. 30-7.2.6.1.5 of the Zoning Ord. to permit beauty shop as home occupation, 9150 Burke Road, Cardinal Estates, 78-4((9))6, Springfield Dist., 8,413 sq. ft., R-12.5, S-23-77

Mr. Jay Brubaker, 9150 Burke Road, submitted the required notices to the Board

Mr. Brubaker stated that he had tried for about three years to go into business for himself in the area, but since he had never ran a business before, he was considered a bad risk. He stated that he had had no experience in running any business and wished to have this business in his home for a couple of years in order to gain some experience. He stated that he had owned this property for three years. This house is so situated on a main road that this business will not interfere with the neighbors in any way. He stated that he planned to have no signs to indicate that the shop is there. He stated that he only plans to have one customer at a time.

Mr. Durrer stated that this is strictly a residential neighborhood. It is not a transitional area and he would be opposed to any type of business here.

In answer to Mr. Barnes' question, Mr. Brubaker stated that the nearest beauty shop is three to four miles away in West Springfield. He stated that he will be the only operator. His wife does not participate.

Mrs. Paul Brown, 9152 Burke Road, spoke in favor of the application. She stated that she lives next door and felt this use would be a help to the community. She stated that she did not feel this use would have an adverse impact on the community. There are townhouses across the street that back up to the street facing their houses. A lot of commuters park along their street.

There was no one to speak in opposition.

Mr. Smith read a letter from Nancy Palmer, president of the Heritage Square Homes Association, in opposition to this application. Her letter brought out the fact that there are several new shopping centers going up within a short distance from the subject property, where Mr. Brubaker could open a shop.

In rebuttal Mr. Brubaker stated that he had already checked at all the new shopping centers and found that the owners have already leased space to the large chain beauty shops such as Vincent et Vincent, Val's, Lewis, etc.

In answer to Mr. Swetnam's question, Mr. Brubaker stated that his proposed hours of operation are from 9:00 A.M. to 5:00 P.M., five days per week, Tuesday through Saturday.

March 15, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-23-77 by Jay L. Brubaker under Sec. 30-7.2.6.1.5 of the Zoning Ordinance to permit a beauty shop as a home occupation, 9150 Burke Road, 78-1((9))6, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 8,413 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted to this Board with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of patrons shall be One (1) at any one time.
8. The hours of operation shall be from 9:00 A.M. to 5:00 P.M., Tuesday through Saturday.
9. This permit is granted for Three (3) years.

Mr. DiGiulian seconded the motion.

Mr. Barnes stated that he was going to vote for the motion because this use is in the Ordinance as a permitted use with a Special Use Permit just as long as it is compatible with the residential neighborhood. However, he stated that the Board of Zoning Appeals had asked the Board of Supervisors to remove this from the Ordinance and had discussed it with the members at great length.

Mr. Durrer stated that this Board has to consider the impact of these uses on the residential area and whether or not this use will affect the neighborhood. He stated that whether this use is on a wide road or not, he felt that it would adversely affect the neighbors.

Mr. Barnes stated that he did not feel this use would have that much of an impact on the neighborhood.

Mr. Durrer stated that he felt that any professional office where there are people always coming and going is going to adversely affect the neighborhood.

The vote was 3 to 2 in favor of the motion to grant.

Messrs. Swetnam, DiGiulian and Barnes voted Aye and Messrs Smith and Durrer voted No.

Mr. Smith noted for the record that the applicant had stated that there would be no signs for this use.

March 15, 1977
10:20 a.m. - WILLS & PLANK, INC. appl. under Sec. 30-6.6 of the Zoning Ord. to permit house to remain 37.6' from Jackson Street, 9322 Jackson St., 78-2((1))pt. of 38, Fox Lair Subd., (20,704 sq. ft.), RE-0.5, Springfield Dist., V-24-77.

Mr. John Aylor, P. O. Box 417, Fairfax, Virginia, attorney for the applicant, submitted the required notices to the Board. The notices were in order.

Mr. Aylor stated that there is an existing dwelling located at 9322 Jackson Street which the builder of the Fox Lair Subdivision wishes to preserve, recondition and sell as Lot 135 of the proposed Subdivision. Fairfax County is requiring that Jackson Street be widened to fifty feet from the existing thirty feet and all of the additional width will be dedicated from the original Hanson tract. This additional dedication of twenty feet leaves the

existing dwelling 37.6' from the new proposed side of Jackson Street. All of the front yard setbacks on all proposed lots located to the southeast of this lot in question will be thirty feet (i.e., that required under R-12.5 cluster, 7.6' less than that proposed for this house). All other proposed setbacks for the existing house exceed the minimum requirements. This is a substantial house and the proposed remodeling will conform architecturally to the rest of the new houses that will be built.

There was no one else to speak in favor of this application.

Mr. Owen J. Remington, 9312 Burke Lee Street, questioned the location of this house and proposed street. He stated that he had been notified that the County wanted him to dedicate some of his land and he inquired if that had anything to do with this subdivision.

Mr. Aylor stated that the dedication of the street Mr. Remington is referring to has nothing to do with the proposed subdivision.

Mr. Durrer suggested that Mr. Remington get in touch with Mr. Mitchell or Mr. Covington from the Zoning staff and give them the name of whoever sent him the notice and they would help him get in touch with them about this matter.

Mr. Remington stated that he would call Mr. Covington or Mr. Mitchell.

There was no one else to speak regarding this case.

March 15, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application V-24-77 by Wills & Plank, Inc. under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit house to remain 37.6' from Jackson Street, 9322 Jackson Street, 78-2((1))pt of 38, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on March 15, 1977.

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 20,704 sq. ft.
4. That the Board finds that the applicant's property has an unusual condition in that in order to widen Jackson Street to meet the 50' requirement for County standards, it brings the house too close the street.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Barnes seconded the motion.

The motion passed unanimously.

10:30 a.m. - GLADYS THIELE appl. under Sec. 30-6.6 of the Zoning Ord. to permit garage to be constructed 8' from side property line (12' required), 4107 Summit Place, 61-4((6))(N)25, (10,500 sq. ft.), Mason Dist., R-12.5, V-25-77.

Margaret Carter, for Mrs. Thiele, submitted the required notices which were not in order. She had neglected to notify one of the contiguous property owners.

The Board rescheduled her case for April 19, 1977 at 10:00 a.m. for proper notices.

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10:40 a.m. - KLARE, LTD. appl. under Sec. 30-6.6 of the Zoning Ord. to permit less than minimum required lot width for lots 4, 10 and 17 of proposed Hunter Station Subd., 10750 Hunter Station Road, 27-1((1))4, 4A, 4B, (45.68 acres), Centreville Dist., RE-2, V-35-77.

Mr. Charles Runyon, 152 Hillwood Avenue, Falls Church, with the engineering firm of Runyon Associates, represented the applicant. He submitted the required notices which were in order.

Mr. Runyon stated that he had been before this Board a few weeks ago, but had inadvertently left out three lots that need variances. The subdivision plat could not be approved until these three were granted. He stated that variances are needed for these three lots because of the topography of the land. He asked the Board to approve this pipestem concept for this subdivision for (3) three additional lots which has insufficient lot width at the building restriction line. He stated that this concept is not too far fetched because a variation of that procedure of establishing the lot width requirement is now permitted for five acre subdivisions.

There was no one else to speak in favor and no one to speak in opposition to this application. Mr. Smith stated that an earlier report from Preliminary Engineering said that the subd. could be developed with these variances.

March 15, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-35-77 by KLARE LTD. under Sec. 30-6.6 of the Zoning Ord. to permit subdivision with lots 4, 10 and 17 having less than minimum required lot width, proposed Hunter Station Subd., 10750 Hunter Station Road, 27-1((1))4, 4A, 4B, (45.68 acres), Centreville Dist., RE-2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 45.68 acres.
4. That the Board finds that the applicant's property has exceptional topographic problems

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless the subdivision has been recorded among the land records of Fairfax County.

Mr. DiGiulian seconded the motion. The motion passed 3 to 1. Mr. Smith voted No. Mr. Durrer abstained. Mr. Durrer was not present at the previous hearing on the variance request for the other eight lots and stated that he did not have access to all the reports that went into that hearing.

Mr. Smith stated that he was voting No because he felt this could create a hazardous condition for the occupants of the proposed houses. There has also been a report from Preliminary Engineering that this property could have been developed in a conventional manner without the need for these variances.

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RICHARD E. DAVIS 11:00 a.m. appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of garage 32' from Jerry Lane (50' required), 2401 Carey Lane, 38-3((20))27, (22,465 sq. ft.), Providence Dist., RE-0.5, V-27-77.

Mr. Richard Davis, 2401 Carey Lane, submitted the required notices. The notices were in order.

Mr. Davis stated that the proposed location is the only place on the property that he can construct a garage. The south side of the house would be impossible because of the drainage problems and the access to the garage. The addition has been encouraged by the neighbors as evidenced by the letters submitted by two adjoining neighbors and one neighbor across the street. The proposed size of the garage is the minimum size for two cars and the stairwell that goes into the existing structure from the garage.

There was no one else to speak in favor of the application. Mr. Smith noted the three letters in support of the application for the record. There was no one to speak in opposition to the application.

March 15, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application V-27-77 by Richard E. Davis under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit construction of two-car garage addition to existing dwelling 32' from Jerry Lane, (50' required), 2401 Carey Lane, 38-3((20))27, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 22,465 sq. ft.
4. That the Board finds that the applicant's property is irregular in shape.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Barnes seconded the motion.

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

The hearing ended at 11:10 a.m.

March 15, 1977
11:20 a.m. - TINA C. GROUBY appl. under Sec. 30-6.6 of the Zoning Ordinance to permit construction of addition 18.6' from side property line, (20' required), 827 Walker Road, 13-1((1))96, (2.519 acres), Dranesville Dist., RE-1, V-28-77.

Tina C. Grouby submitted the required notices to the Board. The notices were in order.

Ms. Grouby stated that the existing house is over 100 years old. It is located in the far northwest corner of the lot and is not parallel to the property line. Because of this, it is impractical to add to the house in any other direction. They hope to bring the existing house up to the standards of the other houses in the neighborhood.

There was no one else to speak in favor and no one to speak in opposition. There was a letter in the file from the contiguous property owner, lot 97, in support of this application.

RESOLUTION

Mr. DiGiulian made the following motion:

WHEREAS, Application V-28-77 by Tina C. Grouby under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit construction of addition 18.6' from side property line, 827 Walker Road, 13-1((1))96, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.519 acres.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing buildings on the subject property;

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. The addition is to be architecturally compatible with existing structure.

Mr. Swetnam seconded the motion.

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

March 15, 1977
11:40 a.m. - THOMAS B. TROY appl. under Sec. 30-6.6 of the Zoning Ord. to permit subdivision of land with one lot having less than required lot width (20' requested, 150' required), 3919 Rugby Road, Murray Farms Subd., 45-2((2))31, (1.859 ac.), Springfield Dist., RE-1, V-29-77.

Kathleen Brown, 8137 Leesburg Pike, real estate agent, stated that she was representing the applicant, who lives in North Carolina. She submitted the required notices. They were in order.

Ms. Brown stated that her office has had a lot of interest in selling two lots rather than one lot. She stated that she had had one contract on this property, but it fell through. She stated that this property will be more saleable if it is divided.

Mr. Smith stated that financial hardship is not considered under the State or County Codes. The sales portion of this property should not enter into the decision of this Board to grant or deny a request for a variance.

Mr. Smith stated that the Board could not hear this case since there was nothing in the file that authorized Ms. Brown to represent the owner. The owner is the only one who can be an aggrieved party for a variance. He stated that the Board should have a notorized letter signed by Mr. Troy authorizing Ms. Brown to be agent.

Mr. Barnes agreed.

The case was deferred until April 19, 1977, at 10:20 a.m.

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Page 149, March 15, 1977
DEFERRED CASE:
PREFERRED PROPERTIES, INC./RICHARD BROWN, V-19-77
(Deferred from March 8, 1977 to allow applicant to remove business from residence and remove sign, then the Board would allow him to withdraw the application)

The Board was in receipt of a memo from Donald Beaver, Senior Zoning Inspector dated March 15, 1977, stated that he had inspected the property on March 14, 1977, and the business had been vacated. The business is now located at 7331 Little River Turnpike. The occupancy permit for the new address was issued February 16, 1977. The sign is now in compliance with all Code requirements, in that it is only a 'for sale' sign.

Mr. Barnes moved that the applicant be allowed to withdraw this application with prejudice.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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WAGNER, V-302-76.

The Board had concluded its regular agenda items, deferred cases and after agenda items at 11:40 a.m.

Mr. Smith acknowledged Mr. William Hansbarger, attorney for John Wagner, Executor of the Estate of Mabel Wagner, who was the applicant in the case. Mr. Hansbarger came forward and stated that he wished to discuss the Wagner case with the Board.

Mr. Smith stated that if he was planning to discuss that case, he would like to have the County Attorney available.

Mr. Hansbarger agreed that that would be a good idea.

The Board recessed for five minutes in order to call the County Attorney.

The Board reconvened.

Mr. DiGiulian stated that it was the intent of his motion last week to reconsider the decision made on February 23, 1977.

Mr. Hansbarger stated that he felt that motion was improper. He stated that if the decision of February 23, 1977 was to have been reconsidered, then a decision on the reconsideration should have been made last week also.

Mr. Smith stated that the time set for the decision on the reconsideration was probably longer than it should have been; April 26, 1977, however, if it had to be advertised and people notified, that was the first available date for getting the case back on the printed agenda.

Mr. Ruck stated that it was not necessary to readvertise, or renotify for a reconsideration. This was not to be a rehearing, but a reconsideration of a decision. That motion was made last week. Out of courtesy to all parties, the case of the reconsideration decision was set at a later time in order for all the interested parties to be notified. That was appropriate.

Mr. Hansbarger asked for a five minute recess in order for him to discuss some legal aspects of this case with Mr. Ruck.

The Board recessed for five minutes in order that the two might discuss those points.

The Board reconvened.

Mr. Ruck stated that during the recess, Mr. Hansbarger had raised an issue involving a review of some of the technical evidence presented to this Board at the hearing and the application of one Code provision which he says that Mr. Knowlton, the Zoning Administrator, did not consider. He said that he did not know whether this would make any difference in his opinion to the Board on this case or not. However, because of his prior schedule, he was unable to stop and research these points at this moment. He suggested that this be tabled until next week's meeting to give he, Mr. Hansbarger and Mr. Knowlton an opportunity to meet and discuss these points. He said that he believed that Mr. Hansbarger was going to request a reconsideration of

last week's action. He suggested that the Board table such motion until next week to give him the opportunity to have this meeting.

Mr. Ruck then gave the Board the proper procedure whereby the Board would be free to consider Mr. Hansbarger's arguments next week, as well as protecting this Board's own procedural process and protecting Mr. Hansbarger's right to claim reconsideration. He stated that first a member of the Board on the prevailing side of Mr. DiGiulian's motion to reconsider last week will move to reconsider; second, that will be tabled for one week; third, then the Board will set a time certain for final decision from April to next week; fourth, the Clerk will be instructed to notify everyone who had been previously notified of this, that the decision will be next week.

Mr. Ruck stated that the evidence that Mr. Hansbarger has presented to him would not be considered new evidence under the Code. His is a question of legal interpretation of another section of the Code that was already before this Board.

Mr. Hansbarger had no objection to waiting until next week. However, he stated that he wanted to clear up a couple of points regarding the plan to rebuilt the station.

Mr. Smith interceded to say that if Mr. Hansbarger had a request for a reconsideration, the Board would listen, but the Board was not going to take new testimony or go back and rehash any of the old testimony that had been presented earlier to the Board. He stated that this discussion was allowed in order for Mr. Hansbarger to request a reconsideration, nothing more than that.

Mr. Hansbarger stated that if the Board was coming back next week for anything other than to reconsider the motion that was made at the last meeting, then he has a misinterpretation of what has happened. If the Board is going back to January 11, then he could not participate in that meeting and protect the people that he represents.

Mr. DiGiulian stated that his motion last week was to reconsider the decision of February 23, 1977.

Mr. Durrer moved to reconsider Mr. DiGiulian's motion of March 8, 1977, to reconsider the decision of February 23, 1977.

Mr. DiGiulian seconded the motion.

Mr. Durrer reitterated that he was doing this only for the purpose of allowing Mr. Ruck, Mr. Knowlton and Mr. Hansbarger to discuss the points they had mentioned.

Mr. Durrer moved that the motion be tabled for one week.

Mr. DiGiulian seconded the motion.

The motion passed 3 to 1 with 1 abstention. Mr. Swetnam voted No. Mr. Barnes abstained.

Mr. Durrer then moved that the April 26, 1977 date for the reconsideration decision be changed to March 22, 1977 at 2:00 p.m. and that the Clerk notify all interested parties.

Mr. DiGiulian seconded the motion.

The motion passed 3 to 1 with 1 abstention. Mr. Swetnam voted No. Mr. Barnes abstained.

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The meeting adjourned at 1:10 p.m.

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

Submitted to the BZA on April 4, 1977

Submitted to the Bd. of Supervisors,
Planning Commission and other
Depts. on April 12, 1977

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: April 13, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, March 22, 1977. All members were present, Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

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

(The meeting began at 10:15 a.m.)

10:00 A.M. - JOHN L. HANSON, JR. appl. under Sec. 30-6.6.5.4 of the Zoning Ord. to permit addition to house to remain closer to front property line than allowed by the Zoning Ordinance (35.1'), 2143 Woodford Road, 39-1((1))14, (21,020 sq. ft.), Providence Dist., RE-1, V-30-77.

Mr. John Hanson, 6817 Tennison Drive, submitted the required notices to the Board. The notices were in order.

Mr. Hanson explained that he had purchased the property in October, 1976 and had begun renovation and the addition shortly thereafter. The house was in bad condition. He was under the impression that the contractor he had employed had gotten the building permit and the contractor thought that he had gotten it. Neither had. He applied for this variance as soon as he found the addition was in violation and that no building permit had been obtained. No building permit can be issued unless this addition is granted a variance. The construction is a good way along, but not finished. His architect will work with the building inspector's office to make sure the construction is in compliance with the building codes. The building is essentially in line with the other buildings along that street.

Mr. Covington stated that this is a street that has lots with substandard lot widths.

Mr. Durrer stated that nothing can excuse the applicant not obtaining a building permit prior to beginning construction.

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

Mar. 22, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application No. V-30-77 by John L. Hanson, Jr. under Sec. 30-6.6 of the Zoning Ordinance to permit addition to house to remain 35.1' from front property line, 2143 Woodford Road, 39-1((1))14, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 21,020 square feet.
4. There is an unusual condition in the location of existing building.

AND, WHEREAS, the Board has reached the following conclusions of law:
1. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction is completed or unless renewed by action of this Board prior to expiration.
3. This variance is conditioned on the construction of the addition meeting all State Building Codes.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

10:20 A.M. - RICHARD M. KAPIT, M.D. appl. under Sec. 30-7.2.6.1.10 of the Zoning Ordinance to permit Home Professional Office (psychiatrist's office), 6843 Churchill Road, Beverly Manor Subd., 30-2((4))(B) 21, 22, 23, 24, (15,000 sq. ft.), Dranesville Dist., R-12.5, S-31-77.

(The hearing began at 10:30 a.m.)

Dr. Kapit, 6843 Churchill Road, submitted the required notices to the Board. The notices were in order.

Dr. Kapit stated that his practice will entail individual or marital psychiatry, as well as the occasional prescription of medications. He estimates the hours of operation to be sometimes as early as 6 a.m. until 9 p.m. He did not plan to have any employees. He would schedule one per hour in the case of individual psychotherapy and two per hour in the case of marital therapy. He stated that he did not feel this use would have a measurable impact traffic-wise or in any other way on the neighborhood's environment.

The Board questioned the use of the property as a doctor's office because of the parking.

Dr. Kapit stated that the garage would be used for patient parking. He stated that he does have an automobile.

In answer to Mr. Durrer's question, Dr. Kapit stated that he now practices at the VA Hospital in D.C. He stated that he might be moving to Reston. He stated that he did buy this house in order that he could live there and also have his office there.

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

Raymond Eldeona, 6831 Churchill Road, spoke in opposition to the application being granted. He stated that he felt this use would open doors for other offices in the neighborhood. He stated that there are 30 to 40 homeowners in this neighborhood who also object to this use and they have signed a petition in protest. He submitted that to the Board for the record. He stated that the neighbors object to this use for several reasons, one of which is the lack of adequate parking. There might be at least two cars coming into this property at one time if there are overlapping appointments. This is a very bad street and the traffic going in and out could cause a hazardous condition for both the patients and the other people who must use that road.

Mr. Smith stated that he did not see how the applicant can meet the parking requirements for this type use under Special Use Permit. The Board has never granted an application previously where the applicant just had the garage underneath the house for parking for customers or patients.

There were five other people present in the audience who indicated that they were in opposition to this application.

Dr. Kapit stated in rebuttal that he would not have any overlapping appointments. It is normal for a psychiatrist to leave 10 to 15 minutes between sessions. He stated that it is possible for him to purchase one foot of land on the side of his property in order to create more parking and meet the setbacks of the Ordinance. He stated that he also could have the retaining wall removed in part that is along the back of his house in order to get cars to the rear of the house and provide parking back there.

Mr. Swetnam stated that he is not as concerned about the parking as he is the fact that the applicant purchased this house for the use of an office. The intent of this Ordinance is to allow someone just starting to live in the house and operate for 2 or 3 years until he can get on his feet.

Mr. Durrer agreed with Mr. Swetnam.

Mr. Smith stated that the Board has declined the request for deferral in order for the applicant to look into other possibilities for parking.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-31-77 by Richard M. Kapit, M.D. under Sec. 30-7.2.6.1 .10 of the Zoning ORdinance to permit a Home Psychiatrist's Office at 6843 Churchill Road, 30-2((4))(b)21,22,23,24, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 15,000 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has not presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Sec. 30-7.1.1 of the Zoning Ordinance,

NOW, THEREFORE, BE IT RESOLVED, that the subject application is denied.

Mr. Barnes seconded the motion.

The motion passed unanimously.

10:40 A.M. - ELDON J. MERRITT appl. under Sec. 30-7.2.6.1.3 of the Zoning Ord. to permit continuation of private school with increase in students from 165 to 245, to add 2 modular classrooms and pool, 9211 Arlington Blvd., 48-4((1))49, (6.8 acres), Providence District, RE-1, S-32-77.

(The hearing began at 10:47 a.m.)

Mr. John Hazel, attorney for the applicant, submitted the required notices to the Board. The notices were in order.

Mr. Hazel stated that Mr. Merritt has been operating a school in this area for a number of years. He started in the City of Fairfax and moved to this location about 6 or 7 years ago. In addition he has been operating a school in the Calvary Baptist Church. He now proposes to consolidate these two facilities on this site and raise the number of students from 165 to 245. The age group would remain the same, from about 2 to 8 or 9 years of age. The hours would be from 7 a.m. to 6 p.m., five days a week. He proposes to add two additional modular classrooms and also use the modular classroom that he already has. These will be located next to the existing building and will appear as a large building.

There was a discrepancy in the size of the modular buildings on the plats. The buildings were to be larger than those shown on the plats.

Mr. Durrer stated that he is familiar with the school and thinks it is a good operation. He stated that they do have one problem and that is coming out on Route 50, they have a real difficult left turn.

Mr. Hazel stated that now that the service road is connected at the other end, they may have to make the bridge crossing that is required to tie the service road into the bridge crossing at the other end. In prior years, they have told the County that there was no need for this until the service road is connected. It now is. It is a very expensive proposition, however. It will cost around $60,000.

Mr. Smith stated that the parking does not meet the setback requirement for a Group 6 use. The pool does not show the dimensions either.

The Board deferred this case until April 13, 1977, for new plats showing the proper dimensions of the modular buildings, the dimensions of the pool and the proper setback distances for the proposed parking spaces.

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11:00 - KARL & PENNY JOHNSON appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition 45.5' from front property line (50' required), 4117 Elizabeth Lane, Lee Forest Subd., 58-4((8))K, (0.611 ac.), Annandale Dist., RE-1, V-33-77.

(The hearing began at 11:00 A.M.)

Mrs. Johnson submitted the required notices to the Board. The notices were in order.

Mrs. Johnson stated that they propose to add a 10' x 32.6' addition to the central portion of their house. The addition at this location is required due to the physical conditions that exist on the property, specifically the well and septic system. The houses in the neighborhood vary in design and size. Most of the homes were constructed in the 50's. Most of the houses have had additions to them at one time or another.

There was no one to speak in opposition and no one else to speak in favor.

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Mr. Swetnam made the following motion:

WHEREAS, Application V-33-77 by Karl and Penny Johnson under Sec. 30-6.6 of the Zoning Ordinance to permit an addition closer to the front property line than allowed by the Zoning Ordinance (45.5' requested, 50' required), 4117 Elizabeth Lane, 58-4((8))K, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on March 22, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 0.611 acre.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing buildings on the subject property.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

11:20 A.M. - NORTHERN VIRGINIA REGIONAL PARK AUTHORITY & OLIN CORP., WINCHESTER DIVISION appl. under Sec. 30-7.2.8.1.3 of the Zoning Ord. to permit continuation of existing SKEET & TRAP shooting preserve, 7700 Bull Run Drive, 64-4((1))14, (82.9507 acres), Springfield Dist., RE-1, S=34-77.

Mr. David Brown, Operations Director of the No. Va. Regional Park Authority, submitted the required notices to the Board. The notices were in order.

Mr. Brown stated that he had with him Mr. David Hobson with the Park Authority and Mr. DeBell of the Park Authority.

In answer to Mr. Smith's question, Mr. Covington stated that the applicant does meet all the conditions set forth in the existing Special Use Permit.

NO. VA. REGIONAL PARK AUTHORITY (continued)

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Mr. Brown stated that this is a recreational facility located within Bull Run Regional Park. It has been in operation under a Special Use Permit since 1967. The center is open to the general public; no membership is required. It is used also by other agencies such as the Senior Citizens Club, Fairfax County Recreation Department, George Mason University and the Boy Scouts. The hours of operation are: Monday through Friday, 2:00 p.m. to 10:00 p.m.; weekends, 9:00 a.m. to 6:00 p.m.; closed New Years, Thanksgiving, and Christmas. It is estimated that between 8,000 and 10,000 persons used the skeet and trap range in 1976. They had 24 employees last year and will probably have the same number this year.

In answer to Mr. Smith's question, Mr. Brown stated that the lease is for ten years with an option to renew for another ten years.

Mr. Smith read the letter from Miller and Smith Builders in opposition to this use. He stated that he was surprised, considering the opposition at the original hearing, that no one is here today to object to this application It must not affect the neighborhood as much as the citizens had thought it would.

Mr. Covington stated that there is no more remote site than this in all of Fairfax County, in its relation to the location of residences.

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

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Mr. Durrer made the following motion:

WHEREAS, Application S-34-77 by Northern Virginia REgional Park Authority under Sec. 30-7.2.8.1.3 of the Zoning Ordinance to permit continuation of SKEET & TRAP shooting recreation facility, 7700 Bull Run Drive, 64-4((1))14, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the Olin Corporation.
2. That the applicant is the lessee.
3. That the area of the lot is 82.9507 acres.
4. That compliance with the Site Plan Ordinance is required.

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

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

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made

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available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The Special Permit is limited to Three (3) years.

Mr. Barnes seconded the motion.

The motion passed unanimously.

11:50 A.M. - LITTLE HUNTING PARK, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit addition of two tennis courts with lights to existing recreational facilities, end of Kenyon Drive, 93-1((1))64, (10.9630 acres), Mt. Vernon Dist., R-17, S-36-77.

(The hearing began at 1:25 p.m.)

Peter Johnson, member of the Board of Directors for Little Hunting Park, Inc., submitted the required notices to the Board. The notices were in order. He stated that Ed Paget, president of the club, was also present to answer any questions that he might not be able to answer.

Mr. Johnson stated that they propose to add two additional tennis courts with lights. The lights will be the same type as they now have on the two existing courts. They presently have 539 family members in their club and they really need the two additional courts. The existing parking is adequate even during swim team competition. A good part of the membership surrounds this 10 acre parcel and most of the people walk to the facility. The original tennis courts were constructed in the 50's.

There was no one else to speak in favor and no one to speak in opposition.

Mar. 22, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-36-77 by Little Hunting Park, Inc. under Sec. 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit addition of two tennis courts with lights to existing recreational facility, end of Kenyon Drive, 93-1((1))64, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 10.9630 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 600.
8. The hours of operation shall be from 9:00 a.m. to 9:00 p.m.
9. The minimum number of parking spaces shall be 110.
10. The effect of all lighting shall be confined to the site.
11. After hours parties shall be limited to Six (6) per year with the prior written permission from the Zoning Administrator for each individual party.
12. All conditions of Special Permit 6062 shall remain in effect.

Mr. Swetnam seconded the motion. The motion passed unanimously.

1:00 P.M. - THE FOUNDATION FOR NATIONAL LIBRARY & MUSEUM ON AMERICANISM appl. under Sec. 30-7.2.5.1.4 of the Zoning Ordinance to permit a library and museum on Americanism and headquarters offices of National Sojourners, Inc., 8301 East Boulevard Drive, Collingwood Subd., 102-4((1))71, (8.795 acres, Mt. Vernon Dist., RE-0.5, S-37-77.

(The hearing began at 1:35 p.m.)

Mr. Archie Lyon, 7803 Eaton Lane, represented the applicant. He submitted the required notices to property owners. The notices were in order.

Mr. Lyon stated that he has been a resident of Mount Vernon for fifteen years. He was past national president of the National Sojourners and is currently secretary-treasurer of the National Library & Museum on Americanism and he stated that it is in the latter capacity that he appears before the Board.

Mr. Lyon stated that the space within the building will be used as the National headquarters for the National Sojourners, Inc. They have three regular paid employees, assisted from time to time by one to three volunteers. This organization conducts the general administration for 9,000 members in 150 chapters worldwide. Their present headquarters is located at 4600 Duke Street.

In answer to Mr. Smith's question as to whether or not the buildings on this property meet the 100 foot setback requirement for Group 5 uses, Mr. Covington stated that there was a Special Use Permit use operating from the existing building on the property for many, many years. It is a historic building. The Zoning Administrator, Mr. Knowlton, felt that since it was a historic building and since the Board had set a precedent with the American Horticulture Society Group 5 use nearby, that the Board could also grant this use. This property involves a large acreage and there is park land around it which reduces the impact.

In answer to Mr. Smith's questions, Mr. Lyon stated that the restaurant is not in operation now and no one is living in the house. If this Special Use Permit is granted, they do plan to have a resident there.

Mr. Lyon stated that they expect to have meetings of their Board of Trustees and Directors of the Foundation and also meetings of certain Sojourners Chapters that are in the Washington area. That might be about 50 or 60 people who would be coming to the meetings.

Mr. Barnes stated that the plats only show 28 parking spaces.

Mr. Lyon stated that should they need more parking, they will be happy to come back to the Board and ask for more. He stated that they do not plan any other type of public use to be made of the building, other than their own purposes. The residence, library and museum will take up seventy percent of the total floor space. The museum will be operated from 8:00 a.m. to 5:00 p.m. If there is a requirement and it meets with the Board's approval, they might wish to come back and ask to have the museum open on weekends. The museum will be open to the public. There will be no charge. They will expect a free-will contribution.

In answer to Mr. Durrer's question, Mr. Lyon stated that they do agree to dedicate 50' for right-of-way purposes as the Office of Preliminary Engineering has suggested.

Mr. Odie Howell, resident of Mt. Vernon and Vice-President of the Foundation spoke in support of this application. In answer to Mr. Smith's question he stated that the National Sojourners are paying, or planning to pay their share for the use of the office space.

Sheldon W. Hoenig, Chairman, Planning and Zoning Committee, Mount Vernon Council of Citizens Associations, whose address is 3104 Cunningham Drive, Alexandria, Virginia, spoke in support of the application. A copy of his letter to the Board dated March 21, 1977 is in the file.

Mrs. Russell, representing the Collinwood Citizens Association, spoke in support of the application.

Mr. Cumings, Neptune Drive, stated that he and his wife operated the restaurant that used to be in the subject building from 1960 to 1963. The property has been vacant for two and one-half years. He stated that he has no interest in the restaurant or the property, but as a resident of the area, wished to speak in support of the application.

There was no one to speak in opposition.

Mr. Lyon stated that in answer to Mr. Hoenig's concern, they have no present intention to subdivide or dispose of any of the property. They hope to be able to maintain and preserve the entire property. Should they find it advisable to dispose of any part of the property in the future, they are required to come back to this Board for the approval and further hearing. All of the funds for the Foundation for National Library and Museum on Americanism come from the National Sojourners, Inc. Both these organizations are operated together.

Mr. Smith stated that he was still concerned that the building does not meet the setback requirement for this particular use group.

March 22, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application S-37-77 by THE FOUNDATION FOR NATIONAL LIBRARY AND MUSEUM ON AMERICANISM under Section 30-7.2.5.1.4 of the Zoning Ordinance to permit a library and museum on Americanism and headquarters office for National Sojourners, Inc. on property located at 8301 East Boulevard Drive, 102-4((1))71, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Collingwood, Inc. The applicant is the contract purchaser.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 8.795 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the

plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT SHALL NOT BE VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

Mr. Lyon again confirmed for Mr. Durrer that they have agreed to dedicate the land as requested by Preliminary Engineering.

The Board discussed whether or not to put in a provision regarding subdivision of the property.

Mr. DiGiulian stated that the entire piece of property comes under the Special Use Permit. Before they could do anything else with the property other than what they have proposed to the Board today, they would have to come back to this Board for another hearing.

The vote was four for the resolution and one against the resolution. Mr. Smith voted No.

March 22, 1977 - DEFERRED CASE

1:20 p.m. - HIGHLANDS SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit installation of lights (DeVoe) on four existing tennis courts and increase hours of operation to 6:00 a.m. to 11:00 p.m., 2000' north of Route 689 (Linway Terrace), 31-3((1))4A and 185A, Dranesville District, 9.42 acres, RE-1, S-214-76. (Deferred from 10-19-76 and 11-30-76 for new plats and additonal information.)

Mr. Haugh represented the applicant.

The report from Preliminary Engineering dated March 15, 1977 stated that on March 7, 1977, the Board of Supervisors granted the owner of the subject property permission for the construction of the tennis courts in the established flood plain. This approval was conditioned upon the owner obtaining all necessary "hold-harmless" agreements for construction within a County and/or public utility easement. The report stated that as of that date the agreements have not been completed, but approval is forthcoming. The report suggested that if the special use permit is granted, that it be conditioned upon the owner executing all necessary "hold-harmless" agreements that are needed, satisfactory to the Director of Environmental Management.

Mr. Haugh stated that they are also working out a"hold-harmless agreement" with the City of Falls Church for the two upper courts. He stated that they are willing to accept less than they asked for with regard to the lights. They would like to light the lower courts, if the Board feels that the upper courts would cause too much of an impact on the neighbors.

Mr. Ferguson, Hume, Virginia, owner of lots 163 and 164, adjacent to the two tennis courts at the end of Hardy Drive, spoke in opposition to the lighting of the two upper courts. He also told the Board that he would like for the Board to enforce the original use permit regarding parking. The applicant has stated that there is no parking problem, but there is. A lot of people park their cars on Hardy Drive and go into the recreation property at that location, rather than going around to the entrance. He stated that he did report this to the Zoning Administrator several years ago. He stated that the Club was also supposed to screen the tennis courts. Two years after the original permit was granted, that screening had not been put in.

Another gentleman in the audience stated that at the previous hearing he had presented a petition signed by 12 or 14 adjacent homeowners on Hardy Drive, all of them in strong opposition to the lighting of the upper courts for reasons stated in the petition.

Mr. Smith told Mr. Haugh that it is the Club's responsibility to see that all parking connected with the use is on site.

Mr. Haugh stated that they do have a chain going across the road at the end of Hardy Drive, so people cannot drive into the property. When people come in there and park, they have to back into one of the driveways in order to turn around and go out. He stated that they would provide notice to the members that this is not allowed. He stated that with regard to the screening, they have had trouble getting shrubs to grow there. They did plant another row of trees in 1973, spending $350.00.

Mr. Swetnam suggested that the Club place a fence all along that property line so that people cannot walk in. If they can't walk in there, they won't park their cars there for that purpose.

Mr. Haugh stated that that would be penalizing 200 people in order to cut off parking for a half dozen. A lot of people walk to this pool and it is closer for them to walk in at that location than to have to go all the way around to the main entrance which would be a couple of miles further.

Mr. Swetnam stated that this may have to be done, if the Club can't control the illegal parking at the end of Hardy Drive.

Mr. Smith noted that there were objections at the original hearing to the extended hours, particularly for the upper courts.

March 22, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-214-76 by Highlands Swim Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit installation of lights on four existing tennis courts and increase hours of operation, on property located at 2000' north of Route 689 (Linway Terrace), 31-3((1)) 4A and 185A, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 9.42 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted <u>in part</u> with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions

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of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 500.
8. The minimum number of parking spaces shall be 148.
9. The hours of operation shall be from 8:00 a.m. to 9:00 p.m. for the upper courts and pool, seven days a week; and
from 8:00 a.m. to 10:00 p.m. for the lower courts.
10. The lights shall be permitted on the two lower courts only. The effects of all lighting are to be confined to the site.
11. A maximum of six (6) after hours parties is to be permitted upon prior written approval from the Zoning Administrator, per season.
12. All other requirements of S-44-65 and S-122-69 shall remain in effect.
13. The granting of this permit is conditioned upon the owner executing all necessary "hold-harmless" agreements with the County in a form acceptable to the Director of Environmental Management.
PRIOR CONDITIONS OF S-122-69:
--that the property be screened on the Hardy Drive side, and the fence around the tennis courts be no higher than 14 feet and interlaced with the proper material to deaden sound on the Hardy Drive side, and that all other provisions of the Ordinance be met. The fencing should be of chain link design, and evergreen trees should be planted to screen the fence from adjacent residential property.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

Mr. Swetnam reminded the applicant that if they cannot work on the parking problems to get parking off Hardy Drive, then corrective action may be required by the Board.

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MARCH 22, 1977, Deferred Case.
1:30 p.m. - JAMES R. HUNTER appl. under Sec. 30-6.6 of the Zoning Ord. to permit pool 3' from east side property lines, 6021 Pike Branch Drive Pike Branch Addition to Wilton Woods Subd., 82-4((12))10, (18,012 sq. ft.), Lee Dist., R-17, V-264-76. (Deferred from 1-4-77 for new plats showing redesign and different location for pool.)

(This case was readvertised since the applicant changed the location of the pool closer to the east side. New Number is V-42-77.

Mr. Hunter stated that on his original application he had requested a variance to permit the construction of a pool 7' from the south property line abutting Mr. Jenkins property. Mr. Jenkins requested that the pool be moved 15' from his property line. There is a letter in the file from Mr. Hunter, the other contiguous property owner contiguous to the side that the pool is now proposed, stating that he has no objection to the location of the pool 3' from his property line.

Mr. Hunter's justification for the need for this variance was the fact that he is on a corner lot and therefore has two front setbacks. The house is set back from the street in such a way that there is also no room left in the back of the house to construct this pool without a variance.

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

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R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application No. V-42-77 and V-264-76 by JAMES R. HUNTER under Sec. 30-6.6 of the Zoning Ordinance to permit a pool 3' from side property line, 6021 Pike Branch, 82-4((12))10, County of Fairfax, has been filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. The present zoning is R-17.
3. The area of the lot is 18,012 square feet.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing buildings on the subject property.

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

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

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

Mr. DiGiulian seconded the motion. The motion passed 4 to 0.

Mr. Smith abstained.

MARCH 22, 1977
1:45 p.m. - CHARLES WESLEY UNITED METHODIST CHURCH appl. under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit addition of new sanctuary and parking lot to existing church facility, 6817 Dean Drive, 30-4((1))26, (3.000 ac.), Dranesville District, R-12.5, S-47-77.

Mr. Al Balavage, attorney for the applicant, presented notices to the Board. The notices were in order.

Mr. Balavage stated that the proposal as it now stands is for the church to add a new sanctuary, but no new parking lot. There will be 256 seats in the church. The plans shows 55 spaces. Therefore, they already have adequate parking on site.

Mr. Balavage thanked the Board for this early hearing and explained how they had to sign a contract by the end of the month for this new construction.

There was no one else to speak in favor and no one to speak in opposition.

March 22, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application S-47-77 by CHARLES WESLEY UNITED METHODIST CHURCH under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition to sanctuary, 6817 Dean Drive, 30-4((4))26, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

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

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1. That the owners of the subject property are Trustees of the Charles Wesley United Methodist Church.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 3 acres.
4. That compliance with the Site Plan Ordinance is required.

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

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

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the condition of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of seats shall be 256.
8. The minimum number of parking spaces shall be 55.

Mr. Barnes seconded the motion.

The motion passed unanimously.

2:00 - RECONSIDERATION OF RECONSIDERATION OF DECISION OF FEBRUARY 23,1977 ON CASE OF JOHN O. WAGNER, ESTATE OF MABEL V. WAGNER, V-302-76.

Mr. Durrer moved to take from the table and withdraw his motion of last week (March 15) which was to reconsider Mr. DiGiulian's motion of March 8 which was to reconsider the Board's resolution of Mr. Swetnam's motion of February 23, 1977 which was "that in the case of V-302-76, John O. Wagner, that the boundary of the C-N district be set at 200 feet from Route 123 and 200' from Route 695, that being Kirby Road and Dolly Madison or Chain Bridge Road.

Mr. DiGiulian withdrew his second to the motion which Mr. Durrer was proposing to withdraw.

Mr. DiGiulian moved to defer decision on Mr. Swetnam's motion of February 23, 1977 to April 13, 1977 at 1:00 p.m.

Mr. Durrer seconded the motion.

The motion passed 3 to 2. Messrs. Swetnam and Barnes voted No.

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AFTER AGENDA ITEM

1. Jacques Moore (Fairfax Cadallic), S-278-76. (Request for Board to approve revised plans).

The Board was in receipt of a letter from Mr. Wes Harris, the engineer on this project, stating that the applicant was forced to revise the location of the entrance to Route 7 and delete the construction of part of a future industrial road. The layout as submitted to the Board has been tentatively approved by both VDH and the Dept. of Environmental Management.

Mrs. Kelsey stated that she had confirmed this tentative approval of the Department of Environmental Management with Oscar Hendrickson in the Office of Preliminary Engineering.

Mr. DiGiulian after reviewing the plans stated that it looks as if all they have done is add another entrance on the Route 7 service drive on their site.

Mr. Durrer moved that the Board approve these substituted plats with the condition that the plans meet the approval of the Department of Environmental Management and Virginia Department of Highways.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEM - MARCH 22, 1977

2. ILDA COMMUNITY RECREATION ASSOCIATION

The Board of Zoning Appeals on July 14th, 1964 granted a Special Use Permit for this recreation facility. There was no limitation on the number of family members. In 1966, however, the Board as an After Agenda Item allowed the applicant to reduce the parking spaces to 134 and have 450 members. The original permit required 165 parking spaces.

A letter from Mr. Jerald H. Heinz, Acting President of the Club, stated that presently they have 400 family memberships. The parking lot is rarely over one quarter utilized. There are 395 houses within one quarter mile of the pool which is easy walking distance.

It was the Board's feeling that since thirteen years have passed since the Board has reviewed the Special Use Permit for this club, that there should be a new hearing before the Board makes any changes or allows any increase in membership in relation to parking.

Mr. Durrer moved that the Board require the Ilda Community Recreation Association to bring in an updated plat showing the existing structures on the site and the existing parking spaces and have a new hearing before the Board acts on this request. He stated that there are many questions he would like answered.

Mr. Swetnam seconded the motion.

Mr. Smith stated that there are new policies concerning community pools that the club should be made aware of, such as, the limitation on the number of parties that are permitted after hours.

The motion passed unanimously.

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3. BELLE HAVEN COUNTRY CLUB, S-161-70. Request to relocate the tennis pro shop to alternate site adjoining tennis courts. (New plats submitted.)

The Board reviewed the new plats. It found no other change except the relocation of the tennis shop building. This relocation was to the interior of the site. The Board felt that this change would not adversely affect any of the surrounding properties and was actually a very minor change. It was the Board's decision to accept these substitute plats and to allow this relocation of this tennis pro shop to this alternate location.

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AFTER AGENDA ITEM - MARCH 22, 1977
4. KENA TEMPLE, S-254-73. QUESTIONS ON LIGHTING OF PARKING LOT, BUFFERING AREA, LIGHTS ON BUILDING, AND SUPPLEMENTAL PLANTINGS.

Mr. Thomas Hogan, contiguous property owner to the Temple, stated that the neighbors are concerned about the tall lights that the Temple has just had installed and the other violations that are occurring. The immediate concern is the rock concert that is scheduled for this Friday night. He stated that a flyer has been circulated out of a nightclub in Washington called The Place Where Louie Dwells which advertises this rock concert.

Mr. DiGiulian stated that the hours of operation as stated on the plats that were approved with the Temple's application is from 7:30 a.m. to 10:00 p.m.

Mr. Swetnam stated that it seems to him that the Temple activities would then have to close at 10:00 p.m.

Messrs. Durrer and Smith stated that they felt someone from the Temple should be present to discuss this.

The Board recessed this discussion until afternoon when someone from the Temple could be present.

After lunch the Board again took up this case. Mr. William Peale was present on behalf of the Temple. The Board discussed with Mr. Peale the various problems involving the lights, the buffering, the lights on the building, the supplemental plantings, and the rock concerts scheduled for Friday.

It was brought out that the Temple had been allowing the telephone company to use their property to bring in telephone books in a trailer truck to be distributed from this site.

Mr. Smith stated that he did not feel this should be allowed in this residential zone even if the books were not stored in the Temple building. However, it stated that this would have to be determined by the Zoning Administrator.

Mr. Peale stated that this type thing is also done at the Lutheran Church which is also in Fairfax County.

Mr. Smith asked Mr. Peale to give the Zoning Administrator the address of this church and any other location that he knew of where this is done. Mr. Smith asked Mr. Knowlton to report back to the Board his decision on this matter.

Sally Ormsby, President of the Mantua Citizens Association, spoke to the Board regarding the alleged violations at the Temple property.

It was the Board's decision that the Temple should clear all violations that are determined to be violations by the Zoning Administrator.

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AFTER AGENDA ITEM - MARCH 22, 1977
WOODLAKE TOWERS- STUART STREET MEDICAL ASSOCIATES, LTD.

The Board was in receipt of a letter from J. Donald Snyder, General Property Manager for Woodlake Towers, dated February 23, 1977. Mr. Snyder stated that the landlord-tenant relationship planned did not materialize and the space originally planned for a doctor's office has never been occupied.

The Special Use Permit for this office had expired.

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The Board meeting adjourned at 3:30 p.m.

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Jane C. Kelsey
BY JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED April 13, 1977
DATE

Submitted to the Board of Zoning
Appeals on April 13, 1977

Submitted to the Board of Supervisors,
Planning Commission and other Depts.
on May, 1977.

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The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, April 13, 1977, in the Board Room of the Massey Building. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

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

10:00 a.m. - JOHN C. WOOD, TRUSTEE FOR GREAT FALLS ASSOC. & HERBERT S. MILLER, TRUSTEE FOR ROUTE 193 ASSOC. appl. under Sec. 30-6.6 of the Zoning Ord. to permit commercial building closer to residential boundary line than allowed by Ord. (0' from line, 25' required), 9825 Georgetown Pike, 13-1((1))22, 23, 24 & pt. 25, (5.82 acres), Dranesville District, C-G and C-D, V-38-77.

The meeting began at 10:12 a.m. Mr. Herbert Miller, 3225 N Street, N.W., Washington, D. C. represented the applicants. He submitted notices to nearby property owners which were in order.

Mr. Miller stated that the applicants own the residential property which abuts the commercial where they plan to build offices. They have a special permit from the Board of Supervisors to have parking on that residential land. To the east of the subject property is the proposed Lutheran Church. To the south is a parcel of land owned by the C & P Telephone Company. To the southeast is the Great Falls Swim and Tennis Club. The only other adjoining property remaining is a cluster development owned by Mr. Ballard which is designated open space.

Mr. Miller stated that they have been working with the Great Falls Citizens Association. That citizens association recommended approval.

Mr. Smith stated that at the closest point, it is 32' from the closest established residential area. The variance is from a zone line rather than a property line. All the land is in the same ownership.

Pat Wezzel, immediate past president of the Great Falls Citizens Association, spoke in support of the application on behalf of the association.

Mr. Dick Nagel, representing Safeway Stores, Inc., spoke in support of the application.

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

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Mr. Swetnam made the following motion:

WHEREAS, Application V-38-77 by John C. Wood, Trustee for Great Falls Assoc. and Herbert S. Miller, Trustee for Route 193 Assoc. under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit a commercial building closer to residential zone boundary line than allowed by Ordinance (0' from line, 25' required), 9825 Georgetown Pike, 13-1((1))22, 23, 24 and part 25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is C-G and C-D.
3. That the area of the lot is 5.82 acres.
4. That the Board finds that the applicant's property has an unusual condition in its location.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structures indicated in the plats included with this application only, and is not

transferable to other land or to other structures on the same land.

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

Mr. DiGiulian seconded the motion.

The Board discussed whether or not to add the same conditions as is on the special permit from the Board of Supervisors to this variance resolution. It was the Board's decision that those conditions would stand on their own and are enforceable as part of the special exception granted by the Board of Supervisors for the parking in the residential zone for commercial uses.

The motion passed unanimously with all members present and voting.

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10:20 a.m. - GEORGE H. RUCKER REALTY CORP. appl. under Sec. 30-6.6 of the Zoning Ord. to permit industrial building 11' from residential zoning boundary line, (100' required), 3015 William Drive, Providence District, 49-3((22))3D, (149,991 sq. ft.), Pedron Subd., I-L, V-39-77.

Mr. Robert T. Williams submitted the required notices to property owners. The notices were in order. He stated that he is the managing partner of the Four Seasons Tennis Club, contiguous to the subject property. The proposed development is for professional townhouse style condominiums. It is an extension of the office buildings that are on the west of the property. The architectural style will follow through with both the tennis club and the office buildings. In order to effectively carry out that plan, they are requesting a variance to Sec. 30-4.4.4 of the Zoning Ordinance. The subject property abuts the Luther Jackson School property. That portion of land that touches the school property presently has a 6' fence with barbed wire at the top to discourage access and there is a 20' wide patch of briars between the fence and the school property. They feel that the proposed development is completely consistent with the surrounding area and does not have any adverse affect on the school grounds. The plan for this area calls for industrial uses in the future.

Mr. John Harris, official with the George H. Rucker Realty Corporation, spoke in support of the application.

A representative from the Bendell Realty Corporation spoke in support but requested that the lighting system on the outside not interfere with their business, which is the Lee Highway Drivein.

Mr. Williams stated that they have worked with the contiguous property owners before and they feel they will have no problem.

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Mr. Durrer made the following motion:

WHEREAS, Application V-39-77 by George H. Rucker Realty Corp. under Sec. 30-6.6 of the Zoning Ordinance to permit industrial building 11' from residential zoning boundary line, 3015 William Drive, 49-3((22))3D, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is I-L.
3. That the area of the lot is 149,991 sq. ft.
4. That the Board finds that the applicant's property has an unusual condition with the adjacent land.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ord. would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.
NOW, THEREFORE, BE IT RESOLVED that the subject appl. is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present and voting.

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10:40 a.m. - ST. MARY'S OF SORROWS CATHOLIC CHURCH & REV. THOMAS J. WELSH, BISHOP OF CATHOLIC DIOCESE OF ARLINGTON appl. under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit church and related facilities, 5222 Sideburn Road, 68-4((1))2, (6.725 acres), Annandale Dist., RE-1, S-41-77.

(Hearing began at 10:43 a.m.)

Robert T. Borth, 6201 Riverdale Road, Riverdale, Maryland, submitted the required notices. The notices were in order.

Mr. Borth stated that his firm has been commissioned by the parish to do the architectural drawings for this building. The subject property abuts on the north and west existing residences. To the south is property owned by one individual. There is one house on that property. The subject site is almost completely wooded. There is a clear open area toward the front. The facility will be located in the northwest area of the site. The minimum setback is 50'. However, the setback on the west will be 95 to 100 feet. The facility is proposed to have 800 seats. The parish is presently holding services in the Robinson High School, which is nearby. Therefore, there will be no additional impact to the neighborhood other than what is already there. 800 seats requires 160 parking spaces. They are proposing 240 parking spaces in order to assure that there will be no impact parking on the surrounding neighborhood. They propose exterior lights on standards 12 to 15 feet high maximum which will be designed specifically so that they will not impact the neighbors. The access to the property will be at the very northern end of the property as it connects with Sideburn Road. The building will be very low key. The facility will be almost invisible because of the plan to preserve the existing foliage. The building will be kept on a residential scale. There might be a steeple or cross in the front which might be as high as 40 feet. The trees are already that high. They would like the building to be of brick construction as indicated in the statement in the file.

Mr. Swetnam stated that the setback at one point says 50' plus or minus and he felt it should be 50' maximum.

Mr. Borth agreed.

Father Farrell spoke in support of the application.

The Board discussed the comments from the office of Preliminary Engineering with the applicant. The applicant stated that they would agree to dedicate 30', but felt that 45' would be excessive. Mr. Borth stated that in their conversations with the staff and with the Virginia Department of Highways, they were under the impression that 30' would be adequate.

Mr. Covington stated that Mr. Reynolds from Preliminary Engineering would like the Board to leave the amount of the dedication up to the Director. They need a width that will be sufficient to accomodate the widening of Sideburn Road.

Mr. Smith stated that dedication has been required on all other churches.

Mr. DiGiulian stated that in the motions that he has made, dedication has not been required.

Mr. Smith stated that he is doubtful if the Site Plan office can require dedication.

Mr. DiGiulian stated that that office could not require dedication.

Mr. Smith stated that he would not vote for a motion granting this use unless dedication is a requirement and a condition of that granting.

Mr. DiGiulian stated that he thought that when the Board gets this type comment on a staff report where it says that it is suggested that the owner dedicate a specific amount of right of way, it is because the County cannot require this under the Site Plan Ordinance. He stated that he looks at it as a type of blackmail.

Mr. Smith stated that if this is blackmail, then the County is blackmailing people every day.

Mr. Swetnam stated that he could assure him that the County is doing just that.

Mr. Smith stated that the County is trying to make the road safe for the users of the property and the other people who will be traveling that road that this use will impact. He stated that sufficient roadway and sufficient entrances and exits are needed to accomodate this use. This church has the right to go in there, but they should provide for safe entrances and exits.

Mr. DiGiulian stated that whether they dedicate or not, they can be required to do whatever is necessary by way of construction.

Mr. Smith stated that this is why churches are under Special Use Permit so that the Board can make sure that it is developed in harmony with the existing neighborhood and will not cause an adverse impact.

The applicant stated that the church already exists in the neighborhood.

Mr. Smith stated that the entrance and exit for Robinson High hool certainly is superior to what they have planned here.

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

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Mr. DiGiulian made the following motion to grant:

WHEREAS, Application S-41-77 by St. Mary's of Sorrows Catholic Church and Rev. Thomas J. Welsh, Bishop of Catholic Diocese of Arlington under Sec. 30-7.2.6.1.11 of the Fairfax County Zoning Ordinance to permit church and related facilities on property located at 5222 Sideburn Road, 68-4((1))2, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Catholic Church.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.725 ac.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Specail Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details)

without this Board's approval shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

7. The hours of operation shall be the hours of normal church activities.
8. The minimum number of parking spaces shall be 240.
9. The maximum number of seats shall be 800.
10. The effects of all lighting shall be confined to the site.
11. The buildings shall be a minimum of 50' from the north property line.
12. The applicant agrees to dedicate to 30' from center line of Sideburn Road.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

10:50 a.m. - HERNDON CHURCH OF CHRIST appl. under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit educational facility in conjunction with existing church, 11309 Georgetown Pike, 11-2((1))25, (5.023 acres), Dranesville Dist., RE-1, S-42-77.

(Hearing began at 11:20 a.m.)

Rev. Jerris Bullard, 11311 Georgetown Pike, Great Falls, Virginia, submitted the required notices to property owners which were in order.

Rev. Bullard stated that they do not plan to increase the building capacity for seating. That will remain at 234. The capacity for the classrooms will be 220. There is no need to increase the size of the parking lot at this time, he stated. They do not plan to increase the size of the present preschool either. They are operating at below their approval figure of 30. They have 25, three days a week.

There was no one else to speak in support and no one to speak in opposition.

Mr. Smith read a letter in opposition from Mr. and Mrs. Chanel.

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Mr. Swetnam made the following motion:

WHEREAS, Application S-43-77 by the Herndon Church of Christ under Sec. 30-7.2.6.1.11 of the Fairfax County Zoning Ordinance to permit an educational facility with existing church on property located at 11309 Georgetown Pike, 11-2((1))25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.03 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with

the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of seats shall be 234.
8. The hours of operation shall be the hours of normal church activities.
9. That the new building shall be compatible with the existing structure.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

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11:00 A.M. - CAROLYN ANNE STILLING appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition 8.8' from side property line (12' required), 3400 Arnold Lane, Arnold Park Subd., 60-1((3))5, (32,722 sq. ft.), Providence Dist., R-12.5, V-44-77.

(The hearing began at 11:30 a.m.)

Carolyn Stilling submitted notices to property owners which were in order.

Mrs. Stilling stated that they wish to make an addition to their home. This addition will come within 8.8' of the side property line. This is the only place they can put this addition because of the configuration of the lot and the topography of the lot.

Mr. Swetnam stated that if the applicant had 105' across the front, there wouldn't be any problem.

Mrs. Stilling stated that the new proposed zoning ordinance that is proposed to go into effect in 1978 changes their zoning from R-12.5 to R-3. Under the R-3 zone, they could build within 8' of the property line. There would also be a stipulation that there be 20' between the houses. They have more than 20' between their house and the neighbor's house.

Mr. Smith stated that this is a very large addition.

Mr. Swetnam stated that the addition wraps around the corner of the existing house which reduces the length from the side of the existing house to the point where the 8.8' is measured to 18'. That makes it fairly tight, depending on the inside layout of the addition and the existing house.

There was no one else to speak in support of the application.

Mr. Bob Stein, representing Mr. Chalk's property, stated that they were not opposing, but he wished to question the R-3 proposed zoning and ask some questions about that.

Mr. Smith stated that that information would have to be obtained from the proper office. The Board has no specific knowledge or expertise in this field.

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Mr. Durrer made the following motion:

WHEREAS, Application No. V-44-77 by Carolyn Anne Stilling under Sec. 30-6.6 of the Zoning Ordinance to permit addition 8.8' from side property line, 3400 Arnold Lane, 60-1((3))5, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 32,722 sq. ft.
4. That the Board finds that the applicant's property is exceptionally narrow;

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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11:10 a.m. - SARA M. TURNER appl. under Sec. 30-6.6 of the Zoning Ordinance to permit addition of pool 10' from side property line, 21-3((10))50, 7407 Churchill Road, (24,800 sq. ft.), West Langley Subd., Dranesville District, RE-0.5, V-45-77.

Mrs. Helen Prochnow submitted the required notices to property owners. The notices were in order. There was a letter in the file authorizing her to represent the applicant.

Mrs. Helen Prochnow stated that even though the property is fairly large, the house is built quite far back in the front and there is only one flat area in the yard for a pool. She submitted photographs to substantiate this. She stated that her mother, Mrs. Sara M. Turner, has owned the property since 1964. She was the original owner.

There was no one else to speak in favor and no one to speak in opposition.

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Mr. DiGiulian made the following motion:

WHEREAS, Application V-45-77 by Sara M. Turner under Sec. 30-6.6 of the Ordinance to permit construction of pool 10' from side property line, 7407 Churchill Road, 21-3((10))50, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on April 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 24,800 sq. ft.
4. That the Board finds that the applicant's property is
   a. exceptionally irregular in shape, and
   b. has an unusual condition in the location of the existing building on the subject property.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

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11:20 a.m. - RAMIN A. WOODALL appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of swimming pool 25' from front property line, (50' required), 11418 Lilting Lane, Fairfax Station, Singing Woods Subd., 86-2((3))37, (6.951 acres), Springfield Dist., RE-1, V-48-77.

(Hearing began at 11:52 a.m.)

Dr. Woodall submitted the required proof of notice to property owners. The notices were ruled in order by the Board.

Mr. Woodall's justification for the need for this variance was because of the severe topographic problems that existed on the land. He stated that the road is about 12 or 15' before his property. The proposed pool is not in the line of sight of the road.

Mr. Smith stated that after looking at the photographs of the property, he did not think the slope is steep enough to preclude the construction of a pool someplace else on the property.

After checking the plats, Mr. Swetnam stated that something was wrong with the topo lines on the plat. He also stated that if Lilting Lane should be widened, the shoulders of the road will then slope back and it isn't going to fit into that 50' easement at all. The corner of the pool would then be in jeopardy unless a retaining wall is installed. He stated that he felt the best place would be to pull the pool back 50' from the easement of the road.

Mr. Smith stated that a variance is also needed to allow the pool to be in the front yard. He questioned the applicant as to why he could not place the pool to the other side of the house.

Dr. Woodall stated that the septic field was located on the other side of the house.

Mr. Smith stated that surely the septic field did not take up the entire side yard.

Mr. Swetnam stated that he did not think the contour lines were correct.

The Board deferred the case until April 19, 1977 for new plats showing the exact location of the septic field and a correct topographic plat. The Board also requested the applicant to pull the pool back 50' from the front property line, showing it in dotted lines.

Mr. Michael Major, 11822 Blue Springs Road, Reston, Virginia, with Anthony Pools, stated that the plats would hopefully be submitted on Friday in order to get a decision on April 19, 1977.

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

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(Tape 5)

1:00 P.M. DECISION ON CASE OF JOHN O. WAGNER, EXECUTOR OF ESTATE OF MABEL V. WAGNER, V-302-76. (Deferred from March 22, 1977 for decision. on Mr. Swetnam's motion of February 23, 1977.)

Mr. Swetnam restated the motion he made on February 23, 1977.

Since this was a pending motion, no other motion or second was necessary.

The vote was 3 to 2, defeating the motion. Messrs. Swetnam and Barnes voted Aye. Messrs Smith, Durrer and DiGiulian voted No.

Mr. Durrer then moved in the same case of John O. Wagner, that the decision of the Zoning Administrator be upheld.

Mr. DiGiulian seconded the motion.

The motion passed 3 to 2. Messrs. Smith, Durrer and DiGiulian voted Aye.

Messrs. Swetnam and Barnes voted No.

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DISCUSSION RE REPRESENTATION FOR BOARD OF ZONING APPEALS

Mr. Swetnam suggested that in view of the fact that the Board of Zoning Appeals is being sued by the Board of Supervisors and the Fairfax County Attorney represents the Board of Supervisors, that the Board of Zoning Appeals should retain a different attorney.

Mr. Ruck explained the circumstances leading up to this suit that was filed by his office on behalf of the Board of Supervisors and also his representation of the Board of Zoning Appeals on the Wagner case. He explained that the appeal time on the Wagner decision of February 23, 1977 would laspe on March 22, 1977; therefore, if the suit had not been filed, there could never have been judicial review of this Board's decision. He stated that he had spoken with members of the State Bar Association and General Counsel and to Judge Middleton, Judge Middleton being the Judge to which the original Mandamus had been assigned and who had some knowledge of this matter. He had indicated to these people his desire to file a procedural action only. This was done only to insure judicial review of that decision should there be a finding by the Circuit Court that for some reason this body does not have the legal power to reconsider an act, once taken. He stated that he had indicated to the State Bar, General Counsel, and Judge Middleton that he would take no other position on this matter until this date when this body has had the opportunity to finally determine what it is going to do on the resolution that was proposed on February 23, 1977, because previous to this, there was no knowledge that a conflict does, in fact, exist between the Board of Supervisors and the Board of Zoning Appeals on this matter. He stated that on February 22, 1977, he stated to the State Bar, the General Counsel, Judge Middleton, all members of the Board of Supervisors and the members of the Board of Zoning Appeals, who were in town, through its Clerk, Mrs. Kelsey, that should a conflict arise from the decision made today, that he would withdraw from representing either body and would request to retain private counsel for both Boards for this particular litigation.

Mr. Smith stated that for the record Mr. Swetnam was absent from the County at the time this action on March 22, 1977, came up. Mr. Ruck did call him and discussed this matter as far as the possible conflict was concerned. Mrs. Kelsey called the other Board members to get their concurrence, which they gave. Should a conflict arise, another private attorney has been contacted and has accepted the request to represent this Board in this matter.

Mr. Durrer stated that he felt the Board should thank Mr. Ruck for handling this matter in the way that he did. He went to a great length to protect both Boards. He stated that he valued his legal advice and he knew that he worked overtime and long hours on this case.

Mr. Smith thanked Mr. Ruck on behalf of the Board.

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11:30 a.m. - MURRELL W. PROCTOR T/A CENTURY MOTORS appl. under Sec. 30-7.2.10.3.8 of the Zoning Ord. to permit auto sales room, 7129 Columbia Pike, 71-1((1))96B, (23,823 sq.ft.), Mason Dist., C-D, S-50-77.

(The hearing began at 2:00 p.m.)

Mr. Proctor submitted the required notices to property owners of this hearing. The notices were in order.

Mr. Proctor stated that he wished to have an automobile sales room for used cars and perhaps some new cars. He stated that he did not have a franchise for a new car dealership yet.

Mr. Smith stated that he did not think this would be permitted under the Ordinance since it is not in conjunction with an existing new car dealership.

Mr. Covington stated that this is a departure from the decision of the Zoning Administrator in the past. He is asking for a used car dealership in connection with a sales lot without a new car dealership. It is by Mr. Knowlton's interpretation that this can be done. He stated that he does not read the ordinance the same way that Mr. Knowlton does.

Mr. Smith stated that this section of the ordinance was amended so that a new car dealership could go in on a parcel of land in this area.

He stated that the ordinance under Sec. 30-7.2.10.4.8 says "...Sales and rental lots of automobiles and trucks incidental and accessory to a new car dealership..." Mr. Smith stated that Fox-Keller previously had an operation here. That was for new cars, he thought.

Mr. DiGiulian asked if a previous application had been turned down based on a previous interpretation.

Mr. Covington stated that he thought they found another location.

Mr. DiGiulian stated that if another applicant was turned down at this location because of a different interpretation of the Ordinance, then it would not be fair to allow this applicant to have this use.

Mr. Covington stated that Mr. Knowlton may have never had reason to interpret this section of the Ordinance previously. This was an interpretation that was inherited by a previous Zoning Administrator. /to accept this applicatio

Mr. Swetnam stated that he felt the Board has to hear the case based on its merits. The application has been accepted. It is before this Board.

Mr. Proctor stated that he does not yet have a license to operate a sales room for automobiles from the State. He stated that he could not obtain that until he has the location. He stated that he would be able to get two or three cars in the building for display purposes.

Mr. Smith read a letter from Mrs. Fasteau, member of the Planning Commission, in opposition to this use. She requested that if the Board should grant this use, that the time for the permit be limited. She also asked that the sign be removed.

Mr. Smith stated that he did not feel the Board has the authority to require the removal of the sign.

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

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

Page 177, April 13, 1977
PROCTOR (continued)

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-50-77 by Murrell W. Proctor, T/A Century Motors under Section 30-7.2.10.3.8 of the Fairfax County Zoning Ordinance to permit auto sales room on property located at 7129 Columbia Pike, 71-1((1))96B, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is E. W. Robertson. The applicant is the lessee.
2. That the present zoning is C-D.
3. That the area of the lot is 23,893 sq. ft.
4. That compliance with the Site Plan Ordinance is required.
5. That the property is subject to Pro Rata Shares for off-site drainage.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit , shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. (AS AMENDED BY MR. SWETNAM's MOTION) The permit is granted for a period of Three (3) years. (MR. DURRER'S MOTION WAS for a one year period.)
8.

Mr. Barnes seconded the motion.

Mr. Durrer's original motion had granted the permit for One (1) year.

Mr. Smith brought up the fact that the applicant did not have a valid lease on the property just a letter of intent to lease from the owner of the land.

Mr. Durrer explained that the reason he had only made the permit for one year was because he agrees with the Planning Commission member's comments on this. It has been a fly-by-night operation. If and when the applicant comes back to apply for a continuation of the permit and he has shown that he is going to be a permanent tenant and is going to operate a decent place, then the Board could give him a longer permit.

Mr. Covington stated that the Zoning Administrator is now in the process of writing an amendment to the Ordinance removing all types of car dealerships from the C-D zone.

Mr. Swetnam then offered the amendment to the resolution for a three year permit. He moved that the case be reopened for that purpose. Mr. DiGiulian seconded the motion. The motion passed unanimously. Mr. Swetnam then offered the amendment to the original resolution of Mr. Durrer's. Mr.DiGiulian seconded the motion. That motion passed 3 to 2 with Messrs. Durrer and Smith voting NO.

11:40 a.m. - SECOND BAPTIST CHURCH appl. under Sec. 30-7.2.6.1.3 of the Zoning Ord. to permit operation of day care center, 6626 Costner Drive, 50-2((1)) 54, (3.075 acres), Providence Dist., R-10, S-40-77.

(Hearing began at 2:37 p.m.)

Rev. James E. Brown, Pastor of the church, submitted the required notices. The notices were in order.

Rev. Brown stated that all they wish to change is the name of the school. All else will remain the same. They operate from 7:00 A.M. to 6:00 P.M. They have 60 students but would like to keep the permit for 100 as their original permit stated.

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

April 13, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-40-77 by Second Baptist Church under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit operation of day care center 6626 Costner Drive, 50-2((1))54, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 3.075 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That the property is subject to Pro Rata Shares for off-site drainage.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT SHALL NOT BE VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 100.
8. The hours of operation shall be 7:00 A.M. to 5:00 P.M., five days a week.
9. The miminim number of parking spaces shall be 10.
10. All other conditions of S-920-68 are to remain in effect.

Mr. Swetnam seconded the motion.
The motion passed unanimously with all members present and voting.

Page 179, April 13, 1977
AFTER AGENDA ITEM

LAKE BARCROFT RECREATION CENTER, INC., S-261-76, SHOW-CAUSE HEARING DEFERRED FROM PREVIOUS DATE UNTIL AFTER COURT TRIAL ON CASE. The Court trial has been postponed indefinitely until Judge Plummer is available to hear the case.

Mr. DiGiulian moved that the Board continue to defer this case until the Clerk feels it is appropriate to reschedule it.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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April 13, 1977, Page 179
AFTER AGENDA ITEM

C.E. REID, JR. appl. under Sec. 30-6.6 of the Zoning Ordinance to permit 10' side yard setback in R-12.5 for 34 lots of Beverly Manor, V-256-76.

The Board was in receipt of a letter from the applicant's attorney requesting withdrawal of this case without prejudice. The applicant obtained rezoning of the land to R-10 zoning. The applicant does not think he will need any variances in order to construct houses.

Mr. Swetnam moved that this case be withdrawn without prejudice.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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April 13, 1977, Page 179
AFTER AGENDA ITEM

ELDON J. MERRITT, S-32-77, 9211 Arlington Blvd. Request for amendment to existing SUP to permit continuation of private school with increase in number of students to 240 and to add two (2) additional modular classrooms and swimming pool. (Deferred from March 22 for new plats. The plats have been received and accepted by Mr. Covington.

The Board, after reviewing the plats, stated that the new plats would be accepted.

Mr. DiGiulian made the following motion:

R E S O L U T I O N

WHEREAS, Application S-32-77 by Eldon J. Merritt under Sec. 30-7.2.6.1.3 of the Fairfax County Zoning Ordinance to permit continuation of private school with increase in students from 165 to 245 and add modular classrooms and swimming pool, 9211 Arlington Blvd., 48-4((1))49, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.8855 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 245, ages 2 to 8.
8. The hours of operation shall be from 7:00 A.M. to 6:00 P.M., five days a week.
9. The minimum number of parking spaces shall be 25.
10. All other requirements of S-124-72 shall remain in effect.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

Page 180, April 13, 1977 - Item No. 1
AFTER AGENDA ITEM, S-31-76, AMERICAN FLETCHER MORTGAGE CO., INC. & CAVALCADE HOMEOWNERS ASSOCIATION, INC., granted April 6, 1976 for swimming pool facility

By letter dated April 6, 1976, Mr. Bernard Fagelson, attorney for the Permittee, requested a 6 month extension. They have not been able to begin construction because of financial problems and problems getting the site plan approved.

Mr. Swetnam moved that this Permittee be granted a 6 month extension from April 6, 1977.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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Page 180, April 13, 1977

2. AFTER AGENDA ITEM - FELLOWSHIP BAPTIST CHURCH, S-216-76. Special Use Permit for addition to existing church, 11032 Oakton Road.

The applicant requests approval of revised layout of parking lot. No other changes are proposed. This is not a substituted plat since this is a layout of the parking lot only.

The Board reviewed the proposed plats.

Mr. DiGiulian moved that the revised parking layout be accepted.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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3. ROLLING VALLEY SWIM CLUB, INC., S-105-75, REQUEST FOR CHANGE IN HOURS TO ALLOW FACILITY TO OPEN ONE HOUR EARLIER (8:00 A.M.) instead of 9:00 A.M.

POLICY MENTIONED

It was the Board's decision that the Permittee be required to file a new application since it is the policy of the Board that any change in hours will require a public hearing so that all property owners will be properly notified.

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Page 181, April 13, 1977.

4. KENA TEMPLE

The Planning Commission pulled this case to be heard by it on May 5, 1977. It is scheduled for BZA hearing on April 26. However, the 30 days has not run and will not have run by April 26. Therefore, the Planning Commission has requested that the BZA defer hearing the case until after it has had the opportunity under the State Code to hear and make a recommendation on the 5th.

The Clerk asked the Board for a firm decision on whether or not the BZA will defer the full hearing or defer decision in order that she might let the interested citizens and the applicant know how to prepare for this controversial case.

It was the Board's decision that it would defer the case on April 26, 1977 until May 10, 1977, at 10:00 a.m.

Mr. Swetnam moved that the Clerk notify all the appropriate parties that the Board does intend to defer this case on April 26, 1977 until May 10, 1977 at 10:00 a.m.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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Page 181, April 13, 1977

5. APPROVAL OF MINUTES

Mr. Swetnam moved that the minutes for February 15 and 23, March 8 and 15, and 22nd as 1977 be approved with minor corrections.

Mr. Durrer seconded the motion.

The motion passed unanimously.

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The meeting adjourned at 3:03 P.M.

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Jane C. Kelsey

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

Submitted to the Board of Zoning Appeals on April 19, 1977

Submitted to the Board of Supervisors, Planning Commission and other interested Depts. on May, 1977.

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED May 10, 1977
date

The Regular Meeting of the Board of Zoning Appeals Was Held in the Massey Building on April 19, 1977. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

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The meeting opened with a prayer by Mr. Barnes.

10:00 A.M. - GLADYS THIELE appl. under Sec. 30-6.6 of the Zoning Ord. to permit garage to be constructed 8' from side property line (12' required), 4107 Summit Place, 61-4((6))(N)25, (10,500 sq. ft.), Mason Dist., R-12.5, V-25-77. (Deferred from 3/15/77 for proper notices.)

(The hearing began at 10:07 a.m.)

Marjorie Carter represented the applicant. She submitted the proper notices. The notices were in order.

Mrs. Carter stated that this is the only practical place on the property where a garage can be built. There is an extremely steep hill on the other side of the property. The complete roofline will be extended across the garage and the materials to be used in the construction of the garage will be compatible with the existing house. The plats show a drainage easement to the rear of the property, she stated.
There was no one else to speak in support of the application and no one to speak in opposition.

April 19, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-25-77 by Gladys Thiele under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit garage to be constructed 8.2' from side property line, 4107 Summit Place, 61-4((6))(N)25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 19, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,500 sq. ft.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing building on the subject property and the location of the existing drainage easement on the north side of the lot;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

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Page 183, April 19, 1977

10:20 A.M. - THOMAS B. TROY appl. under Sec. 30-6.6 of the Zoning Ord. to permit subdivision of land with one lot having less than required lot width (20' requested, 150' required), 3919 Rugby Road, Murray Farms Subd., 45-2((2))31, (1.859 ac.), Centreville Dist., RE-1, V-29-77. (Deferred from 3/15/77 for proper notices.)

The notices were not submitted. No one was present to represent the applicant, but the Board was in receipt of a letter from the agent for the applicant requesting a 90 day deferral.

The Board granted the request for the 90 day deferral.

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10:30 A.M. - CHESTER C. VINCENTZ appl. under Sec. 30-6.6 of the Zoning Ord. to permit enclosure of porch 12.8' from side property line (15' required), 6500 Lakeview Drive, Lake Barcroft Section 3, 61-3((14))379, (19,100 sq. ft.), Mason Dist., R-17, V-49-77.

(The hearing began at 10:34 a.m.)

Mr. Vincentz stated that there is an existing garage in the back of the house but since the grade is so steep from back to front and the side setback between the existing carport and the property line is so narrow, there is no way he can get a driveway down there to that garage. He stated that he would like to make the existing garage into a room and enclose the carport that is over the garage and make a garage out of that. He stated that the carport was enclosed with plastic material when he first moved in, but that detracted from the appearance of the property. He removed the plastic and wishes to properly enclose the carport.

There was no one else to speak in support of the application and no one to speak in opposition.

April 19, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application V-49-77 by Chester C. Vincentz under Sec. 30-6.6 of the Zoning Ord. to permit enclosure of porch 12.8' from side property line, 6500 Lakeview Drive, 61-3((14))379, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on April 19, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 19,100 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Barnes seconded the motion.
The motion passed unanimously with all members present and voting.

10:40 A.M. - FALLS CHURCH CHRYSLER PLYMOUTH, INC. appl. under Sec. 30-7.2.10.3.8 of the Zoning Ordinance to permit auto dealership with outside display, 6319 Arlington Blvd., 51-3((1))1, 6, 7, (2.416 ac.), Mason Dist., C-G, S-51-77.

Mr. Durrer stated that he had had a phone call from Bob Snelson, General Manager of Falls Church Chrysler Plymouth, who told him that they had not been able to get their notices out to the abutting property owners. They would like a deferral until a later date in order that this can be done.

The Board deferred this case until May 17, 1977, at 10:00 a.m. and requested the Staff to repost the property.
There was no one in the room interested in this application.
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11:00 A.M. - DONALD & JOYCE GRAVNING appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of garage 13.7' from side property line, 9909 Montclair Court, Town and Country Gardens Subd., 38-3((20))68, (22,753 sq. ft.), Centreville Dist., RE-0.5, V-52-77.

(The hearing began at 11:00 A.M.)

Mr. Gravning submitted the required notices to property owners. The notices were in order.

Mr. Gravning's justification was the irregular shape of his lot and the extremely narrowness of the lot. The Board determined that a variance was only needed on one corner of the garage. Mr. Gravning planned to use the same type material on the garage as is on the existing house.

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

April 19, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-52-77 by Donald & Joyce Gravning under Sec. 30-6.6 of the Zoning Ord. to permit the construction of a garage 13.7' from side property line, 9909 Montclair Court, 38-3((20))68, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 19, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 22,753 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape, including narrow; and, that there are existing easements on the property; and

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure in-indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unle s construction has started or unless renewed by action of this Board prior to expiration.
3. That the construction be compatible with the existing building.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

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11:20 A.M. FRED A. JOHNSON appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition 16.2' from rear property line, 3025 Pine Spring Rd., 50-3 ((19))(2)19, (12,975 sq. ft.), Providence Dist., R-10, V-53-77.

Mr. Fred Johnson submitted the required proof of notice toproperty owners. The notices were in order.

Mr. Johnson's justification was that he is on a cul-de-sac and the front property line is a curved line. The property line on the side of the subject variance request swings away from the house as it goes back, therefore, only one corner of the proposed addition would need a variance. He stated that there is no place on the lot to practically place an addition except where proposed.

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

April 19, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, V-53-77 by Fred A. Johnson under Sec. 30-6.6 of the Zoning Ord. to permit an addition 16.2' from rear property line, 3025 Pine Spring Road, 50-3((10))(2)19, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 19, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 12,975 sq. ft.
4. That the Board finds that the applicant's property is irregular in shape; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present and voting.

April 19, 1977
11:40 A.M. - TED HEFLIN CONSTRUCTION CO. appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of houses 30' from front property line, (45' required), 6205 Waterway Drive, 61-1((11))B-2, proposed lots 8 through 12, (109,870 sq. ft.), Mason Dist., R-17, V-54-77. (Lake Barcroft Subd.)

Mr. Charles Runyon, 152 Hillwood Avenue, Falls Church, with the engineering firm of Runyon Associates, submitted the required notices to property owners. The notices were in order.

After much discussion, it was the Board's decision that it could hear a request for a variance on only one of the proposed lots for this subdivision. It was the Chairman's contention that the Board could not hear any of the requests for variances until the subdivision was recorded.

Mr. Covington stated that he felt the Board could hear this application with all the proposed lots since this was for setbacks. There is no violation in lot size and, therefore, this is not tanamount to rezoning.

Mr. Durrer suggested hearing the case and should the Board decide to grant, it could grant subject to subdivision approval. However, he stated that he felt the applicant should be required to make separate applications for each proposed lot and he so moved. There was no second.

Mr. Runyon requested that his application be amended to reflect a variance on only one lot, lot 11.

Mr. DiGiulian so moved. Mr. Swetnam seconded the motion. The motion passed unanimously.

Mr. Runyon submitted a topographic survey of this property. The topo indicated a drop of 35' from the property line down to the area of flood plain. He submitted photographs showing the Waterway Drive area. He stated that the Board would note from the photos that the slope is extremely severe.

Mr. Runyon then projected on the screen before the Board a slide dipicting a section showing where the house would be positioned if it would set at 45' from the front property line and 30' from the front property line. He stated that by putting the house 45' from the property line, there would have to be an additional 15' of subbasement. By moving it 30' from the front property line, would only require 5' of sub-basement. He stated that there are flood plain conditions down in the lower portion of the property also and they wish to be well out of that area. This will bring construction out of the flood plain.

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

Mr. Bernard Greenfield, 6201 Waterway Drive, spoke in opposition to the application. He stated that he lives immediately across the street from this property. He submitted a petition signed by some of the adjacent property and nearby property owners in opposition to this application. He asked to submit to the Board a copy of the contract for the purchase of this land showing the cost.

Mr. Smith stated that cost is not a factor in granting or denying a variance.

Mr. Greenfield reminded the Board of the previous application for a variance on this property which came before the Board in 1969. He read the minutes of those meetings involving that application into the record in total. A copy of those minutes can be found in the file and in the minute book. That application was by the previous owner, John P. McEnaney.

Mr. Greenfield felt that the granting of this variance would substantially impair the present value of his property and disrupt the beauty of this expensive neighborhood. He stated that the applicant was aware of the topographic conditions when he purchased the property. Therefore, his hardship is self inflicted.

Dr. Nedelcovych, 6204 Waterway Drive, addressed a letter to the Board in opposition to this application, which Mr. Greenfield read into the record.

Mr. Greenfield then submitted photographs of the houses across the street stating that these photographs would show that the present houses sit back nearly 100' from the street as opposed to the 30' as proposed by Mr. Heflin.

Mr. Carl Newburg, 3406 Fiddlers Green, two blocks from the lot in question, spoke in opposition to the application. He spoke to the same points that Mr. Greenfield had, adding that the majority of the homes in this area are contemporary and the proposed homes are traditional. He did not feel this was compatible. He stated that often when a case is presented before a Board such as this a lot of the facts are distorted. He questioned the accuracy of the slide that Mr. Runyon had shown to the Board.

Mr. Runyon spoke in rebuttal to the opposition. He stated that Mr. Greenfield had contended that there was an alternate method of developing this land without the need for a variance. Mr. Greenfield used a letter from the former owner, Mr. McEnaney, as justification for this. Mr. Runyon stated that this only goes to show that this land cannot be developed without a variance. This land has sit vacant and undeveloped for eight years since the former owner applied for a variance from this Board. Mr. Greenfield called Mr. Heflin a "speculator" who has no interest in the community. Mr. Heflin is going to live on lot 12 and has contracts on three other lots.

Mr. Runyon stated that as to the charge of the self inflicted hardship, Mr. Heflin came to him for advice about what to do with this property. A variance had been requested in 1969 by the previous owner and looked favorable. The Board did not grant the variance because the applicant failed to go through with it. In good faith, Mr. Heflin applied for this variance. The Code says that this Board has to ascertain whether there has been any unusual circumstances that apply to the land. Mr. Runyon then read section 30-6.6 of the Ordinance. Mr. Runyon said that Mr. Newburg in his opposition stated that the houses across the street sit well back from the front property line because of the uphill grade, otherwise, a car could not get to the driveway. The lake-side lots are long and deep and there is no problem with the flood plain. Mr. Newburg talked about the proposed houses not being compatible with the architectural quality of Lake Barcroft. There are a good many traditional homes in Lake Barcroft. Mr. Heflin's traditional styled houses will be compatible with the existing houses in Lake Barcroft.

As to the general conditions, Mr. Runyon stated that there are not many lots in Lake Barcroft that have a 14 foot drop in 30 feet, which exist across Lot 11. Lot 11 has a 47 percent slope. The variance is requested because of the topography in order to move the house forward and to take advantage of some of that slope and at the same time place the house on a reasonable portion of the lot. The exaggerated scale shown on the slide earlier shows where the break in the slope occurs. It occurs in between where the 30 and 40 foot setback distance occurs. The slide would have to be very large if it were a true scale. The other lots in Lake Barcroft do not have that condition of the slopes and are not constrained by flood plain easements toward the rear of the lot. Mr. Runyon said that these proposed lots could not reasonably be developed without this variance. The lots would already be developed if it were not for these topographic problems.

There was no one else to speak with regard to this case.

April 19, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, application V-54-77 by Ted Heflin Construction Company under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit construction of house 30' from front property line (45' required), 6205 Waterway Drive, 61-1((11))B-2 (proposed lot 11), County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 19, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 109,870 square feet.
4. That the Board finds that the applicant's property has exceptional topographic problems.
5. That the applicant's property has an unusual condition in the location of the existing flood plain line on the subject property; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

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

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

Mr. Swetnam seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No. He stated that he felt the subdivision should have first been recorded making these legal lots.

April 19, 1977
11:50 a.m. - POOR SISTERS OF ST. JOSEPH, INC. appl. under Sec. 30-7.2.6.1.3 of the Zoning Ord. to permit increase in maximum number of children from 44 to 59 in existing school, 4319 Sano Street, 72-2((1))20, (4.819330 ac.), Mason Dist., R-12.5, S-55-77.

Mrs. Kelsey had had a call from Royce Spence, who had just been retained as attorney for the applicant. Mr. Spence stated that the applicant had not sent out the required notices to property owners. He asked that the case be deferred until a later date in order for this to be done.

Mr. Spence had been present earlier, but had been advised that the Board would defer the case and he would be advised of the date by phone.

The Board deferred the case until May 17, 1977, at 10:20 A.M.

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April 19, 1977
DEFERRED CASE: RAMIN A. WOODALL, V-48-77, 11418 Lilting Lane, Singing Woods Subd., 86-2((3))37, Springfield Dist., (6.951 acres), request to permit construction of pool 25' from front property line (50' required and to permit accessory structure in the front yard. (Deferred from April 13, 1977 for new plats showing correct topo, septic field, and an alternate location fro the pool 50' from the front property line.)

Mr. Smith stated that the plats have been received and reviewed by the staff. The applicant showed the alternate location in dotted lines 50' from the property line. He stated that the applicant still needs a variance to allow an accessory structure in the front yard.

The Board members reviewed the plats.

Mrs. Woodall was present and Mr. Major from Anthony Pools was also present. He explained to the Board some of the details concerning the new plats. He also submitted additional plats showing the steepness of the land.

April 19, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-48-77 by Ramin A. Woodall under Sec. 30-6.6 of the Zoning Ordinance to permit the construction of a swimming pool closer to the front property line than allowed by the Ordinance and to permit this accessory structure in the front yard, 11418 Lilting Lane, 86-2((3))37, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 13, 1977 and deferred to April 19, 1977 for proper plats; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.9 acres.
4. That the Board finds that the applicant's property does have some topographic problems; and

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

Do Not Copy

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED IN PART with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. That the pool shall be 50' from the easement line of Lilting Lane.

Mr. DiGiulian seconded the motion.

Mr. Swetnam stated that the pool can go right straight back down the contour toward the greenhouse without shifting it uphill or downhill according to the new topo.

Mr. Smith stated that this would allow the applicant to have this accessory structure in the front yard.

The motion passed unanimously.

April 19, 1977, AFTER AGENDA ITEM

FAIRFAX CHILDREN'S CENTER (FORMERLY GEORGE MASON UNIVERSITY STUDENT GOVERNMENT DAY CARE CENTER), 4500 Roberts Road, Fairfax, Virginia.

The Board was in receipt of a letter from Ann Ulmschneider, Director of the center, requesting that the center be allowed to serve children between the ages of two and eight from 7:00 A.M. to 5:30 P.M. Currently, their permit allows the center to serve children, ages two to six, from 7:30 A.M. to 5:30 P.M.

Mr. Durrer moved that the request be granted.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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The meeting adjourned at 1:00 P.M.

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Jane C. Kelsey

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

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED May 10, 1977
(Date)

Submitted to the Board of Zoning Appeals on May 10, 1977

Submitted to the Bd. of Supervisors, Planning Commission and other Depts. on June, 1977

A Regular Meeting of the Board of Zoning Appeals Was Held on Tuesday, April 26, 1977. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam; John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.

A.M.
10:00 - THOMAS F. WARNER appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of buildings in an I District closer to R District zoning boundary line than allowed by Ordinance, (21', 100' required), 11014 Sunset Hills Road, 18-3((1))13 & pt. 11, (2.2879 ac.), Centreville Dist., I-L, V-56-77.

(The hearing began at 10:05 a.m.)

Mr. Warner submitted the required notices to property owners. The notices were in order.

Mr. Warner stated that his lot is exceptionally long and narrow. He stated that his property abuts industrial property to the rear, to the southwest is a VEPCO utility easement and the post office building, to the northeast is Clay Lane, which is a dirt road. There is residential property across Clay Lane which has not yet been developed. The variance is requested from the side of the property that abuts the VEPCO easement. Therefore, he stated that he did not feel it would have an adverse impact on that property. The strict application of the setback requirements of the Ordinance would make the land uneconomical to develop and would deprive him of the reasonable use of the land. He stated that the warehouse building that he proposes is shown in the pictures that he had submitted to the Board. Those pictures are of an existing warehouse that his father built in Oxon Hill, Maryland.

Mr. John T. Doughterty representing the Reston Community Association, Inc. spoke in opposition to this application. He submitted a copy of his statement to the Board, which can be found in the file. He stated that the land zoned residential across Clay Lane is master planned for residential. He felt that the applicant is overcrowding the site by putting these two buildings on this narrow lot.

Mr. DiGiulian stated that the building is covering 24% of the ground and that is far below what is usually covered in an industrial zone. Forty percent is usually the minimum coverage.

Mr. Smith agreed and stated that in view of the extreme situation, perhaps the building should be cut down some. The land is zoned industrial and the applicant could not make reasonable use of the land without a variance.

Mr. Dougherty stated that he felt the building should be oriented toward the VEPCO easement rather than Clay Lane. This would lessen the intensity of this use on the future residents of the residentially zoned area across from Clay Lane.

There was no one else to speak regarding this case.

April 26, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-56-77 by Thomas F. Warner, under Section 30-6.6 of the Zoning Ordinance to permit the construction of a building in an I District closer to an R District than allowed by the Ordinance (21', 100' required), 11014 Sunset Hills Road, 18-3((1))13 and part 11, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is I-L.
3. That the area of the lot is 2.28 acres.
4. That the Board finds that the applicant's property is exceptionally irregular in shape (narrow); and

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

Page 191, April 26, 1977
WARNER (continued)

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

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

1. This approval is granted for the location and the specific structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. That the buildings shall not exceed 50' in width.

Mr. DiGiulian seconded the motion. The motion passed unanimously with all members present and voting.

April 26, 1977
10:20 A.M. - WILLIAM M. BASKIN appl. under Sec. 30-6.6 of the Ord. to permit division of lot with one lot having less than required lot width and less than average lot size for both lots, Sycamore Street and Highland Avenue, 40-4((19))16A & 17, (19,578 sq.ft.), Dranesville District, R-10, V-57-77.

Mr. William Baskin Jr. represented the applicant, his father, who is the owner of the property. He submitted the required proof of notice to property owners. The notices were in order.

Mr. Baskin stated that the property as it now exists is divided into two lots. Lot 17 has 40' frontage and 16A has 120' frontage on Sycamore Street and 106' on Highland Avenue. The proposal is to resubdivide this property into two lots. Both lots would meet the minimum lot size but would fall short of the average lot size by a total of 532 square feet. This resubdivision would allow two buildable lots of a size compatible with the rest of the neighborhood and would allow the owner a reasonable use of his land. It is possible that these lots could be created without a variance but it would create an odd shaped lot line between 17 and 18 which would add nothing to the development. He stated that he owns lot 18, and resides there. All of the lots in this area are substandard lots.

Mr. DiGiulian asked if it would be possible to slide the west line of 17A six or seven feet into lot 18 and move the line of 16A and 17A, then the applicant would have the area for all three lots.

Mr. Baskin stated that that could be done but it would put a jog in the lot line. He came forward with a plat showing how it could be divided that way and how it would affect the three properties. He stated that the moving of the lot line between lot 17A and 18 would cut his driveway out.

Nancy L. Ayre, 6913 Willow Street, whose property backs up to Mr. Baskin,Jr.'s property which is next to the property under consideration, spoke in opposition to this application. She stated that putting two houses on these lots would cause the neighborhood to be too crowded. Most of the houses along this street sit back from the street. The neighbors would like any construction to be kept within the zoning regulations.

Steve White, 2336 Highland Avenue, immediately north of the property in question, spoke in opposition to this application. He stated that Mr. Baskin, Jr. purchased the subject property last November and was fully aware of the constraints on that property at that time. The proposed lots will have less than average size for the neighborhood. He submitted a petition signed by 15 property owners in the immediate neighborhood in opposition to this application.

Mrs. Copely, 2333 Highland Avenue, across the street from the subject property spoke in opposition to the application. She stated that this property was owned by one family for over 100 years up until 1973. For twenty-five years it had been kept in grass and shrubs which was a source of pleasure for the neighborhood. She felt putting two houses on this property would make the neighborhood too crowded.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-57-77 by William M. Baskin under Section 30-6.6 of the Zoning Ordinance to permit division of lot with one lot having less than required lot width and less than the average lot size for both lots on property located at Sycamore Street and Highland Avenue, 40-4((19))16A and 17, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on April 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 19,578 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape.

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

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

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

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

Mr. Smith stated that he was voting No because the applicant purchased the land in November and was aware of the situation at the time he purchased it. He can make reasonable use of the land without this variance. The area is developed in larger than the required size lots.

Mr. Durrer stated that he felt this is a good use for the land regardless of how long the applicant has owned it. This variance is reasonable in his opinion, he stated.

10:30 A.M. - JIM L. WELLS T/A FAIRHILL FARMS ANTIQUES appl. under Sec. 30-4.2.7 of the Zoning Ord. to permit amendment to existing SUP, 8731 Lee Hwy., 49-3((6))2, Providence Dist., (8.120 acres), RE-1, S-58-77.

Mr.Well's had not property notified the contiguous and nearby property owners in accordance with the instructions of the Board. Therefore, the notices were not in order and the case could not be heard.

Mr. Durrer moved that since the notices were not in order and the Board could not hear the case, that the Board defer this until a later date in order for the applicant to notify the property owners.

Mr. Swetnam moved to amend the motion to include that the case be deferred until May 24, 1977 at 11:00 a.m.

Mr. Durrer accepted the amendment.

Mr. DiGiulian seconded the motion as amended by Mr. Swetnam.

The motion passed unanimously.

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Page 193, April 26, 1977

10:50 a.m. - LAURA & ROBERT HORNER appl. under Sec. 30-6.6 of the Zoning Ord. to permit open portico 59.2' from front property line, 65.2' from center line (75' from center line, 50' from prop. line required), 8545 Old Dominion Dr., V-59-77.

Mrs. Horner had not notified one of the contiguous property owners. Therefore the notices were not in order.

Mr. Swetnam moved that this case be deferred until May 24 at 11:20 a.m.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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REQUEST FROM BOARD FOR FORM LETTER TO BE PLACED WITH ALL LETTERS NOTIFYING APPLICANT OF HEARING IN ORDER FOR APPLICANT TO BE ABLE TO NOTIFY PROPERTY OWNERS IN ACCORDANCE WITH THE BOARD'S INSTRUCTIONS.

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11:00 A.M. - MR. & MRS. MICHAEL ALIKANIAN appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of carport 12.5' from side and 45.2' from front property line and to construct roof over front stoop 45.2' from front property line, 1526 Forest Villa Lane, V-60-77.

The applicant had not notified one of the contiguous property owners in accordance with the Board's instructions. Therefore, the notices were not in order and the case could not be heard.

The Board deferred this case until May 24, 1977 at 11:40 a.m.

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11:10 KENA TEMPLE & KTS HOLDING CORP., S-61-77.

The Board at its meeting of April 19, 1977 made a motion to intend to defer this case until May 10, 1977 because the Planning Commission had pulled the case to be heard by that commission on May 5, 1977.

The notices to property owners were in the file and were in order.

There was no one in the room interested in this appliation. Mrs. Kelsey had called all the interested parties that she knew of to tell them about the deferral and it was also in the printed Agenda.

The Board deferred the case until May 10, 1977 at 10:00 a.m.

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11:30 a.m. - DANNY & JOELLEN SIMONDS appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition to be constructed 28.5' from front and 11.5' from side property lines (40' required, front; 12' required, side), 8003 Yorktown Drive, 102-2((3))505, (13,066 sq. ft.), Mt. Vernon Dist., R-12.5, V-62-77.

(The hearing began at 11:42 a.m.)

Mr. Simonds submitted the required notices to property owners. The notices were in order.

Mr. Simonds stated that the house was constructed prior to the existing setback requirements. There is no other place on the lot to reasonably put this addition. If they place the addition to the rear, it will string the roof out so long, that they will have a structural problem. The house was constructed 22 years ago. He stated that he and his family have lived there for four years.

There was no one else to speak regarding this application.

RESOLUTION

Mr. Swetnam made the following motion:

WHEREAS, Application V-62-77 by Danny and Joellen Simonds under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit an addition to be constructed 28.5' from front and 11.5' from side property line, 8003 Yorktown Drive, 102-2((3))505, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on April 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,066 square feet.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing buildings on the subject property; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board thatphysical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

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

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

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

11:40 A.M. - WESTMINSTER SCHOOL, INC. appl. under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit addition to private school (multi-purpose building), 3811-19 Gallows Road, 60-3((24))4 & 5, (3.92 acres), Mason District, R-12.5, S-63-77.

(Began at 12:03 p.m.)

Mr. Steve Best, attorney for the applicant, submitted the required notices to property owners. The notices were in order.

Mr. Best stated that this is an application for a multi-purpose building which will be used primarily as a gym and auditorium for the school. When application was originally made for a Special Use Permit to begin this school some years ago, the plan as approved had included such a building. The school found that they had insufficient funds in which to complete all the planned construction. This addition of the building will not involve any additional students but is only an improvement to the existing facility for the benefit of the present student body. This building will not require any additional parking. The size of the building is approximately 101' by 52', and will be one story. It will be approximately 28' in height in order to be high enough for the basketball court.

Mr. Best stated that the present authorized student enrollment is 300 maximum. They presently have 225. The authorized hours of operation are from 8:00 A.M. to 5:00 P.M. They may have a few occasional evening meetings in this building for the parents, or for a dance for the students.

The Board discussed the parking. Mr. DiGiulian stated that even though it is not shown on the plats, there appears to be about 50 parking spaces.

Mr. Donald Beaver, Zoning Inspector, stated that there had been a complaint from a nearby neighbor regarding the parking situation at the school. He stated that he made an inspection of the school property yesterday, April 25,

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WESTMINSTER SCHOOL, INC. (continued)

1977, at 1:00 P.M. He stated that he had talked with Mrs. Goll, Director of the school, and she assured him that she would instruct her people to alleviate this situation. He stated that he arrived back at the school at 2:50 P.M. and at that time the parents of the students had begun arriving to pick up their children. A back-up did occur down Gallows Road and onto Brookcrest Place. The cars were out in the travel lane of Brookcrest Place, so that one who might have come up Brookcrest to enter Gallows Road would have had to drive to the left side of the street. There was a gentleman walking by the cars as they were backed up there. It was the same person he had seen earlier in the school. After the cars had moved away, he talked with this gentleman by the name of Mr. Glover. Mr. Glover said that he let the cars back up to see how bad the situation was. Mr. Glover said that the person who complained lived two blocks down the street and the cars did not back up that far and his contention was that that person had no complaint.

Mr. Durrer stated that this building with its assembly hall will only complicate matters. If the parking in inadequate now, there will really be a problem then.

Mr. Best stated that this problem just came to his attention last night when he talked with Mrs. Goll. The school does not allow a lot of cars on the property of the school for safety reasons concerning the children.
Mr. Durrer stated that the Board has to concern itself with the motoring public as well as the students.

Mrs. Jane Goll, 3801 Annandale Road, Director of the School, stated that the parents are not parking across any one's driveway. This is the first time anyone has complained about this. The carpool pick-up takes about seven minutes.

The Board instructed Mrs. Goll that all parking and pick-up arrangements concerning children from this school must be done on the property of the school itself and cannot be on Gallows Road or any other place.

Mr. DiGiulian moved that this case be deferred for new plats that show the parking delineated on the site and a traffic pattern that will accomodate the cars that pick up the children that are being carpooled.

Mr. Durrer reminded Mrs. Goll that the school is in violation of the Special Use Permit if it allows a stack-up on Gallows Road.

Mr. Swetnam seconded the motion to defer. The motion passed unanimously.
The Board by unanimous vote set the deferral date for May 24, 1977 at 11:30 a.m, on Mr. Swetnam's motion, Mr. Barnes' second.

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April 26, 1977
AFTER AGENDA ITEM No. 1, GREENBRIAR CIVIC ASSOC., INC., S-33-76 (SUP FOR CHANGE IN HOURS) AND S-39-74 (ORIGINAL SUP FOR COMMUNITY BUILDING)

The Permittee came back to the Board April 20, 1976 for a change in hours of operation. The Board granted the permit from 9 P.M. to 11:00 P.M. and granted it for one year only. The permit was to be re-evaluated at the end of one year. The Permittee has requested that re-evaluation but the Staff cannot schedule it until June 7, 1977. The Permittee would like to continue to operate the center until 11:00 P.M. until this hearing has been held. There have been no violations and no complaints to our knowledge after the problems were worked out last year.

Mr. Barnes moved that the request be granted.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEM - CREATIVE COUNTRY DAY SCHOOL, SUP 12397, Granted to Marguerite Schumann October 9, 1962, located 250' east of Cedar Lane at the end of Willowmere Drive.

Request from Jerome and Carolyn J. Hansen to permit change in name of the Permittee of this SUP for a private school, administratively. There was an administratively approved change in Permittee to Creative Country Day School, Inc. in 1971. The Hansens have submitted an updated report from the Health Department and a copy of their contract to purchase. They state that they plan to operate the school in the same manner that it is currently operated.

POLICY

Mr. DiGiulian moved that the applicant be notified that a new application and a new hearing will be necessary in accordance with the new policy of the Board. That policy being that a new application is necesary for any change in ownership.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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AFTER AGENDA ITEM - April 26, 1977, Page 196
RONALD E. PELLETIER, V-316-76, Granted February 8, 1977.
This was a variance request to permit subdivision of land with 2 lots having less than required lot width. The applicant stated in his letter that he had to revise his placement of the pipestem, separating the driveways of Parcels C & D to the location shown on the new plats that he enclosed with his request. This change was necessitated because of VDH requirements for sight distance.

The Board, after looking at the plats and having a brief discussion, requested that Mr. Pelletier or his authorized agent come back to the Board in person and explain in detail why VDH made this requirement of him and why, if it did require this change, it did not require both driveways to be relocated. The Board also inquired if Mr. Pelletier had anything in writing to confirm this requirement.

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AFTER AGENDA ITEM - April 26, 1977, Page 196 _ REQUEST FOR OUT OF TURN HEARING
TUCKAHOE RECREATION CLUB, INC. appl. under Sec. 30-7.2.6.1.1 to permit replacement of large outdoor pool and filter house under existing SUP and construct storage space, S-92-77

The Board denied the request for the out of turn hearing because the Board's agendas for the coming weeks are so crowded and because this is request is no different from request of all the other swimming pools that are coming in this spring.

This case was scheduled for June 7, 1977.

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AFTER AGENDA ITEM - April 26, 1977, Page 196
REQUEST FOR CHANGE IN PLATS - WOLFTRAP WOODS HOMES ASSOC., S-171-76

The substitute plats showed the tennis courts located further away from the south and west property lines in order to preserve some of the natural screening that exists there. This also moved the parking spaces from the east part of the property to the northeast portion of the property.

After reviewing the plats, Mr. DiGiulian moved that the substitute plats be approved.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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Jane Carolyn Kelsey
JANE CAROLYN KELSEY, CLERK

Daniel Smith
DANIEL SMITH, CHAIRMAN

Submitted to BZA May 10, 1977

APPROVED: May 17, 1977
DATE

Submitted to other Bds and Commissions
June 1977

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The Regular Meeting of the Board of Zoning Appeals Was Held on Tuesday, May 10, 1977. All members except Mr. Durrer were present: Daniel Smith, Chairman; George Barnes; Tyler Swetnam; and John DiGiulian.

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

(The meeting began at 10:47 a.m.)

10:00 a.m. - KENA TEMPLE & KTS HOLDING CORP. appl. under Sec. 30-7.2.5.1.4 of the Zoning Ord. to permit amendment to existing Special Use Permit to add lights on parking lot and amend hours of operation to 9 a.m. to 1 a.m., 9001 Arlington Blvd., 48-4((1))42A, 26.8897 ac., Providence Dist., RE-1, S-61-77. (Deferred from April 26, 1977 to give Planning Commission opportunity to hear and make recommendations.)

Staff Present: Gilbert Knowlton, Zoning Administrator; Harvey Mitchell, Associate Planner, Zoning Enforcement; Donald Beaver, Zoning Inspector; Steve Reynolds, Preliminary Engineering.
The Chairman verified that proper notice had been sent of this hearing. Mr. William Hansbarger, 10523 Main Street, Fairfax, attorney for the applicant, gave some of the history of this case. He stated that the Board of Zoning Appeals in 1962 granted the original Special Use Permit for Kena Temple. The motion was granted permitting this use on the entire 26 acres. Some of the buildings that were to be permitted were lodge building, caretaker's residence, equipment building, swimming pool, tennis courts, rifle range and ball field. Of all of these buildings, only the equipment building which has been used as the lodge hall until the recent construction of the new main building was constructed pursuant to that Special Use Permit. The changes that have taken place since that time have not been on the basis of a new Special Use Permit, but as amendments to the existing Special Use Permit. The Board of Zoning Appeals has never in the past mentioned the hours of operation, with the exception of the notation that was on the plats that were before the Board at the time the new building was granted. That notation said 7 P.M. to 10 P.M. He stated that he had listened to the tape recordings of those hearings and nothing was mentioned about the hours of operation. If these hours had been imposed, Kena Temple would have never had need for the Use Permit, because that would have totally restricted the Temple from operating. In 1973, the ownership of the land changed to a non-stock, non-profit corporation, KTS Holding Corporation.

Mr. Hansbarger stated that inasmuch as these hours of operation have never been imposed by this Board, he would request that the request for the hours of operation on the application be withdrawn.

Mr. Hansbarger stated that he had attempted to meet with the citizens in the Mantua area to try to arrive at some list of regulations for Kena Temple that could be included relative to the hours of operation, but they were unable to agree.

Mr. Hansbarger stated that with regard to the lights that they were issued a violation for having erected the outside lights on the parking lot; that notice was given March 18, 1977. Those lights have never been turned on. He stated that Kena Temple officials looked to the experts in lighting to determine the type lights needed for this use. The existing lights were installed on VEPCO's recommendation. Those lights are owned by VEPCO. The applicants have a contract for five years to provide these lights. This contract has to be honored, no matter what happens to the lights. The type lights the Planning Commission recommended are not the type lights that will serve the purpose for which the lights were installed in the first place. When official County rules and regulations require that Kena Temple have a parking lot , it is implied that there will be lights on it because most of Kena Temple's functions are at night. He stated that he had driven all around Fairfax County and had seen similar lights in residential areas, church parking lots as well as shopping centers where there are parking areas in need of lighting. He stated that it is his opinion that parking lot lights are an accessory use for a parking lot just as much as curb and gutters are. He stated that he feels that this is not something that has to come before this Board for an amendment to the permit. These lights meet the glare standards of the current Ordinance and the Ordinance that has been adopted in principal. He stated that he did not feel these lights would have an adverse impact on any of the surrounding properties.

Mr. Hansbarger stated that this property is zoned residential and is shown in the master plans of the County as an institutional use just as it is now. This property is used and will be used by Kena Temple and its nineteen

units. They have a membership of 2700 people of which 1350 are those are local residents. There are many members that reside in other states and foreign countries, but are still carried on the roles. The lodge building will be used by the membership of Kena Temple for any type activity that a lodge is permitted to carry on. One of the units or its members will be a sponsor of any activity that takes place on these premises. The unit that may be holding the function will be charged for the upkeep and maintenance of the building as best can be determined is their share. No money will be made since this is a non-profit organization. The unit holding the function will charge a donation for the purpose of maintaining and cleanup of the building. The mortgage on the building is paid by dues or by fund-raisers such as carnivals and festivals, none of which are held in this building or on the grounds.

Mr. Hansbarger stated that Kena Temple has made errors in the past, such as the Party-Hardy that was proposed, but was cancelled as soon as the Kena Temple officials found out what type party this was to be. He assured the Board that this type activity would not ever be permitted.

Mr. Hansbarger stated that for the Board to deny these lights would not be right, since these lights are similar in type to other lights used throughout the entire area and not restricted to commercial parking lots.

Mr. Hurt, Senior Customer Representative from VEPCO's Fairfax office, spoke regarding the lights. He stated that he was familiar with the recommendation of the Planning Commission. He stated that the lights the Planning Commission recommended were 13 feet high with 100 watt mercury vapor bulbs. He stated that this would be too low for parking lot use. He explained why he felt they were not suitable. He stated that a certain amount of foot candles were needed for the amount of area of the parking lot. Putting the lights on 13 foot poles restricts the size light they can use. Generally, 13 foot poles are used only for area lighting. He stated that it would be possible to shield the lights so that the lights will not shine into adjacent areas.

Dr. Root, 8921, Glenbrook Road, a resident of Mantua subdivision for seventeen years, spoke in support of the lights.

Mr. Smith stated that the applicants had used forty minutes to present their case and the opposition could likewise have forty minutes to present their case.

Eleanor Gatenby, resident of Mantua, spoke in opposition to this application and submitted petitions containing 1150 signatures from residents of the Mantua subdivision in opposition to the lights.

Tom Hogan, 3126 Barkley Drive, adjacent property owner to Kena Temple property, spoke in opposition to the application. He reitterated the violation notices that had been issued, the alleged discrepancies in size of buildings, etc. that the Board had approved throughout the years, the problems with the proposed previous rock concert that was cancelled, and stated that he felt the staff report to the Board was biased in favor of Kena Temple.

Mr. Spiro, resident of Mantua subdivision on Barkley Drive, spoke in opposition to this application. He asked that the Board accept the Planning Commission recommendation for the lights and hours of operation.

Mr. McKim, resident of Mantua subdivision, spoke in opposition to the application. He stated that they were originally told that the lights would be 3 to 4 feet high. He stated that he felt it would do no good to shield the present lights since the light would be directed onto the top of the cars which would cause a greater reflection of light out into the adjacent properties. He stated that he felt that Kena Temple is trying to use lights as a total security package and he did not think it would work. He stated that he felt Kena Temple would still need a security guard. He requested the Board ask Kena Temple to remove the lights that it has had erected and put in lights no higher than 3 to 4 feet as Kena Temple representatives had told them would be put in previously.

Betty Burns, 3141 Barkley Drive, spoke in opposition to the application. She asked that the Board require a 6' security fence along the buffer zone with 10 foot high evergreens along the buffer line from Karen Drive to Route 50.

Sally Ormsby, 9114 Coronado Terrace, president of the Mantua Citizens Assoc., spoke in opposition to the application. She questioned the Fairfax County Plan that refers to this subject area as an area for institutional use. She said that this facility would create a large volume of traffic and only has one access. She stated that Barkley Drive already handles 6,000 cars per day.

Mr. Jim Scott, Supervisor for Providence District, spoke in opposition to this application. He stated that this is a problem which has taken a great deal of the Planning Commission's time and a good bit of time from the citizens and representatives of the Kena Temple. They have had large meetings to try to resolve this, but they have not been productive. He stated that he was appearing before this Board to indicate his belief that the Planning Commission's recommendations are reasonable and to emphasize one of two points. He stated that they were not before the Board to question the good works of the Kena Temple or the Masons. However, this request for lights has a significant impact insofar as the impact on the residential area is concerned. He stated that they are trying to keep this a residential area. He stated that the Zoning Ordinance under Sec. 30-7.1.1 states that the Board of Zoning Appeals must find that the use will not be detrimental to the residential character of the neighborhood. The citizens and the Planning Commission are requesting that this Board not permit lights that will be detrimental to the adjacent residential community. He stated that the present lights would affect the residential community.

Mr. Scott also stated that enough emphasis has not been made about the proposed hours of operation. He requested that the lights be required to be turned off one-half hour after the 11:30 and 1:30 closing times. He stated that the staff report talks about the needs of the applicant. The Zoning Ordinance requires this Board to take into consideration the needs of the adjoining property owners, the property owners existing there now and any potential property owners. He stated that he hoped the Board would stick as close to the Planning Commission recommendation as possible. He stated that at the Planning Commission meeting, Kena Temple representatives stated that they would be willing to lower the lights down to 21 feet. This has not been mentioned today. If they can come down to 21 feet, perhaps they could come down a little further.

Eleanor Sholtis, Barkley Drive, spoke in opposition to this application.

Mr. Hansbarger spoke in rebuttal to the opposition. He stated that contrary to the allegations, he felt that Kena Temple and he have never been adament to their position to negotiate with the citizens. He stated that it has been the other way around. He stated that what the citizens really want is for the Board to treat this as if a Special Use Permit never existed for this operation of Kena Temple, and let this piece of property go back to low density single family development. He stated that Kena Temple is willing to make some concessions and to meet the citizens more than one-half way. The citizens want the use removed and the use will not be removed. As far as the hours of operation, even a Planning Commission member says that he recognizes that a 10:00 P.M. limitation is a mistake. He stated that he had also offered to take those lights down that are adjacent to a residential neighbor, and lower the density of the other lights and put shields on them.

In answer to Mr. Smith's question, Mr. Hurt from VEPCO, stated that it would be the responsibility of Kena Temple to obtain any necessary permits from the County for the installation of these lights.
The Chairman stated that the public hearing was over.
The Board took a five minute recess. Mr. Barnes moved that the Board recess for five minutes to give the Clerk time to rest her hand.

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

After about five minutes, the Board returned to continue with the Kena Temple case.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-61-77 by KENA TEMPLE & K.T.S. HOLDING CORPORATION, under Section 30-7.2.5.1.4 of the Fairfax County Zoning Ordinance to permit an amendment to an existing Special Use Permit to add lights on parking lot and to amend hours of operation to 9:00 P.M. to 1:00 A.M. on property located at 9001 Arlington Blvd., tax map reference 48-4((1))42A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 10, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 26.88 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED IN PART with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. That the exterior lighting shall be similar to and no higher than the existing exterior lighting on the site, specifically, no higher than 21 feet.
7. That all exterior lighting, new and old, shall be shielded and redirected as necessary to prevent direct light from shining onto any adjoining property and that these lights be turned off within 30 minutes of closing time.
8. That two rows of evergreen trees of a height 6', 10' apart be planted along the western edge of the required 100' buffer area abutting the Mantua Subdivision; and

THAT all the three items above, Nos. 6, 7 and 8, be based on the conditions imposed and subject to the satisfaction and approval of the Director of Environmental Management.

(No. 9 was deleted by the BZA at its meeting on May 17, 1977.)
*9. That the hours of operation shall be from 9:00 A.M. to 11:00 P.M. except that a maximum of one activity per week may continue until 1 A.M. but that further, all users of the building will have vacated the building by not later than 1:30 A.M., excluding cleaning personnel.
10. The uses to be permitted will be limited to Kena Temple activities and community sponsored non-commercial activities.
11. That the gate at the Karen Drive entrance shall be closed at all times.
12. That maximum attendance at any function on this site shall be as posted

by the Building Official.
13. That no approval under this application shall be effective until all required non-residential use permits have been issued.
Mr. DiGiulian seconded the motion.
The attorney for the applicant, Mr. Hansbarger, raised an objection to the limitation relating to hours of operation. He stated that he had earlier withdrawn the request for the hours of operation and that portion of the application is not before the Board.

Mr. Smith stated that his objection would be noted for the record.

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

Mr. Smith stated that he would have liked to have seen the adoption of the Planning Commission recommendation just as they had stated in its entirety, but that he was supporting this resolution because it was a happy medium.

(The hearing ended at 12:55 p.m.) The Board recessed for lunch until 2:00 pm.

10:20 a.m. - IRA D. COX appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition to be constructed 4.2' from side (12' required) and 35.5' from front prop. line (45' required), 2435 Jackson Parkway, Stonewall Manor Subd., 39-3((16))62, (11,784 sq.ft.), Providence Dist., R-12.5, V-64-77.

(The hearing began at 2:15 p.m.)

Mr. Cox presented the required proof of notice to property owners to the Board. The notices were in order.

Mr. Cox's main justification for this variance request was the extreme topography of the land. He stated that because of a request from the neighbor he was withdrawing his request to construct 4.2' from the side property line and only wished to continue with the request to construct 35.5' from the front property line. The neighbor had no objection to that request and had so stated in a letter to the Board. He stated that he needed 40' in depth for the garage in order to get two cars in it, end to end.

Mr. DiGiulian asked if he could push the garage back so that it would be even with the front of the house.

Mr. Cox stated that he would then need to put in a retaining wall 10 feet high. The retaining wall that he would have to put in leaving the garage where he has proposed it on the plats before the Board would be 6 or 7 feet.

There was no one present to speak in favor or opposition. Mr. Cox stated that the affected neighbor, Mr. Phillips, had been present earlier but had to leave. Mr. Phillips had left a letter for the Board.

Mr. Smith stated that that letter would be put in the record. He stated that he personally would prefer to grant a variance to the side yard rather than a variance to the front. He asked Mr. Cox if he would like to reconsider his request.

Mr. Cox chose to go forward with his request as earlier stated. He stated that earlier when he first began to make plans for this garage, Mr. Phillips had proposed that he push the garage back even with the house and just put the porch in the front of the house. However, when Mr. Phillips looked at a house that had been similiarly constructed, he changed his mind and felt that the proposal as before the Board looked much better.

Mr. Smith stated that the request is a general condition that applies to the entire subdivision. He stated that he believed that most of the garages in this subdivision were one-car garages.

Mr. Cox showed the Board members a sketch of how the house would look with the proposed garage constructed.

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-64-77 by IRA D. COX under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit addition to be constructed 35.5' from front property line, 2435 Jackson Parkway, 39-3((16))62, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 10, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the area of the lot is 11,784 sq. ft.
3. That the present zoning is R-12.5.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is denied.

Mr. Barnes seconded the motion.

The motion passed 4 to 0.

10:40- W & N COMPANY appl. under Sec. 30-6.6 of the Zoning Ord. to permit
a.m. subd. of lot with one lot having 20' width at building setback line, (150' required), 10101 Lawyer's Road, 37-2((1))10, (2.223 ac.), Centreville Dist., RE-1, V-65-77.

Mr. Hank Gordon, engineer for this project, office address of 1930 Isaac Newton Square, Reston, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Gordon stated that this variance is needed to allow development of these two lots. Each lot would meet the one acre minimum lot area requirements. The applicant is dedicating approximately 2.1 acres for public street purposes which would not ordinarily be dedicated if they only developed one lot. The configuration of the land is unusually long and narrow and without this variance could not be developed to its potential. The development of this additional lot would create no additional impact to the surrounding property. W & N Company settled on this property two or three months ago.

There was no one else to speak in support of this request.

Mrs. Gracene Acton, 10033 Lawyers Road, spoke in opposition to this application. She stated that she and her husband have a letter in the file in opposition to this request. She stated that their property is contiguous to the back lot that is proposed, the one needing the variance. She stated that they purchased their lot from Mrs. Kerns who still owns the lot that is contiguous to the front lot which is involved in this application. She stated that Mrs. Kerns had owned this subject property. She had tried several years ago to subdivide this property also, but the County would not permit it. Mrs. Acton stated that when they purchased their lot, they inquired of the County of whether or not the subject property could be subdivided and they were told by someone in the County that this would not be done and could not be done. They were not told that this could be done by getting a variance from this Board. She stated that she and her husband have a 20' easement through the front portion of the subject property for their driveway

Mr. Smith told Mr. Gordon that he had not justified his request and asked him to do so.

Mr. Gordon stated that the denial of this variance would deprive the owner of the reasonable use of his land.

Mr. Smith stated that the applicant just purchased the property and was aware of the situation that exists at the time he purchased the land.

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W & N COMPANY (continued)

Mr. Barnes inquired how the property next door was divided since it looked as though the same thing was done.

Mr. DiGiulian stated that Mr. Steve Reynolds from the office of Preliminary Engineering has said that the property next to this was subdivided prior to the present subdivision ordinance. Under the present subdivision ordinance this subdivision could not be made without the requested variance as is proposed by the applicant today. Mrs. Acton's lot was from a division of Mrs. Kerns property and was possible under the old subdivision ordinance.

May 10, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-65-77 by W & N Company under Sec. 30-6.6 of the Ord. to permit subdivision of lot with one lot having 20' width at building setback line, (150' required), on property location at 10101 Lawyers Road, 27-2((1))10, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on May 10, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.223 acres.
4. That the Board finds that the applicant's property is
   a. exceptionally irregular in shape, including narrow; and
   b. that the configuration of the existing lot will not allow development in conformance with the existing zoning category, or the surrounding area.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Swetnam seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained.

May 10, 1977
10:50 a.m. - RICHARD & PAULINE FITZGERALD appl. under Sec. 30-6.6 of the Ord. to permit construction of 2 car garage 8' from side property line, 20' required, 449 Walker Road, Forestville Subd., 7-2((1))59, Great Falls, (5.6010 ac.), Dranesville Dist., RE-2, V-66-77.

Mr. Fitzgerald submitted the required proof of notice. The notices were in order.

Mr. Fitzgerald main justification for the need for this variance was the extreme narrowness of his lot. He stated that even though he has 5.6 acres of land, the lot is so narrow that it prevents him from having the reasonable use of his land. The house is about 40 years old. The house is located on the property in such a way that it limits how a garage can be constructed. The septic tank and field are located completely across the front of the house. The well that serves the house is located at the northeast corner of the house and any construction there might impact on that well which is an old type well. They cut the size of the garage down somewhat in order to ask for a minimum variance. The garage sits at an angle and only a portion of it will go into the 20' required setback area.

There was no one else to speak in favor and no one to speak in opposition. Mr. Smith read into the record a letter from the contiguous property owners, Mr. and Mrs. George Connery, in objection to this request.

Mr. Swetnam made the following motion:

WHEREAS, Application V-66-77 by Richard & Pauline Fitzgerald under Sec. 30-6.6 of the Zoning Ordinance to permit a 2 car garage 8' from side property line, (20' required), 449 Walker Road, 7-2((1))59, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 10, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 5.6 ac.
4. The Board finds that the applicant's property is exceptionally irregular in shape (narrow) and has an unusual condition in the location of the existing building on the subject property.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr.DiGiulian seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. He stated that he felt there is an alternate location on the property for this garage.

May 10, 1977
11:00 a.m. - TRANSPORT LEASING, INC. appl. under Sec. 30-6.6 of the Ord. to permit construction of buildings 10' from rear property line, (20' required), and 10' from side property line and residential zoning boundary line, (25' required), 8100 Electric Avenue, 39-4((1))18B, (35,679 sq.ft.), Providence Dist., C-N, V-67-77.

Mr. Perry Fletcher, 8801 Leesburg Pike, McLean, represented the applicant and submitted the required notices to the Board. The notices were in order.

Mr. Fletcher stated that they plan a development of townhouse office buildings, each with separate entrances. They will have 49 parking spaces. The reason for the need for these variances is the extreme narrowness of this lot. He stated that he believed it important that they orient this development toward Gallows Road rather than toward the residential townhouses adjacent to this site. The parking would be in front of the proposed offices and out of view of the townhouse development next door. This arrangement has certain benefits for the neighborhood. All the proposed townhouse office buildings will be one-story except one building in the corner which will be two-stories. The over-all height will not exceed the height of the roofline of the buildings. The architecture will be colonial with brick on the facings of the buildings. The townhouses next door are colonial as is the 7-11 store. The Shell station nearby is quasi-colonial. These proposed townhouse office buildings will screen the commercial activity along Gallows Road from the residential townhouses next door.

Mr. Fletcher submitted a letter from Mr. Hazel, the owner of the property to the rear of this subject parcel, supporting the request for the variance.

In answer to Mr. DiGiulian's question, Mr. Fletcher stated that he did not have a rendering of the proposed buildings as yet. He stated that he knew they would be colonial in design, one-story as stated earlier and the height of all buildings will not exceed 25 feet. The one two-story building will have a mansard roof. The elevation of the subject lot is slightly lower than the townhouses by about one-half story and approximately 4' higher than the slab of the parking lot of the 7-11 store.

There was no one else to speak in favor of this application.

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TRANSPORT LEASING (continued)

Mr. David Bauer, lot 19, residing in the adjacent townhouses (Tysons Manor), spoke in opposition to this request. He submitted a letter in opposition signed by owners of 8 lots in the townhouse project.

Mr. Bauer stated that a single building could be constructed with parking and other open space apportioned similarly to that shown in Site Plan No. 1587, dated November 28, 1972, which was filed by the present applicant in connection with his phase one work in improving Electric Avenue. He stated that the buildings presently proposed could be relocated to extend along the eastern boundary rather than the western boundary. Such a site plan would provide the most desirable "screen" or "buffer" by maximizing the open space between the proposed CN structures and the existing R-10 residences of Tysons Manor fronting on Larkin Lane.

Mr. Bill Holsinger, 2255 Cedar Lane, lot 74 of the townhouse project, spoke in opposition to this application.

Mr. Fletcher in rebuttal stated that the original site plan submitted to the County showed a three-story office building with air conditioning units on the roof and with much more square footage. He stated that the Tysons Manor Citizens Association choose not to take a stand either for or against this application. He stated that he had met with the citizens association and had made several concessions such as allowing the citizens association to use the travel lane on his property up to the pool for use as an emergency entrance and for the delivery of chemicals, etc. The association proposed that they would prefer an entrance on Electric Avenue fronting west and he stated that he offered to cover the expense of putting in that entrance. There are cedar trees along the property line, most of which are dead and he has agreed to remove those. The association wanted to be assured that the backs of the buildings would be faced with brick and he agreed to do that and gave them the option of the type of brick that would be used. There is a swimming pool drain that currently drains onto and across his property on the surface and he agreed to tie it in with the sanitary sewer system and cover that cost. It is the association's responsibility to draw up the agreement to these things and he stated that he would sign it. He stated that he has put the street in. He purchased the property in 1970 before the townhouses went in there.

In answer to Mr. DiGiulian's question, Mr. Fletcher stated that he was committing himself today to those items he had just outlined that he would do.

Mr. Covington, Assistant Zoning Administrator, in answer to one of the statements made by one of the citizens, stated that a motorcycle shop would not be permitted in this zone.

May 10, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-67-77 by Transport Leasing Inc. under Sec. 30-6.6 of the Zoning Ordinance to permit construction of buildings 10' from rear property line and 10' from side property line and residential zoning boundary line, 8100 Electric Avenue, 39-4((1))18B, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 10, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is C-N.
3. That the area of the lot is 35,679 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape (i.e., narrow).

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with

the following limitations:

1. This approval is granted for the location and the specific structures indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. The maximum height of buildings at the highest point is to be 25'.

Mr. Swetnam seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No. He stated that he was voting No because he felt there is an alternate development plan that could be used to develop this property without the need for a variance.

May 10, 1977
11:20 a.m. - CALVARY MEMORIAL PARK, INC. T/A FAIRFAX MEMORIAL PARK appl. under Sec. 30-7.2.3.1.1 of the Zoning Ord. to permit amendment to existing SUP to permit addition to existing office at existing cemetery, 4401 Burke Station Road, 69-1((1))1 & 12, (128.13856 ac.), Annandale Dist., RE-1, S-68-77.

Mr. Kenneth Haines, Superintendent of Calvary Memorial Park, T/A Fairfax Memorial Park, 4401 Burke Station Road. He submitted the required proof of notice to property owners. The notices were in order.

Mr. Haines stated that in December they purchased the adjoining cemetery known as Fairfax Memory Gardens and took on some more office personnel. The present office is too small and they wish to build an addition to it 16'x12'. This will be frame material the same as the present structure. This building addition will meet all the setback requirements of the Ordinance he stated.

In answer to Mr. Swetnam's question, Mr. Haines stated that this building will be 106' from Burke Road, 100' is required.

The staff report indicated that on February 23, 1977, the BZA administratively approved a change of name of the permittee on two special use permits (#13445 and #16060) granted in 1956 and 1957, respectively, for adjoining cemeteries, located at the northeast corner of Burke Station and Braddock Roads in Annandale District, with the understanding that the two cemeteries will now be operated as one. This application seeks to amend the combined permits to allow an addition to the existing office building on the site.

Mr. Haines in answer to Mr. DiGiulian's question, stated that the other office that is on the property is closed for the present time. It was the old office for the Fairfax Memory Gardens.

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

May 10, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-68-77 by Calvary Memorial Park T/A Fairfax Memorial Park under Section 30-7.2.3.1.1 of the Fairfax County Zoning Ordinance to permit an amendment to existing Special Use Permit to permit an addition to the existing office building, 4401 Burke Station Road, 69-1((1))1 & 2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 10, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 128.13 ac.
4. That compliance with the Site Plan Ordinance is required.

Page 207, May 10, 1977
CALVARY MEMORIAL PARK T/A FAIRFAX MEMORIAL PARK (continued)

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Page 207
May 10, 1977
11:30 - JAMES McCLELLAN appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of addition to house 32' from front property line (45' required), 2005 Bedford Lane, Hollin Hills Subd., 93-3((4))50, (23,466 sq. ft.), Mt. Vernon Dist., R-17, V-69-77.

Mr. Thomas Kerns with the architectural firm of Swaney & Kerns, 1150 Seventeenth Street, N.W., Washington, D. C. represented the applicant. He submitted the required notices to property owners. The notices were in order.

Mr. Kerns stated that in 1956 a family room and screen porch addition was constructed to within 32 feet of the front property line. This addition and the variance required for the addition was obtained by the prior owner, George Brickelmaier. The proposed addition will not extend past this limit. The porch portion is of the same construction as the family room behind, except it has screen in lieu of glass. The existing construction creates an extreme hardship in developing reasonable use of the structure. The lot is irregular in shape and is at the end of a cul-de-sac. The terrain is quite hilly. The adjacent homes will not be impaired by the proposed construction, as they are approximately 20' higher in one case and 10' lower in another. The rear lot lines backs into community parkland but is inaccessible for construction.

Mr. Mitchell in answer to Mr. Smith's question, stated that he had gone over the old records regarding this property. The former owner received a variance to build within 35' of the front property line but they built a porch on the front 32' from the property line. At that time the Ordinance allowed a porch to extend into the front setback, but now it is not allowed.

Mr. Kerns and Mr. McClellan came forward at Mr. DiGiulian's request to show the Board members on the plat where the hilly area is on the property.

There was no one else to speak in favor and no one to speak in opposition.

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-69-77 by James McClellan under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit construction of addition to house 32' from front property line, 2005 Bedford Lane, 93-3((4))50, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 10, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 23,466 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape and has exceptional topographic problems; and

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No.

May 10, 1977, Page 208, DEFERRED CASE OF

1:00 P.M. - AMERICAN MULTI-CINEMA, INC., S-285-76 appl. to permit enclosed theatre, South Jefferson Street at Leesburg Pike, C-D, 62-1((1)) pt. 16E, (23,450 ac.), Mason Dist., Deferred from 12-21-76 and 2-15-77 to May 10 at the request of the applicant.).

Ms. Minerva Andrews, attorney for the applicant, represented the applicant before the Board.

Mr. Smith stated that the Board accepted the notices as being proper at the original scheduling of this case on December 21, 1976.

Ms. Andrews stated that the applicant proposes to construct and operate eight theatres in the northeast corner of the parking lot at Korvett's Shopping Center on Leesburg Pike and South Jefferson Street. The property is zoned C-D. Ms. Andrews submitted some pictures of the existing site. She stated that the eight theatres will have a seating capacity of 2,370. They will provide 593 parking spaces. There is still existing after they provide for the parking for these theatres, 98 additional parking spaces on this parking lot in excess of what is needed. These theatres will employee from 12 to 22 employees. The hours of operation will be 5:30 P.M. to 11:00 P.M. in the winter months on weekdays; weekends, 1:00 P.M. to 12:30 A.M; and in the summer from 1:30 to 12:30 A.M.

Mr. John Brenner, architect with American Multi-Cinema, Inc. located in Kansas City, Missouri, spoke to the Board regarding the type of architecture and materials to be used in this proposed building. He stated that they propose to use stucco, however, all the detailed plans have not been worked out as yet and they do not wish to make a firm commitment on either the materials to be used or architecture.

Page 209, May 10, 1977
AMERICAN MULTI CINEMA, INC. (continued)

Mr. Smith read a letter from Joel H. Resnick, Vice President of American Multi-Cinema, 1700 Power and Light Building, Kansas City, Missouri, dated December 6, 1976 stating that they would agree that during the term of their occupancy they would maintain a policy of exhibiting only motion pictures distributed by those distributors who, from time to time, are offering the quality motion picture products exhibited in other first class theatres in the United States, including those first class theatres now operating in the Washington D. C. metropolitan area.

Mr. Smith noted a memorandum in the folder from the Transportation Planning Branch of the Office of Comprehensive Planning which states, generally, that they find no adverse impact on traffic from the proposed use, and have no problems with the number of parking spaces proposed, although they suggested a different layout for the parking.

Mr. Swetnam stated that he had some concern about the looseness in the extent the design is described by the applicant today, and also the question on the material to be used is still unanswered.

Mr. Smith stated that the applicant does not have a valid lease,only a letter of intent to lease.

There was no one else to speak in favor and no one to speak in opposition.

May 10, 1977 R E S O L U T I O N Bd. of Zoning Appeals
Page 209

Mr. Swetnam made the following motion:

WHEREAS, Application S-285-76 by AMERICAN MULTI-CINEMA, INC. under Section 30-7.2.10.4.4 of the Fairfax County Zoning Ordinance to permit the construction of eight (8) enclosed motion picture theatres on property located at South Jefferson Street at Leesburg Pike, 62-1((1))pt. 16E, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 10, 1977, being deferred from December 21, 1976 and February 15, 1977; and

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

1. That the owner of the subject property is Irvin Jr. and Clarence R. Payne. Janice A. Levin Friedman is long-term (80 yrs.) lessee.

2. That the present zoning is C-D.
3. That the area of the lot is 23.450 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and

procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of seats shall be 2,370.
8. The hours of operation shall be from 1:00 P.M. to 12:30 A.M.
9. The minimum number of parking spaces shall be 593.
10. This resolution does not become effective until the lease agreement has been completed and delivered to the Clerk's office.
11. This resolution is also subject to further approval of the architectural drawings of the building.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

The plat was not signed by the Chairman. It will be signed at the time the architectural drawings are approved and the Clerk receives the lease.

May 10, 1977, Page 210, AFTER AGENDA ITEM

1. JJS CORP. OF VIRGINIA T/A COMMONWEALTH CHRISTIAN SCHOOL, S-178-76, Granted October 5, 1976. The applicant requested the Board to allow changes in the location of the property lines and building and to allow temporary classrooms to be used during the period of construction of the new buildings. New plats were submitted.

The Board after reviewing the plats determined that the Permittee would have to come back in with a new application and have a new hearing.

POLICY MENTIONED

The Board again asked the staff to not bring back major changes and request the Board to make those changes without a public hearing. Only changes of a minor engineering nature could be approved without a public hearing.

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2. May 10, 1977, Page 210, AFTER AGENDA ITEM

1:20 p.m. - RONALD E. PELLETIER, V-316-76, Granted February 8, 1977 to permit subdivision of land with two lots having less than required lot width. Mr. Pelletier in a letter to the Board requested that he be allowed to change the location of the driveways. The Board had asked that Mr. Pelletier be present to explain this.

Mrs. Wilson, 10813 Colton Street, the prospective purchaser of the back lot of this property, appeared before the Board.

The Board was also in receipt of a memo from John Winfield from the Office of Preliminary Engineering stating:

"For a common driveway, VDH & T requires 350' minimum sight distance. For a single driveway, they require only the minimum emergency stopping distance, 275'. In this case, the proposed entrance (for two driveways at the same location) does not have 350' of sight distance."

Mrs. Wilson stated that they spoke with Mr. Porter from VDH & T who went to the site with her husband. At that time, Mr. Porter told them that a double driveway would not be permitted.

Mr. Smith stated that it seemed to him that it would be safer for the two driveways to be together. He noted that the second driveway would be adjacent to park land.

Mr. Swetnam moved that the new plats be accepted. The new plats show two driveways going back to the back parcels. He asked that the letter from Mr. Winfield be part of the record.
Mr. DiGiulian seconded the motion. The motion passed unanimously with the members present. Mr. Durrer was absent.
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Page 211, May 10, 1977

11:40 a.m. - SHELL OIL COMPANY, S-70-77 and V-71-77.

The Board was in receipt of a letter from the applicant requesting that this case be withdrawn.

It was the Board's decision that the applicant be allowed to withdraw these two cases without prejudice. However, since the cases had been advertised and scheduled the fee would not be returned.

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Page 211, May 10, 1977
AFTER AGENDA ITEM, No. 3

FORDSON ROAD PRIVATE STORAGE UNITS LIMITED PARTNERSHIP, S-278-75, Granted February 17, 1976. Extension for three months granted, extending until May 17, 1977. The applicant requests another three month extension.

Mr. Swetnam moved that the request be granted.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

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Page 211, May 10, 1977
AFTER AGENDA ITEM, No. 4

CENTRAL CHRISTIAN CHURCH, S-79-76. Request for extension.

Mr. DiGiulian moved that the request be granted for a six month extension from June 1, 1977.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

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Page 211, May 10, 1977
AFTER AGENDA ITEM, No. 5.

GORDON S. DAVIS D.V.M. & WM. D. SWARTZ, D.V.M., S-5-77; Granted February 15, 1977 for addition to existing animal hospital. The applicant after seeing the renderings of how the proposed addition would look has decided that it would not conform to the colonial architecture of the present building and has changed his plans to a one-story addition instead of two. The square footage of that addition is said to be slightly less, according to Dr. Davis's letter. However, the building addition does cover more ground area and he has had to revise his parking layout in order to get enough travel aisle between the parking spaces and the addition. (See new plats).

The Board reviewed the new plats and the rendering of the proposed addition. The Board agreed that the rendering for the proposed addition that was previously granted was not compatible with the existing structure. However, Mr. DiGiulian stated that the parking tabulation stilldoes not compute properly and neither does the square footage of the building as compared to the old addition.

Mr. Barnes moved that this be deferred for one week in order for the Permittee to bring in new plats showing the proper parking computation and square footage of the addition as compared to the old addition.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Durrer was absent.

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AFTER AGENDA ITEM

APPROVAL OF MINUTES FOR APRIL 13 and APRIL 19, 1977.

Mr. Swetnam moved that the Minutes for April 13 and April 19, 1977 be approved.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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The meeting adjourned at 5:37 P.M.

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Jane C. Kelsey
BY JANE C. KELSEY CLERK TO THE BOARD OF ZONING APPEALS

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED July 21, 1977
DATE

Submitted to the BZA on May 24, 1977.

Submitted to the Bd. of Supervisors, Planning Commission and other Depts. on July, 1977.

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The Regular Meeting of the Board of Zoning Appeals Was Held on Tuesday, May 17, 1977 in the Board Room of the Massey Building. All members were present: Daniel Smith, Chairman; William Durrer, Vice- Chairman; George Barnes; Tyler Swetnam; and John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.

A.M.
10:00 - FALLS CHURCH CHRYSLER PLYMOUTH, INC. appl. under Sec. 30-7.2.10.3.8 of the Zoning Ord. to permit auto dealership with outside display, 6319 Arlington Blvd., 51-3((1))1, 6, 7, (2.416 ac.), Mason Dist., C-G, S-51-77. (Deferred from 4/19/77 for proper notices.).

(The hearing began at 10:20 a.m.)

Mr. Raymond Frank, 6319 Arlington Blvd., Falls Church, Virginia, submitted the required notices to the Board. The notices were in order.

Mr. Frank stated that the applicant is requesting a Special Use Permit to operate a Chrysler Plymouth dealership in what was previously the Wissinger Chevrolet building. This dealership will sell new and used cars and will also have a service facility, parts sales, body and repair and paint shop. The proposed hours of operation are from 7:30 a.m. to 9:00 p.m. weekdays and 9:00 a.m. to 6:00 on Saturdays and Sunday from 12:00 Noon to 6:00 p.m. They estimate 1,000 patrons per month. They will have seventy employees. They previously operated in Falls Church for 25 years. They will have 100 parking spaces for service and sales. In addition, they have an adjacent storage lot down on Annandale Road and Hillwood Avenue where they keep the majority of the new cars.

There was no one else to speak in favor and no one to speak in opposition.

May 17, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-51-77 by Falls Church Chrysler Plymouth, Inc. under Section 30-7.2.10.3.8 of the Fairfax County Zoning Ordinance to permit auto dealership with outside display, 6319 Arlington Blvd., 51-3((1))1, 6, 7, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 17, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Wissinger Company, Inc. The applicant is the lessee.
2. The present zoning is C-G.
3. The area of the lot is 2.4 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in C Districts as contained in Section 30-7.1.2 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be 7:30 a.m. to 9:00 p.m., seven (7) days a week.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present.

Page 214, May 17, 1977
10:20 - POOR SISTERS OF ST. JOSEPH, INC., S-55-77. (Def. from 4/19/77 for
a.m. proper notices.)
The Clerk advised the Board that this applicant had not been able to send out proper notices and had requested that the case again be deferred.

The Board deferred this case until June 21, 1977 at 10:00 a.m.

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Page 214, May 17, 1977
10:30 - WALT MCARTOR, ET AL. Variance Appl. No. V-72-77.
a.m.
(The hearing began at 10:35 a.m.)

Mr. Bill Putnam with the engineering firm of Patton, Harris, Rust and Guy submitted the required proof of notice. The notices were in order.

Mr. Putnam in answer to Mr. Smith's question, stated that this property is owned by Mr. McArtor, Mr. Paul A. Nutter and Mrs.Frances C. Nutter.
The property owned by Mr. and Mrs. Nutter is under contract to purchase by Mr. McArtor. This is not a contingency contract.

Mr. Smith stated that a contract purchaser is not a proper applicant for a variance request. He stated that Mr. McArtor could not act as agent without written permission from the record owner. If the owner of the property is out of state, the statement must be notorized.

There were two people in the room in opposition to this application.

There was one lady in the audience in favor of the application.

The Board deferred this case in order for the applicant to get a notorized statement from the owners of the property giving him (Mr. McArtor) permission to act as the owners' agent, and to amend the application including the name of the owner as applicant. The case was deferred until June 21, 1977 at 1:00 P.M.

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Page 214, May 17, 1977

10:40 PARK WEST ASSOCIATES JOINT PARTNERSHIP appl. under Sec. 30-6.6.5.4
a.m. of the Zoning Ordinance to permit house to remain 40.9' from the front property line, (45' required), 3210 Cobb Hill Lane (amended to 3150 Cobb Hill Lane), Vale Park West, Sec. 2, 36-3((6))52, (22,033 sq. ft.), Centreville Dist., RE-1 Cluster, V-73-77.
(The hearing began at 11:00 a.m.)
Mr. Harold Moubray, surveyor for the applicant with offices at 10560 Main Street, Fairfax, Virginia, submitted the required proof of notices. The notices were in order.

Mr. Moubray stated that the fault for this error is all his. The house was site planned with correct setback distances and was computed for stake-out to those dimensions. Survey control was set for this lot and checked prior to layout of this house. Somehow in setting of the first offset hub for this house, the wrong distance was held. After the error was found, field check of stake-out revealed that the house is on correct line but 5 feet further down this line than should be. The distance should have been 10.37 feet to the first offset hub but actually was 15.37 feet. He stated that he tried to apply every check possible to avoid problems such as this. This particular lot at the time of staking was piled high with tree stumps and debris which had to be worked around. Due to these stumps and debris, only three offset hubs were set for this house. There were so many stumps and so high that it was impossible to make "swings" with the tape to check their work. He stated that the house is first floor high. The value of this size house at this stage of construction is approximately $6,000. Fortunately, the house is slanted away from the intersection and therefor does not create an unsafe condition for public street with respect to sight distance. He stated that he had never been before the BZA for a variance in his ten years of private practice.

Mr. DiGiulian stated that he noted from the plat that only one small corner of the house is over the setback line.

Mr. Swetnam stated that had this not been a corner lot, Mr. Moubray would have had a little better handle on it.

There was no one else to speak in favor of this application and no one to speak in opposition.

May 17, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-73-77 by Park West Associates Joint Partnership under Section 30-6.6.5.4 of the Zoning Ordinance to permit a house to remain 40.9' from the front property line, 3150 Cobb Hill Lane, 30-3((6))52, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 17, 1977; and

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

1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion.

The motion passed 5 to 0.

10:50 a.m. application of
RITA M. SETLOCK appl. under Sec. 30-7.2.6.1.5 of the Ord. to permit beauty shop as home occupation, previous SUP granted 1971, 3530 Largo Lane, Crest Meadows Subd., 60-3((29))8A, (11,659 sq.ft.), Annandale Dist., R-12.5, S-74-77.

(The hearing began at 11:10 a.m.)

Mr. Charles J. King, 4420 Braddock Road, represented the applicant. He submitted the required proof of notice to property owners. The notices were in order.

Mr. King stated that the Board previously granted this Special Use Permit in 1971 and Mrs. Setlock wishes to continue to operate as she has since that time. The hours of operation are from 9:00 a.m. to 5:00 p.m. Tuesday through Saturday. She is closed Sunday and Monday. She never has more than two or three customers at one time. There are parking spaces for two cars in the driveway. This use has not created any problems for the neighbors in the past to his knowledge. There is no advertising and no signs. She operates by herself and has no employees. He stated that there are also parking spaces along the curb in front of the house.

The Chairman told Mr. King that parking is not permitted on the street for this use.

Mrs. Wood, 3525 Largo Lane, across the street from the subject property, spoke in support of the application.

There was no one present to speak in opposition.

May 17, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application S-74-77 by Rita M. Setlock under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit beauty shop as home occupation on property located at 3530 Largo Lane, 60-3((29))8A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 17, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,659 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance,

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of customers at any one time shall be three (3).
8. The hours of operation shall be from 9:00 a.m. to 5:00 p.m., Tuesday through Saturday.
9. This permit is granted for a period of five years.

Mr. Barnes seconded the motion.

The motion passed unanimously.

11:10 a.m. - VINCENT A. LEPORE appl. under Sec. 30-6.6 of the Ord. to permit construction of addition 3.5' from side property line (12' required), 5803 Clermont Drive, Kerrybrooke Subd., 82-1((12))66A, (12,021 sq. ft.), Lee Dist., R-12.5, V-75-77.

(The 11:10 a.m. case began at 11:10 a.m.)

Mr. Smith read a letter from Mr. Lepore requesting withdrawal of this application.

Mr. Barnes moved that the request be granted and that the case be withdrawn without prejudice.

Mr. Durrer seconded the motion.

The motion passed unanimously.

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11:20 a.m. - LINCOLNIA PARK RECREATION CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Ord. to permit amendment to existing SUP to add additions (shelter and storage), 6501 Montrose Street, 72-3((1))11, (8.273 ac.), Mason Dist., RE-0.5, S-76-77.

(The hearing began at 11:20 a.m.)

Mr. Robert N. Leilich, 4813 Vincent Drive, Annandale, Virginia, submitted notices to property owners of this hearing. However, the notices had not been sent certified mail in accordance with the instructions of the Board. Therefore, the case could not be heard. The case was deferred until June 21, 1977, at 1:20 p.m.

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11:30 a.m. - RICHARD M. EVANS & JEFFREY L. HENNINGS appl. under Sec. 30-7.2.10.5.6 of the Ord. to permit games of skill in C-G zone (skateboard facility and concession), Springmall Road, 90-2((1))pt. of 51, (53,320 sq. ft.), Lee Dist., C-G, S-77-77.

Mr. Charles Sewell, attorney for the applicant, submitted the required proof of notice to property owners. The notices were in order.

Mr. Sewell stated that this is a sport that has developed to exhibition status at the Olympics. The boards are quite sophisticated. He showed the Board a skate board that retails for $85.00.

Mr. Sewell stated that the applicants met with the Loisdale Citizens Association and that association has no objection to this application. They also have worked with the Police Department who have endorsed in principal this application.

This site is adjacent to the miniature golf course that was previously granted by this Board.

Mr. Richard Evans submitted some photographs of an existing skate board facility that is in Durham, North Carolina. Mr. Evans gave his address as 8913 Burke Road. He stated that he had lived in Fairfax County for about seven years. Mr. Evans stated that they have designed this facility by using the best from several other skate board parks that are already in operation in the east coast area. The design is much like a swimming pool. It has 6' to 8' walls and is elevated at one end to allow the speed for the

people who like to do tricks. The concession will serve health foods and drinks, not junk foods. The hours of operation will be from 10:00 a.m. to 10:00 p.m. On Sunday the hours will be from 12:00 Noon until 9:00 P.M. The skate board riders will be required to wear helmets, knee pads, shoes and socks.

In answer to Mr.Durrer's question, Mr. Evans stated that the investment for this facility will be somewhere in the neighborhood of onehundred to one hundred twenty-five thousand.

Mr. Evans stated that they will carry liability insurance to protect anyone using the facility to a maximum of $500,000. The riders will be required to sign in before using the facility and sign a waiver form and be inspected for the proper safety equipment.

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

May 17, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application S-77-77 by Richard M. Evans and Jeffrey L. Hennings under Section 30-7.2.10.5.6 of the Zoning Ordinance to permit games of skill in C-G zone, skateboard facility and concession, on property located on Springmall Road, 90-2((1))part of 51, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 17, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Lynch Properties, Inc. The applicant is the lessee.
2. The present zoning is C-G.
3. The area of the lot is 53,320 sq. ft.
4. Compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum hours of operation shall be from 10:00 A.M. to 11 P.M.
8. This permit is granted for a period of three years with the Zoning Administrator being empowered to grant four one-year extensions.

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

11:40 a.m. item of JOHN G. FOX, EXECUTOR OF ESTATE OF JOHN W. FOX to permit subdivision of lot with one lot having less minimum lot area than required by Ord. (27,795 sq. ft., 40,000 sq. ft. required) and less lot width than required (85', 150' required), 7220 Auburn St., Annandale Acres Subd., 71-1((1))117A, (1.93076 ac.), Annandale Dist., RE-1, V-78-77.

Mr. Charles Shumate, attorney for the applicant with offices at 10523 Main Street, Fairfax, Virginia, represented the applicant before the Board. He submitted notices to property owners to the Board. He stated that all the property owners notified were adjacent owners of record. Mr. Smith stated that the notices were in order.

The Board members and Mr. Shumate discussed the original plat submitted with the application and on which the advertising was based and another plat that had been drawn to show how the lot would look if it were divided using the 180 percent rule. The staff report had indicated that"the property would qualify for subdivision under Sec. 30-3.4.9 of the Zoning Ordinance. This would allow the property to be subdivided without a variance for a lot with less than the required minimum area. The use of this Section of the Zoning Ordinance would reduce the number of required variances to one (one lot with less than the required minimum lot width)."

Mr. Durrer asked if the Board could consider making a decision based on the second plat in the file.

Mr. Shumate stated that from a legal standpoint, he would have no problems with the Board doing that. He stated that the County had submitted that proposal and he would waive any rights that he would have to object to that. He stated that this is a matter that has been in litigation. It was denied a rezoning. Thereafter, they have been working with the County Attorney's office. Mrs. Moore (Supervisor, Annandale District) has been in communication with the citizens and they support the modified version.

Mr. Smith stated that since the variance request is less for the second proposal, the Board could consider that request today. He felt that the second proposal should be considered.

Messrs. Swetnam and DiGiulian disagreed and felt that the second proposal was not reasonable.

Mr. Durrer moved that the Board consider only the second proposal, but the motion died for lack of a second.

Mr. Knowlton stated that the Board of Supervisors at its meeting May 16, 1977 took an action to adopt a resolution to recommend to this Board the approval of the second plat. He confirmed that the 180 percent rule does apply in this case using the second plat. The applicant has 193 percent. The 180 percent rule says that if you have 180 percent of the amount of land that is necessary to divide a piece of land into two lots then they can divide the less than one acre lots because that is the only way it comes out.

Mr. Shumate stated that it is his position that the first plat submission is the most practical for the community and the property owner, but he stated that Mr. Fox wants to resolve this controversy today and he was sure that as long as two lots come out of it today, the citizens will probably be happy and Mr. Fox will be happy. He stated that he felt the second plat was a cockeyed layout. He stated that that proposal creates other problems because of the irregularity of the lot. Someone on Lot B could make use of his land so as to interfere with the peaceful enjoyment of Lot A.

Mr. James Higgins, 7317 Calvert Street, President of the Annandale Acres Civic Association, spoke in opposition to the first plat. He commended Mr. Fox for altering his variance request with the second plat. He stated that the citizens are concerned that the larger of the lots could again be divided if the first proposal is used.

Mr. DiGiulian asked Mr. Knowlton if it is possible that that second division could be made.

Mr. Knowlton stated that the remaining larger lot, subject to the same consideration, could be divided into two by another variance from this Board. The 180 percent rule would not be further justification on any remaining land.

Mr. DiGiulian stated that he could see justification for division of this parcel into two lots because it meets the 180 percent rule and once it is divided it would more nearly conform to the development of the neighborhood and the zoning category which it is in. He stated that he was concerned about the proposal of the County. He stated that he did not feel it serves any purpose except some paper computation for lot area. He stated that he feels the original submission proposal does not leave the remaining Lot A open for further division any more than the substitute proposal by the County.

Mr. Knowlton stated that he thought the major problem is the fact that the original plan before the Board has a lot which does not meet the 180 percent rule. That is a lot that is not 85 percent of the minimum size for the district. The substitute plat does meet that requirement.

Mr. Shumate in answer to Mr. Durrer's question stated that he gave the substitute plat to the Board as a condition of this settlement of the litigation that is now pending. That is what the staff proposed. He stated that he submitted it because the County required it.

May 17, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-78-77 by John G. Fox, Executor of Estate of John W. Fox, under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit subdivision of lot with one lot having less minimum lot area than required by Ordinance and less lot width than required by Ordinance (27,795 sq. ft. requested, 40,000 sq. ft. required)(85' requested lot width, 150' required), 7220 Auburn Street, 71-1((1))117A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 17, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 1.93076 acres.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing building on the subject property that would prevent development in accordance with existing zoning and the surrounding area.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.
3. This is granted per the original plat - Lot B to be 85' wide by 327' deep.

Mr. Swetnam seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

// Mr. William Durrer, Vice-Chairman, stated for the record that the Chairman Mr. Dan Smith, had to leave the meeting and he would be taking his place for the remainder of the meeting today.

The Board recessed for lunch at 1:00 p.m. and returned at 2:00 to take up the

1:00 p.m. - item of MOST REV. THOMAS J. WELSH, BISHOP OF CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE, appl. under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit Monastery of the Poor Clares (community use), 2503 Stone Hedge Drive, Groveton, Calvert Park Subd., 93-3((8))1, 2, 3, and 4, (6.441 ac.), Mt. Vernon Dist., R-17, S-79-77.

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Mr. Fred Sheridan, architect on this project, 1001 North Highland Street, Arlington, Virginia, submitted the required notices to property owners. The notices were in order.

Mr. Sheridan stated that this is a proposal for a monastery for nuns who live in a cloister. People are welcome to come to their public chapel and pray with them. At the present time, they are proposing a chapel for twenty. The maximum future plans are for sixty. There are no automobiles used by the nuns. This is a very small building coverage for the land area here.

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

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

May 17, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-79-77 by MOST REV. THOMAS J. WELSH, BISHOP OF CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE under Section 30-7.2.6.1.11 of the Fairfax County Zoning Ordinance to permit a monastery of the Poor Clares on property located at 2503 Stone Hedge Drive, 93-3 ((8))1, 2, 3 and 4, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 17, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 6.4 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The minimum number of parking spaces shall be 15.

Mr. DiGiulian seconded the motion. The motion passed unanimously.

AFTER AGENDA ITEMS:

BURKE CENTRE PARTNERSHIP, S-3-77 - Request for approval of substitute plats. Preliminary Engineering reviewed the plats prior to this meeting and that branch of Design Review has no problems with the changes.

Mr. Durrer read a letter from Mr. Hazel, attorney for the applicant, explaining the changes.

Mr. Knowlton stated that all the changes are within the open space area shown on the plans originally submitted to the Board of Supervisors and approved by that Board at the time of rezoning.

Mr. Durrer stated that he did not feel these changes would have any impact on anyone.

Mr. DiGiulian moved that the Board accept the substitute plats.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

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AFTER AGENDA ITEM - May 17, 1977 - Page 222

DR. DAVIS & DR. SWARTZ, S-5-77. The Board last week reviewed the Permittees' request to allow a change in the configuration of the proposed addition to the animal hospital and deferred decision until this date in order that the engineer for the Permittees could make some corrections to the plat, such as correct number of parking spaces proposed and existing and the correct square footage of the addition.

The Board was in receipt of the corrected plats. Mr. DiGiulian stated that the plats were sufficient. He stated that the Permittee had stated last week that the addition was of less square footage than the previously proposed addition. This is not the case. The new proposed addition is slightly larger although not significantly.

Mr. DiGiulian moved that the Board accept the revised plats.

Mr. Swetnam seconded the motion.

The motion passed unanimously.with the members present. Mr. Smith had left the meeting earlier.

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AFTER AGENDA ITEM - May 17, 1977 - Page 222

KENA TEMPLE

The Board was in receipt of a letter from Mr. Hansbarger, attorney for Kena Temple, regarding the motion the Board passed at last week's meeting.

Mr. Hansbarger stated in his letter that the portion of the application relating to hours of operation was withdrawn by him without objection at the first part of that meeting.

Mr. Swetnam stated that he recalled that that was not part of the applicant's application. He moved that the Board delete that portion dealing with the hours of operation, no. 9 of the motion.

Mr. Barnes seconded the motion.

Mr. Gilbert R. Knowlton, Zoning Administrator, stated that there are two possible problems with that particular motion. One is the fact that it was stated during the Board hearing that it was the opinion of the Board that there were hours of operation; those that were on the plats approved in 1973 and 1975. Consequently, to remove the hours of operation from the motion would make the hours more restrictive. He stated that he discussed this with a representative of the County Attorney's office and it was his feeling that that particular type change is of such magitude that it should go through a public hearing. Mr. Hansbarger stated that he wanted to withdraw his request for hours of operation because he felt there were no hours of operation imposed at the time. The Board of Zoning Appeals stated that there were hours of operation; those that were part of the approved plat in 1973 and 1975. Those hours were from 9:00 A.M. to 10:30 P.M. weekdays and Saturday afternoons rarely. He stated that he did not have that plat before him, but this is what he recalled seeing on the plat.

Page 223, May 17, 1977
KENA TEMPLE, AFTER AGENDA ITEM (continued)

Mr. DiGiulian called for the question.

Mr. Durrer stated that the motion is that the Board delete that portion of the resolution of approval last week that deals with the hours of operation. Mr. DiGiulian made the motion and Mr. Barnes seconded the motion. He stated that that means that Kena Temple goes back to the hours of operation that were imposed on them when they were granted their original Special Use Permit.

The motion passed 3 to 0. Mr. Durrer abstained because he was not present at last week's meeting on this case. Mr. Smith had left the meeting earlier.

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MANSION HOUSE YACHT CLUB, INC.

Mr. Knowlton gave the Board an information item on this case. He stated that it is something to put into the record as information.

Mr. DiGiulian asked if it is not a fact that this applicant has filled an application for a new hearing.

Mr. Knowlton stated that the hearing is scheduled for June 7.

Mr. Swetnam stated that he saw no reason to put anything else in the record on it.

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OUT OF TURN HEARING REQUEST

Mr. Knowlton requested the Board grant an out of turn hearing on the variance application of Deepak Singh, V-140-77. He stated that the zoning office approved a house location in error several months ago. It was approved as a proposed house 28' from a side property line when it was an easement providing principal access to other properties in the rear and should have been a front setback. The person building and owning the property has agreed to apply to this Board to correct this error. The staff is going to have to be the applicant in this case and in order to assist the applicant whose house is well along the way to construction completion, is anxious to get this matter settled.

Mr. Barnes moved that the request for the hearing be granted for June 21.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Smith has left the meeting earlier.

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APPROVAL OF MINUTES

Mr. Swetnam moved that the Minutes for April 26, 1977 be approved.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

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The meeting adjourned at 2:23 p.m.

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Jane C. Kelsey
JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS
Submitted to the BZA on June 21, 1977

Submitted to other Bds. and
Depts. on July, 1977

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED July 21, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, May 24, 1977. All Board Members Were Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam; and John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.

10:00 A.M. - WEDGEFIELD CORP. application under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit community swimming pool and tennis courts, 5638 Guinea Road, Woodlynne Community, 77-2((1))pt. of parcel 13, (2.9849 ac.), Annandale District, RT-10, S-80-77.

(The hearing began at 10:00 a.m.)

Mr. Robert J. Harris, president of Wedgefield Corp., 10005 Kendale Road, Potomac, Maryland, submitted the required notices to the Board. The notices were in order.

Mr. Harris stated that they are building 241 houses off Sideburn Road. This community swimming pool and tennis courts are to be an integral part of this subdivision. The facility is surrounded by the community itself and will not affect any outside property owners. The pool will be operated by a professional management company. The proposed hours are from 10:00 a.m. until 8:00 p.m. He stated that he had not decided whether or not to put lights on the tennis courts. The latest hour for the closing of the pool will be 8:00 p.m. The project will be well landscaped. There are forty parking spaces provided, which is more than adequate.

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

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-80-77 by WEDGEFIELD CORP. under Section 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit swimming pool and tennis courts for the Woodlynne Community on property located at 5638 Guinea Road, 77-2((1))pt. of parcel 13, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 3.0342 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board, other than minor engineering details, whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of

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WEDGEFIELD CORP. (continued)

this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 241 families.
8. The hours of operation shall be from 10:00 a.m. until 8:00 p.m. Any after hours parties shall be limited to Six (6) per year and shall require the prior written approval of the Zoning Administrator for each separate party.
9. The minimum number of parking spaces shall be 40.

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

Page 225, May 24, 1977
10:20 a.m. - ROY DUNN T/A ADAMS TRAILER RENTALS application under Section 30-7.2.10.5.4 of the Zoning Ordinance to permit the operation of a U-Haul Company for the rental of U-Haul trucks, trailers, and related equipment, 7601 Richmond Highway, 93-3((2))(2)3 - 5, (41,712 sq.ft.), Mt. Vernon District, C-G, S-81-77.

(The hearing began at 10:25 a.m.)

Mr. Grayson Hanes, attorney for the applicant, with offices in Fairfax, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Hanes stated that Mr. Dunn presently operates a U-Haul rental company about two blocks from the subject site. He has never had any violations. This property fronts on Route 1 at the corner of Route 1 and Belvoir Drive. Mr. Dunn does not intend to handle gasoline, nor does he intend to have any repairs. The number of employees will be five full time and two part time. There will be parking for 20 trailers, 25 trucks and 12 passenger vehicles. The property presently has a small structure on it which is used as a discount carpet store. The applicant intends to use that structure for the next year or so and will not make any improvements such as additional structures for at least a year. He intends to comply with all site plan requirements. There will be screening provided toward the Mount Vernon Square Apartments. The parking lot will be paved. The size of the trucks will not exceed one and one-half tons.

Mr. Steve Collangelo, representing Wills and VanMetre, the owners of the Mount Vernon Square Apartments, expressed concern about this application. He stated that his clients feel that this Route 1 corridor is in sad shape and in need of improvements. This type use will not help the area. He stated that should this use be granted, they would like to see full road improvements made and also see a service road included in the development. He stated that he felt that a requirement for adequate screening in the back of the property should be a condition of any permit that is granted.

Mr. Swetnam asked Mr. Collangelo if he did not think this is a transitional use for this property.

Mr. Collangelo stated that if it is, he does not feel it is a good transitional use. He stated that he saw no difference in this type use and that of a gasoline station.

Mr. Smith stated for the record that this will become a permanent use because there is a contract to purchase the property. He stated that he knew it is the general policy of the U-Haul Company to purchase the property.

Mr. Waldon Adams, 7831 Richmond Highway, about two blocks from the subject site, stated that he felt that this applicant is a front for the U-Haul Company. He stated that this is why the applicant is being evicted from his property because he doesn't want to see U-Haul on his premises any more. Mr. Dunn will do a good job, as well as he can do with a U-Haul operation.

Mr. Smith stated that the contract to purchase reads, "Mr. Adams Trailer Rental, or Assigns".

Mr. Swetnam stated that this Special Permit can be made non-transferable. Mr. Dunn might assign his title and interest in the property, but he cannot assign this Special Permit.

Mr. Hanes stated that he saw no problem with restricting this permit to Mr. Dunn. He has a franchise for this operation. He stated that this is a use by right in a C-G zone provided the applicant meets the standards for Special Use Permit uses in commercial zones. He stated that he felt the applicant does meet these standards.

There was no one else to speak regarding this application.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-81-77 by Roy Dunn T/A Adams Trailer Rentals under Sec. 30-7.2.10.5.4 of the Fairfax County Zoning Ordinance to permit the operation of a U-Haul Company for the rental of U-Haul trucks, trailers, and related equipment, 7601 Richmond Highway, 93-3((2))(2)3 - 5, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Lester J. and Leah P. Wilcox. The applicant is the contract purchaser.
2. That the present zoning is C-G.
3. That the area of the lot is 41,712 sq.ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details),whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
6. All necessary landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be from 8:00 a.m. to 7:00 p.m.
8. The maximum number of parking spaces shall be 20 trucks, 25 trailers, and 12 automobiles.
9. This permit is granted for a period of five years.

Mr. Barnes seconded the motion and the motion passed 4 to 1. Mr. Smith voted No. The Board stated that the Site Plan Dept. should give thorough consideration to requiring adequate screening. The applicant has agreed to Preliminary Engineering's suggestions.

Page 227, May 24, 1977

10:40 a.m. - GEORGE W. WATERS application under Sec. 30-6.6 of the Zoning Ord. to permit an addition 37.1' from front property line (40' required), 1810 Panda Lane, Marlboro Estates, 30-4((23))15, (13,316 sq.ft.), Dranesville District, R-12.5, V-83-77.

Mr. Waters submitted the required proof of notice to property owners. The notices were in order.

Mr. Water's main justification was that his property is a corner lot and has two front setbacks. Any addition on the property would have to be in the front setback, even though it is his side yard.

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

There was no one to speak in opposition.

May 24, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-83-77 by George W. Waters under Sec. 30-6.6 of the Zoning Ordinance to permit addition 37.1' from the front property line, 1810 Panda Lane, 30-4((23))15, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on May 24, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,316 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape, corner lot.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

May 24, 1977, Page 227

11:00 a.m. - JIM L. WELLS T/A FAIRHILL FARMS ANTIQUES appl. under Sec. 30-4.2.7 of the Zoning Ord. to permit amendment to existing SUP to permit additional structure on property, 8731 Lee Highway, 49-3((6))2, Providence District, (8.120 acres), RE-1, S-58-77. (Deferred from 4-26-77 for proper notices.)

Mr. Wells submitted the required proof of notice to property owners. The notices were in order.

Mr. Wells gave the Board some of the background for the structure that he wishes to keep on the property. He stated that this dog is a symbol of a trademark of RCA Radio. It is not now a trademark. This is a historic object, he stated. This isn't made any more. It was built in 1953. At no time from the time he started to obtain this dog six or seven years ago, did he intend to buy it in order to make a profit. He stated that he wanted it for a keepsake. He stated that he is a collector. This dog has become a national symbol. It has been carried on national t.v. on four different occasions. He stated that the City of Baltimore is and has been trying to

get this dog back. He stated that under no condition were they going to get it back.

Mr. Wells stated that the dog is 228' back from the highway. It does not cause a hazard to the motoring public and he asked the Board to allow him to keep the dog.

In answer to Mr. Smith's questions, Mr. Wells stated that he did not get a building permit to erect a structure. He explained to the Board how the platform on which the dog is sitting was erected. He stated that the platform is 7' off the ground.

Mr. Jack Herrity, Chairman of the Fairfax County Board of Supervisors, spoke in support of allowing Mr. Wells to keep the dog structure on his property.

Mr. Smith asked Mr. Herrity under what section of the Ordinance should the Board allow this structure to remain. He stated that the Board had earlier told Mr. Wells that all he had to do to keep this dog was to place the dog in some type of building. He stated that he knew of no section of the Ordinance that would justify this Board's allowing this symbol on the front lawn under a Use Permit. This could be duplicated and anyone could build one on his front lawn. To grant this application would be setting a precedent.

Mr. Herrity stated that he felt this dog structure could be allowed under the Ordinance.

Mr. Smith stated that the Ordinance specifically prohibits the display of antiques under this Special Use Permit section. He stated that he is not saying that this dog is not a nice thing to have, but that it is prohibited under the Zoning Ordinance.

Mr. DiGiulian stated that the staff report states that the Board could find that this dog is an ornamental outdoor statuary. It is not something that is for sale.

Mr. Swetnam stated that he would move that the Board find this to be an ornamental outdoor statuary.

Mr. DiGiulian seconded the motion.

Mr. Smith stated that the motion was out of order.

Mr. Smith asked if the Board of Supervisors would be amenable to amending the Ordinance to allow any display of antiques outside the buildings.

Mr. Herrity stated that he felt the granting of this request could be done under the existing Ordinance.

Mr. Jim Scott, Supervisor, Providence District, spoke in support of Mr. Wells' request. He indicated his general concurrence with Mr. Herrity's remarks. He stated that he is the Supervisor of the district in which Mr. Wells and Nipper, the dog, reside. His office has not had any complaints about the location of this dog. They have had indications of support.

Mr. Kenneth Hurt, 3014 Fairmont Street, Falls Church, spoke in support of Mr. Wells' request to keep this dog on his property.

There was no one else to speak in support and no one to speak in opposition to this application.

Mr. Swetnam moved that the Board grant Mr. Wells' request to allow this ornamental outdoor statuary to remain on the property.

Mr. DiGiulian seconded the motion.

Mr. Smith stated that if the Board rules this to be a piece of ornamental outdoor statuary that it would not need a Spedal Use Permit.

The motion passed 4 to 1. Mr. Smith voted No. He stated that he felt the Board was setting a precedent because anyone could duplicate this dog and place it in their front yard.

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Page 229, May 24, 1977

11:20 a.m. - LAURA & ROBERT HORNER appl. under Sec. 30-6.6 of the Zoning Ord. to permit open portico 59.2' from front property line, 65.2' from center line (75' from center line, 50' from property line required), 8545 Old Dominion Drive, 20-1((1))70B, 88,660 sq.ft., Dranesville Dist., RE-2, V-59-77. (Deferred from 4-26-77 for proper notices.)

(Hearing began at 11:40 a.m.)

Mr. Horner submitted the required proof of notice to property owners of this hearing. The notices were in order.

The staff report indicated that under the "mistake section" of the Ordinance a variance, V-197-73, was granted on October 17, 1973, to the previous owner of the subject property, M.S. Ghausi, to allow the existing dwelling to remain as located 64.4' from the centerline of the same private road.

Mr. Horner stated that the proposed open portico would extend six feet out from the front of the house, and 42.8 feet along the front of the house. The proposed open roof would be attached to the house just above the present second-story windows, and would be supported by four fluted columns approximately 16 inches in diameter at the base and approximately 16 feet in height. The proposed portico would not be across the entire length of the house. It would not be enclosed in any way. He stated that he feels that the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

He stated that his house is located on the corner of Old Dominion Drive and a 10 foot private dirt road which the house faces. They are then subject to two setbacks, one of 50 feet from Old Dominion Drive and another of 75 feet from the center line of the private dirt road.

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

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-59-77 by Laura and Robert Horner under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit open portico 59.2' from front property line, 65.2' from center line, 8545 Old Dominion Drive, 20-1 ((1))70B, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 88,606 sq. ft.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing buildings on the subject property.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. DiGiulian seconded the motion.
The motion passed 4 to 1. Mr. Smith voted No.

MOTION ON APPLICATION OF JIM L. WELLS T/A FAIRHILL FARMS ANTIQUES
(Continued from Page 228)

Mr. Swetnam made the following motion:

WHEREAS, Application S-58-77 by JIM L. WELLS T/A FAIRHILL FARMS ANTIQUES under Section 30-4.2.7 of the Fairfax County Zoning Ordinance to permit amendment to existing Special Use Permit on property located at 8731 Lee Highway, 49-3((6))2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 8.1 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusion of law:

THAT this RCA dog called Nipper is an ornamental outdoor statuary; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No. He stated that he felt the Board was setting a precedent because anyone could duplicate this dog and place it in their front yard.

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11:30 a.m. - WESTMINSTER SCHOOL, INC. appl. under Sec. 30-7.2.6.1.3 of the Zoning Ord. to permit addition to private school (multi-purpose building), 3811-19 Gallows Road, 60-3((24))4 & 5, (3.92 acres), Mason Dist., R-12.5, S-63-77. (Deferred from 4-26-77 for new plats showing delineated parking spaces, number of spaces and stacking lanes and all structures both existing and proposed.)

(The hearing began at 11:40 a.m.)

Mr. Stephen L. Best, attorney for the applicant, 4069 Chain Bridge Road, Fairfax, submitted the required plats to the Board. He stated that a letter had also been submitted indicating how the school is now handling the pick-up and delivery of students so that there will be no off-site parking or waiting. He stated that there would never be more than fifteen cars picking up children at any one time since the parents arrive at staggered times.

Mr. Durrer stated that since the previous meeting on this case, he had gone to the site to view the situation and did not find there to be a hazardous condition.

Mr. DiGiulian moved that the Board accept the revised plats.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

May 24, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, application S-63-77 by Westminister School, Inc. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit addition to private school (assembly hall) on property located at 3811-3819 Gallows Road, 60-3((24))4 & 5, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 3.92 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The minimum number of parking spaces shall be 33 spaces for auto and 5 for busses.
8. All other conditions of Special Permit S-139-75 shall remain in effect. i.e.
1. The maximum number of children shall be 300.
2. The hours of operation shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, during the normal school year.
3. That all conditions of S-212-70 remain in effect, which were that all busses used for transporting students conform to the color and lighting standards of the Fairfax County School Board.

That the recreational area be fenced in accordance with State and County requirements.

That the proposed building be constructed of brick.

That all driveways and parking areas be of a dustless surface.

That the one-story dwelling on the property can remain.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

Page 232, May 24, 1977

11:40 a.m. - MR. & MRS. MICHAEL ALIKANIAN appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of carport 12.5' from side and 45.2' from front property line and to construct roof over front stoop 45.2' from front property line, (15' side setback and 50' front setback required), 1526 Forest Villa Lane, Forest Villa Subd., 31-3((16))6, (20,487 sq.ft.), Dranesville Dist., RE-0.5, V-60-77. (Deferred from 4-26-77 for proper notices.)

(Hearing began at 11:57 a.m.)

Mr. Klose representing the applicant submitted the required proof of notice to property owners. The notices were in order.

Mr. Klose stated that this carport could not be constructed because of the topography in the rear of the house without this variance. He would have to put in a higher retaining wall if he moves the carport from anyplace other than where it is proposed.

Mr. Klose stated that the proposed portico is 5 feet wide. There is already a concrete slab there, and the proposal is to put a roof over that slab. This portico is to protect the entranceway into the house.

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

May 24, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application V-60-77 by MR. & MRS. MICHAEL ALIKANIAN under Section 30-6.6 of the Zoning Ordinance to permit construction of carport 12.5' from side property line and 45.2' from front property line and to construct roof over front stoop 45.2' from front property line, 1526 Forest Villa Lane, 31-3((16))6, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 20,487 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape and has topographic problems.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

Page 233, May 24, 1977
1:00 p.m. - JACQUELINE S. MOCK & RANDY FOSTER DEWITT appl. under Sec. 30-7.2.8.1.2 of the Zoning Ord. to permit a riding stable, 5320 Pleasant Valley Road, 43-1 & 43-3((1))1, (160 acres), Springfield District, RE-1, S-84-77.

(Hearing began at 1:15 p.m.)

Mrs. Mock presented proof of notice to property owners. The notices were in order.

Mrs. Mock explained to the Board that she wished to operate a riding stable just as she has done in the past. Her previous Special Use Permit expired and it was necessary that she reapply.

The Board members discussed with Mr. Covington, Assistant Zoning Administrator, the violations that had occurred over the past few years.

Mr. Covington stated that Mrs. Mock's horses get out on occasion and get into Mr. Stephens sod fields.

Mr. Cumings spoke in support of this application.

Mr. Stephen Grovestone who resides in Falls Church spoke in support of this application. He stated that he has been working for the past month or so to repair the fences for this riding stable. It is a voluntary act since his wife rides at this stable and they feel it is a worthwhile operation to continue.
(The Board recessed for lunch at 12:00 Noon and returned at 1:15 p.m.)
Mr. Robert Stephens, 5006 Pleasant Valley Road, spoke in opposition to this application. He stated that Mrs. Mock, formerly Novak, previously had a stable on Hunter Mill Road. She has been at the Pleasant Valley location since 1970. He stated that the fences on this farm are 40 years old. Her horses have been in his fields 60 or 70 times. They have been out twice since January of this year. The ground was frozen at that time and there was no damage to his property, he stated. He asked the Board to check with the Chantilly Police Dept. to verify the number of times they have been called because of Mrs. Mock's horses being out into his fields.

Mrs. Mock in rebuttal stated that the Board has pictures of the fence and it was not in as bad condition as Mr. Stephens implied. She stated that her horses have not been out 60 or 70 times. She stated that it is not her horses that are out all the time. The ponies from the farm behind hers get out frequently and she helps round them up so that Mr. Stephens will not blame it on her horses. She stated that Mr. Stephens' brother's cattle also get out and when they do, she calls him, not the police. The

time that the horses got out from her farm this year was when they ran out the gate that had been inadvertently left open. She stated that she was only about 10 or 20 feet behind them.

Mrs. Mock stated that she has never had any law suit filed against her in the eighteen years that she has been operating.

After a brief discussion, the Board members decided that they would view the property to see for themselves the condition of the fences, the stables, and other facilities on the property.

Mr. Swetnam moved that the case be deferred for this viewing and be rescheduled at a later date for decision only. He stated that after the viewing he would know what restrictions to place on the permit.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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May 24, 1977
1:20 p.m. - MARY VIRGINIA KOCH T/A POHICK CHRISTIAN SCHOOL appl. under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit: change in ownership, additional land area, children up to 12 years of age and extension of hours from 7:30 a.m. to 6:00 p.m. for school and summer camp, 8608 Pohick Road, 98-1((1))22 and 23, (1.9 ac. & 2.0 acres), Springfield District, RE-1, S-85-77. (This is to amend existing SUP for POHICK CHRISTIAN SCHOOL originally granted to Mr. and Mrs. Hemperley.)

(The hearing began at 2:15 p.m.)

Mrs. Koch who presently resides at 6546 Mapledale Court, Falls Church, submitted the required proof of notice to property owners. The notices were in order.

Mrs. Koch stated that she wishes to continue the operation of the school just as the Hemperleys have in the past except for the changes as noted in the caption. She stated that she plans to also live in this house. She stated that this additional land area will be used for such things as nature walks and picnic area. She stated that she plans to place no structures on this land.

Mr. Smith told Mrs. Koch that she would be limited to 62 students unless she puts in a new septic field in accordance with the Health Department's suggestions for additional students.

Mrs. Koch stated that she plans to comply with the Health Department's report. She stated that all of the vehicles used to transport children are already painted and have lights, etc. in accordance with State regulations. Seventy-five percent of the children arrive and leave in the school busses.

Mr. Robert Lentz, 8808 Redmon Street, submitted petitions in opposition to this application. He stated that they did not oppose the original application of the Hemperleys because that school was being conducted during day light hours only, no hours on the weekends. It was an asset to the community.

Mr. Smith stated that this applicant is not operating on weekends either, only Monday through Friday. He stated that the only change as he could determine is the summer day camp, the age of the children and the extended hours during the day. There are no evening hours.

Mr. Lentz stated that the people who signed the petition live within a mile of the subject property.

Two ladies in the audience stood to indicate their support to Mr. Lentz's statement in opposition.

Mrs. Koch in rebuttal stated that she saw no need to have lights for this facility. There are flood lights on the property at the present time for security purposes. There will be no weekend hours. She stated that she is buying the property and has submitted a copy of the contract to purchase to the Board.

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R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-85-77 by MARY VIRGINIA KOCH under Sec. 30-7.2.6.1.3.2 of the Fairfax County Zoning Ordinance to permit change in ownership, additional land area, children up to 12 years of age and extension of hours of operation from 7:30 a.m. to 6:00 p.m. for school and summer camp, 8608 Pohick Road, 98-1((1))22 & 23, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is JOHN O. & BESS HEMPERLEY. The applicant is the contract purchaser.
2. The present zoning is RE-1.
3. The area of the lot is 3.9228 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY OF THE USE AND SHALL BE MADE AVAILABLE TO ALL DEPARTMENTS OF THE COUNTY OF FAIRFAX DURING THE HOURS OF OPERATION OF THE PERMITTED USE.
5. This Special Permit is not valid until a Non Residential Use Permit is obtained.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 62.
8. The hours of operation shall be from 7:30 to 6:00 p.m., Monday through Friday.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present and voting.

Mr. Durrer stated that the record should reflect that he was taking over as Chairman since Mr. Smith, the Chairman, had to leave the meeting.

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1:30 p.m. - TED HEFLIN CONSTRUCTION, INC. appl. under Sec. 30-6.6 of the Zoning Ord. to permit house to be constructed 30' from front property line (45' required), 6205 Waterway DRive, Lake Barcroft, Sec. 11, 61-1 ((11))B2, (lot 10), 17,663 sq.ft., Mason Dist., R-17, V-86-77.

Mr. Charles Runyon, engineering firm of Runyon and Associates, 152 Hillwood Avenue, Falls Church, submitted the required proof of notice to property owners on behalf of the applicant. The notices were in order.

Mr. Durrer, hearing no objection, stated that he saw no reason why all three applications pertaining to this applicant could not be heard simultaneously.

Mr. Runyon stated that the notices are the same. He stated that he had notified all the contiguous owners and had indicated the time for each individual application. That time has now past.

Mr. Greenfield, nearby property owner, stated that he did not feel that it would be feasible to consider all three lots simultaneously because lot no. 12 has a special situation in that there will be no building permit on that lot until the Board of Supervisors have acted on the vacation of an easement.

Mr. Durrer stated that the Board would then hear the applications on lot 9 and 10 simultaneously and lot 12 separately.

Mr. Durrer then called the 1:40 p.m. application:

TED HEFLIN CONSTRUCTION, INC. appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of house 30' from front property line, (45' required), 6203BWaterway Drive, Lake Barcroft, Sec. 11, 61-1 ((11))B-2, (Lot 9),

Mr. Runyon stated that these two lots are a part of a subdivision of Parcel B, Section 11, Lake Barcroft. That subdivision plat has been recorded. That was the objection of Mr. Smith last time this case came before the Board, that the subdivision plat had not been recorded. In that hearing, the Board granted the variance for lot 11. He stated that the same type topographic condition exists for these two lots.

Mr. Runyon then showed a slide on the screen before the Board depicting a section showing where the house would be positioned if it would sit at 45' from the front property line and 30' from the front property line. He stated that as the Board could see, by moving the house forward 30' from the property line, it would help considerably.

Mr. Greenfield, 6201 Waterway Drive, spoke in opposition to this application. He stated that he wished to make a motion to incorporate by reference into the record of this hearing all the information that he had given in the previous hearing for lot 11 in order to conserve time. The evidence submitted at that time related to an application for a variance for lot 11. The petition in opposition to that application was signed by 22 neighbors in that area who opposed the variance in question for the entire parcel of ground. He stated that he had introduced photographs and letters at that earlier hearing by the Board that would also pertain to this hearing.

Mr. Durrer stated that the Chair would make note of that.

Mr. Greenfield again pointed out that the typical section presented on the screen by Mr. Runyon, as pointed out in the earlier hearing by Mr. Carl Newburg, is a distorted view of a typical house because that section as shown shows a long narrow house. This is not the case here. This house is more rectangular in shape. He stated that he would object to the Board's considering that diagram as evidence of the topographic problem because it is not a true representation of the profile of the house. He stated that a variance granted for Mr. Heflin for lots 9 and 10 would not cure the extreme or severe topographic problems at all. He stated that he and his neighbors, as evidenced by the petition, feel that the granting of this variance for these two lots will have a detrimental effect on the adjacent properties. He stated that the granting of these variances will have a serious effects on the adjacent properties and cause physical damage to them. He explained why he thought this would happen. He stated that during the Agnes storm, the water came almost up into his home and the stream was over 100' wide. He stated that his basement was flooded because of the sewer back-up and he had to apply for loan through the Small Business Administration.

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In answer to Mr. DiGiulian's question, Mr. Greenfield stated that the stream runs away from his property toward the lake.

Mr. Swetnam stated that he was aware of how that stream runs because he surveyed all that land through there where the sewer line runs.

Mr. Greenfield stated that he had written a letter to Mr. Stuart Territt, Design Review Director, in which he asked Mr. Territt to get a flood plain study updated of this area. Mr. Territt said that he would do that. He submitted a copy of that letter for the record. He also submitted a letter from Mr. Territt to Stuart Finley of the SWC District concerning this problem.

Mr. Runyon stated that the diagram he showed on the screen is an exaggerated scale which is necessary in order to show where the break occurs. He stated that he explained this at the earlier meeting April 19.

Mr. Runyon stated that the zoning ordinance allows a 30' setback if the builder develops the property under the cluster concept. The applicant is only using one-third of this property. They still might be able to apply for cluster development and setback only the 30' by right. The proposed houses are well out of the water line caused by the Agnes storm.
He stated that he felt this development will help the drainage problems in that area rather than cause more.

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Mr. DiGiulian made the following motion:

WHEREAS, Application V-86-77 by TED HEFLIN CONSTRUCTION, INC. under Section 30-6.6 of the Zoning Ordinance to permit house to be constructed 30' from front property line, 6205 Waterway Drive, 61-1((11))B-2, Lot 10, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 17,663 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

The motion passed 4 to 0. Mr. Smith had left the meeting earlier.

Mr. Swetnam made the following motion:

WHEREAS, Application V-87-77 by TED HEFLIN CONSTRUCTION, INC. under Sec. 30-6.6 of the Zoning Ordinance to permit a house to be constructed 30' from the front property line, 6203 B Waterway Drive, 61-1((1))B-2 (Lot 9), County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 24,652 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion.

The motion passed 4 to 0. Mr. Smith left the meeting earlier.

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May 24, 1977
1:40 p.m. - TED HEFLIN CONSTRUCTION, INC. appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of house 30' from front property line, (45' required), 6209 Waterway Drive, Lake Barcroft, Sec. 11, 61-1 ((11))B-2 (Lot 12), 21,236 sq.ft., Mason Dist., R-17, V-88-77.

Mr. Charles Runyon with the engineering firm of Runyon Associates, 152 Hillwood Avenue, Falls Church, Virginia, represented the applicant. He presented proof of notices to property owners to the Board. The notices were in order.

Mr. Runyon stated that lot 12 is the fartherest lot downstream and the lowest lot in the group of lots. He stated that he would again put his exaggerated diagram on the screen showing the Board that the topographic problems are such that a variance is necessary in order to construct this house on this lot. He stated that the amount of fall to the street is 240'* The diagram shows how the house can slip into the slope much better if it is set 30' from the property line rather than 45 feet. No building will be done on this lot until a flood plain study is made to upgrade the flood plain line more realistically to the value that would fit the present water flow as determined by the new drainage study that the County has provided.

*down from the house to the level of the stream which is 210 feet. This will enable the builder to slip the house into the slope so that the Department of Environmental Management's inspectors will be assured that the house is reasonably stable without a whole lot of structural work.

Mr. Runyon stated that the scale is 1" equals 5 feet vertical, standard scale, and 1" equals 30 feet horizontal. In answer to Mr. Swetnam's question, he stated that he first learned of this scale when he was in school and it has been used since the turn of the century. He stated that the standard scale used for plan profiles is 1" equals 50' horizontal and 1" equals 5 feet vertical. He stated that he used in his "exaggerated" diagram 1" equals 30 feet and 1" equals 5 feet to help to stretch it out so the Board members could see better what is happening horizontally. Vertically, it doesn't change much.

Mr. Bernard Greenfield, 6201 Waterway Drive, spoke in opposition to this application. He stated that whatever the explanation was about the type diagram Mr. Runyon used, it looked like Skyline Towers to him.

Mr. Greenfield stated that he wished to point out for the record that at the first hearing on April 19, the Board in granting the variance on Lot 11 noted the area of the lot as being 109,870 square feet which actually covered the entire five acres under consideration for this subdivision.

Mr. DiGiulian stated that at that time, the subdivision plan had not been recorded and the Board was considering this one house on this one parcel of ground.

Mr. Durrer stated that perhaps the square footage for the individual lot should have been noted rather than the total, and that that correction should be made in the minutes for that meeting.

Mr. Greenfield stated that he would like to incorporate into the record for this case what was said previously with respect to Lots 9 and 10, and also Lot 11 on April 19, 1977. He stated that the only thing remaining is that Mr. Stuart Terrett, Director of Design Review, pointed out that Lot 12, which would possibly encroach into the 100 year flood plain, would be restricted until such time as an updated flood plain is approved by the Board of Supervisors. To properly evaluated this proposal, he suggested that the Board of Zoning Appeals defer any decision until the Board of Supervisors have made a determination on this.

There was no one else to speak regarding this case.

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Mr. Swetnam made the following motion:

WHEREAS, Application No. V-88-77 by TED HEFLIN CONSTRUCTION, INC. under Section 30-6.6 of the Zoning Ordinance to permit construction of house 30' from property line (front), 6209 Waterway Drive, 61-1((11))B-2, Lot 12, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on May 24, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 21,236 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion.

The motion passed 4 to 0. Mr. Smith had left the meeting earlier.

1:45 P.M. - JOHN J. HIGGINS appl. under Sec. 30-6.6 of the Zoning Ord. to permit carport 8.9' from side, 17.4' total; (8' minimum and a total of 20' required), 91-4((4))667, 5813 Broadmoor Street, Hayfield Farms Subd., (8,431 sq.ft.), Lee District, R-12.5 Cluster, V-89-77.

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Mr. Higgins stated that his property is pie shaped. His neighbor across the street has a garage on his property because his property and setback give him the extra room that is needed. The neighbor on the left has also built a garage. These neighbors also do not have the topographical problems that he has on his property.

Mr. Swetnam stated that only a corner of the proposed carport is within the required setback.

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

May 24, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-89-77 by JOHN J. HIGGINS under Sec. 30-6.6 of the Zoning Ordinance to permit enclosure of carport 8.9' from side property line with a total of 17.4', 5813 Broadmoor Street, 91-4((4))667, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5 Cluster.
3. That the area of the lot is 8,431 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape and has topographic problems.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Swetnam seconded the motion.

The motion passed 4 to 0. Mr. Smith had left the meeting earlier.

AFTER AGENDA ITEMS - MAY 24, 1977

1. LINCOLNIA PARK RECREATION CLUB, INC. This case was scheduled for last week's hearing, but the applicant had not sent certified notices to property owners. The Board deferred the case until June 21. However, the applicant's agent has now written a letter to the Board expressing the hardship that the club will be under if their case cannot be heard on June 7.

The Board stated that this would certainly crowd the June 7 agenda, but that in consideration for the club, it would reset this case for June 7, provided the applicant could get the proper notices out to property owners giving the exact time, place and purpose of the hearing, such notices being sent by certified mail, return receipt requested.

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LINCOLNIA PARK (continued)

The Clerk advised the Board that the agent for the applicant had requested that notification of this scheduling be given to him in writing. However, if it has to be in writing, by the time the applicant receives it, it will be too late to send out notices for the 7th.

Mr. Covington volunteered to have an inspector hand deliver the notice to the agent for the applicant.

The Board stated that definitely the notice as contained in the letter to the Board was not sufficient.

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AFTER AGENDA ITEM - No. 2

JOHN G. FOX, EXECUTOR OF ESTATE OF JOHN W. FOX, V-78-77. Granted May 17, 1977. The Board was advised that the notices the applicant's agent sent to the contiguous property owners were not in order. Mr. Shumate, attorney for the applicant, in a letter to the Board requested the Board reschedule this case in order that he might comply with the notice requirements.

Mr. Barnes moved that this case be set for July 12, 1977.

Mr. Swetnam seconded the motion.

The motion passed 4 to 0. It was the Board's decision that the applicant would have to pay another fee in order that the case be readvertised.

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PUBLIC STORAGE SPACE, INC., S-84-76, Granted June 8, 1976, Request for Extension.

Mr. Barnes moved that this applicant be granted a 6 month extension from the date of expiration.

Mr. Swetnam seconded the motion.

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

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CONFIRMATION OF SEPTEMBER MEETING DATES:

It was the Board's decision that a hearing be scheduled for September 7 and continue to have four meetings each month until the backlog has been caught up.

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POLICY REGARDING NOTICES

Mr. Swetnam moved that the policy of the Board of Zoning Appeals regarding notice of hearings to property owners be that the Board would accept as an acceptable form of notice a letter signed by the property owner and certified to by the applicant that he personally did receive that signature.

Mr. DiGiulian seconded the motion.

Mr. Durrer asked Mr. Swetnam and Mr. DiGiulian if they would be agreeable to tabling that motion until there was a full Board present.

Messrs Swetnam and DiGiulian agreed to that.

// (SEE PAGE 242 FOR ANOTHER AFTER AGENDA ITEM I INADVERTENTLY LEFT OUT)

The meeting adjourned at 4:35 P.M.

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Jane C. Kelsey
By Jane C. Kelsey, Clerk

Daniel Smith
DANIEL SMITH, CHAIRMAN

Submitted to BZA June 21, 1977

APPROVED July 21, 1977
DATE

Submitted to other Depts., Bd. of Supervisors and Planning Commission on July, 1977.

AFTER AGENDA ITEM

Mr. Ralph Louk appeared before the Board around 10:30 a.m. to request the Board hear his request to be allowed to substitute plats for J. KOONS PONTIAC DEALERSHIP. After a brief discussion, it was the Board's decision to go ahead and hear Mr. Louk's request at that time, rather than waiting until the After Agenda Items come up in the afternoon.

Mr. Louk stated that when the Board approved this Special Use Permit, there was on the site plan a permanent used car building. The situation has changed and that building is to now be a trailer.

Mr. Swetnam moved that the substitute plats showing the trailer in lieu of the building be approved and that this temporary structure be allowed for a period of one year.

Mr. DiGiulian seconded the motion.

Mr. Swetnam stated that he would make the motion subject to the proper number being furnished. The site plan number is SP 1563-1B.

Mr. Covington confirmed that the area where the proposed trailer is to be is the same as where the original building was. The only difference is the substitution of a trailer for the permanent building. It is not larger than the original building.

Mr. Smith stated that he felt the Board should hold a hearing on this.

The motion passed 4 to 1. Mr. Smith voted No.

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The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, June 7, 1977. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam; John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.

The meeting began at 10:10 a.m. and took up the scheduled 10:00 a.m. case.

RE-EVALUATION HEARING, GREENBRIAR CIVIC ASSOC., INC., S-33-76, gr. in part April 20, 1976 for a change in hours and S-39-74 for construction of community house, Stringfellow Road, north of Melville Lane, 45-3((1))11. Board granted hours of 9 a.m. to 11 p.m. for one year from 4-20-76 with re-evaluation at the end of year. (Original request was to allow the community house to operate until 1 a.m. This is to be considered.)

Mr. Hal Strickland presented notices to the Board. The notices were in the form of a letter that had been hand carried to the contiguous and nearby property owners. The Board discussed the possibility of changing the by-laws to allow this form of notification since the present by-laws require the notice to property owners by certified mail, return receipt requested.

Mr. Swetnam moved that proper notice will consist of any letter circulated to the adjoining property owners notifying them of the proposed hearing and signed by that property owner and certified to by the applicant.

Mr. DiGiulian seconded the motion.

After considerable discussion, Mr. Durrer offered an amendment to that motion, that the Board obtain a ruling from the County Attorney before a vote is taken on Mr. Swetnam's motion.

Mr. Barnes seconded that motion.
The motion passed unanimously.
Mr. Mitchell and Mr. Covington from the Zoning staff told the Board that they knew of no requirement in the State Code or in the County Zoning Ordinance that requires written notification to property owners of pending cases before this Board. That is solely a part of the Board's own by-laws and procedures. There was, at one time, an opinion from the County Attorney that the State Code imposed a specific requirement for written notification to land owners, but subsequently the State Attorney General came out with an opinion that that section of the State Code does not apply to cases of Boards of Zoning Appeals. Mr. Mitchell requested the Board, if it was going to change the by-laws in this respect, to establish it at some particular point because the staff is now accepting applications for September's meetings and has informed the applicants that the notice procedures is that of certified mail, return receipt requested.

Mr. Swetnam stated that that would be his intent.

Mr. Covington reminded the Board that the Code does require that each application be advertised in a local newspaper and that posting of the property be done. That has been done for this particular case in question today.

Mr. Smith stated that he felt before the Board could hear this case today, an amendment to the by-laws would be required.

Mrs. Sara Blough, 13313 Melville Lane, contiguous property owner, stated that her husband is the representative to the civic association for the seven property owners on Melville Lane that are close to this community house and who objected to the change in hours of operation at the previous meeting. She stated that she had personally hand delivered the notices to the property owners.

Mr. Swetnam moved that the Board go ahead and hear this case since it is a re-evaluation hearing.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted no. He stated that he felt the Board's procedures should be followed.

Mr. Strickland requested that the Board modify their present hours of operation to allow them to close at 1:00 A.M. He stated that there have been no violations during the past year regarding either noise or parking. He assured the Board that the groups that use the community building are from the immediate community, Brookfield, Pender and that it is groups such as 4-H Club, Greenbriar Civic Association.

Mr. Durrer moved that the hours of operation be amended to permit the GREENBRIAR CIVIC ASSOCIATION, S-33-76, to remain open and operate until 1:00 a.m. for after hours' parties, permission for which can be obtained from the Zoning Administrator. The number of such parties should be limited to 12 per year, and the closing time for such parties shall be 1:00 a.m. After the Applicant has had 12 parties, it can request the Zoning Administrator to request the Board to allow it to have additional parties, if there have been no violations regarding noise, parking, or any other conditions set forth in the Special Use Permit. After hours parties may be held only on Friday evenings, Saturday evenings, and the evenings before holidays and holidays. The other hours of operation shall be from 8:00 a.m. to 11:00 p.m.

Mr. Barnes seconded the motion.

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

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Scheduled
10:20 a.m. appl. - FOX MILL CENTER ASSOCIATES appl. under Sec. 30-7.2.10.4.1 of the Zoning Ordinance to permit gasoline service station approximately 1200' west of intersection of Fox Mill Road and Lawyers Road, off Reston Avenue extended on relocated Lawyers Road, 25-4((1))2, (47,166 sq.ft.), Centreville Dist., C-D, S-90-77.

Mr. Hazel, attorney for the applicant, submitted the required proof of notice to property owners. The notices were in order.

Mr. Hazel stated that the subject site is part of the planned Fox Mill Center for which zoning was granted approximately a year ago. The service station was shown on the development plan at that time. The station will be buffered from the adjacent streets on the south and west and developed as an integral part of the center with unified architecture and design. The architectural design will be colonial,similar to the station at the Oakton Shopping Center which the Board granted several years ago.

Mrs. Joanne Brownsword, President of the Reston Community Association, Inc., submitted a statement to the Board recommending approval of this application with one suggested change. They felt that it would be desirable for landscaping to be added along the interior borders of the service station site to somewhat screen service station activities from immediately adjacent shopping center parking lot activities. She stated that she would suggest some low type of landscaping, not a forest, only something to soften the appearance.

Judy Eisenson, 1201 Berry Drive, Vice-President of the Fox Mill Homes Assoc. spoke in support of this application.

Mr. Hazel stated that he would agree to this additional landscaping.

Mr. Swetnam made the following motion:

June 7, 1977 R E S O L U T I O N Bd. of Zoning Appeals

WHEREAS, Application No. S-90-77 by FOX MILL CENTER ASSOCIATES under Section 30-7.2.10.4.1 of the Zoning Ordinance to permit gasoline service station, 1200' west of intersection of Fox Mill and Lawyers Road off Reston Avenue, 25-4((1))2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is C-D.
3. That the area of the lot is 47,166 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. There shall be no display, selling, storing, rental, or leasing of automobiles, trucks, trailers, recreational vehicles, lawn mowers, etc. from this property.
8. Additional landscaping* shall be required between the gas station and shopping center.

Mr. DiGiulian seconded the motion. He stated that he was doing it for the purpose of getting the motion on the floor for discussion. He stated that he questioned the need for additional screening between the service station and the shopping center.

Mr. Hazel stated that he thought what the citizens wish to have is landscaping such as small low shrubs. He stated that he would be agreeable to putting that in. *

Mrs. Brownsword agreed that that is what they were referring to.

In answer to Mr. DiGiulian's question, Mrs. Brownsword stated that they would like the landscaping to be within the 10 foot island.

The motion passed 5 to 0.

Page 245, June 7, 1977
Scheduled case for
10:40 a.m. - HOLMES RUN ACRES RECREATION ASSOC., INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit replacement of bath house for existing community swimming pool, 3451 and 3457 Gallows Road, Holmes Run Acres Subd., 59-2((9))(1)6 & 7, (3.8290 ac.), Providence Dist., R-12.5, S-91-77.

(The hearing began at 11:00 a.m.)

Mr. Oran Long, 3321 Hartwell Court, Falls Church, Vice-President and Chairman of the Planning Committee for Holmes Run Acres submitted the required proof of notice to property owners. He stated that they were simply replacing the existing bath house which was built in 1953 and has deteriorated. The membership of the club has increased and the present bath house is inadequate to service the membership of the club. The construction will be masonry compatible with the existing buildings and in keeping with the architecture of the surrounding community. He submitted a model showing how the building would look.

Mr. Fred Dunn, 7702 Poplar Tree Lane, Falls Church, member of the club for 23 years, spoke in support of the application.

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

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Mr. Durrer made the following motion:

WHEREAS, Application S-91-77 by HOLMES RUN ACRES RECREATION ASSOCIATION under Section 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit replacement of bath house for existing community swimming pool, 3451 and 3457 Gallows Road, 59-2((9))(1)6 & 7, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is HOLMES RUN ACRES RECREATION ASSOC., INC.
2. That the present zoning is R-12.5.
3. That the area of the lot is 3.8290 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 400.
8. The hours of operation shall be from 9:00 a.m. to 9:00 p.m.
9. The number of After Hours Parties shall be limited to SIX (6) per year with the prior written permission from the Zoning Administrator for each individual party.

Mr. Barnes seconded the motion.

The motion passed 5 to 0.

11:00 a.m. - TUCKAHOE RECREATION CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit replacement of large outdoor pool and filter house under existing Special Use Permit and construct storage space, 1814 Great Falls Street, 40-1((1))1 & 2, (7.19102 acres), Dranesville District, R-12.5, S-92-77.

Mr. Dimpfel, 6845 Blue Star Drive, member of the Board of Directors of the club, presented the application before the Board. He stated that Dr. Dick Knott, the general manager of the pool, was present to answer any questions the Board might have of him. Mr. Dimpfel submitted the required proof of notice to property owners. The notices were in order.

Mr. Dimpfel stated that this replacement of the large outdoor pool will in no way affect their parking lot. The parking lot has never been fully utilized. The large existing pool was built in 1955. The pump house will be 15' x 25'.
There was no one else to speak in favor and no one to speak in opposition to this application.

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-92-77 by TUCKAHOE RECREATION CLUB, INC. under Sec. 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit replacement of existing swimming pool and pump house, 1814 Great Falls Street, 40-1 ((1))1 & 2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 7.19102 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. All other requirements of Special Permit S-191-75 shall remain in effect.

Mr. Swetnam seconded the motion. The motion passed unanimously. For clarification Mr. Smith stated that the 12' x 12' concrete pad beyond the snack bar for summer storage would be permitted since it is shown on the plats.

11:20 a.m. - DENNIS S. CORCORAN AND J. TIMOTHY RICKER, SR. appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of garage 27.5' from front property line and 11.2' from side property line, (25,097 sq. ft.), Dranesville District, RE-1, V-93-77, 1100 Utterback Store Road.

Mr. David Humphries, North Randolph Street, Arlington, Virginia, submitted the required proof of notice to property owners to the Board. The notices were in order.

Mr. Humphries stated that the proposed location appears to be the only place on the property where a garage could be placed. There is a septic field in the front yard and there is no room on the other side of the house for a garage. The material to be used will be the same as is in the existing house. There is another vacant piece of property to the rear of this property, but the applicants have not yet been able to purchase it.

In answer to Mr. Smith's question, Mr. Corcoran stated that he could not cut the garage down at all because of a stoop that is jutting out from the house. Mr. Smith stated that the garage could still be cut down.

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Mr. Swetnam made the following motion:

WHEREAS, Application V-93-77 by J. TIMOTHY RICKER, SR. AND DENNIS S. CORCORAN under Section 30-6.6 of the Zoning Ordinance to permit the construction of a garage closer to the property lines than permitted by the Ordinance (27.5' from front property line and 11.2' from side property line requested) 1100 Utterback Store Road, County of Fairfax, Virginia, has been property filed in accordance with all applicable requirements; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 25,097 sq. ft.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing buildings on the subject property;

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED IN PART with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. The garage shall have outside dimensions of 23'x24'.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

11:30 a.m. - SLEEPY HOLLOW BATH & RACQUET CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit increase in membership from 425 to 475, 3516 Sleepy Hollow Road, 60-2((1))55, (7.7813 ac.), Mason Dist., RE-0.5, S-94-77.

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Mr. Joseph Cannata, member of the Board of Directors of the club and Past President of the club, submitted the required proof of notice to property owners. The notices were in order.

Mr. Cannata stated that no other changes are proposed other than the increase of 50 members. The request is due to a high waiting list which has been averaging 50 to 60 applications per year. The additional members will be time phased in groups of 10 each in order to assure that the facility will not be overcrowded. On the hottest days, there have never been over 110 cars in the parking lot. They have 140 spaces. The hours are from 8:00 a.m. to 9:00 p.m.

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

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Mr. Durrer made the following motion:

WHEREAS, Application S-94-77 by SLEEPY HOLLOW BATH & RACQUET CLUB, INC. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit increase in membership from 425 to 475, 3516 Sleepy Hollow Road, 60-2((1))55, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 7.7813 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 475.
8. The minimum number of parking spaces shall remain at 140.
9. The hours of operation shall remain the same.

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

11:50 a.m. - JACK & CHARLOTTE BROOKE appl. under Sec. 30-6.6 of the Zoning Ord. to permit subdivision with one lot having less than required area (12,545 sq.ft., 15,000 sq.ft. required), 6014 Claiborne Drive, 31-2((13))5, Reynolds 4th Addition to Potomac Hills Subd., Dranesville District, RE-0.5,Cluster, V-95-77.

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Mr. Bob Lawrence, attorney for the applicant, 4084 University Drive, Fairfax, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Smith questioned the need for a variance in this case since the reduction in lot size was because a portion of the lot was dedicated for street purposes

Mr. Lawrence stated that he too had questioned this, but it was the ruling of the Director of Environmental Management that a variance would be necessary

Mr. Covington explained that the Code only provides for a twenty percent reduction in setback. The Code doesn't speak to lot area.

Mr. Lawrence stated that all the residents on Claiborne Drive have joined in a deed of dedication to dedicate all their easement areas. They are all conveying their easements to the County so that they can get the State to accept the road into the state system. An escrow amount has been determined by the State to bring the road up to State standards.

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

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Mr. DiGiulian made the following motion:

WHEREAS, Application V-95-77 by JACK & CHARLOTTE BROOKS under Section 30-6.6 of the Zoning Ordinance to permit subdivision with one lot having less than required area (12,545 sq.ft., 15,000 sq.ft. required), 6014 Clairborne Drive, 31-2((13))5, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5 Cluster.
3. That the area of the lot is 17,754 sq. ft.
4. That the Board finds that the applicant's property has an unusual condition in that the dedication to public street purposes makes the lot smaller than required by the Ordinance; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land, or to other structures on the same land.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

The Board recessed for lunch at 1:00 p.m. and returned at 1:50 p.m. to take up the 1:00 scheduled case of

TED HEFLIN CONSTRUCTION COMPANY AND THOMAS LEE COLE appl. under Sec. 30-6.6 of the Ord. to permit construction of house 30' from front property line, Gray's Addition to Oakton Subd., 47-2((5))7, (10,941 sq.ft.), Providence Dist., RE-0.5, V-96-77. (2921 Chain Bridge Road)

Mr. Charles Runyon, representing the applicant, 152 Hillwood Avenue, Falls Church, presented proof of notice to property owners. The notices were in order.

Mr. Runyon stated that this property was before the Board previously for a variance to permit the construction of this house closer to the side property line than allowed by the Ordinance. The permit for building this house has been in the County offices for eight months. The Health Department turned the applicant down for the septic field in the front yard. That department had earlier indicated that the septic field in the front yard would be permitted. The Health Department now says that the only place the fields can go is to the rear. Therefore, they had to move the house forward. This request is within the bounds of the cluster zoning ordinance. Sewer is not available to this property as yet.

In answer to Mr. Smith's question, Mr. Runyon stated that some of the houses in this area meet the setback requirements and some do not. Mr. Cole has owned this property for some time, possibly twelve to fifteen years.

Mr. Swetnam stated that this is a substandard subdivision.

There was no one else to speak in favor and no one to speak in opposition.

Mr. Smith stated that Ted Heflin Construction Company should be deleted from the application since only the owner can have a hardship under the Ordinance that would entitle him to a variance.

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Mr. Swetnam made the following motion:

WHEREAS, Application V-96-77 by THOMAS LEE COLE under Sec. 30-6.6 of the Zoning Ordinance to permit the construction of a house 30' from the front property line, 2921 Chain Bridge Road, 47-2((5))7, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 10,941 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems and is on substandard lots.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

1:10 p.m. - TED HEFLIN CONSTRUCTION COMPANY, INC. & THOMAS LEE COLE appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of house 30' from front property line (50' required), 2923 Chain Bridge Road, Gray's Addition to Oakton Subd., 47-2((5))8, (11,356 sq.ft.), Providence District, RE-0.5, V-97-77.

Mr. Charles Runyon with the engineering firm of Runyon Associates, 152 Hillwood Avenue, Falls Church, Virginia, represented the applicant and submitted the required proof of notice to property owners. The notices were in order.

Mr. Runyon stated that just in the previous case, the Health Department had earlier indicated that they could put the septic field in the front yard. Subsequently, the department said that the septic field had to be in the rear of the house. Therefore, this necessitated moving the house forward.

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

Mr. Swetnam stated that just as in the previous case, this is a substandard subdivision.
Mr. Smith stated that Ted Heflin Const. Co., Inc. should be removed as applicant.

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Mr. DiGiulian made the following motion:

WHEREAS, Application V-97-77 by THOMAS LEE COLE under Section 30-6.6 of the Zoning Ordinance to permit construction of house 30' from front property line (50' required), 2923 Chain Bridge Road, 47-2 ((5))8, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 11,356 sq.ft.
4. That the Board finds that the applicant's property has exceptional topographic problems in the requirement for the location of the septic field in the rear of the lot.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

Scheduled
1:20 p.m. case of YUN S. LaLIMA appl. under Sec. 30-7.2.6.1.5 of the Zoning Ord. to permit renewal of Special Use Permit to operate beauty shop in home, 7300 Fairchild Drive, Hybla Valley Subd., 92-4((3))(1)1, (12,684 sq.ft.), Lee Dist., R-10, S-98-77.

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(The hearing began at 2:02 p.m.)

Mr. Jack Pickett, attorney for the applicant, submitted the required proof of notice to property owners. The notices were in order.

Mr. Pickett stated that this property is one block from Route 1 and one block from a commercial area. On the other side of the street from this property are the South Manor Apartments. There is another beauty shop within .4 of a mile from this property in the Hybla Valley Apartments which is on Fordson Road. Mrs. LaLima requests the Board to renew her Special Use Permit to continue to operate a beauty shop in the basement of her home. Mrs. LaLima's husband is a wounded veteran and Mrs. LaLima wants to stay home to take care of the household. She is the only operator of this beauty shop. She has one styling chair and two dryers. There is no sign.

There was no one else to speak in favor and no one to speak in opposition to this application.
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Mr. Durrer made the following motion:

WHEREAS, Application S-98-77 by YUN S. LaLIMA under Section 30-7.2.6.1.5 of the Zoning Ordinance to permit renewal of Special Use Permit to operate Beauty Shop in Home, 7300 Fairchild Drive, 92-4((3))(1)1, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is ANTHONY J. AND YUN S. LaLIMA.
2. That the present zoning is R-10.
3. That the area of the lot is 12,684 sq.ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is subject to all the limitations previously imposed under Special Use Permit S-127-71, which are the standard limitations and the condition that this permit is granted for a three year period with the Zoning Administrator being empowered to extend the permit for three one-year periods for a maximum of six years; that the hours of operation are Monday through Saturday, 9:00 A.M. to 7:00 P.M.; that this permit is for one operator with a maximum of two patrons on the premises at any one time.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present and voting.

Mr. Covington, Assistant Zoning Administrator, stated for the record that there had been no violations of this Special Use Permit and also that there had been no complaints to his knowledge.

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Scheduled
1:40 p.m. application of OAKTON LIMITED PARTNERSHIP & POTOMAC OIL, INC. & RICHARD L. HAYS, T/A OAKTON AUTO PARTS, INC. appl. under Sec. 30-7.2.10.4.1 of the Zoning Ord. to permit amendment to Special Use Permit for retail auto parts building in conjunction with existing gas station, 2961 Hunter Mill Road, 47-2((1))99, (36,435 sq.ft.), Centreville Dist., C-D, S-82-77.

(The hearing began at 2:10 p.m.)

Mr. John T. Hazel, attorney for the applicant, submitted the required proof of notice to property owners. The notices were in order.

Mr. Hazel stated that this property is owned by the Oakton Limited Partnership and leased by Potomac Oil. Mr. Hays is the dealer and manager of the station. He stated that he felt it appropriate to have his name on the Special Use Permit. Many citizens have indicated support for Mr. Hays operation there. The original decision to keep the station at this location created some concern among the citizens, but after the station has been in operation, it has become a very viable part of the community.

Mr. Hays wishes to add to the existing station for the purpose of having a building for automobile parts. This particular use is a use that is permitted by right in a C-D zone. However, since it is on the property under Special Use Permit, it became necessary to come back to this Board for approval.

The Preliminary Engineering department questioned the adequacy of the parking for this use in conjunction with the gasoline service station in light of the recent amendment to the Zoning Ordinance regarding parking. However, the engineer has now submitted to that department the additional detailed parking information and Mr. Hendrickson, the director of that department, has indicated his approval. A copy of that correspondence is in the file.

Mr. Hazel stated that he had a letter from the Oakton Manor Association and a similar letter from the Avon Park Association indicating approval of this application.

Mr. Hazel stated that the proposed addition would be constructed in a style and of the same materials as the Oakton Center. The proposed addition is 35' x 40'.

Mr. Barnes stated that he had talked with a number of people who had been in opposition to this gasoline station originally, but they now like it.

Mr. Verlin Smith expressed his support for this request. He stated that he lives nearby and he would confirm what Mr. Barnes said about the previous opposition and the present support. He stated that their community needs businessmen like Mr. Hays.

Mr. Hays in answer to Mr. Smith's question, stated that this is a retail auto parts store and he is not in the repair business. He doesn't propose to do motor overhauling.

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

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Mr. Swetnam made the following motion:

WHEREAS, Application S-82-77 by OAKTON LIMITED PARTNERSHIP AND POTOMAC OIL INC. AND RICHARD L. HAYS T/A OAKTON AUTO PARTS, INC. appl. under Section 30-7.2.10.4.1 of the Fairfax County Zoning Ordinance to permit an amendment to Special Use Permit to permit auto parts building in connection with a gasoline service station, 2961 Hunter Mill Road, 47-2((1))99, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the Oakton Limited Partnership.
2. That the present zoning is C-D.
3. That the area of the lot is 36,435 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED WITH the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. IT SHALL BE THE DUTY OF THE Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. There shall be no display, selling, storing, rental, or leasing of automobiles, trucks, trailers, recreational vehicles, lawn mowers, etc. from this property.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

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Scheduled
2:00 a.m. application of MANSION HOUSE YACHT CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit community marina (land boat storage service building 26' x 40' and boat slips), 9321 Old Mt. Vernon Road, 110-4((8))1, 2, and 3, (4.5 acres), Mt. Vernon District, RE-0.5, S-126-77, OTH.

Mr. Charles Shumate, 10523 Main Street, Fairfax, Virginia, attorney for the applicant, submitted the required proof of notice to property owners. The notices were in order.

Mr. Shumate stated that this matter has been before this Board previously, in 1971 and 1975, as well as in February of this year for a substitution of revised plats. There was no change in the basic concept. The use was originally established in 1971 when this Board found that the use would not be detrimental to the character of the surrounding neighborhood. That statement still holds true today. This property contains 4.5 acres of land. This is to be a marina which is to be strictly a marina. There will be no club house at this point. The people will come down and use their boats and use them freely, as they should, he stated. He stated that he felt the only thing the Board should do is set a limitation on the number of people who can have membership here.

Mr. Smith stated that he felt the Board should follow the recommendations of the staff. He stated that even though he felt the Planning Commission recommendations were unreasonable, the staff recommendations seemed to be well thought out and reasonable in their fundamental approach to this.

Mr. Knowlton reminded the Board that there is no requirement in the Ordinance for the applicant to provide parking and that it is something this Board must establish.

Mr. Shumate submitted a petition in support of this application bearing 120 names. He also submitted a map of the area on which the properties of the signators had been checked.

Mr. Shumate stated that he felt it unnecessary to address any of the items mentioned by the Planning Commission inasmuch as on three prior occasions this matter has been before this Board. The Planning Commission recommended that the hours of operation be reduced to daylight hours. The staff report refers to the fact that there is no known marina in Fairfax County that the Board has restricted in such a way. He stated that he feels this recommendation is unreasonable. There is a suggestion in the staff report that once the club house becomes operable, that it may be important and serve a useful purpose to address this issue of hours of operation.

Mr. Shumate stated that with regard to the recommendation that the parking lot not be lighted, that certainly would save the club some money, but he did not feel it would be safe.

Mr. Shumate stated that with regard to the recommendation that the piers be of ice strength, these piers will have to meet the Corps of Engineers specifications. That should be satisfactory.

Item No. 8 of the Planning Commission's recommendations will be covered under the Site Plan review.

The recommendation that this marina be limited to sail boats is unreasonable. He stated that he is advised that a power lawn mower is probably noisier than motor boats, and the noise continues for a longer duration.

Mr. Smith questioned Mr. Knowlton as to whether or not this application should have been filed under the specific "marina" group under "community use" section of the Zoning Ordinance, particularly since there is no club house.

Mr. Knowlton stated that it is his understanding that this is a membership organization and as such is a recreational use. A club doesn't necessarily refer to a building. There are swimming pools and tennis courts with no club house associated with them.

Mr. Mitchell stated that the staff report to the Planning Commission indicated that this is an application for a community club with marina for boating purposes which is recreational.

Mr. Shumate stated that the small service building will contain not only restroom facilities, but a small congregating room.

Mr. Niece, 8601 Cherry Tree Drive, possible member of this club, stated that he had been sailing sail boats for the last thirty years and that even sail boats use engines when the wind dies down. When going through shallow water, all power boats and sail boats will be at low speed. The noise level will be so low that one wouldn't even notice it.

Mr. William Taylor, 4001 Ballerina Drive, 600' downstream, spoke in support of this application.

Mr. Kenneth Kothe, 3803 Bellview Terrace, on the river next to Dr. Coker, spoke in support of the application.

Mr. Ronald Frank, 3805 Court, who stated that he was not a prospective member of the club, but a resident of Mount Vernon and he felt that this will be an asset to the Potomac River area and an asset to the residents of Fairfax County.

Mr. Allen Evans, attorney for the opposition, stated that this proposed use is commercial in nature which would not be permitted in this residential zone. He stated that the scope of the applicant's plans, the membership it plans to draw on and the operation proposed is well beyond the definition of a private non-commercial marina. He stated that if the Board would review the petition signed in support of this application, they would find that there are many names from beyond this neighborhood. He stated that he felt the Zoning Ordinance envisions a small facility serving the needs of the local neighborhood. This proposal is for a facility that extends more than a football field out in the Potomac, with 350 members coming from Rockville, Maryland; Springfield, McLean and other points in Fairfax County other than this area. The permit should be denied because of its detrimental effect on the nearby

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properties. If the permit is granted, it should have the stringent conditions as recommended by the Planning Commission, placed on it.

Dr. Thomas F. Cleary, 3903 Bellview Terrace, stated that his property is about one-half the distance between Dr. Coker's and Mr. Taylor's house. He spoke in opposition to the application because of the lack of need in the community for this large facility. He suggested that a full environmental impact study be made and a County siltation study. He submitted a petition in opposition to this application.

Dorothy Short, adjoining property owner, spoke in opposition to this application.

Bruce Bolstedt spoke in opposition to this application.

Mr. Shumate spoke in rebuttal to the opposition. He stated that he believed the Corp of Engineers is a qualified body to pass judgment as to whether or not this facility should extend into the Potomac River. The land development is under control of this Board. As to the statement that this club is not financially sound, they have spend over $350,000 in trying to get this far. Mrs. Short is concerned about the debris as a result of the breakwater. Mr. Shumate stated that he felt this will be a significant benefit to her. One of the members has taken the liberty of photographing Mrs. Short's boat storage garage which shows a good deal of debris. She couldn't have much worse situation than she has now.

In answer to Mr. Durrer's question, Mr. Shumate stated that the membership of this club is already established. It is substantially from the neighboring community. There is one member from Maryland. There are 100 members now and 80 of those live within one mile of the facility. There are going to be some boats that will be used for instruction purposes for the teenagers. These fleets of boats will be maintained by the club for that purpose. There is a class of membership called a fleet membership that will use these boats. There are 140 in that class.

There was no one else to speak regarding this application. The public hearing was closed.

June 7, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application S-126-77 by MANSION HOUSE YACHT CLUB, INC. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit community marina, 9321 Old Mt. Vernon Road, 110-4((8))1, 2, & 3, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Joseph Coker and Mansion House Yacht Club, Inc.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 4.3880
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind,

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changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.

7. The maximum number of memberships shall be 350.

8. The minimum number of parking spaces shall be 93.

Mr. Barnes seconded the motion.

Mr. Durrer stated that he agreed with some of the things that have been said by the opposition. He stated that he knew that the Planning Commission has had a full blown hearing. He stated that he knew Mr. Brinitzer and he had read the minutes of that meeting. Mr. Brinitzer said that he was in a bind and he was coming up with some limitations that he didn't particularly agree with. The Staff has made a report on this. He stated that he thought that this is a marina that is going to be strictly a marina, not a club house at this point. This will be for people to come and use their boats and use them freely as they should. He stated that he felt the only thing the Board should do is set limitations on the number of people that come and use this facility.

Mr. Smith disagreed and stated that even though he felt that some of the Planning Commission recommendations were unreasonable, the staff report is reasonable and is a good fundamental approach to this.

The motion passed 3 to 1. Mr. Smith voted No. Mr. Swetnam abstained from the case as he had earlier indicated that he would.

Scheduled deferred case for 2:20 p.m. of S-76-77
LINCOLNIA PARK RECREATION CLUB, INC. application under Sec. 30-7.2.6.1. of the Zoning Ordinance to permit an amendment to Special Use Permit to add additional shelter and storage, 6501 Monroe Street, 72-3((1)) 11, County of Fairfax.

Mr. Robert Leilich, 4913 Kingston Drive, Annandale, submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Leilich stated that they wish to provide a shelter area, non-enclosed, to the existing bath house facility for the purpose of providing shade and shelter to club members. The shelter will be compatible with, and a contiguous extension of, the roof line of the bath house (which is to be modernized and improved in appearance). The second addition is a 12'x15' storage facility to be added to the existing pump house for the purpose of storing club owned machinery and equipment. It will be compatible with the existing pump house. Most of the pool facilities are hidden from view by trees, and the west side of the property, closest to the proposed additions, is bounded by Holmes Junior High School. The shelter will be of wood construction, of modern design with a wood slake roof, and in conformance with all building codes. The storage building will be of cinderblock construction. There will be no changes in the membership.

The cinderblock will be painted, Mr. Leilich stated in answer to Mr. Smith's question. The existing pump house is cinderblock and is painted.

There was no one to speak in opposition and no one else to speak in favor of this application.

The public hearing was completed.

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R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-76-77 by LINCOLNIA PARK RECREATION CLUB, INC. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit an amendment to existing Special Use Permit to add additional shelter and storage building, 6501 Monroe Street, 72-3((1))11, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 17, 1977 and deferred until June 7, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 8.2 acres.
4. That compliance with the Site Plan Ordinance is required.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this SPECIAL PERMIT and the NON RESIDENTIAL USE PERMIT SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. All requirements of previous Special Use Permit shall remain in effect.
8. After hours parties shall be limited to Six (6) per season with the prior written approval from the Zoning Administrator for each individual party.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

AFTER AGENDA ITEMS:

LUCK QUARRIES - REQUEST FOR EXTENSION OF OPERATING HOURS FOR SMALL PORTION OF CRUSHING PLANT IN CENTREVILLE. (SEE LETTER DATED 6/1/77)

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Mr. Royce Spence, attorney for the applicant, with offices at 311 Park Avenue, Falls Church, Virginia, stated that due to several factors it now appears that the time of June 30th, which was the deadline for these extended hours, will not be sufficient to allow Luck Quarries to stock pile a sufficient amount of stone to supply the asphalt plant. He requested the extended hours to remain as previously requested and granted by the Board: 5:30 a.m. to 9:30 p.m., Monday through Friday and 2:00 a.m. to 12:00 Noon on Saturday. He stated that this portion of the plant has been in operation on the extended hour basis for approximately five weeks without complaint. The plant also operated during 1976 on these same hours without complaint.

Mr. Durrer moved that the Board allow Luck Quarries to continue their extended hour operations on a small portion of the crushing plant from 5:30 a.m. until 9:30 p.m., Monday through Friday and 7:00 a.m. until 12:00 Noon on Saturdays through September 30, 1977.

Mr. Barnes seconded the motion.

The motion passed.

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AFTER AGENDA ITEM - JUNE 7, 1977, Page 260.

KENA TEMPLE.

Mr. DiGiulian stated that the Board was in receipt of a letter from Mr. William Hansbarger, attorney for the applicant, dated May 11, which all the Board members have, which says that the part of the application seeking amendment with regard to the time of operation was withdrawn without objection. He stated that his motion on the 17th since it wasn't part of the application was to delete that from Mr. Swetnam's motion. If there were restrictions on the previous use permit, it does go back to that.

The Board discussed whether or not that portion of the application had actually been withdrawn and concluded that it had not formally been withdrawn.

Mr. Knowlton stated that it is not clear whether the motion of May 10 superceded the previous action or not. There were some general rules of operation of which this Board was cognizant. It was not put into the motion but the plan was approved. At the time of the most recent application, the hours were removed from the plan. The last action was on a plan which contained no hours of operation. However, the hours of operation were set at the May 10 hearing.

Mr. Barnes stated that Mr. Hansbarger wrote the letter and wanted the hours removed from the resolution.

Mr. Smith stated that he did not see anything wrong with the condition that existed, the condition of hours imposed at the May 10 hearing.

Mr. Smith asked if it was the feeling of the Board members who supported this removal of the condition relating to hours to let it stand as deleted.

Messrs. DiGiulian, Swetnam and Barnes indicated that that was their feeling.

Mr. Durrer had abstained since he was not present at the original hearing on May 10.

Mr. Smith disagreed with the action of the Board on May 17.

Mr. Knowlton stated that the previous granting for this building had indicated on the plats that the "general hours of operation: one night meeting per week, 7:30 until 10:00 p.m. and Saturday afternoon, rarely."

Mr. DiGiulian stated that the time to question those hours was at the time that particular permit was granted, not now. The fact that this is going to be a hard condition to enforce is not before this Board.

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Page 261, June 7, 1977, Item No. 3
AFTER AGENDA ITEM - SPRINGFIELD ACADEMY, S-70-73: Request for Extension

(This item was taken up by the Board between the 11:00 a.m. and 11:20 a.m. cases and can be found on Record Nos. 3 and 4.)

This Special Use Permit was granted on June 20, 1973 after much debate. It was granted for three years with the Board of Zoning Appeals being empowered to grant three one year extensions.

Mr. Covington reported that there have been no violation notices issued on this Special Use Permit property.

Mr. Durrer moved that the one year extension be granted from June 20, 1977.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Page 261, June 7, 1977, Item No. 4
AFTER AGENDA ITEM - FAIRFAX BAPTIST TEMPLE, S-230-76, Request for approval of amended plats.

The Board reviewed the amended plats showing increased screening between the proposed building and the property line and also an increase in setback at that location of a few feet.

Mr. DiGiulian moved that the Board accept the amended plats for the purpose stated in the request.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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Page 261, June 7, 1977, Item No. 5
AFTER AGENDA ITEM - PINECREST II GOLF CENTERS, INC. Request for preliminary review.

Mr. Covington explained that this is an application for three nine hole golf courses that will be built over a period of ten to twelve years.

Mr. Smith stated that the Board had agreed a few months ago and it was established as policy that the Board would not grant future development plans for Special Use Permits in excess of five years. POLICY MENTIONED

Mr. Knowlton called the Board's attention to some areas inside the boundaries of the golf course that are listed as "future residential uses". There is no specific boundary around the golf course. The residential development does not, of course, require action by this Board.

Mr. Swetnam stated that it looked like if they granted a plan such as this that the Board of Zoning Appeals would be going into the rezoning business and that is not within the purview of this Board.

The Board ruled that new plats would be necessary showing metes and bounds of the golf course.

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Page 261, June 7, 1977, Item No. 6, AFTER AGENDA ITEM,
6. TYSONS TRIANGLE LIMITED PARTNERSHIP, V-63-76, Request for Extension.

Mr. Smith read the letter from the attorney for the applicant, Mr. Hazel, requesting an extention to this variance.

Mr. Barnes moved that the request be granted for a six (6) month extension from the expiration date. This is the only extension the Board can grant.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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Page 262, June 7, 1977, AFTER AGENDA ITEM
OUT OF TURN HEARING REQUESTS:

1. MONTESSORI SCHOOL OF FRANCONIA, S-160-77

2. ACCOTINK ACADEMY, S-159-77

Both the above applications need to be heard in time for the schools to get ready to open the 1st of September.

3. ARTHUR MOSHOS, V-161-77, Request to permit garage to be constructed 9.20' from the side property line.

4. DONALD PAICE, INC. & GEORGETOWN UNIVERSITY, V-162-77 (Variance)

The Board set a Special Meeting Date of July 28, 1977 (Thursday) to hear these out of turn hearings. Mr. DiGiulian stated that he would not be able to stay after lunch.

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The meeting adjourned at 5:02 p.m.

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Jane Carolyn Kelsey
BY JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

Submitted to the Board of Zoning
Appeals on July 12, 1977

Submitted to the Bd. of Supervisors,
Planning Commission and other Depts.
on July, 1977.

Daniel Smith
DANIEL SMITH, CHAIRMAN

July 21, 1977
DATE

The Special Meeting of the Board of Zoning Appeals Was Held on Wednesday, June 1, 1977, in the Board Room of the Massey Building, for the purpose of departing for a field trip. Members Present: William Durrer, Vice-Chairman; George Barnes; and Tyler Swetnam. Daniel Smith and John DiGiulian were absent.

The Board members viewed the Mock Special Use Permit property at 5320 Pleasant Valley Road under request for a special use permit for a riding stable. This case was heard by the Board on May 24, 1977 and deferred for the purpose of allowing the Board members an opportunity to view the property.

The Board members were accompanied on this viewing session by Mr. Wallace S. Covington, Assistant Zoning Administrator. They were met near the property by one of the contiguous property owners, Mr. Stevens, who showed them certain faulty areas in the fencing and pointed out other unsatisfactory features of the operation.

The Board members and Mr. Covington met the applicants, Mrs. Mock and Mr. DeWitt at the south end of the farm and proceeded from there to the house and yard areas where the members discussed the operation and pointed out several features that should be corrected and that would have to be corrected if the use was to continue.

This case had been deferred until June when a decision would be made at the Board's public hearing.

WILLIAM DURRER, VICE CHAIRMAN

APPROVED August 30, 1977
DATE

Submitted to the BZA on July 18, 1977

Submitted to other Depts. on Aug, 1977.

A Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, June 14, 1977. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.

The meeting began at 10:20 a.m. when the Board took up the 10:00 a.m. case of ROBERT E. STAFFORD appl. under Sec. 30-6.6.5.4 of the Ord. to permit completion of construction of house 40' from center line of access road (65' required), 2414 Spring Street, Shadybrook Subd., 39-4((4)) (B)8, (14,180 sq.ft.), Providence Dist., R-12.5, V-99-77.

Mr. Charles Runyon, with the engineering firm of Runyon and Associates, 152 Hillwood Avenue, Falls Church, submitted the required proof of notice to property owners. The notices were in order.

Mr. Runyon stated that the applicant wishes to construct a house on his property, which is located on the west side of the Capital Beltway with access by an easement which is an extension of Spring Street approximately 600 feet from its junction with Idylwood Road in the Shadybrook Subdivision. This is the remainder of a lot that was cut off by the beltway acquisition. It has been sitting unused for some time. The owners were able to obtain a 12' easement parallel to the beltway which becomes principal access and requires a front setback. The land to the rear of the proposed house is in the 100 year flood plain limits as shown on the plats before the Board. The variance is requested to permit this house to be constructed 40' from the front center line of the access easement because of the topographic problems of the land and the condition of the flood plain easement in the rear of the lot. Because of the angle of the front property line, 40' is the closest point. The distance to the property line gets greater toward the north property line. He stated that the house can be constructed without any further variances.

There was no one else to speak in favor [illegible] opposition of this application.

Mr. Gaston Weakley, 7917 Idlywood Road, directly behind the property in question, spoke before the Board. He stated that he owned lots 16, 17, 18, 19, 20 and 21. His residence is on the corner of Morgan Lane and Idlywood Road. He inquired if there would be any filling in of the flood plain. He told the Board that the house is now under construction. He stated that he is primarily concerned about lot 9, next to this lot.

Mr. Runyon stated that he was not aware that this house was under construction and in the absence of the owner would request that the Board defer this case until later in the day when he could check on this matter. The filling of the flood plain will not be required under this application.

Mr. DiGiulian moved that this case be deferred until later in the day in order that the status of the construction of the proposed house could be verified.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

The Board then took up the 10:20 item of JJS Corp. Thereafter, the Board recessed for lunch and returned to again take up the Stafford case.

Mr. Smith stated that the Board has found that a building permit was issued in January of this year for the construction of this house. For that reason, the Board feels that the request for this variance should be under Section 30-6.6.5.4 of the Ordinance. The applicant agreed.

Mr. Knowlton stated that the building permit was approved as the house is located on the lot, 40' from the center line of the paved surface of the access easement. Technically, that paved surface is a street in that it is the only way to get to the lot to the south, and thereby does, under the definition of a street, provide principal access to abutting property. On the other hand, that abutting property is almost totally in flood plain and almost can be considered unbuildable. He stated that he could only assume that the error in issuing this building permit was done by someone in the Zoning Office who did not consider that paved surface access to be a street and therefore, did not require a front setback.

Page 265, June 14, 1977
STAFFORD (continued)

RESOLUTION

Mr. Swetnam made the following motion:

WHEREAS, Application V-99-77 by Robert E. Stafford under Sec. 30-6.6.5.4 of the Zoning Ordinance to permit the completion of construction of a house 40' from the center line of an access easement, 2414 Spring Street, 39-4 ((4))B-8, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 14, 1977; and

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

1. That the Board has found that non-compliance was no fault of the applicant.

2. That this error was the result of the issuance in error of the building permit.

AND, WHEREAS, the Board has reached the following conclusion of law:

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitation:

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

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

Page 265, June 14, 1977

10:20 item of JJS CORP. OF VIRGINIA T/A COMMONWEALTH CHRISTIAN SCHOOL appl. under Sec. 30-7.2.6.1.3.2 of the Zoning Ordinance to permit change in property lines and relocation of parking, tennis courts, 1 building to be constructed and one existing building in the plan approved by BZA 10/13/76 and (2) to permit use of three (3) portable classroom trailers on premises while construction takes place, 8822 Little River Turnpike, 58-4((1))65 and pt. 6, Providence District, (4.5044 ac.), RE-1, S-100-77.

(This hearing began at 10:40 a.m.)

Mrs. Shirley Fortune, owner of the subject property and president of the corporation, submitted the required notices to property owners. The notices were in order.

Mrs. Fortune stated that this school was the former site of the Benjamin Acres Day School. She stated that her school has been in operation for seven years. On October 15, 1976, this Board approved application S-178-76 for improvements to this school. After this granting, rezoning procedures began to take place by Woodburn Enterprises to rezone some of the contiguous property. Due to the opposition to the increased traffic this rezoning would cause on Pinewood Street through Leroy Place, they considered opening the road to the school property. There was not sufficient distance between the two roads. Therefore, there was a land swap between the school corporation and the builder, developer. One of the contingencies of this transfer agreement was the approval of this application before the Board today. The new school boundaries will be much more compact. The full access to the school will continue to be Route 236. This new school development plan was endorsed by the neighboring property owners at the time of the Planning Commission and Board of Supervisors meeting on the rezoning proposal. The development plan can only come into being if the school is permitted to continue its plans with the new construction. This new school plan centralizes the buildings. They have relocated one of the new buildings into the space where they had planned to place the tennis

courts. This will keep the children in a central area. The soccer field will remain where it is. The parking area will be placed where it is directly accessible to the entrance. The proposed tennis courts will be for school use only. They will not be lighted, nor will they be available to anyone other than school students. She stated that she feels that this will be the best use of the land and will cause the least inconvenience to the closest neighboring properties. The largest trees that are located to the rear of the property will remain mostly intact, she stated. The area where the proposed tennis courts will be located is now brush and small trees.

Mrs. Fortune stated that the portable classrooms will be used in order for the school to continue in operation during the construction period. These portable classrooms are in two sections, or two trailers that will be put together.

Mr. Durrer stated that he was not too concerned about where the temporary trailers will be, but that he was concerned about this land swap and how it will impact the neighboring properties. These tennis courts will impact lots 15A, 15B, and 14 in their proposed location.

Mrs. Fortune stated that she felt that the tennis courts would cause less impact to the neighboring properties than the playground would.

The Board discussed alternate locations for the tennis courts.

Mr. Lenn Busic, 3922 Pineland Street; Betty Shaw, lot 14, 3916 Pineland Street; Philip Roach, 3919 Pineland Street spoke in opposition to this application primarily based on the location of the proposed tennis courts.

The Board after considerable discussion with Mrs. Fortune and the opposition felt that the tennis courts could be relocated; however, there was a disagreement on where to relocate them.

Mr. Smith read Mr. and Mrs. Gentry's letter of opposition into the record. Mr. and Mrs. Gentry's property is directly behind the subject property. They objected to the tennis courts being located 25' from their property line.

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Mr. Swetnam made the following motion:

WHEREAS, Application S-100-77 by JJS CORP. OF VIRGINIA T/A COMMONWEALTH CHRISTIAN SCHOOL under Section 30-7.2.6.1.3.2 of the Zoning Ordinance to permit change in property line, relocation of parking, tennis courts, 1 building to be constructed, one existing building in the plan approved by BZA 10/13/76 and (2) to permit use of three (3) portable classroom trailers on premises located at 8822 Little River Turnpike, 58-4((1))65 and part of 6, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 14, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Shirley W. Fortune and William E. Lewis, Jr.
2. That the present zoning is RE-1.
3. That the area of the lot is 4.5044.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The hours of operation of the tennis courts shall be from 9:00 A.M. to 3:00 P.M.
8. Portable classrooms permitted for a maximum of fifteen months.
9. The tennis courts shall be located 80± from the property lines of the neighboring properties: 14, 15A and 15B.
10. That new plats be submitted showing the new tennis courts' location.

Mr. DiGiulian seconded the motion.

Mr. Durrer felt that this case should be continued to another date in order that the citizens and the applicant could meet and come to a compromise as to the location of the tennis courts. He made a substitute motion that this case be deferred to another date so that the applicant and the citizens could come back to the Board with a plan that all can approve.

The substitute motion was seconded by Mr. Barnes for the purpose of discussion.

Mr. Smith stated that he agreed with Mr. Durrer that the case should be deferred. He stated that the applicant had had an earlier hearing which granted the expansion of the school facilities. This application is for changes to that original plan granted last year and it is a further expansion toward the residential neighborhood and this factor should be given some consideration by the Board.

Mr. Swetnam called for the question.

The substitute motion was denied by a vote of 3 to 2. Messrs. Swetnam, Barnes and DiGiulian voted No.

The question was called on the main motion. That motion passed 3 to 2 with Messrs. Durrer and Smith voting No.

For clarification, Mr. Swetnam stated that the new location for the tennis courts should be as close to the parking lot as possible and that there should be approximately 80 feet between the property line and the tennis courts. When those plats are submitted to the Board, the Chairman will then sign them as approved.

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The Board recessed for lunch at 12:30 P.M. and returned at 1:30 P.M. to take up the 10:00 A.M. recessed item of Robert Stafford. (This portion of that case is on page 264 and 265.)

Inadvertently skipped this page
Jane C. Kelsey

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10:40 - ROBERT J. RINKER appl. under Sec. 30-7.2.8.1.2 of the Ord. to permit amendment to existing SUP for riding stable to allow change of Permittee, 16009 Lee Highway, 63-2((1))9 and 63-4((1))1, (91.5 ac.), Springfield Dist., RE-1, S-102-77.

10:45 - BULL RUN JOINT VENTURE & ROBERT J. RINKER appl. under Sec. 30-6.6 of the Ord. to permit waiver of requirement for dustless surface, 16009 Lee Highway, 63-2((1))9 and 63-4((1))1, (91.5 ac.), Springfield District, RE-1, V-103-77.

Mr. Allen Croft, attorney with the law firm of Hazel, Beckhorn and Hanes, 4084 University Drive, Fairfax, represented the applicant. He submitted the required notices to property owners. The notices were in order.

Mr. Croft stated that these applications are the same as the previous applications granted to Mr. Attig in 1976. Mr. Rinker is taking over the operation and will eventually purchase the property. This property is contiguous with the Manassas National Battlefield which consists of thousands of acres and hundreds of horse trails. This property in question is proposed to be used for a riding stable and boarding stable. The stable has been in operation for four years. The maximum number of horses for riding purposes will be 20 and 20 for boarding purposes. The hours of operation will be from 9:00 A.M. until 7:00 P.M., seven days a week. The hours will be reduced in the winter months.

In answer to Mr. Barnes' question, Mr. Croft stated that the road into the property is a private road. There has never been any agreement between the property owners serviced by that road for the maintenance of it.

Mr. Barnes stated that it certainly is in bad shape and should be repaired.

Mr. Croft in answer to Mr. Barnes question stated that Mr. Rinker is in the process of repairing the stable.

Mr. Rinker testified before the Board that he moved the feeding area for the horses over in a dry area and that they no longer have to stand in the mud. He stated that he allows any person to ride his horses if they know how to ride. Should a person get his horses too hot, it would be the last time that person or persons would ride his horses. He stated that this is the first riding stable that he has owned, but that he had worked in other riding stables and has worked with horses all his life.

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

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-102-77 by Robert J. Rinker under Section 30-7.2.8.1.2 of the Zoning Ordinance to permit amendment to existing Special Use Permit for riding stable to allow change of Permittee, 16009 Lee Highway, 63-2((1))9, 63-4((1))1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 14, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 91.5 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED WITH THE FOLLOWING LIMITATIONS:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Use Permit Is Not Valid Until A Non Residential Use Permit Is Obtained.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The maximum number of horses to be kept on the premises shall be 40.
8. The hours of operation shall be 9:00 A.M. to 7:00 P.M., 7 days per week.
9. This Special Use Permit is granted for three (3) years with the Zoning Administrator being empowered to grant three (3) one (1) year extensions.
10. All other requirements of Special Use Permit S-176-76 shall remain in effect. (There were no other special conditions other than those listed above.)

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-103-77 by BULL RUN JOINT VENTURE AND ROBERT RINKER under Section 30-6.6 of the Zoning Ordinance to permit waiver of dustless surface requirement for driveway and parking area, 16009 Lee Highway, 63-2 ((1))9 and 63-4((1))1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 14, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 91 acres.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED to run concurrent with the Special Use Permit, S-102-77.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

Page 271, June 14, 1977

11:00 A.M. - ARTHUR L. McCREA appl. under Sec. 30-6.6 of the Ord. to permit two-car carport 30' from Capstan Drive (40' required), 6704 Capstan Dr., Sleepy Hollow Woods Subd., 60-4((19))41, (16,790 sq.ft.), Mason Dist., R-12.5, V-104-77.

Mr. McCrea submitted the required proof of notice to property owners. The notices were in order.

Mr. McCrea's justification for the need for this variance was that he is on a corner lot and the lot line along Ivydale Drive angles from the point of the intersection to the side property line lessening the amount of space available for an extension to this house. Mr. McCrea stated that he and his family had lived in this house since last August, 1976. This is to be a 24 foot wide carport. In answer to Mr. Smith's question, he stated that he could not cut the carport down at all and still get two cars in it because of the protrusion of a chimney into that area. The roof line would come out from the existing house and continue over the proposed carport. He planned to use the same type material as is in the house and the architectural facade will be compatible with the existing house.

There was no one else to speak in favor and no one to speak in opposition.

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Mr. Durrer made the following motion:

WHEREAS, Application No. V-104-77 by ARTHUR L. McCREA under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit two car carport 30' from Capstan Drive (40' required), 6704 Capstan Drive, 60-4((19))41, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 14, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 16,790 sq.ft.
4. That the Board finds that the applicant's property has an exceptionally shape and is a corner lot.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present and voting.

POLICY

PLAT SUBMISSION REQUIREMENT

Mr. Swetnam called to the attention of the staff that it should always have the surveyor or engineer who prepares the plats for the applicants, sign those plats and put the date of recertification on them as well. The reason this should be done is that there could have been some other structure put on that house or building between the time the original plat was drawn and when the proposed addition comes before this Board. A recertification would show that everything on that plat is actually in place on the site.

POLICY

The other Board members agreed that this should be done. Mr. Durrer stated that this would not affect this application, however.

The Board members agreed also that any protrusion should also be shown particularly as in this case where it makes a difference in the amount of feet in the carport that can actually be used to park cars.

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11:20 - Scheduled application time, hearing began at 2:00 P.M.

HERITAGE UNITED PRESBYTERIAN CHURCH appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit addition to existing church 8503 Ft. Hunt Road, Waynewood Subd., 102-4((1))501 & 61, (7.9451 ac.), Mt. Vernon Dist., R-12.5, S-105-77.

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Rev. Joseph Viar, Sr., 8511 Hitching Post Lane, Alexandria, submitted the required proof of notice to property owners. The notices were in order.

Rev. Viars stated that the proposed addition will upgrade office, classroom and assembly spaces. The new building will substitute for present facilities since each function is currently accomplished in the existing structures. The applicant has been a church within the denomination of the United Presbyterian Church in the U.S.A. at the present location for approximately twelve years. The traffic impact from this new addition will be unchanged from the present pattern.

A more detailed statement is in the file.

Rev. Viars stated that the proposed addition would be brick, as in the original building.

There was no one else to speak in favor and no one to speak in opposition.

June 14, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application S-105-77 by HERITAGE UNITED PRESBYTERIAN CHURCH under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit addition to existing church, 8503 Ft. Hunt Road, 102-4((1))501 and 61, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 14, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Trustees of Presbytery of Washington City.
2. That the present zoning is R-12.5.
3. That the area of the lot is 7.9451 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constiute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be the hours of normal church services and church related activities.
8. The minimum number of parking spaces shall be 110.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

Page 273, June 14, 1977
Scheduled case for
11:30 a.m. - DALE L. THOMPSON appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition to be constructed 26.6' from front property line (40' required), 6422 Deepford Street, Monticello Woods Subd., 81-3((13))(D)232, (14,309 sq.ft.), Lee Dist., R-12.5, V-106-77.

(The hearing began at 2:15 p.m.)

Mr. Dale L. Thompson submitted the required proof of notice to property owners. The notices were in order. Mr. Thompson stated that he did mail a certified letter to Merle R. Perry, one of the contiguous property owners, but it was refused. He submitted the Post Office receipt.

Mr. Smith stated that there is a letter in the file from Merle R. Perry in opposition to this application. Mr. Smith suggested that this should be clarified prior to the public hearing.

Mr. DiGiulian stated that he felt the hearing should continue, but in view of the question, the Board could defer the case until it has the actual Post Office receipt stamped and signed by the Post Office official.

Mr. Thompson stated that he has a corner lot and the house is placed on th lot at an oblique angle, addressing the intersection of the abutting streets rather than either of the streets. He stated that if the house had been placed facing Deepford Street, the proposed addition could be built within the building restriction lines. The proposed addition cannot be built on the rear of the house within building restriction lines without obstructing the existing windows.

In answer to Mr. Smith's question, Mr. Thompson stated that he could not cut down his proposed addition and still get two cars in the garage.

Mr. Smith stated that he felt a 22' wide garage would be reasonable.

Mr. Smith stated that the letter from one of the contiguous property owners, Mrs. Perry, states that there will be a bedroom over the garage.

Mr. Thompson stated that there would be a bedroom and recreation room over the garage.

Mr. Swetnam stated that he felt the applicant should submit some plans of this proposed addition. He moved that the case be deferred to a time and date certain in order for Mr. Thompson to bring the Board new plans in order that the Board might see what he is planning to do. He asked Mr. Thompson to renotify property owners of this deferral and if he wished the petition in favor of the application entered into the record, that he would state in the petition the nature of the request indicating that it will have two floors.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Mr. Smith stated that all structures on the property should be shown on the plats

Scheduled case for AMENDED TO: CLYDE B AND MADELINE E. BLY and
11:50 - DAVID & THOMAS STAFFORD/appl. under Sec. 30-6.6 of the Zoning Ord.
a.m. to permit subdivision into four lots, two of which have less than minimum required lot width, 8812 Danewood Drive, Fort Hunt Estates, Section 4, 111-1((1))20 & B, 49,824 sq.ft., Mt. Vernon Dist., R-12.5, V-107-77.

Mr. Paciulli, engineer for this project, submitted the required proof of notice to property owners. The notices were in order.

Mr. Paciulli stated that there is a statement in the file whereby Mr. and Mrs. Bly, the owners of the property, authorize David and Thomas Stafford to act as their agent in this case.

Mr. Smith stated that the names of David and Thomas Stafford on the application would not be necessary. The variance runs with theland for a period of one year. If the applicant does not persue this and record the subdivision within the one year period, the variance would expire.

Mr. Paciulli stated that there is one mistake on the plats that he would be glad to correct. This mistake is in the lot area for one of the lots. It does not change the request at all. The variance to lot width for two of the lots is the only variance that will be necessary.

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

Mr. Harold Olson, 8825 Canfield Street, Alexandria, Virginia, spoke in opposition to this application. He stated that he was speaking at the request of the president of the Potomac Valley Citizens Association and also for the Chairman of the Planning and Zoning Committee. He stated that he also represents two of the owners of abutting properties, Sherwin at 8812 Vernon View and Withrow at 1803 Ingemar Court. His opposition related to the access for the subject property. He also read a letter from the Stratford on the Potomac Civic Association.

In answer to Mr. Swetnam's question, Mr. Olson stated that as far as he knew it was not necessary for any of the people in the Stratford on the Potomac subdivision to go by this subdivision, at the present time.

Mr. Olson stated further that Danewood Drive is now a single lane roadway.

Mr. Juan Lopez, 8800 Vernon View Drive, past president of the Potomac Valley Citizens Association, spoke in opposition to this application. He also spoke to the problem of access.

Mr. Paciulli in rebuttal stated that he did not feel that some of the problems mentioned by the opposition are pertinent to the question at hand. The access problem will be taken care of at the time a site plan is submitted and reviewed by the proper County agency. If proper site distance cannot be met at the present point of access, then the access will have to be moved. This is a state road.

Mr. Durrer questioned whether or not this is a problem the applicants have created themselves

Mr. Smith stated that the Board has to allow the applicant to get the reasonable use of the land, as long as the development plan is in harmony with and compatible with the adjoining properties. If this lot division is in harmony with the predominant subdivision around this area, then this is a good plan, unless it has some adverse effect to the contiguous property owners.

Mr. Swetnam stated that there are nine lots in Stratford on the Potomac that are pipestem lots.

There was no one else to speak regarding this case.

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Mr. Swetman made the following motion:

WHEREAS, Aplication No. V-107-77 by Mr. & Mrs. Bly under Sec. 30-6.6 of the Zoning Ordinance to permit Subdivision into four (4) lots, two of which have less than minimum frontage, on property located at 8812 Danewood Dr. , 111-1((1))20&13, County of Fairfax Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and public hearing by the Board of Zoning Appeals held on June 14, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.

2. That the present zoning is R-12.5

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3. The area of the lot is 49,824.
4. The Board finds that the applicant's property has unusual condition in the location of the existing buildings of the subject property;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

3. This variance is valid only upon the submission of new plats showing

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

June 14, 1977
1:00 P.M. - MT. VERNON CHURCH OF GOD appl. under Sec. 30-7.2.6.1.11 of the Ord. to permit construction of a church and related facilities, 6744 South Kings Highway, 92-2((1))2, (3.3 acres), Lee District, RE-1, S-108-77.

The Board was in receipt of a letter from Kenneth W. Smith, attorney for the applicant, requested the Board to defer this application until another application could be filed for a variance to be heard concurrent with the Special Use Permit application.

The Board deferred this case until August 30, 1977 if the applicant is able to file for the variance. Both cases could then be heard at the same time.

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June 14, 1977
1:15 P.M. - LENNART & BARBARA LEKSTROM appl. under Sec. 30-6.6 of the Ord. to permit enclosure of carport 8.2' from side property line (8' minimum total of 20' required), 9115 Cascus Drive, Canterbury Woods Subd., 69-4((8))577, (11,023 sq.ft.), Annandale Dist., R-12.5 Cluster, V-109-77.

(The hearing began at 3:10 p.m.)

Mr. Lekstrom submitted the required proof of notice to property owners. The notices were in order. He also submitted letter from adjacent property owners indicating their support for this request.

Mr. Lekstrom's justification was because of the shape of the lot and the topography of the rear yard. In answer to Mr. Durrer's question, he stated that there are houses in the neighborhood that do already have garages. He stated that he planned to use the same type materials for the new addition as is in the existing house.

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

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RESOLUTION

Mr. Durrer made the following motion:

WHEREAS, Application V-109-77 by LENNART & BARBARA LEKSTROM under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit enclosure of carport 8.2' from side property lines, 9115 Cascus Drive, 69-4((8))577, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 14, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,023 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape and has exceptional topographic problems;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed unanimously.

Page 276, June 14, 1977

DEFERRED CASE: JACQUELINE S. MOCK & RANDY FOSTER DeWITT, S-84-77, appl. under Sec. 30-7.2.8.1.2 of the Ordinance to permit riding stable, 5320 Pleasant Valley Road, 43-1 & 43-3((1))1, (160 acres), Springfield Dist., RE-1, S-84-77. (Deferred from May 24, 1977 for viewing -- decision only.)

Mrs. Mock appeared before the Board to answer some questions that Board members had. She stated that the property is owned by a group of investors who purchased the property around 1968 and had intended to build houses on it. The investors are still trying to sell the property, but the property will not perk and probably will not be sold until such time as the sewer line goes through the area. She stated that her agreement with the owners is that at such time as the property is sold, the owners will give her notice and she will make other arrangements with the new owners. She stated that she would like to buy the property, but the taxes would be twice as much as the amount of the lease.

Mr. Durrer stated that Mr. Barnes, Mr. Swetnam, Mr. Covington and he had visited the property and there were several conditions that would have to be met in order for this use to continue.

Mr. Barnes stated that the barn that Mrs. Mock proposes to build will have to be built by November and he stated that that meant completed. He stated that the shelter that Mrs. Mock now has is not adequate. The floor is concrete and the horse could go down and break a leg. In addition, it will be necessary to provide a proper fence up the side where people go in and out. so the people do not have to close the gate. The bushes also need to be cleared out to assure adequate site distance.

Mr. Swetnam stated that he would incorporate all the requirements Mr. Barnes had mentioned both now and at the time of the viewing into the motion.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-84-77 by JACQUELINE S. MOCK & RANDY FOSTER DeWITT under Sec. 30-7.2.8.1.2 of the Fairfax County Zoning Ordinance to permit riding stable, 5320 Pleasant Valley Road, 43-1 & 43-3((1))1, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 24 and deferred for decision only until June 14, 1977; and

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

1. That the owner of the property is Pleasant Valley Joint Venture. The applicants are the lessees.
2. That the present zoning is RE-1.
3. That the area of the lot is 160 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. That the applicant build a fence up the side where people go in and out so that they will not have to close the gate.
8. That the applicant clear out the bushes around the entrance to give adequate site distance.
9. That the applicant repair the existing fences, putting barbed wire along the top, two or three strands.
10. That the applicant clear up the trash and debris that exists on the property.
11. The permit is granted for three years with the Zoning Administrator being empower to grant two additional one year extensions.
12. This permit is granted for a maximum of 70 horses on the property.

Mr. DiGiulian seconded the motion.
(THIS CLARIFICATION ADDED JULY 12, 1977.)
The Board clarified the motion to add that the applicant could continue to operate for the next 30 days. If these items 7 through 10 are not completed within that period, she must cease operation. The barn must be completed by November 30, 1977, so the applicant will have to cease operation.

The motion passed unanimously.

Page 278, June 14, 1977

AFTER AGENDA ITEMS:

1. WILLIAM BASKIN, V-57-77, REQUEST FOR REHEARING.

The Board was in receipt of a letter from Judy and Stephen White, 2336 Highland Avenue, Falls Church and Henry and Dorothy Miller, 6907 Willow Street, Falls Church, Virginia, dated June 9, 1977 and received in the Zoning Office on June 9, 1977, requesting a rehearing on this case. Mr. Smith read a letter setting forth the reasons why it was felt that a rehearing was justified. The letter stated that all of the houses in the immediate area are each situated on two or more 40 foot lots. The letter also stated that the alleged irregular shape of the lot was caused by the fact that the west end of the property (approx. 40 feet) had been part of the yard of the house next door, which is now owned by Mr. Baskin, Jr.

The Board after a brief discussion denied the request for a rehearing. The motion was made by Mr. Durrer, seconded by Mr. Barnes and passed 4 to 1 with Mr. Smith voting No.

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Page 278, June 14, 1977
REQUEST FOR EXTENSION, V-96-76 and V-97-77, Arthur M. Knopp and L. Everett Roberts, Granted June 15, 1976.

Mr. Smith read a letter from Robert Lawrence, attorney for the applicant, requesting this extension.

Mr. Swetnam moved that the request be granted for a six month extension from June 15, 1977.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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REQUEST FOR OUT OF TURN HEARINGS

1. WHOLE WORLD FELLOWSHIP & CHURCH OF NORTHERN VIRGINIA, S-166-77
2. COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC., S-168-77
3. LYLA T. GURFINKEL & STEVEN SCHAEFFER
4. EDUCO, INC.

The Board granted out of turn hearings for all these cases for July 28, 1977, which the Board set up as a special meeting to take care of some of the emergency cases.

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The meeting adjourned at 4:00 P.M.

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

Submitted to the BZA July 28, 1977.

Submitted to other Depts. on Aug, 1977

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED Aug 30, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held In The Board Room of the Massey Building on Tuesday, June 21, 1977. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam; and John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.

The meeting began at 10:10 a.m. with the scheduled 10:00 a.m. application of

POOR SISTERS OF ST. JOSEPH, INC. appl. under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit increase in maximum number of children from 44 to 59, 4319 Sano Street, 72-2((1))20, (4.819330 ac.), Mason Dist., R-12.5, S-55-77.((Deferred from April 19 and June 21, 1977.)

Rev. Monsineour John Hannan submitted the required proof of notice to property owners. The notices were in order.

Rev. Hannan stated that they already have a permit for 44 children in their school. They would like to increase the number to 59. These are all pre-school children, age 3 through 5. The hours of operation is from dawn to dusk, or until 5:00 to 6:00 P.M. in the evenings.

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

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-55-77 by POOR SISTERS OF ST. JOSEPH, INC. under Section 30-7.2.6.1.3 of the Fairfax County Zoning Ordinance to permit an increase in the number of children from 44 to 59, 4319 Sano Street, 72-2((1))20, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is The Catholic Church.
2. That the present zoning is R-12.5.
3. That the area of the lot is 4.81 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of children shall be 59, ages 3 through 5.
8. The hours of operation shall be from dawn to dark, Monday through Saturday.

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

Page 280, June 21, 1977

10:10 A.M. - ROBERT & MARLENE BRAWAWD appl. under Sec. 30-6.6 of the Ord. to permit enclosure of existing carport 7' from side property line (10' required), 7107 Layton Drive, Loisdale Estates, Section 1, 90-2 ((7))86, (8,400 sq. ft.), Lee Dist., R-10, V-110-77.

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Mr. Brawawd submitted the required proof of notice to property owners to the Board. The notices were in order.

Mr. Brawawd stated that he could not build to the front or to the east because any addition there would also enfringe into the required setback area. There is a steep incline in the back yard that presents a problem with any addition. There is also a drainage easement across the back yard.

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

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Robert & Marlene Brawawd

Mr. Swetnam made the following motion:

WHEREAS, Application V-110-77 by ROBERT & MARLENE BRAWAWD under Section 30-6.6 of the Zoning Ordinance to permit enclosure of existing carport 7' from side property line, 7107 Layton Drive, 90-2((7))86, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 8,400 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems; and

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

Page 280, June 21, 1977

10:20 - JOHN & BETTY MICHAELS appl. under Sec. 30-6.6 of the Zoning Ord. to permit reduction of minimum lot area requirement as specified in Sec. 30-10.2.2 of the Ordinance and to permit less lot width at building setback line than required by the Zoning Ordinance (40,000 sq. ft. required, 21,800 requested; 100' lot width requested, 150' required), Little Vienna Estates, Sect. 3, 37-2((9))119, 21,800 sq. ft.), Centreville District, RE-1, V-111-77, 9951 Woodrow Street.

Mr. Barnes, president of the Dale Construction Company, submitted a letter from the owners of the property authorizing him to act as agent for them in this application.

Mr. Jack Rinker with the engineering firm of Long & Rinker stated that this is an RE-1 zone and is a non-conforming subdivision. The primary justification for the need for this variance is that there is an existing

flood plain easement that is located on lot 120 and the slopes that are adjacent to that flood plain. Mr. Michaels who lives on lot 120 also has done extensive landscaping on large portions of both lots. He would like to keep the portion of lot 119 that he has landscaped as part of his lot. The area being transferred from lot 119 to lot 120 is primarily flood plain and very steep slopes exist on that portion of the present lot 119.

Mr. Jack Rinker, engineer on the project, stated that there is a sanitary sewer line which is under construction today that will eliminate the need for the septic field. The septic fields in the subdivision of Little Vienna Estates are deteriorating and now that the developer has brought the sewer lines in, the other people can hook up to them.

In answer to Mr. Smith's question, Mr. Rinker stated that the present subdivision of these two lots was done in 1957.

Mr. Smith stated that he felt this request would be creating a substandard lot. He stated that he felt the applicant already has reasonable use of his land without this variance.

Mr. Swetnam stated that he disagreed that this variance would create a substandard lot because most of the lots in that subdivision are only 100' wide.

Mr. Rinker stated that he had reviewed the subdivision plats for Section 3 and has filed that plat for the record. The plat shows that 26 out of 49 lots in that subdivision are exactly 21,800 square feet and have 100 foot frontage. The proposed lot 119 will have 21,800 square feet. Lot 120 will have 48,916 square feet. Mr. Michaels has lived on lot 120 for the past 20 years. If one looked at the property in the field, it would look as though the lots were already divided as proposed. All of the 49 lots in Section 3 are not built on. The reason they are not is because some of the lots failed to perk and, therefore, the developer was unable to provide a septic field. Well over half of the lots have had houses constructed on them.

Mr. Smith stated that he felt this hardship is being created by the owner himself.

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

The Board was in receipt of a letter from Gail McKenny, dated June 13, 1977, in opposition to this request. Her opposition was primarily with regard to the drainage problem she felt this lot division might create.

Mr. Rinker in rebuttal stated that he failed to see how this variance would affect the drainage of the McKenny property since the subject property is lower and adjacent to the flood plain.

In answer to Mr. Swetnam's question, Mr. Rinker stated that it is true that the owner could build on lot 119 as it presently exists.

Mr. Durrer stated that he did not feel a hardship justification had been made in this case.

There was no one else to speak regarding this case.

Page 281 R E S O L U T I O N Bd. of Zoning Appeals
June 21, 1977

Mr. Swetnam made the following motion:

WHEREAS, Application V-111-77 by JOHN & BETTY MICHAELS under Sec. 30-6.6 of the Zoning Ordinance to permit the reduction of minimum lot area required as specified in Sec. 30-10.2.2 and to permit less lot width than required on property located at 9951 Woodrow Street, 37-2((9))119, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.

2. That the present zoning is RE-1.
3. That the area of the lot is 21,800 sq. ft.
4. That the Board finds that the applicant's property has no unusual conditions in the location of the existing buildings on the subject property; and

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

THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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Page 282, June 21, 1977

10:30 - ROLLING VALLEY SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit change in operating hours of swimming pool and tennis courts, 8:00 A.M. to 9:00 P.M., 7200 Hadlow Drive, 89-3((5))416A, (2.607 ac.), Springfield Dist., RE-1, S-112-77.

Mr. Ernest Dvorak, 8610 Harley Drive, submitted the required proof of notice to property owners. The notices were in order.

Mr. Dvorak stated that they wish to open one hour earlier in the morning. The club did a survey of the members regarding this request. There were no negative responses.

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

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June 21, 1977

Mr. DiGiulian made the following motion:

WHEREAS, Application S-112-77 by ROLLING VALLEY SWIM CLUB, INC. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit the change of hours for the pool and tennis courts to 8:00 A.M. to 9:00 P.M., 7200 Hadlow Street, 89-3 ((5))416A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.6 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject applicaton is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board.
2. All other requirements of S-105-75 shall remain in effect.
3. The hours of operation shall be from 8:00 A.M. to 9:00 P.M.

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

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10:40 A.M. - RICHARD & KAREN MAY appl. under Sec. 30-6.6 of the Ord. to permit enclosure and enlargement of existing carport 5.9' from side prop. line, 3902 Stone Mansion Court, 92-2((22))22, (13,304 sq. ft.), Lee District, R-12.5 Cluster, V-113-77.

(The hearing began at 11:05 a.m.)

Mr. May submitted the required proof of notice to property owners. The notices were in order.

The main justification for the need for this variance was because the lot is only 80' wide and the existing house and carport occupies 62.1 feet, leaving only 17.9'. Increasing the size of the carport area by 3 feet reduces the clearance on both sides to 14.9'. There are three steps leading from the house to the carport, further reducing the usable area.

Mr. Durrer stated that these steps should have been shown and the amount of space these steps take should have also been shown on the plats submitted to this Board. This is something that would affect the outcome of the hearing.

Mr. DiGiulian stated that he felt the applicant's statement and the photographs are sufficient evidence that there are steps there.

Mr. May in answer to Mr. Smith's question stated that he has owned the house since 1969. About twenty percent of the homes in the subdivision have garages and the balance have carports.

Mr. Smith stated that then better than fifty percent have the same problem as the applicant. He stated that he felt this is a general condition in that subdivision.

Mr. May stated that there are different models of homes in that subdivision. The homeowner down the street converted his carport into a garage and did not need a variance because his floor plan is reversed and he had enough room in the side yard without a variance. Their lot angled to give him additional room.

There was no one else to speak in favor and no one to speak in opposition.

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Mr. Swetnam made the following motion:

WHEREAS, Application V-113-77 by RICHARD & KAREN MAY under Sec. 30-6.6 of the Fairfax County Zoning Ordinance to permit the enlargement and enclosure of an existing carport 5.9' from side property line, 3902 Stone Mansion Court, 92-2((22))22, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,304 sq. ft.
4. That the Board finds that the applicant's property is exceptionally narrow in shape.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. DiGiulian seconded the motion. The motion passed 4 to 1. Mr. Smith voted No.

10:55 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION AND GENERAL ELECTRIC CREDIT CORPORATION appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front property line (50' required) 10509 Green Drive, Harbor View Subd., 113-4((6))16, (21,924 sq.ft.) Mt. Vernon Dist., RE-1, V-115-77.

Robert Lawrence, attorney for the applicant, presented the required proof of notice to property owners. The notices were in order.

Mr. Lawrence stated in answer to Mr. Smith's question that General Electric Credit Corporation was indicated as a co-applicant because at the time the application was made, the status of title to the property was in limbo. It was prior to foreclosure. Loyola is now the owner of record.

Mr. Smith stated that the Board would strike General Electric Credit Corporation as a co-applicant. Mr. Lawrence agreed to this.

Mr. Lawrence stated that to construct this house 50 feet from the property line would require fill to be added as shown on plans submitted and would extend into the flood plain. The fill would remove all the trees.

Mr. Hunsberger, engineer for the project with offices at 10410 Main Street, Fairfax, stated that by moving the houses up 20', it will save a considerable amount of fill and subbasement. By moving them forward, they will get the houses closer to the street grade. As the house now sits on the plans at 50' from the front setback, it puts the house 2 feet below the elevation of the street. This will make a more presentable house where the house is not lower than the street.

In answer to Mr. Swetnam's question as to what the height of the back wall will be from the footing to the first floor line, Mr. Hunsberger stated that the elevation of the existing grade is 32 feet, the basement floor is 45 feet and the first floor is 54.5 feet which would give 22 feet.

In answer to Mr. Durrer's question, Mr. Swetnam stated that he is satisfied after hearing Mr. Hunsberger's testimony that this house could be constructed on this lot 50 feet from the property line.

Mr. Gerald Fitzgerald with Pinewood Development Company spoke in support of the application. He stated that his company still owes Loyola some money on this particular property in the form of some trusts that they have.

There was no one else to speak in support of the application.

Mr. Gene Porter, 10729 GreenDrive, approximately 10 lots from the requested variance application property, spoke on behalf of the Harbor View Citizens Association consisting of approximately 150 families, in opposition to this application. He stated that this requested variance is not in compliance with the existing setbacks of the existing ordinance and will cause undue hardship to the neighborhood. There are several other houses that have been built in similar situations, including his. He stated that many of the present owners paid a considerable price in order to conform to the existing setbacks to protect the nature of the community.

He read excerpts from a letter signed by the president of the civic association in opposition to this application and submitted petitions signed by many families in the area in opposition also.

Mr. Jay Gibson, 10812 Anita Drive, Lorton, resident of the subdivision, spoke in opposition to the application. He stated lot 28 of the same subdivision has similar conditions. That building was built with added fill and extended footings. It has a 57' setback. He submitted photographs of several similar houses in the neighborhood.

Mr. Gordon Howes, 1824 Anita Drive, spoke in opposition to this application. He submitted three letters from other property owners in this subdivision in opposition. He stated that in 1973 he designed and built his home on a lot with similar conditions. He stated that it was expensive to do so and he had to bring in 250 loads of fill. He submitted a letter from Janice Gardner, 10830 Green Drive, in opposition to this application.

Mr. Lawrence in rebuttal stated that one of the main points of opposition seemed to be the fear that this variance would have a detrimental effect on property values in this subdivision. He stated that he did not think that that is something this Board can determine. He stated that the Code says that there can be a variance granted when there is unnecessary hardship and Section 30-6.6 specifically mentions an exceptionally steep lot, which this

lot is.

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

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Mr. Durrer made the following motion:

WHEREAS, Application V-114-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION under Sec. 30-6.6 of the Zoning Ordinance to permit a house to be constructed 40' from front property line (50' required), 10505 Green Drive, 113-4((6)) 15, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 30,000 sq. ft.
4. That the Board finds

AND, WHEREAS, the Board has reached the following conclusion of law:

THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Barnes seconded the motion.

The motion passed unanimously.

10:55 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front property line (50' required) 10509 Green Drive, 113-4((6))16, V-115-77.

The applicant, the Board, and the opposition agreed that their statements from the first application, V-114-77 could be placed in the record for this case, rather than having to repeat exactly the same statement for this case.

Notices to property owners were in order.

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Mr. Durrer made the following motion:

WHEREAS, Application V-115-77 by LOYOLA FEDERAL SAVINGS AND LOAN ASSOC. under Sec. 30-6.6 of the Zoning Ordinance to permit a house to be constructed 30' from front property line, 10509 Green Drive, 113-4((6))16, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 21,924 sq. ft.
4. That the Board finds that the applicant's property has [illegible] topographic problems.

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

THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is DENIED.

Mr. Barnes seconded the motion.

The motion passed unanimously.

11:00 - LOYOLA FEDERAL SAVINGS & LOAN ASSOC. appl. under Sec. 30-6.6 to permit house to be constructed 30' from front property line, 10513 Green Drive, 113-4((6))17, V-116-77.

Mr. Robert Lawrence, attorney for the applicant, represented the applicant. Mr. Lawrence stated that lot 15 is also contiguous to this lot and that owner has been notified,which is the applicant.

The same testimony was entered into the record for this lot as lot 15 in accordance with the agreement made by the Board, the applicant and the opposition.

In addition, Mr. Porter made several additional comments in opposition to this application. He stated that there are at least eight homes that are 10 to 15 feet below the street level and have attractive settings in this same subdivision.

Mr. Lawrence spoke in rebuttal reviewing the enabling legislation from the State Code regarding Board of Zoning Appeals actions on variance requests relating to topographic problems of the land.

Mr. Durrer made the following motion:

WHEREAS, Application V-116-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOC. under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit a house to be constructed 30' from front property line, 10513 Green Drive, 113-4((6))17, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 23,089 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

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

11:05 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front prop. line, (50' required), 10517 Greene Drive, 113-4((6))18, V-117-77.

(The hearing began at 2:00 P.M.)

Mr. Robert Lawrence represented the applicant. He stated that the same notices apply for this property.

Mr. Lawrence stated that the elevation difference between the front and the rear of the property is about 47 feet. The sub-basement required is 6 feet and without the existing setback requirement, there would be a cut of 4 feet.

Mr. Porter, representing the opposition, stated that there are alternate methods of construction which would allow the setback requirements to be met without encroachment into the flood plain. He stated that the encroachment into the flood plain is not a standard criteria for undue hardship. The requested variance is injurious to the community, he stated.

Mr. Smith stated that the previous statements of both sides would be entered into the record on this application.

Mr. Lawrence stated that he wished to remind the Board that the previous speakers are laymen testifying as expert witnesses in these cases.

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Mr. Durrer made the following motion:

WHEREAS, Application V-117-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION under Section 30-6.6 of the Zoning Ordinance to permit a house to be constructed 30' from the front property line, 10517 Greene Drive, 113-4((6))18, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 22,110 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems; i.e. filling of flood plain.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in theplats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Barnes seconded the motion.

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

(SEE TESTIMONY FROM V-114-77; V-115-77, V-116-77 FOR ADDITIONAL COMMENTS.)

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11:10 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front prop. line (50' required), 10521 Green Drive, 113-4((6))19, V-118-77.

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(The hearing began at 2:08 PM)

Mr. Robert Lawrence, representing the applicant, stated that the notices presented earlier for the previous applications apply on Lot 19 also. He stated that for this lot, the elevation is about 30' from the front line to the toe of the slope. The sub-basement is 11'.

Mr. Smith stated that the testimony of Mr. Lawrence and the opposition would be entered into the record for this case.

Page 288 R E S O L U T I O N Bd. of Zoning Appeals
June 21, 1977

Mr. Durrer made the following motion:

WHEREAS, Application V-118-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit a house to be constructed 30' from the front property line, 10521 Green Drive 113-4((6))19, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 22,140 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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11:15 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front property line (50' required), 10525 Greene Drive, 113-4((6))20, V-119-77

(The hearing began at 2:12 P.M.)
Mr. Lawrence, attorney for and representing the applicant, stated that the previous notices for the other cases apply for this case also.

Mr. Lawrence stated that for this lot, the elevation is about 36' from the front of the property line to the toe of the slope.

Mr. Porter pointed out that the subject lot 20 is important to observe because it is directly opposite an intersection. A house this close to this intersection is inappropriate.

Mr. Smith stated that the other statements previous entered into the record on the other lots would be entered into the record for this lot.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-119-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit a house to be constructed 30' from the front property line, 10525 Green Drive, 113-4((6))20, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 22,102 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems; i.e. filling of flood plain

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

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

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

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

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11:20 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front prop. line (50' required), 10529 Green Drive, 113-4((6))21, V=120-77.

Mr. Smith stated that the Board would recognize the previous notices as being in compliance with the procedures for lot 21 also.

(The hearing began at 2:15 p.m.)

Mr. Lawrence, representing the applicant, stated that there is a 32' elevation difference between the front line and the toe of the slope for this lot. The sub-basement under the existing setback would be 12', which would be reduced to 6' under the proposed setback.

Mr. Howes questioned the accuracy of the topographic map before the Board. He stated that that map before the Board and the map he had must be different. He stated that his map indicated that the slope should be getting less severe.

Mr. Smith stated that all statements made previously by the applicant's agent and the opposition would be entered into the record on this case.

R E S O L U T I O N

Mr. Durrer made the following motion:

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WHEREAS, Application V-120-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION under Sec. 30-6.6 of the Zoning Ordinance to permit a house to be constructed 30' from front property line, 10529 Green Drive, 113-4((6))21, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977.

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 24,947 sq. ft.
4. That the applicant's property has exceptional topographic problems: i.e filling of flood plain.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

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11:25 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOC. appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front prop. line (50' required), 10533 Greene Drive, 113-4((6))22, V-121-77.

(The hearing began at 2:21 p.m.)

The notices were recognized as being proper.

Mr. Lawrence, representing the applicant, stated that the elevation difference for this lot is 33' and the sub-basement would be 14' under the existing setback and would be 10' with the proposed setback.

The statements of the applicant's attorney and the opposition were entered into the record from the previous cases.

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Mr. Durrer made the following motion:

WHEREAS, Application V-121-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOC. under Sec. 30-6.6 of the Zoning Ordinance to permit a house to be constructed 30' from front property line, 10533 Greene Drive, 113-4((6))22, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; AND

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

1. That the owner of the property is the applicant.

Page 291, June 21, 1977
LOYOLA FEDERAL SAVINGS & LOAN ASSOC. (continued)

2. That the present zoning is RE-2.
3. That the area of the lot is 30,737 sq. ft.
4. That the applicant's property has exceptional topographic problems, i.e. filling of flood plain.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

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11:30 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOC. appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front prop. line (50' required), 10537 Greene Drive, 113-4((6))23, V-122-77.

(The hearing began at 2:25 p.m.)

The notices were recognized as being proper.

Mr. Lawrence, representing the applicant, stated that the elevation difference for this lot is 32'. The sub-basement would be 14' under the existing setback and 9' with the proposed setback. The plat shows the amount of fill that would be necessary within the flood plain as is shown for the other lots also.

Mr. Howse, opposition, stated that he had never claimed that he was anything other than a layman and that his thoughts represent the feelings of the community, that this builder could adhere to normal everyday techniques that other builders have used in this community and meet the required setbacks of the zone.

The testimony of the attorney for the applicant and other members of the opposition were entered into the record for this case as in the previous cases.

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R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-122-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOC. under Sec. 30-6.6 of the Zoning Ordinance to permit a house to be constructed 30' from front property line, 10537 Greene Drive, 113-4((6))23, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 25,200 sq. ft.
4. That the applicant's property has exceptional topographic problems: i.e. filling of flood plain.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

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11:35 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front property line (50' required), 10541 Greene Drive, 113-4((6))24, V-123-77

(The hearing began at 2:30 p.m.)

The notices were recognized as being proper.

Mr. Lawrence, representing the applicant, stated that the elevation difference for this lot was 34'. The subbasement under the existing setback requirements would be 10', with the proposed setback, 4'.

Mr. Howse apologized to the Board and the applicant. He stated that he had been referring to a topographic map which may be outdated. He stated that he certainly did not have the legal clout that they need to challenge this, nor were they prepared to challenge this.

All the previous statements of the applicant's representative and the opposition were entered into the record of this case.

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June 21, 1977 R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-123-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOC. under Section 30-6.6 of the Zoning Ordinance to permit a house to be constructed 30' from the front property line, 10541 Greene Drive, 113-4((6))24, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977.

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 22,247 sq. ft.
4. That the applicant's property has exceptional topographic problems: i.e. filling of flood plain.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

11:45 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOC. appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front property line (50' required), 10601 Greene Drive, 113-4((6))25, (22,471 sq.ft.), V-124-77.

(The hearing began at 2:35 p.m.)

The notices were recognized as being proper.

Mr. Lawrence, representing the applicant, stated that the elevation difference for this lot is 27'. The sub-basement under the existing setback would be 10', under the proposed setback, 4'.

All statements of the applicant's attorney and the opposition were entered into the record from the previous cases.

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June 21, 1977

Mr. Durrer made the following motion:

WHEREAS, Application V-124-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION under Sec. 30-6.6 of the Zoning Ordinance to permit a house to be constructed 30' from the front property line, 10601 Greene Drive, 113-4((6)) 25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 21,945 sq. ft.

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

THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Barnes seconded the motion.

The motion passed unanimously.

11:45 A.M. - LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 40' from front prop. line (50' required), 10605 Greene Drive, 113-4((6))26, V-125-77.

(The hearing began at 2:40 p.m.)

The notices were recognized as being proper.

Mr. Lawrence, representing the applicant, stated that the elevation difference for this lot was 28'. The sub-basement under the existing setback requirements would be 9' which would be reduced to 5' with the proposed setback.

All statements made by the applicant's attorney and by the opposition were entered into the record for this lot, as in the previous applications.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-125-77 by LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION under Section 30-6.6 of the Zoning Ordinance to permit a house to be constructed 40' from front property line (50' required), 10605 Greene Drive, 113-4((6))26, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 22,471 sq. ft.

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

THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Barnes seconded the motion.

The motion passed unanimously.

1:00 P.M. - WALT McARTOR, PATRICK W. ARNOLD, PAUL A. & FRANCES NUTTER appl. under Sec. 30-6.6 of the Ord. to permit subdivision of lots into 8 lots with less than average required lot area, (16,475 sq.ft. average, 17,000 sq. ft. required, 525 sq.ft. variance requested per lot), 4119 Bennett Drive, McArtor's Addition to Wynfield, 60-4((8))Lots 7, 8 & 9, (3.24 ac.), Mason Dist., R-17, V-72-77. (Deferred from 5/17/77 for amendment to application showing all owners of record.)

Mr. Putnam with the engineering firm of Patton, Harris & Rust, 10523 Main Street, represented the applicants before the Board.

The application had been amended reflecting the current owners of record.

Mr. Swetnam stated that the constructed of the proposed cul-de-sac for this subdivision causes the reduction of the lot for 560 sq. ft., which is about fifty percent of what is required. He stated that he felt the County is making the applicant contribute more than the applicant is asking for in variance.

Mr. Smith disagreed and stated that the County is not making the applicants do anything. The applicants are reducing the amount of land area in order to get more lots.

Mr. Swetnam stated that if the applicants are not able to divide this land into eight lots, they will be deprived of the rights, title and interest in their real estate, in his opinion.

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RESOLUTION

Mr. DiGiulian made the following motion:

WHEREAS, Application V-72-77 by WALT McARTOR, PATRICK W. ARNOLD, PAUL A. & FRANCES NUTTER appl. under Sec. 30-6.6 of the Zoning Ordinance to permit subdivision of lot into eight (8) lots with less than average required lot area, (16,475 sq.ft. average, 17,000 sq. ft. required, 525 sq.ft. variance requested per lot), 4119 Bennett Drive, 60-4((8))7, 8, & 9, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on May 17, 1977 and deferred until June 21, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 3.24 acres.
4. That the applicant's property has an unusual condition: i.e. the requirement for dedication of a cul-de-sac for the extension of Crossman Street leaving a minor deficiency in average lot areas.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County .

Mr. Swetnam seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

June 21, 1977, Page 295
1:40 P.M. - DEEPAK SINGH appl. under Sec. 30-6.6.5.4 of the Ord. to permit house to remain 28' from front property line (50' required), 960 Towlson Road, Daly Wright Farms Subd., 19-2((4))6, Dranesville Dist., (85,918 sq. ft.), V-140-77. OTH.

Mr. Singh appeared before the Board.

The Board waived the notice requirement on this case. The posting had been done and the advertising of this case had been made.

The staff report stated:
"Applicant constructed a house, on property located on the west side of Towlston Road approximately 600 feet west of its junction with Peacock Station Road in Daly Wright Farms Subdivision in Dranesville District, pursuant to an approved building permit #7703B1628. It was subsequently discovered that the building permit had been issued in error, since the house was located 28 feet from what was apparently thought to be a side lot line, but which is actually the centerline of an easement which affords principal access to abutting properties, such that it is a street by definition. Since the minimum required setback from the centerline of such street is 75 feet, a variance of 47 feet to the requirement is requested under the "mistake section" of the Ordinance, to allow the house to remain as located.

"The applicant has been very cooperative in filing this application, and it should be clearly understood that the mistake involved was made by the staff, and the resulting non-compliance was through no fault of the applicant."

Mr. Singh stated that this house is already under construction and is nearing completion by the end of this month. The buyer probably will take possession

within thirty days. Therefore, it is important that a decision be made on this, if possible, today.

Mr. Swetnam, after Mr. Covington recapped the staff report as to how this error occurred, stated that this parcel of land also has topographic problems.

There was no one else to speak in support of this application.

Mr. Gregory Cahill, contiguous property owner, spoke in opposition to this application. He stated that he lives on lot A and in order to get to this property, he has to have access on this current easement under the subject of discussion today. Lot B also uses this easement for access. He stated that he objects to this variance request for reasons of safety. If the applicant builds his driveway where it is proposed, it will be right on the road. The road and the driveway will be one and the same, he stated. This is a two acre lot. There is plenty of room on the lot to place the garage other than the proposed location.

Mr. Swetnam stated that he recognized the concern and can appreciate it and felt it is inexcusable that the applicant has to go through this procedure when it is no fault of his own. Under this section of the ordinance, all the applicant needs is proof that the error was no fault of his own and this certainly was not.

Mr. DiGiulian stated that the property line is the center line of the easement. The house is 28' from the property line, or 3' from the easement line, which would require a 47' variance.

Mr. Smith stated that other than grant this variance, the only thing the Board can do is have the County move the house for the applicant.

Mr. Durrer stated that he was familiar with the operation of the County and he did not think that would ever happen.

Mr. Carl Burke, 7505 Abergate Place, owner of Lot B, stated that he is familiar with this type easement and his feelings are that these easements have a tendency to create great difficulty for the people connected with them. He stated that he purchased Lot B knowing that this was not a pipestem lot, but an easement. He stated that he felt at the time that he was protected. He stated that he was assured by the County that the County would adhere to the regulations as was stated earlier about the front set-back being 75' from the center line, so he was very surprised when he saw this house being constructed so close to the easement. He stated that he recognized the reasons why this house was placed toward this easement since the septic field is very close and the builder was forced to put the house as close to the property line as possible. The covenants that go with the land say that no dwelling shall be built within 50' of the front line, which is the easement. The entrance to that garage faces right into the easement and there is no way this Board can give any assurances that there will not be great difficulty with the blocking of that easement.

Mr. Singh stated that he had already told the person interested in purchasing the house that he would add two additional parking spurs so that he would have additional parking space, other than the garage and driveway. This will keep the easement from being blocked. He stated that he would also provide a separate driveway so that the easement is not used constantly.

In answer to Mr. DiGiulian's question, Mr. Singh stated that he could not put the entrance to the garage in the rear at this stage of construction. He submitted a rendering of how the house would look and stated that it would spoil the architecture and the design of the house.

Page 297, June 21, 1977
SINGH

RESOLUTION

Mr. DiGiulian made the following motion:

WHEREAS, Application V-140-77 by DEEPAK SINGH under Section 30-6.6.5.4 of the Zoning Ordinance to permit house to remain 28' from front property line on property located at 960 Towlson Road, 19-2((4))6, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on June 21, 1977; and

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

1. That the Board has found that non-compliance was no fault of the applicant.

AND, WHEREAS, the Board had reached the following conclusions of law:

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
~~2. That the doors for the entrance to the garage be placed in the rear of the house.~~ (This item eliminated in substitute motion, see below.)

Mr. Swetnam seconded the motion.

In answer to Mr. Durrer's question, Mr. Singh stated that the garage is now completed. The doors have not been hung yet.

Mr. Durrer moved that as a substitute motion that this case be deferred until the Board has had an opportunity to confer with the County Attorney.

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Swetnam voted No.

The Board recalled this case later in the afternoon after conferring with the County Attorney in Executive Session on legal matters.
The above motion was made by Mr. DiGiulian with the elimination of item No. 2 in the limitations. Mr. Swetnam seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

Page 297
June 21, 1977

AFTER AGENDA ITEM:
JJS CORP. OF VA. T/A COMMONWEALTH CHRISTIAN SCHOOL, Granted last week, June 14, 1977, conditioned upon the submission of new plats showing the tennis courts being positioned end to end with a maximum of buffer area between the courts and the contiguous property owners.

Mr. Ghent, engineer, submitted the new plats. He was not able to get the courts end to end since there was not enough space to do so.

The Board reviewed the new plats. Mr. DiGiulian moved that the Board approve the new plats for the repositioning of the tennis courts.

Mr. Swetnam seconded the motion.

Mr. Durrer stated that he did not feel the land swap was in the best interest of everybody concerned. He stated that he wondered if this would put the Board in a difficult position if it accepted these plats without a public hearing so that the citizens could view and comment on them.

Mr. Smith stated that the Board could approve these plats without a public hearing because at the public hearing, the Board required that the new plats

Page 298, June 21, 1977
JJS CORP. OF VA. T/A COMMONWEALTH CHRISTIAN SCHOOL (continued)

be submitted placing the tennis courts end to end with a maximum buffer.

The motion passed 3 to 2. Mr. Smith and Mr. Durrer voted No.

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Page 298, June 21, 1977
AFTER AGENDA ITEM:

CLYDE BLY, V-107-77, Granted June 14, 1977 conditioned upon the submission of new plats showing the correct land area for each lot.

The plats had been submitted showing the correct land area. The Board reviewed the plats.

Mr. DiGiulian moved that the Board accept the amended plats.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

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Page 298, June 21, 1977
AFTER AGENDA ITEM:

REQUEST BY JOHN W. KINNALLY FOR VEGETABLE STAND ON PROPERTY OF SUN OIL CO., 39-1((6))15, 16 & 17, Special Use Permit Granted in 1969, S-902-68, 2071 Chain Bridge Road.

The Board allowed Mr. Kinnally to have this vegetable stand July 1, 1976 through September 31, 1976 on a trial basis. This is to be the same type stand, 8' x 10'. Mr. Kinnally leases the portion of the site from the Sun Oil Company. He submitted a copy of the lease agreement.

Mr. Swetnam moved that Mr. John W. Kinnally be permitted to have this vegetable stand from July 1, 1977 through September 31, 1977 and that the stand be 8' x 10' and shall comply with all other requirements.

Mr. DiGiulian seconded the motion.

Mr. Durrer objected until and unless the Board changed its policy to permit this type of thing for everyone. He stated that the Board just this morning required a school to come back in for an increase of about 10 in the number of children the school wished to have.

Mr. DiGiulian stated that the difference in that is that the school is a permanent type use, and this is temporary.

The motion passed 3 to 1. Mr. Durrer voted No.

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Page 298, June 21, 1977
REQUEST FOR OUT OF TURN HEARING. THE CENTREVILLE PRESCHOOL, INC., S-177-77. The applicant wishes to start the school in September and needs to have the out of turn hearing in order to do this.

The Board granted an out-of-turn hearing for July 28, 1977.

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The meeting adjourned at 4:37 P.M.

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Jane C. Kelsey
By Jane C. Kelsey, Clerk to
THE BOARD OF ZONING APPEALS

Daniel Smith
DANIEL SMITH, CHAIRMAN

August 30, 1977
APPROVED - Date

Submitted to the BZA on July 28, 1977
Submitted to the Bd. of Supervisors,
Planning Commission and other Depts.
on Aug. 1977.

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The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, July 12, 1977. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

The meeting began at 10:30 a.m. with a prayer by Mr. Barnes.

10:00 A.M. Scheduled Item - BOARD OF MISSIONS OF MT. VERNON BAPTIST CHURCH appl. under Sec. 30-7.2.6.1.11 of the Zoning Ord. to permit construction of church, 10000 Coffer Wood Road, Burke Centre, 78-3((1))40, (5.00162 ac.), Springfield Dist., RPC, S-133-77.

Mr. William J. Cumbie, 4326 Whisper Drive, member of the Board of Missions of Mt. Vernon Baptist Assoc., Ltc., represented the applicant before the Board. He submitted the required proof of notices to property owners. The notices were in order.

Mr. Cumbie stated that the proposed building is a relocatable building which will be placed on a basement. The building will be 72' x 32' and made of plywood. He stated that a photograph of the proposed building is in the file. The building is now on the site of the Parkwood Baptist Church in Kings Park. The capacity of the building is 158. They are providing 45 parking spaces. They will have Sunday morning and Sunday evening services and small group meetings throughout the week from time to time. There will be no activity in this building other than those that are usually associated with the church. They do not plan to have day care facilities.

In answer to Mr. Durrer's question, Mr. Cumbie stated that this is not actually a temporary building. It looks like a permanent building, but they have designed it so that it could be relocated with inexpensive outlay. How long this church will be in this building depends on the growth of the church, probably about five years. However, it could be longer. The Board of Missions help these young churches get started, but it is then up to the individual church and their capacity to grow.

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

Mr. Swetnam made the following motion:

WHEREAS, Application S-133-77 by THE BOARD OF MISSIONS OF MT. VERNON BAPTIST ASSOC., LTD. (KNOLLWOOD BAPTIST CHURCH) appl. under Sec. 30-7.2.6.1.11 of the Zoning Ord. to permit construction of church, 10000 Coffer Wood Road, Burke Centre, 78-3((1))40, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RPC.
3. That the area of the lot is 5.0 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by

this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

7. The seating capacity shall be 168.

8. The hours of operation shall be those of ordinary church functions.

9. The minimum number of parking spaces shall be 45.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Page 300, July 12, 1977

10:20 A.M. - ROBERT & MARY WAPLE appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition 10' from side property line (15' required), 9032 Dellwood Drive, Town & Country Estates, 48-2((10))20, (15,007 sq. ft.), Centreville District, R-17, V-134-77.

Mr. Robert Waple presented proper notices to the Board.

Mr. Waple stated that he was asking for a 5' variance in order to add a family room. There is no other place on the property on which to construct this addition, he stated.

Mr. Durrer stated that from the plats, it looks like this addition will be behind the carport.

Mr. Waple stated that the addition is to be 36' by 19' and will be compatible construction with the existing house. The material will be brick.

There was no one else to speak in favor and no one to speak in opposition.

Page 300 R E S O L U T I O N Bd. of Zoning Appeals
July 12, 1977

Mr. Durrer made the following motion:

WHEREAS, Application V-134-77 by ROBERT & MARY WAPLE under Sec. 30-6.6 of the Zoning Ord. to permit addition of a family room 10' from side property line (15' required), 9032 Dellwood Drive, 48-2((10))20, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 15,007 sq. ft.
4. That the applicant's property exceptionally narrow.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

Page 301, July 12, 1977
WAPLE (continued)

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

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

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

Page 301
July 12, 1977 - Scheduled case for
10:30 A.M. - STUART BRAUER appl. under Sec. 30-6.6 of the Ord. to permit construction of pool 4' from side property line (8' and total of 20' required), 2424 Nottingham Road, Shrevecrest Subd., 39-4((16))3, (8,891 sq.ft.), Providence District, R-12.5 Cluster, V-135-77.

(The hearing began at 10:45 a.m.)

Mr. Brauer presented proper notice of this hearing to property owners.

Mr. Brauer stated that the proposed location is the only place on his property where this pool can be placed. He stated that he has a corner lot without a real back yard. Mr. Counts, one of the contiguous property owners and the property owner most affected by this construction, has a pool in back yard also. Mr. Counts has no objection to this request.

Mr. Swetnam stated that if this lot was more than 95' deep, then this problem would not exist.

Mr. Counts stated that that was correct. This is a very small lot.

Mr. Smith stated that there are several thousands of houses in Fairfax County with the same problem. This is a general condition, he stated, in his opinion.

There was no one else to speak in favor and no one to speak in opposition.

Page 301
July 12, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-135-77 by STUART BRAUER under Sec. 30-6.6 of the Zoning Ordinance to permit construction of pool 4' from side property line, (8' and total of 20' required), 2424 Nottingham Road, 39-4((16))3, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5 Cluster.
3. That the area of the lot is 8,891 sq. ft.
4. That the applicant's property has an unusual condition in the location of the existing building on the subject property in conjunction with the fact that the lot is a corner lot with a 30' setback requirement on two sides of the property.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed 3 to 2. Mr. Smith and Mr. Durrer voted No.

Page 302
July 12, 1977 - Scheduled case for
10:45 A.M. - DAVID A. REED, O. D. appl. under Sec. 30-7.2.6.1.10 of the Ordinance to permit Optometric office in home, 7409 Old Dominion Drive, Elmwood Estates Subd., 30-1((2))53, (1.4270 ac.), Dranesville District, RE-1, S-127-77.

(The hearing began at 10:55 A.M.)

Dr. Reed submitted the required proof of notice to property owners of this hearing.

Dr. Reed stated that he would like to transfer his present office into his home. No changes need to be done to the building structure except for the walkway. His present office is at 6565 Elm Street, McLean in the Old Dominion Medical Center. He stated that he has just purchased the subject house and is in the process of moving in today.

In answer to Mr. Durrer's question, Dr. Reed stated that he purchased this house so that he could have his office in the house. He stated that he needs more space than he presently has or is available in that medical building. He stated that this subject property would also be more convenient for his patients, many of whom are elderly. The access into the present building is very hazardous, since they have to walk up a flight of brick stairs. He stated that he did not wish to make this an office building in a residential zone, but only to have his office there and live on the upper floor. The proposed hours of operation are from 8:45 A.M. until 5:30 A.M. However, these hours might be less because he is also in the process of trying to open an office in the District. He stated that he would have no associates in this house. He would have two full-time employees and himself. This would be the receptionist and a technician. There would be no more than three people in the waiting room at any one time. He stated that he schedules each patient for 45 minutes. He stated that he had been in practice for nine years and at the present location for six years.

In answer to Mr. Durrer's question Dr. Reed confirmed that he was doing this because it is cheaper, but also because it gives him more room.

There was no one else to speak in favor and no one to speak in opposition.

Mr. Durrer stated that this is not a transititonal area. It is in the middle of a residential neighborhood. He stated that he did not feel it should be allowed.

Mr. Swetnam stated that he always tries to find some way to help people get started, but he could not in this instance find a way. This applicant has been in business. This is not a matter of using space within a home to get his business started and to open this up in this residential area would not be proper.

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R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-127-77 by DAVID A. REED, O.D. under Sec. 30-7.2.6.1.10 of the Zoning Ordinance to permit an optometric office in a home, 7409 Old Dominion Drive, 30-1((2))53, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 1.4 acres.

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

THAT the applicant has not presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Durrer seconded the motion.

The motion passed unanimously.

Page 303
July 12, 1977 - Scheduled case for
11:00 A.M. - KING OF KINGS LUTHERAN CHURCH appl. under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit erection of church and related facilities, 12604 Lee Jackson Highway, 45-2((1))28, (2.49816 ac.), Centreville District, RE-1, S-128-77.

Mr. Putnam with the engineering firm of Patton, Harris and Rust, 10523 Main Street, Fairfax, submitted the required proof of notice to property owners. The notices were in order.

(The hearing began at 11:10 A.M.)

Mr. Smith read a letter to the Board from the Fairfax County Planning Commission requesting that the Board defer this case until that commission has had an opportunity to hear the case.

Mr. Smith stated that this application was filed on May 5, 1977 and the Board would not be able to get the case back on the Agenda until August 30 which would be more than the required 60 day limit set for the Board by the State Code. For that reason, he stated that he would have to deny the request by the Planning Commission.

Mr. Durrer inquired of the applicant his position on this matter. He asked the applicant if they were prepared to go forward with this hearing.

Mr. Putnam stated that they are prepared to go forward with the hearing and wish to do so.

In answer to Mr. Durrer's question, Mr. Smith stated that the Planning Commission has indicated no reason why it feels this additional hearing is necessary. He stated that it has also been more than 30 days since the Planning Commission was notified of this application.

Mr. DiGiulian stated that he felt the Board should go on with the hearing. The applicant and citizens are here and ready to go forward. The case has been properly advertised and the property has been posted properly. The citizens have been notified.

The Board members agreed to go forward with the hearing.

Bill Rydenour, representing the church, stated that this church will be a modular unit of wood construction which will meet the State Code requirements. They will provide the necessary 28 parking spaces. The church will have the regular Sunday services and other regular church related services.

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

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-128-77 by KING OF KINGS LUTHERAN CHURCH under Sec. 30-7.2.6.1.11 of the Fairfax County Zoning Ordinance to permit erection of a church and related facilities, 12604 Lee Jackson Highway, 45-2((1))28, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

WHREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 2.49816 acres.
4. That compliance with the Site Plan Ordinance is required.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction ofthe Director of Environmental Management.
7. The seating capacity shall be 100.
8. The minimum number of parking spaces shall be 20. They will have 28.
9. The hours of operation shall be the regular church hours for regular church activities.

Mr. Barnes seconded the motion.

The motion passed unanimously.

Scheduled case for
11:15
A.M. - PAUL J. BAMBERGER appl. under Sec. 30-7.2.8.1.6 of the Zoning Ord. to permit sawmilling of timber, 10948 Stuart Mill Road, Oakton, 37-1 ((1))25, (9.196 ac.), Centreville District, RE-2, S-129-77.

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Mr. Smith read a letter from the Planning Commission requesting that the Board defer this case until such time as they could hear this application.

Mr. Smith stated that this application was filed on May 5, 1977. The letter from the Planning Commission was dated July 8. He stated that he would rule on this that if the applicant is prepared and wishes to go forward with this hearing that this Board should hear it. He stated that the Board of Zoning Appeals endeavors to coorporate with the Planning Commission in every way it can for the protection of the County and its citizens, but after the thirty day Code requirement has expired, this Board has a duty to perform as far as the applicant is concerned. If the Planning Commission wishes to hear these cases, it should notify the Board in less than the 30 day period.

Mr. Brent Higginbotham, attorney practicing law in Fairfax City, represented Mr. Bamberger before the Board. He submitted the required proof of notice to property owners, which were in order. He stated he was prepared for the case and was ready to go forward.

Mr. Higginbotham stated that Mr. Bamberger is operating a saw mill at this location at the present time. This is also Mr. Bamberger's home. He has not had a Special Use Permit. It is something that began as a hobby. He was involved in sawmilling many years ago and is now retired. He found this sawmill down in the country, brought it back to his property and rebuilt it and started cutting some wood. Mr. Bamberger is 71 years old. He works this sawmill with the help of friends and people he knows.

Mr. Bamberger testified that he cuts about 25,000 feet in a year. He has a shop and a planer in it. Most of the wood is air dried, but he stated that he does have a room rigged up with a fan that will kiln dry the wood. He stated that he has no idea of how much drying he does. He just leaves it in the room until it appears to be dry. There is only a small amount, however. The rough wood is sawed for the neighbors who want to build horse barns, etc. There isn't much drying. In answer to Mr. Smith's question, Mr. Bamberger stated that he does no advertising and he has no contracts with anyone. It is a word of mouth operation. He gets the timber from people who are clearing land for subdivisions. This wood is usally hauled to the dump otherwise.

Mr. Bamberger stated that he has 9.35 acres of land. There is no neighbor on the side of the property closest to the mill. The Boy Scout Counsel owns the property to the rear. On the opposite side, there is The Church of Northern Virginia and the Hall's. He stated that he did not think they could hear the mill when it is in operation. He stated that there had never been a complaint made to him personally. The mill is run by an electric motor. A fork lift is used to move the logs around. The largest saw is a 48 inch circular saw. The logs are brought in by a 2 ton truck

Mr. Barnes stated that he went over and viewed the site and it is a nice operation. Everything was neat. There are woods all around the site.

Mr. Bamberger in answer to Mr. DiGiulian's question stated that he works the mill during the weekdays and sometimes on Saturday morning. He stated that he has a retired person helping him during the week if he is not fishing. The mill has been in operation for two years.

Mr. Smith asked if he has more than 100 unsawed logs on the site and Mr. Bamberger stated that he did, that he has approximately 100 there now.

Mr. Smith stated that if the permit is granted, those logs cannot exceed 100 on the site at any one time according to the section of the ordinance under which he applied.

Mr. Bamberger stated that some of his neighbors were in the audience to indicate their support of this application. There were eighteen people who rose to indicate their support.

Mr. Bill Sheads, State Forester, stated that he would remain neutral in most cases, but in this case, he would have to say that he was in favor of the granting of this application. He stated that he gets numerous requests from citizens wanting to know where they can pick up some rouf boards. There are only two other sawmills in Fairfax County. One of those is about to go out of business. The other mill is also very small. He stated that this property is wooded and the mill can't be seen from the roadway. This is a use that is needed in Fairfax County.

Mrs. Hall, 1093 Stuart Mill Road, spoke in support of the application. She stated that she lives immediately adjacent to Mr. Bamberger and has lived there for two years. She stated that the mill has never been a disturbance

Mr. Breen, 11021 Carter Cooper Way, across the street from Mr. Bamberger, spoke in support of the application.

Mr. Smith read a letter from Mr. Higgs, one of Mr. Bamberger's neighbors, in support of the application.

There was no opposition to this application.

Page 306 R E S O L U T I O N Bd. of Zoning Appeals
July 12, 1977

Mr. DiGiulian made the following motion:

WHEREAS, Application S-129-77 by PAUL J. BAMBERGER under Sec. 30-7.2.8.1.6 of the Zoning Ordinance to permit sawmilling of timber, 10948 Stuart Mill Road, 37-1((1))25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 9.1967 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be from 8:00 A.M. to 5:00 P.M., Monday thro Saturday.
8. There shall be a maximum of 2 employees.
9. This permit is granted for a period of 2 years with the Zoning Administrator being empowered to grant 4 one year extensions.

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

Mr. Smith stated that it is understood that all the provisions of the Ordinance under this Section will be met.

Page 307, July 12, 1977

11:30 A.M. - JOHN COMPARETTO appl. under Sec. 30-6.6 of the Ord. to permit 6' fence to remain in front setback, 3306 Glen Carlyn Road, 61-2((6))1, Pinehurst Subd., (12,603 sq. ft.), Mason Dist., R-12.5, V-130-77.

(The hearing began at 11:50 a.m.)

Mr. Comparetto submitted the required proof of notice to property owners.

Mr. Comparetto told the Board that he had lived in this house for two years. However, he just purchased it last December. He needed the fence because so many people cut through his yard for a shortcut. He had also had several instances of vandalism. He did not know he had to set the fence back 40' from what he thought was the side yard, because it was the side of his house. The Zoning Inspector came by because of a complaint and informed him that the fence was in violation after he had constructed the fence.

Mr. Durrer stated that as he recalled, there is a 7-11 store up the street. He stated that from looking at the plat, it appears that this would be a unique situation because this is a corner lot on two heavily traveled streets.

Mr. Swetnam stated that because of the way the house is sitting on the lot, it would cause people to be more prone to cut around the back of the house, rather than using the sidewalk.

Mr. Smith read a letter from a neighbor at 3302 Glen Carlyn Road in support of the application.

Mr. Hudson Nagle, 3304 Glen Carlyn Road, contiguous to Dr. Comparetto, spoke in support. He explained that there is a Mobil Oil station across the street and several of the houses along that street are rental houses which have not been well kept. He stated that he did not feel this fence would cause a detrimental affect on the surrounding properties.

Mr. Robert Osborn, 6056 Glen Carlyn Road, spoke in opposition to the fence. He stated that even though it is erected in what Mr. Comparetto considers to be his side yard, it is the front yard for people who live along Leesburg Pike. He stated that if this variance is granted other people along Leesburg Pike and Glen Carlyn Road will be able to erect 6' fences in their front yards.

Mr. Smith read a letter from Mrs. Stuart Dawson in opposition. The letter was also signed by Mrs. Faye Osborne, 6056 Leesburg Pike and Mrs. E. M. Rowe, 6062 Leesburg Pike.

In answer to Mr. Smith's question, Dr. Comparetto stated that he does have an office in his residence. He obtained permission to have this office a long time ago before the Ordinance was changed to require a Special Permit.

Mr. Donald Beaver, Zoning Inspector, confirmed this.

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

Page 307 R E S O L U T I O N Bd. of Zoning Appeals
July 12, 1977

Mr. Swetnam made the following motion:

WHEREAS, Application V-130-77 by JOHN COMPARETTO under Section 30-6.6 of the Zoning Ordinance to permit 6' fence to remain in front setback, 3306 Glen Carlyn Road, 61-2((6))1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 12,603 sq. ft.
4. That the Board finds that through no fault of the owner the fence was improperly located.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in

practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

Page 308, July 12, 1977, Scheduled case for

11:40 A.M. - HENRY & CLAIRE MEGILL appl. under Sec. 30-6.6 of the Ord. to permit second story addition to existing building 21.8' from front property line, 6712-14 Old Dominion Drive, 30-2((1))54, (3,893 sq. ft.), Dranesville District, C-G, V-131-77.

Ms. Minerva Andrews, attorney for the applicant, presented the required proof of notice to property owners. The notices were in order.

Ms. Andrews stated that this is a small one story building that is adjacent to commercial buildings on the east which are two stories in height. The parking lot for the Exon station is adjacent to the subject building on the west property line. Mr. Megill has conducted his insurance business from this subject building for the past four years. This is the only place Mr. Megill can place an addition to this building. It will enhance the property and the area and will not be detrimental to the surrounding properties. The construction will be brick. This 2 story building will be compatible with the surrounding neighborhood.

Mr. Richard Fisher, architect, came forward to show the Board the plans for the proposed structure.

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

Page 308, July 12, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application V-131-77 by HENRY & CLAIRE MEGILL under Section 30-6.6 of the Zoning Ordinance to permit second story addition to existing commercial building, 6712-14 Old Dominion Drive, 30-2((1))54, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements;and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is C-G.
3. That the area of the lot is 3,892 sq. ft.
4. That the Board finds thatthe applicant's property is exceptionally shallow.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Barnes seconded the motion.

Mr.Smith inquired if the Board was going to honor the request of the McLean Planning Committee dated May 23, 1977 requesting that the request for the variance be granted provided that at such time as the adjoining property owners improve their property for sidewalk, curb and gutter, that Mr. Megill agree to dedicate up to a maximum of ten feet along his property line on Old Dominion Drive.

Mr. Swetnam stated that he did not feel this is something this Board should be involved in.

Mr. Smith stated that he would support the application because this building with its second story would be compatible with the existing structures.

Mr. DiGiulian stated that if the applicant has to dedicate, it would wipe out some of the parking spaces. He stated that he felt this variance request was reasonable and he objected to any form of blackmail and felt that it would be out of order.

The motion passed 4 to 1. Mr. Smith voted No.

Page 309, July 12, 1977 Bd. of Zoning Appeals
Scheduled case for

11:50 A.M. - MRS. JOHN T. SCHNEIDER appl. under Sec. 30-7.2.6.1.5 of the Zoning Ordinance to permit beauty parlor in home as home occupation, 6432 Alhambra Court, 41-1((6))(A)27, Dranesville District, (11,761 sq. ft.), R-10, S-136-77.

Mrs. Schneider presented the required proof of notice to property owners. The notices were in order.

(The hearing began at 12:30 P.M.)

Mrs. Schneider stated that when she moved to Virginia, she called Fairfax County and was told what she had to do to open a beauty shop in the home. She stated that she has been operating this shop in her home now for twelve years and just two months ago when a member of the Zoning office came by, did she find out that she needed this Special Permit. She stated that she has about fifteen patrons per week. Her hours are from 9:00 A.M. to 4:00 P.M. Most of the patrons walk to and from the shop because they are neighbors. The days of operation are from Wednesday through Saturday. She has a separate entrance to the shop, which is in the basement. The building was inspected when she began the shop twelve years ago. She stated that she would not be operating the shop much longer since her husband plans to retire soon and when he does, she will also.

Mrs. Ann Cooke, 6435 Alhambra Court, across the street from the subject property, spoke in support of the application.

Mrs. Paul Heights, 1811 Maxine Court, contiguous to the Schneider's back property, spoke in support. She stated that she is one of Mrs. Schneider's customers and has been for five years. She stated that she has never seen more than two people in the shop at any one time and most of the people walk to the shop. They are friends of Mrs. Schneiders.

Carolyn Milligan, 6425 Nava Drive, spoke in support. She stated that her back yard and Mrs. Schneider's back entrance face each other. This use has caused no problems to her or to the neighborhood.

Mr. Smith read three letters in support of the application: Barbara and George Heflin, next door neighbors; Paul W. Bergman; and Catherine and Robert Steinkraus.

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

Mr. DiGiulian made the following motion:

WHEREAS, Application S-136-77 by MRS. JOHN T. SCHNEIDER under Sec. 30-7.2.6.1.5 of the Zoning Ordinance to permit beauty shop in home, 6432 Alhambra Court, 41-1((6))(A)27, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,761 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be from 9:00 A.M. to 4:00 P.M., Tuesday through Friday.
8. This permit is granted for a period of three years.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

The Board recessed for lunch at 12:40 P.M. and returned at 2:00 P.M. to take up the 1:00 P.M. application.

1:00 P.M. - EXECUTIVE OFFICE BUILDING PARTNERSHIP appl. under Sec. 30-6.6 of the Ord. to permit office building to be erected 20' from Carlyn Hill Drive, (50' required), 5622 Colubmia Pike, 62-1((1))2, (22,907 sq.ft.), Mason District, C-G, V-101-77.

Mr. Richard A. Waterval, attorney and managing partner of Executive Office Building Partnership, submitted the required proof of notice to property owners which were in order.

Mr. Waterval stated that this is an addition to an existing building. This is the same application as was granted in 1969 on the same property.

Mr. Waterval submitted renderings of the building. Only a corner of the building would need the 30' variance, he stated. The topography of the lot deprives the owner of having reasonable use of his land. The same amount of square footage of building could be put on the site without a variance, but that type development would not be practical. It would cause a problem with traffic circulation on the site and would denude the landscaping. The interior development would also be poor. He showed the Board a sketch of the proposed building if it was constructed without a variance.

Mr. Durrer stated that he would like to go along with the request, but if the building could be constructed without a variance, then that is what should be done, unless there is a better justification than the one just given.

Mr. Smith stated that he felt that it is encumbant on the Board to grant variances only in cases where it might be construed as condemnation of the property or lack of reasonable use of the property, if it were denied.

There was no one else to speak in favor and no one to speak in opposition.

July 12, 1977 R E S O L U T I O N Bd. of Zoning Appeals
Page 311

Mr. Durrer made the following motion:

WHEREAS, Application V-101-77 by EXECUTIVE OFFICE BUILDING PARTNERSHIP under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit construction of building 20' from front property line (50' required), 5622 Columbia Pike, 71-1((1))117A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is C-G.
3. That the area of the lot is 23,907 sq. ft.

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

THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Swetnam voted No.

Page 311
July 12, 1977, Scheduled case for
1:20 P.M. - JOHN G. FOX, EXECUTOR OF ESTATE OF JOHN W. FOX to permit subdivision of lot with one lot having less minimum lot area than required by the Zoning Ordinance (27,795 sq. ft., 40,000 sq. ft. required) and less lot width than required (85', 150' required), 7220 Auburn Street, Annandale Acres Subd., 71-1((1))117A, (1.93076 acres), Annandale District, RE-1, V-78-77. (Rehearing because of improper notices.)

(The hearing began at 2:20 P.M.)

Mr. Shumate, attorney for the applicant, submitted the required proof of notice to property owners. The notices were checked by the Clerk and the Chairman and were determined to be in order.

Mr. Shumate stated that inasmuch as this case was heard previously by the Board and this is a rehearing because of notices, he would try to be brief. He explained the history of the rezoning application to the Board.

Mr. Shumate stated that the applicant is seeking variances to the minimum required lot area and minimum required lot width. The parcel is presently zoned in the RE-1 category and contains approximately 1.93 acres. The property is bounded on the east, south and west by the Annandale Acres subdivision which was dedicated in 1939. This lot, however, is not part of that subdivision. Of 104 lots in the Annandale Acres Subdivision, 72 are non-conforming as to the RE-1 zoning requirements in area or frontage or both. To the north is the Fairdale Subdivision which is zoned in the R-10 category. In view of the history and trends in zoning in this area, as well as the area plan that concerns the subject parcel, the applicant about two years ago sought to rezone the subject property to the R-12.5 category. The staff at that time recommended in favor of the rezoning, but the Board of Supervisors denied the applicant's request. The applicant then filed suit and begin negotiations back and forth since that time. Finally, there was a resolution of this matter in that the County Attorney's Office and the Board of Supervisors would support a compromise of this to permit two lots out of the existing acreage. Somewhere along the line, there has been a failure to communicate exactly how this was going to be accomplished. This variance request will hopefully resolve a longstanding controversy which has existed in this area. He stated that he did not believe this variance would be detrimental to the surrounding neighborhood, if it is granted.

Mr. Durrer questioned Mr. Shumate regarding Preliminary Engineering comments that under Sect. 30-3.4.9 of the Zoning Ordinance, the applicant could subdivide the property with the need for only one variance.

Mr. Shumate stated that that is so. He stated that he had talked with Mr. Reynolds, the author of that statement, and he felt that Mr. Reynolds should be present to tell the Board what he meant by that statement in the context in which he was asked. He stated that it was his understanding that Mr. Reynolds was asked whether or not a lesser number of variances could be worked out on this property to permit a resubdivision of two lots and his answer was, in effect, "yes, because of the 180 percent rule". Mr. Shumate stated that his argument is the same as he used at the previous hearing, that you frustrate the purpose of sound zoning and land use planning if you create cockeyed lots. If, in this case, the Board adopts anything other than what the applicant is proposing, it would be creating an odd-shaped triangular lot, which would be very difficult for the applicant to live with and would not be in the best interest of good land use planning in this County.

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

Jack Herrity, Chairman of the Board of Supervisors, spoke before the Board of Zoning Appeals to say that he believed that the policy of the Board of Supervisors was being frustrated. The Board of Supervisors denied the rezoning, the applicant went to Court, and then there was an agreement worked out for the creation of the triangular lots which would have settled the suit. This compromise which Mr. Herrity stated he thought that everyone, the citizens, the attorneys and the Board of Supervisors by unanimous approval, had agreed to. This compromise which would allow an even division would not frustrate the policy of the Board for this particular area. He stated that he was not opposed to the division of Mr. Fox's land, but was in support of the resolution and the policy of the Board of Supervisors.

Mr. Durrer stated that at the last hearing there were two plats, one that is before the Board now with even lot lines and the other, which is not before the Board today, with the triangular lot lines. He stated that the reason he voted against the County's proposal the last time was because it wasn't an acceptable subdivision. He inquired if the Board was considering a substitute plat now, with triangular lots lines, or if the Board is only considering the one plat before it today with the even lot lines.

Mr. Herrity stated that the Staff will have another proposal to submit. The previous action on this case by this Board was not the solution or the compromise that had been agreed to by the Board of Supervisors.

Mr. Sid Steele, Office of Comprehensive Planning, spoke before the Board. In answer to Mr. Durrer's question if Mr. Shumate was aware of the proposal he was prepared to make, Mr. Steele stated that he was not aware of any compromise on this proposal and whether Mr. Shumate has seen this particular plat. He projected the staff proposal for the subdivision of the lot on the screen. He stated that there is no staff opposition to the division of

the parcel into two lots. The staff recommendation is that it be done in a different configuration. The suggestion is that there be created an "L" shape across the rear of the lot. This would permit the division of the parcel into two lots as the applicant requests and would imply the authority contained in the Zoning Ordinance, that is the 180 percent rule, to eliminate the requirement for a variance from the minimum lot area, thereby requiring only one variance, and that would be for one lot with less than required minimum lot width. Thus, the granting of this alternative would afford the relief by the applicant and at the same time would meet the standards prescribed in Section 30-6.6.5.3 of the Zoning Ordinance which states, "the Board shall determine what variance in its opinion is the minimum that will afford relief". Each of the two lots created under this alternative would be more nearly compatible with the lots in the remainder of the community. Such approval would not only give the applicant the relief he seeks, it would also relieve the anxiety, the concern and the preceived injury within the community. Therefore, on behalf of the Board of Supervisors, Mr. Steele requested the Board of Zoning Appeals grant relief through approval of the alternative plan which he had presented.

Mr. Durrer stated that the back portion of the property where the "L" is would be useless and inquired what could be done with the 40' in the back of somebody else's lot in Mr. Steele's opinion.

Mr. Steele stated that at the present time that land is in woods. If it were cleared, it might be appropriate for a garden, since it is 40' x 100'.

Mr. Smith felt this would be an acceptable solution.

Mr. Swetnam inquired why the applicant's proposal was not acceptable.

Mr. Steele stated that he felt that the applicant's proposal does not avail itself of the opportunity to use the authority within the Zoning Ordinance for dividing the lot into two lots with the minimum number of variances. That proposal is creating a great deal of anxiety within the community that once these two variances are granted, there could be an attempt to subdivide the remaining larger lot.

Mrs. Audrey Moore, Supervisor from the Annandale District, stated that Mr. Fox's proposal is a further effort toward changing the density of that area. The Board of Supervisors has considered this area in depth on three separate occasions, at least, at public meetings. She stated that she had thought that a compromise had been reached and that everyone, particularly the applicant, had agreed to the staff's proposal for the subdivision of this lot.

Mr. Jim Higgins, president of the Annandale Acres Civic Association, spoke in opposition to the application and stated that his association was not in favor of either the applicant's proposal or any other compromise. He submitted photographs of the existing house on the Fox property and stated that it was his understanding that Mr. Fox had stated that the house would be torn down as soon as this variance was granted.

Mr. Earl , 7233 Auburn Street, diagonally across from the subject property, stated that he was the witness who heard Mr. Fox say that he would tear down the old house when he got around to developing the whole property.

Mr. Shumate in rebuttal stated that the Board of Supervisors passed the resolution supporting the substitute plat as a compromise which was all unbeknown to him. He stated that when he came before the Board at the original hearing of this case, he not only submitted his plats, but the County's proposal as well, and explained why the Board should differentiate between the two. Today the Staff walks in with another layout. He stated that there is no way that Mr. Fox under the application of the 180 percent rule can further subdivide that lot. He wondered if any member of the staff, or the citizens, could come forward today and say that that is what they would like to have done to their land, if that land was theirs. It is not a question of what the applicant would like to have done with the land, he stated, but it is whatever the laws of the County and this State permit. He said that he had discussed this with Mr. Reynolds of the Office of Preliminary Engineering, the author of the statement in the Staff Report, and he knew that this was not Mr. Reynolds's recommendation. This was an observation that he makes to this Board.

Mr. Shumate stated that with regard to the 40 feet in the back that could be preserved as a wooded area, only about 10 feet of that remains wooded. He said

that he interprets the minimum variance language of the Ordinance a little different from that of the Board and he stated that he felt his interpretation is reasonable also. The Code says, "minimum variance necessary to afford relief". The Board is not affording relief if it follows the County's proposal.

Mr. Shumate presented a Petition in support of the rezoning application on the subject property that had gone to the Board of Supervisors.

Mr. Smith stated that that Petition was drawn up for a rezoning request and this is not a rezoning and the Board could not accept it since it was not related to this application.

Mr. Shumate said that he wished to proffer the Petition to the Board and asked for a vote on whether or not to accept it.

Mr. Durred stated that the Board has spent many hours on this case and if the attorney wants to submit this, then he would moved that the Petition be accepted and be placed in the file.

Mr.Barnes seconded the motion and the motion passed 4 to 1. Mr. Smith voted No.

Mr. John Fox, 7228 Auburn Street, stated that he had not talked with the gentleman for at least two years who had testified that he had made the statement that the existing house would be torn down. The house is being repaired now.

Mr. Durrer stated that he was inclined to go along with the applicant's proposal at the original hearing, for reasons already stated. There was a compromise and that compromise offered by the staff fell through. He stated that even though this new plan offered by the staff is not ideal, this Board has a duty to perform to keep the variances to a minimum. The Board this morning refused a variance request for an office building at Bailey's Crossroads because of that. The plat that the staff has presented is reasonable and it gives Mr. Fox the two lots which he wants.

Mr. DiGiulian stated that he understood the citizens concern that at some future date, there may be an application to redivide the remaining portion of this lot. He didn't feel that any further division of that remainder would be justified under the Ordinance because the Board would then be creating three lots, all less than one acre. If the Board grants the variance as requested today, any justification that the Board might find for that variance would not fit any future application for another variance. There is nothing reasonable about the Staff's proposed subdivision of this lot and there is no way he could support it, he stated.

Mr. Smith pointed out the section of the Ordinance in connection with variances, Section 30-6.6.5.3 which requires the Board give only the minimum variance to afford relief. In view of the fact that there is an existing house on the property, it makes it difficult to divide the property. Mr. Fox wants to maintain this house and keep it intact and the Staff's proposal is a reasonabel solution, he stated.

Mr. Swetnam stated that the Ordinance says as Mr. Smith says it does, but it also implies that it is going to be done on a good engineering basis and that it is not going to be an abortion.

There were no further questions and the public hearing was closed.

Page 314 R E S O L U T I O N Bd. of Zoning Appeal
July 12, 1977

Mr. Swetnam made the following motion:

WHEREAS, Application V-78-77 by JOHN G. FOX, EXECUTOR OF ESTATE OF JOHN W. FOX under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit subdivision of lot with one lot having less minimum lot area than required by Ordinance and less lot width than required, 7220 Auburn Street, 71-1((1))117A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the

Page 315, July 12, 1977
FOX (continued)

Board held on July 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 1.93076 acres.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing buildings on the subject property; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. DiGiulian seconded the motion.
*
The motion passed 3 to 2. Messrs. Durrer and Smith voted No.

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*Mr. Durrer made a substitute motion. He moved that the original request be denied and that the plat presented by the County be substituted for the applicant's plat and that the application be granted based on that plat.

There was no second, therefore, the motion died for lack of a second.

Mr. Swetnam called for the question on the original motion.

That motion passed 3 to 2 with Messrs. Durrer and Smith voting No.

// **See Page 316 for After Agenda Items.

The meeting adjourned at 4:00 P.M.

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

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: August 30, 1977
DATE

Submitted to the Board of
Zoning Appeals on 8/12/77.

Submitted to Bd. of Supervisors,
Planning Commission and other
Depts. on 8/12/77.

Continued from Page 315, After Agenda Items.

SPECIAL MEETING, BOARD OF ZONING APPEALS AND BOARD OF SUPERVISORS

Mr. Smith read a letter from the County Executive, Leonard Whorton, transmitting a request from the Board of Supervisors that there be a joint meeting between the two Boards regarding contracting for legal services. The Board of Supervisors requested this meeting for July 18, 1977, at 9:00 A.M.

After a brief discussion, Mr. Durrer moved that the Board of Zoning Appeals meet with the Board of Supervisors at the requested time and that this be considered a Special Meeting.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

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OUT OF TURN HEARING REQUESTS:

1. CHESTERFIELD MEWS COMMUNITY ASSOCIATION, S-183-77. (TENNIS COURTS AND TOT LOT)

It was the Board's decision that the out of turn hearing request be denied and that the case be scheduled for the next regular scheduling date, which was September 8, 1977.

2. JAMES W. ANDERSON, V-179-77. (FOR GREENHOUSE TO BE CONSTRUCTED CLOSER TO SIDE AND FRONT PROPERTY LINES).

It was the Board's decision that the out of turn hearing request be denied and that the case be scheduled for the next regular scheduling date, which was September 8, 1977.

3. GREAT FALLS MONTESSORI SCHOOL, S-191-77 (SCHOOL IN CHURCH)

This case would be regularly scheduled for September 13, 1977. It was the Board's decision to grant an out of turn hearing for this case to be heard on September 8, 1977, in order for the school to begin on time.

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AFTER AGENDA ITEM, Page 316, July 12, 1977

REQUEST FOR EXTENSION:

JAMES V. & EMMA N. HILTON, V-127-76, GRANTED July 16, 1976.

The Chairman read a letter from Mr. and Mrs. Hilton requesting this extension.

Mr. DiGiulian moved that the request be granted for an extension of 180 days from the date of expiration.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

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AFTER AGENDA ITEM, Page 316, July 12, 1977.

MERRIFIELD MONTESSORI PRESCHOOL, Request name change to MONTESSORI PRESCHOOL OF VIRGINIA, INC.

The Board considered the request and it was the Board's decision that more information was needed before a decision could be made. It has been the Board's policy that a simple name change would not necessitate a new hearing. However, if this is a new corporation with new directors and new stockholders, etc. a new hearing and a new application would be necessary.

The Board requested the Clerk obtain the additional information and bring it back before the Board, if necessary.

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Page 317, July 12, 1977
CONTINUED -- AFTER AGENDA ITEMS.

MRS. MOCK AND MR. DeWITT, SPECIAL USE PERMIT FOR RIDING STABLE, PLEASANT VALLEY ROAD.

The Zoning Administrator requested a clarification on the motion for this Special Use Permit that had been recently granted.

It was the Board's decision that:

The applicant has thirty (30) days from July 12, 1977 to comply with all conditions as set forth in the resolution granting her Special Use Permit for a Riding Stable. The barn must be completed by November 30, 1977.

Those special conditions are:

1. Build a fence up the side where people go in and out so they will not have to close the gate.

2. Clear out the bushes around the entrnace to give adequate site distance.

3. Repair the existing fences, putting barbed wire along the top, two or three strands.

4. Clean up the trash and debris that exists on the property.

This Special Use Permit was granted for three years with the Zoning Administrator being empowered to grant two additional one year extensions.

Mrs. Mock can have a maximum of 70 horses.

She can continue to operate for the next 30 days. If these items are not completed within that period, she must cease operation. The barn must be completed by November 30, 1977, or she will have to cease her operation.

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Mr. Harvey Mitchell then gave the Board a brief rundown on the recent amendments to the Zoning Ordinance relating to uses in the C-D, C-N, and C-G that require a Special Use Permit from the Board of Supervisors. Some of these uses, such as gasoline station, animal hospital and auto sales lots, previously required Special Use Permits from the Board of Zoning Appeals.

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A Special Meeting Was Held in the Conference Room of the Massey Building on Monday, July 18, 1977. Members Present: William Durrer, Acting and Vice-Chairman; Tyler Swetnam; George Barnes; and John DiGiulian. Mr. Daniel Smith, Chairman, was absent.

The meeting was called to order at 9:00 A.M. by Vice-Chairman, William Durrer.

The Board took up several After Agenda Items.

1. ANNANDALE MARINE AND SPORTS CENTER, S-140-70, Granted 1970.

The Permittee requested to be permitted to expand the existing building. The Board reviewed the letter of request and the new plats showing the addition. After a brief discussion, Mr. Swetnam moved that the Permittee be required to submit a new application.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Smith was absent.

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AFTER AGENDA ITEM, JULY 18, 1977.

2. PROCTOR T/A CENTURY MOTORS.

The Board was in receipt of a letter from Zoning Inspector, Don Beaver, stating the the Permittee is allowing display parking in the front setback for which he has been issued a violation notice. The violation has not been cleared.

Mr. Swetnam moved that the Board hold a Show-Cause Hearing at the earliest possible date to determine the extent of the violations of the Special Permit and the Zoning Ordinance and to determine whether or not it will be necessary to revoke the Special Permit.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Smith was absent.

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JOINT MEETING BOARD OF ZONING APPEALS AND BOARD OF SUPERVISORS.

Staff Members Present: Marty Jaron, Acting Executive Assistant to the County Executive; Ed Castillo, Director, Public Affairs; Leonard Whorton, County Executive; Harvey Mitchell, Associate Planner, Zoning Enforcement; Jane Kelsey, Clerk to the Board of Zoning Appeals.

Chairman Herrity stated for the record that there are several items the Board of Supervisors would like to take up with the Board of Zoning Appeals concerning the relationships of the two Boards. The meeting will be open to the public and press until such time as the two Boards discuss legal matters.

Mrs. Aubrey Moore, Supervisor, Annandale District; Mrs. Marie B. Travesky, Supervisor, Springfield District; Mr. John P. Shacochis, Supervisor, Dranesville District; were present at the beginning of the meeting. Mr. James Scott, Supervisor, Providence District; Mr. Alan Magazine, Supervisor, Mason District; Mr. Warren Cikins, Supervisor, Mount Vernon District, Mrs. Martha Pennino, Supervisor, Centreville District; and Mr. Joe Alexander, Supervisor, Lee District; arrived shortly thereafter.

Board of Zoning Appeals Members Present: William Durrer, Vice-Chairman; Tyler Swetnam; George Barnes; John DiGiulian. Mr. Daniel Smith, Chairman, was absent.

Chairman Herrity stated that basically the purpose of the meeting is to discuss the concern that the Board of Supervisors has and has had as the result of two or three cases before the Board of Zoning Appeals and the entangling of jurisdictions between the two Boards which has resulted in the Board of Zoning Appeals' nullifying certain actions of the Board of Supervisors. He gave as an example the Langley gasoline station on George Washington Parkway which is in litigation now. He stated that the purpose

of this meeting is to try to improve the line of communication between the two Boards.

Mrs. Audrey Moore stated that she felt that all of the Board of Supervisors members are concerned about how Board of Zoning Appeals actions affect the Area Plans as approved by the Board of Supervisors. As a full Board, they have supported the Plans to the extent that the Board has committed itself to take every action it can to see that the Plan is carried out. She stated that one would not find that the Board has acted contrary to the Plan. Once a year every land owner can apply to the Board to have his land reviewed and it will be reviewed. The Board has been supported in Court in this Plan. She stated that the recent variance request of Mr. Fox in Annandale Acres involved the Plan. It did not involve the division of the lot into two lots as much as it did the future division of the larger lot into two lots, making a total of three lots, which is against the Plan for that area. The Board made the determination that One Acre Zoning would be held in that area. If Mr. Fox ever gets three lots, this will set a precedent, and puts the Board in an awkward position.

Mr. Magazine stated that he felt his concern is broader than Mrs. Moore's, in that the Board of Zoning Appeals has discretionary authority when it comes to the requests that are before it and the BZA doesn't seem to be using that discretion in accord with what the Board of Supervisors considers to be valid land use planning. He stated that just recently the Board of Supervisors was discussing at Board level the proposed changes in the Highway Corridor Districts and under the recent amendment to the Ordinance, the Board of Supervisors now hears those applications for gasoline stations, car washes, fast food operations, etc. that once was heard by the Board of Zoning Appeals, at least in part. There are many more uses now that will be heard by the Board of Supervisors. The reaction of the Board of Supervisors was that it could not let the Board of Zoning Appeals hear these applications because the Board of Zoning Appeals has not been sufficiently sensitive to the needs of the citizens in the area of the requests. When it comes to fast food operations, gasoline stations, etc. the Board of Zoning Appeals has not been cognizant of the problems, or have not understood the problems the Board of Supervisors members have had to face and the phone calls that they have had to answer from their constituents. Perhaps what is needed is more in depth discussions about the problem of granting, for instance, a gasoline station at one location and the impact this will have one mile down the road.

Mr. Durrer stated for the Board of Zoning Appeals that perhaps communication is perhaps seventy-five percent of the trouble, plus the lack of information regarding what the Board of Supervisors is trying to do, in detail. He stated that the Board of Zoning Appeals gets a brief report from the staff, but not in great detail. He stated that there have been times that, after the case is heard, he finds out that this is something that has been kicked around by the Planning Commission and Board of Supervisors for months and months with realms of testimony on it and the Board of Zoning Appeals isn't aware of it.

Mr. Swetnam stated that many mornings just before the 10:00 A.M. meeting begins, the Board of Zoning Appeals members will get two or three pieces of correspondence from the Planning Commission and there just isn't enough time to read all that and continue with the scheduled cases. There are citizens sitting there waiting for their cases to be heard.

Mr. Durrer stated that there have also been times when at the last minute the Planning Commission will request deferral of the case just because they have not have time to hear it.

Mr. Herrity stated that perhaps it would be possible to have a briefing at 9:00 A.M. and have someone from the Planning Staff or someone from the County Executive's Office there to go over the background of the cases, where it is felt that it is necessary.

Mr. Swetnam stated that that is fine, if there is a legal way to back it up, but if there isn't, he wasn't going to do it.

Mr. Scott stated that it was his understanding that the Board of Zoning Appeals does not have a staff, as such, to put out the Board package. The Board of Supervisors get a rather thick package that takes all weekend to read. Perhaps, if the Staff would prepare something, Phil Yates and Jim Pammel's shop since they are very much aware of land use implications, and get that information to the Board before the weekend, so the Board of Zoning Appeals members would have the opportunity to read the background information prior to the meetings.

In answer to Mr. Magazine's question, Messrs. Barnes, DiGiulian, Swetnam and Durrer stated that the type of staff report that comes to the BZA is about one paragraph concerning the type of case that will be before it. It is not a staff recommendation, as such.

Mr. Magazine stated that he felt the BZA should get a staff recommendation that is based on some very specific criteria, such as the relationship to the land use plan and the relationship to future zonings, etc. to help the BZA make a decision.

Mr. Whorton stated that he was not aware that the BZA was getting such limited data and he felt confident that there is a way to set it up so that such data could be provided that Board.

Mr. Durrer stated that the Wagner case for example came in cold to the BZA. There was absolutely no opposition to that request.

The Board then discussed the notice to property owner provision of the Ordinance and whether or not it is adequate. Mr. Herrity told the BZA that there is a pending amendment to the Zoning Ordinance that will require greater notice to property owners of the cases.

Mr. Magazine asked the BZA to consider having at least one of its meetings in the evenings, so the staff could perhaps schedule the most controversal of the cases for the evening meetings, in order to give the citizens ample opportunity to be present and state their feelings on the cases and how the particular use in question will affect them and their area.

The BZA agreed to consider this.

The BZA then brought up to the Board of Supervisors various problems that it is having, such as the inability to get the Board of Supervisors to act on the reclassification for the Clerk, the lack of personnel to handle the BZA workload, and the Board of Zoning Appeals members payment for the attendance to BZA meetings which has not increased in the past fifteen years. Mr.Swetnam stated that the BZA had been working at the reclassification for two years. Mr. Herrity assured the BZA that the Board members were not aware of all of these problems prior to today's meetings. He stated that the BZA would get additional staff help, not necessarily assigned to the BZA, but with relation to the Staff reports and how the Staff reports are related to the Comprehensive Plan. He stated that the Board of Supervisors was not aware of the personnel action request for the Clerk. The matter of BZA member's payment should be brought to the Board's attention at the time of the annual budget request.

Mr. Herrity stated that in summary, that he thought that there have been three specific recommendations,two of which must be addressed by the Board of Supervisors; staff input to the BZA and the notice requirement of the Code. There has been a recommendation by the Board of Supervisors that the Board of Zoning Appeals hold one evening meeting, which the BZA has agreed to consider. The Board of Supervisors is looking for uniformity in the Plan process and its relationship with the BZA cases.

Mr. Swetnam stated that he wished to point out that the BZA by its structure is a quasi-judicial body and the Board of Supervisors is a body political. There is a void between the two. The Board of Supervisors properly want to take care of your constituency and the BZA cannot look at all the political facets, but has to consider each case as a quasi-judicial body.

The Board of Supervisors disagreed with Mr. Swetnam's statement and asked Mr. Lee Ruck, County Attorney, to advise the Board on this.

Mr. Ruck stated that the Board of Supervisors acts as an executive body when it approves contracts or sets a pay scale, it acts as a legislature when it passes ordinances or grants or denies zoning requests. It also has certain quasi-judicial functions when it reserves to itself appeals powers. The BZA is quasi-legislative in some issues and quasi-judicial in others. For example, variances are quasi-judicial functions and has particular criteria for a yes or no answer with very little flexibility. It is pretty much a fact finding operation. Up until 1975 the Supreme Court had held that Special Use Permits were quasi-judicial. In 1975, the Supreme Court of Virginia did make the determination that for Special Permits and Special Exceptions were quasi-legislative and could be related to either a series of standards as this County has set up, or relatively no standards and the decision making body was making legislative decisions.

Mr. Ruck stated that there is a substantial amount of discretion insofar as standards are placed in the Ordinance by the Board of Supervisors on the BZA and the BZA has an obligation to follow those standards.

Mr. Swetnam stated that he felt this whole area is very muddy.

Mr. Ruck agreed.

This portion of the meeting ended. The Board of Zoning Appeals and the Board of Supervisors then went into Executive Session to discuss legal matters concerning legal counsel for the Board of Zoning Appeals.

Thereafter, the Board of Zoning Appeals adjourned their meeting at approximately 10:15 A.M.

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Jane C. Kelsey
BY JANE C. KELSEY
CLERK TO THE BOARD OF ZONING APPEALS

Daniel Smith
DANIEL SMITH, CHAIRMAN
BOARD OF ZONING APPEALS

APPROVED August 30, 1977
DATE

Submitted to the Board of Zoning Appeals and Board of Supervisors on August 15, 1977.

The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Thursday, July 21, 1977. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam; and John DiGiulian.

The meeting began at 10:40 A.M. with a prayer by Mr. Harvey Mitchell.

Scheduled
10:00 A.M. - DANIEL CURRAN appl. under Sec. 30-7.2.6.1.14 of the Ordinance to permit attorney's office in home, 5307 Richardson Drive, Kings Park West Subd., 78-1((3))583, (12,635 sq. ft.), Annandale District, R-17, S-132-77.

Mr. Curran submitted the required proof of notice to property owners. The notices were in order.

Mr. Curran stated that he has a regular job as an engineer. Last year he was admitted to the bar. He would like to begin his practice in his home until he builds his practice. Then he will move into an office building.

Mr. Doss, 5308 Richardson Drive, spoke in opposition to the application. He stated that over fifty percent of the people on that cul-de-sac is against this application, but because of the short notice and vacation time, they were unable to appear today. In addition, the Kings Park West Civic Assoc. are in recess for the summer and have not had an opportunity to consider this application. His opposition was based on the additional traffic the use will bring to this small cul-de-sac and that this business will set a precedent for the area. He requested that the case be deferred until a later date.

Mr. Curran in rebuttal stated that of the eleven homes on this cul-de-sac four of the residents have sought him out to do legal work for them. He stated that he has gone to their homes, rather than have them come to his home. The parking will be off-street and the hours of operation will be in the evenings and on Saturday morning. He stated that he only expected one or two people in the office at any one time.

Mr. Durrer stated that he felt the case should be deferred until the Board can get some input from the Kings Park West Civic Association since Mr. Doss says there is opposition and Mr. Curran says there is no opposition from them.

Mr. Smith stated that the Board is charged with making a decision within 60 days from the date of the application. The application was filed on May 9 and it has already been over 60 days. For that reason, he stated that he would object to the case being delayed until September, which is the earliest possible time, unless there is evidence that the use would cause safety hazards. The neighbors had an opportunity to be present. The property was posted, the advertising was done and the notices were properly sent out.

Mr. Swetnam stated that he would be willing to allow this use on a temporary basis to allow the applicant to get his business started.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-132-77 by DANIEL CURRAN under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit office in home, 5307 Richardson Drive, 78-1((3))583, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 21, 1977; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 12,635.
4. That compliance with the Site Plan Ordinance is required.

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

Page 323, July 21, 1977
DANIEL CURRAN (continued)

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. This permit is granted for a period of ONE (1) YEAR.
8. There shall be no advertising of this business at this address.

Mr. DiGiulian seconded the motion.

Mr. Durrer inquired if limitation No. 7 means that the applicant will have to come back to this Board at the end of the year if he wishes to continue to have his business.

Mr. Swetnam stated that that was correct. He will have to come back to this Board if he wishes to continue to operate out of his home, if he hasn't moved into a commercial office by that time. The Board will re-evaluate the circumstances at that time. He reemphasized that the motion did not include a sign.

The motion passed 3 to 0. Mr. Smith voted No. Mr. Smith voted No.
Mr. Barnes was absent.

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10:20 A.M. - HARVEY BARRY JACOBS appl. under Sec. 30-7.2.6.1.10 of the Zoning Ord. to permit Home Professional Office for Doctor (no patients) 11607 Foxclove Road, Hunters Wood Subd., 26-4((5))(2)55, (120,321 sq. ft.), Centreville District, RPC, S-137-77.

Mr. Ken Sanders, attorney for the applicant, submitted the required proof of notice to property owners. The notices were in order.

Mr. Sanders stated that he had just recently been retained in this case and had not filed the application. He stated that there was some confusion about this case. It was advertised as a doctor's office with no patients, but this is not a doctor's office. He stated that he needs to have the County advise him what activities could be done in this home office and still come within the provisions of the Zoning Ordinance. The Zoning Inspector, Mr. Kennedy, advised Dr. Jacobs that he was in violation of the Zoning Ordinance for operating a business in the home without the proper permits.

Mr. Smith asked if what Dr. Jacobs is doing is operating a business office rather than a doctor's office.

Mr. Sanders stated that Dr. Jacobs has people who assist him with typing and researching manuscripts. He also receives calls from other ventures in the

home. These are taken by the employees.

Mr. Smith stated that this type use does not sound like that of a doctor's office, but that of a business office.

Mr. Sanders stated that to define the use at this point would be premature. He stated that he was not sure that Dr. Jacobs needs to be before this Board. Dr. Jacobs was told that he had to apply for this permit by the Zoning Office.

Mr. Smith stated that for an interpretation of the Ordinance, the applicant would have to get that from the Zoning Administrator. If he does not agree with that interpretation, then he would come before the Board of Zoning Appeals with an appeal.

Mr. Sanders in answer to Mr. Smith's question stated that there was a violation notice issued on March 28, 1977 for using a part of Dr. Jacobs home for business purposes.

Mr. Claude Kennedy, Zoning Inspector, stated that on March 28, 1977, he went to Dr. Jacobs' home and spoke with Mrs. Jacobosky with regard to what she was doing. Mrs. Jacobosky stated that she was the Administrator for a business known as the National Health Care Plan. She stated that she was on the premises to help Dr. Jacobs write a book. She indicated that she was doing some paperwork in connection with the National Health Care Plan. There was another woman and man there. Two ladies were there addressing envelopes. There were some brochures there advertising the Health Plan.

Mr. Sanders stated that the brochures were delivered by the women who had addressed the envelopes. In answer to Mr. Smith's question, Mr. Sanders stated that the National Health Care Plan is a tax exempt corporation in the State of Virginia. It is a D. C. corporation qualified to do business in Virginia. The registered agent is Dr. Jacobs whose mailing address as agent is 8805 Sudley Road, Manassas. Dr. Jacobs has offices in Falls Church, Manassas, and Washington D. C.

Mr. Smith inquired about the five people that are working in Dr. Jacobs' home.

Mr. Sanders stated that these are not continuing operations. Dr. Jacobs is writing a book. He can have as many phones as he wishes to have and his family can help him. He stated that there is more than one kind of activity going on here and all of them do not incompass a business in the home. He stated that he could not present a case for a doctor's office with no patients. He requested that the case be withdrawn.

Mr. Durrer stated that he would be willing to make a motion that this application be withdrawn without prejudice and that would give them an opportunity to bring it up again within the year.

Mr. Smith suggested that it be with prejudice since the applicant has been cited by the Zoning Administrator as being in violation of the Zoning Ordinance If he withdraws the application, he is still in violation.

Mr. Sanders stated that he might now have Dr. Jacobs in compliance.

There were seven people in the room interested in this application.

Mr. Robert Obershain, 11620 Foxclove Road, spoke before the Board. He stated that he lives next to Mr. Roundtree who presented opposition to the request for Dr. Jacobs to have a doctor's office in his home last year, which was denied. He asked to be allowed to present for the record in the case a statement in opposition to this application. He stated that several people from the Reston Homeowners Association and members of the neighborhood are present and prepared to speak in opposition to any business being allowed in this neighborhood at this location. He asked that the statements of RHOA be entered into the record also. As to the request of the applicant's attorney for withdrawal of this case, he stated that he felt it is an attempt to avoid conforming to the law. He stated that just this morning on the way to this hearing, he saw three of the vehicles which are listed in the statement presented. These same vehicles are at this property on a daily basis. The license numbers of the vehicles are in the attached statements before the Board. There are photographs in the attachments also that show the layout of the property. He stated that the neighborhood and the homeowners association feel that there are severe violations here and that the Zoning Office is not enforcing the law. Mrs. Jacobosky can be found there any day between the

Page 325, July 21, 1977
JACOBS (continued)

hours of 9:00 A.M. and 5:00 P.M. The neighbors and members of the homeowners association are very upset about having to be here again for essentially the same thing, a business, at this same address. The neighbors are greatly upset that Dr. Jacobs is allowed to continue to have his business at his home. The neighbors have taken the time off to come to this hearing. The hearing should be withdrawn with prejudice if it is allowed to be withdrawn.

Mr. Smith stated that if the Board feels that this is not a proper application it should be denied. A denial will have the same effect as a withdrawal with prejudice. A previous Board did deny an application for an office at this location and all of the evidence points to the fact that there are employees located on the premises and some type of business going on. The applicant would not be allowed to come back for a similar type application. Mr. Sanders is trying to bring the doctor into compliance so he would not have to come back to this Board. He stated that he did not see how this Board has a right to grant a business office in this area. The Zoning Administrator will have to make the final determination as to what is permitted by right at this location. There are certain types of circumstances that probably would permit the applicant to present an application is less than a year, but that it is up to the Zoning Administrator. What we are talking about is a business office, Mr. Smith stated.

Mr. David Wells with the Reston Homeowners Association stated that he was before this Board eighteen months ago in opposition to the application of Dr. Jacobs to have a doctor's office in his home. The area is 100 percent residential. This will definitely have the effect of changing the residential character of the neighborhood.

Mr. John Morris stated that he supported everything that Mr. Obershein and Mr. Wells has said and requested that the Board deny this application.

Mr. Sanders in rebuttal requested that they be allowed to withdraw the application and that the Board not deny the application.

Page 325 R E S O L U T I O N Bd. of Zoning Appeals
July 21, 1977

Mr. Durrer made the following motion:

WHEREAS, Application No. S-137-77 by HARVEY BARRY JACOBS under Sec. 30-7.2.6 .1.10 of the Zoning Ordinance to permit Home Professional Office for Doctor for the writing of books and medical articles, no patients, on property located at 11607 Foxclove Road, 26-4((5))(2)55, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Harvey and Theresa Jacobs.
2. That the present zoning is RPC.
3. That the area of the lot is 120,321 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has not presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting. Mr. Barnes was absent.

Page 326, July 21, 1977

10:40 A.M. - KRIYA YOGA ASHRAM, INC. appl. under Sec. 30-7.2.6.1.11 of the Ordinance to permit church, 2161 Chain Bridge Road, Gundervale Subd., 39-1((4)) 11, (30,440 sq. ft.), Providence District, RE-1, S-146-77.

Mr. Robert Lawrence, attorney for the applicant, stated that he had just been retained to represent the applicant. The applicant has not sent out the required notices. He requested the Board to defer this case until a date certain in order that the proper notices could be mailed. He also stated that this is not a church. There are no worship services intended or planned. He stated that it is his opinion that this should have been filed as a school of special education. It would still be a Group 6 use.

The Board rescheduled this case for September 8, 1977, and requested that the Clerk have the property reposted. The Board requested Mr. Lawrence to formally amend the application.

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Page 326, July 21, 1977
10:50 a.m. - JACK SHERMAN & DEVOIRA SHERMAN, S-143-77 and
10:50 a.m. - JACK SHERMAN & DEVOIRA SHERMAN, V-144-77.

The Chairman stated that the Board has been advised in the staff report that this application is to be transferred to the jurisdiction of the Board of Supervisors because of a recent change in the Ordinance.

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

Mr. DiGiulian moved that the case of S-143-77, Jack and Devoira Sherman, be transferred to the Board of Supervisors, and that the Variance case be heard after the Board of Supervisors has made a decision on the Special Permit. Mr. Durrer seconded the motion.

The motion passed unanimously.

// The Board recessed for lunch at 12:15 P.M. and returned at 1:30 P.M.
Mr. DiGiulian had to leave the meeting early.
Page 326, July 21, 1977

11:10 A.M. - JAMES E. KASPRZAK appl. under Sec. 30-6.6 of the Ord. to permit enclosure of carport one corner of which is 13' from side property line, 4609 Legato Road, Dixie Hill Subd., 56-1((2))3, (30,456 sq. ft.), Springfield District, RE-1, V-141-77.

Mr. Kasprzak submitted the required notices to the Board. The notices were in order.

Mr. Kasprzak's main justification was that his lot was exceptionally narrow and that the house was sitting at an angle on the lot.

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

Page 326, July 21, 1977 R E S O L U T I O N Bd. of Zoning Appeals

WHEREAS, Application V-141-77 by JAMES E. KASPRZAK under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport 13' from side property line, 4609 Legato Road, 56-1((2))3, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 30,456 sq. ft.
4. That the Board finds that the applicant's property is exceptionally narrow and has an unusual condition in the location of the existing buildings on the subject property; and

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

Page 327, July 21, 1977
KASPRZAK (continued)

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Durrer seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian was not present. He had left the meeting earlier. Mr. Barnes was absent for the day.

Page 327, July 21, 1977

11:20 A.M. - GALLOWS ESTATES COMMUNITY ASSOC. appl. under Sec. 30-7.2.6.1.1 of the Ord. to permit construction of tennis courts, 7824 Wendy Ridge Lane, Gallows Estates Subd., 59-2((1))pt. 46, (133,098 sq.ft.), Mason District, RE-0.5, S-142-77.

Mr. William Gordon represented the applicant and submitted the required proof of notice to property owners to the Board. The notices were in order.

Mr. Gordon stated that these courts are to be constructed in the open space that is owned by the homeowners. There will be picnic tables in some of the other open space, but at the moment there is no other recreational facility planned. This will be a walk-to facility.

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

Page 327 Bd. of Zoning Appeals
July 21, 1977 R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-142-77 by GALLOWS ESTATES COMMUNITY ASSOCIATION under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit the construction of tennis courts, 7824 Wendy Ridge Lane, 59-2((1))pt. 46, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 133,098 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax ,during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The number of memberships shall be the residents of Gallows Estates Community.
8. The hours of operation shall be daylight only.

Mr. Durrer seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian had left the meeting earlier. Mr. Barnes was absent.

Mr. Smith reminded the applicant that should the residents begin to park on the street, it will be necessary to provide parking. There can be no parking on the street for this use.

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July 21, 1977

11:40 A.M. - THE VILLAGE PRESCHOOL, INC. appl. under Sec. 30-7.2.6.1.3 of the Ord. to permit nursery school for 30 children, 3 to 5 years, 8:30 A.M. to 12:30 P.M., 1625 Wiehle Avenue, 18-1((1))15, (6.14102 acres), Centreville District, RPC, S-145-77.

Carla Gibson, president of Village Preschool, submitted the required notices to property owners of this hearing. The notices were in order.

Mrs. Gibson stated The Village Preschool, Inc. is a non-profit cooperative nursery school comprised of twenty-seven families, dependent on parent support and enthusiasm. The school has an enrollment of 27 children at the present time.

The staff report indicated that the facility is adequate for 66 children for a period of four hours or less per day.

Mrs. Gibson submitted a copy of the lease between the school and the Reston Community Church in which the school is to be located.

Mrs. Gibson stated that the Community Preschool, Inc. is also located in this church, but they have separate facilities and there is plenty of room for both schools.

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

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

Page 329, July 21, 1977
THE VILLAGE PRESCHOOL, INC. RESOLUTION

Mr. Swetnam made the following motion:

WHEREAS, Application S-145-77 by THE VILLAGE PRESCHOOL, INC. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit Nursery School for 30 children, 3 to 5 years of age, 1625 Wiehle Avenue, 18-1((1))15, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements;and

WHEREAS, following proper notice to the public and a public hearing by the Board held on JULY 21, 1977; and

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

1. That the owner of the property is the Reston Community Church. The applicant is the lessee.
2. That the present zoning is RPC.
3. That the area of the lot is 6.14102 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated onthe plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 30.
8. The hours of operation shall be from 8:30 A.M. to 12:30 P.M., Monday through Friday.

Mr. Durrer seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian had left the meeting earlier. Mr. Barnes was absent for the day.

Page 330, July 21, 1977
Scheduled hearing for
11:50 A.M. - CLARENCE R. VANDEMARK appl. under Sec. 30-6.6 of the Ord. to permit construction of garage and storage addition 2.6' from side property line (12' required), 4518 Kerrybrooke Drive, Kerrybrooke Subd., 82-1((12))83, (11,597 sq.ft.), Lee District, R-12.5, V-139-77.

(The hearing began at 1:50 P.M.)

Mr. Vandemark submitted the required proof of notice to property owners to the Board. The notices were in order.

Mr. Vandemark's justification for the need for this variance was because of his exceptionally irregular lot with his house placed askew on the lot. He stated that he had donated a portion of his lot for an access to Mark Twain Park, which is the property on the side of the house where the garage is proposed. He said that he had talked with a representative from the Park Authority and the Authority has no plans to construct anything in that area adjacent to his house. He stated that the architecture and materials for the proposed garage will be compatible with the existing house.

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

Page 330 R E S O L U T I O N Bd. of Zoning Appeals
July 21, 1977

Mr. Swetnam made the following motion:

WHEREAS, Application V-139-77 by CLARENCE R. VANDEMARK under Section 30-6.6 of the Zoning Ordinance to permit construction of garage and storage addition 2.6' from side property line, 4518 Kerrybrooke Drive, 82-1((12))83, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 21, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,597 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and has exceptional topographic problems. The house is also constructed askew on the lot.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Durrer seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian has left the meeting earlier. Mr. Barnes was absent for the day.

12:00 Noon - RIDGE DEVELOPMENT CORPORATION appl. under Sec. 30-6.6.5.4 of the Ord. to permit partially constructed house to remain 24.3' from front property line, 12027 Winding Way Drive, Stuart Ridge Subd., (8,493 sq. ft.), Dranesville District, R-12.5 Cluster, V-147-77. 11-3((3))81.

Mr. Carl Hellwig, Springfield Surveys, submitted the required proof of notice to property owners. The notices were in order.

Mr. Hellwig stated that the chief of the survey party which staked out the house misread the plans. The noncompliance was no fault of the applicant.

There was no one else to speak in favor and no one to speak in opposition.

Page 331 R E S O L U T I O N Bd. of Zoning Appeals
July 12, 1977

Mr. Swetnam made the following motion:

WHEREAS, Application V-147-77 by RIDGE DEVELOPMENT CORP. under Sec. 30-6.6.5.4 of the Zoning Ordinance to permit partially constructed house to remain 24.3' from the front property line, 12027 Winding Way Drive, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 21, 1977; and

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

1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Durrer seconded the motion.

The motion passed 3 to 0. Mr. DiGiulian and Mr. Barnes were absent.

12:10 P.M. - DONALD PAICE, INC. appl. under Sec. 30-6.6 of the Ord. to permit house to be constructed 30' from front property line (45' required), 1406 Colleen Lane, Reynolds 3rd Addition to Potomac Hills, 31-1 ((11))25, (13,784 sq.ft.), Dranesville District, R-12.5, V-162-77.

Mr. Charles Runyon with the engineering firm of Runyon Associates, 152 Hillwood Avenue, Falls Church, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Runyon stated that the plat before the Board shows four lots. The variance is requested for lot 25 only. Mr. Paice is working with the architect to try to construct the other houses without variances. The topography here is quite steep. The elevation change is about 10 feet from the front to the rear. It ranges from 8 feet to 15 feet in the area.

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

Mr. Runyon added that there is also a flood plain restriction on this particular lot.

Mr. Durrer made the following motion:

WHEREAS, Application V-162-77 by DONALD PAICE, INC. under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit a house to be constructed 30' from the front property line (45' required), 1406 Colleen Lane, 31-1 ((11))25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 21, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 13,784 sq. ft.
4. That the applicant's property has exceptional topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian was absent, having left the meeting earlier. Mr.Barnes was absent for the day.

Page 332, July 21, 1977
12:20 P.M. - JEROME & CAROLYN HANSEN, request to permit change in ownership of educational facility, 8700 Willowmere Drive, S-138-77.

There was no one present to represent the applicant. There was a release in the file signed by the applicants and the owner of the property releasing the Hansen's from the contract agreement. They, therefore, have no interest in the property.

The staff advised the Board that there is another application pending for this same property with a current contract to purchase. The Board was also advised that the applicants had been called and requested to formally withdraw the application. This had not been done.

The Board deferred this case until July 28, 1977, and asked the Clerk to notify the applicants that if they had not contacted the Zoning Office prior to that date, that the application would be dismissed for lack of interest.

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Page 332, July 21, 1977
DEFERRED CASE: 12:30 p.m. - THOMAS B. TROY, V-29-77; Deferred on April 19 at the request of the applicant. The Board had a request from the applicant's agent to withdraw this case. The Board did so.

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APPROVAL OF MINUTES - Page 332, July 21, 1977

Mr. Swetnam moved that the Board of Zoning Appeals Minutes for MAY 10, MAY 17, MAY 24, and JUNE 7, 1977, be approved with minor corrections.

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

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Page 333, July 21, 1977
AFTER AGENDA ITEM:

JJS CORP. OF VIRGINIA T/A COMMONWEALTH CHRISTIAN SCHOOL, S-100-77, Amendment Granted June 14, 1977. Request to permit substitution of plats.

The Permittee requested that the Board permit the substitution of plats for the change in size and slight relocation of the temporary trailers. One trailer was changed from 12'x60' to 24' x 50' and the location was changed slightly. The other trailer size was reduced from 24' x 60' to 24' x 50'.

The Board stated that they could approve the reduction in trailer size, but could not approve the increase in size. It would be necessary for the Permittee to come back with a new application and have a new hearing. Mr. Durrer made that his motion.

Mr. Swetnam seconded the motion.

The motion passed unanimously. Mr. DiGiulian was absent.

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Page 333, July 21, 1977
CONSIDERATION OF EVENING MEETING FOR BZA AS REQUESTED BY BOARD OF SUPERVISORS.

It was the Board's decision after a brief discussion to wait until the end of August to discuss this further.

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The meeting adjourned at 3:00 P.M.

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

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: _____
DATE

Submitted to the Board of Zoning Appeals on August 15, 1977

Submitted to the Bd. of Supervisors, Planning Commission and other Depts. on August 24, 1977

The Regular Meeting of the Board of Zoning Appeals Wash Held in the Board Room of the Massey Building on Tuesday, July 26, 1977. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam and John DiGiulian. George Barnes was absent.

The meeting began at 10:15 a.m. with a prayer by Mr. Harvey Mitchell.

Scheduled case for
10:00 A.M. - WILLIAM R. SCHILLING appl. under Sec. 30-6.6 of the Ord. to permit addition 18.51' from rear property line (25' required), 6523 Old Dominion Drive, Pimmit Park Subd., 30-4((7))4, (11,058 sq. ft.), Dranesville District, R-10, V-148-77.

Mr. Schilling submitted the required proof of notice to property owners. The notices were in order.

Mr. Schilling stated that because of the skewed rear boundary which has a rather severe diagonal line, the two story addition will encroach upon the 25' setback restriction. The minimum will be 18.51' and the average will be 30'. He stated that he had owned the property since 1963 and plans to continue to live there. He stated that he had talked with his neighbors and they are in general agreement.

There was no one else to speak in favor and no one to speak in opposition.

Page 334 R E S O L U T I O N Bd. of Zoning Appeals
July 26, 1977

Mr. Swetnam made the following motion:

WHEREAS, Application V-148-77 by WILLIAM R. SHILLING under Section 30-6.6 of the Zoning Ordinance to permit an addition 18.51' from the rear property line (25' required), 6523 Old Dominion Drive, 30-4((7))4, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, FOLLOWING proper notice to the public and a public hearing by the Board of Zoning Appeals held on July 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 11,058 sq.ft.
4. That the applicant's property is exceptionally irregular in shape; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

Page 335, July 26, 1977
Scheduled case for
10:20 - TRILOCHAN KHANNA, ET. AL. appl. under Sec. 30-6.6 of the Ord. to permit subdivision of lot into two lots with proposed lot 6-A-1 having less lot width than required by the Ordinance, (125.70', 150' required), property located at 220' from Interstate 495 on Old Dominion Drive, 21-3((1))35A (proposed lot 6-A-1), (43,568 sq. ft.), Dranesville District, RE-1, V-149-77.

Charles Sickles, attorney for the applicant, submitted proof of notice to property owners of this hearing. The notices were in order.

The justification for the hardship is the shape of the lot and the topography of the lot. The percentage of variance requested for each lot is 15 percent and 16 percent.

Mr. Jack Rinker with the engineering firm of Long and Rinker in Fairfax, stated that he had prepared a plat showing the topography of the land and showing an existing dwelling on the west side of the property and a proposed location for the dwelling. The existing dwelling is to the left of the lots. He presented the plans to the Board.

A gentleman from the audience asked if he could come forward and view the plans since he was an opposing factor.

The Chairman allowed him to come forward and view the plans.

Mr. Rinker stated that the existing house to the left of the site is 200' back from the center line of Old Dominion Drive and the location the applicant is proposing is consistent with the existing unit. Because of the steep topography, the exceptional narrowness of the site, the shape of the property, and the deep ravine that is immediately adjacent to Old Dominion Drive, this variance is necessary in order to have the reasonable use of the land.

In answer to Mr. Swetnam's question, Mr. Rinker came forward to scale the distance between the existing house on the adjacent property to the west boundary of the subject lot. It was 46'. He stated that the applicants propose to use the existing ingress-egress right-of-way to serve lots A-1 and A-2, which was provided in the original division of land. He submitted a plat showing that division. In answer to Mr. Swetnam's question, Mr. Rinker stated that the plat he just submitted showed that in the original subdivision, the ingress-egress right-of-way stopped at the east boundary of the property. The applicants propose to extend it across the proposed lot 6-A-2 to serve 6-A-1. The reason this is necessary is because of the steep revine. He stated that he felt one access on Old Dominion would be better than having two.

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

Mr. Sudlick, 7536 Old Dominion Drive, spoke in opposition to the application. He felt that having two houses on this property would be aesthetically objectionable to the character of the neighborhood. He stated that his house has been in existence since 1931 and is one of the oldest houses in the area. It is 45' from the property in question. There is a little over three acres of his property. Mr. Reuben, another of the contiguous property owners, has five acres, approximately. He stated that his property is about 400 feet from Old Dominion in the front to the street in the back.

He stated, in answer to Mr. Swetnam's question, that he realized that the proposed house location on lot 6-A-1 is the same distance off the property line as his; however, the minimum distance from his property to the house will add to the density of the population there, he stated.

Bruce Berlage, contiguous property owner and president of the Scott's Run Citizens Association, spoke in opposition to the application. He stated that he felt this variance would have a detrimental effect on the value of the property.

In answer to Mr. DiGiulian's question, he stated that he has one-half acre in his lot. He is on lot 24. Lot 22 has from one-half to three-fourths. Lot 20 has one-half acre.

Martin Newburg spoke in opposition to the application.

Mr. Rinker stated that this property is zoned RE-1 and the applicants' property does conform in every other way to the restrictions of that zone. Several of the people who spoke are on property that is less than one acre. The proposed house will be the same distance from the property line as the existing house on the adjacent property.

Mr. Sickles stated that this is the minimum variance that will afford relief and this variance will not be injurious to the land. The irregular shape of the lot does not apply generally to the area. This hardship was not caused by the applicant.

Mr. Durrer stated that before the motion, he would like to make a statement. He stated that he understood why the opposition doesn't want these two lots in that area because it is a stream valley and is attractive. If houses are put there, it will add two more houses. He stated that he could not agree that this will add to the population to any degree or impact the public facilities in the area. This property backs up to one-half to three-fourth acre lots. These two lots are substantially more than that. He stated that he believed this is a good land use for this property and that the applicants do have a hardship problem in accordance with the Ordinance requirements.

Page 336 R E S O L U T I O N Bd. of Zoning Appeals
July 26, 1977

Mr. Durrer made the following motion:

WHEREAS, Application No. V-149-77 by TRILOCHAN KHANNA, ET AL. under Sec. 30-6.6 of the Zoning Ordinance to permit subdivision of lot into two lots with proposed lot 6-A-1 having less lot width than required by the Ordinance (125.70', 150' required), on property located at 220' from Interstate 495 on Old Dominion Drive, 21-3((1))35A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 43,568 sq. ft. (Lot 6-A-1, proposed).
4. That the applicant's property is exceptionally irregular in shape and has exceptional topographic problems.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location [illegible] indicated in theplats included with this application only, and is not transferable to other land or to other structures on the same land.

2. This variance shall expire one year from this date unless this subdivision is recorded, and or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. Mr. Barnes was absent.

10:25 a.m. - TRILOCHAN KHANNA, ET AL. appl. under Sec. 30-6.6. of the Ord. to permit subdivision of lot into two lots with proposed lot 6-A-2 having less lot width than required by Ord. (127.81', 150' required), property located 220' from Interstate 495 on Old Dominion Drive, 21-3((1))35A (proposed lot 6-A-2), (43,568 sq. ft.), Dranesville District, RE-1, V-150-77.

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Mr. Durrer moved that the Board enter the testimony of the attorney, Mr. Sickles, the engineer, Mr. Rinker, the opposition and the Board members into the record.

All parties agreed.

Page 337 R E S O L U T I O N Bd. of Zoning Appeals
July 26, 1977

Mr. Durrer made the following motion:

WHEREAS, Application No. V-150-77 by TRILOCHAN KHANNA, ET AL. under Section 30-6.6 of the Zoning Ord. to permit subdivision of lot into two lots with proposed lot 6-A-2 having less lot width than required (127.81', 150' required), property located 220' from Interstate 495 on Old Dominion Drive, 21-3((1))35A, County of Fairfax, has been properly filed in accordance with all applicable requirements;and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 26, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 43,568 sq. ft. (proposed lot 6-A-2)
4. That the Board finds that the property is exceptionally irregular in shape and has exceptional topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Swetnam seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No.

10:40 A.M. - JOHN R. SMITH & BILL BYERS appl. under Sec. 30-6.6 of the Ord. to permit bldg. 20' from C Dist. (50' required), 2824 Gallows Rd., Avondale Subd., 49-2((5))D, (15,721 sq.ft.), Providence Dist., I-L, V-151-77.

(The hearing began at 11:10 A.M.)

Mr. Bill Byers submitted the required proof of notice to property owners. The notices were in order.

Mr. Daniel Smith, Chairman, stated for the record that he was not related to the co-applicant, Mr. John R. Smith.

Mr. Byers stated that they are proposing to construct a mini-warehouse facility consisting of two buildings; 3,840 sq. ft. and 2,200 sq. ft. These will be one-story buildings. He submitted some sketches of the proposed buildings. The property is owned by John R. Smith. He signed the variance application. Mr. Byers stated that he has a contract to purchase on this property contingent on the outcome of this hearing.

Mr. Byers stated that the variance is needed because the land is so narrow. Nothing can be built on the property without a variance. The proposed buildings will be masonry block construction with a cement slab floor. The building will be divided into storage bins ranging from 200 to 600 sq. ft. He stated that he would use one of the bins for material storage and the remainder would be leased to other small business contractors in the area. The facility would not open before 7:00 A.M. and would close at 7:00 p.m. in the evening. The property contiguous to this subject property is owned by Brown & Ferris and is used in their trash collection business. They have about forty-five trucks stored on that property. The property to the rear is zoned residential, but is for-sale subject to rezoning. The left side of the property joins the 7-11 store. The subject property is on the two lane portion of Gallows Road. The Dept. of Highways has taken 2400 sq. ft. from the front of the subject property. There is a travel lane scheduled for that area, but it is not constructed at the present time.

Mr. Durrer stated that he knew the traffic situtation is bad there and he would be concerned about generating more traffic there until that road is improved. If the building is leased to contractors, there will be trucks coming and going. That road is saturated now. He stated that he could not vote for this variance because of that.

Mr. Byers stated that he understood Mr. Durrer's objection; however, he has another facility such as this in Arlington and it does not create a traffic problem. This facility is not used on a daily basis for the contractors. He stated that he drops by his warehouse bin about every two weeks. The other tenants use theirs no more than once a week.

Mr. Durrer stated that there is no control over when the contractors use the facility.

Mr. Byers stated that the contractors are not running their business from this property. They have their business at other locations. There is a provision in the lease that prevents them from doing this.

Mr. Smith stated that the Board must recognize that this facility can be used for many uses and the Board must consider that it can be used for many uses, not specific uses. The Board must consider the hardship under the Ordinance.

Mr. Byers stated that under the existing Ordinance, nothing could be built on this property since it is so narrow.

Mr. Smith stated that he disagreed that nothing could be built, perhaps a mini-warehouse could not be built. The residential zoning that is contiguous to this should be considered.

Mr. Durrer stated that he has no doubt that the land in the back will go industrial. His main concern was the access and the generation of traffic.

There was no one else to speak in favor and no one to speak in opposition.

Mr. DiGiulian moved that this case be deferred until August 30, 1977, for viewing.
Mr. Swetnam seconded the motion and the motion passed 3 to 1. Mr. Durrer voted No.
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Page 339, July 26, 1977

10:50 A.M. - EDWARD K. BARBARA appl. under Sec. 30-6.6 of the Ord. to permit deck 13.8' from rear property line (25' required), 12308 Folkstone Drive, Folkstone Subd., Sec. 1, 36-1((11))191, (21,770 sq. ft.), Centreville Dist., RE-1 Cluster, V-152-77.

(The hearing began at 11:37 A.M.)

Mr. Barbara submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Barbara stated that he had owned the property for about a year and he could not construct this open deck any place else on the property. The opposition side of the house is occupied by a septic tank. The proposed deck is off the family room.

There was no one else to speak in favor and no one to speak in opposition.

Page 339 R E S O L U T I O N Bd. of Zoning Appeals
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Mr. Swetnam made the following motion:

WHEREAS, Application V-152-77 by EDWARD K. BARBARA under Sec. 30-6.6 of the Zoning Ordinance to permit a deck 13.8' from the rear property line (25' required), 12308 Folkstone Drive, 36-1((11))191, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 21,770 sq. ft.
4. That the applicant's property is exceptionally irregular in shape.

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

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

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

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

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

Mr. Durrer seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained.

Page 339, July 26, 1977
(The 11:00 A.M. case began at 11:45 A.M.)
11:00 A.M. - JOHN P. MCGUINNESS, appl. under Sec. 30-6.6 to permit enclosure of carport 5' from side prop line (12' required), 1823 Barbee Street, 40-2((13))11, (14,400 sq. ft.), Dranesville Dist., R-12.5, V-153-77.

Mr. McGuinness submitted the required proof of notice to property owners. The notices were in order.

Mr. McGuinness's justification for the need for this variance was that he is on a corner lot which has two front setbacks. The existing carport has been screened, therefore, this will not be a drastic change. He has owned the property for two years. The proposed construction will be compatible with the existing structure.

There was no one else to speak in favor and no one to speak in opposition.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-153-77 by JOHN P. McGUINNESS under Sec. 30-6.6 of the Zoning Ordinance to permit enclosure of existing carport 5' from side property line, 1823 Barbee Street, 40-2((13))11, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

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

1. That the owner of the property is the applicant.
2. The present zoning is R-12.5.
3. That the area of the lot is 14,400 sq. ft.
4. That the applicant's property is exceptionally narrow; and

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

THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would deprive the user of the reasonable use of the land and/or building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No.

Page 340
July 26, 1977

11:10 A.M. - OX ROAD ASSOCIATES appl. under Sec. 30-6.6 of the Ord. to permit establishment of private road easement 32.3' from private dwelling (50' required), 4631 West Ox Road, 56-1((1))7, (9.765 ac.), Springfield District, I-L and RE-1, V-154-77.

Mr. Gary Dalton, 10836 Braddock Road, submitted the required proof of notice to property owners of this hearing. The notices were in order.

It was brought to the Board's attention that the post advertising this hearing had been placed on adjacent property, rather than the subject property. However, since the notification had been complied with and the landowner on whose property the post had been placed, had been notified of this hearing, it was the Board's decision to continue with the hearing.

Mr. Dalton stated that they are asking for this variance in order to keep the proposed driveway straight. They are restricted in the way the street is designed because of a previous plan approved by the Board of Supervisors. A center location for the driveway is poor because of the required setbacks from the driveway and houses to future buildings.. The adjacent property is in the adopted Plan for industrial uses. It has been proffered to the Board of Supervisors that there will be no access to this property from the rear. This property is too narrow to provide center access for the proposed use in the rear. Standard screening is required from the existing house for 12' of land loss for comtemplated development. The required 75' to the center line would leave an additional 12' of unusable property without reconstructing the driveway at a later date when the adjacent property is zoned industrial as per the adopted Plan.

Mr. Durrer stated that this is directly across the street from the landfill entrance and the school bus garage and the State Highway's maintenance shop. This is another situation where there is a traffic problem. He stated that he understood that a property owner should be able to develop his property, but some relief should be given in the near future to this problem, but there is nothing in the five-year plan for improvements to this road.

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Mr. Swetnam stated that he noted from the plan that there is 45' being dedicated to public use on the front of this property. He stated that he felt the traffic impact from this property would be very small in comparison to the traffic that is already there.

Mr. Durrer stated that his point is that this will add to the already existing problem and the Board should take that into consideration when it is considering these variances.

Mr. Swetnam stated that it is his feeling that the State Highway Dept. will not do anything about any traffic problem until there is a problem there. If the Board holds this up until the Highway Dept. gets around to doing something about the problem, we all will be dead.

Mr. DiGiulian stated that he thought this property was rezoned in 1971 and at that time of rezoning, the Board of Supervisors received an impact statement and they still saw fit to rezone this land into an industrial category.

Mr. Durrer stated that he agreed that the Board of Supervisors probably knew the traffic impact when they granted the rezoning.

Mr. Smith stated that he felt this application is different from the previous application this morning regarding the mini-warehouse. That was a situation where there could have been use made of the property with some other type development. This is a situation where the developer is trying to develop a roadway to serve the property. It will be developed into the industrial category. He stated that this seems to be a reasonable request as far as the variance is concerned. He stated that he was concerned about Mrs. Cross, the contiguous property owners', house.

Mr. Swetnam stated that he had had word from Mrs. Cross that she has no objection to this request.

Mr. Durrer stated that he is concerned that if the Board grants this request, that other developers will come in with the same thing.

There was no one else to speak in favor and no one to speak in opposition.

Page 341 R E S O L U T I O N Bd. of Zoning Appeals
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Mr. DiGiulian made the following motion:

WHEREAS, Application V-154-77 by OX ROAD ASSOCIATES under Sec. 30-6.6 of the Zoning Ordinance to permit establishment of private road easement 32.3' from private dwelling on property located at 4631 West Ox Road, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is I-L and RE-1.
3. That the area of the lot is 9.765 acres.
4. That the applicant's property is exceptionally narrow in shape and has an unusual condition in the location of the existing buildings on the property; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Swetnam seconded the motion and the motion passed unanimously with the members present. Mr. Barnes was absent.

Page 342, July 26, 1977 -- Lunch Recess 12:20 P.M. to 1:35 P.M.

11:20 A.M. - PINECREST GOLF CENTER, INC. appl. under Sec. 30-7.2.8.1.4 of the Ord. to permit amendment to existing SUP to permit expansion of existing parking lot and addition to existing clubhouse, 6568 Little River Turnpike, 72-1 & 71-2((1))3A, (96.626 ac.), Mason District, RE-0.5, S-155-77.

(The hearing began at 1:35 P.M.)

Mr. Wayne Lynch, 6320 Augusta Drive, Springfield, represented the applicant. He submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Lynch stated that Pinecrest Golf Center, Inc. has been operating at this location for twenty years. The course consists of a 9 hole regular golf course and 18 hole par 3 golf practice range and club house. For some time they have had an overflow parking situation which they have accommodated across Braddock Road. This application is to expand the parking lot to add 78 spaces and to have a small addition on the club house. Approval of this will in no way change the character of the business. They will still be serving the same number of customers. The main results of this expansion will be to correct the traffic hazards involving the conflicts between the traffic on Braddock Road and the golf course customers. The placement of the parking lot does require the redesigning of the golf course. The new green was built earlier this year and is about ready now.

There was no one else to speak in favor and no one to speak in opposition.

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Mr. Swetnam made the following motion:

WHEREAS, Application S-155-77 by PINECREST GOLF CENTER, INC. under Sec. 30-7.2.8.1.4 of the Zoning Ordinance to permit expansion of existing parking and an addition to the existing club house, 6568 Little River Turnpike, 72-1 & 72-2((1))3A, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 26, 1977; and

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

1. That the owner of the property is E. A. Prichard, Trustee. The applicant is the lessee.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 96 acres.
4. That compliance with the Site Plan Ordinance is required.
5. That all conditions of SUP 11163 continue in effect.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions

of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON-RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

Page 343, July 26, 1977

11:40 A.M. - FOX MILL, INC. & OAKTON GLEN HOMEOWNERS ASSOC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit tennis court with lights, 500' off Chain Bridge Road approximately 1,000' from Oak Valley Drive, Oakton Glenn Subd., 48-1((1))22, 24 & 25, (25,591 sq. ft.), Centreville District, R-17 Cluster, S-156-77.

11:40 - FOX MILL, INC. & OAKTON GLEN HOMEOWNERS ASSOC. appl. under Sec. 30-6.6 of the Zoning Ord. to permit construction of street 9' from existing tennis courts (30' required), 500' off Chain Bridge Road, approximately 1000' from Oak Valley Drive, future Oakton Glenn Subd., 48-1((1)), 22,24 & 25, (25,591 sq. ft.), Centreville Dist., R-17 Cluster, V-157-77.

(The hearing began at 2:45 P.M.)

The agent for the applicant had not yet arrived. The Board recessed this case for fifteen minutes to give the applicant's agent time to get to the hearing. The Board took up the deferred case and after agenda items during this time.

Mr. Skip Galt arrived to represent the applicant. He submitted the required proof of notice to property owners of this hearing. The notices were in order. His address is 2764 Chain Bridge Road, Lot 4 of the subject subdivision.

Mr. Galt stated that the subject subdivision is now under construction. There are four existing frame structures, three of which are occupied.

Mr. Galt stated that he had submitted a grading plan which shows the existing tennis court to be 18' from the property line. The height of the fence around the court is 12'.

Mr. Durrer stated that the applicant also needs a 1' variance to the side setback to allow the fence to remain where it is now located.

Mr. Galt stated that the tennis court is an integral part of the old estate on which they are building this subdivision. He could not tell the Board the type of lights that are proposed for the courts. However, he stated that he would like to have the lights on until 10:00 P.M.

Mr. Durrer stated that he was concerned about the lack of parking for this use. He inquired about the size of the subdivision and how far the furtherest house would be from the courts.

Mr. Galt stated that it is 2300 feet from the front of the property to the back cul-de-sac of the first section of this subdivision; therefore, it would be almost a mile. There are to be 108 lots in this subdivision. He stated that this is planned to be a walk-to facility.

Mr. Smith stated that there can be no parking on the street for this use and it may be planned for a walk-to facility, but that does not necessarily mean that all the people will walk to it.

The other Board members agreed that parking should be provided. Mr. Swetnam moved that this case be deferred until the applicant can provide additional parking. However, he withdrew his motion until after the opposition could be heard.

Mr. Arnold Francine, 2736 Chain Bridge Road, spoke in opposition expressing his concern with the lighting of the tennis court and the additional traffic he felt would be generated.
There was no one else to speak in opposition to this application.
Mr. Swetnam moved that this case be deferred until July 28, 1977, for new plats showing six (6) additional parking spaces and the type lighting that will be used on the court.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

The applicant was reminded of the specific requirement of the Ordinance relating to setbacks for parking for a community use.

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Page 344, July 26, 1977, DEFERRED CASE:
11:50 A.M. - DALE L. THOMPSON appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition to be constructed 26.6' from front property line (40' is required), 6422 Deepford Street, Monticello Woods Subd., 81-3 ((13))(D)232, (14,309 sq. ft.), Lee Dist., R-12.5, V-106-77.

(The case was taken up at 2:45 P.M.)

Mr. Thompson submitted the proof that he had notified the contiguous property owner, Mrs. Perry, which he had not been able to do at the previous hearing.

Mr. Thompson also stated that he had submitted new plats for the file showing all the structures on the property that he had been asked to submit by the Zoning Office. He also submitted plans for the new addition.

The Board was advised by the staff that there was a deck on the rear of the house which was constructed without a building permit.

Mr. Thompson stated that he planned to remove that deck.

Mr. Swetnam asked if he understood correctly that the roof ridge line of the house would continue over the new addition.

Mr. Thompson confirmed that.

Ms. Donna Perry, contiguous neighbor to the applicant, spoke in opposition to the application. She also submitted photographs of the house and read the previous letter of opposition that was in the file. She felt that the construction of this addition would have a detrimental effect on their property values in that it would affect their view and the feeling of spaciousness in that it would block in their back yard.

Mr. Swetnam stated that if Mr. Thompson's house had been located properly on the lot, he could have built this addition without a variance.

Ms. Perry stated that when you look from their back yard, all one can see is Mr. Thompson's deck, his shed and this addition, which will ruin their vision.

Mr. Durrer agreed with Mr. Swetnam that he did not feel this would have an adverse impact on the character of the area.

Mr. Smith stated that he felt Ms. Perry had a valid complaint as far as the second story is concerned. He stated that the addition could be cut down a few feet at least. The Board needs to consider a minimum variance that will afford relief.

Mr. Robert Snyder, 6425 Deepford Street, on the other side of Mr. Thompson, submitted a letter from his parents who own that property, in opposition to this application.

There was no one else to speak regarding this application.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-106-77 by DALE L. THOMPSON under Section 30-6.6 of the Zoning Ordinance to permit an addition to be constructed 26.6' from the front property line (40' required), 6422 Deepford Street, 81-3((13))(D)232, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 14,309 sq. ft.
4. That the applicant's property is exceptionally irregular in shape, being a corner lot and has an unusual condition in the location of the existing building on the subject property.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. DiGiulian seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. He stated that he felt the request could have been reduced and the addition cut down.

Mr. Barnes was absent.

Page 345, July 26, 1977
AFTER AGENDA ITEMS:

REQUEST FOR RECONSIDERATION - CASE OF DR. JOHN E. COMPARETTO, V-130-77.

The Board was in receipt of a letter from Faye S. Osborne, 6056 Leesburg Pike, Falls Church, Virginia requesting that the Board reconsider its decision in granting the variance request of Dr. John E. Comparetto because there was no evidence presented at the time of the hearing relating to the covenants provision relating to fencing. Mrs. Osborne also questioned the testimony of Mr. Nagle in support of the application since he is the president of the civic association for their neighborhood.

It was the Board's decision to deny this request for reconsideration since covenants are not within the jurisdiction of the Board of Zoning Appeals. Mr. Nagle testified before the Board on the case as an individual representing himself, not as president of the civic association.

// Mr. Swetnam moved that this request be denied.

Mr. DiGiulian seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained.

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AFTER AGENDA ITEM

CLARIFICATION ON CASE OF JOHN FOX, VARIANCE, V-78-77

Mr. DiGiulian stated that he wished to discuss the Fox case. The people down in that area are still concerned that there might be a further division of that remaining property and he stated that he wished to make clear what he tried to clear up last week. He stated that this is not an amendment to the resolution granting the application, but that he wanted to make clear that the justification that he saw for the first division which is, that there was a parcel of ground of almost two acres with the unusual condition in the location of the existing house on the property that precluded the property being divided down the middle. That was justification for the two lots being divided as they were, but, that would not be a justification for a further division of the land. He stated that he felt this type statement being in the record on this case would help the situation and alleviate some of the concern the people have about this lot being further divided.

Mr. Durrer stated that there was no request for further subdivision of the land and, therefore, isn't a proper consideration of this Board at this time. He stated that he had voted against the motion to grant the variance because he knew that the people wanted some assurances that the property would not be further divided. He stated thathe did not think it was within the purview of this Board to say that the applicant can't come back two or five years from now and make a further request and that is why he voted against the majority for the straight property line dividing the two lots and for the supplemental plan, so that it would be assured that the property would not, at a later date, be further divided.

Mr. Smith stated that that was his reason for his voting against the resolution granting the variance also. He stated that he did not think that the statement of clarification would have any effect on that resolution. If the Board wants to affect a condition that will preclude any further subdivision of that parcel of land, the only way it can be done is by placing that as a condition on the resolution.

Mr. DiGiulian stated that he did not want to do that. He wanted to make his feelings clear and ask Mrs. Kelsey to put these statements in the record of the minutes on this case. He stated that when you talk about reasonable use of the land, he did not see how the staff proposal could be considered reasonable use of the land. Due to the condition of the location of the existing house on the property, the property could not be subdivided into two one acre lots without tearing down that house, which was the justification for the granting of the first variance. If the applicant comes back for a third division, that hardship no longer exists. They would then be putting three lots on two acres. The applicant would have to prove hardship and, there is none.

Mr. Smith stated that Mr. DiGiulian might not be on the Board three years from now. It is within the possibilities that a third division could be done. He stated that he would have voted for the resolution and with the majority had the resolution had a condition that the land could not be subdivided again.

Mr. DiGiulian stated that he might not be on the Board three years from now, but he did not see how anybody could vote for a further division of this property.

Mr. Swetnam moved that the Board's comments on this case be incorporated into the Fox file for any further reference that any future Board might want to consider.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

Mr. Durrer stated that he would be willing to go along with a reconsideration.

Mr. DiGiulian stated that he felt this clarification would be sufficient to set the record straight.

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Page 347, July 26, 1977
AFTER AGENDA ITEM:

REQUEST FOR INTERPRETATION: ELECTROLYSIS SHOP IN RESIDENTIAL AREAS

The Board was in receipt of a letter from Donna Greene, 9505 Burning Branch Road, Burke, Virginia, stated that she had received an interpretation from the Zoning Administrator that the operation of an electrolysis shop in her home would be permitted by Special Use Permit under the Beauty Shop-Barber Shop concept since he removes hair. She asked for a confirmation of that prior to making application.

Mr. Smith stated that it made no difference what the Board says, the Zoning Administrator has made an interpretation. There must be an appeal before the Board can change that interpretation. However, the Board could discuss this question. He asked if this operation requires a state certification.

The Board was advised by this operation does not require state certification.

Mr. Smith stated that unless this type operation requires a license from the state, he did not see how it could comply with the Ordinance requirements for a Home Professional Office. An electrolysis shop is not mentioned in the Code.

Mr. Durrer stated that he agreed that this would not be permitted since it is not a certified professional office by the state. He stated that a private detective's office is not permitted as a Home Occupation or Home Professional Office. A T.V. repair shop is not permitted in a residential zone either. He stated that the Zoning Administrator may accept the application requesting a Special Use Permit, but he certainly would not vote for it.

Mr. DiGiulian stated that someone should tell the applicant that 'No' she can't do it, or come up with some way it could be allowed.

Mr. Durrer moved that the Board suggest to the Zoning Administrator that he not accept the application for an electrolysis shop in the home as a home professional office or under the beauty shop section of the Ordinance. He stated that he did not think it would be fair to accept the application because when it gets to this Board, he would not vote for it. This would be guidance for the Zoning Administrator.

The motion died for lack of a second.

There was no further action taken on this question.

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The meeting adjourned at 3:20 P.M.

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Jane C. Kelsey
BY Jane C. Kelsey, Clerk to the
Board of Zoning Appeals

Daniel Smith
DANIEL SMITH, CHAIRMAN

Submitted to the BZA on August 22, 1977

APPROVED August 30, 1977

Submitted to the Bd. of Supervisors,
Planning Commission and other Depts.
on Aug. 24, 1977.

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A Special Meeting of the Board of Zoning Appeals Was Held on July 28, 1977 in the Board Room of the Massey Building. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam; John DiGiulian. George Barnes was absent.

The meeting began at 10:08 A.M. with a prayer by Mr. Smith.

The Board then took up the scheduled item for
10:00 A.M. - ACCOTINK ACADEMY appl. under Sec. 30-7.2.6.1.3 of the Ord. to permit school for disabled children, 8200 Old Keene Mill Road, (Westwood Baptist Church), 79-4((6))2A, (4.926 ac.), Springfield Dist., RPC, S-159-77.

Mrs. Elaine O'Connell, 8532 Tuttle Road, Springfield, submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mrs. O'Connell stated that because of the enrollment of their other school, they need to expand and use three classrooms in this church building. They only have ten children in each classroom. The ages of the children are from 6 through 9. The church requested they put their younger group of children in this building. The maximum number of children will be 30. The hours of operation are from 9:00 A.M. until 2:45 P.M. The children are all bussed. They are on contract basis with Fairfax County and surrounding counties and they must provide transportation. There is adequate parking on the church property. They keep the same calendar as the Fairfax County School system has which is on a nine and one-half month basis.

The Board discussed the problem of school busses for these private schools. Mr. Durrer told Mrs. O'Connell that if they have their vans painted, lettered with proper lights in accordance with the requirements of the school board and state that if the bus is stopped and the lights are on with the flashing lights, that cars are required to stop. He told her that she could have a student go out with a red flag as a further deterrent.

Mrs. O'Connell thanked Mr. Durrer for the information and stated that her drivers are instructed to take the child to the door of their home.

A gentleman from across the street to this church inquired the length of the lease.

Mrs. O'Connell stated that the lease is for a one year school term.

There was no one else to speak regarding this case.

Mr. Swetnam made the following motion:

WHEREAS, Application S-159-77 by ACCOTINK ACADEMY under Sec. 30-7.2.6.1.3 of the Fairfax County Zoning Ordinance to permit a school for disabled children on property located at 8200 Old Keene Mill Road, 79-4((6))2A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 28, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is WESTWOOD BAPTIST CHURCH. The applicant is the lessee.
2. That the present zoning is RPC.
3. That the area of the lot is 4.9 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The number of students shall be 30, ages 6 to 9 years.
8. The hours of operation shall be from 9:00 A.M. to 3:00 P.M.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

Page 350, July 28, 1977
10:20 A.M. - ARTHUR L. MOSHOS appl. under Sec. 30-6.6 of the Ord. to permit garage 9.20' from the side property line (12' required), 10016 Blue Coat Drive, Mosby Woods Subd., 47-4((7))37, (10,500 sq. ft.), Providence District, R-12.5, V-161-77.

Mrs. Sandy Moshos submitted the required proof of notice to property owners to the Board. The notices were in order.

Mrs. Moshos stated that there is a storm drainage easement along the west property line, thereby precluding them from constructing an addition along that side. The back of the lot is too small for an addition.

It was determined that the applicant proposes to construct a second story room over the proposed garage. Mr. Smith stated that there is no mention of a second story in the justification or in the plats submitted to the Board, therefore, the advertising did not include any mention of this addition.

Mr. Swetnam stated that the height of the addition is still 23'. All the applicant has done is put in windows rather than the dormers. The Board cannot require a full set of architectural drawings.

Mr. Smith stated that this would not require architectural plans, only that the applicant state on the application and justification what he is going to do.

Mr. Durrer stated that it is the staff's problem to get the information from the application.

Mr. Smith disagreed and stated that it felt it is the applicant's responsiblity to furnish the staff with the information as to what he is planning to do. How does the staff know that the applicant proposes living quarters over the garage, he asked.

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

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-161-77 by ARTHUR L. MOSHOS under Sec. 30-6.6 of the Zoning Ordinance to permit garage 9.20' from the side property line (12' required), 10016 Blue Coat Drive, 47-4((7))37, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 28, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,500 sq. ft.
4. That the applicant's property is exceptionally irregular in shape.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Swetnam seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. Mr. Barnes was absent.

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10:30 A.M. - COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit additions to clubhouse, 5110 Ox Road, 68-1((1))17, 18 & 20 (153.2074 acres), Springfield Dist., RE-1, S-168-77.

(The hearing began at 10:40 A.M.)

Mr. William Donnelly, attorney for the applicant, 4069 Chain Bridge Road, Fairfax, submitted the required proof of notice to property owners.

Mr. Donnelly stated that the Club proposes to extend the dining room and the golf pro shop. This is shown in detail on the second sheet of the plans submitted to the Board. He submitted a revised plat showing a proposed addition in the front also. He stated that these additions will be architecturally compatible with the existing building. The new construction is not expected to increase the intensity of the use.

Mr. Swetnam inquired whether there has been any resolution of the dustless surface for the road that comes from the Breckinridge Subdivision.

Mr. Donnelly stated that as far as he knew there has been no express condition on any of the Club's Special Use Permits regarding that. He stated that he checked with the Zoning Office just this morning and determined that there had been no complaints filed against the Club. The road is only open to members and their guests. At this time there is no dustless surface as defined in the Ordinance. The Club is considering some possible improvements to this private road.

Mr. Swetnam stated that this problem could be solved by reducing the size of the gate to a size that would accomodate pedestrians only.

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

COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC. (continued)

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application S-168-77 by COURT HOUSE COUNTRY CLUB OF FAIRFAX, INC. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit additions to existing clubhouse, 5110 Ox Road, 68-1((1))17, 18 & 20, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements;

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 28, 1977;AND

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 153.2074 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. This approval is granted for the building indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. All other requirements of SUP S-253-76 shall remain in effect.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

10:40 A.M. - WHOLE WORLD FELLOWSHIP & CHURCH OF NO. VIRGINIA appl. under Sec. 30-7.2.6.1.11 of the Ordinance to permit erection of church and related facilities, 10922 Vale Road, Oakton, 37-1((1))17 & 17A, (17.9577 acres), Centreville District, RE-2, S-166-77.

(The hearing began at 10:55 A.M.)

Rev. John Robert Topping, 2340 Citation Court, Reston, Virginia, submitted the required proof of notice to property owners. The notices were in order.

He submitted corrected plats showing the driveway 25' instead of 20'.

Rev. Topping stated that the Board granted a Special Permit on November 6, 1975 to construct a chapel on this property. This new church building would include a sanctuary for worship and classrooms for Sunday Bible School. The new building will be fairly close to the present building and will be situated so as to save trees. The present building will be removed for the construction of the new building. That building being a stable. The present chapel will

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be used as a library when the new church is completed.

There was no one else to speak in favor and no one to speak in opposition of this application.

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Mr. Swetnam made the following motion:

WHEREAS, Application S-166-77 by WHOLE WORLD FELLOWSHIP & CHURCH OF NO. VA. under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit the erection of a church and related facilities, 10922 Vale Road, 37-1((1))17 and 17A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 28, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 17.9 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The number of seats shall be 400.
8. The number of parking spaces shall be 127.
9. The hours of operation shall be normal church hours.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

10:50 A.M. - LYLA T. GURFINKEL & STEVEN D. SCHAEFFER appl. under Sec. 30-7.2.6.1.3 of the Ord. to permit change in ownership for existing day care center called the Marjorie Daw School, 2702 Popkins Lane, 93-1((1)) 12, (1.00 ac.), Mt. Vernon Dist., R-12.5, S-175-77.

Mr. Schaeffer, 5933 Edsall Dr., Alexandria, submitted the required proof of notice to property owners. The notices were in order, except that the applicant had not notified one of the property owners. He stated that he did not notify that property owner because the property is being held in trusteeship and there is no mail pickup or delivery there. They did not know the name of the Trustee.

Mr. Durrer moved that the Board rule the notices in order.

Mr. DiGiulian seconded the motion and the motion passed 3 to 1. Mr. Smith voted No. Mr. Barnes was absent.

Mr. Schaeffer stated that the Center is licensed for 45 children and operates five days a week from 6:30 A.M. to 6:00 P.M. There will be no change in the traffic impact to the immediate area. There are currently 27 children enrolled. During the winter, the enrollment goes up to 35 children. Some of the children walk to the facility and some are driven in cars. There are no busses at the present time. The hours consist of one-half day, full day, and after school. There will be at least four staff members at the facility. There are three parking spaces up near the school building as shown on the plan before the Board. One of the staff members is a resident of the facility. There is parking along the street also where some of the staff members presently park. The school has been operating since December of 1954 and the Special Use Permit was amended in 1958.

Mr. Smith read a memo from the Zoning Inspector regarding this school which stated:

" On July 26, 1977, I observed the following hazardous conditions at this site:

1. Vehicles discharging students on Davis Street or pulling into driveway and backing out.
2. Teachers parking out on the street rather than on the property.
3. No space for turn-around on site.
4. On-site parking available for only two vehicles."

Mr. Schaeffer stated that he had anticipated the question arising regarding inadequate parking because one of the members of the Zoning Office called the engineer about it. The engineer has drawn up amended plats showing additional parking and turn-around area. He submitted those plats.

Mr. Smith stated that no one associated with the school or the parents visiting the school can park on the street. When this permit was first granted, this might have been a very relaxed situation. Today, the Ordinance is very explicit that all parking pertaining to a use must be provided on the site itself.

Mr. Carl Swisher, 7211 Davis Street, spoke in opposition to this application. He stated that he had lived here for over 21 years. There are seven homes on Davis Street. He submitted a Petition signed by the neighbors in opposition to this application. He stated that the noise and the cars annoy the neighbors. He stated that they had accepted the previous owners, the Cooks, but they had hoped to have a little piece and quiet when the Cooks retired. Davis Street is now a deadend street, but a developer is building houses toward the end of that street now, so that the street will be opened up, which will create more problems, and will become more hazardous.

There was no one else to speak in opposition to this application.

Mr. Schaeffer, in rebuttal, stated that he felt the amended plat that they submitted showing the turn-around area and the additional parking spaces would alleviate the traffic problem there.

He then gave the Board some details concerning his and Ms. Gurfinkel's experience.

RESOLUTION

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Mr. Durrer made the following motion:

WHEREAS, Application S-175-77 by LYLA T. GURFINKEL AND STEVEN D. SCHAEFFER under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit change in ownership for existing day care center, 2702 Popkins Lane, 93-1((1))12, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 28, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Marjorie and Harold Cooke. The applicant is the contract purchaser.
2. That the present zoning is R-12.5.
3. That the area of the lot is 1.00 acre.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED IN PART with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 35, ages 2 to 6 years.
8. The minimum number of parking spaces shall be as shown on the plats submitted with this application.

Mr. Swetnam seconded the motion.

Mr. Smith stated that he could not support this application without additional off street parking.

Mr. Durrer stated that that is why he reduced the number of children to 35. He stated that he had some reservations about a total of 45 children. If the applicant wishes to have additional students and provide additional parking spaces, that will have to be the subject of another application. Then the Board can see how well this operation has worked out.

The motion passed 3 to 1. Mr. Smith voted No. Mr. Barnes was absent.

11:00 A.M. - EDUCO, INC. appl. under Sec. 30-7.2.6.1.3 of the Zoning Ord. to permit change in ownership for existing educational facility with extended hours (7 A.M. to 6 P.M.), 8700 Willowmere Drive, Willowmere Farms Subd., 49-1((12))1, (2.47 ac.), Providence District, RE-0.5, S-174-77.

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Mr. Tom Lawson, attorney for the applicant, submitted the required proof of notice to property owners.

Mr. Smith stated that the Board has a pending application on this property by another applicant. The applicant has not withdrawn that application. However, the Clerk has notified them that their case would be dismissed if she had not had a response to her letter. There has been no response.

Mrs. Myers, real estate agent for this property, stated that she had obtained a release from the contract from the former applicants, the Hansens. A copy of that release is in the file.

Mr. Dick McCool from EDUCO, INC. stated that he had also received permission from the Hansens to use the material in the Hansen file for his case. A copy of that is also in the file.

Mr. Lawson stated that this application is simply a request for change of ownership. There will be no change in the operation. The requested change in hours of operation is incorrect. There was no need for that request. On April 27, 1965, the hours of operation were changed in conformance with the request: from 7 A.M. to 6 P.M. This school is for children of the ages of 2 through 9, nursery through 3rd grade. The maximum number of students are 330. However, the Health Department memo says that they can only have 167 at any one time.

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

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-174-77 by EDUCO, INC. under Sec. 30-7.2.6.1.3 of the Fairfax County Zoning Ordinance to permit change in ownership for existing educational facility with extended hours, 8700 Willowmere Drive, 49-1((12))1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 28, 1977; and

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

1. That the owner of the subject property is Creative Country Day School of Vienna. The applicant is the contract purchaser.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 2.47 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of

this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.

7. The number of students shall be 167 at any one time.

8. The hours of operation shall be from 7:00 A.M. to 6:00 P.M., ages 2 through 9.

The motion was seconded by Mr. Swetnam.

The motion passed unanimously with the members present. Mr. Barnes was absent.

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Page 357, July 28, 1977
JEROME & CAROLYN HANSEN, S-138-77, 8700 Willowmere Drive (Deferred from July 21, 1977.)

As stated earlier, the applicants had not responded to a certified letter advising them that the Board would dismiss their case for lack of interest if they did not respond.

Mr. Swetnam moved that this case be dismissed for lack of interest.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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11:10 A.M. - THE CENTREVILLE PRESCHOOL, INC. appl. under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit preschool, 48 children, 14040 Braddock Rd., in the Centreville Methodist Church, 54-4((1))3A, (6.8841 ac.), Centreville Dist., RE-1, S-177-77.

Mr. Tom Jasionowski, 14706 Loch Drive, Centreville, submitted the required proof of notice to property owners. The notices were in order.

Mr. Jasionowski stated that this is a cooperative preschool association of parents who wish to provide the best possible preschool experience for their children on a non-profit basis. It is non-sectarian and non-racial and the school is owned and operated by the parents. The proposed hours are from 9:00 A.M. to 12:00 Noon, Monday through Friday, September through May. The preschool employes five certified preschool teachers. The total enrollment is 76 pupils.

He submitted a detailed booklet showing the purposes and goals for the preschool, the breakdown of classes and schedule of events.

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

The Health Department's memo dated May 25, 1977 indicated that the building's water supply and sanitary facilities were adequate for 48 children for a period of four hours or less. The building is served by septic tank and subsurface drainfield, the memo stated. The memo was signed by Horace E. Jones, Supervising Sanitarian.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-177-77 by THE CENTREVILLE PRESCHOOL, INC. under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit a preschool for 48 children, 14040 Braddock Road, 54-4((1))3A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 28, 1977; and

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

1. That the owner of the subject property is The Centreville Methodist Church. The applicant is the lessee.
2. That the present zoning is RE-1.
3. That the area of the lot is 6.8 acres.
4. That the compliance of the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The number of pupils shall be 48, ages 3 and 4.
8. The hours of operation shall be from 9:00 A.M. to 12:00 Noon.
9. This permit is granted for a period of THREE (3) years.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

Page 359, July 28, 1977

DEFERRED CASE: FOX MILL, INC. & OAKTON GLENN HOMEOWNERS ASSOC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit tennis courts with lights, Oakton Glenn Subd., 48-1((1))22, 24, & 25, S-156-77.

FOX MILL, INC. AND OAKTON GLENN HOMEOWNERS ASSOC. appl. under Sec. 30-6.6 of the Ord. to permit construction of street 9' from existing tennis court, Oakton Glenn Subd., V-157-77.
These cases were deferred from July 26, 1977, in order for the applicant to submit revised plats showing no less than six parking spaces on site for the proposed use.

Mr. Skip Galt, 2764 Chain Bridge Road, representing the applicant submitted new plats. He stated that the distance between the court and the furtherest house in the subdivision as he had stated at the original hearing was incorrect. He stated that there are 108 houses in Section 1 which are within 1300' of the court. There will be 50 houses in the next section. The most remote house will be 2900 feet from the court, or .55 mile and would take approximately nine minutes to get to the court. That court was proferred as a multi-purpose court and they would like to take up the existing asphalt and make that an entire grassy area for the children to play. By placing six parking spaces there, it is causing a danger to the existing trees that they are trying to preserve. He again asked the Board to delete the parking requirement.

He stated that they would propose to have access to lot 1 from Parcel C, so that there would be no traffic problem going through the tennis and multi-purpose court.

Mr. DiGiulian stated that he just realized that the applicant is now providing access to Lot 1 through the tennis court property and this would not be acceptable. He stated that the original plat before the Board did not show that access. The Board had deferred this case for additional parking and certainly didn't request that access to Lot 1 be through this recreation property. He checked the original plat and stated that it did not show this access to Lot 1.

Mr. Swetnam agreed and stated that Lot 1 would have to have some other access.

Mr. Galt stated that they wish to drop the request for the lights because of the objection of the contiguous property owners.

Mr. Smith stated that he would not approve these plats showing that access.

Mr. DiGiulian stated that if you give the applicant 20' to back around, the pavement could be terminated 5' from Lot 1 property line.

Mr. Durrer stated that the Chairman could so indicated on the plats before him.

There was no one else to speak regarding this case.

Page 359, July 28, 1977 Bd. of Zoning Appeals

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-157-77 by FOX MILL, INC. & OAKTON GLENN HOMEOWNERS ASSOCIATION under Section 30-6.6 of the Zoning Ordinance to permit const. of street 9' from existing tennis court in the Oakton Glenn Subdivision 48-1((1))22,24 & 25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 26, 1977 and deferred to July 28, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Fox Mill, Inc.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 25,591 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for thelocation and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

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

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SPECIAL USE PERMIT RESOLUTION

Mr. Durrer made the following motion:

WHEREAS, Application S-156-77 by FOX MILL, INC. & OAKTON GLENN HOMEOWNERS ASSOC. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit tennis courts located 500' off Chain Bridge Road, 1,000' from Oak Valley Drive, Oakton Glenn Subdivision, 48-1((1))22, 24 & 25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 26, 1977 and deferred to July 28, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Fox Mill, Inc.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 25,591 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional strudures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be the residents of Oakton Glenn Subdivision Homeowners Association.
8. The hours of operation shall be daylight hours.
9. The minimum number of parking spaces shall be SIX (6).

(continued on page 361)

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10. This is granted in accordance with the marked-up plat signed by the Chairman, deleting the access through Parcel "C" to Lot 1. The pavement shall terminate 5' from the property line of Lot 1.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

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The Board went into Executive Session at 12:30 P.M. to discuss legal matters and returned at 12:55 P.M. to continued with the scheduled agenda items, and after agenda items.

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Page 361, July 28, 1977
LEGAL COUNSEL FOR BOARD OF ZONING APPEALS IN COURT CASE CONCERNING KENA TEMPLE.

Mr. Swetnam moved that Mr. William Donnelly with the law firm of McCandlish, Lillard, Church and Best, 4069 Chain Bridge Road, Fairfax, be employed to represent the Board of Zoning Appeals in the court suit against the Board of Zoning Appeals concerning the Kena Temple case.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

Mr. Smith stated that as a matter of record, he would state that the fee for representation in the case will be within the limitations set forth by the Board of Supervisors, which will be not more than $2,000.00 and will be subject to the approval of the County Attorney.

Mr. Swetnam stated that he wished to state for the record that this setting of fee demonstrates that the Board of Supervisors still has a lease on the Board of Zoning Appeals in that they control the funds.

He stated that he was not going to sit on this Board without being protected by a lawyer, if he had to pay him himself.

Mr. Smith stated that he was not prepared to spend his own money to defend the Board of Zoning Appeals.

Mr. Durrer stated that he understood what Mr. Swetnam was saying and that is that this is an independent body appointed by the Circuit Court and he wants it to stay independent. Mr. Ruck, the County Attorney, has been directed to meet with the Senior Circuit Court Judge in the near future to work out details concerning this problem. He stated that he understood the Board of Supervisors concern that they were appropriating money to do something that is against their policies.

Mr. Smith stated that he hoped some arrangement could be worked out so that when the Board of Zoning Appeals needs money for its legal defense, it will be provided. It is important to keep the line of communication open between this Board and the Board of Supervisors and give every consideration to trying to administer the Ordinance that is adopted.

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Page 361, July 28, 1977
AFTER AGENDA ITEM, ROY DUNN T/A ADAMS TRAILER RENTAL.

Mr. Smith read a letter dated July 26, 1977, from Grayson Hanes, attorney for the applicant, requesting the Board allow Mr. Dunn to transfer his Special Use Permit to the U-Haul Company of Metro, Inc. since the present Permittee, Mr. Dunn, is having problems financially getting his business started.

Mr. Swetnam stated that his motion said that this permit was not transferable and he would move that it remain as granted. There will have to be a new application if he wants to change ownership.

Mr. DiGiulian seconded the motion.

DUNN T/A ADAMS TRAILER RENTAL (continued -- AFTER AGENDA ITEM)

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Mr. DiGiulian stated that as he recalled the question was asked by a nearby property owner whether this use would be transfered to U-Haul. The nearby neighbors seemed to be very concerned that this might happen. He stated that he felt a new application would be necessary.

The motion passed unanimously with the members present. Mr. Barnes was absent.

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The meeting adjourned at 1:05 P.M.

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Jane C. Kelsey
BY JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED _____
DATE

Submitted to Board of Supervisors,
Planning Commission and other Depts.
on Aug 29, 1977.

Submitted to Board of Zoning Appeals
on August 29, 1977.

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At a Regular Meeting of the Board of Zoning Appeals Held on Tuesday, August 30, 1977, in the Board Room of the Massey Building, all Board members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam; George Barnes; and John DiGiulian.

The meeting opened at 10:12 A.M. with a prayer by Mr. Barnes.

10:00 - ROBERT D. SOLTIS, appl. under Sec. 30-6.6 of the Zoning Ordinance to permit enclosure of carport 12.7' from side property line (15' required), 2400 Popkins Lane, White Oaks Subd., 93-3((9))(5)41, (15,108 sq.ft.), Mt. Vernon Dist., R-17, V-167-77.

Mr. Robert D. Soltis presented the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Soltis's main justification was that this is the only practical place on the property to a single car garage. The rear of the property has a severe slope and there is not enough room on the other side of the house. The lot is a corner lot with angled property lines. There is also a storm sewer easement along one side of the property.

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

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August 30, 1977

Mr. Swetnam made the following motion:

WHEREAS, Application V-169-77 by ROBERT D. SOLTIS under Section 30-6.6 of the Zoning Ordinance to permit the enclosure of a carport 12.7' from the side property line when 15' is required, 2400 Popkins Lane, 93-3((9))(5)41, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on August 30, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 15,108 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems and is a corner lot.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reaonsable use of the land and/or building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1.

Mr. Smith voted No.

10:20 A.M. - HAPPY DAY CARE CENTER appl. under Sec. 30-7.2.6.1.3 of the Ordinance to permit renewal of Special Use Permit for day care center and increase number of children to 57, 4100 Hunt Road in the First Church of God, 58-4((1))19, (58,620 sq. ft.), Annandale Dist., RE-1, S-158-77.

Rev. Dennis Mitchell, 4040 Poplar Street, Fairfax, Virginia, Pastor of the First Church of God, submitted the required proof of notice to property owners. The notices were in order.

This use was granted by SUP S-103-71, granted June 8, 1971. The current application is to renew this Special Use Permit. The applicant requested 50 children, but the Health Department reduced the maximum to 44 because of limitations of the septic system. Now the facility has been connected to public sewer and the Health Department reports that the maximum number of children can now be 57 for 4 hours or more.

Rev. Mitchell stated that the school operates as an arm of the Church under the direction of the Happy Day Care Board of seven members. It functions on a non-profit basis with an employed director responsible for the supervision of teachers, child care supervisors, aides, secretary, and children. The average number of employees is 9, all of whom are part time workers. Average school enrollment at any one time has been forty children. Average summer enrollment has been sixteen. The current enrollment is 35.

Parents transport their own children. The hours of operation are 7:00 a.m. to 6:00 p.m.

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

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August 30, 1977

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-158-77 by HAPPY DAY CARE CENTER under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit renewal of S-103-71 for day care center and increase number of children to 57, 4100 Hunt Road, 58-4((1))19, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on August 30, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owners of the property are Trustees of First Church of God. The applicant is the lessee.
2. That the present zoning is RE-1.
3. That the area of the lot is 58,620 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

Page 365, August 30, 1977
HAPPY DAY CARE CENTER (continued)

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is NOT valid until a Non-Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 57.
8. The ages shall be from 2 through 8 years.
9. This permit is granted for a period of FIVE (5) years.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present.

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August 30, 1977

10:30 - JOHN E. BYRNE appl. under Sec. 30-6.6 of the Ord. to permit enclosure of porch 9.6' from side property line (15' required), 2104 Martha's Road, 93-3((4))62, (20,804 sq. ft.), Mt. Vernon District, R-17, V-163-77.

Mr. Byrnes submitted the required proof of notice to property owners. The notices were in order.

Mr. Byrnes stated that he purchased his house in 1966. At that time there was an unenclosed patio, which he had wanted to make into a bedroom. The need for that bedroom has now arisen. However, when he checked into the zoning regulations, he found that it would be necessary to get a variance. When he hired an architect to make the plans and have a survey made of the property, it was found that the existing patio was 5 inches too close to the property line. This is the only place on the property where a bedroom can be added. There is a slope in the back of the property and the interior configuration of the house does not make it feasible to place an addition elsewhere on the property. The contiguous property owner has been contacted and he was very pleased that there would be a solid wall facing his property rather than a window. He submitted a letter stating that the contiguous property owner had no objection to this variance being granted.

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

Page 365 Bd. of Zoning Appeals
August 30, 1977 R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-163-77 by JOHN E. BYRNE under Section 30-6.6 of the Zoning ORDINANCE TO PERMIT enclosure of porch 9.6' from side property line, 2104 Martha's Road, 93-3((4))62, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on August 30, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 20,804 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape (converging lines); and
5. That the Board finds that the applicant's property has an unusual location of the existing building on the subject property; and

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

THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would deprive the user of the reasonable use of the land and building involved and under a strict interpretation of the Zoning Ordinance would result in practical

difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed unanimously with all the members present.

10:40 - MARRIGAN S. KRASNECKI appl. under Sec. 30-6.6 of the Ord. to permit addition 42.6' from front property line (50' required), 1922 Kenbar Court, 41-1((24))23B, Kenbargan Subd., (21,415 sq. ft.), Dranesville Dist., RE-0.5, V-164-77.

Mr. Krasnecki submitted the required proof of notice to property owners. The notices were in order.

Mr. Krasnecki stated that because of the interior configuration of the existing house, there is no other place an addition.

Mr. Swetnam stated that from looking at the plats, it seems that this is an unusually odd shaped lot.

The Board was in receipt of a letter from Gerold Guensberg, 1924 Kenbar Court, stating that he had no objection to the granting of this requested variance with the conditions as suggested below:
a. a shrubbery line that was initiated by Krasnecki and continued by him along the supposed property line, be continued in place; and
b. that the addition not extend closer to the existing shrubbery line than 20 feet, as required by the existing zoning specifications.
Mr. Guensberg also questioned the accuracy of the location of the property line separating his and Mr. Krasnecki's property.

Mr. Smith stated that boundary disputes are civic matters and not within the jurisdiction of this Board.

Mr. Guensberg appeared before the Board to make this request again verbally.

Mr. Krasnecki stated that he had no intention of removing the existing shrubbery.

Mr. Smith stated that the requested variance is from the front property line. If the variance is granted, the applicant would have to construct according to the plats submitted with this application. Those plats show the proposed addition to be 22.8' from the property line at the closest point.

There was no one else to speak regarding this application.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-164-77 by MARRIGAN S. KRASNECKI under Section 30-6.6 of the Zoning Ordinance to permit an addition 42.6' from the property line (50' required), 1922 Kenbar Court, 41-1((24))23B, County of Fairfax, Virginia, has been filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on August 30, 1977; and

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

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August 30, 1977
KRASNECKI (continued)

1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 21,415 sq. ft.
4. That the applicant's property is exceptionally irregular in shape in that it is on a cul-de-sac which has a variable distance to the property line; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion.

The motion passed unanimously. Mr. Smith stated that he was voting Yes which he seldom does for a further variance, but this is a very unusual situation.

Page 367, August 30, 1977
11:00 A.M. - GORDON E. ROOS appl. under Sec. 30-6.6 of the Ord. to permit erection of screened porch 19' from rear lot line (25' required), 9301 Shari Drive, Springbrook Subd., 58-4((23))14, (15,525 sq. ft.), Annandale District, R-17, V-170-77.

Mr. Roos submitted the required proof of notice to property owners. The notices were in order.

Mr. Roos stated that this is the only place on the property to construct a screened porch. He has a very narrow back yard. The screened porch would be constructed on a poured cement platform solid with the ground and would have a permanent roof.

Mr. Durrer stated that he would like for the engineers on the Board to give some reason why this configuration of the lot warrants the porch being placed where it is proposed. He stated that he could find no justification other than the applicant wants the porch. The lot seems to be a square shaped lot.

Mr. Swetnam stated that the lot is 135' wide and only 115' deep. Any place the applicant puts an addition would require a variance.

Mr. Covington stated that the lot is exceptionally shallow.

Mr. Smith stated that the Board has to decide whether denying the variance would deprive the owner of the reasonable use of his land.

There was no one to speak in favor and no one to speak in opposition to this request.

The applicant stated that the reason he needs this screened porch is that his 95 year old father and 90 year old mother live with him. They enjoy sitting outside, but are bothered by the nats and bugs. That is why he decided to construct a screened porch. He stated that he purchased the property in 1971 and he felt he was making reasonable use of the land with this request. He stated that he did not see how the Board could consider this request unreasonable.

RESOLUTION

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Mr. Durrer made the following motion:

WHEREAS, Application V-170-77 by GORDON E. ROOS under Section 30-6.6 of the Zoning Ordinance to permit construction of screened porch 19' from the rear property line, 9301 Shari Drive, 58-4((23))14, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on August 30, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of thelot is 15,525 sq. ft.
4. That the applicant's property is exceptionally shallow.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith abstained.

Page 368, August 30, 1977

11:10 - ST. MARK'S EPISCOPAL CHURCH & MT. VERNON CHURCH OF GOD appl. under Sec. 30-6.6 of the Ord. to permit subd. of lot with one lot having less than required width at building setback line, 6744 South Kings Highway, 92-2((1))2, (5.7 ac.), Lee Dist., RE-1, V-169-77. (To be heard in conjunction with S-108-77.)

MT. VERNON CHURCH OF GOD appl. under Sec. 30-7.2.6.1.11 of the Ord. to permit construction of a church and related facilities, 6744 South Kings Hwy., 92-2((1))2, (3.3 ac.), Lee District, RE-1, S-108-77. (Deferred from June, 1977 for variance application to be filed.)

Mr. Kenneth W. Smith, attorney for the applicant, 10560 Main Street, Fairfax, submitted the required proof of notice to property owners. The notices were in order.

Mr. Smith stated that this property consists of 5.7 acres on South Kings Highway in the Lee District. The application is necessitated by the fact that the portion of the 5.7 acres which is proposed to be sold to the Mt. Vernon Church of God is located on the rear portion of the property owned by St. Mark's Episcopal Church. There is no access other than going through the existing St. Mark's Church property. The Ordinance requires a width of 150' minimum in the RE-1 zone. Due to the configuration of the land and the existing structure on the St. Mark's Church property, it would be impossible to fully utilize the property unless the variance is granted. This will permit a pipestem configuration that will provide access.

The Board decided by motion of Mr. Durrer that this case be deferred until until September 8, 1977, for an updated plat showing the setback to the existing structures on the St. Mark's church property and the entrance and existing driveway to the church's parking lot. He also moved that case S-108-77 be deferred until September 8, 1977, to be heard concurrently with V-169-77. Mr. DiGiulian seconded the motion.

There was no one to speak in favor or in opposition to this application. The motion passed unanimously.
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Page 369, August 30, 1977

DEFERRED CASE: SMITH & BYERS, V-151-77 (Deferred from 7-26-77 for viewing.)

The Board was in receipt of a letter from Charles Runyon, with the engineering firm of Runyon and Associates, who stated that he had been retained to represent the applicants in this case, but that he had prior commitments for this date.

The Board deferred this case until September 8, 1977, at 2:10 p.m.

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Page 369, August 30, 1977
AFTER AGENDA ITEM: 1. W & N COMPANY, V-65-77 (Request for approval of substitute plats.)

The Board was in receipt of a letter from Mr. Gordon, architect on this project, requesting that the Board allow substitution of plats. The Health Department had required the relocation of the perk holes. This caused a slight change in the proposed lot lines.

The Board was in receipt of letters from the contiguous property owners expressing approval of this change. Originally, one of the property owners next to this property, had objected to this variance because the proposed house would be so close to her house. Now, the proposed houses are further away from her house and the pipestem access was also moved away from her property.

Mr. DiGiulian moved that the Board allow the substitution of plats reflecting these changes, as stated above.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present.

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Page 369, August 30, 1977
AFTER AGENDA ITEM: 2. THOMAS N. WHITE, JR., V-220-77, Request for out-of-turn hearing. The agent for the applicant stated in his letter to the Board that this property is under contract to purchase and the contract purchaser would lose the property unless he could consummate the sale before the expiration date of the contract.

Mr. Smith stated that this is not a hardship on the owner of the property. Under the Code, only the owner can have a hardship. This request is not by the owner, or for the owner.
Mr. Durrer moved that this request be denied. He stated that it was his understanding that the Board's agenda is already completely full.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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Page 369, August 30, 1977
AFTER AGENDA ITEM: 3. JACQUELINE S. MOCK & RANDY FOSTER DeWITT, S-84-77.

The Board was in receipt of a request from Mrs. Mock for an appeal of the Zoning Administrator's decision to revoke her Special Use Permit. Mr. Knowlton, the Zoning Administrator, revoked the permit because Mrs. Mock had not complied with the conditions set forth in the granting of the Special Use Permit. The Zoning Inspectors made an inspection.

Mr. Barnes stated that he would be glad to go with Mr. Covington and the Zoning Inspectors to reinspect the property.

Mr. Durrer moved that the appeal be heard on September 27, 1977.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present.

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Page 370, August 30, 1977
AFTER AGENDA ITEM: HOWARD JOHNSON'S MOTOR LODGE, 5821 Richmond Highway, Alexandria, Virginia 22303, Site Plan No. 882.

The Board was in receipt of a letter from Kenneth F. Mason, Manager of that Howard Johnson, requesting that the Board allow the motel to use the present meeting room, office, and lobby area for commercial office use. The area involved is ground floor space of approximately 4600 square feet. Approximately one-third of this space is presently in use as meeting room space.

This Special Use Permit was granted in the 60's and it also was granted a variance to the height requirement of the ordinance.

Mr. Covington explained to the Board that this is a use by right in that zone for commercial office However, since the motel is under a Special Use Permit this will be an impact on it.

Mr. Smith felt that it would be necessary for the applicant to bring in new plats showing where the proposed office space would be, and whether or not parking is adequate for this change in use.

Mr. Durrer stated that the proposed use would afford no impact on the existing Special Use Permit. He moved that they be allowed to use this space as specified in the letter dated August 29, 1977 on recommendation from the staff. It will be necessary for them to comply with Site Plan requirements as far as parking, etc. is concerned, he stated.

Mr. Barnes seconded the motion and stated that he was sure that the Site Plan Office would take care of the parking and if they cannot provide adequate parking, then they would not be allowed to change the use.

The motion passed 4 to 1. Mr. Smith voted No.

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Page 370, August 30, 1977
AFTER AGENDA ITEM: BILL SUBMITTED FOR INSPECTION SERVICES FOR LUCK-FAIRFAX QUARRIES, INC.

The Board after considerable discussion requested the Zoning Administrator come back with a more detailed explaination of the costs involved.

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Page 370, August 30, 1977 - APPROVAL OF MINUTES

Mr. Swetnam moved that the Board of Zoning Appeals Minutes be approved for the meetings of June 14, 21; July 14, 18, 21, and 26, with minor corrections.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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DISCUSSION REGARDING THE AFTERNOON MEETING WITH MR. FINZ, THE DEPUTY COUNTY EXECUTIVE, AND OTHER STAFF MEMBERS REGARDING THE TYPE STAFF REPORT FOR THE BOARD OF ZONING APPEALS AND THE POSSIBILITY OF HAVING NIGHT MEETINGS.

Mr. DiGiulian commented that if the case is important enough for the neighbors to object to, then it should be important enough for them to take a couple hours leave to attend these hearings, or they could write a letter.

Mr. Swetnam stated that this Board needs to sift through the emotional aspects of these hearings.

Mr. Smith stated that he was under the impression that this Board is providing a good forum under the present operating procedures. This Board usually meets from 10:00 a.m. until at least 4:00 p.m. and sometimes 5:00 p.m. or after. That is at least five hours of hearings. If they move a meeting date until the evening, it would last from 8:00 p.m. until 1:00 p.m. if there is no break in between. He stated that he feels the Board would not be operating efficiently at that time of evening and that it is not fair to the applicants. Since the Supervisors want the Board of Zoning Appeals to have these night meetings in order for more people to attend, that means the Board would not be able to handle the same volumn of cases in the same

Page 371, August 30, 1977

amount of time. Therefore, this would necessitate having more meetings per month. The Board of Supervisors is only budgeting three meetings per month for the Board of Zoning Appeals now. The only way this Board can have more meetings is from the absentee factor. Most Boards of Zoning Appeals in other jurisdictions meet during the day.

Mr. Durrer moved that the Board of Zoning Appeals have one meeting per month at night.

The motion died for lack of a second.

Mr. Swetnam moved that no further consideration be given to night meetings at this time.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Durrer voted No.

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FURTHER BOARD OF ZONING APPEALS MEETING DATES:

SEPTEMBER 8, 13, 20 and 27; OCTOBER 12, 18, and 25.

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The meeting recessed at 12:25 P.M. for lunch and to go into Executive Session to discuss staff reports with the staff.

The meeting adjourned at 3:18 p.m.

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Jane C. Kelsey

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

Submitted to the Board of Zoning Appeals on September 13, 1977--

Submitted to Bd. of Supervisors and other Depts. on Sept 15, 1977

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED Oct. 18, 1977
DATE

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The Regular Meeting of the Board of Zoning Appeals Was Held on Thursday, September 8, 1977, in the Board Room of the Massey Building. All members were present except Mr. DiGiulian. Members Present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam; and George Barnes.

The meeting opened at 10:20 A.M. with a prayer by Mr. Barnes.

10:00 A.M. - SHOW-CAUSE HEARING - MURRELL W. PROCTOR T/A CENTURY MOTORS. Special Use Permit granted April 13, 1977 for auto sales room, 7129 Columbia Pike, 71-1((1))96B, (C-D), 23,823 sq. ft.), Mason District, S-50-77. (SHOW CAUSE HEARING TO DETERMINE EXTENT OF VIOLATION OF ZONING ORDINANCE AND SPECIAL USE PERMIT AND TO DETERMINE WHETHER IT WILL BE NECESSARY TO REVOKE SPECIAL USE PERMIT.)

Mr. Gilbert R. Knowlton, Zoning Administrator, stated that the wording of the section of the Ordinance under which this application was granted reads as follows: "Automobiles and trucks, sales rooms and service facilities appurtenant thereto, shall be entirely enclosed on all sides in connection with which there may be outdoor display of vehicles (a) on the same lot therewith, (b) incidental and accessory thereto, (c) occupying an area as authorized, and (d) not including the display of any vehicle that is not in operating condition."

Mr. Knowlton stated that he interprets the Code to say that there must exist in the building a sales room. He stated that his interpretation of a sales room is that there be vehicles displayed in that room. Specifically on the plat there are a number of parking spaces labeled parking spaces, but none labeled display spaces. He stated that his office has a problem in determining how many display spaces were authorized by this Board. In addition, there is on the plat some lines that might indicate parking in the travel lane. The Site Plan Ordinance does not permit parking in travel lanes. He asked Mr. Don Beaver, Zoning Inspector on this case, to pass around some photographs of this property that were taken just yesterday.

Mr. Smith stated that the applicant was granted a Special Use Permit for an auto sales room at this location according to the plats that were presented. He asked Mr. Beaver if the applicant was parking the vehicles in accordance with the plats that were approved by the Board.
Mr. Beaver answered "No".

Mr. Knowlton stated that the Board would note from the photographs that there are perhaps as many as fourteen (14) cars lined up across the front of the property.

Mr. Knowlton stated that one of the photographs also show a second row of cars that completely block the aisle. The Code says that the outdoor display area is limited to the area authorized by this Board. There is in the motion and on the plat no specific authorization for outdoor display even though perhaps some was intended.

Mr. Swetnam stated that when he made the substitute motion, there was no intent to block the travel way. That is something that goes without saying. If the applicant follows the plat and does not violate the travel aisle, then he is all right.

Mr. Knowlton stated that the inspectors still do not know which are the display spaces and which are employee and customer parking spaces.

Mr. Proctor, 7129 Columbia Pike, testified before the Board. He stated that he has 38 or 39 cars displayed. He stated that he is using the same parking spaces were used when this property was used for Carol's Hamburgers. The plat that was submitted is the same plat that was submitted by Fox Keller when that company came before the Board for a Special Use Permit for an auto sales room. He stated that there was a charge that he had no display in the building, but he now has a car displayed in the building. He stated that he does not yet have a new car franchise.

Mr. Swetnam stated that he would move that the final decision on this be postponed until such time as the applicant can come in with a revised plat showing the necessary parking that he proposes, not what Fox Keller or Carol's Hamburger's had. These plats must conform with the County Ordinances.

Mr. Durrer seconded the motion.

Mr. Swetnam stated that Mr. Proctor would have to conform his plat to the provisions of the Site Plan Waiver. The plat must show both the display

spaces and the employee and customer parking spaces. There can be no display parking in the front 50' setback area.

Mr. Smith stated that this is a clarification on the original action of the Board. Since the applicant has not obtained a Non-Residential Use Permit, he actually does not have a Special Use Permit. He should not be operating, but that is up to the Zoning Administrator.

The Board set the deferral date to September 27, 1977.

Mr. Swetnam stated that the Board had a letter from the applicant's attorney asking that the case be deferred until the applicant could be represented by counsel, however, counsel could not be present until October 18. He asked Mr. Proctor if he still wanted the case deferred until he could be represented by counsel, or if September 27 was satisfactory.

Mr. Proctor stated that September 27 was satisfactory and he would try to have the plats in as the Board requested.

Mr. Smith stated that he really should have the plats in five days prior to September 27, in order that they might be reviewed by the staff.
The Clerk set the case for 1:30 P.M. on September 27, 1977.
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10:20 A.M. - MT. PLEASANT BAPTIST CHURCH appl. under Sec. 30-7.2.6.1.11 of the Ordinance to permit church and related facilities, 13615 Coppermine Road, 15-4((1))21, (0.50 ac.), Centreville District, RE-1, S-171-77.

This case was recessed to give the applicant the opportunity to go to his car and get the notices. The 10:30 a.m. and 10:50 a.m. case was heard. The Board then went back to this case.

Rev. James P. Russell, 2109 Davis Ford Road, Woodbridge, Virginia, submitted the required proof of notice to property owners to the Board. The notices were in order.

Rev. Russell stated that this is proposed to be a new church. There is a church now across the street that is presently used. This is planned to be a one-story with basement building with a seating capacity of 120 and 24 parking spaces. The material to be used is brick exterior.

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

Mr. Swetnam made the following motion:

WHEREAS, Application S-171-77 by MT. PLEASANT BAPTIST CHURCH under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit the construction of a church and related facilities, 13615 Coppermine Road, 15-4((1))21, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 0.5 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is not valid until a Non-Residential Use Permit is obtained.
5. A Copy of this Special Permit*shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
*and the Non-Residential Use Permit
6. Landscaping and screening shall be require to the satisfaction of the Director of Environmental Management.
7. The seating capacity shall be 120.
8. The hours of operation shall be regular church hours.
9. The number of parking spaces shall be 24 cars.

Mr. Barnes seconded the motion.

The motion passed unanimously.

Mr. Swetnam stated that these people have been neighbors of his for a long time and he has never heard anything derogatory about them in the twenty-one years that he has lived there. He stated that he was glad to see them building a new church in the neighborhood.

Page 375, September 8, 1977
10:30 A.M. - CLARENCE & DOROTHY BROTHERS appl. under Sec. 30-6.6 of the Zoning Ordinance to permit garage 8.07' from side property line (12' required), 6735 Montour Drive, V-172-77.

The applicant did not have notices to property owners. The Board deferred the case until October 12, 1977 in order for the applicant to obtain the proof of notice to property owners of the hearing.

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Page 375, September 8, 1977

10:50 a.m. - CARLOS M. HECKER, M.D. appl. under Sec. 30-7.2.6.1.14 of the Zoning Ordinance to permit occasional medical-psychiatric office in home, 9504 Laurlin Court, Beau Ridge Subd., 19-3((5))14, (54,798 sq.ft.), Dranesville District, RE-1, S-173-77.

(The hearing began at 10:52 A.M.)

Dr. Hecker submitted the required proof of notice to property owners. The notices were in order. Dr. Hecker stated that he plans to have patients in his home not to exceed one or two times a week. This is not for the purpose of opening up a practice in the home, but to be able to respond to requests in the community as they might arise. He stated that he had lived at this address since 1973. His medical practice is in Alexandria.

Mr. Durrer stated that the statement in the file indicates that the applicant will see possibly four patients a day on weekends.

Dr. Hecker stated that he had been in practice since 1969. The closest commercial area to his home is about four or five miles away at Tysons Corner. He stated that he is not associated with any other psychiatrist. In answer to Mr. Durrer's question, Dr. Hecker stated that there would be people coming to his office with mental problems. He stated that the building in which he has his practice turns off the heating and cooling plants during the weekends. There are no windows in his office. Therefore, he can't see patients even for emergencies in his office building.

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

Kathleen Hodge, nearby property owner, spoke in opposition to this application Her opposition was concerning the traffic and hazards involved with the additional traffic. She was also concerned that this Special Use Permit being granted would set a precedent in the neighborhood where there are a lot of property owners who are doctors, lawyers, and other professional people.

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Faith Massey, 9505 Laurlin Court, directly across the street from the subject property, spoke in opposition to the request. She submitted a petition with fifty signatures indicating their opposition to this use in this neighborhood. She stated that on the petition there are the signatures of three doctors who live in this subdivision who are opposed to the granting of this application.

Ms. Massey also submitted a letter from Mr. and Mrs. Marik, 9506 Laurlin Court, Vienna, in opposition to this application.

Ms. Massey's main opposition was to the traffic impact and the change in the residential character of the neighborhood if this use is granted.

Dr. Hecker spoke in rebuttal to the opposition stressing that he had only planned this to be an occasional office, not a full time practice.

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September 8, 1977 R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-173-77 by DR. CARLOS M. HECKER under Sec. 30-7.2.6.1.14 of the Zoning Ordinance to permit*medical-psychiatric office in home, 9504 Laurlin Court, 19-3((5))14, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

*occasional

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 54,798 sq.ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has not presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian was absent.

Page 376, September 8, 1977

11:00 A.M. - CARL & ELISABETH LETSEN appl. under Sec. 30-6.6 of the Ordinance to permit carport addition 3' from side property line (7' required), 8618 Bradgate Road, Stratford Landing Subd., 111-1((6))(18)9, (11,197 sq. ft.), Mt. Vernon Dist., R-12.5, V-176-77.

Mr. Letsen submitted the required proof of notice to property owners. The notices were in order.

Mr. Letsen stated that the reason he wanted the carport in this location was because there is an existing slab there now that he doesn't want to demolish. Mr. and Mrs. Lands, the contiguous neighbor, have no objection to this request. He will speak to this later.

He stated that the property slopes up 10 feet away from the house which prevents him from constructing this carport in the rear of the house.

Mr. Lyons, 8620 Bradgate Road, spoke in support of the application. There was no one to speak in opposition.

Page 377, September 8, 1977
LETSEN (continued)

RESOLUTION

Mr. Swetnam made the following motion:

WHEREAS, Application V-176-77 by CARL & ELIZABETH LETSEN under Sec. 30-6.6 of the Zoning Ordinance to permit a carport 3' from side property line (7' required), 8618 Bradgate Road,111-1((6))(18)9, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the applicant is the owner of the property.
2. That the present zoning is R-12.5.
3. That the area of the property is 11,197 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and has a steep slope to the rear of the house; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Durrer seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained. Mr. DiGiulian was absent.

Page 377, September 8, 1977

11:20 A.M. - JAMES W. ANDERSON appl. under Sec. 30-6.6 of the Ord. to permit greenhouse to be constructed 3' from side property line (12' required) and 29' from Northwood Road which is the front property line (40' required), 9907 Barnsbury Court, 48-3((26))4, (17,963 sq. ft.), Providence District, R-12.5, V-179-77.

Mr. Anderson submitted the required proof of notice to property owners. The notices were in order.

Mr. Anderson also submitted a petition from the neighbors in favor of the application.

Mr. Anderson stated that this is the only place on the property where they can practically put this greenhouse. He submitted a statement of justification which can be found in the file.
Mr. Swetnam stated that he could not place the greenhouse on the other side of the house because of the underground power lines and a sanitary sewer and storm drainage easement.

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

RESOLUTION

Mr. Durrer made the following motion:

WHEREAS, Application V-179-77 by JAMES W. ANDERSON under Sec. 30-6.6 of the Zoning Ordinance to permit construction of a greenhouse 3' from side property line and 29' from Northwood Road, 9907 Barnsbury Court, 48-3((26))4, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of thelot is 17,963 sq.ft.
4. That the applicant's property has topographic problems, has an irregular shape, has an unusual condition in the location of the existing building on the property and has underground gas line on the other side of the property; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Barnes seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained. Mr. DiGiulian was absent.

Page 378, September 8, 1977

11:30 A.M. - CHESTERFIELD MEWS COMMUNITY ASSOCIATION appl. under Sec. 30-7.2.6.1.1 of the Ord. to permit two tennis courts and tot lot in Chesterfield Mews Subd. off Arlington Blvd., 48-4((1))part of parcel 45, (0.704 ac.), Providence District, RTC-5, S-183-77.

(The hearing began at 11:45 A.M.)

Mr. Russell Rosenberger, attorney for the applicant with offices on Lee Highway, submitted the required proof of notice to property owners to the Board. The notices were in order.

Mr. Rosenberger stated that this property is located in Section 2 of a townhouse community known as Chesterfield Mews. Chesterfield Mews consists of 150 townhouses located on the south side of Route 50. About one-half of the community has been completed and the houses are occupied. The remainder is under construction. The tennis court facilities are located in the flood plain area and as indicated by the comments from Preliminary Engineering, the Board of Supervisors granted permission to allow the proposed courts to be constructed in the flood plain area. The Dept. of Environmental Management has approved this plan subject to this Board's approval. This is to be a walk-to facility. No parking spaces have been provided and no vehicular access has been provided. All of the homes in this subdivision are located in very close proximity to these courts. This area where the courts are proposed are an area designated as park land that is owned by the Fairfax Park Authority. This use will have no traffic impact. He stated that the homeowners may wish to add lights to the courts at some future time. These were not included on the plats submitted to the Board.

Mr. Smith advised Mr. Rosenberger that since it was not advertised and not shown on the plats, that the lights would have to be the subject of another

application. There usually is no great objection to lighting tennis courts as long as the lights are directed toward the courts and are the low type lights.

Mr. Rosenberger in answer to Mr. Smith's question stated that the tot lot is to serve children around six or seven years of age. The equipment to be used on that tot lot will be basically for children in that age group.

Mr. Osborne, 3146 Colchester Brook Lane, President of the Chesterfield Mews Homeowners Association, spoke in support of the application. He questioned whether or not a fence was proposed to be around the tennis courts since it was not shown on the plats before the County. He also questioned the height of that fence, if one is proposed. He stated that he felt a fence would be necessary since these townhouses are very close to the proposed courts. He also questioned the type of material to be used as a base for the tot lot.

Mr. Smith stated that the tot lot really isn't a use that requires a Special Use Permit. It is only before the Board since it is on the property being considered for a Special Use Permit for tennis courts.
There was no one to speak in opposition to this application.
It was the Board's concensus that a fence would be necessary around the tennis courts. The case was deferred until 1:40 P.M. on September 20, 1977, in order for the applicant to revise the plats showing a fence around the tennis courts.

Mr. Durrer stated that he wished to commend the staff for the type report it made on this case with regard to the fact that the Board of Supervisors had granted a variance to allow the proposed recreational facilities to be constructed within the flood plain. This type report expedites the hearing.

Mr. Smith explained that that portion of the staff report comes from the Office of Preliminary Engineering and is written by Mr. Steve Reynolds at the request of this Board.

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Page 379, September 8, 1977
11:45 A.M. - GREAT FALLS MONTESSORI SCHOOL appl. under Sec. 30-7.2.6.1.3 of the Ordinance to permit Montessori school in existing church, 25 pupils, 11500 Leesburg Pike, 11-2((1))20, (1.181 acres), Centreville District, RE-1, S-191-77. (OTH).

Mr. Glenn McGee, 806 Aaron Court, Great Falls, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. McGee told the Board that they propose to have 25 pupils, ages 3 through 6, from 9:00 a.m. to 12:00 Noon and two afternoons until 2:30 p.m. They will encourage carpools, but the children will be transported by parents.

The staff report indicated that the number of children must be limited to 50 for four hours or less per session, or to 30 for 4 hours or more per session according to the Health Department.

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

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September 8, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application S-191-77 by GREAT FALLS MONTESSORI SCHOOL under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit school for 25 children, 11500 Leesburg Pike, 11-2((1))20, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Dranesville Church of the Brethren.
2. That the present zoning is RE-1.
3. That the area of the lot is 1.181 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is not valid until a Non Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The number of students shall be 25, ages 3 through 6.
8. The hours of operation shall be from 9:00 A.M. until 2:30 P.M.
9. The number of parking spaces shall be 26.

Mr. Barnes seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian was absent.

The Board recessed for lunch at 12:15 and returned at 1:35 to take up the 1:00 P.M. case of

FRANCONIA ASSEMBLY OF GOD appl. under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit erection of a new church and related facilities, 7401 Beulah Street, 91-3((1))53, (190,892 sq.ft.), Lee District, RE-1, S-184-77.

Mr. Byrd submitted the required proof of notice toproperty owners. The notices were in order.

Mr. Byrd stated that this proposed building site is a mile south of where they presently are meeting and have been meeting for twenty years. Their attendance is now 150 and they need additional space for their facilities.

The building will be brick veneer, two stories (one story with basement) with the entrance onto Beulah Road.

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

The Board discussed whether or not to make as a condition of this granting the suggestions of Preliminary Engineering concerning the dedication to the back of the future sidewalk on Beulah Street for the full frontage of the property. The staff suggestion from Preliminary Engineering stated that the needed dedication would be to 45' from the existing centerline of the right-of-way of Beulah Street.

Mr. Swetnam stated that he thought this would be handled under Site Plan.

Mr. Mitchell from the Zoning Staff explained that this is not a requirement of the Site Plan Ordinance. Mr. Reynolds in his report has used the word "suggested". He uses this word when something cannot be required under the Site Plan Ordinance.

Page 381, September 8, 1977
FRANCONIA ASSEMBLY OF GOD (continued)

Mr. Swetnam stated that these people have bought this ground and paid for it and it is his feeling that if the County is going to need this ground, that they should have to reimburse the church for it.

Mr. Smith stated that this church has the benefit of constructing this church in a residential area which is causing additional impact on the roads in that residential area. The applicant should provide the proper road widening and dedication, etc. for the health, safety and welfare of the general public. This is required on every other church or school application. He asked Mr. Byrd if the church would be willing to dedicate.

Mr. Byrd stated that that obviously the church would like not to dedicate. However, they are prepared to do so, if it is necessary.

Mr. Smith stated that he had never voted against a church application, but he would have to do so if this dedication is not required or the church does not agree to it.

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September 8, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-184-77 by FRANCONIA ASSEMBLY OF GOD under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit the erection of a new church and related facilities, 7401 Beulah Road, 91-3((1))53, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 190,892 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location and structures indicated on the plats and the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (otherthan minor engineering details) whether or not these additonal uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT AND THE NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.

7. The number of seats shall be 280.
8. The hours of operation shall be the normal hours associated with church activities.
9. The number of parking spaces shall be 56.

Mr. Barnes seconded the motion.

The Board continued to discuss the suggestion of Preliminary Engineering regarding the dedication.

Mr. Durrer made as a substitute motion, that the provisions and suggestions of Preliminary Engineering be incorporated into Mr. Swetnam's motion, i.e. that the applicant dedicate to the back of the future sidewalk on Beulah Street for the full frontage of the property. The needed dedication would be to 45' from the existing centerline of the right of way of Beulah Street. The rest of the motion would be the same as Mr. Swetnam's motion.

Mr. Swetnam stated that he would accept that as an amendment. However, he still felt that this is taking away a man's ground without due process.

The motion as amended passed 4 to 0. Mr. DiGiulian was absent.

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1:20 P.M. - RONALD & MINERVA BROWN appl. under Sec. 30-7.2.9.1.7 of the Ordinance to permit real estate broker's office in older structure (Group 9), 6415 Arlington Blvd., Hillwood Subd., 51-3((5))7, (32,653 sq.ft.), Providence Dist., RE-1, S-178-77.

Robert F. Kohlhaas, attorney for the applicant, submitted the required proof of notice to property owners. However, the notices had been sent to some previous property owners, American Heritage, Inc., which notices had been returned twice.

Mr. Charles Runyon, 152 Hillwood Avenue, testified that American Heritage, Inc. had gone bankrupt. The property is now owned by Feldman, Alexander and Ross W. Keith, et ux., 6540 Arlington Boulevard. He stated that the correct property owners are aware of the case. They waive any notification requirement for this hearing. Mr. Runyon was representing the present owners.

Mr. John R. Kent, president of the Sleepy Hollow Citizens Association, stated that most of the neighbors are present or represented this morning. He stated that even though they are aware that the notices are not quite correct, they are prepared to go forward, and want to go forward with the case

Mr. Kohlhaas stated that Mr. Brown has been a real estate broker in Fairfax County for twenty years. He now has an office directly across Arlington Boulevard. He intends to dispose of that office and move his office into this house. He will have one part-time and one full time salesman. Two of his children will also be living in the house.

Mr. Smith stated that the square footage for this property is less than the required amount under Group 9 uses in the Ordinance.

Mr. Kohlhaas admitted that it was 17 square feet less than the required amount

Mr. Smith advised Mr. Kohlhaas that there were only four Board members present for this hearing and asked him if he was aware of that.

Mr. Kohlhaas stated that he was aware of that.

Mr. Kohlhaas in answer to Mr. Smith's question stated that Mr. Brown now owns the subject property.

Mr. Smith stated that the proposed parking is in the front yard and that sure violates good aestheics.

Mr. Kohlhaas stated that this is the only location where they could put the parking because of the septic field in the rear of the lot.

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

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BROWN (continued)

Mr. John R. Kent, 6460 Eppard Street, president of the Sleepy Hollow Citizens Association, consisting of 300 homes, spoke in opposition to this case. His opposition was that he felt this Special Use Permit being granted would change the residential character of the neighborhood. He stated that this is one of the prime residential areas in Northern Virginia. The citizens in this area have achieved this over a long period of working with the County.

Mr. Strickland, Jr. spoke in opposition to this application. He submitted additional photographs of the property. He stated that there is a ten acre tract that has been rezoned for townhouses. Immediately to the south is some vacant land that is zoned residential and it is conceivable that that land will be developed into townhouse development. One lot removed that the subject property, there has been a $100,000 house constructed. He stated that he was sure that the new owner would not like to have a real estate office with salesmen coming and going in their back yard.

Another nearby property owner living on Aspen Lane, spoke in opposition. He stated that he felt this proposed office and its related parking would be aesthically unpleasing to the neighborhood. This house is at the entrance to the neighborhood and has a great impact on it.

Mr. Ed Guinane, 6421 Spring Terrace, one block south of the subject property, spoke in opposition. He stated that he and his wife have lived there for thirty years. He do not want to see this commercial operation in their area.

Mr. Kohlhaas stated in rebuttal that Mr. Brown did not buy this property with the intent of changing it. He purchased it for his home and paid in excess of $100,000 for it. The purpose of the Group 9 section of the Zoning Ordinance is to allow a commercial type operation in a residential area as long as it has no commercial aspect to it. There is a commercial area across the street on Arlington Boulevard.

Mr. Smith stated that the parking arrangement is certainly not in harmony with or in keeping with the residential character of the area.

Mr. Durrer stated that if this proposed use was for the north side, he would have no problem with it. This area is not institutional in nature. If the Board grants this use, it will be doing something that will erode this side of the road like the other side already is.

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September 8, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application S-178-77 by RONALD & MINERVA BROWN under Sec. 30-7.2.9.1.7 of the Zoning Ordinance to permit real estate broker's office in older structure, 6415 Arlington Blvd., Hillwood Subd., 51-3((5))7, County of Fairfax has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 32,653 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has not presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian was absent.

Page 384, September 8, 1977
DEFERRED CASE:
1:40 P.M. - KRIYA YOGA ASHRAM, INC. appl. under Sec. 30-7.2.6.1.3.4 of the Ord. to permit school of special education, 2161 Chain Bridge Road, Gundervale Subd., 39-1((4))11, (30,440 sq. ft.), Providence Dist., RE-1, S-146-77 (Deferred from 7/21/77 for notices.)

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Robert Lawrence, attorney for the applicant, with offices at 4084 University Drive, Fairfax, submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Robert Lawrence stated that the other reason for this deferral was at the request of the applicant. The application had been filed incorrectly. It was filed as a request for a church. This is not going to be a church. He stated that he thought that determination had been made by the Zoning Office and was no fault of the applicant.

Mr. Smith stated that the Board is in receipt of a letter from Martha Pennino, Supervisor of the Centreville District, requesting that the Board further defer this case.

Mr. Lawrence stated that he opposed this further deferral. The applicant has now done everything that is required of any applicant to get this case before this Board. The Citizens Association was notified prior to the original hearing that the case would have to be deferred because of the notice problem. At that time, the citizens were also told that they could call him at any time to discuss this case. He stated that he had had no calls.

Mr. John J. Mitchell, 10005 Country Club Drive, N.E., Vienna, president of the Westbriar Civic Association, stated that he found out about this proposed school two days ago, along with many other people. There were a number of people in the room today that were completely surprised about this. The notification letters were sent to people who do not even live in the area, he stated. The letters were sent at a time when a lot of people were on vacation.

Mr. Lawrence stated that the letters meet the notification requirements of the Board. He stated that Mrs. Pennino's office prior to July 21, 1977, gave him the name of the citizens association, who was Mr. Wagner. He stated that he called Mr. Wagner who referred him to the Chairman of the PLUS Committee for the association, Mr. Delaney. He stated that he spoke to Mr. Delaney prior to July 21. He stated that he just could not understand the citizens' position that they have not had adequate notice.

Mr. Durrer stated that if Mrs. Pennino has asked for a deferral, there is a good reason for it. He stated that he would move that the Board defer this case for one month at the request of Mrs. Pennino.

Mr. Barnes seconded the motion.

Mr. Swetnam said that there were proper notices and he could see no reason for postponement of this hearing to give anyone the opportunity for further investigation. He stated that he felt this Board by deferring this case is taking this out of a judicial position and putting itself in a political position.

Mr. Smith stated that Mrs. Pennino is Supervisor for that district and represents the citizens of that district. She very seldom requests this Board to do anything andshe was sure that the reason is valid.

The motion passed 3 to 1. Mr. Swetnam voted No. Mr. DiGiulian was absent.

Mr. Mitchell from the Zoning Office stated to clarify Mr. Lawrence's comment that the Zoning Office had determined the category under which this application should be filed, that a young lady came into the Zoning Office to submit this application. The request was blank. The lady was asked what the proposed was to be. She said a church. Therefore, Mr. Mitchell stated that he wrote in the word "church", in the area the young lady had left blank. He stated that he mentioned this to Mr. Covington, the Assistant Zoning Administrator, at that time.

Mr. Lawrence stated that this is a school of special education. There is no worship to be done on the premises. This school is non-sectarian.

Mr. Covington stated that he also had spoken with the agent for the applicant at the time the application was submitted. He stated that from the conversation he had with the lady who submitted the application, he could not figure out exactly what they planned to do. She said it would be a church.
The case was deferred until October 12, 1977, at 10:00 a.m.
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AFTER AGENDA ITEM:
2:00 P.M. - ST. MARK'S EPISCOPAL CHURCH & MT. VERNON CHURCH OF GOD, V-169-77
(Deferred from August 30, 1977 for new plats showing setbacks from existing buildings on St. Mark's Church property and showing entrance to existing church and driveway.)

MT. VERNON CHURCH OF GOD appl. under Sec. 30-7.2.6.1.11 of the Ord. to permit construction of a church and related facilities, 6744 South Kings Highway, 92-2((1))2, (3.3 acres), Lee District, RE-1, S-108-77. (Deferred from June 1977 for variance application and again on August 30, 1977 to be heard concurrently with V-108-77.)

The revised plats had been submitted to and checked by the staff prior to the meeting. The plats were in order. The Board then reviewed the plats and determined that they were in order.

Mr. Kenneth W. Smith, attorney for the applicant, stated that the church is in the process of purchasing this property from the St. Mark's Episcopal Church. There has been no opposition from the residents in the area. The architectural design has not been determined as yet. The material to be used will be pre-engineered structural steel with metal siding.

Mr. Smith stated that that is unusual for a church to use that type material.

Mr. Swetnam stated that he didn't see what difference the material makes.

Mr. Smith stated that this Board is charged with the responsibility of getting some details of the architectural harmony with the neighborhood in which this use will be.

The selling realtor and a member of the church spoke in support of the application. He stated that the property that they are trying to sell to the Mt. Vernon Church of God has been a headache for his church, the St. Mark's Episcopal Church. There have been numerous fires back there set by children coming through that property. The property backs up to a school. and park land.

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

The justification for the variance had been established at the previous meeting.

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Mr. Swetnam made the following motion:

WHEREAS, Application S-108-77 by ST. MARKS EPISCOPAL CHURCH AND MT. VERNON CHURCH OF GOD under Section 30-6.6 of the Zoning Ordinance to permit subdivision of lot with one lot having less than required lot width at building setback line, 6744 South Kings Highway, 92-2((1))2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 5.7 acres.
4. That the applicant's property has an unusual condition in the location of the existing buildings; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County, or unless renewed by action of this Board.

Mr. Durrer seconded the motion. The motion passed unanimously with the members present. Mr. DiGiulian was absent.

RESOLUTION

Mr. Swetnam made the following motion:

WHEREAS, Application S-108-77 by MT. VERNON CHURCH OF GOD under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit the construction of church and related facilities, 6744 South Kings Highway, 92-2((1))2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on August 30, 1977; and deferred to September 8, 1977 for decision; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is the St. Mark's Episcopal Church. The applicant is the contract purchaser.
2. That the present zoning is RE-1.
3. That the area of the lot is 3.3 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
1. THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The number of seats shall be 350.
8. The hours of operation shall be the normal church hours for normal church activities.
9. The number of parking spaces shall be 70.

Mr. Durrer seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian was absent.

2:10 P.M. - JOHN R. SMITH & BILL BYERS appl. under Sec. 30-6.6 of the Ord. to permit side yard setback 20' from C district (50' required) and rear yard setback of 17' from R district (50' required), 2824 Gallows Road, 49-2((5))D, (15,721 sq. ft.), Avondale Subd., Providence Dist., V-151-77. (Deferred from July 26, 1977 for viewing by Board members and again from August 30, 1977 at the request of the agent of the applicant.)

Mr. Charles Runyon, with the engineering firm of Runyon Associates, 152 Hillwood Avenue, Falls Church, Virginia, represented the applicant before the Board. He stated that he was present to clarify something with regard to the plan. There was some discussion at the previous hearing about the width of Gallow Road at this location. The Highway Department has already obtained the right of way, he stated. The construction is under way to divide this road into a four lane divided road. He stated that that is what Mr. Durrer's primary concern was,he thought. The applicant will have to dedicate for a travel lane. This section should be constructed prior to this plan coming into existence. It will take a year for this plan to be ready for construction.

Mr. Smith stated that if Mr. Runyon could justify the variance, he would now be able to vote for this.

Mr. Runyon stated that the variance is needed because this is a very narrow lot. When the rezoning was granted for this property by the Board of Supervisors, the applicant was asked to keep any storage for this site under cover. This is what the applicant is trying to do. There will be no storage outside. The building will be a masonry building. There is a rendering of the proposed building in the file before the Board. This is in an industrial area generally. It is surrounded by the Brown and Ferris Company which is an environmental waste firm. This is not particularly the beauty spot of Fairfax County. This type development, a totally enclosed structure for storage, will enhance the condition of the area. Because of the narrowness of the lot, the applicant has to string the buildings out in a line. There are three or four narrow lots in that area. On the left side is a 7-11 store, on the right is the parking area for Brown and Ferris. In order to develop this property at all, there is a need for some variance.

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September 8, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-151-77 by SMITH & BYERS under Section 30-6.6 of the Zoning Ordinance to permit side yard setback 20' from C district and rear yard setback of 17' from R District, 2824 Gallows Road, 49-2((5))D, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on July 26, 1977 and deferred to August 30, 1977, and again to September 8, 1977 for decision; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is I-L.
3. That the area of the lot is 15,721 square feet.
4. That the applicant's property is exceptionally narrow.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditons exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Durrer seconded the motion. The motion passed unanimously with the members present. Mr. DiGiulian was absent.

AFTER AGENDA ITEMS:

1. CATHOLIC DIOSCESE OF ARLINGTON, MONASTERY OF THE POOR CLARES, S-79-77. The applicant's agent, Fredrick E. Sheridan, architect, wrote a letter to the Board requesting a substitution of plats. Because of a covenant on the front three lots for the above-captioned project, which covenant states that only a single family house may be built, the applicant was forced to revise their front yard setback from 82' to 119'. There is no change in the side yards. The rear yard is reduced from 308' to 272'.

The Board members reviewed the new plats.

Mr. Barnes moved that the Board allow the substitution of plats.

Mr. Durrer seconded the motion.

The motion passed unanimously with the members present. Mr. DiGiulian was absent.

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2. REQUEST FOR OUT OF TURN HEARING: R. JAY HANCOCK, TRUSTEE FOR THE WORD OF FAITH HOUR BROADCAST, INC., V-244-77.

The Board read the request from the applicant. He stated that due to a misunderstanding regarding the availability of public sewer to the property and the difficulty in getting the ground to perc, settlement on the property that he is proposing to sell has been delayed. As a result, the purchaser's loan commitment will expire and a further extension may not be granted if the variance hearing is delayed until November. This would cause the loss of the sale.

Mr. Smith stated that the Board's Agenda is completely filled.

Mr. Durrer stated that even though the applicant does seem to have a hardship, he did not feel it is a justifiable hardship that necessitates a special hearing. He moved that the request be denied.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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3. REQUEST FOR EXTENSION - CALVARY CHRISTIAN CHURCH, S-200-76. Granted September 12, 1976.

The Board was in receipt of a letter from the applicant's agent stating that the site plan for the church has been approved. Their application for a building permit has been submitted for the third review of their building plans, but they need more time in order to begin construction.

Mr. Barnes moved that the request be granted.

Mr. Durrer seconded the motion.

The motion passed unanimously.

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4. JACQUELINE S. MOCK & RANDY F. DeWITT (POTOMAC EQUITATION). The Special Use Permit has been revoked by the Zoning Administrator. The Board set Sept. 27, 1977 as the appeal date at a previous meeting. Mrs. Mock wrote a letter to the Board requesting that she be allowed to continue to operate until the date of that appeal hearing.

Mr. Barnes stated that he viewed the property with Mr. Covington and one of the Zoning Inspectors. The applicant has cut back some of the undergrowth so that there is adequate sight distance. She has put up a fence along the side yard so that the horses can't get through. She has provided a parking area. There is a gate up and there will be a walk-through for people coming to ride the horses. She has retained a trash collection person and he has put these dumpsters on the property and is in the process of cleaning up the debris. She is doing fairly well. The operation would be able to continue now and meet most of the conditions the Board set forth.

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MOCK -- Mr. Smith stated that as long as she is scheduled for an appeal hearing, it has been the Board's policy not to stop the operation. The Board can't take any action on it.

Mr. Covington, Assistant Zoning Administrator, stated that Mrs. Mock has now done most of what is expected of her. The stated that he felt the Zoning Administrator could hold up enforcing the revocation until after the appeal is heard on September 27, 1977.

The Board agreed that this would meet with its concurrence.

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5. REQUEST FOR OUT OF TURN HEARING; WILLIAM F. ROBERTSON; Variance for setback and lot size less than required by the Ordinance.

The Board was in receipt of a letter requesting this out of turn hearing. The agent for the applicant stated that the variance is holding up the processing of the final plans for subdivision. In order to complete these plans and prepare the site prior to winter, they need to have an out of turn hearing.

Mr. Durrer stated that he would move that the hearing be granted for October 18, 1977, instead of October 12, 1977. This would give the applicant some relief, although not all that he would like possibly.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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6. MERRIFIELD FIRE STATION, REQUEST FOR OUT OF TURN HEARING FOR OCTOBER 12, 1977.

Mr. Smith stated that there is definitely a need for an out of turn hearing in this case. This hardship relates to the public health, safety and welfare of the general public.

The Board set this case for October 12, 1977, if the applicant has the necessary information in in order to advertise the case. It was noted that that puts about 14 cases on the 12th. However, the Board indicated that it would try to hear as many of these cases as it could before the 8:00 P.M. adjournment deadline.

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PLANNING COMMISSION RECOMMENDATION ON THE VERNON LYNCH APPLICATION.

The Planning Commission delivered its recommendation and part of the comments relating to the hearing on this case.

The Board indicated that it was certainly glad to have these recommendations prior to the time of the meeting in order that they might have the opportunity to read and digest them.

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The meeting adjourned at 3:40 P.M.

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Jane C. Kelsey

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

Submitted to the Board of Zoning Appeals on Sept 27 1977

Submitted to the other Depts., Board of Supervisors and Planning Commission on Sept 29, 1977

Daniel Smith

DANIEL SMITH, CHAIRMAN

APPROVED: Oct 18 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Tuesday, September 13, 1977. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John Di-Giulian.

The meeting opened at 10:10 A.M. with a prayer by Mr. Barnes.

10:00 A.M. - DEHARD B. JOHNSON appl. under Sec. 30-6.6 and 30-3.4.5 of the Ord. to permit erection of building closer to ingress and egress easement than allowed by Ord. and to permit building closer to an occupied dwelling than allowed by the Ord., 2800 Gallows Road, Route 650, 49-2((1))25A, (55,759 sq. ft.), Providence Dist., I-P and I-L, V-185-77.

Mr. Johnson submitted hand-carried notices to property owners rather than certified notices.

The Chairman disqualified the notices and stated that they do not meet the requirements.

Mr. Swetnam moved that the case be deferred until 1:30 P.M. on October 12, 1977.

There was no one in the room other than the applicant interested in this case.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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Page 390, September 8, 1977

10:20 A.M. - MRS. LEONARD N. THOMAS appl. under Sec. 30-6.6 of the Ord. to permit erection of carport closer to street than allowed by Ord., V-186-77.

The hearing began at 10:25.

Mrs. Thomas submitted notices to property owners, but she had neglected to notify one of the contiguous property owners. She submitted a letter from the other contiguous property owners stating that those property owners had no objection to this variance, but Mr. Dex, who had not been notified, was not on that letter either.

The Board deferred this case until October 12, 1977 at 1:45 P.M. with the instructions that Mrs. Thomas was to notify Mr. Dex of that hearing date.

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10:30 A.M. - HUGH CHARLES & ELIZABETH B. FRIEL, appl. under Sec. 30-6.6 of the Ord. to permit addition 7.6' from side prop. line, 5631 Inverchapel Road, V-187-77.

(The hearing began at 10:35 a.m.)

Mrs. Friel submitted the required proof of notice to property owners to the Board. The notices were in order. Mrs. Friel stated that they have owned the property for fourteen years and they plan to continue to reside there. The material to be used will blend in with the existing house which is of brick construction. She stated that the rear lot line has a severe angle which prevents them from building an addition to the rear of the house. There is no room on the other side of the house.

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

Page 391, September 13, 1977
FRIEL (continued)

Bd. of Zoning Appeals

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-187-77 by HUGH & ELIZABETH FRIEL under Section 30-6.6 of the Ordinance to permit addition to dwelling 7.6' from side property line, Ravensworth Subd. 5631 Inverchapel Road, (10,537 sq. ft.), 79-2((3))(24)8, Annandale District, R-12.5, V-187-77; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 13, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,537 sq. ft.
4. That the applicant's property is exceptionally irregular in shape;

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

Page 391, September 8, 1977
10:40 A.M. - BETHESDA, INC., A CHRISTIAN CENTER, application under Sec. 30-7.2.5.1.4 of the Ordinance to permit a Christian Training Conference Center located 12000 Henderson Road, East side of Henderson Road approximately 1200' south of Cub Den Court, 95-1((1))20A and 95-3((1))2 & 2A, Springfield District, RE-1, S-188-77.

(The hearing began at 10:40 a.m.)

Mr. Wayne Hurst submitted the required proof of notice to property owners. The notices were in order.

Mr. Smith stated that the Board is in receipt of a memo from the Planning Commission requesting deferral of this case until such time as it can hear this case.

Mr. William Smidt, 5215 Cub Den Road, stated that the opposition has a very visible representation present today and they would like to have the case heard today. They have spokesmen present representing a very large number of people who have signed petitions against this proposal.

Mr. Lee Ruck, Fairfax County Attorney, stated that he and Mr. Gilbert R. Knowlton, Zoning Administrator, met just yesterday on this particular application. He stated that he did not want to make any statements that might prejudice the case. He stated that there are several unanswered questions and some legal implications regarding this case. There is the issue of the sewer connection problems with the proposed construction of domitories and the package plant and the State Water Control Board's policy against package plants. He requested time to get these questions answered before a public hearing is held. There is also the issue involving the section under which the application was filed in relation to what is proposed to be done on the property. This proposal seems to be a combination of Group 5, Group 6 and perhaps Group 7. There is also an issue of traffic generation. The County's transportation branch through no fault of the applicant or this Board's staff has not been able to review this question adequately and does not have

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information to the Board that it should have.

Mr. Knowlton stated that the application was filed under Group 5 of the Zoning Ordinance. That section permits offices, meeting rooms, etc. for mutual benefit associations. It could have been filed under Group 6, Community Uses, or Group 8 for recreational grounds, camping facilities, etc. The application does not specifically meet any of the groups within the Ordinance. It would be better to have it under all three categories.

Mr. Smith stated that the application was originally filed under the names of Wayne and Carolyn Hurst, individually. It was then amended to read Bethesda, Inc. According to the State Corporation Commission, the corporation was not in existence at the time the application was filed.

Mr. Wayne Hurst stated that he and his wife met with Mr. Covington, the Assistant Zoning Administrator, and discussed the procedures to take regarding this application. He stated that he and his wife filed as Trustees to the corporation while the paperwork was being processed to the State Corporation Commission.

Mr. Smith stated that the application concerns having over-night guests at this facility. This is not permitted under Group 5. He questioned whether or not this proposed use could be considered a mutual benefit association. If this permit is granted under the Group 5 category, group 5 uses are the only uses that can be made of this property.

Mr. Hurst stated that this proposed use will consist of a group of churches made up of the local community. They are making available the use of their home for this purpose.

Mr. Durrer moved that the Board not defer this hearing for the Planning Commission hearing and recommendation, since both the applicant and the opposition wish to continue with this hearing and since the application was filed more than sixty days ago.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

Mr. Smith inquired if the applicant wished to withdraw this application for additional time.

Mr. Hurst stated that he would not, that he wished to continue on.

Mr. Smith gave the applicant and the opposition 25 minutes to present the case and 25 minutes for the opposition to present their case.

Mr. Hurst explained the meaning of the name "Bethesda" as coming from the healing pool outside Jeruseleum. He stated that this is a non-profit, tax exempt organization organized for a christian conference center for the local churches in the area to use for their retreats, or for study conferences. This center will be open for all denominations. The classes and programs will be directed by trained personnel. He stated that his family presently attend the Christian Assembly of God that meets at the Oakton High School. The proposed center will have meetings on a scheduled basis throughout the year, and initially the meeting will total about 10 to 50 people at one time. With the construction of a new building, up to 100 people may be scheduled at any one time. This new building will fall within the five year plan. He estimated the additional traffic that would be added to Henderson Road not to exceed 5 to 10 cars per day. He submitted a more detailed statement regarding the proposed operation for the file.

Mrs. Carolyn Hurst explained part of these details. (Copy of statement in file.)

Mr. John Bordelon, 8162 Chancery Court, Alexandria, Virginia, spoke in support of the application. He stated that he is a vestryman at Truro Episcopal Church, was a member of the Board of Directors of The Gospel Mission and since July, 1976 has been a member of the Board of Directors of the Visiting Nurses Association of Northern Virginia, which is a non-profit tax-exempt home health agency providing services to residents of Fairfax County. He stated that he and his wife have been assisting Wayne and Carolyn Hirst for the past year to get this conference center started. He stated that he speaks as an expert in conference center development and operation. He was the original Administrator of a non-profit education conference center

located in Fauquier County, Virginia, at Airly. It, too, is located in a rural, quiet setting, on a two-lane country road. It has had no problems in the 17 years of its existence, even though that Center is situated in a residential area between two interstate highways, Routes 29-211 and 17. Most of the people attending come as a group and leave as a group and are transported by buses, station wagons and car pooling. Local churches will be used as departure points.

Mr. Bordelon stated that the initial stage is to make use of the existing house which would provide facilities for the conferences. The building stage will begin when funds are available.

Mr. Swetnam stated that if the building is not going to be done for ten years, it should not be on the plan before the Board.

Mr. Bordelon stated that they wished to advise the Board what they intend to do, at present and in the future.

Mr. Smith stated that under Group 5, the applicant cannot build the domitories. He stated that at Airly, the practice is to lease or rent the buildings to various groups. They have cocktail parties there, and meetings of all types.

Mr. Schiller spoke in support of the application. He stated that his group is one of the groups that would be using this Center for religious retreats.

Rev. Emerson, pastor of the Christian Assembly of God Church, spoke in support of this application, and in support of the use of retreats for churches.

Mrs. Travesky, Supervisor of the Springfield District, spoke in representation of the people in the Springfield District, not for the Board of Supervisors. She stated that she was not making a judgment for or against this application, but to comment that there are so many unanswered questions that need to be explored. This use would be setting a precedent in this area. The applicant's long range plan needs to be considered. She stated that she felt that all the people, including the Hursts, would be better served by a deferral so that these questions could be researched.

.. OPPOSITION

Ivy Mitchell, 8122 Valley Run Drive, Clifton, spoke in opposition to the application. She submitted a statement to the Board and a petition of over 400 signatures in opposition. She asked those people in the Board room in opposition to stand. The Board room was completely full and most of the people in the room stood. (A copy of her statement is in the file.)

Mr. William Buchanan, 11915 Wolf Run Road, Clifton, contiguous property owner to the facility, spoke in opposition to this application. He submitted a petition with the signatures of ten abutting landowners. The other two abutting owners were in Europe and he could not obtain those signatures.

Mr. Peter Olson, 12109 Beaver Creek Road, spoke in opposition to this application. He submitted a petition of signatures of people who live nearby. He stated that he views this Center as a commercial venture.

Another lady who stated that she lived in the nearby community spoke in opposition. She stated that her concern is that the venture might not be successful and would then undoubtedly be sold to someone for a commercial use. She stated that she felt this use would cause more impact to the residential neighborhood than if houses were constructed on the property.

Ralph Johnson, Cub Den Road, lot number 2, 637' from the common boundary with the Hursts, spoke in opposition to the application. He objected also to the location of the 'sports center' which is proposed to be near his property line. He stated that he is an engineer and he had computed that the applicants would be able to house 280 people in their own 10' x 10' bedrooms. That would be about 1,000 people using that sports area. He stated that he felt the proposed use would destroy the residential character of the area.

.. REBUTTAL

Mr. Les Bailey, 4084 University Drive, Suite 102, Fairfax, Virginia, attorney for the applicant, stated that the applicant realizes now that more study needs to be done on this application. Mr. Hurst has decided not to go further on this application at this time. He believes that it would not be in the best interest of the Center. Even though he believes that the benefits from the Center would be good for the community, he wants to lay the proper foundations and he wants to be a good neighbor. He asked that the application be withdrawn for further study.

Mr. Swetnam moved that the applicant be permitted to withdraw his application without prejudice.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

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The Board recessed for lunch at 12:20 P.M. and returned at 1:40 P.M. to take up the 11:00 A.M. item of Springfield Lodge.

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11:00 A.M. - SPRINGFIELD LODGE #217, A.F. & A.M. appl. under Sec. 30-7.2.5.1.4 to permit memorial masonic temple, 7001 Backlick Road, S-189-77.

SPRINGFIELD LODGE, #217, A.F. & A.M. appl. under Sec. 30-6.6 of the Ord. to permit building to be constructed 35' from front property line and 65' from I-95; and to permit parking 25' from Backlick Road and 15' from I-95, 7001 Backlick Road, V-190-77.

Mr. Hugh Compton, 1010 Vyers Mill Road, Chairman of the Building Committee for the lodge, stated that they had not been able to send out the required notices to property owners of this hearing.

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

The Board deferred this case for proper notices until 2:00 P.M. on October 12, 1977.

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11:20 A.M. - VERNON M. LYNCH SONS (a partnership) appl. under Sec. 30-7.2.8.1.4 of the Ord. to permit Recreation Ground (golf course & related recreational facilities), 3949 Penderbrook Drive, S-192-77.

(The hearing began at 1:50 P.M.)

Mr. Wayne Lynch, representing the applicant, submitted the required proof of notice to property owners. The notices were in order.

The Staff Report suggested that the Planning Commission and the Board of Zoning Appeals defer their decision on this application if the applicant is willing to work with the staff of the Offices of Transportation and Comprehensive Planning to redesign the facility to meet the transportation and environmental concerns of the plan as outlined in detail in the Appendices. They requested a four to six week deferral.

Mr. Lynch agreed to the deferral.

Mr. Durrer moved that this case be deferred for six weeks from the 8th of September, or until October 18, 1977, at 10:00 A.M.

Mr. Barnes seconded the motion.

Mr. Swetnam stated that this application has been in for over 60 days. He offered a substitute motion that the case be deferred for decision only for six weeks time and that the Board go ahead and hear the application today.

Mr. DiGiulian seconded the motion.

The substitute motion filed 3 to 2. Messrs. Smith, Barnes and Durrer voting Aye. The main motion passed 3 to 2 with Messrs. Smith, Barnes and Durrer voting Aye.
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11:40 A.M. - RICHARD & MARLENE CLARK appl. under Sec. 30-6.6 of the Ord. to permit construction of garage with bedroom above 9.33' from E property line and extending building 15.30' from west property line, 4400 Ferry Landing Road, V-193-77.

(The hearing began at 2:03 P.M.)

Mr. Clark submitted the required proof of notice to property owners. The notices were in order.

Mr. Clark stated that they wish to build a double garage with a bedroom above it where there is now an enclosed carport on one side of the house. Completion of this construction will extend the house to within 9.33' from the east property line. On the other side of the house, there is now an enclosed porch which was built to within 17' of the property line. Completion of construction on the west side will convert the porch to a kitchen which will extend 15.30' from the west property line.

The house was built in 1956. The houses on both sides of their house have already built to within 18 feet and 17 feet respectively of the property line, Mr. Clark stated. There is no other place on the property where an addition can be constructed practically.

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

 R E S O L U T I O N

Mr. Swetnam made the following motion.

WHEREAS, Application V-193-77 by RICHARD & MARLENE CLARK under Sec. 30-6.6 of the Ordinance to permit the construction of a garage with bedroom above 9.33' from east property line and extending building 15.30' from west property line, 4400 Ferry Landing Road, 110-3((2))74, (22,304 sq. ft.), Mount Vernon District, RE-0.5, V-193-77, has been filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 22,304 sq. ft.
4. That the applicant's property is exceptionally narrow in shape.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by actio of this Board prior to expiration.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1.

Mr. Smith voted No.

Page 396, September 13, 1977 *
Application scheduled for
1:00 - DR. JOHN F. PHILLIPS appl. under Sec. 30-6.6 of the Ord. to permit
P.M. addition 30.3' from front property line, (40' required), 9317
Glenbrook Road, Mantua Hills Subd., 58-2((11))44, (17,784 sq. ft.),
Providence District, R-12.5, V-194-77.

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(The hearing began at 2:15 P.M.)

Mr. Phillips submitted the required proof of notice to property owners. The notices were in order.

Mr. Phillips stated that the material and design of the addition will be the same as in the existing house.

Mr. Barnes stated that there seems to be no other place on the property for this addition. He has a 15' storm easement in the back.

Mr. Smith noted a letter in the file from John and Beverly Williams, 9315 Glenbrook Road, contiguous property owner, in support of the application.

There was no one else to speak in favor and no one to speak in opposition.

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September 13, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application V-194-77 by JOHN & PAMELA PHILIPS under Sec. 30-6.6 of the Zoning Ordinance to permit construction of an addition 30.3' from front property line, 9317 Glenbrook Road, 58-2((11))44, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 13, 1977;and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 17,784 sq. ft.
4. That the applicant's property is exceptionally irregular in shape; and

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

THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Ordiannce would result in practical difficulty or unnecssary hardship that would deprive the user of the reasonable use of the land and/or building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. DiGiulian seconded the motion.

The motion passed 4 to 0.

Mr. Smith was out of the room.

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Mr. Smith had to leave the meeting temporarily. Mr. Durrer, Vice-Chairman, took over the Chair.

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September 13, 1977
Scheduled case for
1:20 P.M. - VULCAN MATERIAL COMPANY appl. under Sec. 30-7.2.1.1.3 and 30-7.2.1.1.5 of the Ord. to permit renewal of existing Special Use Permit for Stone Quarry, Crushing, Sales, and Accessory Uses; Occoquan, 112-2((1)) 1, 5, & 6 (36.1121 ac.); Mt. Vernon Dist., RE-1 NR, S-202-77.

(The hearing began at 2:20 P.M.)

Royce Spence, attorney for the applicant, submitted the required proof of notice to property owners. The notices were in order.

Mr. Spence stated that Vulcan has worked very hard to improve the conditions at this quarry. The quarry has been in operation since 1956. They are requesting a five year permit and expect no changes for the next five years. They are willing to accept the conditions placed on the previous Special Use Permit. At the time that permit was granted, there was considerable opposition. Today, there is no opposition. Mr. Lynn, the closest resident and one who was in opposition at the previous hearing, called to say that he wasn't going to be at this hearing to oppose this request in any way.

Mr. Durrer entered into the record the report from Jack Maize, Inspector Specialist, Zoning Enforcement, dated September 12, 1977. His report stated:

"In accordance with conditions set forth in the special use permit issued to Vulcan Materials Company, an annual review is to be conducted by the Board for Zoning Appeals for the purpose of determining whether the conditions set forth in the permit are being met. It was deemed appropriate to present our annual report to you at the same time that you are considering a renewal of the special use permit.

It can be generally stated that all conditions imposed by Fairfax County are being met, except that relating to airborne particulates. A joint study of suspended particulates is being conducted in the Occoquan area by Fairfax County and the Vulcan Materials Company. Approximately $5,300. was spent on air monitoring equipment by the Division of Zoning Enforcment for use by the Air Pollution Control Element of our Health Department. You will be provided with a report in October of this year which will be a summary of data collected to date. In the meantime, if you have any questions of a general nature relating to dust control, I have asked Mr. J. J. Nelson of Our Air Pollution Control Office and Mr. Ed Graham of the Environmental Office of Vulcan Materials Company to be available today to provide assistance to you in your deliberations.

In my judgment it will be necessary to continue our surveillance of all existing quarry limitations. There are no additional requirements that need be considered at this time."

Mr. Stuart, from the Birmingham office of Vulcan, testified before the Board. He stated that they are concerned with the Hill Station and have discussed the problems involved with that station with the County's Air Pollution Board last Thursday. That station has showed an increase in dust particles. The other stations have shown a decrease. The Hill station is where the company transfers cement to the silo as part of their production operation. Corrections have now been made on the new defector for dust control. They also had some problems with the dust in the parking lot. They have now corrected that problem also.

Mr. Spence stated that Vulcan now has 98 acres under application to the Board of Supervisors for a rezoning to a Natural Resource District. That hearing is scheduled for sometime in January, 1978. The stone from the new quarry would be worked with the good stone from the old quarry. By 1981, they will be solely operational in the new quarry. The Restoration Board reviewed this application and their findings were favorable. As an alternate use for the quarry when Vulcan is finished, they have been meeting with the Water Authority and with the owner of the property, Mr. L. A. Clark.

Mr. Durrer stated that he would enter into the record the report of the Restoration Board. (A copy of that report can be found in the file.)

Mr. Maize in answer to Mr. Durrer's question, stated that he had nothing to add except to say that there are 32 conditions on the present Special Use Permit. The 32nd condition was granted about ten months ago to permit Vulcan to run certain watering equipment on weekends. The earlier rules that were imposed precluded any equipment from operating on Sunday, but it was decided

to keep down the dust that they could run their watering trucks. This would benefit the local area. This has proven helpful.

There was no one else to speak in favor and no one to speak in opposition.

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application S-202-77 by VULCAN MATERIALS COMPANY under Sec. 30-7.2.1.1.3 and 30-7.2.1.1.5 of the Zoning Ordinance to permit renewal of existing Special Use Permit for Stone Quarry, Crushing, Sales and Accessory Uses, Occoquan, Virginia, 112-2((1))1, 5 & 6, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the present zoning is RE-1 NR.
2. That the area of the property is 36.1121 acres.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.

THAT the 32 conditions and limitations included in Special Use Permit S-199-71, granted September 27, 1972 remain in full force and effect.

THAT this permit is granted for a period of FIVE (5) years with an annual report to the BZA and a review by the BZA.

Mr. Swetnam seconded the motion.

The motion passed 4 to 0. Mr. Smith was out of the room.

Page 399, September 13, 1977

1:40 P.M. - FAIRFAX COUNTY FIRE SERVICES (SOUTH RESTON FIRE STATION) appl. under Sec. 30-7.2.6.1.2 of the Ordinance to permit a Fire Station located approx. 200' from intersection of Fox Mill Road and Reston Avenue, 26-3((1))pt of 2 (1.71523 ac.), Centreville Dist., R-17, S-224-77.

Mr. Harris, Special Projects Officer for the Dept. of Fire Services, submitted the required notices to property owners. The notices were in order.

Mr. Harris stated that this proposed station is surrounded by roads on two sides. The vacant piece of property abutting the other side is a proposed shopping center. This station will be of a similar design as the other fire stations in Fairfax County, more particularly the one at 7 Corners. They propose in the future to relocate the Navy Vale station, moving it down to Route 50 and West Ox Road.

Mr. Swetnam wondered what would happen to fire protection for the people on West Ox Road when that occurs.

Mr. Durrer called the Board's attention to the staff report from Preliminary Engineering stating that"this use will be under site plan control. This proposal is in accordance with a proffer, and subsequent conveyance of the property as a fire station site, on a rezoning granted by the Board of Supervisors. The existing right of way of Old Fox Mill Road should be vacated prior to the approval of a site plan for the subject use."

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

Page 399
September 13, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Swetnam made the following motion:

WHEREAS, Application S-224-77 by The Fairfax County Fire Services under Sec. 30-7.2.6.1.2 of the Zoning Ordinance to permit a fire station located approx. 200' from intersection of Fox Mill Road and Reston Avenue, 25-4((1))part of 2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 1.7 ac.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating complaince with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit IS NOT VALID until a Non-Residential Use Permit is obtained.

FAIRFAX COUNTY FIRE SERVICES

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 0. Mr. Smith was out of the room.

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The meeting adjourned at 2:45 P.M.

BY JANE C. KELSEY, CLERK TO THE BOARD OF ZONING APPEALS

DANIEL SMITH, CHAIRMAN

Submitted to the BZA on Oct. 12, 1977

APPROVED: October 18, 1977
DATE

Submitted to other Depts. on Oct. 14, 1977

**

DISCUSSION REGARDING NIGHT MEETINGS FOR BOARD OF ZONING APPEALS

Mr. Durrer stated that the Board had previously discussed this matter and he had made a motion that died for lack of a second that would have caused the Board to have one night meeting a month. He stated that he knew that for the daytime hearings, there would be people present who have a vested interest in the property in question. However, there are people who might be affected that just can't take off from work.

After a brief discussion regarding appropriate times for a night meeting, Mr. Durrer moved that the Board have at least one night meeting a month from the hours of 7:30 P.M. to 10:00 P.M.

The motion died for lack of a second.

Mr. Barnes stated that he did not feel that night meetings are necessary.

Mr. DiGiulian stated that he felt that everyone who is interested enough in a case to want to take part in it, should be interested enough to make every effort to be present.

Mr. Smith suggested that the Board members continue to keep this in mind and bring the subject up again after everyone has searched his conscience.

Mr. Swetnam pointed out that the Board of Zoning Appeals, unlike the Planning Commission, sets a specific time for each of the cases, so that people who have items to be heard do not have to come at 10:00 A.M. when the case will be heard no earlier than 1:00 P.M. The Board does get behind when there is a controversal case, but the setting of times does eliminate some of the wait involved for the citizens. For instance, if a citizen is interested in a 1:00 P.M. case, he would not have to come in at 10:00 A.M. to see when the Board might set that case to be heard that day. He can at least wait until 1:00 P.M. to be heard.

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Page 401 THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS WAS HELD IN THE BOARD ROOM OF THE MASSEY BUILDING ON SEPTEMBER 20, 1977. ALL MEMBERS WERE PRESENT: DANIEL SMITH, CHAIRMAN; WILLIAM DURRER, VICE-CHAIRMAN; TYLER SWETNAM; GEORGE BARNES; AND JOHN DI-GIULIAN.

The meeting opened at 10:10 A.M. with a prayer by Mr. Barnes.

10:00 A.M. - CHRISTIAN FELLOWSHIP CHURCH appl. under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit a church and related facilities, 10237 Leesburg Pike, 18-2((7))A & B, (5.4196 ac.), Dranesville Dist., RE-1, S-196-77.

Mr. Grayson Hanes, attorney for the applicant, 4084 University Drive, Fairfax, submitted the required proof of notice to property owners. The notices were in order.

Mr. Hanes stated that this church at one time was part of the Church of the Nazarene in Arlington. A year ago, some of the members of that church formed this church to be an independent church. They presently are meeting at the Luther Jackson School on Gallows Road. They have 450 members and expect to continue their growth and expect to have a maximum at this location of 1,015 people. The structure is situated on the property 300' back from Route 7 in such a manner that it will not be visible from Route 7. The entrance is along the ease side of the property and the site distance is excellent. There will be no immediate cut on Route 7, so that all the traffic will be turning to the right going to the east toward Tysons Corner. There are a number of other churches and other Special Use Permit uses between those existing roads and Route 606, so that there is not a great precedent set. The applicant will comply with the site plan requirements. The site is surrounded by vacant land on all sides. There is a 15' easement which abuts the east property line. The Zoning Ordinance requires a front yard setback from that property line and in accordance with the suggestions of Preliminary Engineering, they had a new plats drawn which reflect the proper setback from this line.

Mr. Hanes stated that the hours of operation for this church would be the normal church hours. There will be services on Sunday morning beginning around 9:00 A.M. and going perhaps to 3:00 P.M. There will be services on Wednesday evenings which will terminate around 10:00 P.M. One night per year there will be a midnight service. They do not anticipate use of the church building during the week for other than the pastor, his secretary and the custodian. The property is under contract to purchase at the present time.

The building will be a steel building with a stone facade and will cost around $400,000. The final architectural rendering has not been made.

Mr. Smith stated that it seems that more and more churches are using the steel buildings.

Mr. Swetnam stated that it is less expensive and faster to put up.

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

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Mr. Swetnam made the following motion:

WHEREAS, Application S-196-77 by CHRISTIAN FELLOWSHIP CHURCH under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit a church and related facilities, 10237 Leesburg Pike, 18-2((7))A & B, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

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

1. That the owner of the property is Martha Emma Millard, et al. The applicant is the contract purchaser.
2. The present zoning is RE-1.
3. The area of thelot is 5.4 acres.
4. Compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is NOT valid until a Non Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum seating capacity shall be 1,015.
8. The minimum number of parking spaces shall be 203.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present and voting.

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10:20 A.M. - LELAND F. MARLAND appl. under Sec. 30-6.6 of the Ord. to permit a garage 2.8' from side property line (20' required), 2545 Flint Hill Road, Orchard View Subd., 38-3((5))26, (21,798 sq. ft.), Centreville Dist., RE-1, V-197-77

Mr. Brian McCormick, attorney for the applicant, with offices at 4031 Chain Bridge Road, Fairfax, submitted the required proof of notice to property owners. The notices were in order.

Mr. McCormick gave the justification for the need for this variance as being the exceptionally irregular and narrow lot. He stated that the lot is traversed by a 20 foot drainage easement and concrete culvert which greatly reduces its usable surface area. This house with the proposed garage would be no more than 40 feet from the nearest structure on the adjoing lot. If this variance is denied, the owner will be deprived of the reasonable use of his land. The proposed garage will not be injurious to the other land in the neighborhood and would be harmonious and consistent with the residential character of the neighborhood. This will actually enhance and improve the existing property and, therefore, improve the surrounding neighborhood.

He then submitted a letter from the most affected contiguous property owner, Mrs. Blakemore, stating that she had no objection to this variance being granted.

Mr. Durrer stated that he notices from the plat that there is a stoop on the side of the house protruding into the garage area. He asked if that stoop would be removed. He stated that normally the Board can grant only a minimum variance that would afford relief for the property owner. Twenty-four feet is a little wide for a normal garage.

Mr. Leland Marland stated that he definitely needs the 24' garage. As to the stoop, they haven't quite made up their minds, but if he has to say Yes or No at this time, he would have to say that it would left in place.

He explained that he had four cars, two of which were over 6' wide and that he needed this space in order to maneuver the cars in and out of the garage.

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Mr. Marland stated that the proposed garage will be frame and will be compatible with the existing house, which is frame and brick.

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

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Mr. Durrer made the following motion:

WHEREAS, Application V-197-77 by LELAND F. MARLAND under Sec. 30-6.6 of the Zoning Ordinance to permit construction of a garage 2.8' from side property line (20' required), 2545 Flint Hill Road, 38-3((5))26, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 21,798 sq. ft.
4. That the applicant's property is exceptionally irregular in shape, particularly narrow and has an irregular lot line.
5. That the applicant's property also has a drainage easement on the property.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No. He stated that he felt the garage could be cut down and therefore a smaller variance would be necessary.

Page 403, September 20, 1977
Scheduled case for
10:30 A.M. - BIBLE BAPTIST CHURCH appl. under Sec. 30-7.2.6.1.11 of the Ord. to permit an Auditorium and Sunday School Addition to present building, 3435 Aston Street, Holmes Run Heights Subd., 59-2((1))55, (3.92577 ac.), Mason District, RE-0.5, S-198-77.

(The hearing began at 10:45 A.M.)

Rev. Walter Phelps submitted the required proof of notice to property owners. The notices were in order.

Mr. Phelps stated that the church wishes to construct a new building which will be used as an auditorium and Sunday School addition. They do not expect this to increase the number of people who will be using the facility at any one time and, therefore, will have no additional traffic impact on the surrounding roads. The proposed building will be a one story, colonial building, with brick or aluminum siding. It is a prefab type building. They want to put brick veneer on the outside, but that will depend on the funding that they have available.

In answer to Mr. Barnes' question, Rev. Phelps stated that they did not install the temporary trailers as they had requested to do when they came before the Board in 1976. They do plan to leave the existing barn on the property. They do not use the barn except on occasions for storage. It is a land mark. The existing church building will continue to be used for Sunday School space. The seating capacity of the proposed auditorium is 400. They are providing 85 spaces for parking.

There was no one else to speak in favor and no one to speak in opposition.

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-198-77 by BIBLE BAPTIST CHURCH under Sec.30-7.2.6.1.11 of the Zoning Ordinance to permit auditorium and Sunday School addition to present building, 3435 Aston Street, 59-2((1))55, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 3.92577 ac.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be the normal hours for church activities.
8. The minimum number of parking spaces shall be 85.
9. The maximum seating capacity shall be 425.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

Page 405, September 20, 1977
Scheduled case for
10:40 A.M. - LAKEPOINT TOWNHOUSE DEVELOPMENT CORP. & LAKEPOINT TOWNHOMES HOMEOWNERS ASSOC. appl. under Sec. 30-7.2.6.1.1 of the Ord. to permit a swimming pool and related facilities at Lakepoint townhouse development south of Guinea Road and north of Southern Railroad, 78-1((1))4, (338,180 sq. ft.), Annandale Dist., RTC-10, S-199-77.

(The hearing began at 10:55 A.M.)

Mr. Russell Rosenberger, attorney for the applicant with offices at 9401 Lee Highway, Fairfax, submitted the required proof of notice to property owners. The notices were in order.

Mr. Rosenberger stated that this is a townhouse community with 180 units, all of which become automatic members of the association which will own and operate this facility. They are providing parking for 36 automobiles and 20 bikes. The property is contiguous on one side with the Southern Railroad. The land on the other side of the parcel is vacant. This use will be harmonious with the surrounding neighborhood.

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

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Mr. Swetnam made the following motion:

WHEREAS, Application S-199-77 by LAKEPOINT TOWNHOUSE DEVELOPMENT CORP. & LAKEPOINT TOWNHOMES HOMEOWNERS ASSOCIATION under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit swimming pool and related facilities in this townhouse subdivision south of Guinea Road and north of Southern Railroad, 78-1((1))4, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RTC 10.
3. That the area of the lot is 62,620 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, thatthe subject applicatbn is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is NOT" valid until a Non Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environemental Management.

7. The maximum number of memberships shall be 180 from the townhouse community. Parking spaces shall be 36 autos and 20 bike spaces.
8. The hours of operation shall be 11:00 A.M. to 9:00 P.M.
9. Prior written approval must be obtained from the Zoning Administrator for all after hours parties. These parties are limited to Six (6) per year.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all the members present and voting.

Page 406, September 20, 1977
Scheduled case for
10:50 A.M. - EARL & WANDA LEISTER JR. appl. under Sec. 30-6.6 of the Ord. to permit 70.69' lot width, 100' required, proposed lot 78-A, Little Vienna Estates Subd., 9920 Murnane Street, 38-1((9))78, (42,612 sq. ft.), Centerville Dist., RE-1, V-200-77.

(The hearing began at 11:05 A.M.)

Mr. Patrick M. Gallagher, attorney for the applicant with offices at 133 Park Street, N.E., Vienna, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Gallagher stated that because of the configuration of the lot and the flood plain area, failure to obtain a variance would result in an unbuildable lot. The applicant does not own any other lots in this subdivision. The applicant purchased the property 12 years ago. The land surrounding this parcel of land is basically fully developed.

The Board discussed whether or not the applicant had enough land area in the two lots to qualify for subdivision without another variance.

Mr. Covington stated that the applicant is just moving the line over and changing the configuration of the lot line. This is already two lots. These lots did not meet the requirements of the present subdivision ordinance to begin with, so the applicant has not created anything that wasn't already existing. The applicant is not creating substandard lots.

Mr. Smith felt that the case should be deferred in order for the applicant to check with the subdivision office.

Mr. Covington stated that the staff report from Preliminary Engineering indicates that they have no comment. If they had a problem with the subdivision of this parcel, they would have said so in the report.

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

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Mr. Durrer made the following motion:

WHEREAS, Application V-200-77 by EARL & WANDA LEISTER, JR. under Sec.30-6.6 of the Zoning Ordinance to permit subdivision of two lots, with 78A having less than required lot width, (70.69', 100' required), 9920 Murnane Street, Little Vienna Estates Subdivision, 38-1((9))78, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 85,879 sq. ft.
4. That the applicant's property has an unusual condition in the location of the existing buildings on the subject property and also has flood plain problems.

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

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September 20, 1977, LEISTER (continued)

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Barnes seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No. He stated that he would have voted for it, if it had been cleared through subdivision control.

Mr. Durrer stated that he would go along with the interpretation of the Deputy Zoning Administrator who indicates that the land area is sufficient since these are two separate lots already and this is only changing the configuration of those lots.

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September 20, 1977
Scheduled case for
11:10 A.M. - FIRST CHURCH OF CHRIST SCIENTIST, SPRINGFIELD appl. under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit a parking lot for existing church, 5319 Backlick Road, 80-2((1))3, (14,401 sq. ft.), Annandale District, RE-0.5, S-201-77.

(The hearing began at 11:20 A.M.)

Mr. Ken Swanson, member of the church, spoke on behalf of the church. He submitted the required proof of notice to property owners. The notices were in order.

Mr. Swanson stated that the church was constructed in 1959. The parking has been both in the front and rear of the church on a gravel base. Two years ago, the church purchased 1.44 acres of land to total 2.4825 acres for their total acreage. This will better provide for the parking area for the parishioners. It will not increase the vehicular traffic, nor will it adversely affect the neighboring properties. The church is surrounded by non-residential uses: a church, a school and a park. They have around 100 people attending church, on an average. Their membership is about 90.

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

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-201-77 by FIRST CHURCH OF CHRIST SCIENTIST, SPRINGFIELD, under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit parking lot for existing church, 5319 Backlick Road, 80-2((1))3, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 2.4825 ac.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section

30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is NOT valid until a Non Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The hours of operation shall be hours of normal church services.
8. The minimum number of parking spaces shall be 104.

Mr. Swetnam seconded the motion.

The motion passed unanimously with all members present and voting.

Page 408, September 20, 1977
Scheduled case for
11:30 A.M. - THE ROTONDA ASSOCIATES appl. under Sec. 30-2.2.2 to permit a Beauty Shop, Valet, Store, Bank, Snackbar and Lounge, 8330 Greensboro Drive (Commercial Uses in an RM-2M zone) 29-3((1))67, (34.37 ac.), Dranesville District, S-203-77.

(The hearing began at 11:30 A.M.

Mr. Francis McDermott, attorney with the firm of Hazel, Beckhorn and Hanes, 4084 University Drive, submitted the required proof of notice to property owners. The notices were in order.

Mr. McDermott stated that these five commercial type uses will be located within the community center. There are two levels of construction in the center. The lower level, the ground floor, will house the beauty salon, general store, valet and bank. The snack bar will be located on the 2nd level. The beauty shop will have 375 square feet and one or two chairs; the general store and valet will have 1,975 square feet and the number of employees will be 2 to 4. The valet shop will compose 250 square feet of the 1,975 square feet. The valet shop will be only pick-up and delivery. The actual cleaning will be contracted out to cleaning establishments throughout the community. The bank will be an automatic teller type bank with no employees. It will have 50 sq. ft. The snack bar will have 200 square feet and 2 to 3 employees. If the applicant cannot get a suitable tenant, the applicant will operate the snack bar. The snack bar will be combined with the lounge area. The automatic teller will be provided by the Dominion National Bank. The additional parking that will be required for these additional employees will be from 5 to 9.

Mr. McDermott stated that he has Mr. Zimmerman with the engineering firm of Dewberry, Nealon and Davis present to answer any questions the Board might have with regard to the plats or the parking tabulation.

Mr. McDermott stated that the proposed commercial uses will be for the residents of The Rotunda complex, and their guests. No one will be able to enter the building except through residential identification cars or guest

passes. These uses will cause, therefore, no additional traffic generation. These uses will comply with the requirements of the Zoning Ordinance.

In answer to Mr. Smith's question, Mr. Covington stated that he saw no problem with enforcing the Special Use Permit if it is granted to this applicant for these uses, as long as the Board grants the uses as specific commercial uses as outlined in the application.

The ordinance requires that these commercial uses be exclusively for the residents of the complex and that there be no entrance direct to the street and no sign or other evidence indicating the evidence of these uses in the building.

Mr. McDermott stated that there will be no access to any street or walkway other than the internal sidewalks on the property. There will be no advertising.

Mr. Zimmerman addressed the comments from Preliminary Engineering regarding a revised parking tabulation for the proposed and existing uses. The report stated that this tabulation should indicate the number of spaces required and how that number was computed, and the number of spaces provided.

Mr. Zimmerman stated that he had discussed this with Mr. Steve Reynolds, the author of that staff report. New plans have been submitted to that office with this parking tabulation on them. There are a total of 1,834 parking spaces on site. This is based on the requirement of 1.5 parking spaces per residential unit. This total gives an excess of 37 parking spaces, of which a maximum total of 9 are needed for these proposed commercial uses.

In answer to Mr. Smith's question, if this 1.5 per unit requirement covers the apartment employees, such as the custodian, the manager, etc., Mr. Zimmerman stated that it does.
Mr. Zimmerman stated that that is computed in with the 1.5 per unit requirement.

Mr. Covington confirmed that the 1.5 per unit is the requirement of the Code.

Mr. Durrer stated that it appears that they may have met the requirements of the Code, even if he did not agree that the parking is sufficient for the total uses. The applicant has said that he needs from 7 to 9 spaces and there are 37 excess spaces.

There was no one else to speak in favor and no one to speak in opposition.

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Mr. Swetnam made the following motion:

WHEREAS, Application S-203-77 by THE ROTUNDA ASSOCIATES under Sec. 30-2.2.2 of the Zoning Ordinance to permit a Beauty Shop-375 sq.ft.; general store and valet-1,975 sq.ft.; snack bar-200 sq.ft.; and bank-50 sq.ft. 8330 Greensboro Drive, a condominium complex, 29-3((1))67, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RM-2M.
3. That the area of the lot is 34.37 ac.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is NOT valid until a Non-Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of parking spaces shall be 1,834, of which 9 are needed for these commercial uses.
8. The maximum number of units shall be 1,198.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all the members present and voting.

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11:30 A.M. - THE ROTONDA ASSOCIATES appl. under Sec. 30-6.6 of the Ord. to permit 6' fence along property line in front setback, 8330 Greensboro Drive, 29-3((1))67, (34.37 acres), Dranesville District, RM-2M, V-204-77.

Mr. Francis McDermott, attorney for the applicant, 4084 University Drive, Fairfax, had submitted proper notices in which those submitted for the foregoing Special Use Permit application.

Mr. McDermott stated that the proposed fence would be a combination picket and chain link fence following the perimeter of the property line. He stated that the reason for this request is because of the difficulty in securing the property to intruders. He stated that in the past year or so, there have been several court decisions imposing heavy judgments against apartment owners under the theory that the property owners had not provided sufficient security for residents and guests on the property. This fence is intended to be a security fence. The chain link portion will be of black vinyl, with a growth of ivy and wild roses,or something of that type, along it.

Mr. McDermott stated that with regard to the staff comments from the office of Preliminary Engineering, Mr. Zimmerman, the engineer on this project, has spoken with Mr. Reynolds, the author of that portion of the staff report. It was Mr. Reynolds' intent to request that sufficient or adequate site distance be maintained. He requested the Board grant this variance under the condition that it be subject to the approval of the Design Review Branch for maintenance of the site distance.

Mr. Smith suggested that the applicant set back 15' all the way around the property. However, the other Board members did not agree. Mr. Covington stated that this 15 feet would become a no mans land and would be littered with trash and debris.

Mr. Covington stated that the problem with this property is that it is surrounded by streets which means that they have to meet front setbacks all the way around. He stated that he did not feel that this is a general condition since most complexes such as this don't have that much street frontage.

Mr. Zimmerman stated that if they set the fence back 60', it would be impossible

to get the parking and number of units that are proposed inside the fence area. Half of them would be outside the fence area. That would not be providing the owner with the reasonable use of the land.

Mr. Smith stated that this problem should be addressed as an amendment to the Ordinance rather than a variance since it is a general condition throughout Fairfax County.
Mr. Covington stated that most of the time these complexes can put in a 6' fence and still meet the setback. They could put a 7' fence along the sides and back.

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

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September 20, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application V-203-77 by THE ROTONDA ASSOCIATES under Sec. 30-6.6 of the Ordinance to permit a 6' fence along the property line in front setback, 8330 Greensboro Drive, 29-3((1))67, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RM-2M.
3. That the area of the lot is 34.37 acres.
4. That the applicant's property is surrounded by streets.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED IN PART with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with the application only, to conform with limitation No. 3., and is not transferable to other land or other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. That the site distance at intersections of streets be no less than 15'-0", to meet the suggestions of Preliminary Engineering.

Mr. Barnes seconded the motion.

Mr. McDermott stated that there is a portion of the property owned by Simms Industrial Park that will be in excess of the land needed for the dedication of Greensboro Drive. That piece of land contains approximately 2,250 sq. ft. The Rotonda Associates have a piece of land lying approximately 600' north of West Park Drive and Greensboro Drive which contains approximately 8,400 sq. ft, and known as Outlot A. Those two parcels are subject to trade if negotiations can be worked out. He stated that when and if that happens they will be glad to submit revised plats to the Board.

Mr. Durrer stated that he would make that part of his motion: That that substitution would be permissible when and if that trade of land takes place. At that time the plats should be updated to reflect these changes.

Mr. Barnes accepted that amendment to the resolution.

The motion passed unanimously.

Page 412, September 20, 1977 -- Lunch Recess 12:10 to 1:30 P.M. Mr. Smith (left the meeting at this point.)

Scheduled case for
11:40 A.M. - RICHARD E. POUND appl. under Sec. 30-6.6 of the Ord. to permit subd. of parcel 2 into three lots, proposed lot 3 having less than required lot width, (95' 105' required), 8514 Electric Avenue, 39-3 ((1))2, (1.0 acres), Providence District, R-12.5, V-205-77.

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Mr. Pound submitted the required proof of notice to property owners. The notices were in order.

In answer to Mr. Durrer's question, Mr. Pound stated that there is an existing house on the property which sits in the middle of the parcel. He stated that he is proposed to divide the property with a lot on each side of the existing house. He stated that the reason he does not have the proper width is because there is an unusually wide street due to the Tysons Woods Subdivision which is approximately 80 to 90 feet. Most of that width is on his side of the street. The lots are 12,500 sq. ft., minimum.

Mr. Barnes stated that he thought this property was recently rezoned from one acre to R-12.5.

Mr. Pound in answer to Mr. Durrer's question stated that he had already dedicated 30' for the widening on Woodford Road.

Mr. Barnes stated that he would not have needed the variance if it was not for that dedication.

There was no one else to speak in favor and no one to speak in opposition.

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September 20, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-205-77 by RICHARD E. POUND under Sec. 30-6.6 of the Zoning Ordinance to permit subdivision of parcel into three lots, proposed lot 3 having 95', 105' required, 8514 Electric Avenue, 39-3((1))2, County of Fairfax, has been properly filed in accordance with all requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5 and the area of the lot is 1 acre.
3. That the applicant's property has an unusual condition in that the configuration of the property does not allow development in accordance with the present zoning or the surrounding area.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Smith had left the meeting at lunch time.

Page 413, September 20, 1977
Scheduled case for
1:00 P.M. - JACK & DEVOIRA SHERMAN appl. under Sec. 30-6.6 of the Ordinance to permit waiver of dustless surface requirements for parking lot in conjunction with Special Exception from Board of Supervisors to permit sales and rental lot for sales and rental of recreation vehicles, CG portion of Lot 27, 8141 Richmond Hwy., V-144-77.

Mr. Harvey Mitchell from the Zoning staff stated that the staff has no direct communication from the Board of Supervisors. However, the Board of Supervisors called this case yesterday and announced that the Planning Commission had asked to have a hearing on it. That Board then deferred the case until October 26, 1977.
(There was no one in the room interested in this case.)
Mr. DiGiulian moved that this variance case be deferred until November 1 at 10:00 a.m.

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

Later the Clerk verified the Board of Supervisors hearing date and found that it was October 25. The Board of Zoning Appeals then reopened this case.

Mr. DiGiulian moved that the case be deferred until October 26, 1977, which is the next hearing date for the BZA after the Board of Supervisors hears the Special Exception case.

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

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Page 413, September 20, 1977
Scheduled case for
1:20 A.M. - GUENTER PFEIL & ECKHARD LIPTAU AND SPRINGFIELD MOTORS, INC. appl. under Sec. 30-6.6 of the Ordinance to permit addition to repair garage 17' from residential zoning boundary line (50' required), 6530, 6532-6536 Backlick Road, 90-2((1))4, (44,076 sq.ft.), V-182-77.

(The hearing began at 1:47 P.M.)

Mr. Charles Caridi, attorney for the applicant, 7250 Maple Place, Annandale, Virginia, submitted the required notices to property owners. The notices were in order.

Mr. Caridi stated that this property was zoned to C-N in December, 1976 for the non-conforming use of a repair garage facility and Springfield Motors, Inc. Since 1973, there has been repair of motors on this property. by the applicant. Prior to that this had been done also by others. The applicant had requested C-G zoning, but the Board granted C-N. At the Board's hearing yesterday on the request for Special Exception to sell used cars, the Board approved the permit with the restriction that the non-conforming use could not be expanded. He submitted a copy of the Clerk to the Board of Supervisors' note which stated:

"...the Board adopted the resolution approving SE 166, with the amendment to paragraph 6 to add: 'except that the Board recognizes the existence of a non-conforming repair garage which shall be allowed to continue for the period of this permit and beyond provided it does not expand or relocate on that property."

Mr. Caridi stated that he understands this limitation to mean that the garage has to be limited to the purpose for which the special exception is granted. They cannot operate a general repair garage in the proposed addition, but they could operate a garage that would be limited in purpose solely for the new and used cars that they will sell.

Mr. Mitchell confirmed that what Mr. Caridi said was correct. Supervisor Travesky in discussing her motion indicated that that was the intent and it was the intent of the staff's proposal.

Mr. Caridi stated that this property is contiguous with the American Legion property. The American Legion's parking lot is next to their lot line. There is a 13' easement for ingress and egress through their property to the rear for the benefit of the American Legion.

Mr. DiGiulian stated that then there is no other place on the property where an addition can be constructed.

Mr. Caridi stated that the proposed addition will be consistent with the existing structures.

Page 414
September 20, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application V-182-77 by GUENTER PFEIL & ECKHARD AND SPRINGFIELD MOTORS, INC. under Section 30-6.6 of the Zoning Ordinance to permit an addition to a repair garage 17' from the residential zoning boundary line 6530-6536 Backlick Road, 90-2((1))4, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 20, 1977; and

WHEREAS, the Board has made the folbwing findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is C-D.
3. That the area of the lot is 44,076 sq. ft.
4. That the applicant's property has an unusual condition in the location of the existing buildings on the subject property.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and buildings involved.

NOW, THEREFORE, BE IT RESOLVED, thatthe subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Smith left the meeting earlier.

Page 414, September 20, 1977 - New plats submitted and o.k.ed. by staff.
DEFERRED CASE: CHESTERFIELD MEWS appl. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit two tennis courts and tot lot to be constructed in Chesterfield Mews Townhouse community off Arlington Blvd., 48-4((1))part of parcel 45, County of Fairfax, Virginia, S-183-77. (Deferred from August 30, 1977 for revised plats showing fence around tennis courts.)
Mr. Russell Rosenberger, attorney, appeared on behalf of the applicant. The Board reviewed the revised plats and found them acceptable. However, the Board did question the notation regarding the height of the fence which was 8' to 12'.

The applicant stated that they wished to have that flexibility. The fence might be 12' at the end and a little lower in the middle.
Mr. Barnes stated that he did not feel a 8' fence would be high enough and felt they should, at least, put in a 10' fence.

The other Board members agreed.

Page 415, September 20, 1977
CHESTERFIELD MEWS (continued) BD. OF ZONING APPEALS

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application S-183-77 by CHESTERFIELD MEWS COMMUNITY ASSOCIATION under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit two tennis courts and tot lot located in the Chesterfield Mews townhouse community off Arlington Blvd., 48-4((1))part of parcel 45, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8, 1977 and September 20, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RTC-5.
3. That the area of thelot is 0.70453 acres.
4. That compliance with the Site Plan Ordinance is required.

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

That the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is not valid until a non - residential use permit is obtained.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The effects of all lighting shall be confined to site.
8. The hours of operation shall be
9. The membership is that of the townhouse community residents.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present and voting. Mr. Smith had left the meeting earlier.

Page 415, September 20, 1977
AFTER AGENDA ITEM: CHILDREN'S ACHIEVEMENT CENTER, REQUEST FOR OUT OF TURN HEARING.

Mr. Durrer read a request from the applicant requesting an out of turn hearing in order that they might move from their temporary quarters into permanent space as quickly as possible. Parkmont School is now occupying the proposed site and is scheduled to vacate the premises in September. They are working out the terms of the final lease with the owners now. Since Parkmont has been unable to proceed any earlier, they have been unable to proceed with their application for Special Use Permit.

Page 416, September 20, 1977, AFTER AGENDA ITEM:
CHILDRENS ACHIEVEMENT CENTER (continued)
The Board was also in receipt of a letter from John P. Shacochis, Supervisor of the Dranesville District endorsing this request, and also a letter from James E. Hoofnagle, Clerk of the Circuit Court of Fairfax County, urging the Board grant this request.

The Board discussed the earliest possible date that it could get this case on the already crowded agenda.

Mr. Barnes moved that the Board set this case on the agenda for October 26, 1977.

Mr. Swetnam seconded the motion. The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.
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Page 416, September 20, 1977, AFTER AGENDA ITEM:
(This item was taken up between the 10:00 A.M. and the 10:20 A.M. item and all members were present.)

LEARY SCHOOL, INC., S-104-74, Request for change in age limitation.
Location: 6349 Lincolnia Road, Granted July 24, 1974.
The request was to change the age limitation from 12 through 19 to 6 through 15.

Mr. Durrer moved that this request be granted. Mr. Barnes seconded the motion. The motion passed unanimously with all members present and voting.

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Page 416, September 20, 1977, AFTER AGENDA ITEM:
LEARY EDUCATIONAL FOUNDATION, 4015 Annandale Road, S-264-75.
(This item was taken up between the 10:00 A.M. and the 10:20 A.M. item. All Board members were present and voting.)

The Board was in receipt of a letter requesting that the age limitation of the Special Use Permit be changed from 12 through 18 to 3 through 10.

Mr. Durrer moved that the request be granted. Mr. Barnes seconded the motion and the motion passed unanimously.

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Page 416, September 20, 1977, AFTER AGENDA ITEM:
HOLMES RUN ACRES REC. ASSOCIATION, INC., S-91-77, Granted June 7, 1977

The Board was in receipt of a request from Charles Runyon, engineer on the project, to change the location of the bath house replacement and certain other minor changes. These changes consist of a 45 degree rotation of the building and the relocation of the emergency vehicle access.

Mr. DiGiulian stated that he had reviewed the revised plats and would move that the Board approve them.

Mr. Swetnam seconded the motion and the motion passed unanimously. Mr. Smith had left the meeting earlier.

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The meeting adjourned at 2:15 P.M.

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Jane C. Kelsey
BY JANE C. KELSEY, CLERK

Daniel Smith
DANIEL SMITH, CHAIRMAN

Submitted to the BZA Oct 12, 1977

APPROVED: Oct. 19, 1977
DATE

Submitted to other Bds. and Depts. on _____

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The Regular Meeting of the Board of Zoning Appeals Was Held in the Board Room of the Massey Building on Tuesday, September 27, 1977. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

The meeting began at 10:12 A.M. with a prayer by Mr. Barnes.

The Board took up the scheduled 10:00 A.M. case of

GEORGE R. RELYEA appl. under Sec. 30-6.6 of the Zoning Ord. to permit enclosure of extension to existing carport, located 8805 Teresa Ann Court, Fort Hunt Estates Subd., Mt. Vernon Dist., 111-1((17))3, (12,699 sq. ft.), R-12.5, V-207-77.

Mr. Relyea submitted the required proof of notice to property owners. The notices were in order.

Mr. Relyea stated that there is no other place on the property to construct a garage. Therefore, he wishes to enclose the existing carport and place a small addition to it in order to get two cars in and out easily.

Mr. Swetnam stated that he will only have 21' inside the garage even after the extension is added.

Mr. Relyea's main justification was the configuration of the lot and its long frontage on Teresa Ann Court, which calls for a forty foot setback making it impossible to enclose a two car garage without a variance.

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

Mr. Swetnam made the following motion:

WHEREAS, Application V-207-77 by GEORGE R. RELYEA under Sec. 30-6.6 of the Zoning Ordinance to permit enclosure and extension of existing carport 37' from front property line, 40' required, 8805 Teresa Ann Court, 111-1((17)) 3, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 27, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 12,699 sq. ft.
4. That the applicant's property is exceptionally irregular in shape;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

10:20 A.M. - WILLIAM & JOY BYRD, appl. under Sec. 30-6.6 of the Ord. to permit house to remain 8.2' from property line (side), 2607 Beacon Hill Road, Schooley Acres Subd., 93-1((15))1, (25,142 sq. ft.) R-12.5, V-208-77.

10:25 A.M. WILLIAM & JOY BYRD appl. under Sec. 30-6.6 of the Ord. to permit a house to be constructed 8.0' from east property line and 8.2' from west property line, 12' required, 2607 Beacon Hill Road, Schooley Acres Subd., 93-1((15))1, (20,384 sq. ft.), Mt. Vernon Dist., R-12.5, V-237-77.

(These hearings began at 10:25 A.M.)

Mrs. Byrd submitted the required proof of notice for these cases to the Board. The notices were in order.

Mrs. Byrd stated that they have over 45,000 sq. ft. of land and they wish to subdivide it into two lots. In order to more evenly divide the land into two lots, the existing house will then be too close to the side property line. In order to construct the house that they have purchased plans for on the new lot, it will be necessary to have a variance for both sides.

Mrs. Henry Goble, 2603 Beacon Hill Road, spoke in opposition to this application. She submitted a petition in opposition to these requests.

Mr. Smith read the petition and stated that he didn't see any objection to the subdivision of the lot and the variance on the existing house. The objection is to the construction of the new house closer than 12' to the side property lines. He stated that this is an unusually large piece of land. The applicant could cut the size of the house down and still have a large house.

Mr. Swetnam agreed. He stated that the applicant could construct a 56' house on the proposed new lot by right, providing the variance is granted on the existing house and the subdivision approved.

Mr. Durrer made the following motion:

WHEREAS, Application V-237-77 by WILLIAM & JOY BYRD under Sec. 30-6.6 of the Zoning Ordinance to permit construction of a house 8.0' from east property line and 8.2' from west property line, 12' required, 2607 Beacon Hill Road, 93-1((15))1, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 27, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 1.0511 acres.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has not satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present and voting.

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10:40 A.M. - CHARLES B. O'SHAUGHNESSY - CROSSROADS TRANSMISSIONS, INC. appl. under Sec. 30-6.6 of the Ord. to permit 8' fence to remain in front setback at 5701 Columbia Pike, Mason Dist., 61-2((1))89-A, (55,214 sq. ft.), C-G, V-209-77.

The Board was in receipt of a letter from Brian Stern, attorney for the applicant, requesting deferral of this case until October 26 or November 1, 1977, because he has Court trials scheduled for the earlier dates.

Mr. Covington stated that his office had no problem with deferral. The applicant is under violation notice.

There was no one in the room interested in this case.

Mr. DiGiulian moved that the deferral request be granted and the case be rescheduled for November 1, 1977. The Clerk would set the exact time and so notify the applicant.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present and voting.

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11:00 A.M. - BROWNING HARALSON appl. under Sec. 30-6.6 of the Ord. to permit addition of 2nd story to existing garage 13' from side property line, 7212 Oriole Avenue, Springvale Subd., Springfield Dist., 90-1((2))37, (22,000 sq. ft.), RE-0.5, V-210-77.

Mr. Haralson submitted the required proof of notice to property owners. The notices were in order.

Mr. Haralson stated that the house is built at an angle on the lot and is not parallel to the property line, therefore, they need a variance to permit this second floor addition to the garage. The garage was constructed at the time the house was constructed. The builder, Mr. Dunsmore, obtained a variance in order to construct the garage.

In answer to Mr. Smith's question, Mr. Haralson stated that the garage is constructed in such a manner so that the room can be added without additional substructure. He stated that he had been advised of this by three different construction people. He stated that he already has french doors that come out of the bedroom onto the roof of the garage. They wish to make a sunroom there.

Mr. Swetnam stated that the construction would be checked thoroughly by the building inspection office.

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

 R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-210-77 by BROWNING HARALSON under Section 30-6.6 of the Zoning Ordinance to permit the addition of a second story to an existing garage for use as sunroom 13' from the side property line, 7212 Oriole Avenue, 90-1((2))37, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 27, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 22,000 sq. ft.
4. That the applicant's property is exceptionally narrow and has an unusual condition in the location of the existing building on the property in that the building is askew and not parallel to property lines.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. DiGiulian seconded the motion.

The motion passed unanimously with all members present.

Page 420, September 27, 1977
11:10 A.M. - ROBERT A. YOUNG ASSOC., INC. appl. under Sec. 30-6.6 of the Ord. to permit a subd. of parcel into three lots, one of which has less than the required 70' lot width, Dranesville Dist., 6646 Hawthorne Street, Bryn Mawr Subd., 30-4((11))1, (41,292 sq. ft.), R-10, V-211-77.

(The hearing began on time.)

Mr. Robert Young submitted the required proof of notice to property owners to the Board. The notices were in order.

In answer to Mr. Smith's question, Mr. Young stated that he felt this is the only variance that will be needed for the development of these three lots. He stated that he did wish to place the proposed house 10' from the pipestem in order that they can face the house toward the street rather than a shot-gun arrangement.

Mr. Smith stated that he would hope that the lots could be developed without further variances or waivers from the County, if this variance is granted.

Mr. Young stated that the justification for the need for this variance is the irregular shape of the land and the steepness of the lot. He stated that there is sufficient square footage for four lots, but because of the topography and the shape of the lot, they can only get three lots and only three if this variance is granted. He stated that he had spoken to each of the contiguous property owners and they have no objections.

Therewas no one else to speak in favor and no one to speak in opposition.

Page 420
September 27, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. Durrer made the following motion:

WHEREAS, Application V-211-77 by ROBERT YOUNG ASSOC., INC. under Section 30-6.6 of the Zoning Ordinance to permit subdivision of parcel of land into three lots with one lot having less than the 70' required lot width, 6646 Hawthorne Street, 30-4((11))1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on September 27, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of the lot is 41,292 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and has topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Barnes seconded the motion.

Mr. Swetnam stated that he would support this motion because he feels it is right. He stated that he does not like a pipestem lot as a matter of course. He felt it is bad planning.

POLICY MENTIONED

Mr. Smith stated that neither does he approve of them, but as long as it is the policy of the County to allow them, he would support them where there is a hardship involved. However, he would not support multiple variances for the development of a parcel of land. The pipestem concept is one way of utilizing a parcel of land.

Mr. Swetnam stated that this applicant has a "dog" of a piece of land.

Mr. Durrer stated that he did not feel the Board has to approve these type variances even if it is the County's policy.

Mr. Smith stated that he is concerned with the problems these pipestems create for the Fire Department, Police Department and the other service agencies.

Mr. Durrer stated that this is the first expression that he has heard from Mr. Swetnam that he doesn't agree with this pipestem concept. He stated that he had never agreed with it.

Mr. DiGiulian stated that he agrees with Mr. Swetnam also, but as long as it is the policy of the County and the applicant comes in with a hardship for a variance,then it must be considered by this Board.

Mr. Smith stated that as long as the variance request is on a single lot basis and there is an application for each variance, he would give it merit.

Mr. Covington stated that one of the problems that he foresees with all these pipestem lots is the maintenance of the streets. Another bad feature of the pipestems is some of the fronts of the houses are looking into the backs of other houses.

The motion passed unanimously with all members present.

Page421, September 27, 1977

11:20 - W. M. WAYSHNER appl. under Sec. 30-6.6 of the Ord. to permit a re-
A.M. duction of lot width at building restriction line, 105.00' required 103.37' proposed, 5824 Tilbury Road, Lee Dist., 81-1((2))12A, (18,075 sq.ft.), R-12.5; V-212-77.

Mr. Wayshner submitted the required proof of notice to property owners. The notices were in order.

Mr. Wayshner stated that the parcel is surrounded by 30' right-of-ways. They have enough land area to get three buildable lots. They were required by the County to dedicate 10 feet all the way around this property. This makes one lot substandard at the building restriction line. This is proposed lot 12D 1.

There was no one else to speak in favor and no one to speak in opposition to this request.

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-212-77 by WILLIAM M. WAYSHNER under Sec. 30-6.6 of the Zoning Ordinance to permit the reduction of lot width at the building restriction line (105.00' required, 103.37' proposed), 5824 Tilbury Road, 81-1((2))12A, County of Fairfax, Virginia has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 27, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 18,075 sq. ft.
4. That the applicant's property is exceptionally irregular in shape, and has a requirement for dedication to public street purposes on all sides of the property;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

The motion passed unanimously with all members present.

Page 422, September 27, 1977
11:30 A.M. - WOODLAWN UNITED METHODIST CHURCH appl. under Sec. 30-7.2.6.1.11 of the Ord. to permit a Church and Church educational program, 7730 Fordson Road, Gum Springs Subd., Mt. Vernon District, 102-1((1)) 77 and 78; (1.92788 ac.), R-17, S-213-77.

Mr. Richardson, 5213 Brook Drive, the architect for this project, submitted the required proof of notice to property owners. The notices were in order.

Mr. Richardson stated that there is presently a church building and an annex building on the property. The church proposes to construct an educational unit with six classrooms, a multi-purpose room, offices and kitchen. The church has been in existence since 1867 and moved to the present site in 1941. The materials to be used will be masonry walls with brick facing. This will be a one-story building except for a small second story for the air conditioning units.

Mr. Durrer inquired of the applicant if they would agree to dedicate as suggested by the office of Preliminary Engineering.

Mr. Richardson stated that he would have to confer with his clients on this subject. They, of course, would prefer not to have to dedicate, he stated.

Mr. Swetnam stated that as he has said before this is something this Board should not be doing. If this is required, the Board is depriving the applicant of their rights, title and interest in their property.

Mr. Durrer stated that his opinion is just the opposition of Mr. Swetnam's.

Mr. Smith stated that the applicants are developing this site in a residential area for this heavy impact use which requires a Special Use Permit from this Board. Any development such as this in a residential zone should have the same requirement.

Mr. Swetnam stated that under the Site Plan Ordinance, the County cannot require dedication to public use of the land. The only way would be if this Board requires it as a condition of the Use Permit.

Mr. Smith stated that he certainly felt the applicant should do that. When land is dedicated, the owner does not have to pay taxes on it.

Mr. Swetnam stated that churches do not have to pay taxes anyway.

Mr. Smith stated that that is true, and everyone knows his position on that too.

Mr. Durrer stated that he had known properties in the County where the County has said that the owner could not build until he had dedicated an exorbitant amount of land. He stated that he felt the County is well justified in asking for 10 or 20 feet. This will facilitate the road improvements that are necessary for the safety of the traveling public.

Mr. Swetnam stated that his point is that these people bought this land by the foot and now they are losing so many square feet in order to be able to build. A public entity has the responsibility of furnishing the ground.

Mr. Smith stated that he remembered when people would give land to the State in order that the State develop it.

Mr. DiGiulian read the report from Preliminary Engineering stating:

"This use will be under site plan control. The future right of way line of Route 1 along the frontage of the subject property is 98 feet from the centerline of the existing right of way. This future right of way would include all existing road improvements by the Va. Department of Highways and the additional requirements of a standard median, service drive and sidewalk along Route 1 which will be required to be constructed under site plan control. It is suggested that the owner dedicate the needed right of way to encompass the aforementioned required road improvements.

Fordson Road is proposed to be a 60 foot right of way with construction of curb, gutter and sidewalk along the frontage of all properties under development. Under site plan control the owner will be required to construct standard road widening, curb, gutter and sidewalk for the full frontage of the property on Fordson Road. The proposed face of curb will be located 22 feet from the existing centerline of right of way. It is suggested that the owner dedicate to 30 feet from the centerline of the existing right of way of Fordson Road for the full frontage of the property for the aforementioned road improvements.

All required landscaping and screening should be provided to the satisfaction of the Director of Environmental Management."

There was no one else to speak in favor and no one to speak in opposition.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-213-77 by WOODLAWN UNITED METHODIST CHURCH under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit a church and church educational program, 7730 Fordson Road, 102-1((1))77 & 78, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 27, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 1.92 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of seats shall be 435.
8. The minimum number of parking spaces shall be 87.
9. The hours of operation shall be normal church hours.

Mr. DiGiulian seconded the motion.

Mr. Durrer stated that even though he would support the resolution, he still felt the Board should require that the applicant dedicate in accordance with the comments from Preliminary Engineering. This Board has an obligation to the motoring public and the people who use these roads. He discussed the problems on Rolling Road.

DISCUSSION RE POLICY ON REQUIRING DEDICATION.

Mr. DiGiulian explained that the County can require dedication for the development of a subdivision. The Site Plan department cannot require this dedication for this type use, however.

Mr. Durrer stated that he felt this Board has to be an extension of the County's working departments.

Mr. Smith stated that the Board has been doing this on all other churches and schools that come before it for development in a residential zone. He stated that he had never voted against a church yet, but would do so if the Board's previous policy is not continued in this case. He stated that he did not think that churches should be in any different position in the community from people who are developing a subdivision. They should carry their part of the burden of the dedication of right of way in order to serve the community in which it is going.

Mr. DiGiulian stated that he did not disagree with that statement, but he felt if this is going to be a requirement, it should be by Ordinance and not for this Board to require. There is no requirement by Ordinance even for a commercial enterprise to dedicate in a commercial zone.

Mr. Smith stated that this applicant has the advantage of being able to develop this use in a residential zone. It is a heavy impact use.

Mr. Durrer reitterated that if this were not a church, he would not vote for it.

Mr. Smith stated that he did not see why a church should be given any advantage over a school or anything else.

The motion passed 4 to 1. Mr. Smith voted No because the condition was not added that the church be required to dedicate and carry part of the burden of providing for the safety of the motoring public.

Page 425, September 27, 1977

11:40 A.M. - DONALD E. & MARY S. STOUT appl. under Sec. 30-6.6 of the Ord. to permit construction of deck 11.45' from side property line, 7035 Cindy Lane, Annandale Dist., Fontainbleau Subd., 71-1((16))7, (21,910 sq. ft.), RE-0.5, V-214-77.

Mr. Stout submitted the required proof of notice to property owners. The notices were in order.

Mr. Stout's main justification was due to the irregular contour of his back yard and the shallowness of the lot which prevented him from constructed this deck any place else on the property.

The Board members questioned the need for this variance particularly for a deck of this size.

Mr. Mitchell from the Zoning Enforcement staff stated that a deck is not the same as an open carport. The deck must not be more than ten feet wide. If it is more than ten feet wide, it must meet the whole setback.

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

Mr. Covington, Zoning Administrator, after considerable discussion interpreted this particular construction to be considered a porch under the definition in the Ordinance and stated that it could go five feet into the side yard. He stated that the applicant could built a 15 foot deck without a varaince. However, he stated that he felt the applicant has a hardship under the Ordinance since the subject property is a corner lot with double front setbacks. The applicant also has an easement running through his property.

Mrs. Stout stated that they have some beautiful trees in the back yard that they want to construct the deck around.

Mr. Durrer stated that with the ruling of the Deputy Zoning Administrator that the applicant could build a 15 foot deck by right, he would make the following motion:

R E S O L U T I O N

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September 27, 1977

WHEREAS, Application V-214-77 by DONALD & MARY STOUT under Sec. 30-6.6 of the Zoning Ordinance to permit construction of a deck 11.45' from side property line, 7035 Cindy Lane, 71-1((16))7, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 27, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 21,910 sq. ft.
4. That the applicant's property could have a 15 foot deck by right.

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

THAT the applicant has satisfied the Board that physical conditions do not exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Barnes seconded the motion.

The motion passed unanimously with all members present.

Mr. Smith left the meeting.

11:50 A.M. - COUCH & COUCH appl. under Sec. 30-6.6 of the Ord. to permit erection of building to replace existing building two feet from new property line, 2940 Chain Bridge Road, Centreville District, 47-2((1))93, (40,821 sq. ft.), C-OL, V-215-77.

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(This hearing on this case began at 1:35 P.M.0

Mr. Ed Garvey represented the applicant. He submitted the required proof of notice to property owners. The notices were in order.

Mr. Garvey stated that Mr. Phillip Eddy, the architect for this project, was present to answer questions the Board might have concerning the new construction.

Mr. Garvey stated that in August 1974, the Highway Department made a written offer to buy 2,000 square feet of property. In 1975 the owner of the property made plans to accept the offer and build a replacement building for the one that would have to be removed. These plans were dropped when they were advised by the Highway Department that the widening of Hunter Mill Road was a dead issue and that it had been removed from the six year construction program. In the spring of 1977, the Highway Department advised the owner that they had until December 31, 1977 to move the storage building and remove part of another building that would protrude beyond the right of way line. They will loose 2276 square feet of land for which they will receive $18,000 compensation and $13,000 for damages to the remainder of the property. It will cost between $60,000 and $90,000 to construct the new buildings. He submitted a sketch of what they intend to build showing a deck area and the new building. He stated that they hope to maintain the character of the existing facility, which is that of an old country store. There will be a small park and a meeting room also.

In answer to Mr. Barnes question, Mr. Garvey stated that there would be two feet between the proposed building and the right of way for the road.

Mr. Barnes stated that there are some large maple trees there now.

In answer to Mr. Durrer's question, Mr. Garvey stated that he did not know the width of the actual pavement and how far it would be from the new property line and the new building.

Mr. Garvey stated that they do not plan to pave the area for parking because they want to retain as many trees as is possible.

Mr. Durrer expressed his concern for the motoring public if the building should come within two feet of the traveled portion of the road.

Mr. DiGiulian moved that this case be deferred for new plats delineating the parking spaces to comply with the County ordinances, and for the applicant to submit a copy of the construction plans in order that it can be determined how close the pavement will come to the proposed buildings.

He stated that the comments from Preliminary Engineering covers both of these questions and should be answered before the Board makes a decision. They are:

"It is strongly suggested that careful consideration be given to the proposed request since the proposed building could interfere with adequate sight distance at the entrance from the parking lot to Hunter Mill Road. Also, a parking tabulation should be shown indicating the number of spaces required and how that number was computed, and the number of spaces provided. This tabulation would enable the Board of Zoning Appeals to determine whether there will be sufficient parking to meet the needs of the proposed and existing buildings based on six (6) spaces per 1,000 square feet (net) of building area. All existing and proposed parking spaces, loading spaces, travel aisles, and driveways must be paved in accordance with Sec. 30-3.10.5 of the Zoning Ordinance.

"Construction on the subject site will be under site plan control. Under site plan control, road improvements in addition to those being constructed by the State may be required. These road improvements would consist of curb, gutter and standards sidewalk for the full frontage of the property along Hunter Mill Road, Route 674. There is not sufficient right of way within the area acquired by the State for Project #674-029-173, C501, for the needed curb, gutter and

and sidewalk. Therefore, some of these additional improvements would be located on the subject property within that area that the applicant would propose to construct a building and deck.

"It is important that the subject application take into consideration the future public parking and highway needs. It should also be noted that the subject property is not an adopted historic site If the site were an adopted historic site, approval for alteration of the site would have to be approved by the Board of Supervisors. All necessary landscaping and screening should be provided to the satisfaction of the Director of Environmental Management."

Mr. Durrer advised the applicant if they did not wish to pave the parking area, it would be necessary to apply to this Board for a variance under the hardship section of the Ordinance.
Mr. Swetnam seconded Mr. DiGiulian's motion.
The applicant talked about the historic significance of this site.
He also asked Mr. Leslie Dix, 13030 Maple View Lane, to speak to this.

Mr. Osborne, 10710 Vale Road, spoke in support of the application.

No one spoke in opposition.

Mr. DiGiulian added to his motion to defer that the case be set for October 12, 1977, at 2:15 P.M.

Mr. Swetnam accepted that.

The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

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1:15 P.M. - APPEAL OF THE ZONING ADMINISTRATOR'S DECISION TO REVOKE SPECIAL USE PERMIT OF JACQUELINE S. MOCK & RANDY FOSTER DEWITT, S-84-77, Granted June 14, 1977 to permit a riding stable, granted with conditions, 5320 Pleasant Valley Road, 43-1 & 43-3((1))1, Springfield District, S-84-77.

Mr. Ash, Zoning Inspector for this District, stated that this revocation came about because of his inspection of the property which revealed that the applicant was not living up to the conditions placed on her Special Use Permit. He stated that he inspected the property again on August 25 with another inspector, Lenn Koneczny. He stated that he took some photographs of the property at that time. He submitted the photographs to the Board.

Mr. Ash stated that after the revocation, Mrs. Mock requested that she be allowed to continue to operate until this Board could hear the appeal. Another inspection of the property was made by Mr. Koneczny, Mr. Barnes, one of the Board members, and him to determine the extent of any improvements that she might have made in the interim.

Mr. Barnes stated that they did indeed inspect the property and found that a fence had been erected up to the stable, the debris and growth had been cleared from the ingress and egress so adequate site distance could be obtained, and a gate had been installed up next to the house so that people could get in and out and the horses could not.

Mr. Durrer inquired about the fence on the south side and the gate that was hanging open when the Board viewed the property prior to granting the Special Use Permit.

Mr. Barnes stated that Mrs. Mock says that that has been fixed. However, they did not inspect down that far.

Mr. Lenn Koneczny stated that Mrs. Mock has put up a couple of strands of barbwire along the fence along the front property line. She has not yet begun construction on the barn that she has to have finished by November 30.

Mr. Robert Stevens, 5006 Pleasant Valley Road, stated that there has been a mistake about the fences. There hasn't anything been done to the south and southwest portion of this fence. There are two gates in the back.

In answer to Mr. Durrer's question Mr. Stevens stated that the horses have not been on his property since the last Special Use Permit was granted.

Mrs. Mock stated that she had witnesses present who could speak about what she has done on the property in accordance with the conditions placed on her Special Use Permit. She stated that as to the construction of the shelter, she has obtained or made arrangements to obtain the trusses. They had not started on this before because they wanted to await the outcome of this hearing.

Mr. Swetnam moved that the Board overrule the Zoning Administrator's decision to revoke this permit in view of the improvements that the applicant has now made. She will have to comply with the conditions of the granting of the Special Use Permit, in particular the construction and the obtaining of the Non-Residential Use Permit.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

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1:30 P.M. - SHOW-CAUSE HEARING - MURRELL W. PROCTOR T/A CENTURY MOTORS, S-50-77, 7129 Columbia Pike, 71-1((1))96B, Granted April 13, 1977 for auto sales room. (Deferred from Sept. 8 to allow applicant to revise plats to show the customer parking and the display parking on the site as he planned to have it and in conformance with the County Ordinances.)

New plats had been submitted to the staff and were approved as correct as far as the County Ordinances were concerned.

Mr. DiGiulian stated that he too had reviewed the plats. The revised plats show the specific display parking area. This area is out of the setback and travel lane.

Mr. Proctor stated that he does have a car in the show room.

Mr. Don Beaver, Zoning Inspector, stated that he had viewed the property just this morning and did not see the car in the show room.

Mr. Proctor explained that the car was behind some double doors. It is a 1970 Cougar, orange convertible.

Mr. Durrer inquired if the car should not be in the front of the building where it can be seen.

Mr. Proctor stated that he had a large sign in the front stating "car display".

It was the consensus of the Board that the car should be in the front portion of the show room.

Mr. Proctor stated that he did not feel it was fair for him to be prohibited from using the travel lane for the parking of his cars since the other businesses in the area use the travel lane for the parking of cars connected with their businesses.

Mr. DiGiulian inquired if one could drive a car in the travel lane to the east of the property to Harris Plumbing and to the west to the gas station.

Mr. Proctor answered that that could be done.

Mr. DiGiulian stated that it is then a travel lane and must be treated as one. It is designed for the convenience of vehicles to go from one site to the other without having to pull out onto the main street.

Mr. Mitchell from the Zoning staff explained that the difference between a travel lane and a service drive is, a service drive is a dedication portion of road with curb and gutter on both sides and a travel lane is simply an access way between adjoining properties most frequently used in commercial areas.

Mr. Durrer told Mr. Proctor if he wishes to pursue the question on the use of

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the travel lane, he should go to the County staff.

Mr. DiGiulian moved that the Board accept the amended plats indicating the correct parking areas designated for both display and customer parking.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Smith was absent because he left the meeting earlier.

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The meeting adjourned at 3:00 P.M.

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BY Jane C. Kelsey
JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

Daniel Smith
DANIEL SMITH, CHAIRMAN

Submitted to the BZA on Oct. 12, 1977

APPROVED Oct 18, 1977
DATE

Submitted to other Depts. and
Board of Supervisors on _____

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The Regular Meeting of the Board of Zoning Appeals Was Held In The Board Room of the Massey Building on Wednesday, October 12, 1977. All Board Members were present except Mr. Barnes. Members present were: Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam and John DiGiulian.

The meeting opened at 10:15 a.m. with a prayer by Mr. Harvey Mitchell from the Zoning Staff.

The Board then took up the 10:00 a.m. scheduled item.
KRIYA YOGA ASHRAM, INC. appl. under Sec. 30-7.2.6.1.3.4 of the Ord. to permit school of special education, 2161 Chain Bridge Road, Gundervale Subd., 39-1((4))11, (30,440 sq. ft.), Providence Dist., RE-1, S-146-77. (Deferred from 7/21/77 and 9/8/77.)

Mr. Robert Lawrence, attorney for the applicant, represented the applicant before the Board. The notices had been presented at the September 8th meeting and had been in order.

Mr. Lawrence called the Board's attention to the fact that he had amended the application to be a school of special education rather than a church as it originally had been. He stated that this is not a religious group. There is no worshiping in this group. This is a yoga group who plans to hold exercise classes. The applicant's statement was done by a layperson in the organization and the first paragraph stated "...charitable, religious, educational and scientific activities..." That particular paragraph was taken directly from the Articles of Incorporation filed in the District of Columbia, Section 501 (3) of the Internal Revenue Code. That is the provision that qualifies that corporation for exemption as a non-profit organization or corporation. This is a non-profit corporation and they will be prohibited from seeking new members in the organization. The members come in voluntarily. He stated that the corporation has been accepted by the State of Virginia to do business in the state. He submitted the certificate of good standing to the Board. This is also a non-stock corporation he stated. There are 21 active members at the present time. The meetings are held on Thursday evenings from 6:30 to approximately 9:30 p.m. On the other nights of the week, there might be four to five people in the facility practicing their exercises and discussing yoga techniques.

Mr. Lawrence stated that there will be a full time resident at the house to help maintain the house. That resident will be a member of the corporation.

Mr. Lawrence stated that the corporation consists of four directors and four officers. These sometimes overlap.

Mr. Lawrence explained the type people who are members of this organization. He stated that the average age for these members are from 37 to 38 or 39. The average income is $25,000. Seventy-five percent are married. The majority of them are life time residents of the Washington area.

Mr. Lawrence stated that there is no traffic count for this exact location. However, there is a traffic count slightly to the north of this property. That count is 32,500 vehicles per day. He submitted this report for the record. He stated that he did not feel this use would create an adverse impact to the residential character of the community, nor would it create a traffic hazard. The existing building will be used. If there came a time for the reconstruction of the building, it would have to go through site plan approval, he stated. The area where the proposed parking will be is surrounded by trees. There will be no need for the people who use this building to drive through the adjacent subdivision. Chain Bridge Road is a major arterial road which goes down to the Beltway.

Mr. Lawrence stated that the applicant would agree to a limitation on vehicular traffic and a one-year limitation on the permit with a review by the Board at the end of that time.

Mr. David Nichols, 424 Eleventh Street, N.E., Washington, D. C. testified regarding the number of active members they already have in this organization. He stated that this group has been active for 2½ years and the membership has remained at about 20 active members. In answer to Mr. Swetnam's question, Mr. Nichols stated that he did not know whether their membership would grow or not. He stated that they do not plan to become affiliated with another group. He stated that he felt the most that would be using the facility would be 30. The membership consists of individuals, not families. He stated that there are no membership fees, as this is prohibited by Internal Revenue. There are donations made by members and their guests. They will be happy to limit the parking to only on-site parking within designated parking areas.

Page 431, October 12, 1977
KRIYA YOGA ASHRAM, INC. (continued)

The Board discussed with the applicant the number of members versus the number of parking spaces on the site. Mr. Lawrence stated that they would agree to any reasonable number limitation, 24 or 27, perhaps. In answer to Mr. Smith's question, Mr. Lawrence indicated that there would be no social function other than just to meet to meditate and do exercises. No alcoholic beverages would be served. For the record, Mr. Lawrence stated that this organization does not occupy this house at the present time and was not responsible for the party that occurred at this house several weeks ago.

At 10:45 A.M., the opposition began. Mr. John J. Mitchell, 1005 Country Club Drive, President of the West Briar Civic Association spoke. He stated that the West Briar subdivision is the entire area across the street from this property, partly within the Town of Vienna. A copy of Mr. Mitchell's statement can be found, in part, in a letter in the file of this case. That letter was dated October 9, 1977 and addressed to Mrs. Pennino, Supervisor of the Centreville District. One of the points that he raised was that conditions that are set on these Special Permit are sometimes ignored, perhaps not deliberately, but in time. He noted that the facility where it is now located in Arlington is in a commercial area. His main points of opposition were that this use could take on the characteristics of a tourist home with a transitional character in this now residential neighborhood; that this use at this location will lower property values of the adjacent homes; that the house could not be approved for this type assembly use; that Fairfax County will lose tax revenues, as well as the State of Virginia. He requested that the Board deny this application.

He then submitted a letter from the Town of Vienna for the record. The letter was signed by Mr. C. Harold and stated that the Vienna Town Council with a majority present on October 10, 1977, reviewed the application of Kriya Yoga Ashram, Inc. and opposes the granting of any permit that would permit this use. The reason for the opposition was that the Council felt that neither the building nor the amount of available parking space would be adequate for the needs of the group. The Council felt that the use of the proposed site would adversely affect the surrounding residential neighborhood, including a substantial section of the abutting residential property in the Town. They urged the denial of this application.

Mr. Ross Buckley, 108 St. Andrews Drive, across the street from the subject property in the Westbriar Civic Association, spoke in opposition to this application. He submitted an excerpt from the Washington Post concerning this organization and its relation to the Swami who was recently in the Washington area. He stated that the Post indicated that there are about 2,000 in the West which are concentrated in New York and the District of Columbia.

Mr. Richard Bier, 1955 Horse Shoe Drive, spoke in opposition. He submitted a signed petition with 61 signatures, 22 of which live on Chain Bridge Road, and 44 of which live on Horse Shoe Drive. He stated that the character of Horse Shoe Drive, which intersects with Chain Bridge Road and on which this property has a front, is rural residential. It is an 18' paved road with no curb or gutter. There is no other acess. There is no left turn access off Chain Bridge Road onto Horse Shoe Drive coming from the north. From the Beltway, access would be from Horse Shoe Drive. Since most of the traffic will come from the Beltway, this will increase traffic on Horse Shoe Drive. Most of the homes on this street are older and have an increasing number of children in them who now play in the cul-de-sac there.

Rita Gold, 198 Horse Shoe Drive, spoke in opposition to this application for some of the same reasons that are mentioned above.

Mr. Robert Lawrence spoke in rebuttal. He stated that the applicant is willing to restrict the use with a limitation on the number of cars that can be on the property at any one time and the number of members to 20. There will be no change to the exterior of this structure. Whether the building can be used for this use is something that comes after this Board makes its decision. The only person who will live in the house for any period will be the caretaker. For large functions, such as when the swami visits the area, another location will be leased, just as it was this time. A building was leased in Washington. The property borders on a major arterial highway. The parking is screened from view of the adjoining residences.

A letter from Mrs. Pennino in opposition to this application was entered into the record of the case. She felt that the granting of this use would open the door for others and could result in strip zoning all along this corridor. The nature of this operation would produce the same side effects as a commercial use, such as additional ingress/egress to Route 123, parking difficulties, and additional traffic.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-146-77 by KRIYA YOGA ASHRAM, INC. under Sec. 30-7.2.6.1.3.4 of the Fairfax County Zoning Ordinance to permit a school of special education, 2161 Chain Bridge Road, 39-1((4))11, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 8 and deferred to October 12, 1977; and

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

1. That the applicant is the contract purchaser of the property.
2. That the present zoning is RE-1.
3. That the area of the lot is 30,440 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has not presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is denied.

Mr. DiGiulian seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No.

Mr. Smith stated that he was voting No because he felt there should be some consideration here, perhaps a granting with a review in a year. He stated that he was not convinced that this use would be detrimental to the character of the residential neighborhood.

Mr. Durrer stated that this 123 corridor has been kept entirely free of commercial zoning between Vienna and the County line and Tysons Corner. He stated that he felt it should be kept that way. He stated that it would seem to him that it would be possible that had this application been approved, this would have opened this area up to other types of commercial ventures. This use would have been a great impact on the neighborhood. It would have opened up a meeting house for an international organization and it would not have been compatible with the neighborhood, which is strictly residential.

Mr. Swetnam stated that Horse Shoe Drive is the only access coming from the north. The testimony has shown that it is a very narrow road. The impact of this use would have been terrific.

Page 432, October 12, 1977
10:20 A.M. - JOHN & NORIS McGREEVY, appl. under Sec. 30-6.6 of the Ord. to permit garage to be constructed 70' from center line of ingress-egress easement, 1071 Cedrus Lane, Peacock Station Subd., 19-2((9))27, (100,801 sq. ft.), Dranesville District, RE-2, V-165-77.

Mrs. McGreevey submitted the required proof of notice to property owners. The notices were in order.

The applicant's justification was the fact that there are several topography problems on the land, the well and the septic field take up additional space. Even though this is a large lot, the buildable portion of the lot is very small.

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

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-165-77 by JOHN & NORIS McGREEVY under Sec. 30-6.6 of the Zoning Ordinance to permit garage to be constructed 70' from center line of ingress-egress easement, 1071 Cedrus Lane, 19-2((9))27, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on October 12, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 100,801 sq. ft.
4. That the Board finds that the applicant's property has exceptional topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed unanimously. Mr. Barnes was absent.

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October 12, 1977

10:30 A.M. - JOHN & JUDITHE SEIBERT appl. under Sec. 30-6.6 of the Ord. to permit enclosure of existing carport to a garage 12.2' from side, 35' total, (12' minimum and total of 40' required) at 2947 Fort Lee Street, Folkstone Subd., Section 1, 36-1((11))153; (20,000 sq. ft.), Centreville Dist., RE-1 Cluster, V-217-77.

Mr. Seibert submitted the required proof of notice to property owners. The notices were in order.

Mr. Seibert's justification was not in accordance with the requirements of Section 30-6.6 of the Ordinance. He mentioned facts such as he needed storage space and the need for protection for his automobiles. However, Mr. Swetnam pointed out that he did have justification under the Ordinance because his property line on the side where the garage is proposed angles in toward the street and the topography is such that he could not construct a garage to the rear of the house.

RESOLUTION

Mr. Durrer made the following motion:

WHEREAS, Application V-217-77 by JOHN W. & JUDITHE E. SEIBERT under Section 30-6.6 of the Fairfax County Zoning Ordinance to permit enclosure of existing carport for a garage 12.2' from side property line, 35' total, 2947 Fort Lee Street, 36-1((11))153, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-1 Cluster.
3. That the area of the lot is 20,000 sq. ft.
4. That the applicant's property is exceptionally irregular in shape.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. He stated that he did not feel the justification was sufficient and this is a new subdivision.

Page 434, October 12, 1977

10:40 - THE CHURCH OF GOD OF PROPHECY appl. under Sec. 30-7.2.6.1.11 of the Ord. to permit addition to existing church and new parsonage on church property, 6409 Telegraph Road, Lee District, Virginia Hills Subd., 82-3((1))52; (2.9477 ac.), RE-1; S-218-77.

Rev. Wright, 6222 Cornell Drive, submitted the required proof of notice to property owners. The notices were in order.

Rev. Wright stated that this addition will be for classrooms for the church Sunday School. The addition will be constructed of the same material as the present structure. The parsonage will be two stories.

Mr. James Cassady, 6410 Wilcox Court, inquired as to whether there would be a regular school in connection with this addition.

Rev. Wright stated that they have no plans for a school at this time.

Mr. Cassady stated that his property is only 30' from the church property. He purchased the property 20 or 30 years ago. He stated that he would prefer to see a stockade type fence between the church property and his property.

Mr. Phillip Presaznick, 6412 Wilcox Court, spoke concerning whether or not the church would have a school during the week on the church property.

Mr. Smith explained that the applicant's representative has said that there would be no school at this time. Should the church decide to have a school at some future date, a new application and a new hearing would be necessary, unless the school was for religious instruction connected with the church itself.

Mr. Presaznick stated that he would prefer it if the church did not have to pave the parking lot.

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RESOLUTION

Mr. DiGiulian made the following motion:

WHEREAS, Application S-218-77 by THE CHURCH OF GOD OF PROPHECY under Sec. 30-7.2.6.1.11 of the Zoning Ordinance to permit addition to existing church and new parsonage, 6409 Telegraph Road, 82-3((1))52, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on October 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of thelot is 2.9477 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening SHALL BE REQUIRED to the satisfaction of the Director of Environmental Management.
7. The maximum seating capacity shall be 208.
8. The minimum number of parking spaces shall be 43.
9. The hours of operation shall be those hours of normal church activities.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Barnes was absent.

The Board recessed for lunch at 12:15 P.M. and returned at 1:37 P.M.

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10:50 A.M. - FOX HUNT SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Ord. to permit three new tennis courts to existing recreational facility, off Spaniel Road, Orange Hunt Estates, 88-4((2))Parcels D & U, (5.83655 acres), Springfield District, R-17, S-219-77.

(The hearing began at 1:37 P.M.)

Mrs. Reynolds submitted the required proof of notice to property owners. The notices were in order.

The staff report indicated that the applicant operates a community recreation facility, including a pool and two tennis courts pursuant to special use permit first granted (S-110-72) on July 12, 1972, and last amended (S-226-75(to permit lighting of the courts on December 2, 1975. This current application seeks to amend S-226-75 to allow construction of three additional tennis courts and, according to plats received since the case was advertised, an 80' x 50' play area. This application also indicates an increase of 2.75915 acres to the land area covered by S-226-75.

Mrs. Reynolds stated that this additional land area resulted from negotiations between Camelot Builders, Inc. and the County Board of Supervisors concerning a larger parcel of land, of which parcel U is a part, which had previously been set aside for the Monticello Parkway. The proposed courts will be surrounded by trees on all sides. They are to be constructed on property that lies between the original Fox Hunt Swim Club property and a flood plain. The proposed hours of operation of the Club are from 9 A.M. to 9 P.M. as specified in SUP S-110-72, granted July 12, 1972. The Club has a membership of 350 families who reside within a two mile radius of the Club. Approximately ninety percent of these members live in the Orange Hunt Estates or in Section II of Winston Knolls, which is adjacent to one side of the Club property. They have 90 parking spaces and 30 bicycle parking spaces. This parking has proven more than adeuqate.

There was no one else to speak in favor and no one to speak in opposition.

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-219-77 by FOX HUNT SWIM CLUB, INC. under Sec.30-7.2.6 .1.1 of the Zoning Ordinance to permit construction of three (3) new tennis courts to existing recreation facility, off Spaniel Road, Orange Hunt Estates, 88-4((2))D & U, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 5.8 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

ALL requirements of the previously granted Special Use Permits are to remain in full force and effect.

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Page 437, October 12, 1977

11:10 A.M. - ED LEWIS appl. under Sec. 30-6.6 of the Ord. to permit two additions both 11.2' from side property line (20' required), 6912 Arbor Lane, Dranesville District, River Oaks Subd., 21-4((11))11; (21,781 sq.ft.); RE-1, V-221-77.

Mr. Lewis submitted the required proof of notice to property owners. The notices were in order.

Mr. Lewis's main justification for the need for these variances was because there is a septic field to the rear of his house and there is no room on the other side of the house for any addition at all.

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

Page 437, October 12, 1977 Bd. of Zoning Appeals

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-221-77 by ED LEWIS under Section 30-6.6 of the Zoning Ordinance to permit two additions, both 11.2' from side property line, 6912 Arbor Lane, 21-4((11))11, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of thelot is 21,781 sq. ft.
4. That the Board finds that the applicant's property has a septic field to the rear and a storm sewer easement to the other side of the existing house; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. He stated that he felt the addition size could be cut down.

Page 437, October 12, 1977

11:30 A.M. - EZRIEL & SUZANNE BROOK appl. under Sec. 30-6.6 of the Ord. to permit carport 6.6' from side property line (10' required), 4127 Watkins Trail Forest Hills Subd., 61-3((15))38; (16,209 sq.ft.), R-17, Mason Dist., V-222-77.

(The hearing began at 2:00 P.M.) Mr. Brook submitted the required proof of notice to property owners. The notices were in order. He had not notified the owners of Lots 12 and 13 to the rear of his lot.

There was no one else in the room interested in the case. Mr. Swetnam moved that the case be rescheduled for Nov. 1 at 1:45 P.M. and notify in compliance with the new requirements which Mr. Mitchell has just explained; ten property owners, all contiguous owners and enough additional to total ten, certified mail return receipt requested.

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11:40 A.M. - PHILIP F. HUDOCK appl. under Sec. 30-7.2.6.1.14 of the Ord. to permit a Home Professional Office of a Law Firm, 9206 Hidden Creek Drive, Glen Haven Farm, 19-4((16))1, (112,928 sq.ft.), Dranesville Dist., RE-2, S-223-77.

(The hearing began at 2:15 p.m.)

Mr. Hudock submitted the required proof of notice to property owners. The notices were in order. Mr. Hudock stated that this lot is unimproved. This lot is in a small subdivision of eight lots. The minimum lot size is two acres. Customers to the site would travel Towlston Road and Hidden Creek Road for a short distance. There are not a series of other home professional offices or special use permit uses in this area and, therefore, this use would not cause a prolifferation of special use permit uses. On a typical busy day, he would estimate that he would have only two clients. He would have a total of three employees: an associate attorney, one secretary and one law student. He stated that he would be the principal practitioner. He and his family would live there. He proposes six parking spaces on the site. The parking area will be screened.

In answer to the Board members' questions, Mr. Hudock stated that he had been in practice for twelve years. He is now in practice with his brother, but they have severed their partnership. He stated that he is aware of the Board's policy that there be no more than two additional parking spaces on the site for the proposed use. However, the Ordinance permits him to have the three employees that he is proposing to have. He stated that he felt there is a conflict there.

Mr. Hudock stated that he has a contract to purchase this property. That contract is contingent upon the obtaining of this Special Use Permit.

Mr. Lyell Doucet, 1206 Towlston Road, spoke in opposition to the proposed use. His opposition was that he felt this use would adversely impact the surrounding residential community because of its commercial nature.

Mr. Overton, 1142 Towlston Road, Great Falls, spoke in opposition to the application. He stated that he did not think this use is compatible with the surrounding residential nature of the area. It is contrary to the Board's policy of only two additional parking spaces on the property. The plans call for two entrances to the property which is not consistent with the residential character of the neighborhood.

Mr. Cahill, 9249 Woodglade Drive, spoke in opposition. He submitted a petition signed by nine different property owners in the Glenhaven Farm Subdivision. He stated that his main opposition is that this use is not in keeping with the semi-rural environment that exists, that the use will increase traffic in a family oriented development. He stated that one of the specific requirements or findings that the Board must find before it can grant a Special Use Permit is that vehicular traffic will not be hazardous or a conflict with the existing traffic in the neighborhood. This property is on a cul-de-sac. Many children play in the cul-de-sac. Most of the people in this subdivision moved there to get away from the encroaching commerialization of other areas in Fairfax County. He stated that Article I, 705 states that these uses shall have direct access to a major thoroughfare. This does not.

Mr. Hudock stated that he felt this use with its limited number of clients would not create additional traffic impact to the surrounding neighborhood, this structure when constructed will be a residence of the principal practitioner in accordance with the Ordinance, and since there is conflict between the BZA's policy regarding the number of parking spaces that are permitted and the number required by Ordinance, that the Ordinance would have to prevail.

Mr. Swetnam made a motion to grant with limitations. Mr. DiGiulian seconded the motion.

Mr. Durrer stated that he was in favor of these home professional offices on a limited basis in order to allow a businessman to get started, but this applicant already has built up a practice in a commercial zone. Now, he wants to move to a residential zone. This applicant plans to have three employees and plans for at least six cars not counting his own to be on the property. This is very commercial in nature. He stated that he feels the applicant just wants to save money by moving into this residential area.

Mr. Smith stated that he could not support this application. The applicant is not the owner of the property. He is building this house with a commercial venture in mind. This is not compatible with this residential area.

The motion to grant with limitations was 2 to 2. Messrs. Swetnam and DiGiulian voting Aye and Messrs. Smith and Durrer voting No.

Mr. DiGiulian then offered a motion to defer decision on this application until there is a full Board present and after Mr. Barnes, the absent member today, has had an opportunity to read the minutes and review the file.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

// Page 439, October 12, 1977
FAIRFAX COUNTY
1:00 - FIRE AND RESCUE SERVICES appl. under Sec. 30-7.2.6.1.2 of the Ord.
P.M. to permit a Fire Station, 8741 Lee Hwy., 49-3((6))pt. of lot 2, (2 acres), Providence District, RE-1, S-248-77.
VARIANCE, V-249-77

Captain Steve Smith submitted the required proof of notice to property owners. The notices were in order.

Captain Smith stated that in June of 1965, the Board of Supervisors adopted as a guide a document called the 1965 Fire Station Location News. This document called for construction of a fire station in the general Merrifield area in 1966. That was eleven years ago, he stated. The Merrifield Fire Station was advertised in the 1971 bond referendum for fire stations. That referendum was approved overwhelmingly by the citizens of Fairfax County. On September 8, 1975 the Board of Supervisors adopted the Area 2 Master Plan. The Merrifield Fire Station was on the proposed capital facilities specified within that Master Plan. The need was further identified by the approval of the Fairfax County Fire and Rescue Emergency Medical Services Plan in May, 1977 by the Board of Supervisors. He stated that they have been working on this particular fire station since December 1972. They surveyed fifteen sites. This site was the best of those, given the constraints of site distance, traffic flow, response patterns to the adjacent fire stations and, of course, a willing seller. The design for this station will be the same as the West Springfield Fire Station which will save money. The station is to be equipped with three drive-through bays and will have a minimum of 21 professional fire fighters to man a single piece equipment company and one ambulance unit. There is a possibility of increasing the personnel to 33. There are no plans at the present time for putting a traffic control device on Lee Highway.

Mr. Peter Klassen, Project Manager, Dept. of Public Works, explained the need for the variance. He stated that Mr. Wells was willing to sell Fairfax County two acres with 200 road frontage along Lee Highway. They wished to resite an existing fire station and in order to work in the design on this site, the variance is necessary. Because Chichester Lane, through unimproved at the present time, requires 75' setback from center lane, there is no way to get the building on the site and still get the traffic flow that is required for the trucks. The Board of Supervisor's office will also be located within this building, which required additional parking on the site.

Mr. Klassen stated that all exits of the equipment of this station will be directed into Routes 29-211. The service drive that is proposed along Lee Highway isn't connected to anything. Chichester Lane will not be used in the future.

Mr. John Connor, attorney representing Mr. D. Martin, 8801 Lee Highway, the immediate adjacent property owner, spoke in opposition to these applications. He stated that his client opposes the use because of the excessive noise this use creates. He opposed the granting of the variance because he felt it was a self created hardship. He stated that this is fully specified in the recent Virginia Supreme Court case of Alegheny Enterprises vs. Covington, reported in 217 Va. 64. He stated that the authorization for this piece of property was not until July 25, 1977 by the Board of Supervisors. The actual deed was not recorded until September 27, 1977 in Deed Book 4710, page 746. This variance will put the fire station much closer to Mr. Martin's property.

Mr. Smith stated that the testimony has been today that this is a minimum variance to accomodate the public facility that the legislative body feels is essential to the general health and welfare of the citizens of Fairfax County, particularly in this area. He stated that if they cut the size of the station down anymore, they will not be able to accomodate the equipment.

Mr. Karlguard, 3019 Chichester Lane, spoke in opposition. He questioned the use of Chichester Lane by the truck trucks. He stated that he was opposed to the completion of Chichester Lane to connect with Route 50 and 29-211 because of the additional traffic and in particular the constant use by the fire trucks.

Captain Smith stated that the primary access for this fire station will be from Routes 29-211. Presently, there is a big mound of dirt on Chichester Lane. The only time the fire trucks would be routed through Chichester Lane would be if there was a fire at the school. Mr. Alexander, the Director of Fire and Rescue Services, went on record for the Seven Corners Fire Station that whenever possible, the department would not run any fire trucks through any subdivision, that they would use a major thoroughfare. If there are calls from the Route 50 area, this station would use Cedar Lane.

Captain Smith stated that in response to Mr. Connors concern regarding noise, this station will have no social functions such as volunteer stations have.

In answer to Mr. Durrer's comment, Mr. Klassen stated that they did try to get fifteen more feet from Mr. Wells. Mr. Wells has his residence on the adjoining piece of property from which this two acres was taken. Mr. Wells has indicated that he wants to keep as much buffer as possible from his residence and that is why he did not want to sell any more than the 200' frontage along Lee Highway. This is why the County is locked into this 200' frontage, which necessitates the variance.

Mr. Swetnam stated that the County does have the right of eminant domain.

There was no one else to speak regarding this case.

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R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-248-77 by FAIRFAX COUNTY FIRE AND RESCUE SERVICES under Section 30-7.2.6.1.2 of the Fairfax County Zoning Ordinance to permit a fire station, 8741 Lee Highway, 49-3((6))part of lot 2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977; and

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

1. That the owner of the property is the Board of Supervisors of Fairfax County.
2. That the present zoning is RE-1.
3. That the area of the lot is 2 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board

for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

// V-249-77, FAIRFAX COUNTY FIRE & RESCUE SERVICES

RESOLUTION

Mr. Durrer made the following motion:

WHEREAS, Application V-249-77 by FAIRFAX COUNTY FIRE & RESCUE SERVICES under Section 30-6.6 of the Zoning Ordinance to permit building to be 60' from the center line of Chichester Lane, 8741 Lee Highway, 49-3((6))pt. of lot 2, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 2 acres.
4. That the Board finds that the applicant's property is exceptionally narrow.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Mr. Smith prior to the resolution of these two applications entered into the record a letter from Ernest R. Anderson, 3000 Chichester Lane, stating that the variance would be better accepted if it were understood that the vehicles could only exit and enter by Lee Highway.

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1:20 P.M. - DEFERRED CASE: CLARENCE & DOROTHY BROTHERS appl. under Sec. 30-6.6 of the Ordinance to permit garage 8.07' from side property line (12' required), 6735 Montour Drive, Montour Heights Subd., 40-2((30)) 13, (15,019 sq. ft.), Dranesville District, R-12.5, V-172-77. (Deferred from 9-8-77 for proper notices).

Mr. Gerald E. Williams, attorney and agent for the applicant, Mr. Brothers, submitted the required proof of notice to property owners. The notices were in order.

Mr. Williams stated that the reason for the need for this request is that there is no other place on the property to build this garage. There is a problem with locating the garage behind the house because of the lowness of the land and water accumulates in that area during rains. To correct this would require the change of the natural drainage in that area thereby affecting the adjoining property owners. The area to the other side of the house is only 20' and would require a greater variance.

Mr. Sam Shanks, Route 1, Box 28, Sterling, Virginia, spoke in support of the request. He stated that he had known Mr. Brothers for more than twenty years. There is a sanitary sewer easement on the property which the County received many years ago. Mr. Brothers was very cooperative regarding that easement and for any requests for easements that the County has requested. The County just recently got a sidewalk easement across the front of his property. He stated that he would like to see this variance granted.

There was no opposition to this application.

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Mr. DiGiulian made the following motion:
WHEREAS, Application V-172-77 by CLARENCE & DOROTHY BROTHERS under Sec.30-6.6 of the Ordinance to permit garage 8.07' from side property line, 6735 Montour Drive, 40-2((30))13, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 15,019 sq.ft.
4. That the applicant's property has exceptional topographic problems and an unusual condition in the location of the existing building on the property.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

Mr. Smith inquired if the justification was not the easement that was granted to the County.

Mr. DiGiulian stated that that was not the case. The easement is on the same side as the proposed garage. The construction will not be within the easement line, however.

The motion passed 3 to 0. Mr. Smith abstained.

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1:30 P.M. - DEFERRED CASE - DEHARD B. JOHNSON appl. under Sec. 30-6.6 and 30-3.4 of the Ordinance to permit erection of building closer to ingress-egress easement than allowed by the Ordinance, and to permit building closer to an occupied dwelling, 2800 Gallows Road, 49-2((1))25A, (55,759 sq.ft.), Providence Dist., I-P and I-L, V-185-77. (Deferred from 9-13-77 for proper notices.)

(The hearing began at 3:45 P.M.)

Mr. Johnson presented the required proof of notice to property owners. The notices were in order.

Mr. Johnson stated that the physical characteristics of the land, the fact that the land slopes downward, make it necessary to build closer to the north side. In addition, the north property line is not parallel to the south property line. It angles from front to rear so that the building is 8' closer to the driveway than is permitted. This driveway is a private drive in between two landowners. It is unlikely that the house on the adjacent residential property will be used as a dwelling in the future.

Mr. Johnson stated that the cumulative effect of all setbacks required by the Ordinance would be to reduce building frontage to 77 feet on a lot which has a front setback line 237 feet wide. The buildable area of a 55,759 square foot lot would be reduced from a planned 18,000 square feet to approximately 11,000 square feet, allowing only 20 percent coverage. Up to 50 percent coverage is normally allowed in IP category, and up to 100 percent is allowed in the I-L category.

Mr. and Mrs. Morgan, contiguous property owners, spoke in opposition to this variance request.

Mr. Smith stated that the contiguous property is in the master plan for industrial. There is industrial zoning all around this property except for this one side.

Mr. Morgan stated that there are garden apartments across the street. He stated that he felt Mr. Smith was incorrect, that the residential property contiguous to this is in the master plan for residential zoning. He stated that he attended the meetings opposing any change to that residential zoning category. He stated that he does not intend to request a rezoning of his property. He and his wife have lived there since 1950. They are clinical psychologists and have their offices in their homes. This variance will have a financial detrimental effect on their property.

Mr. Johnson in rebuttal stated that he felt the development of his property would have quite the opposite effect on the contiguous properties from that which Mr. Morgan alleges it will have. The dust situation will be improved since the driveways will be paved, alongwith the parking areas.
He submitted a sketch of how the proposed building will look when completed.

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

Mr. Smith suggested to Mr. Morgan that he take the complaints that he has regarding the drainage problems to the division of Design Review since those issues are not within the purview of this Board.

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Mr. Swetnam made the following motion:

WHEREAS, Application V-185-77 by DEHARD B. JOHNSON under Section 30-6.6 and 30-3.4.5 of the Zoning Ordinance to permit a building to be erected closer to ingress/egress easement than allowed by the Ordinance and to permit a building closer to an occupied dwelling than permitted by the Ordinance, 2800 Gallows Road, 49-2((2))25A, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is I-P and I-L.

3. That the area of the lot is 55,759 sq. ft.
4. That the Board finds that the applicant's property has an unusual condition in the location of the existing buildings on the adjacent property, and the applicant's property has an irregular lot line.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. DiGiulian seconded the motion.

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

1:30 P.M. - DEFERRED CASE: MRS. EVELYN W. THOMAS appl. under Sec. 30-6.6 of the Ord. to permit erection of carport closer to street property lines than allowed by the Ordinance, proposed 34.5', 40' required, Elnido Estates Subd., 1722 Chateau Court, 30-4((30))50, (11,791 sq.ft.), Dranesville District, R-12.5, V-186-77. (Deferred from Sept. 13, 1977 for proper notices.)

Mrs. Thomas presented notices to the Board which were in order. Her justification was the irregular shape of the lot and the fact that it is a corner lot causing the building to have two front setbacks.

Mr. Durrer stated that any place on the lot would require a variance to construct a carport.

There was no one to speak in opposition and no one else to speak in favor.

Mrs. Thomas submitted a statement from all the contiguous and nearby property owners indicating that they had no objection to this proposal.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-186-77 by MRS. EVELYN W. THOMAS under Sec. 30-6.6 of the Zoning Ordinance to permit construction of a carport 34.5' from the front property line, 1722 Chateau Court, 30-4((30))50, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on September 13 and deferred to October 12; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,791 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape; and

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

THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Ordinance would result in practical

difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. DiGiulian seconded the motion.

The motion passed 3 to 0. Mr. Smith abstained. Mr. Barnes was absent.

2:00 P.M. -- DEFERRED CASE: SPRINGFIELD LODGE #217, A.F. & A.M. appl. under Sec. 30-7.2.5.1.4 of the Ordinance to permit construction of a memorial Masonic temple, 7001 Backlick Road, 90-2((1))part of 21, (1.8542 acres), Springfield Dist., RE-1, S-189-77. (Deferred from September 13, 1977 for proper notices.)

(The hearing began at 5:00 P.M.)

Mr. Carl Hellwig with Springfield Surveys, Springfield, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Hellwig stated that this Lodge has a Masonic membership of 300 within the greater Springfield area. The Masonic order meets ten times each month, generally between 6:00 P.M. and 11:00 P.M., however, some of their functions last until 1:00 A.M. There are also some breakfasts which begin around 9:00 A.M. The Eastern Star membership is 220. This group holds two meetings each month. The DeMolay group has a membership of 40. The Job's Daughters membership is 75. The average attendance at Masonic meetings is about 60. The average attendance at Eastern Star meetings is about 85. The trip generation to and from the site would be negligible in comparison with the Dept. of Highways traffic count which is 11,600. The seating capacity for the auditorium is 230. They are providing 96 parking spaces. This number will be lowered to 90 because of the dumpster and air conditioner units. This is the minimum number of spaces for the number of seats provided. They expect a membership of 500 at some time in the future.

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

The Staff Report indicated that the Director of Environmental Management has approved the setbacks for the building and the parking spaces as shown on the plats, and the BZA may, therefore, grant the special use permit incorporating the lesser separations than those contained in the specific requirements for this use.

A variance application had been submitted originally, but that has been withdrawn administratively because it is not necessary.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-189-77 by SPRINGFIELD LODGE #217 A.F. & A.M. appl. under Section 30-7.2.5.1.4 of the Zoning Ordinance to permit a memorial Masonic Temple, 7001 Backlick Road, 90-2((1))part of 21, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977; and

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

1. That the owner of the property is Edna B. Hunter. The applicant is the contract purchaser.
2. That the present zoning is RE-1.
3. That the area of the lot is 4.3006 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject applicaton is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of memberships shall be 500.
8. The seating capacity is 230.
9. The minimum number of parking spaces shall be 90.
10. The hours of operation shall be 9:00 A.M. until 1:00 P.M.

Mr. DiGiulian seconded the motion.

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

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DEFERRED CASE: COUCH & COUCH appl. under Sec. 30-6.6 of the Ord. to permit erection of a building 2' from front property line, 2940 Chain Bridge Road, 47-2((1))93, C-OL, (40,821 sq. ft.), V-215-77. (Deferred from 9-27-77 for additional information.)

Mr. Phillip Eddy, partner in the architectural firm working on this project, testified before the Board. He stated that he had submitted new plats and also letters from the Highway Dept. regarding the proposed edge of pavement in relation to this property.

Mr. DiGiulian stated that the Board has been in communication with the Highway Department regarding the location of the edge of pavement. That edge of pavement will be 3' from the right-of-way line along Hunter Mill Road. He stated that what he had in mind in deferring this case at the time of the last hearing was that the applicant submit a plat showing the parking spaces laid out on the lot in accordance with the County Codes and that there be enough parking for the square footage of the retail use that is on the property. The parking spaces as shown on the plats that were submitted to the Board shows the parking spaces for a C-OL use, which this is not. He stated that according to his calculations they need 33 parking spaces. In addition, these spaces must meet the requirements of the Ordinance in size and turning movements and travel aisles. There is only a 3' travel aisle shown. That is not sufficient.

Mr. Eddy stated that the owner is willing to make some adjustments on the site to accomodate the parking.

Mr. DiGiulian stated that he wanted to see the parking spaces laid out on the plan and that is what was said at the last meeting. They are still not shown on the plat. Therehave to be at least 33. There also has to be a 20' driveway next to the parking spaces. If you have a one-way driveway, it can be 13'.

Mr. Swetnam agreed. He stated that he wanted to see usable parking spaces.

Mr. Durrer stated that he had a problem with the right-of-way and the travel portion of the road being as close to the proposed building as is proposed.

Mr. Mitchell stated that the new plats show the paved surface being 18 feet from the building.

Mr. Durrer stated that the information the Board has is that the pavement will eventually be 3 1/2 feet from the proposed building.

Mr. Smith stated that that is the future development. The 24' is the initial development.

Mr. Covington stated that he had discovered another problem with this case. When this application was submitted, he thought it was zoned C-N, but the Board of Supervisors downzoned this property to C-OL which permits only office uses, but the applicant can continue to use the existing buildings for retail uses just as he is now. However, there can be no retail sales from the new building.

Mr. Eddy stated that they could not move the building back because of a sewer line that is there. It runs down the middle of the property.

Mr. Swetnam stated that that sewer line services the existing building. That is the owner's own personal problem. That line is moveable. The owner has received damages from the State for the building that will have to be removed.

Mr. Eddy stated that those damages are one-third of the cost of the new construction.

Mr. DiGiulian stated that he thought he remembered from the last hearing that the applicant proposes to build a building with more square footage than what he is losing.

Mr. Smith stated that he did not feel the Board could do anything until the applicant has resolved the problem with the uses in this zone.

Mr. Swetnam stated that he felt that in order to try to do justice to a very complicated situation, that the Board should give the applicant an opportunity to withdraw this without prejudice and find out exactly where he stands regarding the zoning and let him regroup and come back with a new application. If the application is denied, he could not come back for a year.

Mr. Smith asked Mr. Eddy if this was agreeable.

Mr. Eddy stated that it was under the circumstances.

Mr. Swetnam made that his motion.

Mr. DiGiulian seconded the motion.

Mr. Smith stated that the applicant is not being realistic in requesting a variance of this amount.

Mr. Swetnam stated that there should be at least ten feet to thirteen feet. between the curb and the proposed building. Then if the State wants to put in a sidewalk, they can put it on their own property. This will also help the site distance problem.

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

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AFTER AGENDA ITEM: FAIRFAX QUARRIES, INC.

The Board was in receipt of a letter from Royce Spence, attorney for the applicant, enclosing a resource operation plan for Fairfax Quarry. There were two proposed changes to the production facility. He felt that these changes were minor engineering changes. The first change was to relocate an existing conveyor and truck hopper. This conveyor serves an existing cold mix asphalt plant. The structure will not be moved. The second change was to relocate an existing 10' x 20' pugmill from its location near the office and scale to an area nearer the back of the production facility. This pugmill will be served by a stockpile which will be placed over an underground conveyor system. The average height of the stockpile over the underground facility will be approximately 40 feet. In addition to this structure there will be construction of a cement silo which will be approximately 12' in diameter and 40' in height. He stated that the highest structure in the existing production plant is approximately 60 feet. The new structure will be at the back of the plant 400 to 500 feet from Route 29-211, and well out of sight of the traffic.

Mr. DiGiulian stated that it seems that the only thing new is the silo and the other changes are just a relocation of the existing facilities.

Mr. Smith stated that that 40' silo is more than an engineering change. It is an additional building on the property. The policy of the Board has been that any additional building or structure of that size will have to come back to the Board.

Mr. DiGiulian stated that compared to the amount of land the applicant has, the proposed structure seems very small.

Mr. Swetnam moved that the Board accept the plats as submitted approving the changes as outlined in Mr. Spence's letter.

Mr. DiGiulian seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. Mr. Barnes was absent.

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Page 448, October 12, 1977
FAIRFAX BAPTIST TEMPLE, S-230-76, SUP for construction of new church and Christian school, 9524 Braddock Road, 69-3((1))21, granted November 9, 1976. The applicant requested that the Board extend the above-captioned Special Use Permit for six months in order for them to have ample time to begin construction in order to validate the Special Use Permit.

Mr. Durrer moved that this request be granted for the six month extension from the expiration date of November 9, 1977.

Mr. Swetnam seconded the motion.

The motion passed unanimously. Mr. Barnes was absent.

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The meeting adjourned at 5:40 P.M.

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

Submitted to the BZA on 11-8-77

Submitted to Bd. of Supervisors, Planning Commission, County Attorney on 11-10-77.

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED November 29, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, October 18, 1977. All Board members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; George Barnes; Tyler Swetnam and John DiGiulian.

The meeting opened with a prayer by Mr. Barnes.
(The meeting began at 10:20 A.M.)

10:00 A.M. - DEFERRED CASE: VERNON M. LYNCH SONS (a partnership), appl. under Section 30-7.2.8.1.4 of the Zoning Ordinance to permit recreation ground (golf course & related recreational facilities), 3949 Penderbrook Drive, 46-1((1))35 and 46-3((1))5,6,7,8,10,10B,10C,13, and 14; (211.74 acres), Centreville District, RE-1, S-192-77. (Deferred from 9/13/77 for additional staff input.)

Mr. Wayne Lynch represented the applicant before the Board. He stated that the golf course proposed is to be a phased project in which nine holes will be constructed initially. The existing house will be used as a club house facility. It is the intent of the applicant to replace the golf course facility that will be removed when the shopping center at Pender goes into development. They expect that they will begin development of this center in April of 1978. The proposed golf course development is already underway in that they have a timber permit and have begun to remove the trees. Mr. Lynch stated that the Board was originally given a plat showing the entire five-year phased plan. The development plan has not been subjected to the grading aspect of the fairways. Therefore, this may be subject to modification when they begin working on the ground. The topography of the land may place some constraints on them.

Mr. Lynch in answer to Mr. Smith's question, stated that the second nine-hole course will be in the phase three stage. The pro shope will be in the existing structure that is on the property. That pro shope will be on the same scale as is in the existing golf course. There will be no major inventory of merchandise. They will still continue to operate the golf course known as Pinecrest I in Annandale where they keep their supplies. They do not need a duplication of inventory.

Mr. Walter Hays, Office of Environmental and Technical Services Branch, Office of Comprehensive Planning, gave a staff report concerning the technical aspects of the Planning Commission recommendation dated Sept. 6, 1977, and the memorandum addressed to Mr. Smith from Mr. Wessell dated October 13, 1977, copies of which can be found in the file.

The Board members questioned Mr. Hays regarding various aspects of the report.

Mr. Bob Moore, Office of Transportation, Office of Comprehensive Planning, spoke to the Board regarding the staff comments relating to the suggested service drive and road connection to West Ox Road.

Mr. DiGiulian stated that as far as the service drive and the road connections and internal roads for future development is concerned, all that can be taken care of at the time that Mr. Lynch comes back in with a subdivision plan to develop this property for residential use. The County staff has adequate authority to require dedication for roads, location of roads, and connection to existing roads on the outer perimeter of the property. He stated that he did not see the necessity to tie down a golf course with some future roads that will not be built as a connection through from one area to another unless this property is developed in residential houses.

Mr. Moor stated that ordinarily the County staff would be in agreement with this, but this is a unique site in the sense that the staff has gone to great lengths to try to provide circulation in conjunction with the major shopping center to be built across the street. This has involved commitments with the developer to build two fly-overs to not allow any left turns in and out of the site, all with the general object of trying to maintain reasonable operations on Route 50. That is in conformance with the adopted Transportation Plan for the County which calls for limited or controlled access ultimately on Route 50, recognizing its function as a major arterial highway, not to provide access to adjacent property. He stated that there is an existing problem with one of the intersections in this area. That is Fairfax Farms Road. The very first intersection immediately off the I-66 off-ramp is hazardous now by virtue of limited site distance and high speed access as vehicles get off I-66 and merge with Route 50. At such time as the shopping center is built, it is obviously going to aggravate the situation. The staff is concerned that some sort of alternate access be provided to this area, not at the time the golf course develops, but at such time as it is

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really needed, that being with the opening of the shopping center. The staff would prefer to have internal circulation. Under County Ordinances, the County does have some powers to require some type of internal circulation. The County could require a service drive, if there were no alternative internal circulation systems provided. That pertains to development of the golf course, not development of any residential use on the property.

Mr. Durrer stated that he could understand the requirement for the service drive, but not the internal road. He inquired if the staff was referring to general traffic coming through the course site, when they speak of internal circulation.

Mr. Moore stated that the staff means, provision for access through the property to adjacent properties.

Mr. Lynch stated that the County wants to cut off the existing access to Fairfax Farms and in order to implement that policy, they are interested in getting an alternate access. This is their first opportunity to try to accomplish that. They have not done adequate planning. He stated that he would offer as a condition that when and if Fairfax County determined where this road is supposed to go and was ready to build it, if this happens before residential development, he would dedicate the right-of-way. The service road is a bad idea, he stated, and they would have to go with the alternate access. The alternate access should be done in conjunction with closing Penderbrook Road also, but that is not ready to happen.

Mr. Moore stated that the service drive is not the preferred solution. They were under the impression that the design of the golf course would inherently hinder the type of circulation desired by virtue of the potential need to move at least one green, possible two and perhaps a tee. The staff felt that this was impractical, whereupon they requested a service drive. If that is not the case, and they misunderstood, they would be happy to accept that dedication as shown on the development plan without revising the design of the course at such time as the road is implemented.

Mr. DiGiulian stated that the question now is, where is that road going to be.

Mr. Moore stated that if Mr. Lynch would allow for the road's alignment to the proper geometric design up to the east property line and provide for dedication at such time as it is needed, then it can be matched on the other side east of that property line.

Mr. Lynch stated that the moving of a green to accomodate the road is much more acceptable than providing a right-of-way now. He stated that if they put in a residential development plan, they recognize that it is a whole new ballgame and that they can be required to build parts of the road in conjunction with the development. He stated that he saw no benefit in pinning down a precise location. The alignment is going to be negotiated and there are other people who will have a greater roll in the negotiation than they will. There are two possible alignments and both can be accomodated. They can move a green or a tee if the ultimate design requires that. He stated that he did not want to give the staff an open-end letter saying they could put the road any place they wanted to and start cutting holes in half, which would be impossible to overcome. He stated that as he understands the potential alignment, they have a design which can accomodate the staff and they really don't need to be precise about alignments right now.

In answer to Mr. DiGiulian's question, Mr. Lynch stated that if he had a maximum right-of-way width now, they would agree, as a condition, to dedicate the right-of-way when a public agency was ready to build a road through that property.

Mr. Durrer stated that that is as far as the Board can go with this requirement.

Mr. Smith stated that wondering if the taxpayers will have to pay for the relocation of the golf greens and tees is what concerns him.

Mr. Moore stated that 60 feet in width would be adequate.

Mr. Lynch stated that he would like some relief from the staff's recommendations regarding water quality in the pond.

Mr. Swetnam stated that that should not be in there, that that whole section should be left out.

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Mr. Lynch stated that he recognizes the problem and will keep the water quality at the current level of quality. He stated that he did not feel he should be required to do more than that. He stated that he has gone further than the staff has in the initial design in anticipating that they may have to have a small pond at the subject location to slow the water down and keep the ground from eroding.

Mr. J. D. Carroll, 11809 Valley Road, Vice-President of Fairfax Farms Citizens Association consisting of 80 homes, spoke in support of the proposed golf course with the recommendations of the staff concerning the specific conditions.

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Mr. DiGiulian made the following motion:

WHEREAS, Application S-192-77 by VERNON M. LYNCH SONS, a partnership, under Section 30-7.2.8.1.4 of the Zoning Ordinance to permit recreation ground (golf course and related recreational facilities) on property located at 3949 Penderbrook Drive, 46-1((1))35 and 46-3((1))5,6,7,8,10,10B,10C,13 and 14, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977, having been deferred from Sept. 13, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 211.74 acres.
4. That compliance with the Site Plan Ordinance is required.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall consitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. This Special Permit is not valid until a Non Residential Use Permit is obtained.
5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The number of parking spaces shall be 53, as shown on approved plats.
8. The applicant shall provide for 50' buffer of existing trees along the property lines adjacent to residential properties.
9. The owner shall dedicate a right of way 60' in width for an internal road at such time as public authorities are ready to construct the road.

10. That the applicant will actively pursue an investigation of local groundwater sources as a means for partially supplying golf course irrigation demands.

Mr. Swetnam seconded the motion.

The motion passed 5 to 0.

10:20 A.M. - DONALD D. CONKLIN, V-225-77.

Mr. Conklin was not present, nor was there anyone in the room interested in this case. The Board deferred the case to recall again at the end of the agenda.

The Board's Clerk contacted Mr. Conklin's office. Mr. Conklin later left a message with the Zoning staff to request the Board defer this case until a later date. He had not sent out the proper notices.

The Board deferred the case until December 6, 1977.

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10:30 A.M. - THOMAS J. & SHARON L. GOUGH appl. under Sec. 30-6.6 of the Ord. to permit erection of porch and deck 15.8' from rear property line, (25' required), 2200 Chestertown Drive, Tysons Woods Subd., Providence Dist., 39-3((28))34, (8,579 sq.ft.), R-10, V-226-77.

David Davenport, attorney for the applicant with offices in the McLean Office Center, submitted the required proof of notice to property owners. The notices were in order.

He submitted a petition signed by each of the contiguous and nearby property owners in support of the application. He stated that the applicant wishes to build a porch and an overhanging deck, one corner of which will encroach into the required setback area toward the rear. The porch would be on the lower level of the house with a walk-out deck which would overhang that porch. These additions are designed to be consistent with the other porches and decks that already exist throughout the neighborhood. The applicant has owned the property for five years. They have worked with various architects trying to see if the porch and deck could be built someplace else on the property, but this is the only place suitable.

There was no one else to speak in support and no one to speak in opposition to the application.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-226-77 by THOMAS J. & SHARON L. GOUGH under Sec. 30-6.6 of the Zoning Ordinance to permit erection of porch and deck 15.8' from rear property line (25' required) on property located at 2200 Chestertown Drive, Tysons Woods Subd., 39-3((28))34, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-10.
3. That the area of thelot is 8,579 sq. ft.
4. That the Board finds that the applicant's property is exceptionally irregular in shape; and

WHEREAS, the Board has reached the following conclusions of law:
1. THAT the applicanthas satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would

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GOUGH (continued)

result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Barnes seconded the motion.

The motion passed unanimously.

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10:40 A.M. - ROBERT N. DeANGELIS, M.D. & NANCY B. DeANGELIS appl. under Sec. 30-7.2.6.1.14 of the Ord. to permit an expansion of Home Professional Office (for Medical Office), 6159 Roxbury Avenue, Cardinal Forest Subd., 79-3((8))(5)35, (18,993 sq.ft.), Springfield Dist., RPC, S-227-77.

Dr. DeAngelis submitted the required proof of notice to property owners. The notices were in order.

Dr. DeAngelis stated that he has maintained a home professional office at this location for five years. According to the Ordinance, in order for him to add an addition or enlarge the garage, since he has a home professional office, he needs to get a special use permit. There seems to be a great deal of community opposition to his plans, he stated. In order to provide for on-site parking, a plan has been worked out with the contiguous property owner, United Messiah Methodist Church. That agreement provided that he would pave ten parking spaces on the church property which he would use during the week for his clients. The opposition from the neighborhood stemed from the advertisement which read 'expansion'. The neighbors were afraid this property was to be changed to an office building. This is not the case. The expansion is for the use of his family, he stated. In light of the hearing before the Planning Commission last Wednesday, he requested the Board remove from the request for expansion of the parking and only allow him to screen the porch and add a garage.

In answer to Mr. Durrer's question, Dr. DeAngelis stated that he began his practice in 1973 prior to the adoption of the Ordinance which requires this type use to have a special use permit. At that time no additional parking for this type use was required. He stated that his patients park on the street.

Mr. Covington stated that even under the old Code, adopted in 1959, off street parking is required adequate for the use.

Mr. DeAngelis stated that that requirement conflicts with the BZA's policy adopted February, 1976, which requires that there only be two additional parking spaces proposed for the use.

In answer to Mr. Smith's question, Dr. DeAngelis stated that he would not be taking other parts of the house to use for his practice. These additions are only for the use of his family.

Mr. Smith stated that the Zoning Administrator has indicated that the applicant is operating in violation of the Zoning Ordinance at the present time by allowing parking off site.

Mr. DeAngelis stated that he has no intention of making this a commercial property. He stated that he is presently building a home in Burke and at that time, he would sell this house. At that point, he would move his office into a commercial building.

Mr. Jack Herrity, Chairman, Board of Supervisors of Fairfax County, spoke in opposition to this application. He stated that having an office in the home is a priviledge, not a right. There are other people who have to pay substantial rent in commercial buildings. These uses must be defined in terms

of impact on the neighborhood. He stated that he could not support, nor condone this expansion to this office. This might set a precedent in other areas. He stated that he was not familiar with the application as amended. However, if there is a current violation, the space where he is proposing the additions could be better used for parking. There also could be some trade-off space in the professional part of the building with the additions. He urged the Board of Zoning Appeals to consider this request in a narrow context, rather than permitting it to impact the surrounding area. That was the intent of the Board of Supervisors when it came up with this new Ordinance.

Mrs. Travesky, Supervisor from the Springfield District, also spoke concerning the impact of this use on the surrounding neighborhood and the existing problem of parking in this area.

Mr. Robert Ransom, President of the West Springfield Civic Association, 8414 Oakford Road, spoke in opposition to this application. He submitted a copy of a letter addressed to the Board from Paul Oswalk, Chairman, Planning and Zoning Commission, of his association in opposition to this application.

Mr. John Kieting, 6109 Dominican Drive, spoke in opposition. He submitted a petition of 223 signatures, the majority of whom live in Cardinal Forest Subdivision, which is the subdivision directly across the street from this use, in opposition to this application as it appears in the legal notice in the Springfield Independent Newspaper.

Mr. Picton, 6129 Sherborn Lane, spoke in opposition to this application. He stated that he lives within the line of site of this property. He felt the use does and will continue to impact the residential neighborhood.

Mr. William Bedsell, 5157 Roxbury Avenue, the property adjacent to the property in question, spoke regarding this application.

Dr. DeAngelis stated that the opposition still seems to be to a proposed expansion of the medical office and the fear that this property will turn into a mini-medical center. That is not the case, he stated, as he explained before. He stated that this property looks like a residence and he keeps the property well maintained.

Mr. Smith reitterated that there was no on-site parking provided and the applicant has testified that the present parking for the use is on the street which is in violation to the Zoning Ordinance.

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R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application S-227-77 by ROBERT DeANGELIS AND NANCY B. DeANGELIS under Section 30-7.2.6.1.14 of the Zoning Ordinance to permit expansion of existing structure, 6159 Roxbury Avenue, 79-3((8))(5)35, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RPC.
3. That the area of the lot is 18,993 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has not presented testimony indicating compliance with Standards for Special Use Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is DENIED.

Mr. Swetnam seconded the motion. The motion passed unanimously.

The Board recessed for lunch at 12:25 P.M. and returned at approximately 1:40 P.M. to continue with the scheduled agenda.
Mr. Smith left the meeting.
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11:00 A.M. - ASHTON C. JONES, ET AL appl. under Section 30-6.6 of the Ordinance to permit construction of buildings 20.78' at closest point to residential zoned land (100' required), 8400 Hilltop Road, Lee Hwy., Providence Dist., 49-1((13))1,2,&3 (154,655 sq.ft.), I-L, V-228-77.
agent for the applicant,
Mr. Robert Kinsey, submitted the required proof of notice to property owners. The notices were in order.

Mr. Kinsey stated that the contiguous property to the west is part of the Childs tract. It is zoned RE-1. The prior master plan proposed this contiguous property for industrial uses. On July 5, 1977, the Board of Supervisors made revisions to this plan which changed the proposed use from industrial to commercial. Prior to the change, the Preliminary Engineering office had the authority to waive the setback. That authority is now removed with this change in the plan. Twelve to fifteen other properties along this street have constructed with similar variances which had been granted by the PE Office. This is the only vacant land left along that street. The proposed plan for the contiguous property, even though indicated for commercial uses, specified the area for research and development type uses.

In answer to Mr. Swetnam's question concerning the extension of Prosperity Avenue, Mr. Kinsey stated that on the amendment to the master plan, there is an extension of Prosperity through the Childs tract. This alignment starts at Lee Highway and by the time it reaches Hilltop Avenue, it is to the west. With twelve lots already developed along Hilltop, it is obvious that the road should not go along the property lines, but far enough west so that another tier of lots could be placed between the proposed road and the backs of the existing buildings on Hilltop.

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

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Mr. Swetnam made the following motion:

WHEREAS, Application V-228-77 by ASHTON C. JONES ET AL under Section 30-6.6 of the Zoning Ordinance to permit construction of a building 20.78' at closest point to residential zoned land (100' required), 8400 Hilltop Road, 49-1((13))1,2 & 3, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is I-L.
3. That the area of the lot is 154,655 sq.ft.
4. That the applicant's property has an unusual condition in the location of the existing buildings on the adjacent properties; and

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

11:15 A.M. - WILLIAM L. CARPENTER appl. under Sec. 30-6.6 of the Ord. to permit construction of deck 15.8' from rear property line (25' required), 4806 Sligo Lane, Annandale Dist., Sheffield's Addition to Willow Woods, 70-1((17))3, (11,090 sq.ft.), R-12.5, V-229-77.

Mr. Carpenter submitted the required proof of notice to property owners. The notices were in order.

Mr. Carpenter's main justification for the need for this variance was the pie shoped lot did not allow construction of a deck any place else on the property.

There was no one else to speak in favor and no one to speak in opposition.

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-229-77 by WILLIAM L. CARPENTER under Sec. 30-6.6 of the Ord. to permit deck 15.8' from rear property line, 4806 Sligo Lane, 70-1((17))3, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 11,090 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and is extremely shallow; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

11:25 A.M. - ARLINGTON INVESTMENT CORP. appl. under Sec. 30-6.6 of the Ord. to permit subd. of parcel into 2 lots, proposed lot 27A having less than required lot width, (25' requested, 80' required), 4201 Coleen Lane, Third Addition to Potomac Hills, 31-1((11))27, (27A, 35,345 sq. ft.), Dranesville District, R-12.5, V-230-77.

11:30 A.M. - ARLINGTON INVESTMENT CORP appl. under Sec. 30-6.6 of the Ord. to permit subd. of parcel into two lots, proposed Lot 27B having 55' lot width, 80' required, 4201 Coleen Lane, Third Addition to Potomac Hills Subd., 31-1((11))27, (Proposed Lot 27B, 37,345 sq. ft.), Dranesville Dist., R-12.5, V-260-77.

(The hearing began at 2:00 P.M.)

Mr. Edwin Curle, agent for the applicant, 210 East Street S.E., Vienna, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Curle stated that there is 64,210 sq. ft. in this parcel of land. This is more than enough to meet the square footage requirement of the zone. The property fronts on a Cul-de-sac with a very narrow amount of street frontage. The pipestem of 25' will give access to the proposed rear lot.

There was no one else to speak in favor of the applications and no one to speak in opposition to the applications.

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-230-77 by ARLINGTON INVESTMENT CORP. under Sec. 30-6.6 of the Ordinance to permit subdivision of parcel into two lots, lot 27A having 25' lot width, 4201 Coleen Lane, 31-1((11))27, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 35,345 sq. ft.
4. That the applicant's property has an usual condition in that the shape of the property will not allow development in accordance with the existing zoning.

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

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

AND,NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Swetnam seconded the motion and the motion passed unanimously with the members present. Mr. Smith left at the lunch recess.

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Mr. DiGiulian made the following motion: WHEREAS, Application V-260-77 by ARLINGTON INVESTMENT CORP. under Section 30-6.6 of the Zoning Ordinance to permit subd. of parcel into two lots with lot 27B having 55' lot width, 4201 Coleen Lane, 31-1((11))27, County of Fairfax, has been properly filed in accordance with all applicable requirements;and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 28,465 sq. ft.
4. That the applicant's property has an unusual condition in that the shape of the property will not allow development in accordance with the existing zoning.

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

THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in

practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

2. This variance shall expire one year from this date unless recordation is completed or unless renewed by action of this Board.

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

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11:15 A.M. - ROGER WOOD appl. under Sec. 30-6.6 of the Ord. to permit house to be erected 17.24' from rear property line and 47.5' from street easement 3719 Munson Road, 61-4((1))72A, (10,890 sq. ft.), Mason Dist., R-12.5, V-231-77.

Mr. Bobby Stafford, agent for the applicant, submitted the required proof of notice to property owners. The notices were in order.

Mr. Stafford stated that this property is proposed to be subdivided between Mr. Wood and his parents. Mr. Wood desires to erect a single family dwelling on this property but due to the shallow lot, he will not be able to use this property for building unless this variance is granted. Mr. Wood has done nothing to create this condition and the denial of this request would result in unnecessary hardship that would deprive him of the reasonable use of his property, Mr. Stafford stated.

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

Mr. Summer, President of the Springhill Civic Association, spoke in favor of the application.

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R E S O L U T I O N

Mr. Swetnam seconded the motion:

WHEREAS, Application V-231-77 by ROGER WOOD under Sec. 30-6.6 of the Zoning Ordinance to permit a house closer to rear property line (17.24') and 47.5' from center line of street easement on property located at 3719 Munson Road, 61-4((1)) 72A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

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

1. That the owner of the property is the applicant.
2. The present zoning is R-12.5.
3. That the area of thelot is 10,890 sq. ft.
4. That the applicant's property is exceptionally irregular in shape, including narrow or shallow.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

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11:45 A.M. - BETTIE M. FRETZ appl. under Sec. 30-6.6 of the Ord. to permit subd. of parcel with one lot having less than required lot width (51.08', 100' required), 3167 Woodland Lane, Woodland Park Subd., 102-3((4))16, 17, 18, (122,499 sq. ft.), Mt. Vernon District, RE-0.5, V-232-77.

Mr. John Harris, 1500 Bell View Blvd., attorney for the applicant, submitted the required proof of notice to property owners. The notices were in order.

In 1940 when the house that exists on the property was constructed it was placed jointly on Lot 16 and 17. The present requirement is for 100' frontage. The proposed subdivision will provide the necessary frontage for Lot 18, but cannot provide the necessary frontage for Lot 16, unless the house is moved. Land taken from Lot 16 will be placed into Lot 17 and this will make Lot 17 more in keeping with the neighborhood. This is not unlike the Cluster division that is common now. The existing house is small and it would be impractical for Mrs. Fretz to attempt to sell that house with that much land. Therefore, she would like to continue to keep the existing house and dispose of the proposed lots. She does live in the house.

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

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R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-232-77 by BETTIE M. FRETZ under Sect. 30-6.6 of the Zoning Ordinance to permit subdivision of parcel with one lot having less than required lot width, 3167 Woodland Lane, 102-3((4))16 (*17 and 18), County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 122,499 sq. ft.
4. That the applicant's property has an unusual condition in that the configuration of the property will not allow development in accordance with the existing zoning and the surrounding area; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditons exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. Swetnam seconded the motion and the motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

1:00 P.M. - PETER J. MARCO appl. under Sec. 30-6.6 of the Zoning Ord. to permit addition 29.4' from front property line (40' required), 3242 Peace Valley Lane, White's Addition to Ravenwood Park Subd., 61-1 ((17))5, (12,166 sq. ft.), Mason Dist., R-12.5, V-206-77.

Mr. Marco submitted the required proof of notice to property owners. The notices were in order.

Mr. Marco's main justification for the need for this variance was the fact that this is a corner lot and if the house had been constructed to the west property line to the minimum amount allowable in this zone, a variance would not have been necessary. He had lived on this property since 1961 and plans to continue to live there. The materials that he plans to use for the addition will be similar to the materials in the existing house. Hopefully, he stated, he would use the same type brick and the roof line will be continuous.

One of the applicant's neighbors who lives next door testified in support of the application.

Mr. Winter, 6205 Colmack Drive, President of the Ravenspark Citizens Association, stated that he saw no objection to this request. He stated that he felt it would make the property more attractive.

Mr. Post, 6203 Colmack Drive, another of the applicant's contiguous neighbors, spoke in opposition to this application.

Mrs. Delores Post also spoke in opposition and read from a statement for the record of people in the area who could not be present that they too were in opposition.

Both Mr. and Mrs. Post felt this would interfere with the air, light and ventiliation of their property.

Mr. Marco in rebuttal stated that concerning the light, there is already two large trees at that location. They are about 20 to 30 feet high. The family room at the highest point will be 15 feet high. He stated that he had contacted Mr. Newton who is Chairman of the Architectural Committee for their association. It was Mr. Newton's suggestion that he first get approval from the County before he makes application to their Committee.

He stated that one of the members of that Committee was notified of this hearing.

There was no one else to speak regarding this case.

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-206-77 by PETER J. MARCO under Section 30-6.6 of the Zoning Ordinance to permit addition 29.4' from front property line (40' required), 3242 Peace Valley Lane, 61-1((17))5, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That teh area of the lot is 12,166 sq. ft.
4. That the applicant's property is a corner lot and has an unusual condition in the location of the existing buildings on the subject property; and

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with

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the following limitations:

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

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

Mr. Swetnam seconded the motion.

The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

Page 461, October 18, 1977 Scheduled case for

1:20 P.M. - THOMAS N. WHITE, JR. appl. under Sec. 30-6.6 of the Ord. to permit subdivision of lot with one lot having less lot width than required by the Ordinance, 1074 Bellview Road, 20-1((1))65, (4.9006 acres) Dranesvile District, RE-2, V-220-77.

(The hearing began at 1:55 P.M.)

Mr. White submitted the required proof of notice to property owners to the Board. The notices were in order. Mr. White stated that he lives on Bellview Road, just around the curve from the subject property.

Mr. White submitted letters from two of the adjacent owners, Mr. and Mrs. Walter and Mr. John Patrick, approving of the variance request. Mr. White stated that the two contract purchasers of this property are Doctors Vincent Mascatello and Michael Mertens. Mr. White stated that he has owned the property since 1960 and has been trying to sell the property for the past four years to someone who would build on five acres of ground. That type buyer is hard to find and he has not been able to sell the land. The two doctors wish to built nice houses on these two lots.

Mr. White stated that he has met with Ms. Bonnie Foster, 10071 Bellview Road, another of the nearby property owners. Ms. Foster requested that nothing be built closer than 100' from Bellview Road; that one house be built behind the other rather than side by side; and that her mailbox is never moved. He stated that he added these three conditions to the contract to purchase and the doctors have agreed to them.

There was no one else except Dr. Mascatello to speak in favor. There was no one to speak in opposition. The Board was in receipt of a letter from Ms. Foster, owner of property at 1071 Bellview Road, requesting that the hearing be postponed until November 18, 1977. She stated that the variance, if granted, would affect her property, her peace of mind, and another driveway will escalate the number of accidents that occur on Bellview Road. She felt the entrance to Lot 8 should be to the rear of the property and into Lewinsville Road or some other outlet rather than Bellview Road.

The Board took no action on the request for postponement and placed the letter in opposition into the record of this case.

Page 461 Bd. of Zoning Appeals
October 18, 1977 R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-220-77 by THOMAS N. WHITE, JR. under Section 30-6.6 of the Zoning Ordinance to permit the subdivision of lot with one lot having less lot width than required by the Ordinance, 1074 Bellview Road, 20-1 ((1))65, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.

3. The area of the lot is 4.9 acres.
4. The applicant's property is unusually steep and has a topographic problem;

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

THAT the applicant has satisfied the Board that physical conditions exist lwhich under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hradship that would deprive the user of the reasonable use of the land involved;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County or unless renewed by action of this Board prior to date of expiration.

Mr. DiGiulian seconded the motion.

The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

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1:40 P.M. - WILLIAM F. ROBERTSON appl. under Sec. 30-6.6 of the Ordinance to permit subdivision of parcel with less than the required average lot size, property located adjacent to Dulles Access Road with access between Lots 8 and 9 of Southhampton Subd., across from Jenkins Lane, 40-1((1))10, Dranesville District, R-17, V-252-77, OTH (Parcel appears on Tax Map 40-2.), V-252-77.

1:40 P.M. - WILLIAM F. ROBERTSON, appl. under Sec. 30-6.6 of the Ord. to permit 25' setback from centerline of street on Proposed Lot 2E and Proposed Lot 1E, 40-1((1))10, Dranesville District, R-17, V-253-77.

Vice Chairman Durrer stated that he understood from the staff report that the two setback variances will have to be deferred until the subdivision is duly recorded.

Mr. Mitchell confirmed that this is what the Zoning Administrator is suggesting.

Mr. Charles Runyon, agent for the applicant, with offices at 152 Hillwood Avenue, Falls Church, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Runyon stated that basically he needs two variances. Lot 2E has less than the minimum required area and the average lot area for the subdivision is only about four square feet under the required amount. At some point, the other two variances for the setbacks will be required. There will be an ingress-egress access easement along the easterly sides of these lots that will require a variance for any kind of structure to go on the property at all. If the setback variance is deferred until after the subdivision is recorded, that places a time constraint on the construction. If the setback variance is granted and the subdivision never recorded, the variance would not be necessary, but if the plat is recorded, a setback variance is needed and construction must begin within the year. There is a question of which comes first. It all hinges on these two variances. If the applicant doesn't get an access, then there is no need to have any subdivision at all. He stated that he would hate to put these lots on record and then find that there could be no access for them. Then they would have to come off record.

Mr. Runyon in answer to Mr. Swetnam's question, stated that the two lots through which the access is coming are lots of record. There is an access easement on the lot. Mr. Robertson used to own Lot 8 and there was an easement recorded on it for the purpose of getting to this land that was cut off by the Airport Access Road. Then after you get back to the two proposed lots, the access easement through the proposed lots will be so close to the houses because of the way the property is shaped, a setback variance is needed. Without that setback variance, there is no need to record the sub-

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ROBERTSON (continued)

division. He stated that even though he agrees with Mr. Knowlton that you don't have the lots without the subdivision variance, but in this case he doesn't need the lots without the variance. Even the variance is granted and is not used, it will die within a year anyway.

Mr. Swetnam recommended the Board go ahead and hear the applications as advertised.

The Board agreed.

Mr. Runyon stated that if the property were of a normal shape, this setback variance would not be necessary. There is sufficient buffer between the access road and the proposed houses. There are also topographic problems with this property in its configuration. This property is landlocked because of the Dulles Access Road.
Mr. Paul L. Sweeney, trustee for the Sewell estate, which is the property to the left of this property stated that his property was left landlocked because of the rerouting of Lemon Road, and the Dulles Access Road. He stated that this property has been in the Sewell family for one hundred years and unless they can get access to it, it cannot be used. At the time the land was condemned for the Dulles Access Road, the owner of this property was paid, but it was contemplated that at some point there would be some access to this one and one-half acres because there was undeveloped land around it. Therefore, the owner was not paid for the full value of the property as if it could never be used. He stated that he had no objection to the variance being granted, but he felt it would be to the best interest of everyone concerned if a way could be found for access to his property. He stated that he felt some thought should be given to continuing the access back to his property from the lots in question before the Board today.

Mr. Durrer stated that he had made his point, but the Board can only consider what is before it at this hearing.

There was no one else to speak regarding this case.

Mr. Runyon in rebuttal stated that Mr. Sweeney's point is well taken, but if access is given to that lot, then a variance will be required for setback for their Proposed Lot 3 also. He stated that he saw no problem if they can work this out. They would then come back to this Board for another variance based on the requirements. Mr. Robertson could possibly purchase the property. He stated that he had not discussed this with Mr.Robertson.

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R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-252-77 by WILLIAM F. ROBERTSON under Sec. 30-6.6 of the Ordinance to permit subdivision of parcel 10 with less than the required average lot size, property located adjacent to Dulles Access Road with access between Lots 8 and 9 of Southhampton Subdivision, across from Jenkins Lane, 40-1((1))10, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of thelot is 15,084 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and has topographic problems; and

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

THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County.

Mr. DiGiulian seconded the motion. The motion passed unanimously with the members present. Mr. Smith had left the meeting earlier.

// R E S O L U T I O N (V-253-77)

Mr. Swetnam made the following motion:

WHEREAS, Application V-253-77 by WILLIAM F. ROBERTSON under Sec. 30-6.6 of the Zoning Ordinance to permit 25' setback for houses on proposed Lot 2E and 1E, property adjacent to Dulles Access Road with access between Lots 8 and 9 of Southhampton Subd. across from Jenkins Lane, 40-1((1))10, Dranesville District, R-17, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 18, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 15,084 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and has topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County and construction has started or unless renewed by action of this Board prior to expiration.
3. This granting of this setback variance is subject to the recording of the subdivision plat.

Mr. DiGiulian seconded the motion. The motion passed unanimously with the members present. Mr. Smith was absent from the meeting on this case. He had left the meeting earlier in the day.

Page 464, October 18, 1977
AFTER AGENDA ITEM: JONATHAN TITUS, S-29-69, Granted to permit office for general practice of medicine.

The Board was in receipt of a letter from Dr. Titus requesting that he be allowed to make certain changes to his house: (1) A new entrance door in the rear to allow patients to enter from the rear parking lot and (2) To close off the existing overhead type garage door. He stated that he intended use this space for files and his personal office. He stated that this change would enhance the appearance of the house and would not change its appearance as a residential dwelling.

The Board then read the resolutions granting this use from the old files.

Mr. DiGiulian stated that he felt that if Dr. Titus wishes to change anything such as this, that he should come back to the Board with a new application so the Board can see just exactly what he plans to do. He made this his motion. Mr. Swetnam seconded the motion. The motion passed unanimously.
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Page 465, October 18, 1977
AFTER AGENDA ITEM:

MT. OLIVE BAPTIST CHURCH, S-69-76 and V-70-76, Granted May 18, 1976. The applicant did not begin construction on this project before the one-year expiration date of the granting. The Site Plan was approved in June 1977, after the SUP had expired. The site plan had been held up for various reasons, one of which was that the applicant had to get approvals from adjacent property owners to waive certain site plan requirements, and another being that the applicant's engineer was not familiar with all County requirements.

Mr. Covington stated that the applicant also wishes to extend the building 8' in one direction and add a canopy over the entrance-way.

The Board discussed this and reviewed the new plats showing the changes.

Mr. DiGiulian moved that the applicant be granted a retroactive extension for six months from May 18, 1977, based on the facts that the site plan requirements and meeting county ordinances has delayed the applicants from beginning construction. He also moved, as part of his motion, that the Board accept the substitute plats showing the minor changes that the applicant proposes; that being, the extension of the building by about 8 feet and the addition of a canopy over the entrance way.

Mr. Swetnam seconded the motion and the motion passed unanimously with the members present. Mr. Smith was absent.

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APPROVAL OF MINUTES

Mr. Swetnam moved that the Board of Zoning Appeals Minutes for July 28, August 30, September 8, September 13, September 20, and September 27, 1977 be approved with minor corrections.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

// The meeting adjourned at 3:45 P.M.

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

Submitted to the BZA on 11-15-77

Submitted to other Depts. On 11-17-77

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: November 29, 1977
DATE

The Regular Meeting of the Board of Zoning Appeals Was Held on Wednesday, October 26, 1977 in the Board Room of the Massey Building. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam; John DiGiulian and George Barnes.

The meeting opened with a prayer by Mr. Barnes.

10:00 A.M. - MT. VERNON REALTY EMPLOYEES PROFIT SHARING & RETIREMENT TRUST & JACK SHERMAN AND DEVOIRA SHERMAN appl. under Sec. 30-6.6 of the Ordinance to permit waiver of dustless surface requirement for parking lot in conjunction with SUP for sales and rental lot for recreational vehicles, CG portion of Lot 27, 8139 and 8141 Richmond Highway, 101-2((1))pt. 27, (CG portion of Lot 27 consisting of 28,430 sq. ft.), Mt. Vernon Dist., V-144-77. (Deferred from Sept. 20, 1977.)

Michael D. Lubeley, attorney for the applicant, with offices at 14914 Jefferson Davis Highway, Woodbridge, Virginia, represented the applicant before the Board.

Mr. Lubeley stated that the Board of Supervisors just last evening granted the Special Use Permit for this use.

Mr. Covington stated that Mr. Knowlton the Zoning Administrator was present at the meeting last evening and the Board of Supervisors did grant the Special Exception requested for this use. However, the Board placed certain conditions on the use as was recommended by the Planning Commission. The condition requiring that paving be specifically in accordance with the Zoning Ordinance makes this application for a variance to that section moot.

Mr. Lubeley stated that this topic was discussed at the Planning Commission meeting and it was his understanding that the paving was something that the Planning Commission decided would have to be considered on its own merits by this Board.

The Board of Zoning Appeals was in receipt of the Planning Commission recommendations. One of those conditions as transmitted to the Board of Zoning Appeals was that "the paving be specifically in accordance with the Zoning Ordinance". However, in the verbatim transcript of the conversation on this, Mr. Brinitzer, the maker of the motion at the suggestion of Mr. Merrell withdrew that condition as part of the motion.

Mr. Swetnam moved that this case be postponed until this Board has the minutes of the Board of Supervisors meeting held last evening and the minutes of the Planning Commission both pertaining to this specific case. He stated that he did not want all the minutes. He wanted just the portion of the minutes relating to this subject.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

The case was deferred to November 1, 1977, as a deferred item after the regular agenda items.

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10:20 A.M. - ROSE HILL BAPTIST CHURCH appl. under Sec. 30-7.2.6.1.11 of the Ord. to permit church addition and additional parking, 4905 Franconia Rd., 82-3((1))4B & 5, (3.0288 acres), Lee District, R-12.5, S-233-77.

The applicant was not present when the case was called. The Board, therefore, deferred the case until the end of the Agenda.

Mr. Guy Ferrell appeared before the Board when the case was called after the Regular Agenda items had been heard and requested the Board defer this case since they are having subdivision problems and they did not get their notices out to property owners of this hearing.

The Board deferred this case until November 29, 1977, at 1:00 P.M.

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10:30 A.M. - NORTHERN VIRGINIA CHRISTIAN REFORMED CHURCH appl. under Sec. 30-7.2.6.1.11 of the Ordinance to permit construction of church and related facilities, 9800 Burke Lake Road, 78-3((1))Parcel 32, RE-1, S-234-77.

Rev. Ribbens, pastor of the church, submitted the required proof of notice to property owners to the Board. The notices were in order.

Rev. Ribbens stated that the two story dwelling on this property will be used as a parsonage. The congregation plans to build a church edifice on the property to be used for Sunday School classes at 9:30 A.M. and worship services at 10:30 A.M. and 6:00 P.M. The building will also be used for other church related activities and such community activities as shall be deemed in harmony with the church's purposes. The church sanctuary is to be designed to seat 250 and there are 50 parking spaces to be provided.

The Board discussed with the applicant the comments from the Office of Preliminary Engineering regarding the suggested dedication 60 feet from the existing centerline of the right-of-way for the full frontage of the property on Burke Lake Road.

Rev. Ribbens stated that the congregation anticipates a four lane road eventually. He stated that the church planned its structure and driveway to coincide with the roadway as it exists next door in Ryan Homes and on the other side. He stated that the church is eager to see this four lane road constructed.

Mr. Swetnam stated that if they dedicate, they will be giving the State .3 of an acre of land and at approximately $30,000 per acre, that would be giving away $15,000 worth of land. He stated that curb and gutter would also have to be constructed for about 400 feet. It seems a little rough.

Mr. Smith stated that unless there is some dedication, the road may be ten years away.

Mr. Durrer stated that the applicant has agreed to dedicate.

Mr. Smith stated that it should be a condition of the use permit. He stated that the construction of the curb and gutter is under site plan, not this Board.

There was no one else to speak in favor and no one to speak in opposition.

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October 26, 1977 R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-234-77 by NORTHERN VIRGINIA CHRISTIAN REFORMED CHURCH under Section 30-7.2.6.1.11 of the Zoning Ordinance to permit construction of a church and related facilities on property located at 9800 Burke Lake Road 78-3((1))Parcel 32, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 26, 1977; and

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

1. That the owners of the property are Henry and Delores Michie. The applicant is the contract purchaser.
2. That the present zoning is RE-1.
3. That the area of the lot is 3.30 acres.
4. That compliance with the Site Plan Ordinance is required.

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

That the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details), whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non-Residential Use permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The seating capacity shall be 250.
8. The minimum number of parking spaces shall be 50.
9. The right-of-way is to be dedicated to 60' from the center line of Burke Lake Road.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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10:45 A.M. - WILLIAM CANZANELLI appl. under Sec. 30-6.6 of the Ord. to permit extension and enclosure of carport with less than required on side property lines (8.2' and total of 18.2' requested) 4618 Quarter Charge Drive, Chapel Square West Subd., 70-1((18))32, (11,133 sq. ft.), Annandale Dist., R-17,Cluster, V-235-77.

(The hearing began at 11:00 A.M.)

Mr. Canzanelli submitted the required proof of notice to property owners. The notices were in order.

Mr. Canzanelli's justification for the need for this variance was the topography of the lot being such that there was no place else on the property to put this addition.

There was no one else to speak in favor and no one to speak in opposition.

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-235-77 by WILLIAM CANZANELLI under Section 30-6.6 of the Zoning Ordinance to permit extension and enclosure of carport with less than required side setback, 4618 Quarter Charge Drive, 70-1((18))32, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 11,133 sq. ft.
4. That the applicant's property is exceptionally irregular in shape with converging lot lines and has topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Swetnam seconded the motion.

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

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11:00 A.M. - ELTON HAILEY appl. under Sec. 30-6.6 of the Ord. to permit pool to be 7' from side property line (8' and total of 24' required), 1217 Perry William Drive, Evermay Subd., 31-1((13))106, (15,930 sq.ft.), Dranesville District, R-17 Cluster, V-236-77.

Mr. Hailey submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Hailey's justification was that there is no place else on the property where he could place this pool. Mr. DiGiulian stated that the driveway comes into the garage from the rear which precludes his moving the pool over.

Mr. Swetnam stated that the variance would be for 1.6' from the total requirement and 1' from the minimum. This is a minimum variance, he stated.

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

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R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-236-77 by ELTON HAILEY under Section 30-6.6 of the Zoning Ordinance to permit a pool to be constructed 7 feet from side property line, 1217 Perry William Drive, 31-1((13))106, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

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

1. That the owner of the property is the applicant.
2. The present zoning is R-17.
3. That the area of the lot is 15,930 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and is a corner lot; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. DiGiulian seconded the motion. The motion passed unanimously.

11:30 A.M. - JOHN A. KOCHEVAR appl. under Sec. 30-6.6 of the Ord. to permit enclosure of existing carport 11.5' from side property line and 32.5' from front property line, 3325 Hemlock Drive, 59-2((8))(3)8, (10,510 sq.ft.), Providence District, R-12.5, V-239-77.

Mr. Kochevar submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Kochevar's justification was that his land tapers back toward the rear of the property making it impractical to construct in the rear. The other side of the lot drops off very steeply, therefore, an addition could not be placed there. The enclosure of the carport is the only solution. The addition will be for the use of his family. The car will be parking in the driveway. The material that will be used for the addition will be compatible with the existing structure, and the surrounding neighborhood. Better than forty percent of the homes in this subdivision have enclosed their carports.

There was no one else to speak in favor and no one to speak in opposition.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-239-77 by JOHN A. KOCHEVAR under Sec. 30-6.6 of the Ordinance to permit enclosure of existing carport 11.5' from side property line and 32.5' from front property line, 3325 Hemlock Drive, 59-2((8))(3)8 County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 26, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,510 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and has an unusual condition in the location of the existing buildings on the subject property, or the adjacent properties. There is also topographic problems with the land.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. DiGiulian seconded the motion.

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

11:40 A.M. - BURKE CENTRE PARTNERSHIP appl. under Sec. 30-7.2.6.1.1 of the Ord. to permit community center, including tennis courts, swimming pool, locker room, 600' south of Burke Center Parkway on Oak Leather Drive, adjacent to Section 4A of Burke Lake Center, Burke Center Subd., 77-1((3))4, 6, 7, (5.85 ac.), Springfield District, RPC, S-240-77.

Mr. John Hazel, attorney for the applicant with offices on University Drive in Fairfax City, submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Hazel stated that this is the second neighborhood recreation center in the Burke Center complex. This is the last application before this Board for this type facility because they have now a development plan for the entire RPC which will be approved by the Board of Supervisors in early November. This proposed facility is part of the recreation plan for Burke Center. This facility will be on the east side of the development. The Special Use Permit that was granted for the other recreation facility was on the east side. The reason they did not wait until the development plan was completed before beginning these facilities is that they are working on a tight time schedule, and they wanted to deliver the facilities as soon as possible. In the vicinity of this facility are 100 homes that are already in the process of delivery. A couple of weeks delay means failing to have these facilities ready for the summer or spring season. This total recreation and open space plan has been approved by the Park Authority and the County staff and by the Planning Commission. This application meets all required criteria for Special Use Permit uses in residential zones.

The Board, Mr. Covington and Mr. Hazel discussed problems relating to people being moved into these houses before occupancy permits or residential use permit had been issued.

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

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R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application S-240-77 by BURKE CENTRE PARTNERSHIP under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit community center, including lighted tennis courts, swimming pool, locker room, 600' south of Burke Centre Parkway on Oak Leather Drive, 77-1((3))4, 6 & 7, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 26, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RPC.
3. That the area of the lot is 5.85 acres.
4. That compliance with the Site Plan Ordinance is required.

AND , WHEREAS, the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board, (other than minor engineering details) whether or not these additional uses or changes require a Special Permit , shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board

for such approval. Any changes (other than minor engineering details) without this Board's approval shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

7. The hours of operation shall be from 9:00 A.M. to 11:00 P.M., seven days a week.

8. The number of parking spaces shall be 50.

9. This permit is granted for a period of two years.

The Board recessed for lunch at 12:00 Noon and returned at 1:20 P.M. to take up the 1:00 P.M. item.

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1:00 P.M. - JOSEPH M. & ROSEMARY CATURANO appl. under Sec. 30-6.6 of the Ord. to permit subdivision of parcel with proposed lot 3 having less than required lot width, 5215 Sideburn Road, 68-4((1))8, (2.0000 acres), Annandale District, R-17, V-241-77.

Mr. Caturano submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Caturano stated that he purchased this property five years ago before the sewer moratorium was in effect. Now he finds that he can't afford to build on this entire piece of land and pay taxes on it. The engineer, Mr. Lee Phillips, suggested that the land be subdivided according to the plats that are in the file. They went through the rezoning process to get R-17 zoning and had no problems. However, when they submitted their subdivision plat to the office of Preliminary Engineering, they found they did not have enough lot width for lot 3 at the building setback line. He stated that he felt he could build on the other lots without the need for any other variance from this Board.

Mr. Smith stated that he probably should have requested R-12.5 zoning.

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

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R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-241-77 by JOSEPH & ROSEMARY CATURANO under Section 30-6.6 of the Zoning Ordinance to permit subdivision of parcel with proposed lot 3 having less than required lot width, 5215 Sideburn Road, 68-4((1))8, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 26, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 2.000 acres.
4. That the applicant's property has an unusual condition that will not permit development as zoned; and

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

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

Page 473, October 26, 1977
CATURANO (continued)

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.

2. This variance shall expire one year from this date unless this subdivision has been recorded among the land records of Fairfax County, or unless renewed by action of this Board prior to date of expiration.

Mr. DiGiulian seconded the motion. The motion passed 4 to 0. Mr. Barnes had left the meeting earlier.

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1:20 P.M. - CHILDREN'S ACHIEVEMENT CENTER appl. under Sec. 30-7.2.6.1.3.2 of the Ordinance to permit change of ownership of previously granted Special Use Permit for non-profit, tax-exempt, private school of general education, 1670 Chain Bridge Road, 30-3((1))54 & 55; (4.00018 acres), Dranesville District, R-12.5, S-257-77. OTH.

(The hearing began at 1:27 P.M.)

Mr. Robert McIntyre submitted the required proof of notice to property owners of this hearing. The notices were in order.

This property was previously the site of the Parkmont Junior High School, which was a school of general education. That permit was granted for 55 children, ages 11 to 16, 9:00 A.M. to 3:00 P.M. The Health Department reported that the present septic system is adequate for a maximum of 60 persons for more than four hours daily.

Mr. McIntyre stated that the only change would be the number of persons, which is proposed to be 60, on the site at any one time.

There was no one else to speak in favor and no one to speak in opposition.

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R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-257-77 by CHILDREN'S ACHIEVEMENT CENTER under Sec. 30-7.2.6.1.3.2 of the Zoning Ordinance to permit change of ownership of previously granted Special Use Permit for a non-profit, tax-exempt, private school for general education, 1670 Chain Bridge Road, 30-3((1))54 and 55, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is P. Ray McInnis, et al. The applicant is the lessee.
2. That the present zoning is R-12.5.
3. That the area of the lot is 4.00018 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details), whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 55.
8. The hours of operation shall be from 8:00 A.M. to 5:00 P.M., Monday through Friday.
9. The ages of the students shall be from 6 through 16 years.
10. This Special Permit is granted for a period of three years.

Mr. DiGiulian seconded the motion.

The motion passed unanimously, 4 to 0. Mr. Barnes was not present. He left earlier in the day.

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DEFERRED CASE:
(This case was taken up between the 2nd & 3rd item on the agenda.)
PHILIP F. HUDOCK appl. under Sec. 30-7.2.6.1.14 of the Zoning Ordinance to permit a Home Professional Office of a Law Firm, 9206 Hidden Creek Drive, Glen Haven Farm, 19-4((16))1, (112,928 sq.ft.), Dranesville District, RE-2, S-223-77. (Deferred from October 12, 1977 for a full Board, for decision only.)

Mr. Barnes, the member who was absent at the October 12, 1977 meeting, had reviewed the file and the minutes on the case. He stated that he was prepared to make a decision.

Mr. Smith stated that the Board was taking the case up at this time because Mr. Barnes had to leave the meeting at noon. There was no additional testimony to be taken. The public hearing was closed, unless Mr. Barnes had some questions.

Mr. Barnes stated that he had no questions.

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R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-223-77 by PHILLIP H. HUDOCK under Sec. 30-7.2.6.1.14 of the Zoning Ordinance to permit Home Professional Office of a Law Firm in building yet to be constructed, 9206 Hidden Creek Drive, 19-4((16))1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977 and deferred until October 26, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the subject property is Williams and Childress, Inc. The applicant is the contract purchaser.
2. That the present zoning is RE-2.

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HUDOCK (continued)

3. That the area of the lot is 112,938 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of clients shall be two per day.
8. The hours of operation shall be from 9:00 A.M. until 5:30 P.M.
9. The maximum number of parking spaces shall be four (4).
10. This permit is granted for a period of three (3) years.
11. No sign shall be permitted.

Mr. DiGiulian seconded the motion. The motion failed by a vote of 2 to 3. Messrs. Swetnam and DiGiulian voted Aye. Messrs. Smith, Durrer and Barnes voted No.

Mr. Hudock appeared later in the day. The Board explained that the case had been called earlier in the day when there was a full Board. The Chairman told Mr. Hudock the outcome of the case.

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The meeting adjourned at 1:50 P.M.

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

Submitted to the BZA on Nov 8, 1977

Submitted to other Depts. on
Nov. 10, 1977.

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED November 29, 1977
DATE

An Extra Meeting of the Board of Zoning Appeals
Was Held on Tuesday, November 1, 1977. All
Board Members were present: Daniel Smith,
Chairman; William Durrer, Vice-Chairman;
George Barnes; Tyler Swetnam; and John DiGiulian.

The meeting opened with a prayer by Mr. Barnes at 10:17 A.M.

10:00 A.M. - M & M LIMITED PARTNERSHIP appl. under Sec. 30-7.2.10.5.1 of the Zoning Ordinance to amend existing SUP for motel to reflect change of ownership, 6633 Arlington Blvd., 50-4((1))14, (2.94808 acres), Mason District, C-DM, S-242-77.

Mr. Charles Major, attorney for the applicant, with offices at 7717 Little River Turnpike, submitted the required proof of notice to property owners. The notices were in order.

Mr. Major stated that the original Special Use Permit was issued in May of 1970 to Falls Church Motel Associates. That company has transferred ownership to the applicant, M & M Limited Partnership. There are three general partners, Mr. Paul McKay being one of them. There has been, nor is there planned to be, any exterior changes.

Mr. Donald Beaver, Zoning Inspector, stated that he issued a violation notice for the operation of this motel without a Special Use Permit on May 4, 1977. There have been some other violations relating to the keeping of trash on the property in other than proper containers. He stated that he had inspected the property on Friday and again this morning and the trash is still there.

Mr. Major stated that Mr. McKay advises him that the trash is the result of the interior renovations that is being done to the inside of the building. This work will be completed within the week and the trash will be removed.

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

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-242-77 by M & M LIMITED PARTNERSHIP under Sec. 30-7.2.10.5.1 of the Zoning Ordinance to amend a Special Use Permit S-97-70 to reflect a change in ownership, 6633 Arlington Blvd., 50-4((1))14, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is C-DM.
3. That the area of the lot is approx. 2.94808 acres.
4. That compliance with the Site Plan Ordinance is required.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details), whether or not these additional uses or changes require a Special Permit, shall require approval

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M & M LIMITED PARTNERSHIP (continued)

of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

7. All provisions of the original Special Use Permit S-97-70 shall remain in full force and effect.

8. This granting is subject to the debris that is on the property being cleared within 24 hours of this date.

Mr. DiGiulian seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No. He stated that he would not vote for a motion as long as there is an existing violation on the property.

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10:20 A.M. - ACHIEL L. RAWOENS, V-243-77.

Mr. Rawoens has notified some of the contiguous property owners, but not all of them, or five of them. Therefore the Board deferred the case to give him an opportunity to notify those property owners that he had not notified for a total of ten. The deferred hearing was set for December 13, 1977. The Clerk would notify him of the time of the hearing on that date.

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10:30 A.M. - R. JAY HANCOCK, TRUSTEE appl. under Sec. 30-6.6 of the Ord. to permit construction of dwelling 30' from front property line (50' required), 30-3((1))15, 7228 Magarity Road, (24,640 sq.ft.), Dranesville Dist., R-12.5, V-244-77.

Mr. Jesse Harrison, 6946 Pinecrest Avenue, McLean, submitted the required proof of notice to property owners. The notices were in order.

Mr. Harrison stated that this property is surrounded on all sides by roads. The property is owned by a church. The property is long and shallow. It is also a steep lot. The shape of the lot necessitates orienting the house toward the east in order to meet the existing setback requirements. This would create a severe hardship. This would place the house, if Great Falls Street is widened, too close to that street.

The staff report from Preliminary Engineering indicated that:

"The VDH&T has an active project (0694-029-178, C-501) for the improvement of Great Falls Street, Route 694 & Magarity Road, Route 650. This project proposes to take approximately 20 additional feet along the full frontage of the subject property on Magarity Road for future improvements. Also, this project proposes to take approximately 30 additional feet along the full frontage of the subject property on Great Falls Street. This taking by the VDH&T would destroy theproposed septic field as a result of subsequent road construction and grading. Also, the house, as shown on the plat submitted, would be approximately 10 feet from the new right of way line."

"The plat submitted should show the existing asphalt walkway presently located on the subject property."

Mr. Swetnam stated that he understood what VDH&T are doing with the relocation on the south side of this property, but he did not see why Magarity Road has anything to do with it. It would then not serve anything. He stated that he saw no purpose in the taking of 20' there.

He stated that the asphalt sidewalk is already in and he would be glad to have the plats revised to reflect this. He stated that the septic field could not be used. They have now found that the land will not perk. Therefore, they will be hooking up to public sewer. The sewer line is now underneath Great Falls Street about 200 feet down a county right-of-way that is immediately opposite Magarity Road. There is no access from the subject property to the public sewer at the present time.

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

Mr. John J. Barnes, 1629 Great Falls Street, spoke in opposition to the application. He questioned whether or not a variance would be need on the Dulless Access Road side of the property.

Mr. Covington stated that that side does not need a variance. This Board decided some years ago that limited access highways would not be considered frontages. This is a side property line or a rear line.

Mr. John Barnes stated that he had taken these roads and computed the amounts that would be taken and feels that the applicant will not have enough property left to build anything.

Mr. Durrer stated that he feels the applicant should have the right to use his property.

The Board discussed whether or not the deck should be permitted.

Mr. Covington stated that the deck could extend 6' into the required setback, but no closer than 4 feet to the property line. The plats show no dimensions, therefore, there is no way of knowing whether the deck would be permitted.

Mr. Smith stated that if this variance is granted, the structure should be used for residential purposes only.

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November 1, 1977 R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-244-77 by R. JAY HANCOCK, TRUSTEE under Sec. 30-6.6 of the Ordinance to permit construction of dwelling 30'* from front property line 7228 Magarity Road, 30-3((1))15, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

*see conditions

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 24,640 sq. ft.
4. That the applicant's property is exceptionally irregular in shape, and is surrounded by roads.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED IN PART with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. The house shall be constructed no closer than 38' from the present right-of-way line of Magarity Road.
4. This variance is for a structure to be used for residential purposes only.

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

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10:40 A.M. - CHILD CARE PROPERTIES, INC. & KINDER-CARE LEARNING CENTERS, INC. (SEE AMENDED APPLICANTS IN RESOLUTION) appl. under Sec. 30-7.2.6.1.3 of the Ordinance to permit child day care center located on Wolftrap Road, 39-4((1))pt. of lot 1, (34,500 sq. ft.), Providence Dist., RE-1, S-245-77.

Mr. Richard Hobson, attorney for the applicant with offices on University Drive in Fairfax, submitted the required proof of notice to property owners. The notices were in order.

Mr. Hobson stated that the applicants were granted a special use permit on July 20, 1976 for construction and operation of a day care center for 120 children on this property. Construction was not begun within the time allowed, however, and the Special Use Permit expired on July 20, 1977.

Mr. Hobson stated that because this parcel is zoned RE-1 and is only 34,500 square feet, they are having problems subdividing the property to allow the applicants to purchase this from the YWCA. Therefore, the YWCA will enter into a ground lease with the applicant, Kinder-Care Learning Center, Inc. Child Care Properties, Inc. will assign their rights to REICO-Tyson's Joint Venture, a Maryland General Partnership.

Mr. Hobson stated that with regard to the staff comments from the office of Preliminary Engineering, an arrangement has been made with the YWCA that the applicant will construct the improvements not only in front of the applicant's property but all along the front property of the YWCA.

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

Mr. Hobson stated that the applicant may have to get the property rezoned, but this should have no effect on this Special Use Permit. The reason for this is, of course, the subdivision requirement for this division of land.

Mr. Smith requested that the Clerk be furnished with a copy of the ground lease when it is perfected.

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November 1, 1977 R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application S-245-77 by CHILD CARE PROPERTIES, INC., KINDER-CARE LEARNING CENTERS, INC. and REICO-TYSON'S JOINT VENTURE, A MARYLAND GENERAL PARTNERSHIP application under Sec. 30-7.2.6.1.3 of the Zoning Ordinance to permit the operation of a day care center on property located on Wolf Trap Road, 39-4((1))part of lot 1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 1, 1977; and

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

1. That the owner of the subject property is the YWCA.
2. [illegible]
3. That the present zoning is RE-1.
3. That the area of the 34,500 sq. ft.
4. That compliance with the Site Plan Ordinance is required.
5. This is an amendment to S-128-76.
6. That all dedications for rights-of-way be given to the proper authorities.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. All conditions of SUP S-128-76 shall remain in full force and effect.
8. All dedications for rights-of-way shall be given to the proper authorities.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Page 480, November 1, 1977

11:00 A.M. - FOX MILL SWIM CLUB, LTD. appl. under Sec. 30-7.2.6.1.1 of the Ord. to permit tennis courts, Viking Drive, Fox Mill Estates Subd., 25-4((2))Parcel F, 25-4((1))15, (2.77353 ac.), Centreville Dist., RE-1, S-246-77.

Mr. Robert Lawrence, attorney for the applicant with offices on University Drive, Fairfax, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Lawrence stated that this club has 199 members. This Board granted a Special Use Permit in 1975 to operate a community swimming pool. This application is to add four tennis courts to the existing facilities. Fox Mill subdivision consists of 600 members. Basically, the membership in the tennis club will be the same as for the swim club. However, the tennis club can have 60 members that are not swim club members.

Mr. Lawrence submitted letters from nearby property owners in support of the application.

The Board discussed the hours of operation which are proposed to be from 7:00 A.M. until 10:00 P.M. Mr. Lawrence stated that even though lights were not on the original plat submitted, he is prepared to submit new plats with lights indicated on them. This was an oversight on the part of the engineer. They did have the hours of operation as proposed in the statement in the file.

Mr. Covington stated that he felt the Board could accept these substitute plats since the hours of operation were stated in the file. Lights would be necessary in order to stay open until 10:00 P.M.

Mr. Durrer moved that the Board accept the substitute plats as recommended by Mr. Covington.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Mrs. Isaakson, Vice-President of the Fox Mill Civic Association, spoke in support of this application. She stated that this proposal was submitted to the nearby and all citizens of their subdivision in the October newsletter. It was also discussed at the general membership meeting. A resolution was passed by the membership supporting this application.

There was no one present to speak in opposition to the application.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-246-77 by FOX MILL SWIM CLUB, LTD. under Sec. 30-7.2.6 .1.1 of the Ordinance to permit addition of four tennis courts to existing facilities with lights, Viking Drive, 25-4((1))15, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 1, 1977; and

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

1. That the owner of the subject property is Fox Mill Estates Homes Assoc.
2. That the present zoning is R-17 and RE-0.5.
3. That the area of the lot is 2.77353 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. All provisions of S-106-75 shall remain in effect, except as stated below.
2. The maximum membership shall be 259, for the tennis club.
3. The hours of operation shall be from 7:00 A.M. to 10:00 P.M. for the tennis club.
4. Landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

Mr. Barnes seconded the motion.

The motion passed unanimously.

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November 1, 1977

11:20 A.M. - MANSION HOUSE CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit extension of existing club house, 9423 Old Mt. Vernon Road, Mt. Vernon Grove Subd., 110-4((1))9D, (5.0435 ac.), Mt. Vernon District, RE-0.5, S-247-77.

(The hearing began at 11:45 A.M.)

Mr. Raymond Phillips, 4304 Evening Drive, Mt. Vernon, submitted the required proof of notice to property owners. The notices were in order.

Mr. Phillips explained to the Board that the request is only for an extension to the existing club house. There are no other changes proposed. The original Special Use Permit was granted October 12, 1965 and last amended on September 16, 1975. The applicant proposes to construct an extension of 30 feet to the side of the existing club house building. The height, facade and architecture of the proposed extension will conform with that of the existing building. The extension will allow the construction of more attractive dressing and shower facilities and storage and recreational areas. The existing facilities in the club house are old and in need of replacement, repair and renovation.

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

RESOLUTION

Mr. DiGiulian made the following motion:

WHEREAS, Application No. S-247-77 by MANSION HOUSE CLUB, INC. under Section 30-7.2.6.1.1 of the Fairfax County Zoning Ordinance to permit extension of existing club house, 9423 Old Mt. Vernon Road, 110-4((1))9D, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on 11/1/77; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 5.0435 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. All requirements of Permits S-171-65 and S-75-75 shall remain in full force and effect.

(This includes the limitation that any after-hours parties shall require the prior written approval of the Zoning Administrator and shall be limited to six (6) per season.)

Mr. Swetnam seconded the motion.

The motion passed unanimously.

Page 482, November 1, 1977
11:40 A.M. - ENDURANCE CONSTRUCTION CORPORATION appl. under Sec. 30-6.6 of the Ord. to permit subdivision into four lots, two of which (3 & 4) have 12' lot width (80' minimum required), 2211 Wittington Blvd., 111-1((1))14, (17,147 sq.ft.), Mt. Vernon District, R-12.5, V-250-77.

(The hearing began at 12:00 Noon. Mr. Durrer moved that the meeting continue through the 11:40 A.M. item in order to hear the subject case since there were several people in the room interested in the case who could not be present in the afternoon. Mr. Barnes seconded the motion and the motion passed unanimously.)

Mr. Thomas Gilbert with the engineering firm of Holland Engineering submitted the required proof of notice to property owners. The notices were in order.

Mr. Gilbert gave the main justification for the request which was the shape of the lot and the existing house on the lot. He stated that there is enough lot area, but because of the lot frontage on the road being so narrow, there is not enough lot area to divide these lots and get a practical use of the land.

In answer to Mr. Smith's inquiry regarding the fact that this application is for two lots having less lot width, Mr. Mitchell stated that the application relates to the entire tract of land.

Mr. Covington stated that there can be no lots of record until this variance is granted.

Mr. Gilbert stated that he originally had submitted two variance applications, one for each lot, but the Zoning staff informed him that only one application would be necessary.

Mr. Gilbert stated that if a standard street was put it, it would be twice the size of the proposed driveway. This street would also require front setbacks from it. This would force at least one of the proposes houses back into the storm drainage easement. That is a topographic problem of this lot that they are also concerned with.

Mr. DiGiulian stated that if that were made a standard street, the existing one-story house that is on the property would not then meet the required setback.

Page 483, November 1, 1977
ENDURANCE CONSTRUCTION COMPANY (continued)

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

Mr. Pete Brinitizer, 2321 Whittington Blvd., president of the Stratford Landing Citizens Association, stated that the association met October 27, 1977 and had 212 members present. They discussed this case in great detail. At that time, there was universal opposition to this request. He stated that his area has had experience with a pipestem type subdivision dating back to 1912. This has created problems. The association feels that pipestems should not be permitted. He stated that the community feels this application should be denied in order to maintain the character of this community of lovely homes. The applicant purchased this property with the full knowledge that a variance would be necessary. There is ample lot width for two lots on this property.
Mr. Kearney
/ submitted a petition signed by members of the community in opposition to this application.

Mr. Kevin Kearney, 2218 Summerset Lane, one of the abutting property owners, spoke in opposition. He stated that all the people signing the petition were abutting property owners, or owners close to the property. He stated that he and the petitioners feel that the granting of this variance would be a detriment to their neighborhood.

Mr. Walter Gillis, 2225 Whittington Blvd., spoke in opposition to the application.

Mr. Gilbert in rebuttal stated that the applicant has owned this property for about nine months. He was not aware when he purchased the property that he would not be able to divide the property into four lots. He stated that the County has provided for circumstances such as the applicant has on this property by placing in the Public Facilities Manual, provisions for pipestem lots. The lot is irregularly shaped. The only way four lots can be obtained from this property is by a variance from this Board. There is plenty of land area for four lots and the denial of this request would not give the applicant reasonable use of his land.

Mr. Durrer stated that this is a classic example of speculation. This developer wants to develop his land at the expense of the people already living there. He stated that he is familiar with the general area and most of the people have more land area than is required by the Ordinance. Two houses on this property would be ideal and would be in conformance with the area.

Mr. DiGiulian disagreed and stated that he felt four lots on this land would be reasonable. He stated that by looking at the tax map, one could see that there are six pipestem lots that exist now on that map alone and seven more within 1500 feet. The justification is the configuration of the lot and this Board has granted many of these variances in the past.

Mr. Swetnam stated that the Public Facilities Manual does not preclude these pipestem lots and unless the Board of Supervisors changes this, he would support every variance like this.

Mr. Smith stated that he objected to pipestem lots for safety reasons primarily. These lots would not be easily accessible for the public service departments such as fire department, postman, etc.

Mr. Barnes stated that he usually supports these pipestem requests, but he would not support this one. These people have lived in this area for years with larger lots and this applicant wishes to come in and change this. If someone wanted to subdivide the lot for his children, that would be different.

Mr. Swetnam made a motion to grant the application.

Mr. DiGiulian seconded the motion.

Mr. Swetnam reitterated his position and the reason for his motion. He stated that it is up to the Bd. of Supervisors to remove this pipestem concept. Mr. Covington stated that it is a discretion of this Board and just because it is in the Ordinance doesn't mean it must be granted. This is why this Board is in existence.

Mr. Smith agreed with Mr. Covington.

The motion to grant failed by a 3 to 2 vote. Messrs. Swetnam and DiGiulian voted Aye. Messrs. Smith, Barnes and Durrer voted No.
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The Board recessed for lunch at approximately 1:00 P.M. and returned at 2:05 P.M. to take up the 1:00 P.M. application of

DAVID & MARGARET SHIELDS appl. under Sec. 30-6.6 of the Ord. to permit enclosure of carport 7' from side property line (12' required), 9411 Wareham Court, Concord Green Subd., 38-2((39))15, (12,383 sq. ft.), Centreville District, R-12.5, V-251-77.

Mr. Shields presented proof of notice to property owners. The notices were in order.

Mr. Shields main justification for the need for this variance was the shape of the lot.

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

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-251-77 by DAVID & MARGARET SHIELDS under Section 30-6.6 of the Ordinance to permit enclosure of carport 7' from side property line, 9411 Wareham Court, 38-2((39))15, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 12,383 sq. ft.
4. The applicant's property is exceptionally irregular in shape.

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Barnes seconded the motion.

The motion passed unanimously.

1:20 P.M. - EASTERN FAIRFAX ACTIVITY CENTER FOR RETARDED ADULTS, INC. appl. under Sec. 30-7.2.6.1.3 of the Ord. to permit school of special education (workshop), 6120 North Kings Highway in the Calvary Presbyterian Church, Penn Daw Village, 83-3((4))1, 2, and 3 (28,077 sq. ft.), Lee District, R-10, S-254-77.

Mr. Paul Dougherty submitted the proof of notice to property owners of this hearing. The notices were in order.

Mr. Dougherty stated that they are requesting a maximum of 30 adults, Monday through Friday, 8:00 A.M. until 4:30 P.M. Parking for the use will be provided on the adjacent school property. They have received written permission for this parking of which the Board has a copy. There is also in the file a letter of permission for their school to use the Church.

Mr. Joseph Hemling, 3417 Little Hunting Creek Drive, spoke in support of the application. He stated that he had only been with the program for four weeks.

However, he has been informed that the school came to use this church in an emergency. They have had to move twice in the past year. Some of these adults are severely handicapped and moving them again would be a hardship for all concerned with this program.

Mr. Robert Bruen, 1701 Falls Spring Parkway, president of the Northern Virginia Association for Retarded Citizens, spoke in support of the application.

Mr. Albert Chambers, 2716 School Street, nearby property owner, spoke in opposition to this use at this location because of the traffic problems that it is now creating and the parking that is being done in front of his house, two door removed from the Church. He stated that they perhaps are supposed to use the school property for parking, but they do not. He stated that this property in question is only 63' from his property line. He also read a letter of objection from another nearby property owner.

Mr. Dougherty spoke in rebuttal to the opposition. He stated that the teachers will be instructed to park on the school parking lot from now on, as will the drivers who deliver these handicapped adults to this facility

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R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application S-254-77 by EASTERN FAIRFAX ACTIVITY CENTER FOR RETARDED ADULTS, INC. under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit school of special education, 6120 North Kings Highway, 83-3((4))1, 2 & 3, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owners of the property are Trustees of Calvary Presbyterian Church. The applicant is the lessee.
2. That the present zoning is R-10.
3. That the area of the lot is 28,077 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.

EASTERN FAIRFAX ACTIVITIES CENTER FOR RETARDED ADULTS, INC. (continued)

7. The number of students shall be 30 and total of 9 employees.
8. The hours of operation shall be from 8:00 A.M. until 4:30 P.M., Monday through Friday.
9. The number of parking spaces shall be Eight (8) on the Mount Eagle School lot. Ingress and egress for students and staff is to be from the Mount Eagle School parking lot ONLY.
10. This permit is granted for a period of ONE (1) year.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

1:30 P.M. - DEFERRED CASE: CHARLES B. O'SHAUGHNESSY - CROSSROADS TRANSMISSIONS, INC. appl. under Sec. 30-6.6 of the Ord. to permit 8' fence to remain in front setback, 5701 Columbia Pike, 61-2((1))89-A, C-G, (55,214 sq. ft.), Mason District, V-209-77. (Deferred from 9-27-77 at the request of the applicant (full hearing)).

Mr. Brian Stern, attorney for the applicant with offices at 2425 Wilson Blvd. Suite 327, Arlington, Virginia, submitted the required proof of notice to property owners. The notices were in order.

Mr. Stern's main justification for the need for this variance for an 8' high fence in the front setback was the vandalism that is occurring on his client's property. He stated that this will benefit the surrounding residential property owners. If the applicant had to set back out of the front setback in order to construct the 8' fence, it would not allow him the reasonable use of his land. The fence was constructed last year.

Mr. Kane representing the contiguous property owner, Mrs. Weisz, spoke regarding the dumping of oil from the subject property onto Mrs. Weisz's property. He stated that they would object to the granting of this variance if it would interfere with any future wall that might have to be erected to solve the oil problem.

Mr. Donald Beaver, Zoning Inspector, who had issued the violation notice for this 8' fence in the front setback, stated that even though the oil problem was not within the jurisdiction of the Zoning Office, he had contacted the State Water Control Board and they have agreed to pursue the problem.

Mr. Stern in rebuttal stated that the granting of this variance to allow this fence to remain would not stand in the way of correcting any problem relating to this oil spill.

Mr. Smith told Mr. Kane that he had a committment from the applicant's attorney

Mr. Kane stated for the record that they would not then object to this fence as long as the fence does not prevent any wall from being erected between the two properties.

There was no one else to speak on this case.

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-209-77 by CHARLES B. O'SHAUGHNESSY - CROSSROADS TRANSMISSION, INC. under Section 30-6.6 of the Zoning Ordinance to permit an 8' fence to remain in front setback, 5701 Columbia Pike, 61-2((1))89-A, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 1, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the propety is the aqplicant.
2. That the present zoning is C-G.
3. That the area of the lot is 55,214 sq. ft.
4. That the applicant's property has an unusual condition in the need to maintain security of the property.

Page 487, November 1, 1977
O'SHAUGHNESSY (continued)

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Swetnam seconded the motion.

The motion passed 4 to 0. Mr. Smith abstained. He stated that he felt if this type fence is needed in industrial and commercial zones, then the Ordinance should be changed to permit it for all properties in those zones.

Page 487, November 1, 1977

DEFERRED CASE: EZRIEL M. & SUZANNE BROOK appl. under Sec. 30-6.6 of the Ord. to permit carport 6.6' from side property line (10' required), 4127 Watkins Trail, 61-3((15))38, Mason District, R-17, V-222-77 (Deferred from 10/12/77 for proper notices.)

Mr. Brook submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. DiGiulian stated that since his firm prepared the plats for this application, he would abstain from any discussion or from voting on the application. He stated that he would stay for the hearing in case there were any questions regarding the plat.

Mr. Brook stated that he has an exceptionally narrow lot and there is a storm sewer easement in the back of the property.

There was no one else in the room to speak in favor and no one to speak in opposition to the application.

Page 487, November 1, 1977 Bd. of Zoning Appeals

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-222-77 by EZRIEL & SUZANNE BROOK under Sec. 30-6.6 of the Zoning Ordinance to permit carport 6.6' from side property line, 4127 Watkins Trail, 61-3((15))38, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on October 12, 1977 and deferred to November 1, 1977 for notices; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 16,209 sq. ft.
4. That the applicant's property is narrow and has an unusual condition in the location of the existing building on the subject property; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and building involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Page 488, November 1, 1977, Deferred from 9/20/77 and 10/26/77.
SHERMAN, JACK & DEVOIRA and MT. VERNON REALTY EMPLOYEES PROFIT SHARING AND RETIREMENT TRUST application under Section 30-6.6 of the Ordinance to permit waiver of dustless surface requirement, 8139 and 8141 Richmond Highway, 101-2 ((1))part 27, County of Fairfax, Virginia, has been properly filed in accordance with all applicable Codes, Mt. Vernon District, C-G, V-144-77.

Mr. Michael D. Lubeley, attorney for the applicant, 14914 Jefferson Davis Highway, Woodbridge, Virginia, appeared before the Board.

The Board was in receipt of a copy of the Board of Supervisor's summary relating to this case which stated that:
"Nothing in the action of the Board of Supervisors on October 25 relative to SE165 should be interpreted as affecting the matter of the applicant's pending application for a variance from the Zoning Ordinance, in matter of concern and subject of decision by the Board of Zoning Appeals."

The staff comments from the office of Preliminary Engineering stated that
"It is suggested that the customer parking area and the access to the customer parking area be paved. This office would have no objection to the trailer display area being surfaced with gravel."

Mr. Lubeley stated that the Special Use Permit was only granted for a period of five years with numerous conditions. It would not be practical or reasonable for the applicant to pave the entire lot for such a short period of use. He stated that what they are requesting is compatible with the already existing uses along Route 1.

He came before the Board to show the Board members exactly what portions of the lot the applicant does propose to pave and stated that that plan is in accordance with the Staff comments.

There was no one else to speak in favor and no one to speak in opposition.

Page 488, November 1, 1977 Bd. of Zoning Appeals

R E S O L U T I O N

Mr. DiGiuilian made the following motion:

WHEREAS, Application V-144-77 by JACK & DEVOIRA SHERMAN under Section 30-6.6 of the Zoning Ordinance to permit waiver of dustless surface requirement for parking lot (for display of recreation vehicles), 8141 Richmond Highway, 101-2 ((1))part of 27, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on 9/20/77, 10/21/77 and 11/1/77; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is C-G and R-17.
3. That the area of the lot is 45,438 sq. ft.
4. That the applicant's property is under Special Use Permit for sales of recreational vehicles which was granted by the Board of Supervisors for a five year period.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in

practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Swetnam seconded the motion.

The motion passed unanimously.

Page 489, November 1, 1977
AFTER AGENDA ITEM:

JACKELINE MOCK T/A POTOMAC EQUITATION.

The Board was in receipt of a letter from George H. Balthrop, attorney acting on behalf of Mrs. Mock, requesting written verification of a telephone conversation he had had on October 26 with the Clerk to the Board relating to the operation of Mrs. Mock's riding stable and the condition of the Special Use Permit that she have a structure constructed by November 30, 1977. He stated that from that telephone conversation he understood that Mrs. Mock was to have a shelter-type structure to house the horses, which shelter is to be enclosed on three sides with the open side facing to the south.

Mr. Barnes stated that that statement was correct, but he did not want a small 9 by 12 structure. That would not be large enough. He stated that he had suggested through Mrs. Kelsey to Mr. Balthrop that he contact the Department of Agriculture to determine the amount of space needed for this shelter, based on the number of horses Mrs. Mock has.

The Board asked Mrs. Kelsey to contact Mr. Balthrop and advise him that this information would be necessary before the Board could make any determination as to the size of the structure that is to be required. The Board expressed concern that the deadline date is drawing near and Mrs. Mock is just now inquiring about this.

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The Board meeting adjourned at 3:45 P.M.

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Jane C. Kelsey
BY JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: November 29, 1977
date

Submitted to the BZA on Nov. 12, 1977

Submitted to other Depts. Nov. 14, 1977

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The Regular Meeting of the Board of Zoning Appeals Was Held On November 8, 1977, Tuesday, in the Board Room of the Massey Building. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam; John DiGiulian; and George Barnes.

The meeting began at 10:10 A.M. with a prayer by Mr. Barnes. The Board then took up the scheduled 10:00 A.M. item.

CHURCHMAN P. JOHNSON appl. under Sec. 30-6.6 of the Ord. to permit subdivision with one lot having less than required lot width, (50' 200' required); 8914 Old Dominion Drive, 13-4((1))34, (6.099 acres), Dranesville District, RE-2, V-255-77.

Ms. McQueen, realtor representing the applicant, submitted the required proof of notice to property owners of this hearing. The notices were ruled in order by the Board on motion of Mr. Swetnam, second by Mr. DiGiulian and a unanimous vote. The problem had been the wording of the letter notifying the property owners of the hearing. The applicant had sent a copy of a letter from the County notifying the applicant of the hearing and stating the caption of the case. However, when the applicant sent a covering letter, he had inadvertently called the case a rezoning. Mr. Smith explained to Ms. McQueen, representing the applicant, that this is not a rezoning, but a variance to the zoning ordinance.

The applicant's justification was the peculiar shape of the lot in that it is very narrow on the front, but becomes deeper and wider toward the back.

Ms. McQueen stated that Mr. Johnson plans to continue to live on this property on proposed lot B and sell the other two acre parcel. There is enough land area for two lots.

There was no one else to speak regarding this case who lived in the community surrounding this property. Another realtor wished to speak in favor, but the Chairman ruled her testimony out of order since her only interest was financial.

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

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-255-77 by CHURCHMAN P. JOHNSON under Sec. 30-6.6 of the Ordinance to permit subdivision of one lot into two lots, with one lot having less than required lot width, (50' requested, 200' required), 8914 Old Dominion Drive, 13-4((1))34, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 8, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is RE-2.
3. That the area of the lot is 6.242 acres (total).
4. That the applicant's property is exceptionally irregular in shape being narrow in the front and wide to the rear and this unusual shape prevents the use of this lot under the two acre zoning category.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land involved.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location indicated in the plats included with this application only, and is not transferable to other land.
2. This variance shall expire one year from this date unless this subdivision is recorded among the land records of Fairfax County or renewed by this Board.

The motion was seconded by Mr. DiGiulian and passed unanimously.

Page 492, November 8, 1977
10:20 A.M.
WILLIAM J. BREEDEN appl. under Sec. 30-7.2.6.1.3 of the Ord. to permit day care center, 8500 Telegraph Road, Raceway Farms Subd., 99-4((1))pt. of lot 25, (35,400 sq.ft.), Lee Dist., RE-1, S-256-77.

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Mr. Breeden submitted the required proof of notice to property owners. The notices were in order.

Mr. Breenden's application was for a child day care center with hours of operation from 6:30 P.M. thru 6:00 P.M. The maximum number of children will be 100 with eight teachers. The director of the center will be Mrs. Debra Haugh. The center will be in the center of the Raceway Farms subdivision.

Mr. Breeden stated that the driveway that is shown is a temporary driveway until such time as the permanent street is put in. He stated that a new subdivision is being developed around this lot by him. A permanent street is proposed to be in the general location of the existing driveway. Section one of that subdivision has been approved by the County. This lot is in section three, which has had preliminary approval, but will take another six to nine months probably. The lines drawn around this particular lot are special use permit lines for the purpose of this application and, of course, it will be a lot of record when approved by the County.

Mr. Covington stated that the proposed entrance to the lot for this use is now an entrance to a rear of a lot. However, at such time as the subdivision is approved with a public street where the existing driveway is now, that portion of the lot will be a front and will require a front setback.

It was the Board's decision that new plats would be necessary showing the location of nine temporary parking spaces to be used until such time as the public street is approved and the subdivision is recorded. These parking spaces must set back from all property lines twenty-five feet.

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Page 492, November 8, 1977
10:40 A.M. - GARY W. STUART appl. under Sec. 30-6.6 of the Ord. to permit enclosure of carport 10.3' from side property line (8' and total of 24' required), 2227 Abbotsford Drive, Tanglewood Subd., 38-1((22))96, (10,540 sq.ft.), Centreville Dist., R-17, V-258-77.
(At 11:00 A.M. the meeting began.)
Mr. Stuart submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Stuart stated that a variance is required to enclose the carport because of an irregular shaped lot with angular lot lines. The lot is also shallow in the rear and has a steep incline preventing construction in the rear.

Mr. Stuart stated that one of his neighbors was granted a variance in 1976 to enclose his carport.

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

Page 492 Bd. of Zoning Appeals
November 8, 1977 R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-258-77 by GARY W. STUART under Section 30-6.6 of the Zoning Ordinance to permit enclosure of carport 10.3' from side property line 2227 Abbotsford Drive, 38-1((22))96, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17 Cluster.
3. That the area of the lot is 10,540 sq. ft.
4. That the applicant's property is exceptionally irregular in shape, having converging lot lines and has exceptional topographic problems;

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

Page 493, November 8, 1977
STUART (continued)

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Swetnam seconded the motion.

The motion passed 4 to 1. Mr. Smith voted No.

Page 493, November 8, 1977

10:50 A.M. - FORDSON ROAD PRIVATE UNITS LIMITED PARTNERSHIP appl. under Sec. 30-2.2.2 Column 2, Special Use Permit Uses in C-G zones, to permit private storage lockers (previous SUP expired), 7511 Fordson Road, 92-4((1))64, Lee District, 2.0039 acres, S-259-77.

(The hearing began at 11:05 A.M.)

Mr. McMullin, 4040 Fairfax Drive, Arlington, submitted the required proof of notice to property owners.

Mr. McMullin requested that the Board grant the requested Special Use Permit reinstating all the conditions imposed on the previous permit. He stated that the site plan that was approved the last time is the same. There are no changes. The total units proposed are 375 storage lockers. There are five buildings proposed. The land area is the same, just over two acres. The site plan was approved by the Division of Design Review in February of this year.

The Board members reviewed the minutes from the previous meeting.

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

Mr. Ruddy Messerschmidt, president of the Hybla Valley Citizens Association, residing at 3301 Beechcraft Drive, the fifth house down from the subject property, spoke in opposition to the application. His reasons related to the already hazardous traffic condition on Fordson Road. The congestion of the area surrounding the subject property.

Mr. Messerschmidt did not have a petition or statement from the association on this application.

One of the suggestions that Mr. Messerschmidt made if the Board did grant this use was that there be a brick face all around the building. Mr. Swetnam stated that he did not feel the Board could require that. Mr. Swetnam also stated that the traffic generated by the residents in this subdivision along Fordson Road would be greater than the traffic generated by this use. He stated that the applicant would be improving the situation by putting in a sidewalk and by widening the road in front of his property.

In answer to Mr. Durrer's question, Mr. McMullin stated that he could not know what the percentage of use of these buildings would be for homeowners vs. commercial users. Mr. Durrer stated that he had assumed that these mini-warehouses would be used by homeowners only and, therefore, would not create a traffic problem, but if they are to be used by commercial users, there could be a lot of traffic generated. He stated that there is a similar mini-warehouse at the intersection of Draper Drive and Kingsbridge Drive near Fairfax City. He stated that he goes by there a couple of times a day and some of the units are being used by contractors to operate their businesses. Therefore, there are customers coming into the facility. This would create a traffic impact to the neighbors as it does at the other location.

Mr. McMullin stated that according to the statistical data that their company

has compiled indicated that the facility will be used ninety percent by homeowners, five to ten percent by professionals who might wish to keep their outdated files there, and by contractors such as plumbers or electricians who might pick up supplies in the morning and return in the afternoon. Retail sales from this facility would be prohibited.

There was no one else to speak regarding this application.

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R E S O L U T I O N

Mr. Swetnam made the following motion:
WHEREAS, Application S-259-77 by FORDSON ROAD PRIVATE UNITS LIMITED PARTNERSHIP under Section 30-2.2.2, Col. 2, SUP Uses in C-G zones of the Zoning Ordinance to permit private storage lockers (previous SUP expired, No. S-278-75) property located at 7511 Fordson Road, 92-4((1))64, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Allan E. Campbell. The applicant is the contract purchaser.
2. That the present zoning is C-G.
3. That the area of thelot is 2.0039 acres.
4. That complaince with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in C or I Districts as contained in Section 30-7.1.2 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, additional uses, changes in use, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of theCounty during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. All conditionsof the previously granted permit, S-278-75 shall remain in full force and effect.
   1.e. That no storage be permitted that could be viewed from the street. That the 4' section of fence across the front of the site indicated as "4' stockade fence" shall be constructed of brick to provide the architectural qualities.

Mr. DiGiulian seconded the motion. The motion passed 3 to 2. Messrs Smith and Durrer voted No.

Mr. Swetnam stated that he wanted put into the current file, the rendering of the proposed building.

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11:00 - FAIRFAX COUNTY SCHOOL BOARD, V-261-77.
A.M.
Mr. Mitchell from the Zoning staff informed the Board that by conversation with the applicant's agent, the staff was told that this case would be withdrawn. A letter was to be submitted to the Board with that request. However, the staff has not received that letter. The Board recessed the case until the last case on the agenda for the day. At that time, Mr. Mitchell stated that he had checked with the Zoning office and the letter had just arrived in that office. However, without delaying the meeting, that letter could not be produced since the zoning office is in another building.

Mr. Swetnam moved that the case be withdrawn without prejudice at the request of the applicant.

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

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11:20 - CENTRAL CHRISTIAN CHURCH appl. under Sec. 30-7.2.6.1.11 of the Ord.
A.M. to permit construction of church and related facilities, (previous SUP expired) 6427 Franconia Road, 81-3((1))19 and 20, 2.90 acres, Lee District, R-17 and RE-1, S-262-77.

(The hearing began at 11:35 A.M.)

The staff report indicated the changes proposed in this application include the addition of land area with an existing house on it, a different configuration and location of the proposed church building, and a reduction in the number of proposed parking spaces to 58, which is two spaces more than the minimum required on the basis of a seating capacity of 280.

The applicant's agent presented proof of notice to property owners of this hearing which were in order.

There was no one to speak in opposition to this application and no one else other than the applicant's agent, who asked that the application be approved.

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R E S O L U T I O N

Mr. Durrer made the following motion:
WHEREAS, Application S-262-77 by CENTRAL CHRISTIAN CHURCH under Sec.30-7.2.6.1.11 of the Zoning Ordinance to permit construction of church and related facilities, 6427 Franconia Road, 81-3((1))19 and 20, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17 and RE-1.
3. That the area of the lot is 2.90 acres.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board priro to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans approved by this Board. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

CENTRAL CHRISTIAN CHURCH (continued)

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County during the hours of operation.
6. All necessary landscaping and screening shall be provided to the satisfaction of the the Director of Environmental Management.
7. The seating capacity shall be 280.
8. The minimum number of parking spaces shall be 58.

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

Page 496, November 8, 1977-The scheduled 11:30 case began at 11:45 A.M.

11:30 A.M. - LINDA K. MYERS appl. under Sec. 30-7.2.6.1.5 of the Ord. to permit beauty shop as home occupation, 8106 Fort Hunt Road, Hollin Hall Subd. 102-2((3))11 and 12, Mt. Vernon District, (9,464 sq. ft.), R-12.5, S-263-77.

Mrs. Myers submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mrs. Myers stated that she wished to have a shop in her home in order to continue to do the hair of senior citizens. Her experience as a nurse in a nursing home will help in this regard, she stated. She stated that she would limit her business to the elderly and handicapped. She stated that there is a great need for this type use at a reasonable price that the senior citizens can afford.

Rosemarie Smith spoke in opposition to the subject request.

Another Mrs. Myers (no relation to the applicant she stated) spoke in opposition and submitted a letter from the Mount Vernon Counsel of Citizens Associations in opposition to this application.

Mrs. Hulda Russel, president of another of the area's citizens association, spoke in opposition to the proposed application.

Mrs. Linda Myers in rebuttal stated that in spite of the opposition, she feels that there is a great need for this type use. A lot of people do not like to go to a public shop if they have physical or medical problems. She stated that the usual price for a shampoo and set is about $8.00 and the cheapest permanent is around $40.00, and her prices are much lower than that. She did not give specific prices for her work.

R E S O L U T I O N

Mr. Swetnam made the following motion:
WHEREAS, Application S-263-77 by LINDA K. MYERS under Sec. 30-7.2.6.1.5 of the Zoning Ordinance to permit beauty shop as a home occupation, 8106 Fort Hunt Road, 102-2((3))11 and 12, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 9.464 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

AND, WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.

3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

7. The maximum number of customers at any one time shall be One (1).

8. The hours of operation shall be from 9:30 A.M. to 2:30 P.M.

9. This permit is for two years.

10. No sign is permitted.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

Page 497, November 8, 1977 (The scheduled 11:45 case began at 12:20 P.M.)

11:45 A.M. - EAKIN PROPERTIES, INC. appl. under Sec. 30-16.8.3 of the Ord. to permit sign area for restaurant not visible from street, 3013 Annandale Road, 50-4((1))11, 11A, 12B, (25,843 sq.ft.), Mason Dist., C-N,V-264-77.

Mr. Charles Shumate, attorney for the applicant with offices at 10523 Main Street, Fairfax, submitted the required proof of notice to property owners. The notices were in order.

Mr. Shumate stated that this sign is for the Long John Silver Restaurant that is owned by the Maverick Development Corporation, a Kansas Corporation.

Mr. Smith stated that that corporation should be a party to the application.

Mr. Shumate stated that this restaurant is wedged physically between the 7-11 and the car wash and even though the restaurant is visible from the street directly in front of it, it is not visible to the oncoming traffic. It is not safely observed from any place other than the front. This causes a traffic hazard in that people who are driving along the highway are looking for the restaurant, but cannot see it until they are directly in front of it. They then would make an abrupt stop to turn into the driveway. This could cause a traffic accident and probably will without the proper identification sign. He submitted photographs to justify his statements.

Mr. Smith stated that the Ordinance says that the Board may grant a variance where a business is located within a shopping center so as not to have frontage visible from a street. This restaurant can be seen from the street.

Mr. Durrer stated that another sign along this side of the road will not hurt anything.

Mr. Shumate stated that the square footage of the proposed sign is 80.

Mr. Barnes stated that the Red Barn's sign is larger than that.

Mr. Fred Webb, 6436 Sleepy Ridge Road, president of the Sleepy Hollow Citizens Association, spoke in opposition to the request. He stated that this restaurant was built recently and the owner was aware of the situation when he constructed it. This is one of the main entrances to their subdivision. There are already a proliferation of non-conforming signs and this one will certainly not add to the beauty of the area.

There was no one else to speak regarding this case.

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R E S O L U T I O N

Mr. DiGiulian made the following motion:
WHEREAS, Application V-264-77 by EAKIN PROPERTIES, INC. AND MAVERICK DEVELOPMENT CORPORATION, a Kansas Corporation, under Section 30-16.8.3 of the Ordinance to permit sign area for restaurant not visible from street, 3013 Annandale Road, 50-4((1))11,11A,12B, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 8, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is C-N.
3. That the area of thelot is 25,843 sq. ft.
4. That the applicant's property has an unusual condition in the location of the existing buildings on the subject property and the adjacent properties; and

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Swetnam seconded the motion. The motion passed 4 to 1.

Mr. Smith voted No.

Page 498, November 8, 1977
AFTER AGENDA ITEM - JACQUELINE MOCK & RANDY DeWITT T/A POTOMAC EQUITATION SPECIAL USE PERMIT FOR RIDING STABLE.

Mrs. Mock stated that she was appearing before the Board in answer to a letter that she had received from the Board requesting information regarding the size of the proposed shelter for her horses. She stated that she had planned to construct a shelter the size that she had indicated on the plats that had been approved by the Board. That shelter would be 50'x32'. It will house 50 horses. The County Ordinances require 32 square feet per horse. This is an Ordinance that was just recently passed. They presently only have 35 horses on the property and they have shelter for 25. The Special Use Permit is for 70 horses. The outside of the proposed shelter will be plywood and the inside random width planking. She submitted a sketch of the proposed shelter and stated that she planned to get the building permit for the shelter today.

Mr. Barnes stated that he felt the proposed shelter 50'x32' would be adequate.

The other Board members agreed.

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The meeting adjourned at 1:00 P.M.

Jane C. Kelsey
BY JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

Daniel Smith
DANIEL SMITH, CHAIRMAN

APPROVED: _____
DATE

Submitted to the BZA on _____

Submitted to other Depts. on _____.

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The Regular Meeting of the Board of Zoning Appeals Was Held on Tuesday, November 15, 1977 in the Board Room of the Massey Building. All members were present: Daniel Smith, Chairman; William Durrer, Vice-Chairman; Tyler Swetnam; George Barnes and John DiGiulian.

The meeting opened at 10:13 A.M. with a prayer by Mr. Barnes.

Scheduled case for
10:00 A.M. - VIRGINIA NATIONAL BANK appl. under Sec. 30-6.6 of the Ord. to permit construction of canopy for drive-up banking facilities 34.17' from property line, 6830 Old Dominion Drive, 30-2(10))(4)1, (43,212 sq. ft.), Dranesville District, C-D, V-238-77.

Mr. William Donnelly, attorney for the applicant, with the firm of McCandlish Church and Best, 4069 Chain Bridge Road, Fairfax, submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Donnelly stated that just last evening the applicant was before the Fairfax County Board of Supervisors with an application for Special Exception for these additions. That Special Exception was granted to construct a remote control drive-up window and a canopy over the existing drive-up ramp and the new lane that would be added. There were no additional conditions on that granting, with the exception of the standard conditions. The County has asked that the applicant dedicate to 30' along Poplar Street and Elm Street. They are willing to do so. In order to construct the proposed canopy, the applicant needs a variance to the front setback requirement. The McLean community supports this application. He submitted a letter to that effect for the record.

Mr. Donnelly called the Board's attention to the fact that with the proposed dedication, the front setback would be further reduced.

The Board felt that any variance that is granted would cover this also, since this is a request of the County that the applicant is agreeing to.

Mr. Fred Burrows, Senior Vice-President of the bank, stated that there are two basic reasons why this request should be granted: the potential traffic problem with having a single drive-in window where there is occasional back-up of traffic into the street and the fact that there is no place else on the property to place another drive-up window. They are trying to up grade the facility to better serve the citizens of Fairfax County. The architectural design will be in keeping with the existing building. They do propose to provide additional landscaping on the site.

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

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-238-77 by VIRGINIA NATIONAL BANK under Sec. 30-6.6 of the Zoning Ordinance to permit construction of canopy for drive-up banking facilities 34.17' from front property line, 6830 Old Dominion Drive, 30-2 ((10))(4)1, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 15, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is C-D.
3. That the area of the lot is 43,212 sq. ft.
4. That the applicant's property has an unusual condition in the location of the existing buildings on the subject property and the location of the streets surrounding three sides of the subject property; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Page 500, November 15, 1977

10:20 A.M. - GEORGE D. OVERBEY appl. under Sec. 30-6.6 of the Ord. to permit addition 10.2' from side property line (15' required), and 39.8' from front property line (45' required), 3810 Lakeview Terrace, Lake Barcroft Subd., 61-3((14))114, (10,700 sq.ft.), Mason District, R-17, V-265-77.

(The hearing began at 10:25 A.M.)

Mr. Overby submitted the required proof of notice to property owners. The notices were in order.

Mr. Overby's main justification for the need for this variance was the shape of the lot which is pie shaped, and the steep topography of the rear of the lot which orients down toward the lake. The addition will make the house more compatible with the existing neighborhood. He stated that he was not extending the addition beyond the existing porch structure. The house was constructed in 1952.

Mr. Mitchell explained that this is section 2 of the Lake Barcroft subdivision The zoning office was unable to locate the original building permit for the house. If they had been able to locate it, since the screened porch is on the second floor and the 1st floor is living space, this expansion could have been permitted administratively.

Mr. Smith stated that he would agreed that could have been done.

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

Page 500, November 15, 1977 Bd. of Zoning Appeals

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application V-265-77 by GEORGE D. OVERBEY under Section 30-6.6 of the Ordinance to permit addition 10.2' from side property line, 3810 Lakeview Terrace, 61-3((14))114, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 15, 1977; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 10,700 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and has topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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Page 501, November 15, 1977
OVERBEY (continued)

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

Mr. Barnes seconded the motion.

The motion passed unanimously.

Page 501, November 15, 1977
10:30 A.M. - WILLIAM A. & CHERYL G. SMOTHERS appl. under Sec. 30-6.6 of the Ord. to permit construction of two car garage 16.2' from rear property line, 25' required; 2800 Albany Court, Hideaway Park Subd., 48-2 ((17))5, (15,095 sq.ft.), Providence Dist., R-17, V-266-77.

(The hearing began at 10:40 A.M.)

Mr. Smothers submitted the required proof of notice to property owners of this hearing. The notices were in order.

Mr. Smother's main justification was the irregular shape of the lot. He requested a 24' garage. The chimney protruded 3' into this garage, thereby lessening the clearance for the cars to 21'. The materials to be used for the garage is to be brick veneer to match the present home, he stated. The roof shingles will also match as close as possible the existing roof. He stated that he had owned the property for four years. The house was constructed in 1970.

There was no one else to speak in favor and no one to speak in opposition.

Page 501, November 15, 1977 Bd. of Zoning Appeals

R E S O L U T I O N

Mr. DiGiulian made the following motion:

WHEREAS, Application V-266-77 by WILLIAM & CHERYL SMOTHERS under Sec.30-6.6 of the Ordinance to permit construction of a two car garage 16.2' from rear property line, 2800 Albany Court, 48-2((17))5, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-17.
3. That the area of the lot is 15,095 sq. ft.
4. That the applicant' property is exceptionally irregular in shape; and

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.

Mr. Swetnam seconded the motion. The motion passed 4 to 0. Mr. Smith abstained.

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10:40 A.M. - ERNEST A. CARROLL appl. under Sec. 30-6.6 of the Ord. to permit construction of swimming pool 12' from Navarre Avenue (40' required) 2203 Pennsylvania Blvd., 102-3((3))(35)1-5, (10,000 sq.ft.), Mt. Vernon Dist., R-12.5, V-267-77.

Mr. Carroll submitted the required proof of notice to property owners. The notices were in order.

Mr. Carroll's justification for the need for this variance was the fact that he is on a corner lot which means that he has two front setbacks to comply with. There is no room in the two side yards to place an additional structure, particularly a pool. He stated that Navarre Avenue is an unimproved street and it is very unlikely that it will ever be built.

Mr. Swetnam stated that this is a substandard subdivision of 25' lots. This particular lot consists of five of those 25' lots.

Mr. Carroll stated that the majority of the lots along Navarre Avenue pipestem through another lot for access on Riverside Road. The homeowners hope to get Navarre Avenue vacated at some time in the future.

The Board recessed the meeting to get some information from the Office of Preliminary Engineering regarding these lots and the future plans for Navarre Avenue.

The Office of Preliminary Engineering indicated to the Board that Navarre Avenue is a legal right-of-way and serves as legal access for 42 recorded subdivision lots. That office was reluctant to assume that the street would not, at some time, be a public street.

The Board aftersome discussion closed the public hearing and the following motion was made.

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

Page 502, November 15, 1977 Bd. of Zoning Appeals

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-267-77 by ERNEST A. CARROLL under Sec. 30-6.6 of the Ordinance to permit construction of a swimming pool 12' from Navarre Avenue, 2203 Pennsylvania Blvd., 102-3((3))(35)1-5, (10,000 sq.ft.), Mt. Vernon Dist., R-12.5, V-267-77, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5.
3. That the area of the lot is 10,000 sq. ft.
4. That the applicant's property is exceptionally narrow and this is in a substandard subdivision; and

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

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to expiration.
Mr. DiGiulian seconded the motion. The motion passed 4 to 0. Mr. Smith abstained.

Page 503, November 15, 1977

11:00 A.M. - EDWARD T. FORTUNATO appl. under Sec. 30-6.6 of the Ord. to permit enclosure of existing carport with 6' minimum side setback & 10.1' total side yard setbacks, 7931 St. Dennis Drive, Saratoga Subd., 98-2((6)) 176, (8,670 sq.ft.), Springfield Dist., R-12.5 Cluster, V-268-77.

(The hearing began at 11:12 A.M.)

Mrs. Fortunato submitted the required proof of notice to property owners. The notices were in order.

The applicant's main justification for the need for this variance was the steeply sloped and irregular shaped lot that precluded construction of a garage any place else on the property.

Mr. Mitchell explained to the Board that only a small portion of the proposed garage would need a variance.

The applicant submitted a letter from the neighbor that would be most affected by this construction in support of the request.

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

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R E S O L U T I O N

Mr. Durrer made the following motion:
WHEREAS, Application V-268-77 by EDWARD T. FORTUNATO under Sec. 30-6.6 of the Ordinance to permit enclosure of existing carport with 6' minimum side and 10.1' total side setbacks, 7931 St. Dennis Drive, 98-2((6))176, County of Fairfax, Virginia, has been properly filed in accordance with all requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is R-12.5 Cluster.
3. That the area of the lot is 8,670 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and has topographic problems; and

WHEREAS, the Board has reached the following conclusions of law:
THAT the applicant has satisfied the Board that physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Barnes seconded the motion.

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

Page 503, November 15, 1977
11:00 A.M. - BURKE LAKE ASSEMBLY OF GOD appl. under Sec. 30-7.6.2.6.1.11 of the Ord. to permit construction of church and related facilities, 10,000 Pohick Road, 88-1((1))6 & 7 (3.0 ac.), Springfield Dist., RE-1, S-269-77.

Mr. Terry A. Pearson with the engineering firm of Baldwin & Gregg with offices on Arlington Blvd. in Fairfax, submitted the required proof of notice to property owners. The notices were in order.

Mr. Pearson stated that the subject property has been owned by the church since January, 1976. They wish to construct a brick masonry block structure for the first phase of their building plan. The entire fifteen acres is planned to be for church purposes, but at this point they are only requesting

this building on 3.0 acres of land.

Mr. Durrer stated that on November 9 the Planning Commission made certain recommendations to this Board. He asked if the applicant was prepared to speak to those conditions.

Mr. Pearson stated that he had no problems with most of the items recommended. He pointed out that the Park Authority does own a sliver of land on the corner of Pohick Road and Old Keene Mill Road. They will dedicate 60' along their property line along Pohick Road, but the balance will have to be done by the owner of that sliver of land. He stated that even though they are willing to design their major access toward Old Keene Road, they do not wish to be tied to the recommended location of that access, which is 1,000 feet from the Old Keene Mill Road/Pohick Road intersection. The permanent sanctuary will be facing Old Keene Mill Road. The exterior of the proposed structure is planned to be transtone masonry block, similar to the bricks that are in the Board room. This will be the inside wall and the outside wall. It is concrete blocks that look like brick. It is not prefab.

Mr. Swetnam inquired of Mr. Mitchell what the schedule is for the construction of a four lane road at this location.

Mr. Mitchell stated that he could not give the Board that information. This portion of the report was prepared by the Office of Transportation.

Mr. Swetnam stated that he would be hesitant to require giving a right-of-way for a planned street which might never be constructed. He stated that he recalled the Monticello Freeway that was never constructed, even though a lot of land was given for it.

Mr. DiGiulian stated that the Potomac Freeway was another example of that.

There was no one else to speak in favor and no one to speak in opposition.

Page 504
November 15, 1977 R E S O L U T I O N Bd. of Zoning Appeals

Mr. DiGiulian made the following motion:

WHEREAS, Application No. S-269-77 by TRUSTEES, BURKE LAKE ASSEMBLY OF GOD under Section 30-7.6.2.6.1.11 of the Zoning Ordinance to permit church and related facilities, 10,000 Pohick Road, 88-1((1))6 & 7, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is three (3) acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board

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for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. A copy of this Special Use Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.

7. The number of seats shall be 500.

8. The hours of operation shall be the hours for normal church services.

9. The minimum number of parking spaces shall be 102.

10. The applicant will dedicate to 60' from the existing center line of Pohick Road across the frontage of the Use Permit site.

11. The ultimate major access to the site will be from Old Keene Mill Road and the sccess to Pohick Road will be secondary in nature.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

Page 505, November 15, 1977 -- Scheduled case for
11:20 A.M. - NORTHERN VIRGINIA BUILDERS, INC. appl. under Sec. 30-6.6 of the Ord. to permit subd. of land with proposed Lot 7 having 12' lot width (150' required), 9944 Lawyers Road, 38-1((1))5B & 5C, (41,200 sq.ft.) proposed Lot 7), Centreville Dist., RE-1, V-270-77.

(The hearing began at 11:40 A.M.)

Mr. Ronald Conklin, 374 Maple Avenue, Vienna, Virginia, submitted ~~the~~ required proof of notice to property owners to the Board. The notices were ~~in~~ not order because the applicant's letters of notification called this case a rezoning.

Mr. Swetnam moved that the case be deferred until December 6, 1977, at 2:10 P.M. for a full hearing.

Mr. DiGiulian seconded the motion.

The motion passed unanimously.

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Page 505, November 15, 1977 -- Scheduled case for
11:30 A.M. - VINAY C. SHROFF appl. under Sec. 30-6.6.5.4 of the Ord. to allow existing porch to remain, open or enclosed, closer to rear property line than allowed by the Ordinance (17.9' requested, 25' required), 4107 Mesa Way, Parklawn Subd., 61-3((16))(B)22, (10,500 sq. ft.), Mason District, R-12.5, V-271-77.

Mr. Shroff submitted the required proof of notice to property owners. The notices were in order.

Mr. Shroff stated that he purchased the subject property on October 21, 1976. He stated that he was given clear title to the property. A few months ago, he decided to make some interior changes and went to get a building permit. It was then found that the existing structure was in violation and that the addition that had been placed on the house by the previous owner did not have a building permit. The porch is screened and has a roof and a 2' wall. The other frame addition that is on the house has wood siding and neither does that addition have a building permit that can be found in the County offices.

Mr. Mitchell stated that this is a mistake that was no fault of this applicant.

The Board members expressed concern about whether or not the addition would meet the building code. However, it was felt that when the applicant makes an application to enclose the screened porch, the building inspections people will check out the addition to make sure that it is in compliance with the codes.

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

RESOLUTION

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Mr. Durrer made the following motion:

WHEREAS, Application V-271-77 by VINAY C. SHROFF under Sec. 30-6.6.5.4 of the Zoning Ordinance to permit existing porch to remain, enclosed, closer to rear property line than allowed (17.9'), 4107 Mesa Way, 61-3((16))(B)22, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 15, 1977; and

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

THAT the Board has found that non compliance was no fault of the applicant.

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

THAT the granting of this variance will not impair the intent and purpose of the Zoning Ordinance and will not be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

Mr. Swetnam seconded the motion.

The motion passed unanimously.

The Board recessed for lunch at 12:25 and returned at 1:40 P.M.
Page 506, November 15, 1977 -- Scheduled case for

11:45 A.M. - STEPHEN M. GUEST appl. under Sec. 30-7.2.6.1.14 of the Ord. to permit Home Professional Office for tax consultant located 4021 Gallows Road, 60-3((1))19, (15,038 sq. ft.), Mason District, R-12.5, S-272-77.

(The hearing began at 1:40 P.M.)

Mr. Guest submitted the required proof of notice to property owners. The notices were in order.

Mr. Guest stated that he is currently working full-time for a commercial firm in Rockville, Maryland where he has worked for the past twelve years. He stated that he has never been in private practice before at any location. He has lived all his life on the subject property. He plans to keep his full-time job. This will be a part-time job after work.

Mr. Durrer inquired what the Comprehensive Plans call for in this area.

Mr. Covington stated that he was not familiar with the Comprehensive Plan for this area.

Mr. Durrer stated that he was wondering if this is a transitional area or if it is a stable residential neighborhood.

Mr. Swetnam stated that he felt it is certainly on the edge of a transitional area.

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

507

RESOLUTION

Mr. Swetnam made the following motion:

WHEREAS, Application S-272-77 by STEPHEN M. GUEST under Sec. 30-7.2.6.1.14 of the Zoning Ordinance to permit Home Professional Office for tax consultant on property located at 4021 Gallows Road, 60-3((1))19, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is Eva S. Guest. The applicant is the lessee.
2. That the present zoning is R-12.5.
3. That the area of the lot is 15,038 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started, or operation has started, or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operations of the permitted use.
6. Landscaping and screening shall be required to the satisfaction of the Director of Environmental Management.
7. The number of clients shall be one at a time only.
8. The hours of operation shall be by appointment only.
9. The number of parking spaces shall be Two (2).
10. There shall be no exterior alterations.
11. This permit is granted for a period of three (3) years.
12. There shall be no sign.

Mr. DiGiulian seconded the motion.

Mr. Durrer stated that he was going to vote for the motion because he considered this to be a highly transitional area and he did not feel this particular use would have any impact on the neighborhood. This applicant has been a life-long resident at this property.

Mr. Barnes stated that he agreed with Mr. Durrer's statements.

The motion passed 3 to 0. Mr. Smith abstained. Mr. DiGiulian left the meeting earlier.

Page 508, November 15, 1977 -- Scheduled case for
1:00 - COLONEL & MRS. FRANK R. GREEN appl. under Sec. 30-6.6 of the Ord. to
P.M. permit construction of a two car garage to existing house, 9'6" from side property line, 20' required, 6441 Walters Wood Drive, Walters Wood Subd., 61-1((9))29, (21,796 sq.ft.), Mason District, RE-0.5, V-273-77.

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(The meeting began at 1:53 P.M.)

Mrs. Green submitted the required proof of notice to property owners. The notices were in order.

The applicants' justification for the need for the variance was the unusual topographic problems with the land. Mrs. Green stated that this addition will enhance the neighborhood. In answer to Mr. Smith's question, she stated that they could not cut the size of the proposed garage down any and still get the reasonable use of the land. She stated that a 22' double car garage was the size that was suggested by the builder for the mininum size garage. Mr. Smith disagreed.

There was no one else to speak in favor and no one to speak in opposition.

Page 508, November 15, 1977 Bd. of Zoning Appeals

R E S O L U T I O N

Mr. Swetnam made the following motion:

WHEREAS, Application V-273-77 by COL. & MRS. FRANK R. GREEN under Sec. 30-6.6 of the Zoning Ordinance to permit construction of a two car garage to existing house, 6441 Walters Wood Drive, 61-1((9))29, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 15, 1977; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-0.5.
3. That the area of the lot is 21,796 sq.ft.
4. That the applicant's property has exceptional topographic problems; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:

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

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

Mr. Barnes seconded the motion.

The motion passed 3 to 1. Mr. Smith voted No. He stated that he felt the garage could have been cut down at least one foot, if not two. Mr. DiGiulian left the meeting earlier.

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DEFERRED CASE: WILLIAM J. BREEDEN, S-256-77. (Deferred from November 8, 1977 for new plats.)

The plats had been received, reviewed and accepted by Mr. Covington, Assistant Zoning Administrator. These plats were also reviewed by the Board.

Mr. Swetnam stated that the plats seem to comply with the deferral request showing parking and the proper setbacks for the parking and the proper entrance for it also.

R E S O L U T I O N

Mr. Durrer made the following motion:

WHEREAS, Application S-256-77 by WILLIAM J. BREEDEN under Section 30-7.2.6.1.3 of the Zoning Ordinance to permit a day care center, 8500 Telegraph Road, 99-4((1))part of lot 25, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on November 8, 1977 and deferred to November 15, 1977 for decision; and

WHEREAS, the Board has made the following findings of fact:
1. That the owner of the property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 25,400 sq. ft.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the subject application is GRANTED with the following limitations:
1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction or operation has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.
4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.
5. A copy of this Special Permit and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.
7. The maximum number of students shall be 75.
8. The hours of operation shall be from 6:30 A.M. to 6:00 P.M.
9. The minimum number of parking spaces shall be 5.
10. The driveway is temporary until the street is cut through.

11. This Special Permit is for Two (2) years.

Mr. Swetnam seconded the motion. The motion passed 4 to 0. Mr. DiGiulian left the meeting earlier.

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The meeting adjourned at 2:10 P.M.

BY Jane C. Kelsey
JANE C. KELSEY, CLERK TO THE
BOARD OF ZONING APPEALS

Daniel Smith
DANIEL SMITH, CHAIRMAN

Submitted to the BZA on
December 6, 1977

APPROVED: January 31, 1978
DATE

Submitted to Bd. of Supervisors,
Planning Commission and other Depts.
on December 13, 1977.