April 17, 1952

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, April 15, 1952 in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, Verlin Smith, J.B.Smith, Harr, Judge Hamel. Mr. Mooreland, Assistand Zoning Administrator.

1 - Vienna Woods Corporation, to allow dwelling to remain with less than required front setback, Lot 1A, Block I, Vienna Woods, Providence District.

2 - Vienna Woods Corporation, to allow dwelling to remain less than required distance from front line, Lot 2A, Block I, Vienna Woods, Providence District.

3 - Vienna Woods Corporation, to allow dwelling to remain with less than required front setback, Lot 3A, Block I, Vienna Woods, Providence District.

4 - Vienna Woods Corporation, to allow dwelling to remain less than required distance from front line, Lot 4A, Block I, Vienna Woods, Providence District.

5 - Vienna Woods Corporation, to allow dwelling to remain 34.55 feet from Park Street, Lot 5A, Block I, Vienna Woods, Providence District.

7 - Vienna Woods Corporation to allow dwelling to remain less than required distance from front line, Lot 1A, Block 2, Vienna Woods, Providence District.

8 - Vienna Woods, Corporation, to allow dwelling to remain 38.99 feet from Park Street, Lot 2A, Block 2, Vienna Woods, Providence District These cases were handled together as practically the same conditions previaled on all lots.

Mr. McGinnis, attorney and Mr. Yeonas, President of the Corporation appeared before the Board. Mr. McGinnis stated that this was a mistake which they could not justify. The survey was made using the old property line established before an extra 5 foot street dedication was made, instead of using the present subdivision line. This threw the setback off approximately 5 feet. The setback is correct from the old property line, as was shown on the plat presented with the case. Mr. Yeonas said they did not discover the error until called by the Zoning office. The houses are completed, sold and occupied. They have FHA loans but these errors were not discovered by FHA in their location survey.

Park street, on which these houses face, is a 60 foot road.

The Board discussed the seriousness of violations of this kind and a possible remedy. Judge Hamel thought this was certainly an honest mistake but that policing these setbacks had become very necessary from the numbers of mistakes brought to the Board. The

Board agreed.

Mr. Mooreland thought the Board of Appeals and Planning Commission should get together and formulate a policy on this - not allowing the builder to go above the first floor joists until a certified check had been made, since the Zoning Inspector cannot possibly check these mass production houses, and by time the Zoning Office gets the certified plats the houses could easily be built.

Judge Hamel moved that in view of the circumstances presented these cases be granted - Block I, Lots 1 to 5 inclusive and Block 2 Lots 1 and 2, Vienna Woods. Seconded, JB Smith Carried.

6 - Vienna Woods Corporation, to allow dwelling to remain less than required distance from side line, Lot 9A, Block I, Vienna Woods.

Judge Hamel moved to grant this since it was only a 4 inch variance. Seconded, Mr. Haar. Carried.

9 - Vienna Woods Corporation, to allow dwelling to remain with less than required setback from side line, Lot 3A, Block 2, Vienna Woods.

The applicant asks 14.45 foot setback from the side line, about a 5 inch variance. Judge Hamel moved to grant this, Mr. Haar seconded. Carried.

10 - Vienna Woods Corporation, to allow dwelling to remain less than required distance from side line, Lot 5A, Block 2, Vienna Woods.

J.B.Smith noted that with the present location of the house it was not possible to get it on the property without a variance. Mr. McGinnis said the house should have been located back farther, which could have met the setbacks. This dwelling is also sold and occupied. The variance on this is 2.39 feet.

Judge Hamel moved to approve this variance. V. Smith seconded. Carried.

The Board agreed that this was very careless checking and must stop.

11 - Vienna Woods Corporation, to allow dwelling to remain 39.82 feet from Harmony Drive, Lot 9A, Block 2, Vienna Woods.

Judge Hamel moved to grant this since it is a small variance. Seconded, JB.Smith, carried.

12 - Vienna Woods Corporation, to allow dwelling to remain less than required distance from front line, Lot 3A, Block 3, Vienna Woods.

This would be a 5 foot variance, apparently but the plat as presented did not scale properly and the actual variance could not be determined. This house is sold and occupied. Mr. V. Smith moved to defer the case until the next regular meeting for revised plat and further discussion by the Board. Seconded, JB Smith. Carried.

13 - Jonathan Woodner Company, to allow construction shacks to remain as located, for one year, shacks to house materials which would be damaged by weather, Lot 260, Section 4, Woodley South, Falls Church

District.

Mr. Keys appeared for the company. This was granted a year ago. Construction of the subdivision is not yet completed, Mr. Keys said and will probably go on for another year. The shacks are temporary and will be removed as soon as the dwellings are completed. V.Smith moved to extend the permit for one year. JB Smith seconded.Carried

14 - Vernon Lynch, to construct and operate filling station and to allow pump islands to be closer to right of way line than allowed by Ordinance, property located on the corner of Augusta Drive and Adams Avenue, at Springfield, Shirley Highway cloverleaf at Franconia,Mt. Vernon District.

Mr. Lynch stated that his pumps would be well back from the Shirley Highway and the building to be constructed would be 60, 66, and 50 feet from the bordering streets. The pump island would be 26 ft from the right of way. Sufficient parking space is provided, as Mr Lynch said he owns the ground surrounding this proposed use and can take all the parking space he needs.

Mr.Brookfield recalled that the Board had not considered pump islands to be structures when they did not interfere with visibility.

Mr.V. Smith moved to grant the application, the pump islands to be 26 feet from the right of way from the bordering streets, subject to the approval of theState Highway Department. Seconded, JBSmith. Carried.

15 - B. N.Gibson, Jr., to locate dwelling 34 feet from right of way line of Lee Boulevard, Lot 42, Birch Subdivision, Falls Church District.

Mr. Gibson said this is a small non-conforming lot, the last of seven lots in this subdivision. This would be a 6 foot variance. This is an odd shaped lot making it impossible to meet both front and rear setbacks. Mr. Brookfield said he would far rather see a variance on the rear of the lot than on the front, as it is always possible more right of way will be required. The Board agreed. There were no objections.

Mr.Gibson recalled that the highway had a 200 foot right of way now. V. Smith said a little farther out on Lee Boulevard there was a service drive and all houses had set back much farther. He suggested that Mr. Gibson work over his plans and come back to the Board and possibly get a rear yard variance. This was agreeable to Mr. Gibson.

Mr. Haar moved to defer the case until May 20th. Seconded, V.Smith Carried.

16 - O & F Development Corporation, to allow dwelling to remain 37.5 feet from 33rd Street, Lot 5, Section 2, Westmore Gardens, Providence District.

There were no objections. The house is built and sold. The

location stakes were torn out during grading and put back wrong. When the house was staked out these incorrectly located stakes were used. This threw the setback off.

Mr. V. Smith moved to grant the application as this appeared to be an honest mistake. Seconded, JB Smith. Carried.

17 - George J. Kurfehs, to construct dwelling to be located 29.05 feet from Spruce Street, Lot 63, Block 4, Fairfax Acres, Chain Bridge Road and Spruce Street, Providence District.

There was no opposition.

Mr. Kurfehs said he wished to face Chain Bridge Road, the narrow side of the lot as it would look better - but the lot did not have sufficient width to get the proposed house in and meet the setbacks.

Mr. V. Smith thought this was too much of a variance and it would establish a setback for Spruce Street which runs all the way through to Jermantown Road. He moved to deny the application because it does not conform to the minimum requirements of the Zoning Ordinance. JB Smith seconded. Carried.

18 - Henry J. Rolfs, to complete construction on dwelling which is located 35 feet from front property line, Lot 7, Chatelain, Falls Church District.

Mr. Rolfs said he was building five houses. In reversing the plans this house was located improperly - causing this infringement.

Mr.Brookfield said he would like to see the property. Mr. JBSmith moved to defer the application until May 20. Seconded, Judge Hamel. Carried.

19 - Wm.C. Frogale, to construct and operate filling station and to locate pumps 15 feet from right of way line of Rt. 236, Lots 27, 28, 29, Dunn Subdivision, FallsChurch District.

Mr.Frogale said he had contacted Mr. Ross of the Highway Department who told him the State would not use more right of way here. The building line, he said, is already established and he will set back farther than that line- 37 feet from the right of way- for his building.

Mr.Brookfield suggested that this be deferred until April 21 for the report from the State regarding Mr. Wills' application.
JB Smith moved to defer the case until April 21, for this report. Seconded, V. Smith. Carried.

20 - Samuel R.Bauer, to divide Lots 10, 11, 12, 13, Beulah Heights to have 96 feet frontage on each lot and each lot exceeding 1 acre in area, NW side of Rt. 724, joining corporate line of Town of Vienna, Providence District.

Mr.Bauer,said if he divided his lots into 100 foot frontage it would leave him with one lot too small to use. Most of his ground is within the Town of Vienna, which does not require such large lots.

April 15, 1952

Mr. Carroll Towns appeared opposing this application, also Mr. Stewart. Mr.Towns said a 25 foot dedication had been given at the rear of Mr.Bauer's property, expecting that another 25 feet would be dedicated- which would lead into Beulah Road. Mr.Town's property joins the applicant. He thought reducing the requirements was a mistake, and he thought it would affect his property adversely. He felt that the lots in Mr.Bauer's property which were in the county should be left with 100 foot frontage and the reduction in frontage should be distributed among the lots in the Town of Vienna. Mr.Town said the adverse affect on him was not substantial but he thought it was not necessary and the reduction of frontage in the Town would be very small and would not hurt the applicant.

Judge Hamel thought Mr. Bauer was making an unnecessary request from the Board. He saw no reason to reduce the requirements of the Ordinance.

Mr.V.Smith said theBoard was already having trouble with setbacks on 100 foot lots. He agreed that the county frontage should be met. He moved to deny the application because the Ordinance states we cannot amend the Zoning Ordinance and by granting this application the Board would be amending the ordinance. Judge Hamel seconded.Carried.

21 - H. M. Campbell, to construct addition to dwelling, part of which will come 35 feet from front line, Lot 28, W. R.Gray subdivision, Providence District.

The Board discussed relocating the proposed addition to conform to the Ordinance. Mr.Campbell presented a petition from the people on Pine Street, near him, favoring this application. His septic field is in the back. The setbacks on Pine Street are irregular.

Mr. V. Smith moved to grant the application because of the location of the septic field and the setbacks on Pine Street are less than required by the Ordinance. Seconded, Judge Hamel. Carried.

22 - Martin W. Wood, to locate dwelling 31 feet from Rt. 677, ground located at the SW corner of Routes 677 and 650, Providence District.

Mr.Wood wants to relocate an old nonconforming dwelling which has been partly destroyed. His new structure will improve conditions considerably, he said. The garage is already in, which makes it impossible to move the house farther from the road. The septic field is to the rear. His building will be as close to the garage as practical to allow a turn around. The old part of the house, now existing, will be torn down.

Mr. Haar moved to grant the applicant a setback of 36 feet from Old Leesburg Road. Mr. JB Smith seconded. Carried.

23 - Mt. Vernon Volunteer Fire Department, to have trailer on the premises to be lived in by paid employee of theFire Department, on 1 acre on the east side of Ft. Hunt Road, at Plymouth Haven,Mt.Vernon District.

Future plans are to have housing for the paid employees but at present the Department has bought new equipment and the budget is too low to spend money for this. This employee is on duty 24 hours a day, which is very important to the area. The trailer is entirely hidden to traffic, by the Fire House.

V. Smith moved to grant the application for two years. Mr. Haar seconded. Carried.

24 - John F. Havener, to construct addition to present dwelling to come 23 feet from Franklin Park Road, Franklin Park Road and Old Dominion Drive, Providence District.

The ground slopes in the back and is filled on the other side. There is no other place for the addition, the applicant said. The septic field would have to be relocated. There are no houses on the same street.

Judge Hamel moved to grant the application since the addition is on a line with the present dwelling and does not affect adversely any neighboring property. Seconded, Mr. Haar. Carried.

25 - Wesley S. Cole, to construct attached carport to come 1 foot from property line, Lot 108, Section 5, Poplar Heights, Providence Dist.

Mr. Cole did not wish to put the garage in the rear as it would block the view of his neighbor. The neighbor is satisfied to have the addition on the side nearest him.

Judge Hamel moved to grant the application. JB Smith seconded. Carried.

26 - Major R. L. Ferguson, to construct attached carport to come 4 feet from side line, Lot 46, Poplar Heights, Providence District.

There were no objections. This is the only available space for a carport. It will be brick. Judge Hamel moved to grant the application. JB Smith seconded. Carried. Verlin Smith voted No.

27 - Carlyle E. Thompson, to construct and operate motel, approximately 2 acres on the north side of Rt. 50, approximately 850 feet east of the NE corner of Rt. 657 and 50, DranesvilleDistrict.

Mr. Thompson showed his plans, indicating the entrance and exit and the parking area. There was no opposition. He will construct seven units at present and his own living quarters. He expects to add to this in the future.

Mr. V.Smith asked About the widening of Rt. 50 at this point. Mr. JB Smith thought the Highway Department had not taken their entire right of way for this area and probably will widen the highway at some future time.

V. Smith suggested to Mr. Thompson that a deep front setback would be very beneficial to him both for parking and for the future right of way. He moved to grant the application as per plats submitted. Seconded, Judge Hamel. Carried.

28 - J. L. Sparks, to allow dwelling to remain 40 feet 9 inches from front property line, Lot 55, Section 4, Fairfax Acres, Providence District

Since there are no other houses on this street, Mr. V.Smith did not like establishing a precedent with this setback. The building is nearing completion.

Mr. V. Smith moved to defer the application to May 20to view the property. Seconded, JB Smith. Carried.

29 - Walter B. Stults, to locate tool shed 5 feet from side property line Lot 12, Section I, Hollin Hills, Mt. Vernon District.

This is a steep lot and is the only place the shed can be located. Mr. V.Smith thought it less objectionable than a garage. There were no objections. Mr. V.Smith moved to grant the application because it does not affect adversely adjoining property. JB Smith seconded. Carried.

30 - Martin Ayers, Jr., to divide approximately 22,050 square feet into two lots, both of which will have the required frontage but not the required area, on the east side of U.S.#1, about 150 feet south of Rt. 628, Mt. Vernon District.

Mr. Ayers said he wanted to put a small house on this to rent. The Health Department have seen the property but have not yet reported to Mr.Ayres. Sewer will be available at some time in the future.

Mr. Haar moved to grant the application subject to the approval of the Health Department.

Mr. V. Smith questioned the authority of the Board to grant this since it would be amending the Ordinance. Judge Hamel agreed. Mr. Haar withdrew his motion and moved to defer the application until May 20th, for investigation. Judge Hamel seconded. Carried.

The Three Wills cases were deferred until April 22 for report from the PlanningCommission, motion Mr. V.Smith, seconded, JB Smith. Carried.

31 - Milton L. Pettit, to permit the raising of chinchillas on commercial scale in building located less than 100 feet from property line,1/2 acre on the east side of Rt. 123, about 1000 feet north of Tyson's corner, ProvidenceDistrict.

Mr. John Webb appeared with Mr. Pettit as attorney.

Mr. Webb said Mr. Pettit had constracted to buy this land with the provision that he could locate his animals less than 100 feet from property lines. He had contacted all his prospective neighbors and they do not object. Mr. Webb went into considerable detail regarding chinchillas, the manner of taking care of them- they are small 8 or 9 ounces, clean, quiet animals, living in air conditioned cages expensive ($1500 a pair), and never run out. Mr. Pettit would live in the dwelling and build his animal house between the house and garage. They will be raised for breeding purposes until a stock is

built up. They breed slowly and it would be several years before any size herd was acquired. They are handled like pedigreed stock. The animal building will be 20 x 30 feet.

Mr. Brookfield suggested a recommendation from the Planning Commission. Mr. Mooreland recalled that a year ago the Planning Commission and Board of Appeals had ruled that chinchillas, raised for commercial purposes, would be kept 100 feet from all property lines.

V. Smith said that this was a new industry and he thought a precedent should not be established by breaking down the requirements, that it was not in the interests of the county to permit a reduction of setbacks. It could, in time, cause a traffic hazard or other bad conditions.

Mr. Mooreland said this had at one time been considered a hobby-but the industry had gotten out of hand and become commercial on a large scale, therefore, he had asked that a ruling be given him particularly on chinchillas.

V. Smith moved to deny the application because the PlanningCommission and Board of Appeals had previously ruled that to grant setbacks on chinchilla farms, on a commercial scale, less than 100 feet would not be to the best interests of the county. Mr. Haar seconded. Carried, unanimously.

32 - Gordon C. McFarland, to operate nursing home in building located on 14 acres on the north side of Rt. 50, approximately 300 feet east of Jermantown Road, Providence District.

Mr. McFarland said he had talked with the state authorities, all of whom were in accord with this use, but he had not yet ironed out difficulties with the state Fire Marshall. He has 12 rooms, all large. The building is of brick construction. He will conform to all the fire regulations without question but has questioned the efficiency and need for installing a sprinkling system. This he will also install if necessary but wished to discuss this further with the Fire Marshall.

Mr. V. Smith thought this would help meet a great need in this part of the state, that the building is admirably suited to such a home, and the location excellent but he was greatly concerned over the possibility of fire hazard, this being especially important in a home for old people.

Mr. McFarland said he could not get a state license unless the building was shown to be perfectly safe, that restrictions were very rigid and if he had anything unsafe in his building it would quickly be picked up by the state. He said fire regulations were not apt to be reduced - quite the contrary.

A five year period was suggested. Mr. McFarland said the expense involved would hardly be worth such a short period. Also since the

state must grant a license each year he would be well policed.

V.Smith moved to grant the application subject to the approval of the necessary state and county authorities. Seconded, Judge Hamel. Carried.

33 - D. S. Boger, to install and conduct addition to present trailer park, on 17-1/2 acres on the south side of Lee Highway, adjoining Fenwick Park on the west, Tyler Park on the south, Falls Church District.

Mr.Stickley represented Mr. Boger. He said the property is zoned RuralBusiness. Mr. Boger plans 109 new units. They will conform to all requirements of the county.

The opposition was headed by Mr. Richardson, President of the Fenwick Park Citizen's Association, representing over 200 homes. The following people in the neighborhood appeared, opposing: H.E.Zierdt, Mr. Ward, L. B. Hudson, Carl Nelson, Mr. Marlons, C. F. Myers, F. C. Brockman, E. B. Callahan, Mrs. Hamlin, Mr. Miles, Louise Curtis, Mary Lavore, Wm. Brown, Thomas Powell, Mrs. Grimfel, Mrs. Fromme, Mr Evenson.

The reasons for opposing were: Such an increase in units would devaluate property, the sanitary conditions are very bad, it appears that raw sewage is running out on the ground, this sewage is running toward the well which furnishes many houses in the neighborhood, garbage and trash from the trailer park are unsightly and unhealthful, overtaxing the county facilities because of the additional services required, trailers are used as dwellings, many are mounted on blocks, some trailers have a room added, the only sanitary facilities installed have been forced upon the applicant, the opposition does not believe in his integrity to try to keep his place clean, it would be a very imappropriate installation directly across from the National Memorial Cemetery, facilities are now inadequate, menace to health, traffic hazard. About 50 people stood - opposing.

Mr. Ward stated that the property in question had been zoned to rural business provided Mr. Boger would get rid of the trailer park and install an open air theatre. Mr.Stickley said no rezoning could be made with a condition attached. When property is rezoned it is open to that classification without strings.

Petitions were presented opposing showing over 37 names. Also pictures of the present trailer park were shown which confirmed the garbage and trash and bad sewage conditions.

Mr. Stickley had no further comment, saying his client wished to comply with the law in every respect if the application is granted.

V.Smith moved to deny the application as provided in Section 16, Section D - par. 2. Mr. Haar seconded. Carried.

Mr.Stickley noted for the records that the case would be appealed.

 Board of County Supervisors, to locate, construct, and operate sewage pumping station, Lots 7 through 12 and part of Lot 6, Block 30, New Alexandria, NE corner of F Street and 13th Street, Mt.Vernon District.

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Since there was no report from the Planning Commission, this case was deferred to April 22nd. Motion JB Smith, seconded, Verlin Smith.

DEFERRED CASES:

Mary W. Wrenn, to conduct nursery school, parts of Lots 13 and 14, Mari-Dale Subdivision, Falls Church District.

Mrs. Wrenn said the Welfare Department had said she was not under their jurisdiction because this is a half day school and the Health Department has no jurisdiction because the school is not under the Welfare. She has not been able to get an answer from the Fire Marshall. The building will be brick construction. She will have 30 or 40 children, eventually.

Judge Hamel moved to grant the application subject to meeting the fire regulations and the Health Department. V. Smith seconded. Carried.

Huntington Development Corporation was deferred for report from the Health Department and the Sanitary Engineer.

Mr. Mooreland presented his report which the Board had requested:

To the Honorable Board of Zoning Appeals

Gentlemen:

In compliance with your resolution of March 18,1952, requesting a report on the Weaver and Merril cases, it is with regrets that I have to write this report.

As you will remember on October 16, 1951, you denied the application of S. T. Weaver for a multiple family dwelling at 515 West Oak Street, Groveton and on August 21, 1951 you allowed Eugene H. Merrill of 615 Juniper Lane, Ravenwood until October 15, 1951 to abandon the use of their dwelling as a two family dwelling.

After the above decisions, I made numerous telephone and personal calls on Mr. Marsh to have these cases prosecuted and on January 7, 1952 I had a conference with Mr. Marsh and Mr. Liddell. At this conference it was decided to file a petition in Circuit Court for an injunction against Weaver as we were not having much luck by filing warrants in Trial Justice Court. If successful we would proceed in same manner in other cases.

On January 9, 1952, I made two trips to 515 West Oak Street, one at 10:30 a.m. and the other at 7:15 p.m. and found four families occupying the premises and since then I have made numerous personal and telephone calls to Mr. Marsh and Mr.

Liddell. They say they will file the papers when they can get to them as they are short of help. I checked with Mr. Liddell yesterday morning and he states that he has the petition in rough draft on his desk for filing as soon as they get some help.

Respectfully,

W. T. Mooreland,
Asst. Zoning Administrator.

Mr. Mooreland asked interpretation from the Board on requiring a veterinary hospital to set back 100 feet from all property lines in a rural business district.

Mr. Brookfield thought that would practically make a veterinary hospital prohibitive. The Board took no action. Mr. Mooreland left the two questions with the Board: Is it necessary to have a use permit for veterinary hospital in a business district and how about setbacks, is it necessary to have 100 foot setback for such hospital.

John W. Brookfield.

J. W. Brookfield,
Chairman.

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April 22, 1952

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, April 22, 1952, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, V.Smith, J.B. Smith, Haar, Judge Hamel. Mr. Schumann, Zoning Administrator, also present.

1 - Crestwood Construction Corporation, for permission to complete dwellings with less than the required setbacks, as per plat submitted with the application, on the following lots in Springfield Subdivision, Section I, Mt. Vernon District.

Block 5: Lots 23,24,25,26,27,30,31,32,33,19,21,22 and

Block 10: Lots 1,2,4,5,6,7,8,9,11,12,15,28, 29,30,14.

Mr. Mooreland introduced Carl Helwig who represented the company. Mr. Mooreland asked to make a statement to the Board. He said the company had sent in plats for house locations, they were checked and ok'd. When the final check was made it was found there was a 35 ft. setback restriction from 50 foot streets, which he had not seen. Consequently, the houses were approved wrong.

Mr. Helwig said the blame was also his - that the houses were built in good faith, thinking the 30 foot setback was all that was required. They had purposly put the houses back beyond the 30 foot line to be sure they would not infringe.

Mr.Brookfield, and the Board agreed, that wholesale variances of this kind are entirely out of reason and that it is the responsibility of the developer and his engineers to be right.

V. Smith spoke of the precedent this would establish - others asking the same thing. He asked Mr. Mooreland if there were many other subdivisions under construction where such variances might be asked. Mr. Mooreland said he thought the others were in very good shape. He did not have the plats on all of them but he thought the developers were realizing the seriousness of not having correct locations.

Mr. V. Smith said he would not vote for any more such variances.

Mr. Helwig stated that construction was stopped when they found these errors.

The Board discussed the location of the sidewalks. Mr. V. Smith thought by putting them too close to the curb it would be dangerous for children.

Mr. V.Smith moved to grant the application as provided in Section 12-G, referring to "by reason of other extraordinary and exceptional situations." Seconded, JB Smith. Carried.

2 - Board of County Supervisors, to locate, construct, and operate sewage pumping station on Lots 7 through 12 and part of Lot 6, New Alexandria, Mt. Vernon District.

Mr.Robert McCandlish appeared with Mr. Corbalis. Mr. Corbalis located the property with relation to Belle Haven Country Club,which property this station would join - the golf course bordering this property. Sewage would be collected in this pumping station, pumped on to the sewage disposal plant and from there it would go by gravity on to the Potomac for final disposal. The plans were made known when the sewage treatment plant was up for approval but the county had not yet purchased the ground and could not ask for this permit at that time. It will be permanent construction, brick and concrete. It will be attractive, cost approximately $100,000.

Mr. V.Smith asked about odors. Mr. Corbalis said the sewage would come through a heavily screened channel. They anticipate no odors but if there should be chlorination would be applied. There would be no storage of sewage.

Mr.Brookfield questioned if the people in the neighborhood had been notified, since there was no opposition. The case was properly advertised.

Mr. McCandlish suggested that if the case were granted the motion to grant should be tied to the amendment to the Ordinance of May 15, Section 12-F subsection 2.

The channel which will be screened will be about 30 feet deep and 12 feet wide. The debris from the disposal plant will be carried away in covered garbage carriers. The entire plant will be under

constant operation attention.

Mr.Schumann indicated on the map the type of development surrounding the station.

Mr. Haar said these stations were limited in their location - it depended greatly upon topography, where they could be placed.

The recommendation of the Planning Commission approving this application was read.

Mr. V. Smith moved to grant the application because it conforms to Section 12, Par. F, subsection 2 , a and b of the Zoning Ordinance, provided that excessive offensive odors be controlled. Mr. Haar seconded. Carried, unanimously.

3 - W. C. Wills, for permission to locate building 10 feet from right of way line of Columbia Pike and 20 feet from Springfield Road and 15 feet from Route 236, Anna L. Bates property, Falls Church District, SW corner of Columbia Pike and Springfield Road.

Mr. Low appeared with Mr.Wills as attorney.

Mr. Schumann suggested that since Mr. Wills case had been fully presented before the Board at an earlier meeting and was deferred for the Planning Commission recommendation - he read the recommendation from the Commission. The Board agreed.

First Mr. Schumann said he had made a trip to Richmond to talk with Mr. Marye and Mr. McWane for advice on their plans for widening of Rts. 244 (Columbia Pike) and 236. He read the letter from Mr. Mc Wane after his visit, which letter stated that 110 foot right of way for Rt. 244 and 160 foot right of way for Rt. 236 are desired widths and should be purchased when funds are available. He read the recommendation of the Planning Commission to deny this application, because of future widening, site distance not conforming to requirements of the Ordinance, and off street parking.

Mr. Low felt that the recommendation of the Planning Commission was refuted by the evidence presented. Mr. Wills, he stated, is offering increased parking facilities. If widening of the right of way is carried to the extent indicated it would amount to confiscation of the property along the highway.

Mr. V.Smith asked how Mr. Low figured that - confiscation of property by requiring a setback conforming to the Ordinance.

Mr. Lowe went into the number of cars parked under Mr. Wills plan and stated that if the road is widened it would eliminate all front parking. He said there are no immediate plans to widen the right of way and the plan presented would allow more parking and more building space. He thought the site distance Mr. Schumann had mentioned was no hazard because Annandale would have traffic control. He mentioned the 10 foot setback as having been already set up and agreed upon by Mr. Marsh. The right of way for future widening he said

would have to be taken on the opposite side of the road where there was ample room. Mr. Low stated that he believed this was a reasonable request and if denied would cause economical hardship and granting this would not interfere with the public good.

Mr. V.Smith asked again how Mr. Lowe thought meeting required setbacks would confiscate property.

Mr. Lowe said on a large tract with plenty of frontage - to require this setback was not confiscation but this is a small piece of ground which would be greatly cramped by giving up so much valuable ground in the setback.

Mr.Smith said these three roads were very important and a certain degree of confiscation was necessary.

Mr. Wills said a 110 foot street in a commercial area was entirely out of line and not practical.

Mr. Schumann said these widths had not been acquired by the State because of lack of funds and the County should not put a stumbling block in the way of acquiring these rights of way. Mr. Lowe said, in other words, the State was asking Mr. Wills to pay taxes on property which he could not use - waiting for the state to find the money to buy it.

Mr. Schumann said Mr. Wills could use the property - for parking purposes. The Ordinance simply says he cannot build upon it.

Parking ratios were discussed, 3 to 1 being the desired space. This application allows slightly more than 1 to 1. Mr. Low said the 3 to 1 ratio was for shopping centers which did not concern this application and there should be no comparison.

Mr.Schumann said if the Highway took all of the 35 feet setback space in right of way the rear parking space could still be enlarged and no prohibitions were being put upon Mr. Wills. He was simply asked to conform to the Ordinance.

Mr. Low suggested that no one knew what conditions would be in 20 years, the Highway Department's long range plan, that property may be too valuable at that time, the whole character of this location might be changed - as for instance a by-pass road for Annandale. We could deal only with present conditions.

Mr. Schumann said if the Board of Appeals allowed the requested setback from Rt. 244, how could they deny someonelse asking the same thing.

Mr. V.Smith said a purchaser bought ground for the use he could put it to - he didn't see the reason for a variance, that Mr. Wills is not deprived of the use of the property as long as he stays within the requirements of the Ordinance.

Mr. Haar said he could not see Rt. 236 as anything but an important artery to Washington and it should be so planned. Mr. Wills and Mr. Lowe did not agree.

Mr. V. Smith moved that inview of the recommendation of the Planning Commission, the application be denied because it does not conform to the minimum requirements of the Zoning Ordinance, which the Board believes reasonable on the tract of land involved. JB Smith seconded. Carried, unanimously.

Mr. Low said the case would be appealed and w ished that to show in the records.

4 - W. C.Wills, to locate service station 10 feet from right of way line of Columbia Pike, maintaining same setback on all of frontage on Columbia Pike, and a 10 foot setback on both sides of two proposed streets running from Columbia Pike, south side of Rt. 244, approximately 1000 feet SW of intersection of Gallows Road and Rt. 244. Falls ChurchDistrict.

Mr. Lowe said they would like to withdraw all of this application except a request for locating the pump islands 20 feet from Columbia Pike, and the use permit for a filling station.

Mr. Schumann read the recommendation of the Planning Commission, opposing this entire application. The required setback on Rt. 244 is 35 feet. If the state took a greater right of way and if the Board allows a variance here, the only place the pump islands could be located would be at the side of the building.

Mr. V. Smith moved that because of the request of Mr. Wills that all of this application (566a) be withdrawn except that part of the application for a use permit for the service station, as per plat submitted. Mr. Haar seconded. Carried.

Mr. Low said they were asking for the pump islands to be located 20 feet from the right of way and the building would be set back about 45 feet.

V.Smith moved that the application be granted with the pump island 20 feet from the new right of way of Columbia Pike and it is understood that Mr. Wills will put the service station building not less than 40 feet from Rt. 244. Mr. Haar seconded. Carried, unanimously.

5 - W. C. Wills, to construct and operate repair garage with 10 foot setback from right of way line of Rt. 236 and a 15 foot setback from Springfield Road, north side of Rt. 236 at intersection (NW) with Springfield Road, Falls Church District, Lots 128 through 134, and part of 127A, Dunn Subdivision,

Mr.Schumann read the Planning Commission report, recommending denial of this application, referring to the letter from the Highway Department future rights of way.

Mr.Wills recalled that the Commission had previously said that the 10 foot setback on 236 was established and there was no question of that. He thought the application involved only the special use permit and reduced setback on Springfield Road.

Mr. Low said since there had been no determination for the width of Rt. 236 and no criteria had been established for necessary amount of parking, and he felt that adequate parking facilities had been allowed for this type of business, therefore he saw no reason to deny this application.

Mr. Schumann said the Commission had discussed at length whether under theZoning Ordinance it was bound to follow the 10 foot setback line as recorded.

Mr. Mooreland asked what plat showed this 10 foot setback and how the building now located with a 10 foot setback got the permit. Mr. Wills said this was granted before the Ordinance.

Mr. Schumann recalled that the Ordinance says the Zoning Administrator may grant the established setback but it was not an obligation to grant that setback. He also said that in conversation with Mr. Marsh, Mr. Marsh was not sure if this recorded setback would have to be honored.

Mr. Low said Judge Alexander in Loudoun County had rendered a decision a short time ago that the old recorded setback held.

It was suggested to get Mr. Marsh's opinion.

The Board adjourned for lunch.

Upon reconvening Mr. Marsh was present and went over the conditions of the case. He said it had previously been his ruling that an established setback before the Ordinance, which was less than that required by the Ordinance, should be maintained and that the Zoning Administrator could not require further setbacks but that now he was uncertain and would like to make a further study of this case before giving an opinion. The question to be decided: Does the Board have the right to require a 35 foot setback or will the 10 foot line hold because of the deed restriction.

Mr. V. Smith thought the Board had the right to require a 35 foot front setback under Use Permits, par. c and d -"That the Board shall designate whether or not granting an application would be detrimental to the public welfare or injurious to the neighborhood etc...." Mr. Smith thought in this case we have a bottleneck and a condition which would not be in the interests of public welfare if the setback were narrowed down to 10 feet. He did not think this out of keeping with requirements in other jurisdictions. He expressed the opinion that in view of the Planning Commission's recommendation and the Highway Department's right of way it is reasonable to maintain proper setbacks on this property. Granting this could easily create a dangerous hazard.

Mr. V. Smith stated that the Board's Decision would not necessarily be bound by Mr. Marsh's decision - that under the Ordinance they had the authority to make necessary stipulations for what they be-

lieved to be for the public welfare. He moved to defer the application pending Mr. Marsh's study of setbacks on Rt. 236. Mr. V.Smith changed his motion to defer this case to a day soon after Mr. Marsh's decision when the Board would meet and make their decision. Seconded, Mr. JB Smith. Carried.

6 - Wm. C. Frogale, to construct and operate filling station and to locate pumps 15 feet from right of way line of Rt. 236, Lots 27, 28, 29 Dunn Subdivision, Falls Church District.

Mr. Frogale said the highway at his property was 110 feet wide. If more right of way is required it will be taken from the other side of the road. The buildings across are well set back and could more easily give right of way. He will be back 106 feet from the present centerline of the road.

Mr. Schumann suggested a 20 foot setback for the pumps. Mr. Frogale said the Company who will build his station are reluctant to go back even the 15 feet, that he would now be back of the established setback line, that 5 feet more might mean the difference between a good or bad station financially.

Mr.Brookfield thought that since pumps were not a permanent structure and could be moved it was not too serious to grant a variance on that.

Mr. V. Smith thought this was coming too close - he suggested at least 26 feet.

Mr. Frogale said he had offered the Highway more right of way which they would not take, because of lack of money.

Mr. Haar moved to grant the application. JB Smith seconded. Carried. Verlin Smith voted No, in consideration of the location of the existing buildings.

Mr. Mooreland asked to speak to the Board on some matters he needed to clear up. The Ordinance states a requirement of 100 foot setback, Mr. Mooreland said, for hospitals in a residential district and the Board had determined to require a 100 foot setback in residential districts for raising of chinchillas. An application is on file for an animal hospital and also chinchilla raising in business districts. Will the Board require the 100 foot setback in business zoning on these. Mr. Mooreland thought it was unreasonable to make that requirement as it would be almost prohibitive in a business area.

The Board discussed both of these questions. They felt that there were many other more objectionable businesses allowed in a business district without having to come before the Board and perhaps both of these businesses were less objectionable than some of the allowed type. It seemed a rigid requirement.

The Board agreed to maintain the 100 foot setback in residential districts but not to require more than business setbacks in a business

area, in the case of chinchillas.

Mr. Mooreland asked if they were giving the same decision on an animal hospital. Mr. V.Smith said that would be permitted in Arlington - the same as any like industry.

It was agreed that animal hospitals in a business district did not have to meet the 100 foot setback.

Mr. Mooreland brought up the relieving of side setbacks in subdivisions of record before the Ordinance on fire resistent buildings. He asked if a frame building with asbestos shingle met fire resistent qualifications. The Board agreed that this structure could be considered fire resistent.

The matter of fences was discussed and postponed for study.

The meeting was adjourned.

John W. Brookfield,

John W. Brookfield,
Chairman

* * *

May 20, 1952

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, May 20, 1952, in theBoard Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs J.W. Brookfield, V. Smith, JB Smith, Herbert Haar, and Judge Hamel. Mr. Mooreland was present for the Zoning Administrator.

1 - John Hardbower, to erect and operate motel to provide 48 or more units and management offices on the east side of U. S. #1, 750 feet south of Belifield Road, Mt. Vernon District.

Mr. Ed. Holland represented the applicant. He stated that this land was zoned General Business by the Board of Supervisors at which time the proposed use was known to be a tourist court. There are tourist courts in the vicinity and permits have recently been issued for additional courts in this area. The land is well adapted to this purpose. Since this is a heavily traveled area, Mr. Holland suggested that this use was preferable to a noise shopping center and certainly not a good location for homes. This is the best possible use of the land, especially as it would not bring a great deal of added traffic. The buildings will be 1 and 2 story, attractively structured from both front and rear. A wide parkway and the stream will serve as a buffer between the Court and Belle Haven.

There were no objections.

Mr. Smith, the architect, was present. He said this court would be in keeping with the best tourist courts from Maine to Florida.

Mr. Holland said the residents in Belle Haven preferred this use to stores or other commercial development.

Mr. Mooreland thought this was the best use of the land.

Water and sewer are available.

Mr. Haar moved to grant the application because he believed a tourist court, as planned, would enhance the valud of property in the vicinity and would not be a detriment to the residential area near. Seconded, Judge Hamel. Carried.

2 - Nick Basiliko, to erect and operate restaurant and approximately 262 units of Tourist cabins on the east side of Shirley Highway at Edsall Road, Falls Church District.

This case was withdrawn at the request of the applicant.

3 - R. W. Barkley, to construct addition to present dwelling to come 12 feet 6 inches from side line, approximately 1/4 acre on the west side of West Great Falls Street, approximately 500 feet north of Falls Church Corporate line, Providence District.

This house was built before the ordinance and was not placed on the property so an addition could be put on and meet required setbacks. One side of the addition will come 12-1/2 feet from the line. The house has about 100 foot setback from the road. There were no objections. This addition will be in line with the old structure. It is the only place an addition can be located.

Mr. Haar moved to grant the application because it is an old building, built before the ordinance, and it is the only way an addition can be placed. Seconded, Judge Hamel. Carried.

4 - Hugh R. Seeley, to permit dwelling to remain closer to front line than required by the ordinance, Lot 57, Section 4, Pine Ridge, Falls Church District.

Mr. Seeley said one of the surveyor's pegs had been dislodged during construction and was put back wrong. The house location was sighted from this wrong location. There is a 20 foot bank on this same side. The people on the joining property do not object, he presented a signed statement from them stating this. The footings are in. The house is located 35 feet from the street right of way.

Mr.Brookfield thought the Board should see the property. Since the plot plan presented with the application did not show the 35 foot setback Judge Hamel thought proper plats should be furnished. Mr. Seeley said he would do so when he knew what the Board would grant.

In view of the fact that the Chairman wished to view the property, Judge Hamel moved to defer the case until June 17th. Seconded, Mr. Harr. Carried.

5 - Elizabeth R. Meinert, to extend existing tourist court on approximately 2 acres on the east side of U. S. #1, approximately 1000 feet

north of Mt. Vernon High School, Mt. Vernon District.

The Board discussed connecting the buildings with an archway or awning. Mrs. Meinert thought this could be done. There were no objections. Judge Hamel moved to grant the application. Seconded, Mr. Haar. Carried.

Mr. Mullady asked that the Wills-Burch sewage disposal case be deferred. The Chairman said Mr. Burch had already asked for a deferrment until June 17th and if Mr. Mullady wished to request a further deferrment to contact the Planning Commission.

6 - Board of County Supervisors, to locate, construct, and operage sewage pumping station, ground approximately 80 x 40 feet, on the north side of Old U.S.#1, at Hunting Creek, Mt.Vernon District.

Mr. J. Corbalis appeared for the Board of Supervisors. This pumping station, Mr. Corbalis said, will serve the immediate commercial area. It will be a temporary type, to be abandoned within about 5 years, when it will be permanently located some other place. It will be mostly below ground - the motor controls enclosed in a small shed. It will be a 2 pump unit. There were no objections. Judge Hamel moved to grant the application because it is a necessary installation and is not a detriment to the neighborhood. Seconded, Mr.Harr. Carried.

7 - Clarence Leo Bahr, to take care of children by the day on Lot 15, Fairlee, Providence District.

Since Mr. Bahr was not present the Board agreed to put this case at the bottom of the list. However, there was a large delegation of opposers present who wished to be heard. The Chairman said no decision would be made this day.

Mr. Sargent presented a petition with 31 names, opposing. He said the neighbors were agreed that they did not want anything of a commercial nature in the neighborhood. Increased traffic would be undesirable and this might establish a precedent for future commercial enterprises.

Mr. Brookfield said they had never considered nursery schools to be commercial and they often were a great asset in a residential area, especially for working mothers.

Mrs. Brooks and Mrs. McWhorter objected - also saying the rooms in this house were too small.

Mr. Sargent said he worked nights and had to sleep in the day - he did not think this would work out.

Judge Hamel said he was sympathetic to the opposition and did not think there was an actual need in the neighborhood, when 90% of the residents were objecting. It was agreed to defer this until June 17th.

8 - Circle Center, Inc., to allow sales office building to remain 15 ft

from right of way of Roanoke Street, Lots 2, 3, 4, East Fairfax Park, Providence District.

Mr. Jack Wood appeared as attorney for Mr. Warrenton, the owner. This was granted two years ago and has been extended. There are no changes in circumstances which would warrant the building being removed, Mr. Wood said. The street (Roanoke) has never been taken into the system and the only upkeep has been that which Mr. Warrenton has done. The building is neat and attractive.

Mr. Haar moved to grant the application for one year. Judge Hamel seconded. Carried.

9 - Dr. Angel Salazar, to construct and operate a clinic-hospital, on approximately 4 acres on the east side of Rt. 657, approximately 3/8 mile south of intersection with Rt. 50, Centerville District.

Dr. Salazar said he was unable to use the ground on which this clinic-hospital was granted two months ago by the Board. He had found a more suitable location and wished to abandon the use on the other ground. There were no objections. He said the Health Department would approve the septic field.

Judge Hamel moved to grant this application with the understanding that the application previously granted would be abandoned and this application would be granted subject to the approval of the Health Department and other county agencies interested. Mr. Haar seconded. Carried.

10 - Donald B. Talmadge, to erect attached carport and workshop nearer to rear line than required by Ordinance, Lot 10, Block 8, Section 4, Hollin Hall Village, Mt. Vernon District.

This is a pecularly shaped lot on a cul-de-sac street. The yard living area is in the rear-side-yard, away from the proposed addition. Mr.Talmadge presented a statement from all his neighbors showing they do not object to this addition.

Judge Hamel saw no objections to the addition. There would be plenty of space between houses. He moved to grant the application. Seconded, Mr. JB Smith. Carried.

11 - William O. Ohler, to use present building as second dwelling, said building so situated that property could not be divided to meet setback requirements, property located on the west side of Rt. 676, approximately 1/2 mile north of Beulah Road, Providence District.

Mr. Ohler said there would be 35 feet between the house and kennel. The kennel would be converted into a rambler. The kennel will be too close to the side line. Since there are only 35 feet between the houses, the property could never be divided. The houses should be 50 feet apart. There were no objections.

Mr. Haar moved to grant the application since he could see no harm to neighborhing property. Seconded, Judge Hamel. Carried.

12 - James R. Fisher, to extend dwelling to come closer to side line than allowed by Ordinance and to allow garage closer to side line and rear line than required, Lots 101 and part of 100, Section 2, Greenway Downs, 230 Monroe Street, Falls Church District.

Mr.Fisher said he wished to extend his kitchen 6 feet. His neighbor is 25 feet from the line. There were no objections. He has a concrete base in the rear for his garage which will be masonry.

Judge Hamel moved to grant this application since there was no objection. Mr. Haar seconded. Carried.

The Wills-Burch, Inc., case to construct and operate sewage disposal plant, on 75.24 acres on the west side of Springfield Road, Falls Church District, was deferred to June 17th at the request of the applicant.

14 - Leo A. Campisi, to construct storage addition to present dwelling to come 5 feet from side property line, Lot 15, Block A, Fairdale, Sipes Lane and Pine Drive, FallsChurch District.

The septic field, oil storage tank and water mains make it impractical to locate this addition any other place. There is no storage space in the house, Mrs. Campisi said. There is a hill in the rear and woods. This will be a fireproof, aluminum siding, concrete floor building. The neighbors do not object.

Mr. Haar thought this would be coming too close to the line. There is about 25 feet between houses. Mr. Haar suggested cutting the storage space to the same distance as the garage from the sideline. This was satisfactory to the applicant.

Mr. Haar moved to grant the application provided the setback of any new construction be not closer than 8 feet 2 inches from the lot line, due to topography. Seconded, Judge Hamel. Carried.

15 - Harry K. Smith, to construct and operate tourist court and to locate buildings 30 feet from Fair Haven Avenue, approximately 1/2 acre on the north side of U.S.#1, approximately 1 mile south of Alexandria, Mt. Vernon District.

Mr. Harry Carrico appeared as attorney with Mr. Smith. About 64,000 square feet of ground was originally set aside in this subdivision for commercial purposes. It is well adapted to a tourist court as there are others in the area and more new ones going in. This project will have 37 units including Mr. Smith's own apartment Mr. Smith has had experience in running good motor courts and will make this one attractive. It will cost about $150,000, brick and frame construction. Mr. Carrico showed the blueprints of the plans Parking space is allowed for 41 cars.

Mr. Smith withdrew the part of the application requesting a 30 ft setback from Fair Haven Avenue since he has found he can meet the required setback. He has sewer and water, and he can comply with all fire regulations. There were no objections.

Judge Hamel moved to grant the application in view of the fact that, in his opinion, this is the best use that this land could be put to. Seconded, JB Smith. Carried.

16 - Ralph W. Hart, to allow carport and storage room to come within 33.6 feet of Slade Run Drive, Lot 67, Broyhill Park, 1601 Hickory Hill Rd., Falls Church District.

Mr. Hart said that since there was almost no storage space in his house and no basement he was badly in need of extra space. The land in the rear is undeveloped. The road presently stops with his property.

Mr. Mooreland told the Board that carports had been allowed under the part of the ordinance relating to open porches since there was nothing in the Ordinance specifically about carports. The recent amendment now mentions carports in the side yard only. Mr. Mooreland said he and Mr. Schumann had not entirely agreed on carport setbacks. From now on there will be no more carports extending forward from the house - the developers had agreed upon that. He wished the Board to say what they would do about a carport.

Mr. Hart said this would be no traffic hazard O it practically could not be seen from the road.

Judge Hamel said he saw no difference between an open porch and a carport - he thought the interpretation should be reasonable while holding to the intent of the Ordinance.

Mr. Hart said even if the land in the rear were developed he could screen the road with shrubbery. It would not be objectionable.

Judge Hamel thought this was something of a hardship case - he moved to grant the application because it was reasonable and to follow the letter of the Ordinance would be a bad decision. Seconded, JB Smith. Carried.

17 - Benjamin DeRosa, to locate dwelling 34.5 feet from street right of way, Lot 47, Section I, Lake Barcroft Estates, Falls ChurchDistrict.

Mr. Parli, the architect, appeared with Mr. De Rosa. The sanitary sewer easement cuts throgh this property and since that right of way cannot be built upon it throws the building too close to the street right of way line. The street curves and makes this almost a corner lot, Mr. Parli said.

Mr.Brookfield thought this was a topographic condition and wished to see the property. Mr. Parli said it really was not a matter of topography since the ground was relatively level.

Mr. Haar asked about the width and depth of the sewer line. Mr. Parli thought 12 feet deep. Mr. Haar thought it dangerous to build too close to this in case of having to excavate.

Judge Hamel moved to grant the application in view of the circumstances, particularly with reference to the location of the trunk

sanitary sewer line. JB Smith seconded. Carried.

Mr. Brookfield voted No.

18 - William Haug, to divide lot into two lots each of which will have 65 feet frontage but said lots will have the required area, on Hillside Drive (west side), approximately 650 feet from U.S.#1, Mt. Vernon District.

Mr. Haug discussed the surrounding development.

Mr. Mooreland asked about the property left over - what would Mr. Haug do with it. Leave it as it it, Mr. Haug said, he would not attempt to subdivide it.

Mr. Mooreland suggested that Gregory Heights, joining this property, could have been recorded before the amendment requiring 80 foot lots. He checked the plat to see the size of lots generally in the area. He found 90, 100, 110, and 68 feet frontage on these.

Mr. Haar thought the plat presented was not sufficient.

Mr. Brookfield thought it unreasonable to allow this arrangement when lots in the area were conforming to requirements.

Judge Hamel moved to deny the application as he doubted the authority of the Board to grant this in view of the Ordinance and he also doubted the wisdom of 65 foot lots. Seconded, Mr. Haar. Carried.

19 - Virginia Power and Electric Co., to construct and operate an electric power station on the north side of Rt. 236, approximately 1000 feet east of Wakefield Chapel Road, Falls Church District.

This case was deferred to June 17th at the request of the applicant.

20 - George R. Herring, to allow duplex dwelling and to use structure, formerly a trailer, on Lot 25, all located on Lots 24, 25, 26, woodland Park, Mt.Vernon District.

Mr. Lytton Gibson appeared with the applicant. He stated that the application is two-fold: for a two family dwelling and for the use of a trailer for a dwelling. However, he suggested that this is not actually a trailer. It has been dismounted and placed on a foundation. It has water and electricity.

At the time Mr. Herring built, Mr. Gibson, said, he had to use his three lots in order to have sufficient septic field. There was some confustion regarding Mr. Herring's building permit. Mr.Gibson thought he had gotten two. However, Mr. Mooreland said this was actually only one permit - the permit itself and the plot plan. It was for a storage and utility room, not a dwelling.

Mr. Gibson showed pictures of the neighborhood. There are other homes in the area, he said, with two families in one house. The Paveys and Southerluand were named as having two families. Mr. Mooreland said if he had the names and lot numbers he would check on these two family dwellings.

Mr.Gibson said the Board had the authority to grant the two family

dwelling under Section 6 - G and that it would work a distinct hardship not to grant that since Mr. Herring had used all three lots for building in order to satisfy the Health Department. He has a 600 foot drainage area - twice that required for one dwelling.

Mr. Moorland said the Board did have the right to grant the two family dwelling but not the trailer. The old trailer ordinance has been declared invalid and the Board would have to act on the difinition of a dwelling as set out in the Ordinance which excludes a mounted trailer. He said the present drainfield would not allow a trailer, or another dwelling, to hook on.

The Chairman asked for the opposition.

Mr.Willard Gates presented a petition with 23 names objecting to the application - specifically the trailer. Mr. Gates said, however they did not object to the duplex dwelling. He presented several protesting letters, one from the Mt. Vernon Citizens Association, objectiig to both the duplex and the trailer. Fifteen stood opposing the trailer.

Mr. Wm. Langston spoke opposing. He was confused about the wording of the application thinking it would allow two duplex dwellings and two trailers. The Chairman restated the application, granting or requesting one of each. Mr. Langston said this was not his idea of a duplex. He said the drainfield was now running over. He questioned Mr. Herring's permit to build his house.

Mr. Moorland said he had inspected the premises and notified Mr. Herring that he was in violation.

Mrs. Keys objected - to the trailer.

The objectors were afraid the third lot would be used for another dwelling. Mr. Moorland said it would have to be approved by the Health Department which would preclude another dwelling.

Mr. Gibson said this application included all three lots. The Health Department would not approve anything else. From the statements of the opposition and the letters presented, Mr. Gibson said he was aware that the opposition was not to the duplex but to the trailer only. He said the sewage condition was taken care of by the inclusion of the three lots.

Judge Hamel said he would separate his motion into two parts-first he moved to reject the application with regard to the trailer. JB Smith seconded. Carried. With regard to the duplex Judge Hamel said it was undoubtedly there without a permit or proper authority. He thought this use and the practice of building without proper permit should not be encouraged and would set a bad presecent.

Mr. Gibson said when this house was built the county required much less than they do now and was at that time unable to follow up on permits and violations, that some construction was actually done with

verbal approval. The dwelling as located is all right. It is merely the matter of the duplicate use which is in question.

Mr. Mooreland said we now have an inspector and are able to take care of new construction inspection. He agreed that in 1949 the county did not have sufficient personnel for inspection.

Judge Hamel moved to approve the duplex use in the light of circumstances on Lots 24, 25, 26. Seconded, Mr. Haar. Carried. Judge Hamel added and Mr. Haar approved that this be granted in view of the fact that there was no objection on that particular phase of the application. Verlin Smith did not vote.

21 - David E. Brickles, to construct addition to present motor court and to locate building with less than the required setback from Park Street, on the south side of Lee Boulevard, 400 yards west of Fairfax Circle, Providence District.

Mr. Brickles said he was adding two wings. His plans have been approved by the Building Inspector. However, he will not need the requested variance in setback. He had figured on a 30 foot setback instead of 35 feet from Park Street. He will want a breezeway between buildings.

The development on Park Street was discussed. It was agreed that this road would probably never be opened up into the property in the rear - the opening to that property would more likely come from Rt. 237. (The golf course side)

V. Smith moved to grant the application because it appears that Park Street will serve relatively a small area and this does not adversely affect other property. Seconded, Judge Hamel. Carried.

DEFERRED CASES:

Vienna Woods, to allow dwelling to remain with less than required front setback, Lot 3A, Block 3, Vienna Woods Subdivision, Providence District. Mr. Haar moved to grant this, Judge Hamel seconded. Carried.

J. L. Sparks, to allow dwelling to remain 40 feet 9 inches from front line, Lot 55, Fairfax Acres, Providence District.

This was deferred to view the property. Mr. Sparks said he did not figure the setback from the bedroom which projects out but had measured it from the main body of the house. Judge Hamel moved to grant the application since this will probably not be a heavily traveled street. Seconded, V. Smith. Carried.

B. N. Gibson, Jr., to locate dwelling 34 feet from right of way line of Lee Boulevard, Lot 42, Birch Subdivision, Falls Church District. Mr. Gibson was not present. Motion to defer, to June 17th, Mr. V. Smith. Seconded, JB Smith. Carried.

Henry J. Rolfs, to complete dwelling which is located 38 feet from front line, Lot 7, Chatelain, Falls Church District.

Mr. Brookfield said he had questioned Mr. McWhorter about this and he did not object if the Board of Appeals did not. This is a cul-de-sac.

V. Smith moved to defer the application to view the property. Seconded, JB Smith. Carried.

Huntington Development Corporation, for permission to operate sanitary land fill, located in the marsh land of Hunting Creek, Mt. Vernon District. This was deferred as no reports had come in from the Sanitary and Health Departments.

Mr. Brookfield presented a letter from Mr. Hugh Marsh giving his decision on setbacks in the Wills case, which had been deferred for this statement from Mr. Marsh. Mr. Mooreland thought the first and third paragraphs of the letter were conflicting, that Mr. Marsh actually gave one decision in the first paragraph and refuted it in another decision. (The letter is made a part of thise minutes)

"Mr. John W. Brookfield, Chairman, Board of Zoning Appeals.....

Dear Mr. Brookfield:

You have asked my opinion as to whether the action of the Board of Zoning Appeals on August 27, 1945 permitting a set-back of ten feet from the front lines on Lots 148, 157, and 126, of Section 3, Annandale Subdivision, requires that the same set-back distance be considered as applicable also to the remaining lots in the same block. In my opinion, the same ten-foot set-back line should be established for the other lots.

The Section in question consists of a triangular tract of land bounded by Columbia Pike, Lettle River Turnpike and Springfield Road (extended). The size of the tract, in round figures, appears to be approximately 530 feet on Columbia Pike, 450 feet on Little River Pike, and 330 feet on Springfield Road.

This tract appears to have been zoned as "General Business" property and is subject to the restrictions imposed upon lands within that classification. I can see no valid reason why there should not be a different determination with respect to the immediately adjoining lots in the same small triangle. Every decision in a zoning case must be made on the basis of the relationship between the property in question and adjoining or similarly situated property. The Board of Zoning Appeals has no authority to impose restrictions upon any particular tract of land except as it is related to other tracts of land.

After a proper hearing in 1945, as above indicated, the Board of Zoning Appeals made a finding and entered an order permitting the establishment of a set-back of ten feet with respect to the lots specified above. In my opinion it would be difficult, if not impossible, to show that the public interest or general welfare of the county requires a different treatment of adjoining lots in the

same block, all being within the same "general Business" classification.

Respectfully submitted,

Hugh B. Marsh."

May 14,1952.

028

Mr. Brookfield thought it was stretching common sense too far that someone dying 10 or 100 years ago could lay restrictions on property when conditions change and old restrictions should not apply. The Board discussed at length the meaning of Mr. Marsh's letter.

Mr. Mooreland said to grant this was merely carrying on a mistake made by Mr. Marsh in his dedision of 1945.

Judge Hamel thought the change of zoning to General Business superseded the original restrictions and that a mistake should not be perpetuated.

Mr. V. Smith wanted to see the minutes of the granting of the 1945 permit. They were read to the Board.

Judge Hamel thought that since this area was growing so rapidly it was not practical to relax requirements. Mr. JB Smith thought that it would be easier now to hold strictly to requirements rather than move a great number of buildings later on as the right of way is increased.

V. Smith thought that since the Highway Department has already stated thay they want a 160 foot right of way on 236 it would be out of order to crowd the right of way and make it necessary to move buildings later on, which would be expensive and not for the general welfare. Now a small area could be corrected without too much expense.

Judge Hamel moved that the application be denied for to 10 foot setback because the zoning requirements are such that the Board has no other course and in addition circumstances do not justify granting any variances or modifications of the Ordinance.

V. Smith suggested also in view of existing and potential traffic and the widening of Rt. 236.

Judge Hamel withdrew his motion and V. Smith made the following motion: That the application be denied because it will be detrimental to the public welfare in view of existing and potential traffic on Little River Turnpike and Springfield Road. THe highways in this particular area are particularly congested at this time and the State Highway Department is requiring a 160 foot right of way along Little River Turnpike and proceeding with construction of 4 lane divided roads in the immediate vicinity of the Little River Turnpike and to grant this application it would pose a serious handicap to future construction and development. Seconded, Mr. Haar. Carried, unanimously.

The meeting adjourned.

John W. Brookfield

J. W. Brookfield, Chairman.

June 18, 1952

The regular meeting of the Fairfax County Board ofZoning Appeals was held Tuesday, June 16, 1952,inthe Board Room Of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, V. Smith, JB Smith, Haar, Judge Hamel. Mr. Schumann,Mooreland, and White were also present.

1 - J. J. Rolfs, to locate dwelling 12.84 feet from side property line, on lot 11-R, Chatelain Village Subdivision, Falls Church District.

Mr. Rolfs said in order to locate the same size house on this lot, as he has in the subdivision, it was necessary to overlap on the setback. He had tried other ways to locate it but found it impossible. Mr. Mooreland agreed that since the lot was approved it was the best that could be done with this size house. There was no opposition.

Judge Hamel moved to grant the application and Mr. Haar seconded. Carried. V. Smith voted No. He thought this was a bad lot since there was no place for the garage. He would rather see the applicatant crowd his own corner rather than thot of his neighbor, Mr. Oliver. Mr. Rolf said the garage could be located in the rear.

2 - R. E. Adkins, to allow carports to be located as follows: On lots 2, 3, 5, to be 9.8 feet from side line and Lot 4, carport to be 9.5 feet from side line, all in Jones Addition to Fenwick Park, Falls Church District.

The carports on these lots were up before they were checked. Mr. adkins thought the small variance was unimportant since they did not actually show and were not objectionable to neighboring lots. There were no objections. Mr. Haar moved to grant all the lots in question. Seconded Judge Hame. Carried.

3 - Wm. L. Mayne, to construct a dwelling with less than required setback from Lakeview Drive, Lot 14, Sect. 1, Lakewood Subdivision, Falls Church District.

This dwelling was located before the development of LakeBancroft, Section 2. In approving this Barcroft plat, the Planning Commission did not take into account the fact that Lakeview Drive would be continued on - bordering this lot, in which case Mr. Mayne's lot would be made a corner lot. In that case the lot was made the normal size, not allowing for corner lot setbacks. There is a 8 foot drop Brom Birchwood, a dead end street.

Mr. V. Smith said this was certainly an unfortunate thing as it almost ruined Mr. Mayne's lot, but the applicant was not at fault. There were no objections.

Mr. V. Smith moved to grant the application because the owner was the victim of circumstances over which he has no control, and to maintain the required setback would work a distinct hardship.

Seconded, Mr. Haar. Carried.

4 - Joseph J. De Rubis, to extend tourist court, Lot I, (U.S.#1 and Pole Rd.) Wilson Manor Subdivision, Mt. Vernon District.

Mr. Harry Carrico represented the applicant. Mr. Carrico said the applicant already had 4 units and an operating restaurant. The new units will be of the double cabin type with 4 rooms each. This, Mr. Carrico said, might be classed as an apartment but the owner wishes to rent the units as a regular tourist court. If for any reason this is not profitable he may, in time, ask for apartment use. However, this is not the intention now. If the kitchen is rented, making it an apartment, it would naturally bring a higher rent. This of course would be in violation and would change the status of the installation. It was agreed that if it became uprofitable to rent as tourist cabins Mrs. De Rubis would notify the Board and make further application to change her status. The buildings will be masonry construction. There were no objections.

Judge Hamel moved, in view of the circumstances, and inview of the facts presented, that this is a business, area, the application be granted. Seconded. Mr. Haar. Carried.

5 - O & R Construction Company, to allow a 19 foot setback from street right of way on corner lot, Lot 68, Section 5, Pimmit Hills, Providence District.

Mr. Lytton Gibson represented the applicant. He said, when Section 4, Pimmit Hills was put on, Hillside Drive was continued on, making this a corner lot. Before that time it was not realized that a street would bound the side of this lot. Hillside Drive, however, runs to a stream which would probably make it impossible to continue the street. The Planning Commission did not know this street would be extended or they would not have allowed this narrow lot. The house is built and people are living in it.

Mr. Schumann verified Mr. Gibson's statements and agreed that this lot was too narrow for a corner lot. He felt that no harm would be done in granting this. There were no objections.

Judge Hamel moved to grant the application, in view of the comments from Mr. Schumann. JB Smith seconded. Carried.

6 - The Potomac Development Corporation, to allow installation and operation of a motel, on the northwesterly side of U.S.#1, approximately 1/4 mile north of junction of Fairhaven Avenue, Mt. Vernon District.

The applicant showed his plans and drawings for 76 units. The ground slopes in such a manner that the buildings will follow the contour of the ground and will be two story. Seventy-six units are planned. The sewer line will be extended from Blunt's Lane (about 1500'). 117 spaces are planned for parking. The street areas surrounding the buildings will be black-topped and have curb and gutter.

There are other tourist courts in the area. There were no objections.

Mr. V. Smith questioned whether or not the Board was granting too many tourist courts, but in view of a lack of study along this line it was probably unfair not to grant this use if it is properly developed.

Mr. Brookfield also agreed that the tourist court business could be over-done. Judge Hamel thought courts of this type add considerable burden on county facilities, fire and police protection.

V.Smith said if we had a depression period these courts would in many instances by used as permanent dwellings and the added burden of schools would result, along with other problems. He thought the continual adding of tourist courts to the county should be seriously considered - a policy should be established and the Board should have more information regarding future results of so many courts.

This establishment would cost about $200,000. Water will be extended to take care of it.

The average days of occupancy of tourist courts was discussed.There was no definite information on this.

The applicant showed the plans of each unit, and the entrances. Elevations will be cut down to make ease of access, he said. Mr. V. Smith thought the granting of this, if it is granted, should be contingent upon the applicant following the plans submitted. The power of the Board to make this requirement was discussed. Mr. Schumann thought the Board had this jurisdiction.

Mr. Lewis, the applicant, said these plans submitted were substantially what they would use. They had contemplated some small changes, having aluminum windows, for instance, instead of wood, and to install showers in some of the units instead of bath tubs. Here would be no structural changes.

Mr. V. Smith thought these small changes could be approved now and if any greater changes were to be made they should be first approved by the building inspector, then approved by this Board, if necessary.

Mr. Haar moved to grant the application with the option of using aluminum windows and installing tubs or showers, as per plans and plat submitted. Seconded, Judge Hamel Carried.

7 - Van. M. Grubb, to construct addition within 15 feet of side line, on ground located .7 miles west of Rt. 617, on the south side of Rt. 636, six houses west of Rt. 617, Mr.Vernon District.

The main part of this house, which is already built, is located 15 feet from the side line, this addition will not further violate the setback. There are 54 feet between houses, Mr. Grubb said.

Mr. V. Smith moved to grant the application because it does not adversely affect adjoining property. Seconded, JB Smith. Carried.

8 - Louis Henderson, to complete garage to come closer to side line than allowed by Ordinance, Lots 57 and 58, Wakefield Forest, Lee District.

Mr. Henderson said it was his plan to add a wing and make this a U shaped house. There were no objections from the neighbors.

Mr. Haar moved to grant the application, as it did not appear to adversely affect neighborning property. Judge Hamel seconded. Carried.

9 - Norman J. Mayer, to allow garage to remain closer to side line than required by Ordinance, Lot 603, Block 7, Section 3, Hollin Hall Village, 303 Fairfax Road, Mt. Vernon Dist.

The applicant did not understand the setbacks and wanted the garage to be a part of the house. The breezeway between the house and garage is not put in but the garage, if allowed to remain as an unattached garage does not meet requirements as it is not back of the rear line of the house. The garage is half built, and eventually the applicant wishes to tie the house and garage together with the breezeway. He did not realize he had to get a permit for the garage and this violation was found when he finally got the permit. The neighbors do not ojbect - their house is farther forward on their lot.

Mr. V. Smith said he was opposed to the applicant putting in the breezeway as shown on the plant. He moved to grant the application because it would be a hardship on the owner to do otherwise. It was understood that this granting is for the garage only, as stated in the application, without the breezeway. Seconded, J.B.Smith.Carried.

10 - Louis and Laura J. Rezos, to operate restaurant in presently located dwelling and to construct and operate barbecue stand, on 27 acres on the north side of Rt. 211, about 2-1/2 miles west of Centerville, Centerville District.

Mr.Walter Oliver appeared with Mr. Rezos. Mr. Oliver said a restaurant had been granted on this property some time ago but the owner, Mr. Aljan, had allowed it wo lapse andnever used it. Now, Mr. Rezos has leased the place for a high class restaurant. He gave something of Mr. Rezos background. He came to the United States from Greece in 1920, started working as a waiter at the Mayflower Hotel. He bacame banquet master. Then he worked at the Statler Hotel and in other large hotels. He now wishes to have the restaurant on the first floor of this building and to rent the three rooms on the second floor. He has copyrighted a barbecue which he wishes to sell in a smaller building nearer the highway. There will be sufficient room for all parking off the highway. Customers will have to enter the property to be served. The main building is

about 250 feet back from the highway. Mr. Oliver suggested that this type of place would be an asset to the county.

Judge Hamel moved to grant the application. Verlin Smith seconded. Carried.

11 - John M. Henkle, to locate attached carport to come 4 feet from side property line, Lot 44, Sect. 1, Bel Air, 1102 Dashiell Road, Falls Church District.

The carport, Mr. Henkle said, will be set back of the front line of the house. There is a bank at the rear of the lot, making it difficult to put the carport back farther. Some excavation will be necessary.

The Chairman asked Mr. Mooreland what he thought about this. Mr. Mooreland said it would open the way for others to ask the same thing. The only justification he could see was that a garage in the rear would take the entire back yard.

Mr. V. Smith moved to defer the case until July 15th in order to view the property. Seconded, JB Smith. Carried.

12 - Wm. S. Borneman, to install pumps for filling station on .504 acres at the intersection of Springhill Rodd and Old Dominion Drive, Providence District.

There is a nonconforming store across the street and business joins this property on one side. A garage is already there but no pumps for a filling station. This is general business zoning. The property to the rear is undeveloped. There were no objections.

Judge Hamel moved to grant the application, V. Smith seconded. Carried.

13 - Clarence Leo Bahr, to operate nursery school on Lot 7, Hickory Hall Estates, south side of Annandale-Falls Church Road, about 1 mile from Lee Boulevard, Falls Church District.

Mr. Bahr said the children to be taken care of would range in age from 6 months to 6 years. He thought this property was well situated for this type of use, he would have about 5 acres. The house is situated in the middle. A small kindergarten has been operating there successfully and without opposition. He felt this was a needed installation for working mothers in the area. He has the approval of the Fire Control Board, after certain changes are made. The house is brick veneer. The well would have to be tested to be sure it would take care of the number of children to be cared for.

Mr. Wm. Bennet objected. He owns Lot 6, the joining property. He presented a letter listing his objections. He thought restrictive covenants on the land would prohibit this use, since it is to be kept purely residential. Children to be cared for probably would come from Arlington, where Mrs. Bahr, mother of the applicant has been

operating a care for children home. The property is not owner-occupied and the small kindergarten was not objectionable, but if this school were to be put in it would not be occupied by the owner but simply used as the nursery school which was not conducive to the same careful upkeep.

Mr. V. Smith asked how close the Bennet house would be to the Bahr house. It was estimated at more than 100 feet.

Mrs. Bennet also spoke against the school. She thought too many children were planned for the building space. Mr. V.Smith said the space per child was regulated by the state. TheBennets both thought the intent of the convenants was to keep this property entirely residential and this installation would have a commercial character. They wished it to remain unchanged - and residential. Equipment would be in the yard- which they did not like.

Mr. Bahr said there would be very little equipment. He said in rebuttal, that a school of this type could not be put in a business area and he thought this particular location ideally suitable - it was a largetract of land and yet not too far away from a settled area where the children could be easily transported.

Mr. Wann, the real estate agent, said there was a nursery school in Ravenwood, one of the best residential areas in the county, that it depends upon the people operating the school whether or not it is objectionable. He thought this was a needed use.

Mr. V. Smith moved to defer the case until July 15th, 1952 to view the property. Seconded, JB Smith. Carried.

14 - Alice Haines, to remodel existing cinderblock building into one duplex dwelling, west side of Legato Road, 656, about 1/4 mile north of Rt. 211, Centerville District.

John Wood appeared with Miss Haines. He stated that Miss Haines had been running her 55 acre farm successfully, built her home there and expected to farm indefinitely but the economic situation had become increasingly bad and she could no longer make a sufficient income from the farm. She has a large poultry business. This building, which she wishes to remodel has been an implement house. It is large, cinderblodk, and can very well be made into a two family dwelling. There is sufficient space between this and her own home. She has two tenants who would like to rent this building. This would give her sufficient income to keep the farm going on a small scale. The neighbors do not object. Since she meets all the requirements of the ordinance the Board could grant this use.

Miss Haines spoke to the Board. She said for 12 years she had operated this place but her blindness had greatly handicapped her. Thefts have been tremendous, in one week $2000 worth of chickens

stolen. Labor has become increasingly difficult. She will keep her fields and have sheep, if she can have the extra income from this rental. She has run a pilot farm for the State Department.The farm is completely electrically equipped.

Judge Hamel said he was highly in favor of small farms and thought Miss Haines should be encouraged to continue. It would keep her from having to subdivide her place and would encourage the rural aspect of this locality.

V. Smith and JB Smith had visited the property. Mr. V. Smith commended Miss Haines on the fine job she has done in handling this farm and thought her work had been a great asset to the county. He was highly in favor of seeing Miss Haines continue her work insofar as possible.

Mr. E. R. White also spoke in favor of this application, saying he had knon Miss Haines for some time and knew what a fine work she has done. He could see no harm to the community from granting this use.

Mr.Brookfield thought this might open the way for others to ask the same use, althought he thought this particular case was justified.

Judge agreed that in general it was a bad policy to grant this kind of thing but the building was not objectionable and it was better to allow his than to force an urbanized area on this farm.

Mr. Wood said this ground would not be cut off and sold, it would be kept as part of the home place, it was simply a matter of added revenue.

Mr. Haar moved to grant the application in view of the fact that the ground will continue in the present ownership and that with the present restrictions of this parcel it will be an asset to the county.

Seconded, Judge Hamel Carried.

Mr. V. Smith said he would like to add to the motion that it be granted also because the continued operation of the farm is an asset to the community and that this motion should come under Section 12, subsection G relating to "extraordinary and exceptional conditions, etc." Both Mr. Haar and Judge Hamel agreed to this addition. Motion Carried.

15 - Vernon M. Lynch, to operate a gravel pit on approximately 32 acres located approximately 1900 feet north of Franconia Road, entrace road No. 789, leading from Franconia Rod, property borders east side of Shirley Highway, Mt.Vernon District.

Mr. Lynch said the total acreage in this area under his ownership is about 400 acres. He wishes to take the gravel off of this 32 acres. This is a hill which when leveled will give proper drainage for development of the entire acreage. This is state approved gravel of the best quality. Taking off the gravel in this

area will be a distinct improvement, Mr. Lynch said, for future development. There were no objections.

Mr. V.Smith moved to grant the application because to have the gravel removed does not appear to affect adversely other property. Seconded, JB Smith. Carried.

16 - Bessie C. Sutherland, to continue use of dwelling as duplex, Lots 13 and 12, Woodland Park, north side of Woodland Lane, Mt. Vernon District.

The applicant has the required frontage and area. There were no objections.

Mr. Mooreland said the Board had granted a duplex use in Woodland Park at their last meeting, at which time this violation was brought out and Mrs. Sutherland had made application to cover this violation of which she had been unaware. He suggested that the Sutherlands were a young couple trying to get a start and he felt that this duplex use would be abandoned as soon as the family grew large enough to use the presently installed facilities. He recommended that the Board grant this application.

Mr.Schumann suggested that the Board stipulate, if they granted this application, that Lot 13 may not be conveyed for another dwelling in order to assure the area and frontage required.

Judge moved to grant the application with the understanding that this use be limited to such time as Lots 12 and 13 remain in the present ownership. Seconded, Mr. Haar. Carried.

Mr. Schumann asked the Board if they would hear from Mr. Aichel Resident Engineer, regarding open air theatres, for which he had asked time on the agenda. The Board agreed to hear him.

Mr. Aichel said the Highway Department had been greatly concerned about the screens of open air theatres facing the highways. As a safety measure he thought this was very important because of the number of accidents resulting from screens being visible to the highway. He would like a statement of policy from the Commission and the Board. Mr.Aichel stated that the screen should face away from the highway. He would like the Board to require this in the granting of any open air theatres. Mr. Brookfield questioned the Board's ability to require this but Mr.Schumann and Judge Hamel thought it could be made a part of the granting resolution.

Mr. V. Smith also suggested that the owner be required to put in a 'pull-in and out lane.' Mr. Aichel thought this could very well be required jointly by the county and the Highway Department.

Mr.V. Smith moved that when an open air theatre is granted the screen face so it will be located to not be visible from the Highway. JB Smith seconded. Carried.

17 - Mt.Vernon Terrace, to construct and operate sewage treatment plant on ground located between Lots 35 and 44, Block F, Mt. Vernon Terrace. located approximately 100 feet south of Burke Drive, about 200 feet east of Patton Boulevard, Mt. Vernon District.

Mr. Malcolm Matheson and Col. Norcross appeared before the Board. Mr. Matheson said this would be a small plant, serving about 44 homes, said plant to be located on the river. Mr. Matheson said he had bought this old subdivision and found many of the lots would not take a septic field. Some of the lots, those which will take a septic field are built upon but these remaining lots cannot be developed unless the plant is put in. The ground drains toward the proposed location for the plant. It will be a temporary affair which will be abandoned or tied in with the county sanitary sewer, when it goes in.

Mr. Corbalis was present and said this plant was approved by his office, that it is one of the sites tentatively selected for the location of the county plant. There were no ojbections.

Mr. Haar moved to grant the application, Judge Hamel Seconded. Carried.

18 - James Lansburgh, to construct carport and storage room to come nearer to front line than allowed by Ordinance, Lot 107, Sect. 5, Hollin Hills, on Martha Rd., Mt. Vernon District.

Mr. George Brickelmaier represented this application. He stated that this is a custom built house. The original plan called for the carpot to fall within the required setback but they found there was too little space between the house andthe carport. They relocated the building so the carport would be the least objectionable to other dwellings in the neighborhood. There were no objections.

Mr. Mooreland said he had posted the property and while the building encroaches on the street, there was a turn in the street at this point and he did not think granting this would affect adversely other property.

Judge Hamel moved that in the circumstances, since this would not adversely affect other property, the application be granted for a 34 ft. setback from front line. Seconded, Mr. Haar. Carried.

19 - Vernon M. Lynch, to operate a gravel pit on 151 acres located 2000 feet south of Rt. 644, 3/4 mile east of Rt. 350, Mt.Vernon District.

Mr. Lynch said this was a renewal of this same application which was granted for one year. They have done very little with removing gravel during this time, actually have just started. This is a hill which will be leveled by taking off the gravel. It is very good grade gravel, according to state standards. The road is built to carry out the gravel. This land runs to the railroad tracks and is joined by industrial property. As it is now the ground slopes

considerably, but by taking off the gravel the ground will be leveled and will be better suited for future development. Mr. Lynch said taking off the gravel will not create a pool which would fill with water and become a hazard, because the ground is too high already, the gravel is entirely on the hill.

Mr.V. Smith asked how close the digging would come to homes in the neighborhood. Mr Lynch said there was no subdivision so far, that only a few scattered homes were in the vicinity and those far enough away not to be disturbed.

Mr. Smith thought granting a blanket use of the 151 acres might be objectionable. He suggested excluding - say a 300 foot area from the north line of the property. Mr. Lynch did not object butsaid there would be no building on this property until the gravel had been entirely removed. There are presently only one or two house which would be affected.

Mr.Schumann said this proposed use would not change the character of the neighborhood since industrial land is joining.

Mr. V. Smith moved to grant the application because it does not appear to affect adversely other property and because adjoining property has already been zoned industrial. Seconded, Mr. Harr. Carried.

Wills-Burch, Inc.,to construct and operate sewage disposal plant on 75.24 acres on the west side of Springfield Road, Falls Church District. This case was withdrawn at the request of the applicant.

DEFERRED CASES:

Virginia Electric and Power Co., to construct and operate electric power station on the north side of Rt. 236, approximately 1000 ft. east of Wakefield Chapel Road, Falls Church District.

Mr.Scott appeared for the Company. The structure will be at least 100 feet from the front property line and can meet all other setbacks. Mr.Scott showed a drawing of the building with landscaping, which he said they would put in. There were no objections.

Mr. Haar moved to grant the application because it is a public necessity. Judge Hamel seconded. Carried.

Roy Swazey appeared before the Board regarding the case of Marshall and Thomas Gordon, to operate a filling station on Rt. 7, at Rt.694 Providance District.

Mr. Swazey said the Board granted this use in 1945 and although the actual operation of the business had lapsed that did not affect the validity of the permit since this was not a non-conforming use. He asked theBoard to remove the denial of this application which was made on March 18, 1952.

Mr. Mooreland said it was supposed that this was a nonconforming use and he did not know the Board had granted this in 1945. There-

fore, he had sent the applicant before the Board in error.

Judge Hamel said that the denial of the Board was actually invalid but to clear the records he moved that the action taken by the Board on March 18, 1952, denying this case be recinded in view of the fact that the application was not property before the Board of Appeals at that time. Seconded, JB Smith. Carried. V.Smith not voting.

Mr. Mooreland said an antique shop near Burke, granted by the Board, wished to have an auction. He asked the advice of the Board if this was permissible under an antique shop granting.

V. Smith thought there were two distinct uses involved and the granting of one did not necessarily allow the other. The Board gave no decision - wishing to think it over.

Hugh R. Seeley, to permit dwelling to remain closer to front line than required by ordinance, Lot 57, Chatelain, Falls Church Dist.

Mr. Brookfield was the only Boardmember who had seen this property and he did not wish to advise the Board on a decision. He suggested that the others see the property. He thought it might be a bad precedent. This case was deferred to July 15th.

Henry J. Rolfs, to complete dwelling which is located 38 feet from front property line, Lot 7, Chatelain, Falls Church District.

Mr. V. Smith had seen the property. The house is already built and this is on a cul-de-sac. He did not think the 2 foot violation would be noticeable nor detrimental. He moved to grant the application because it does not adversely affect joining property and because the dwelling is located on a cul-de-sac road. Seconded, Judge Hamel. Carried.

There was no report from Mr. Mooreland and Mr. Schumann on the Martin L. Ayers, Jr. case. This was deferred until June 24th, 1952.

The meeting was adjourned.

John W. Brookfield

S.W.Brookfield, Chairman.

* * * *

June 24, 1952

A Special meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, June 24, 1952, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, Verlin Smith, JB Smith, Judge Hame, Herbert Haar.

1 - Brownie School, to extend existing private school, on Lot 4, and the south half of Lot 3, including 10 acres, located on the east side of Telegraph Road, approximately 1.3 miles south of Duke Street, Mt.

Vernon District.

Mr. and Mrs. Anderson apeared before the Board to discuss this case. They have been operating this school for about 7 years and the new building proposed is for expansion of facilities rather than for expansion of pupils. It will be of brick concstruction and cinder-block. Sewer and water are already available to the buildings, they also have drilled wells. There are now enrolled about 124 pupils, first through the third grade. The buildings are all on one floor. The new building has been approved by the Fire control Board, with a few minor changes.

Mr. Brookfield suggested that the Health Department should approve any new connections. There were no objections.

Judge Hamel moved to grant the application in view of the fact that the school is ixisting and has been for 7 years, that they have ample ground, and that this is subject to the approval of the proper authorities, fire and sanitation. Seconded, JB Smith. Carried.

DEFERRED CASES:

Hugh R. Seeley, to permit dwelling to remain closer to front line than required by Ordinance, Lot 57, Section 4, Pine Ridge, Falls Church District.

Several members of the Board had seen the property. Mr. V. Smith did not think it would do too much harm since the applicant was requesting only a 5 foot exception. Mr. Mooreland agreed.

Mr. Seeley had presented a signed statement from the nearest neighbor saying he did not object.

Mr. V. Smith moved to grant the application because it is on a dead end street and does not appear in any way to affect adversely joining property. Seconded, JB Smith. Carried.

Martin L. Ayres, Jr.,to divide approximately 22,000 square feet into two lots, both of which will have the required frontage but not the required area, approximately 1/2 acre on the north side of U.S.#1, 150 feet south of Rt. 628, Mt. Vernon District.

Mr. Mooreland said he and Mr. Schumann had seen the property and they did not think the plat was correct as there appeared to be only 146 feet between the houses now located on the property. Since Mr. Ayres has only a 200 foot total frontage he could not allot 100 ft. frontage to each house as his application states. Mr. Mooreland thought this was entirely too small a piece of ground on which to crowd three houses. Mr. Schumann had also agreed to this.

Mr. V. Smith questioned why a certified surveyor would present a plat of this kind showing more ground that was actually in the ownership of Mr. Ayres - a plat which was obviously wrong. It was noted that the surveyor had not certified to the correctness of the plat.

Mr. Mooreland thought he had simply drawn the plat from Mr. Ayres statements of what land he had and located the two existing houses-according to Mr. Ayres statement.

Judge Hamel suggested thar it was a very serious thing if the Board could not depend upon the accuracy of a plat presented by a certified surveyor. Mr. V. Smith agreed.

Mr. V. Smith moved that the plat as submitted to the Board of Appeals, with the information found by Mr. Schumann and Mr. Mooreland be made a part of these minutes and a letter to this effect be sent to Mr. Ridgeway, the surveyor.

Judge Hamel thought the proper authorities - the State authorities-perhaps or whoever should know of an error of this kind, should be notified. He seconded Mr. Smith's motion. Carried.

Judge Hamel moved to deny the application because it appears that the information presented is inaccurate in that the plat does not show the proper area and in addition it is not in accordance with the Zoning Ordinance. Seconded. JB Smith. Carried.

Clarence Leo Bahr, to operate nursery school on Lot 7, Hickory Hall Estates, south side of Annandale-Falls Church Road, about 1 mile from Lee Bouelvard, Falls Church District.

This case was actually deferred until July 15th but at the request of the applicant and with the consent of the opposition was moved up to this date. It was agreed that neither the applicant nor the opposition should be present at the decision.

Judge Hamel thought nursery schools in residential areas have merit but he thought it did have a tendency to work harm to established home owners. Mr. Brookfield thought the neighborhood should always be considered.

Mr. V. Smith and Mr. Mooreland had seen the property and both thought it an ideal location for such a school from the physical standpoint; but since there appeared to be no actual need in the area for such a school, since no one appeared to support the school and since there was very positive opposition from the nearest neighbor, it was questionable whether or not the application should be granted.

Mr. V. Smith mentioned the terms of the Sale Contract, the low down payment which might indicate the financial inability of the applicant to maintain this school, because of the expenses involved in setting up a school. He questioned whether or not granting this school would be for the general welfare of the community and even of the applicant himself.

Mr.Bennett's letter, objecting, was re-read.

Mr. V. Smith made the following motion: That the application be denied because there seems to be no evidence of need for this nursery school in the community since no one appeared at the public hearing

on behalf of the applicant and further the adjoining property owner has objected to the use and he if anyone would be affected adversely Judge Hamel seconded. Carried.

The John M. Hinkle case which was deferred to July 15th, was discussed. Mr. V. Smith suggested that the Board members see the property. He thought it was an unreasonable request because it would encourage others to ask the same variance and thought the case should be denied when it came up.

Mr. Mooreland had requested the Board to rule on having an auction in an antique shop at the last meeting and asked if they would give him their answer. The person waiting for his answer wished to buy up antiques from estates and auction them off at his antique shop near Burke. It would probably be an all year round auction.

Judge Hamel thought such a use would raise many problems and he thought an auction entirely out of the scope of an antique shop. A traffic condition could arise and this would take on the character of a large scale business which would be undesirable in a residential district. Small antique shops, Judge Hamel thought, could be very attractive and in no way harm a residential district.

Auctions held on farms or for an individual estate - in the home- were considered all right.

The Board agreed that granting an antique shop in no way could include a public auction.

Me. Mooreland also asked the Board to discuss carrying on a bake shop in the home - with relation to classifying this as a home occupation. This, too, the Board agreed, could grow into a large scale business, as was evidenced by several business which had started just that way, and should not be allowed.

The meeting adjourned.

J. W. Brookfield,

J. W. Brookfield, Chairman.

* * * *

July 15, 1952

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, July 15, 1952, in the County Courthouse in the Board Room at 10 a.m., with the following members present: Messrs Brookfield, Verlin Smith, J.B.Smith, Herbert Haar, and Judge C.D.Hamel.

1 - Francis and Helen Hatsell, to operate kindergarten in dwelling on Lots 6 and 7, Block 3, Groveton Heights, Mt.Vernon District.

Mrs. Hatsell appeared before the Board. She said she would have ten pupils and would use the bedroom as her school. They would be in session from 8 to 12 a.m. and the work would be purely educational, age group 4 and 5 years.

Mr. V. Smith asked about the approval of Fire Control Board and the Welfare Department. Mrs. Hatsell said the Welfare did not have to approve the school since it is not a nursery school. The Fire Control Board had approved her plans. The house is stone. She showed letters from the departments mentioned. There were no objections. Mr. V.Smith asked about the size of the lot. Mrs. Hatsel said the one their house is on is 50 x 147, they are buying the lot next door which is 50 x 140 ft., which will remain vacant and be used as a play yard.

Mr. Haar moved to grant the application. At the suggestion of Mr. V.Smith Mr. Haar added to his motion - subject to the approval of the Health Department, since there has been considerable trouble with septic tanks in this area. Seconded, JB Smith. Carried.

2 - Roland D. Hinds, to construct attached carport to come 12 feet from side property line, Lot 41, First Addition to Fairland, on Montrose Street, Falls Church District.

Mr. Hinds said practically the entire structure is 35 feet from joining property and is behind the neighborhing house. Only one corner of the carport violates the ordinance. This variance would not harm anyone and will be an attractive addition. The neighbors will not build on this side of their house and they do not object to this addition. The other side of Mr. Hinds house was given a variance from the Board some time ago to come 11 feet from the side line. Mr. V. Smith thought this was crowding the lot too much. Mr. Hinds thought there was no danger of a fire hazard as the houses are not close on this side. Mr. V. Smith said he did not favor granting this but was willing to view the property before making a decision. He suggested the Board either see the property or deny the application. He moved to defer until the August meeting. JB Smith seconded. Carried.

3 - Grace M. Harris, to conduct dog kennel for breeding dogs for sale, and not for boarding animals, and to allow building to remain approximately 25 feet from rear property line, on approximately 2 acres,

Robey Road, Falls Church District.

Mr. Harris said they would no longer have boarding dogs - they wanted a small semi-private kennel. They have 5 grown dogs now and 2 females for breeding. They are daschunds. The building in question has been there for many years. It was built for a brooder house. These dogs breed usually once a year, Mr. Harris said, they were not noisy and are kept inside, very like pets. The buildings in which the dogs would be housed are quite a distance from all homes, Mrs. Harris said. Back of them is woods. The opposition, Mrs. Harris said, was from people who were not close neighbors. They have 2 acres and are practically 400 feet from any home. Other dogs in the neighborhood, she said, were loose at night and were very disturbing. This little out building which is too close to the rear line will be used very little.

The Chairman asked for any opposition: Mr. Golthwaite, who lives adjacent to this property spoke. His home is 30 feet from the line. He said he was spokesman for the people on Robey Road, about 15 families, all of whom objected. He stated that this is a good residential district, he felt this would be a nuisance, tending to depreciate values, it would establish a precedent and open the door for other commercial ventures which they did not want. It would hurt the sale of other places as this granting would go with the property in the event this property is sold.

Mrs. Capand who owns 12 acres across the road spoke against the granting of this application, also Mrs. Watson, both agreeing with Mr. Golthwaite.

Mr. Sparks opposed. Mrs. Filling said her husband slept during the day and this was disturbing.

Mr. V. Smith asked if there would be objections to a limited number of breeding dogs, if the pups were sold and there was no large scale business. The objectors thought the business could easily grow large since there was no limiting the number of pups.

Mr. Sparks said they were opposed to the issuance of a dog kennel license - they did not want it in the neighborhood.

Mrs. Anderson suggested that the coming and going of people and the use of the telephone line for business purposes was an unpleasant situation. The objectors were unwilling to concede even a limited granting of the application. They did not want a commercial venture in the area and especially did not want dogs. Fourteen stood opposing. Mrs Harris said they were trying to get a private telephone line and wanted to buy more land. She thought the neighborhood not too good anyhow and didnt think the dogs would hurt it.

V. Smith moved to defer the application until August 19th. Seconded, Judge Hamel. Carried.

Mr. Brookfield said the applicant and opposers did not need to come back to the next hearing - it would be merely the decision and no more discussion.

Mrs. Filling wished it to be in the record that they did not have a bad neighborhood. She thought the remarks of Mrs. Harris against the neighborhood un founded. Mrs. Harris apologised.

4 - Stanley E. Stress, to construct attached carport to come 5 feet from side line, Lot 9, Fairfax Terrace, Falls Church District.

Mr. Stress said the driveway was in on this side of the house when he bought the property. It is the logical side for a carport. He wishes to put just a roof with pillars. The neighbors approve- on both sides and across the street. He thought it would enhance the value of the property and the immediate area. Judge Hamel was disturbed at this condition arising so often. He asked was it the fault of the Planning Commission or the developer, or possibly loose administration, but he considered it unnecessary. Lots of this size should not be allowed to go on the market.

Mr.Brookfield explained that the plat had met county requirements and was therefore approved. V. Smith thought there were too many narrow lots in the county. Judge Hamel said if this is allowed it puts the burden on the purchaser, which was not fair.

Mr. V.Smith said the applicant could put on a detached garage on his lot in compliance with the ordinance. Mr. Stress said the space between the garage and the house would leave just enough room to be a hazzard to his children and he did not have the money to put in a full garage.

Mr. Mooreland said the lots were laid out for the conventional type house and now people wanted ramblers and they were too wide for the lots. Mr. Stress said he was not told of the restrictions when he bought. All he wants is minimum protection for his car.

Mr.Brookfield thought the purchaser was lax who did not get full information before buying a home and not expect the real estate people to give them all the details.

V. Smith moved to deny the case because it does not conform to the minimum requirements of the Ordinance and the owner is not deprived of housing his car. Seconded, JBSmith. Carried. Judge Hamel and Mr. Haas voted No. For the motion: Brookfield, JB Smith, V.Smith.

Judge Hamel suggested that the Board did wrong in denying this, since so many have been granted with a similar situation. He considered this a hardship case since Mr.Stress could not afford the garage.

5 - O. D. Hill, to operate dog kennel on approximately 2 acres on the north side of a dirt road leading off of Rt. 718 (Valley View Drive) Mt. Vernon District.

Mr. Brown, operator of the kennel, appeared before the Board. He asked to use the present building which would be changed to a cinder-block structure - as a dog kennel. He has a license but has never had a permit to operate. He has 15 breeding dogs, Chihuahuas.

The Chairman asked for opposition: Mr. McNaron represented residents in the neighborhood. He filed a petition with 52 names -objecting. Reasons for objecting: Do not want dogs or any commercial enterprise in a good residential area, it will be a nuisance, and a source of trouble and discomfort. The people had been told that this ground was up for rezoning but found that was not so - then they discovered that Mr. Brown had the license but no permit to operate. Their only recourse was to see that he went to the Board for the permit.

The map showed that the property is 359 x 207 x 310 which would not permit kennels to be 100 feet from all property lines, in compliance with regulations. The barking is annoying, the burning of debris causes an ill smelling smoke to settle over the neighborhood, destroying the value of homes for residence. This granting would encourage others to undertake commercial enterprises.

The following spoke opposing: Mrs. Wm.Flandon, A.E.Denis, Mr. Cummins. All wanted a rural residential area without infiltration of business. Mr. Hill, the owner of the ground, said he would take no side in the matter, Mr. Brown had been a satisfactory tenant.

Mr.Brookfield said this was a good neighborhood - houses from 12 to $30,000.

Mr. Cummins thought Mr. Brown should have more ground. Ten stood opposing.

Mr. Brown said the smoke could be eliminated. He said his kennels were open for inspection at any time. He might have as many as 40 dogs - the number varied.

Judge Hamel moved to deny the application because the use which is indicated in the application will undoubtedly affect adversely the property in the neighborhood, in accordance with the zoning ordinance which now exists. V.Smith seconded. Carried.

It was asked how long before the dogs are eliminated. It was the desire of the objectors to get rid of it immediately. Mr. Mooreland said they usually gave 30 days - that the zoning office would check to see that this was stopped.

6 - Virginia Power and Electric Company, to construct and operate substation on 1.03 acres on the east side of Rt. 657, approximately 3 miles south of Centreville, Centreville District.

Mr. Scott appeared before the Board. He said this was a wooded area not near any homes as far as they knew. It would be a steel structure and would conform to required setbacks. They would have a high fence on the restriction line - 6 feet with a barbed guard on

top of this fence, over the property.

Mr. Scott asked about the setback for the fence, which would be over the required height. Should it meet the front 50 foot setback, or could it be on the property line. Judge Hamel said the ultimate reason of the fence was safety and he thought putting it on the property line assured more safety than to meet the required setbacks. There were no objections. V.Smith thought if they allowed for a 50 foot road in front it was all right to set the front fence on that setback line and otherwise on the property line, sides and rear.

V. Smith moved to grant this use and that the 6 foot fence with the barbed guard over the property be permitted bordering Rt. 657, not less than 25 feet from the centerline of Rt. 657. JB Smith seconded. Carried.

7 - Charles G. Lavin, to erect dwelling within 34 feet of Birchwood Rd., Lot 13, Lakewood, Section I, Falls Church District.

Mr. Lavin said his plans were drawn based on the covenants on the ground which require a 50 foot setback from the front road and a 15 ft. setback from side streets. He had later learned of the county restrictions. This 34 foot setback will be from the side road. There is a 16 foot cut down to this road at the corner, and Birchwood is a dead end street.

There was one objector, Mr. Larsen. In the discussion it was brought out that the property was posted across the street and Mr. Larson did not know it was Mr. Lavin's property under discussion. The posting, however, was thought to be the most practical location that could be found as - had it been on the property it would not have been seen. Mr. Larsen withdrew his objection.

Mr. Mooreland said he did not think this would hurt since the street is so far below the building and is dead end. There was no opposition from other local citizens.

Mr. V. Smith said legally the Board could not act since the property was posted incorrectly and something could come up later regarding this. Since it was agreed that the property actually was posted well from the visibility standpoint and all objections were withdrawn, the Board agreed to act, subject to further posting.

Judge Hamel moved to approve the application subject to reposting in accordance with the Ordinance, in view of the unusual topography. Seconded, Mr. Haar. There was some discussion about re-advertising, which the Board thought unnecessary. Judge Hamel withdrew his motion and moved to approve the application. JB Smith seconded. Carried. V. Smith voted No. Carried.

8 - M. T.Broyhill & Sons, to locate snack bar on construction job for duration of construction of subdivision, Parcel A., Section 5, Broyhill Crest, Falls Church District.

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Since this is a necessary adjunct to building and only temporary, Mr. Haar moved to grant the application for one year. Seconded, Judge Hamel. Carried. Mr. V. Smith voted No.

9 - Walter Marinetti, to conduct nursery school and kindergarten, Lot 93, Section 3, Belvedere, 838 Pinewood Terrace, Falls Church Dist.

Mr. and Mrs. Marinetti appeared before the Board. Their house is not yet built. They will have 9 children - five days a week-all day. The rear of the lot will be used for yard. Inspections have not yet been completed by the Health, Welfare, and Fire Marshall. This will be a one story building.

Mr. and Mrs. Shepps, owning property across the street objected. They thought the school premature since almost no homes are as yet built in the neighborhood and most people owning property in the area do not know of this application. The property was incorrectly posted. Mrs. Blackman objected, saying it would be annoying and was not sufficiently known to the neighborhood.

Mr. V. Smith said he thought to establish a nursery school, the need should be evident, he did not think this was so in this case. He suggested deferring the case for six months or deny it. Such an establishment should be sanctioned by the people in the neighborhood.

Mrs. Shepps said they would be next door to this school and they considered it a nuisance and possibly depreciating to their property and also that it was premature.

Judge Hamel thought the Board should establish a policy regarding such things as this. This is a new residential community and the Board should not interfere with the development and contentment of the community. He moved to deny the case. JB Smith seconded. Carried.

10 - Peter Bednarczyk, to construct and operate motel, Lots 6 & 7, Crystal Springs, Corner Lee Highway and Summit Drive, Centreville District.

Mr. Bednarczyk said he would have 12 units. It would be across from Happy Hour Pavillion and about 100 yards from a motel already established. There are only four dwellings now in Crystal Springs, most of them very meager structures. The applicant thought his own installation would be an improvement on the neighborhood. Mr. and Mrs. Smith, who are the most interested, have stated they do not object to this use. This will bring development to the area, Mr. Bednarczyk said. The building will be of brick or tile. He will live there also. He showed pictures of the homes in the area and of the Smith home.

The Chairman asked for opposition, if any: Mrs. Wood spoke. She said most of the homes in the area were incompleted. She thought

the morning and evening traffic into the motel would be a hazard to children waiting there for school busses. Also trash would accumulate. She thought most property owners in the community were opposed.

Mr. V. Smith moved to defer the application to view the property. Seconded, Judge Hamel. Carried.

11 - Marion C. Cranford, to locate dwelling 23 feet from side property line, Lot 1, Lorton Valley Subdivision, SW corner of Cranford Street and Rt. 600, Lee District.

Mr. Haar had seen the property and he did not think it would set a precedent since it was such a small variance. There were no objections. Mr. Haar moved to grant the application. Judge Hamel seconded. Carried.

12 - O. A. Moeller, to construct and operate filling station and to locate pumps 20 feet from Lee Boulevard, Lot 16, Beech Park, Providence District, was withdrawn.

15 - Guy V. Pavey, to use present house as duplex dwelling, Lots 21 and 22, Woodland Park, Mt. Vernon District.

The apartment is already in use, Mrs. Pavey said. Mr. Mooreland said this was next door to the duplex the Board had granted some time ago, the Herrings. The Paveys had opposed Mr. Herring's trailer but not the duplex. The applicant has the area (two lots) and the required frontage. He thought this was a temporary expedient. He did not think it detrimental to the community. There was no opposition.

Mr. Haar moved to grant the application, JB Smith seconded. Carried.

13 - Retlaw, Inc., to allow dwelling to remain 13.5 feet from side line, Lot 110, Section 3, Pimmitt Hills, Providence District.

Mr. Walter Phillips represented the company. Since it was such a small variance and only one corner of the house was in violation, Mr. Haar moved to grant the application. JB Smith seconded. Carried.

14 - Guy V. Bennett, to operate woodworking shop in presently located building, on 18-1/2 acres located 9/10 miles north of Chain Bridge Rd., approximately 300 yards west of Beulah Road, Providence Dist.

Mr. Bennett said the building is 30 x 80 feet. He has three boys and wished to have a small woodworking business mostly to keep the boys busy and to utilize this building. He has a 15 foot right of way back to the building from Beulah Road. It is not near any other dwellings and he thought would not be objectionable in any way. This building was formerly used for chickens, a much less desirable use, according to the applicant.

Mr. Mooreland said he saw no objections to the application.

Mr. Pilling, a near neighbor, presented a petition objecting, with 8 names signed. The petition objected on the following grounds:

1. This use would be a detriment to dwellings in the neighborhood and would constitute a nuisance. 2. Devaluation of property. 3.The use would be antagonistic to the atmosphere of the area. 4. The notice was not adequately posted.

Mr. Mooreland said he posted the property in the best possible way to meet the requirements and for public notice.

Mrs. Overby spoke opposing. Mrs Bennett said her house was 400 yds. away.

Mr. Pilling thought this would hurt future subdivisions. He also understood that Mr. Sembower would do considerable carpentry work there, making doors and windows, etc. He did not like that.

Mr. Bennett said the building cost $13,000 and this would be such a small business the sound of machinery would not interfere. He has a chance to get his machinery practically free. He thought it could be tried and see if it was objectionable.

Mr. V. Smith thought bringing commercial enterprises into a purely residential area was unwise. He moved to defer the case til the next meeting, to view the property. Seconded, Mr. Haar. Carried.

16 - Normandy Land Club, Inc., to divide lots with less frontage than required by Ordinance, Lot 9 to be 105 x 100 x 123 and Lot 10 to be 115 x 100 x 140 ft., as per plat submitted, Sommerville Hill, southerly side of Burgandy Rd., about 300 yards west of Telegraph Road, Mt. Vernon District.

Mr. Phillips represented the company. He stated that in the approving of this subdivision plat the Planning Commission asked for a 40 foot boundary road. There is not enough depth to the lots to have this width road. The developer asked for a 35 foot road and a 5 foot easement, but this was not satisfactory to the Planning Commission. The lots will have the required area.

Mr. V. Smith asked about the future need of garages. Mr. Phillips said that would be up to the builder. There were no objections.

Judge Hamel moved to grant the application, in view of the circumstances presented. Mr. Haar seconded. Carried. V. Smith not voting.

18 - Hutchinson, Inc., to permit erection of two signs in excess of the maximum area permitted, 6304 Wilston Drive, Shopping center at Wilston Apartments, Falls Church District.

Mr. Ken Johnston represented the applicant. Mr. Hutchinson was also present. Mr. Johnston said they would like approximately 250 square feet of sign. The larger sign will be on the Lee Boulevard side and because of the great distance back from the boulevard a sign which would conform to the regulations would not be sufficiently visible from the highway. On this side they would like 167 square feet of sign and on the other side which faces Wilston Drive

they would like about 50 % of this square footage. They wished to know if this could be determined two separate signs or if it would be designated as one sign. He showed the sign contemplated for the Lee Boulevard side and said the other sign was not yet made up but it would be very much smaller. This was on the side facing apartments and they did not wish to have it too large or noticeable to disturb people living there.

Mr. Johnston said he felt the zoning ordinance was not adequate in the matter of its requirements. Signs farther from the highways should be allowed large enough for visibility, with a percentage graduation to smaller signs closer to the highways.

Mr. Mooreland said he and Mr. Schumann had discussed the size of signs in this connection and he felt the sign ordinance would be revised under the master plan.

Mr. Johnston thought this could be granted under the part of the sign ordinance relating to the front and back of a sign being determined as two separate signs, since the two signs in this case are on opposite sides of the building. Mr. Johnston said they could not possible come within the required area on the Lee Boulevard side and have a sign that was adequate for advertising.

Judge Hamel agreed that the revision of the ordinance was far more desirable than to have cases like this coming before the Board of Appeals.

V. Smith questioned the inadequacy of the sign ordinance. He said Lee Boulevard was not a potential U.S.#1. He thought there were many shopping centers which were very successful and were meeting the regulations.

Mr. Johnston said advertising had become a tremendous business and was now a necessity and he thought ordinances should keep pace with the needs.

V. Smith moved to defer the application to get interpretation from the Commonwealth's attorney whether or not this would be classed as having two separate frontages. Judge Hamel seconded. Carried. Mr. Haar did not vote.

19 - Crestwood Construction Corporation, to allow dwellings to remain closer to front property line than required on Lot 1, Block 12, Sect., 3; Lots 20, 21, 22, Block 10, Sect. I; Lot 17, Block 10, Sect. 1A; Lot 12, Block 12, Sect. 5A, all in Springfield Subdivision, Mt. Vernon District.

Carl Helwig appeared for the company. This is a continuation of the lot lines the company found in error two meetings ago. The mistake started in the first laying out of the lots, starting from the wrong point and was found when the loan survey showed the discrepancy. Some of the lots they resubdivided - but did not have the

area to do that with these. One hundred fifty homes are under construction. All the others are located correctly. There were no objections.

Mr. Haar moved to grant the variances because they were very small and it would be a hardship to do otherwise. Seconded, Judge Hamel. Carried.

20 - Wm. W. Johnston, to allow two dwellings to remain, each of which will be located a minimum of 13 feet from side property line, Lot 16, Sect. 2, Woodburn Heights, Falls Church District.

The houses are already built - have been there for many years, Mr. Johnston said. Also after making this application, Mr. Johnston said he found that the houses are 22 feet apart instead of 26 as the application states and as advertised. He can add sufficient ground to give the required area. There was no opposition. Mr. Haar moved to grant the application (11 ft from side line) and Judge Hamel seconded. Carried.

17 - Belle Haven Realty Corp., to resubdivide lots 22 through 30, Block 40, New Alexandria, into lots with less area than required by Ordinance, Mt. Vernon District.

Mr. Ed. Holland appeared for the company. This will be a combining of lots in an old subdivision, Mr. Holland said, which will better conditions considerably - giving wider frontages and better building sites. In the division there will be 4 lots as against 9. There was no opposition.

Judge Hamel moved to grant the application because it is a distinct improvement. Seconded, Mr. Haar. Carried.

22 - Dr. W. A. Klausman, to permit use of the premises as an office for non-resident doctor and dentist, Lots 1 and 1/2 of Lot 2, D. S. Mackall's Addition to McLean, on the west side of Rt. 123, approximately 150 feet north of Old Dominion Drive, Providence District.

Dr. Klausman and Dr. Coleman appeared before the Board. Two petitions were presented, one objecting to the rezoning of this ground and the other favoring the application to allow the two Doctors to practice in this building. The Chairman explained that this is not a rezoning but a special use granted to the applicants and for the purpose requested only. Those present were definitely in favor of that.

JB Smith moved that the application be granted - to the applicants only. Seconded, Mr. Haar. Carried.

23 - Harold and J. Evelyn Nalley, to permit lot with more than the required area but with 90 feet frontage, the south half of Lot 52, Madrillon Farms, on George Washington Rd., Falls Church District.

Mrs. Nalley said they had bought this large lot thinking they could divide it and sell half. They sold the house they had built on one part of the lot and sold it but the remaining part of the

original lot was not recorded before the effective date of the Ordinance. It is less than the required area. She wants permission to sell this lot with the lesser area.

The Board did not think the plats sufficient to know exactly what Mrs. Nalley wanted to do. Mr. Haar moved to defer the case for better plats and to study the case. Seconded, JB Smith. Carried.

24 - Molly Ann Vick, to conduct a dance school, Lot 2, Second Addition to Salona Village, southwesterly side of Brawner Street, immediately joining the school property, Providence District.

Miss Vick said they would build the house and have one room for the dance school. The school will be for all ages. They will live in the house.

Mr. V. Smith thought the use of the building for a school should be limited to certain rooms or room. He moved that the application be granted to the applicant only and the use of the one room only, which is approximately 30 x 20 be used for the school, provided the applicant lives in the building. Seconded, Mr. Haar. Carried.

The Board made no decision on the case of John M. Henkle, to construct attached carport to come 4 feet from side line, Lot 44, Sect. 1, Bel Air, Falls Church District.

21 - People's Broadcasting Corp., to construct four 200 ft. towers and small transmission building for operation of radio broadcasting station, to be used as power station only - not actually for studios, on approximately 25 acres (land of Gilbert Vanderwerken) on the southerly side of Chain Bridge Road, running to Pimmit Run, Providence District.

Mr.Gardner Boothe and Mr. Dudley represented the Company. Mr. Boothe said this ground is under option for the purpose designated in the application. The idea had been suggested, Mr. Boothe said, that this installation might depreciate property in the area. He said the towers and building would be surrounded by woods, the grounds beautified and well cared for, that there would be no dust nor noise and the entire installation would not be seen except for the tops of the towers.

The option to purchase lists the following restrictions:
1. No buildings except those required for operation and maintenance and the towers. 2. No buildings shall be used for trade or business. 3. If any of the property is sold it shall be used for residence only, no apartments, semi-detached or row houses, no places for public entertainment. 4. Dwellings to cost $20,000 or more, if any ground is subdivided, and lots must contain 20,000 square ft. or more. 5. No building shall be located nearer than 40 feet fronting on Fairfax Road.

Mr.Wilbur of the broadcasting company spoke. He emphasized the

fact that this is not a studio and will never become that. Only the engineer and caretaker will be on duty. He went into the background of station WOL and explained the need for a booster station to adequately cover this area, since this district has suffered from lack of transmitters. The site is ideal from the standpoint of topography and location.

Mr. Glenn Gillette, construction engineer, told of the need of this 5 kilowat station which will serve 1,400,000 people and an area of 12,000 square miles. Other stations on this frequency have restricted the range direction and this site has met the requirements of the Federal Communications Commission. The dwelling for the caretaker will be in keeping with the general area. The towers will be 300 feet from the Pike. People in the neighborhood will not be conscious of this installation, Mr. Gillette said, as it will be screened - only the towers showing against the sky. These stations had never been objectionable in other localities.

It was suggested that four other sites had been acceptable to the engineers. Mr. Gillette said this site had a level spot suitable for locating the towers - the other sites did not have the satisfactory topography. He said the Federal Communications Commission had required that they satisfy any complanits in the area of interference with reception of television or radio. The towers would also serve for lightning protection for an area of about 1000 feet or more.

The station in the Washington area will be abandoned for transmission purposes, the studio material will be telephoned to this station from Washington and then transmitted. There will be no traffic hazard here as so few people will be on duty or entering the station.

The Chairman asked for the opposition:

Miss Ann Hedrick presented a petition opposing, with 57 names, objecting for the following reasons: 1. Towers would depreciate high property value. 2. Too close to Memorial Parkway and would mar the view. 3. Other non-residential sites are available.

Mrs. Lawson stated that Mr. Groteclose from National Capital Park and Planning Commission had called that although the taking lines for the George Washington Memorial Highway are not yet accurately surveyed, it appeared as though the proposed site of the transmission building would fall about 100 feet within the Parkway lines, and requesting that if the Board granted this application, it be subject to removal of this building at least 100 feet to the north of its present proposed location.

Mr. Boothe said they were very willing to do that.

Miss Hedrick spoke of the high type development in this area which should be preserved. She thought the towers would not be in

keeping with the future of this area.

A second petition was offered, opposing, containing 29 names. Letters were filed with the case, opposing, from the following: Winthrop Brown, N.D.Stewart, Burr, Phoebus, Anderson, Schroeder, E.Blenman, H. Auchincloss, C. Talley, Andrew Van Esso.

Samuel Neal opposed the entrance of a commercial venture in this area. He criticized the owner of this property for capitalizing on his own property at the expense of the neighborhood. He claimed there was no advantage to be derived from this use except to the seller and the purchaser. He suggested that those representing the applicant did not live in the area and had no interest other than as a business proposition, while everyone living in the neighborhood opposed. He objected to commercialization of an already established residential area. He thought the towers very objectionable.

It was brought out that the owners of this property had sold various pieces of ground and placed high restrictions on it - yet he himself was willing to break faith with these purchasers by encroachment of business on his own property.

J.E.Hoyle said Mr. Wagner, the owner of WOL, had told him some time ago that the radio towers would not be put on this ground- that this ground was being bought for homes. Therefore, Mr. Hoyle bought across the street from this property. He was unhappy over the commercial plans for this ground.

John Ackerman lives 1200 feet west of the proposed towers. He objected to the infiltration of business in this area. Mr. W. Marshall, living 1/2 mile away, opposed.

Mrs. Powell has bought on the river. Her property is highly restricted (she bought from the owners of this property) with the understanding that no business would be put on her property or on this property in question. She considered it unfair for the Vanderwerken property to place high restrictions on property they sold then break these restrictions themselves. She thought this use would change the character of the area.

Mrs. Bleman restated objections of the others. Henry Cox, Russell Brown opposed and thought the Vanderwerken showed bad faith. Mary Brewster, Donald Downs, Mr.Wray, Mrs. Pendleton opposed for reasons shown above. Mrs. Pendleton thought this would abuse a very old and historic area.

J.H.Moline, Francis Powell Hill, Mrs. Howes, Marion Kirby, Evelyn Solva, Mildred Bunn all spoke opposing.

Mr. Guy Church, real estate broker, testified for the applicants. He said the expansion of radio facilities was necessary for the general welfare and for defense purposes. He recalled the coming of tele-

phone and electric light poles which he had opposed many years ago, but that they signified progress and were necessary just as the radio stations are necessary now. He thought the topography was especially adaptable to this use. He sited other areas where the installation of radio towers had not hurt the locality. He did not think this would depreciate values. He suggested that the use of walkie-talkie in the event of war was very important and it would be valuable to have this station in this particular location.

This last statement of Mr. Church's was questioned as it was stated that no one station is necessary. Mr. Church said no- that was true but many stations were necessary.

Mr.Dudley stated that the case should be judged on its merits and the feeling of the people in the neighborhood against the Gunnells and the Vanderwerkens should have no weight. He said they were willing to comply with any restrictions the Board might make. They would leave a deep border of trees so the towers only would be visible.

Judge Hamel said in view of the importance of this application, he would move to defer decision in order to take under advisement and study the different phases of the case. Seconded, V.Smith. Carried.

25- John Webb and John Wood, Trustees, to construct three sewage disposal plants on the Bristow property, all located on the east bank of Accotink Creek, between Little River Pike and Braddock Road, Falls Church District.

Messrs Webb and Wood appeared before the Board. Mr. Wood stated that the only feasible plan for developing this land was to have disposal plants. A considerable portion of the ground is not adaptable to septic fields and they do not want outside privys, which is the only alternative without sewage disposal or septic fields. Since the Annandale area has no immediate nor future plans for a sanitary district and since it is not practical to leave this land vacant for an indefinite time, Mr. Webb suggested that the disposal plants were the only practical solution.

This application was before the Planning Commission, Mr. Webb said, and was recommended by them. Mr. Corbalis, Sanitary Engineer, also approved it.

At the present time this case is before the State Water Control Board, Mr.Webb said, and will have to meet their approval. The approval of this Board would greatly aid the case before the Water Control Board. It will be heard before that Board in October or November.

The affluent will be dumped into Accotink Creek, which is the reason for opposition by Ft. Belvoir.

July 15, 1952

In answer to Mr. Haar's question, what type of plants will be installed, Mr. Webb said the Griffith - the same plant being used and working satisfactorily at Vienna and Manassas. It will give 90% treatment.

Mr. V. Smith asked why have three plants instead of one.

Mr. Webb said it would be almost as economical to install and operate and would give greater efficiency. Also upon the completion of the first plant the area to be served could be developed and the entire project could be developed by stages - as each plant is installed. It would be better to dump effluent into Accotink Creek by stages rather than all at once as would be the case with the one large plant.

Mr. Webb was asked about the amount of pollution. He said the Water Control Board would control that. They would allow pollution only to a certain percentage. Mr.Webb stated that Fort Belvoir is objecting because of pollution. He said the only alternative would be to pump into Backlick Creek which he thought would involve legal technicalities - pumping from one shed to another. Mr.Webb said the water coming from the disposal plant in Vienna had gold fish in it, testifying to its purity.

The Chairman asked for opposition: Mr.Richard Highws and Mr. Keller, both living in Fairfax Hills spoke, opposing. Mr. Keller said they had a very limited knowledge of this proposal and would like sufficient time to present a formal opposition.

Mr. Corbalis said the amount of pollution was very carefully studied and controlled, that other Griffith plants in the county were near residential property and had not been objectionable,however, in this area which is undeveloped the nearness of homes could be controlled. He thought this was a far better solution to development than septic fields, which so often are not satisfactory. He thought this installation would bring better values to this area, that the operation of this type of plant and the locations proposed were satisfactory. Since the county is not yet ready for a sewer system in this area, this is the only means of development. It may be abandoned later as a private enterprise and taken over by the county, which has happened in other cases. It would be a self liquidating purchase.

The pipe lines installed will be large enough to take care of the entire development of the area, Mr. Webb said, Mr. Corbalis would require that.

Mr.Corbalis also said the three plants were more efficient than one plant - especially from the standpoint of entering the stream gradually. He did not think granting this would jeopardize the future of a sanitary sewer. The present pollution of the stream is now being studied by the Water Control Board, Mr. Corbalis said.

057

Opposition continued: Dr. Ethridge asked how many other developers could use the stream in the same way. Mr.Corbalis said that was the question before the Water Control Board now. A flowing stream has 70% pollution. Disposal plants will be granted only to the extent that pollution can be assimilated.

Dr. Butts proposed that sewage should be pumped out of the ~~county~~ AREA since this stream is already polluted.

Mr. James Ferguson objected - he thought this was a county problem which possibly should be solved by an authority, which is a means of handling which should be explored. Mr.Ferguson said the Sanitary District Committee, of which he is a member, will soon make their report.

Mr. Webb said they would be guided entirely by the State, that they had asked this installation first and anyone else asking would be too late. He said his company had a greater interest in this working satisfactorily than anyonelse.

Dr. Ethridge asked about the possibility of this creek for a park Mr. Brookfield said the new National Capital planning expansion bill has not yet been signed by the President and there is nothing definite yet from the park plan. He thought this had no bearing.

Mr. Corbalis was asked if the county would be responsible for the upkeep of these plants. He said, yes, when ownership is conveyed to the county.

Mr. V.Smith thought it might be well to get the decision from the state first and asked if they would go ahead in the hearing without an answer from this Board.

Mr. Weed thought no answer from this Board would greatly hinder their case before the Water Control Board. At least it would be an obstacle and would cause delay. He felt that the development of this land in the near future was important and necessary. He suggested that the state might feel that they were wasting time on this case when they did not know what this Board would do. Also it is a great expense to carry this case on.

Mr. V.Smith thought this case should take considerable thought and study as it affected the general welfare of the county. He moved to defer the case until the next regular meeting for further study and for the presentation of any information the Trustees might have from the Water Control Board, at that time. Seconded, JB Smith. Carried.

J. W. Brookfield

J. W. Brookfield, Chairman.

* * *

August 19, 1952

The regular meeting of the Board of Zoning Appeals was held August 19,1952, in the Board Room of the Fairfax County Courthouse at 10 a. m. with the following members present: Messrs J.W. Brookfield, Verlin Smith, J.B.Smith, Herbert Haar, and Judge Hamel.

Judge Hamel asked that the record show that the Board of Appeals congratulates Mr. J. W. Brookfield on his appointment by the Northern Virginia Regional Planning and Economic Development Commission to membership on the Regional Council, recently created by Congress- he so moved. Seconded, Mr. V. Smith. Carried, unanimously.

1 - Dayton H. Frost, to remodel dwelling which is located closer to Springvale Road than allowed by Ordinance, Lot 1, Section 2, Forestville Estates, Old Georgetown Pike and Springvale Road, Dranesville District.

Mr.Frost said he was embarrassed to come before the Board but he had not realized the necessity. He had bought this old farm some time ago and now wishes to remodel the house to make it modern and livable. He will remove two side porches retaining the rear porch and do over the inside.

The width of the road at this point was discussed and the possibility of widening it. It was suggested that since the present house was 60 feet from the centerline of the road perhaps the extra width could be taken from the other side of the road. There is a jog in the road which will no doubt in time be straightened out. There was no certainty that this could ever be done, however.

Mr.Frost said he would be greatly penalized if he could not remodel as he could not live there as it is nor could he conscientiously sell. It was too expensive to move the house back to conform. There was no opposition.

Judge Hamel moved to approve the application because not to do so would greatly penalize the applicant. Seconded, JB Smith.Carried. Mr. V. Smith not voting.

2 - Knox Presbyterian Church, to locate church 37 feet from Allen Street joining Jefferson Village, Falls Church District.

Mr. D. K. Grill appeared for the applicant. Mr. Mooreland said this had been granted some time ago by the Board but the time limit had elapsed before work was started and he could not issue the permit. It was suggested that the building be moved back to give a 40 foot front setback and 12 foot rear setback. Mr. Hamacher, the architect, thought the 15 foot rear setback was necessary. Mr. Mooreland said they had originally had a 20 foot rear setback and a 7 foot variance on Allen Avenue. There was no opposition.

Parking was discussed. Mr.Grill said there would be plenty of

parking on the street on Sunday and most of the congregation was within walking distance. There is no ground available to allow for off-street parking. Also Mr. Grill said the shopping center was near which could be used for parking on Sunday.

Mr.V. Smith moved to grant the application because it does not appear to affect adversely the use of joining property by granting this 3 foot exception. Seconded, JB Smith. Carried.

3 - Irwin Hedges, to enclose porch which is located 20 feet from side line, Lot 1, Section 3, Tauxemont, Mt. Vernon District.

Mr. Hedges said he originally got the permit for an open porch and now wishes to enclose it. There is a 10 foot walk-way easement on this side between Mr. Hedges and his neighbor, which gives extra setback. He thought this would improve the appearance of his home-rather than having a rear shed as some of the others have in the area.

Mr. V. Smith moved to grant the application because of the easement and also because this would not tend to set a precedent because others in the area were not similarly situated. Seconded, JB Smith. Carried.

4 - F.P.Howell, to construct addition to dwelling to come within 39 ft. of Glen Carlyn Drive, Lot 20, Park Haven, Falls Church District.

Mr. Price represented the applicant. The building is completed and occupied. It is a corner house and the main part of the building sets back 50 feet. The addition, which is a den 12 x 21 ft. will violate 2 feet. There were no objections. If the room is reduced by 2 feet the applicant thought it would be too narrow to be effective.

Mr. Haar moved to grant the application, Judge Hamel seconded. Carried. Mr. V. Smith voted No.

5 - Hugh B. Mitchell, to construct attached carport to come 4 feet from side line, Lot 7, Brilyn Park, Providence District.

Mr. White said the neighbor had done the same thing on his side. Mr. Mooreland thought this was a very close to the line for this area. Mr. Mitchell said he would be satisfied with a 5 foot variance. There was no objection.

Judge Hamel thought it was not a good thing to grant such a variance but that a man should have a place for his car. He thought these cases should be taken care of in the laying out of the subdivision. Mr. Mooreland said this was an old subdivision.

Mr.V. Smith said the Board had refused the same thing a short time ago, that the Ordinance had provided an extra five foot leeway on these setbacks to take care of garages and carports and he thought that should be sufficient. He moved to deny the application because it does not conform to the minimum required setbacks, as

set forth in the Zoning Ordinance. He suggested a detached garage The applicant objected to the expense. Seconded, JB Smith.Carried For: JB Smith, V. Smith, Mr. Harr. Judge Hamel not voting.

After further discussion Mr. V. Smith withdrew his motion and moved to defer the case to view the property and for study. Seconded, JB Smith. Carried.

6 - Paul E. Lockhart, to construct attached garage to come 6 feet from side property line, Lot 4, Schooley Acres, Mt. Vernon District.

Mr. Lockhart said he was misinformed about the location of this garage and had put in the foundation and driveway. The garage will be 20 x 24 ft., brick and cinderblock construction. He thought it would be a distinct improvement to the house. He has almost 1/2 acre. It was suggested that the breezeway, which is 12 x 12 ft. be reduced in size. There were no objections.

Judge Hamel moved to approve - no second. He moved that the applicant be allowed to come 8 feet from the side line instead of 6 ft. Seconded, Mr. Haar. Carried.

7 - E. H. Rupert, to complete construction of detached garage which is /located 33 feet from Lake View Drive, Lot 123, Section 2, Lake Barcroft Estates, Falls Church District.

Mr. Rupert said this is the only way he can get his car off the road. The ground is very steep down to the house and garage location. He has had to fill 7 feet and the location is still low- but this is the best he can do. The developers and the police have asked everyone to get their cars off the road if possible.

Col. Barger, of Barcroft, was present and said it would not adversely affect other property in the area, in his opinion, in fact he thought it would look very well as all the lots in this area were irregular. There were no objections.

Mr. V.Smith moved to defer the application to view the property. Seconded, Mr. Haar. Carried.

8 - Peoples Drug Stores, Inc., to have sign larger than allowed by Ordinance, Belle View Shopping Center, 609 Belle View Drive, Mt. Vernon District.

Mr.Roger Wells appeared for the applicant. He submitted photographs of the store before People's took it over and showed the type of sign requested. The sign has two sides. It is not seen from Memorial Highway, only from Belle View Drive. Mr. Rogers said this is the standard type sign used by Peoples in all their stores - he cited locations in Washington and other places. There were no objections.

Mr. White questioned the necessity of so large a sign, that the request exceeds the restrictions considerably.

Mr. Rogers said they have 96 square feet of sign now and the

center panel will have 44 square feet. The Ordinance allows 120 square feet.

Mr.V. Smith thought the case should be deferred to clarify the Ordinance on corner signs. He thought the allowed square footage was sufficient. Mr. Brookfield thought extra size sign would be objectionable to the neighborhood.

Mr.V. Smith moved to defer the case to clarify the Ordinance on corner buildings. Seconded, Judge Hamel. Carried.

9 - Hanna E. Hadeed, to construct and operate motel and restaurant on approximately 200 x 300 square feet on the south side of Rt. 211, near Glen Alden Subdivision (formerly Kline's store) Providence District.

The buildings would be 150 feet back from the right of way and the restaurant 50 feet from the right of way. He will remove the old store now on the property and remodel the house and build the cabins around it. He will have 12 units.

Mr. Sheets objected because this is the center of 7 or 8 residences and he thought this permanent business would be detrimental.

Mr.V. Smith saw no particular need as there are many other tourist courts near. He moved to defer the case to view the property. Seconded, JB Smith. Carried.

10 - Lowe H. Bibby, to construct additions to dwelling to come within 5 feet of side property line, 1/2 acre on the southerly side of Georgetown Pike, 1-1/2 mile from Chain Bridge, Providence District.

Col. Bibby showed a letter from his neighbor - not objecting. The house sets about 250 feet back from the road. The additions will be on the rear. The house is about 30 years old. The lot is very deep with too narrow a frontage to conform.

Mr. Mooreland asked when the lot was recorded - that was illegal as it now stands, if recently made into a lot. No one knew.

Mr.V. Smith moved to defer the case pending investigation of the lot size. Seconded, JB Smith. Carried.

11 - A. G.Dezendorff, to construct building which will be located 30 ft. from the new right of way of Leesburg Pike and 30 ft. from right of way of Lee Boulevard, with the understanding that the presently located building on this spot will be demolished, 29,511 square feet, located at the southwesterly corner of Lee Blvd., and Rt. 7, Falls Church District.

Mr. Ed. Gasson represented the applicant. He stated that this is the old medical clinic which is located on an ill shaped piece of ground. The presently located building encroaches on Lee Highway considerably. It is non-conforming. If this building is torn down and the new one put up the encroachment will be considerably less - only 5 feet on each of the highways. If this is not granted

the applicant will have to remodel the old building which Mr. Seay and Mr. Gasson thought much less desirable.

Mr. V. Smith suggested moving the building back to meet requirements. Mr. Gasson said the applicant planned another building between the new one proposed and the presently located filling station on the property. The topography makes it difficult to conform under any circumstances. There will be sufficient parking space. The Highway will take 16 feet more. The contract has been let for this construction, Mr. Gasson said. This is all the Highway intended to take as far as is known.

Mr. V. Smith thought the bottleneck at 7 Corners was already a serious thing and something permanent will certainly have to be done here in time. The Board members agreed that this is an important spot and did not wish to contribute further to congestion. Judge Hamel suggested that before another building was permitted the Board should look ahead to the future scheme of traffic control. He would like to see a deferrment. There were no objections to the application from those present.

Mr.Seay thought this was a very expensive deferrment. Mr.Gasson suggested approval subject to the approval of the Highway Department.

Mr. White recommended against action until looking into conditions more carefully.

Mr.V. Smith moved to defer the application pending study and a check with the Highway Department. Judge Hamel seconded. Carried. Mr. V. Smith also asked the applicant to present plats showing all the buildings on the property and parking space, entrances and exits.

12 - Charles and Mildred Pickett, to conduct day nursery and kindergarten on 3 acres on the east side of Rt. 655, between Rt. 236 and Old Lee Highway, Providence District.

This is a contract sale to Mr. and Mrs. Bahr who will conduct the school. They are now operating in Arlington. At present they have 6 children - age group from infants to 6 years old. The children in this proposed school will go home nights and week ends. Mr.Bahr thought this use might be something of a detriment to the Marcus property which is nearest but that others were so far away they would not be adversely affected. The house is large and hard to market, Mr. Pickett said, but is very well suited for this type of use. It is 1/2 mile from Fairfax Circle.

Mrs. Bahr said they would have 16 or 17 children. They would come mostly from Arlington, although they will also serve this area. They would transport the children themselves. It was brought out that the building was not fireproof but that the septic field is new and adequate. They do not yet have approval of the Fire Control Board. They will use only the ground floor.

Mr. Pickett said the traffic on this road had increased greatly as it was used as a cutoff from Lee Boulevard to Rt. 236. It is dangerous, narrow, and full of curves. It will be widened in time, he felt sure. This use would not appreciably add to the traffic and he thought children on the road would not be in any added danger.

Mr.Ed. Gasson objected, representing Mr. Marcus and Krasnow. The Marcus family is very near - he located their place on the map- Mr. Gasson thought this use was not in the interests of health and safety of the neighborhood. The road is admittedly dangerous and traffic was bound to increase. He suggested that if the Picketts were running the school they would feel it may be all right but selling the property the school might grow into something obnoxious. It could be enlarged greatly. It would ultimately affect neighboring property, was not a good thing in a purely residential area and was not in keeping with the interests and intend of the Zoning Ordinance. He recalled that an open air theatre and commercial property in this area had been refused three times. Mr.Gasson said this is a good residential area and should not be down-graded - it was a bad precedent. He presented a petition signed by all living on the Scheurman Road - opposing.

Those opposed spoke: Mrs. Krasnow- opposing added noise and peace of the neighborhood; Mrs. Marcus, saying there was no guarantee against a very large and annoying installation or an even less desirable use, also the added traffic hazard. Mr. Milligan and Mr. Mathey objected for the reasons already stated. Mrs. Tanner objected because of change of character of the area, safety on a dangerous road. W. Henderson, Myrtle Barnes, Mrs. Hawley stood - opposing.

Mr. Pickett said Mr. Hoag was planning to develop 140 acres on this road, that this cannot remain a purely rural area - the property is too expensive and adaptable to higher density development, and the road would have to be widened.

Mr.Brookfield said the road hazard was certainly present, since both applicant and opposers had stressed it. As to the future widening, Mr. Mathey said they had tried to get this road widened and improved for 15 years - it didnt look too optomistic for any immediate change in the road.

Mr. V. Smith saw no immediate need in this area for such a school and he did not think it necessary for Fairfax County to have a school to take care of Arlington County. He moved to deny the application because it will have an adverse affect on adjoining property and as presented by both sides, the road is dangerous. Seconded, Mr. Haar.

Judge Hamel thought there probably was a need in the county for this type of school to take care of small children but once it is started it opens the door - and particularly if people in the area object it should not be granted. The motion carried.

13- J. J. Brown, to permit the operation of a dog kennel on Lot 12, Hugo Maters property, on Rt. 636, Mt. Vernon District.

Mr.Brown appeared before the Board. He said there are homes on two sides of him and a gravel pit in back. He will have 25 breeders with a varying number of pups. His kennels will be well back from all dwellings.

Mr. Maters had been told of Mr. Brown's difficulty in locating a place for his dogs and had attempted to help him locate a place. Mr. Brown had to move from his present location-permit having been denied by the Board of Appeals. This property is mostly a gravel pit which has been used for a dump for the neighborhood. The dog pens will be cleaned every day, Mr.Brown said, the debris burned or burried. No dogs will be boarded. All animals will be in a building which will cost about $25,000. He considered this better than having a dump on this ground.

Opposition: Mr. Fryer, who lives joining, spoke. He bought here thinking the entire property was restricted to residential property. He thought this would decrease land values and may lead to bad development. He felt the shrill barking dogs would be annoying. Mrs. Fryer considered this detrimental to selling property and the odor would be offensive even though the debris is burned.

Mr.Ed. Church owns property joining - he thought the swampy character of the ground would make this installation offensive. Mrs. F. Roman said they have cattle drinking from the stream which she thought would be polluted. They would like to subdivide but this would definitely be a drawback. Thomas Collins objected; also Mrs. Hall. An objecting petition with 59 names was presented.

Mr.Barber objected for reasons stated above. He commended Mr. Maters personally but thought Mr. Maters was thinking of selling and leave this community - therefore having no personal interest in what happened to this property. Mr. Maters objected to this.

Judge Hamel moved to deny the application because in the case of similar requests it would open the door in a residential area for undesirable uses and the people in the area have the right to look to the Board of Appeals for protection to keep out bad development. Mr. V. Smith seconded. Carried.

14 - W. C. Walker, to construct addition to existing house to come closer to side line than allowed by Ordinance, also to allow erection of garage closer to 30 ft. right of way than allowed, on approximately 26,000 sq. ft. on the south side of Georgetown Pike, approximately 200 feet west of Greenway, Providence District.

This is a 30 foot outlet road, the house is old and the applicant wishes to have his garage away from the garden which is planted and is the only space in which he can have a garden.

Mr. V. Smith said the road surely would be widened and it was bad to come too close with a permanent building. At present the road is privately maintained.

Mr. Mooreland thought this very close to the road. Mr. Walker said since this is not a public road he could see no objection. Mr. Mooreland stated that this is a recorded road.

Judge Hamel moved to approve the garage to be located 25 feet from the right of way of the outlet road. Seconded, JB Smith. Carried.

A letter was read to the Board stating that Mr. Brown was still conducting his dog kennel on the property denied last month.
Also a letter from Mr. Ghent was read and the answer sent by Mr. Brookfield.
Time on the case of Marjorie Cooke was extended for another 6 months (Her letter of request was read. Moved to extend, JB Smith, seconded Mr. Haar. Carried.)
Harold and Evelyn Nalley, to permit lot with more than required area but with 89 foot frontage, south half of Lot 52, Madrillon Farms.

This was deferred for study. Mrs. Nalley said the lot actually was purchased in 1940 but they did not get their deed until after the ordinance was passed. The first part of this lot was built upon and they wish to sell the balance of the lot. Mr. Mooreland said he thought this was a lot of record. Mrs. Nalley had been told this but for fear of some later difficulty Mrs. Nalley had wished to have it cleared by the Board, therefore she filed this application.

Mr. V. Smith moved to grant the application because it is a lot of record before the ordinance, as shown by sale contract presented by the applicant, which is dated in 1939 and therefore not subject to the Zoning Ordinance. Seconded, JB Smith. Carried.
Stanley Stress, to construct attached carport to come 5 feet from side property line, Lot 9, Fairfax Terrace, Falls Church District.

Mr.Stress said he had signed up for the carport before he realized he was in violation. There were no objections from neighbors of the area nor from the Citizen's Association. Mr. Stress asked to have his case reopened because he felt he had not properly presented his case at the original hearing. He could not afford to build a garage but felt it necessary to get his car off the street.

Judge Hamel moved and Mr. Haar seconded to reopen the case.Carried
Mr. V. Smith thought this was a difficult situation which might encourage others to ask the same thing and the Board should not continue such variances - although he was in full sympathy with Mr. Stress. Mr.Stress thought his case was unique in that he did not know of the requirements.

Judge Hamel moved that in view of the circumstances and since there are no objections the case be granted. Mr. Haar seconded.Carried

Mr. Verlin Smith voting No.

Grace Harris, to operate a dog kennel on 2 acres, New Hope Subdivision. Mr. V. Smith had seen the property. He thought the objectors had a valid case - that the dogs were noise. He moved to deny the application because it would affect adversely the use of adjoining property. Seconded, JB Smith. Carried.

Roland D. Hinds, to construct attached carport to come 12 feet from side line, Lot 41, First Addition to Fairland.

Several of the Board members had seen the property and thought this was all right. Mr. V. Smith moved to grant the application because it does not affect adversely the use of adjoining property and is actually more desirable for the community in general. Seconded, Mr. Haar. Carried.

John M. Henkle, to construct attached carport to come 4 feet from side line, Lot 33, Sect. I, Bel Air.

Mr. V. Smith had seen the property. He thought this was coming too close to property lines for frame houses. He suggested that a garage could be detached and be built back from the house. J.B. Smith moved to deny the case, seconded, Mr. Haar. Carried.

Peter Bednarczyk, to construct and operate motel, Lots 6 and 7, Crystal Springs. The Board questioned the need of this installation and thought it undesirable in the midst of a purely residential area and that it would change the character of the community.

JB Smith moved to deny the case, Judge Hamel seconded - reason, because it would be detrimental to joining and neighboring property. Carried.

Guy V. Bennett, to operat wood-working shop in presently located building, on 18-1/2 acres located 9/10 miles north of Whain Bridge Road, and 300 yards west of Beulah Road, Providence District. Letter and a petition opposing were read. (Petition contained 8 names) These papers filed with this case.

Mrs. Bennett recalled that this is not a rezoning just a variance. She said the building had always been used commercially, that a great deal of equipment is now in the building.

Mr. V. Smith said the use to which the building had been put was a permitted use under the Ordinance.

Two people whose names appeared on the petition had withdrawn their objections.

Captain Freeman spoke opposing. (It was brought out that the building conforms to the 100 foot setback for commercial use of chickens.)

Captain Freeman said they understood that but they did not wish another use to be allowed. It would ~~probably~~ be used for a contractor in his building business.

Mr. Pilling, living immediately across the road and east-objected,

on the grounds of this commercial use. Mr. Ketchum did not wish to break down the residential character of the area.

Judge Hamel thought this would open the door for similar business ventures - it could easily establish a precedent.

Mr. Bennet thought such a building should be used - it had never been objectionable to them nor apparently to the neighborhood.

Judge Hamel stated that since the community felt this would injure their property he would move to deny the application as it would be detrimental to the residential character of the community. Seconded, Mr. V. Smith. Carried. Mr. Haar not voting.

Webb and Wood, Trustees, to construct and operate three sewage disposal plants as per plat submitted on the Bristow property.

Mr. Webb spoke in support of this case. He said the sole question before the Board is whether or not this installation will impair the development of the residential area in which the plats are established. He felt there had been much irrelevancy in presenting opposition to the case at the first hearing. He referred the Board to the disposal plant at Belle Haven which conditions were much the same and which the County had granted. This, however, Mr. Webb said, is not a developed area. He quoted from the court case on the County sewage disposal plant.

Mr. Webb said properly designed and maintained sewage disposal plants were not a detriment to the area and were in harmony with future development. He read the recommendation of the Planning Commission on the County case, which approved. He quoted acknowledged authorities saying such plants in a residential area were not detrimental. He showed pictures of similar plants, which are operating satisfactorily.

Mr. Webb read from the report of Mr. Carper, Chairman of the Board of Supervisors, re his investigation for the County of similar plants in residential areas. Mr. Carper had talked with people living near these plants and found no objections. Mr. Webb suggested that the opposition should show concrete evidence of adverse affect on these plants. The plants will have to conform to regulations of the State Water Control Board and the State Health Department, whose restrictions are very rigid. Also Mr. Corbalis, Sanitary Engineer, has approved this installation. Each plant will cost about $55,000, and will conform so they can be taken over by the County.

The three plants are more desirable, Mr. Webb said, than one large plant as sewage can be absorbed more gradually.

Mr. Nichols, Mayor of Vienna, spoke of the similar plant in use in Vienna which is operating satisfactorily, without complaints and without odors. The nearest residence is about 1500 feet. He suggested that this plant should be investigated. The effluent is about 96% pure. Originally, Mr. Nichols said, there was great

opposition to this plant but it had proved satisfactory.

Mr. Haar asked about the time element in development. Mr. Webb said the property would be about 50% developed in 24 months after the plants are granted. There would be about 2000 people to each plant.

Mr. Corbalis stated that he had considered these plants over a long range plan and thought they would be satisfactory.

It was brought out that the State Health Department will not approve anything which would pollute the stream and close inspection will be kept on the condition of the stream.

Mr. Pergandi spoke favoring the plants, also Mr. McLaughlin, who felt it very important that the plants be strictly supervised. He suggested that this is the only means of developing property in this area. It would not be a burden on the tax payers.

Opposition: Mr. Craybelle, from the office of the Judge Advocate General of the Army spoke. He said they had found it impossible to get definite information about the plants, althought they had tried continuously. He felt this action was premature, that the Board should wait for the decision of the State Water Control Board and their findings. Even the location of the plants may be changed. He felt the Board was wasting time.

W. B. Kellen, from Fairfax Hills opposed. He said theCitizens Association in Fairfax Hills area opposed, also that Mr. Elliott of FHA had said that organization was opposed to granting loans near these plants, and he, Mr. Kellen, thought this installation would be detrimental to the future of a Sanitary District.

A letter from Mr. Genovese, opposing, was read.

Mr. Corbalis was asked about pollution of the stream from the Town of Fairfax Disposal plant. Mr. Corbalis said the plant had been greatly over burdened and had polluted the stream - that was the reason for the new plant. The pollution had gone on for a long time and the new plant was delayed entirely too long.

Mechanical failure was discussed and the ability of two plants to temporarily take care of a breakdown on the third plant.

Mr. De Co and Mrs. H. Payne objected to pollution of the stream. Overflow of the stream was discussed. Mr. Hal Baker opposed- saying the stream was already polluted, this would be destructive to property values, and that this would not comply with the future overall plan of the County. He thought it a health hazard and would hold back a sanitary district.

Mrs. C. Ethridge, Mr. Genovese, Mrs. Max Elliott, W.T.Blowe oppose

Mr. Kellem read a statement regarding the depriving of the public of natural resources. He thought this development was serving only private interests.

Mr.Webb: (Rebuttal) Mr.Webb thought opposition to these plants was based on lack of knowledge of their performance. He stated that Mr. Elliott had said at the County disposal case that homes would be insured by FHA within 4 or 500 feet of a plant and they have approved loans within 75 feet of a plant. He believed a sanitary district for this area is a long way in the future. Mr.Webb said he would be the first to approve such a district and work for it but did not believe it would be set up within any reasonable time. He suggested the public see various plants in the County which are working.

Judge Hamel said that in view of the importance of this case and so much at stake, he would like time to think over his decision. Mr. V. Smith agreed and suggested a special session to discuss and report the Board's decision. All Board members agreed. Mr. Haar moved to defer the case until Wednesday, Sept. 27th at 8 o'clock, in the Board Room. V. Smith seconded. Carried.

People's Broadcasting Corporation, to construct four 200 foot towers and small transmission building for broadcasting on approximately 25 acres on the south side of Chain Bridge Road.

This case was deferred for the Board to study. Judge Hamel moved to deny the case because it was the belief of the Board that it would be detrimental to the residential character of the area and neighborhood and would affect values and could seriously interfere with plans of the Park system and development of the general area of parkways and park system. Seconded, Mr. V. Smith. Carried.

Hutchinson, Inc., to permit erection of two signs in excess of maximum area permitted, at 6304 Willston Drive, Willston Shopping center.

The applicant would like about 185 square feet of sign. Because the sign facing Lee Boulevard is so far back from the highway the size sign allowed by the Ordinance would not be easily visible from the Boulevard. It is actually smaller in proportion to the building than some other signs in the shopping center.

Mr. V. Smith thought the size of the sign would not make a substantial difference in sales and success of this business. He considered Lee Boulevard a memorial to this area and should not be made a commercial proposition. He felt the large amount of traffic on the boulevard would assure success of a business.

Mr. Hutchinson said a sign shrinks as far as visibility is concerned as it is placed high - as this sign would be placed. If it were floor level it would be all right. The sign will cost about $2100. Sign sizes in Arlington County were discussed.

Compromises were discussed but no agreement reached. Mr. Haar moved to grant the application in view of larger sign sizes permitted in Arlington County and Washington and because of the exceptional situation - the sign being set so high from the ground. Seconded, Judge Hamel. Carried. Mr. V. Smith voting No.

August 19, 1952

The meeting was adjourned.

Read & Lee 12/16/52 V.W.S.

J. W. Brookfield, Chairman

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* * *

September 16, 1952

The Regular meeting of the Board of Zoning Appeals was held September 16,1952 in the Board Room of the Fairfax Co. Courthouse, at 10 a.m. with the following members present: Messrs Brookfield, V. Smith, JB Smith, Herbert Haar and Judge Hamel.

1 - Ann Redmond, for permission to operate beauty shop in home, Lot 8, Norham, Providence District.

Mrs. Redmond said she had lived in this building for about one year. She would use one large bedroom for the shop. The driveway is 56 feet long allowing sufficient place for parking. She is located three blocks from the fire department. She showed her floor plan. The nearest neighbor, Mrs. Williams, was present and did not object.

Mr. V.Smith asked if there would be any expensive equipment anchored to the house. Mrs. Redmond said No - just the normal equipment for a home beauty shop. She thought there was a need in the community. She will specialize in children's hair cuts - there are many children in the neighborhood. The school is very near.

Mr. V. Smith moved to grant the application for one year and to the applicant only - in case of a sale this permit does not go with the property. Seconded, Mr. Haar. Carried.

2 - Mrs. Lucy C. Lahendro, to permit extension of time for beauty shop in home, Lot 22B, Section 2, Huntington, 1409 Huntington Avenue, Mt. Vernon District.

This shop was granted by the Board one year ago. The applicant is asking extension of that time. She is self employed only. The same conditions exist as when the shop was granted. There were no objections. Mr. Mooreland thought, in view of the Board's former motion and the fact that there were no objections, the application could very well be granted and for an indefinite time.

Mr. Haar moved to grant the application to the applicant only and for an indefinite period. Seconded, JB Smith. Carried.

3 - Penn Daw Village, Inc., for permission to allow dwellings to remain closer to property line than allowed by the Ordinance, Lots 47, 48, and 49, Section 2, Penn Daw Village, Mt. Vernon District.

Mr. Palladian appeared to support the case. He said these setback

were the result of normal/unavoidable mistakes. After the houses were staked out - which measurements were correct - the amount of work going on in the subdivision, heavy equipment being used, etc. the stakes were evidently pushed out and replaced incorrectly. The mistakes were not intentional.

Mr. Mooreland said Mr. Palladian had been ususually careful and had asked very few variances from the Board. The infringements were small.

Mr. V. Smith moved to grant the application as shown on the plats presented with the case because it seemed to be an honest mistake. Judge Hamel seconded. Carried.

4 - J. T. Pawley, for permission to allow dwelling to remain closer to streets than allowed by the Ordinance, Lots 11 and part of 10, Pleasant Ridge, Falls Church District.

This building is almost completed. Mr. Pawley will occupy it himself. There will be no traffic hazard. It is the only house now on this side of the road. There were no objections.

Judge Hamel moved to grant the application in view of the fact that it appears to be an honest mistake. Seconded, JB Smith. Carried.

5 - W. J. Clark, for permission to allow building to remain 3 feet from side and rear lines, Lot 122, Lorfax Heights, Lee District.

It was suggested that this building was being used as a business. Mr. Clark said that was not so - he used it as an extra room for his desk and his brother sleeps there. It has been built for five months. He would like to use it for a chicken house and for tools. He did not know about the Ordinance as applying to out buildings. The house and garage will be located properly. This building is 28 feet long. The lot is 108 x 208.

It was suggested that using this as a chicken house might be obnoxious to neighbors. Mr. Clark said the joining lot backed up to his/own property and the building would not be near another dwelling.

Mr.Brookfield thought this was a flagrant violation.

Mr. Haar moved to deny the case - he withdrew the motion and Mr. JB Smith moved that theBoard defer the case to view the property and make their decision at the next regular meeting. Seconded, Mr. Haar. Carried.

6 - Charles D. Auld, to erect garage closer to side line than allowed by the Ordinance, Lot 7, Arnold Park, 2000 Arnold Lane, Falls Church District.

Mr. Auld said his lot drained poorly in the beginning - then his neighbor filled in on his lot throwing more water on to his lot.If he located the garage as required it would be on infirm ground and it would be too expensive to put in proper footings. The building

will be brick veneer and asbestos shingles. There was no opposition.

Judge Hamel moved to grant the application because of a topographic condition. Seconded, Mr. V. Smith. Carried.

7 - John Bell, for permission to erect carport within 14 feet of side line, Lot 511, Block 6, Resubdivision of Lots 5, 6, 7, Hybla Valley Farms, Mt. Vernon District.

Mr.Bell said his house was frame construction, on a concrete slab The carport would be 14.46 feet. If he met the Ordinance requirements there would not be sufficient room for the carport. The neighboring house is 26 ft. from the side line and it sets back from the road 15 feet farther than Mr.Bell's house.

Mr. V. Smith suggested a detached garage. Mr. Bell said he had a drainage problem. If he built a detached it would have to be over a manhole into which all the water drained or if he moved over farther it would be over the drainfield. There was no opposition.

This carport will be open on three sides, just a roof and 6 supports. Mr.Bell said in case of a hard rain from 6 to 31 inches of water stood on his lot.

Mr. Haar moved to grant the application because of the physical conditions of the ground. Judge Hamel seconded. Carried. Mr. V. Smith voted No.

8 - Carrol L. Dodson, for permission to erect dwelling on lot with less area than required by Ordinance, north side of Leemay Street, approximately 700 feet west of Rt. 675, Beulah Road, Providence District.

Mr.Verlin Smith asked to be excused from participation in this case. Request granted.

Mr. Dodson said this was a little less than 1/2 acre. He had not realized this until the final survey was made. It was supposed to be a half acre but he had not followed the survey closely enough and did not know the actual size of this lot. When he did realize that the lot was too small to conform to the regulations it was too late as the road was dedicated. He tried to buy 26 feet on the back of his property to make it conform but the joining property owner would not sell. However, the lot has been approved by the Health Department for septic field and Mr.Dodson can meet all setback requirements. He is selling his present home and would like to build on this ground for a permanent home. The lot is .41 of an acre. A private driveway leads along the edge of this lot to the Hammer property.

Opposition: Mrs. Horne, who owns the property immediately joining in the rear, spoke. Letters were read from Mrs. Horne and Mr.Hal McDiarmid, opposing, both claiming that Mr. Dodson had not acted in good faith, using this lot for a dwelling would be out of keeping with the neighborhood, that the lot was originally promised to be

set aside for community purposes. Mrs. Homne said this property would be at the entrance to their property, which she did not like. She said a spring runs through the Dodson lot which also crosses thier property and that this could easily be contaminated.

Mr. Dodson stated that he also had been damaged by Mr. McDiarmid's large greehhouse. (This, however, is allowed by the Ordinance.) Mr. Dodson thought the lot cleaned up and built upon would be an asset to the community rather than leaving it unkept. Mrs. Horne did not agree. Mr. Dodson said the Health Department had not thought the spring would be damaged. The ditch would be sealed, which he thought would be a better condition than now exists. It was never definitely agreed that this ground would be dedicated to public use, Mr. Dodson said, it was only suggested.

Mr. Haar moved to defer the case to view the property. Seconded, Judge Hamel. Carried.

9 - L. H. Bibby, to permit division of a lot with less than required width but more than required area (b) side line of lot to extend through existing breezeway, south side of Rt. 123, approximately 1.[illegible] miles west of Chain Bridge Road, ProvidenceDistrict.

Mr. Bibby and his brother in law, Mr. Norman appeared. They had bought this property together and due to their lack of knowledge of the Ordinance and because of a topographic condition were unable to divide the property any other way. There was no ooposition.

Mr. Bibby had bought the property including the breezeway. The Board discussed this case at length - since it was the first one of its kind to come before the Board.

Judge Hamel moved to grant the application as coming within Section 12, Subsection G as amended July 9, 1951. Mr. Haar seconded. Carried. For: Judge Hamel, Haar, Brookfield. Opposed: V. Smith. JB Smith not voting.

10 - Hilda B. Hatton, to permit extension of private boarding and day school, north side of Little River Pike, just west of Ilda, Benjamin Acres School, Providence District.

Mrs. Hatton and her attorney, Douglas Adams, appeared before the Board. Mrs. Hatton has operated this school for 3 years - she has 147 pupils. Now she is needing a new building to take care of the growth of her school. She has had the approval of the Fire Control Board and the Health Department. The school has enjoyed a very good reputation in the community and Mrs. Hatton wishes to continue operation in the same manner. The entrance will be from Little River Pike.

Mr. Brookfield suggested setting the building back farther from the side road to take care of possible future widening. There were no objections to the application.

Mr. Mooreland said this school had the best record of any school of its type in the county - he thought the addition very appropriate.

Mr. V.Smith moved to grant the application subject to the building being located 60 feet from the old country road which borders the property- as shown on the plats and that the entire acreage be considered the parcel on which this school is located. Seconded, Mr. Haar. Carried.

11 - David K. Hadeed, to operate motel, south side of Rt. 211, approximately 300 feet west of Virginia Diner, Centreville District.

Mr. Hadeed said he planned 12 units - brick construction. He will locate the motel 150 feet from the right of way. This is located about 1 mile from Centreville. There was no opposition.

Mr. V. Smith moved to defer the application to view the property. Seconded, Judge Hamel. Carried.

12 - Elias Gelman, to erect and operate gasoline filling station on Parcel C, Fenwick Park, Falls Church District.

Mr. Gasson appeared as attorney for the applicant. There are three parcels of ground at this location all of which were not sold for residential property. This parcel was rezoned some time ago to General Business for the purpose of installing a filling station. The construction did not go ahead and in the meantime an amendment to the Zoning Ordinance was passed requiring this to go before the Board of Appeals for a special use permit. A contract has been signed, Mr. Gasson said, with a major oil compeny for the station, which will be a first class installation. There is a motor court joining this property and the location is not far from other established businesses. (Boger trailer park and business several hundred feet west and across the street) In the rear is Fenwick Park. Mr.Gasson felt that the need was there.

Mr.Brookfield said he would like to see the layout the oil company proposes. This, Mr. Gasson said, is not yet complete.

Mr. V. Smith suggested that on a three lane highway an 8 foot apron should be required for slowing down traffic and as an entrance to the station as slowing down for entrance to the station without the apron would be dangerous. This could be built on the highway right of way and must conform to their specifications.

Mr. Rimkus opposed. He owns property joining Parcel C - Lot 1. He objected because of the safety hazard, hazard to children in the neighborhood, and depreciation of property values. He represented the Fenwick Park Citizens Association. He thought there were sufficient filling stations in the area to take care of the need. The Board had turned down theBoger request to extend the trailer park and the Association, Mr. Rimkus said, and hoped for the same answer on this.

It was recalled that since this is business property it is open for other business which might also be distasteful to the community yet they would not have to come before this Board.

Mr. Rimkus recalled that the Planning Commission had said two years ago that a filling station was not needed here, but the Board of Supervisors had rezoned the ground. Mr. Rimkus recommended viewing the property.

Mr. Marlow from National Memorial Park Cemetery spoke against the application. He went into some detail regarding the background of the cemetery - and the memorial foundation now under construction in the Memorial Park, the plans for unveiling the foundation at which time the National Symphony and many prominent people from all over the country will be present. He brought this out to show that this Park will be a great and important addition to the cultural life of Fairfax County, that the memorial will be of a religious nature and he did not think a filling station across from this to be in keeping.

The Southland Motor Court had been approved, Mr. Marlow said, which they did not like but the operators had located the buildings back about 200 feet from the highway, which they appreciated. Mr. Marlow said he also spoke for the many lot owners who were not present. He asked the Board to deny this application.

Mr. Gasson said his client would be very willing to put in the apron as suggested by Mr. Smith.

Judge Hamel moved that the application be deferred for study. V. Smith seconded. Carried. It was requested that the applicant present the oil company's plans for possible approach to the filling station at the deferred meeting.

13 - Avis Boothe, to erect and operate gasoline filling station and to locate pumps closer to right of way line than allowed by Ordinance, on the west side of Rt. 617, approximately 1000 feet south of intersection with Rt. 644, across from Schindelis's store, Mt.Vernon District.

Mr. Boothe said he had signed with the Sinclair Oil Company for a station here. Four property owners in the neighborhood stood favoring this use, Mr. Graves, Schindelis, Dobbins, and Clark. They thought this would be an asset to the community and would not interfere with property values.

Mr. Hultgren from the Sinclair Oil Company was present. He said their survey had indicated that this was a good spot for a business

The right of way of Rt. 617 was discussed, since it is only 30 feet. Mr. V. Smith thought the pumps should be back far enough to allow for future widening. If the building were placed back about 70 feet, Mr. Smith thought the pumps could be closer because they

could be easily moved if and when necessary. This was agreeable to the applicant. Mr. Boothe said putting the pumps back too far- the station would be cut off from view by his house.

Mr. V. Smith moved to grant the application allowing the pump island to be located 40 feet from Rt. 617 and locate the building a minimum of 70 feet from the right of way, because this seems to be a needed business in the community. Seconded, Judge Hamel. Carried.

14 - The case of Floyd Humphrey, to permit use of building as garage for repairs on north side of Rt. 743, approximately 200 feet west of Rt. 681, Dranesville District, was withdrawn.

15- Mary D. Miller, for permission to erect an addition to a non-conforming building at intersection of Rt. 655, Shirley Gate Road and Rts. 29 and 211, known as Cherokee Tourist Court, ProvidenceDistrict.

This addition will not be located any closer to the road than the present building. The original building was made too close to the right of way by the widening of the highway. It will be of frame construction, one room on the ground floor and one above. The building will be used for living quarters only.

Judge Hamel moved to grant the application - for residential use only. Seconded, JB Smith. Carried.

DEFERRED CASES:

A. G.Dezendorf: to construct building to be located 30 feet from new right of way of Rt. 7 and 30 feet from right of way of Lee Boulevard presently located building to be torn down, on the southwest corner of Lee Boulevard and Rt. 7, FallsChurch District.

Mr. Gasson represented the applicant.

Judge Hamel said that since the Highway Department is studying plans for this important corner he thought perhaps it unwise to make any permanent commitments here until the Highway's plans were known.

Mr. Gasson said the present building could be used but he considered the proposed structure an improvement. He said they had talked with the Highway Department and there were no plans in the making for 7 Corners. He thought it unnecessary to wait indefinitely - that to do so would penalize his client.

Judge Hamel said that since this was the most important intersection in the county it would naturally take time and study before any final answer is ready - from the highway standpoint.

Mr. Mooreland said he had talked with the Highway Department as instructed by the Board and that they are working on plans and requested that no variance be granted. He suggested meeting the required setbacks by setting the building back farther. Mr. Gasson said his client wanted to put another building on the property. It was suggested that the plan was to crowd too much on a small piece of ground and at such a heavily traveled location it was not practical.

Judge Hamel thought it unfair to locate buildings which the Highway would probably have to condemn later. He moved that under the circumstances the application be denied, because granting this request may severly interfere with the Highway Department's plans now under consideration. Mr. V. Smith seconded. Carried.

L. H. Bibby, to construct additions to dwelling to come within 5 ft of side line, southerly side of Georgetown Pike, 1.5 miles from Chain Bridge, Providence District.

Mr. Bibby said Mr. Stewart his neighbor did not object. He had cut down his proposed addition to conform to a 9 foot setback instead of the 5 feet requested. There were no objections.

Judge Hamel moved to grant the application to a 9 foot setback from the side line instead of 5 feet because of topography. Seconded, Mr. Haar. Carridd. For: Hamel, Haar, Brookfield. JB Smith and V. Smith voted No.

E. H. Rupert, to complete construction of detached garage which is located 33 feet from Lake View Drive, Lot 123, Section 2, Lake Barcroft Estates, Falls Church District.

Several of the Board members had seen the property. The applican had changed his plans to a carport - to keep the view.

The Board generally disapproved of placing the carport in this location - they thought it detrimental to the subdivision. Mr. V. Smith disliked the idea of individuals starting construction in violation of the Ordinance then coming to the Board for clearance. He did not favor this - he thought it unsightly. Since the concrete slab is already in place it was suggested that he could use that to get his car off the road.

Judge Hamel moved to grant the application to a carport but withdrew his motion. Mr. Mooreland said the original application called for dwelling and garage. Approval was given for dwelling only. JB Smith moved to deny the application, seconded, V.Smith.Carried.

Hugh B. Mitchell, to construct attached carport to come 4 feet from side line, Lot 7, Brilyn Park, ProvidenceDistrict.

Mr. V. Smith thought this would set a precedent and cause many others to ask the same thing, however, he moved to grant this because the joining property owner does not object and he has the same situation. Mr. Haar seconded. Carried.

Hannah Hadeed, to construct and operate motel and restaurant on the south side of Rt. 211, near Glen Alden Subdivision (known as the Old Kline property) Providence District.

Mr. V. Smith had seen the property. He thought it would change the character of a residential area and there was no need for a motel at this location, there was no business near.

Mr. Hadeed suggested that his planned project would greatly

improve the property which at present is rather shabby.

Mr.Sheets opposed for himself and about 20 neighbors. He had a petition to present but it had been misplaced.

Mr. V. Smith moved to deny the application because it tends to affect adversely the use of adjoining property. Seconded, JB Smith Carried.

People's Drug Store, Inc., to erect sign larger than allowed by the Ordinance, 609 Belle View Boulevard, Belle View Shopping center Mt. Vernon District.

This is a corner building with signs on two sides. These two signs will conform - the request is for the sign in the center- connecting the two signs. This center sign would be in violation. There were no objections. There are no apartments, at present, facing these signs.

Mr. V. Smith thought there was no justification in disapproving this violation if the Board could grant the larger than allowed sign for the Hutchinson store at the last meeting - to which he objected.

Mr. Mooreland thought the Hutchinson sign was justified because of its distance from the highway and the height above the ground. This sign, he said, is directly on the street.

Mr.Brookfield thought this company would ask other variances if this were granted.

Mr. Haar moved to defer the application and refer it to the Planning Commission for their recommendation and comments on a possible change in the regulations. Seconded, Judge Hamel.Carried.

Webb and Wood, to construct and operate three sewage disposal plants on the Bristow property on Accotink Creek, Falls Church District.

A letter was read from the applicant asking deferrment of this case until after January 1, 1953. Mr. Haar so moved, seconded, Judge Hamel. Carried.

J.W.Brookfield

J.W.Brookfield, Chairman.

* * *

September 30, 1952

A Special Meeting of the Board of Zoning Appeals was held Tuesday, September 30, 1952, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, Verlin Smith, JB Smith, Herbert Haar, and Judge Hamel.

1 - Eakin Properties, Inc., to erect sign with more area than allowed

by the Ordinance, on the south side of Lee Boulevard, approximately 800 feet west of the 7 Corners intersection, Falls Church District.

Mr. Jack Eakin appeared before the Board. Mr. Eakin said his company had megotiated a lease with the Auto Seat Manufacturing Company but ran into the restrictions of the Sign Ordinance which allows only 120 square feet of sign. Since the building will be back about 100 feet and the sign 70 feet back from the roadway, the company did not think this sufficient size sign for adequate advertising purposes for this type of business. They must attract people from all over the area in order to do a volume of business as this is the type business where relatively few purchases are made by one person. The sign will be on a foundation 10 feet high-which will place the sign high above the ground. The total area of sign requested is 130.50 square feet.

Mr.Wachsman of theCompany was present also. He said the sign would cost about $4500. It will be about 25 feet high. There is business zoning across the street and joining this property.

It was discussed whether or not the total sign area should include the supports and the distance between the lettering of each sign - which is actually open space. This was discussed at length-since the Ordinance appears to include the area between attached signs.

Mr. JB Smith said his experience was that this was very controversial but that the area open - between attached signs generally was not considered as part of the considered area. Judge Hamel thought the Ordinance inferred that the entire area should be included but he did not think this reasonable. He thought in considering an over size sign - only the sign itself should be considered - if it is attractive and not in any way a detriment to surrounding neighborhood.

Mr. Eakin said the location of this lot made a tall sign necessary-as the ground slopes rapidly from the intersection at 7 Corners - in fact there is a 30 or 40 foot drop from the corner. Without this size sign the business would not be seen from any distance. This sign will be visible for about 7 or 800 feet. Mr. Eakin said not any of the large business firms would come to Fairfax county under the present sign ordinance - that it was generally agreed that the present regulations would be relieved. He had discussed this with Mr. Schumann.

There was no opposition.

Mr. Mooreland said he and Mr. Schumann had discussed this application with Mr. Eakin and both agreed it was a reasonable request.

Mr. V. Smith thought there should be some interpretation of just what constitutes a sign and that the amount of the variance should

be agreed upon.

Judge Hamel moved to grant the application because it appears to come within the powers of the Board of Appeals in accordance with Amendment dated July 9, 1951, and does appear by reason of topography and other exceptional conditions that it would be a hardship to require that the dimensions of this sign be kept within the Zoning Ordinance regulations, and it also appears that this may be granted without detriment to the public good. Seconded, Mr. Haar. Carried. Mr. V. Smith voted No.

Mr. V. Smith stated his reasons for the record: That Seven Corners offers one of the foremost business locations in the county and is the most congested intersection within the county and a sign larger than the Ordinance allows will create additional traffic hazard at that intersection.

The amdnement to the Zoning Ordinance relative to research laboratories in residential districts was discussed.

Mr. V. Smith thought it should include more specific requirements regarding property values. Mr. Mooreland thought that was taken care of in the Ordinance. Also Mr.Smith did not think the 65 foot height limit was in keeping, as it could allow a 7 story building, which would certainly not be desirable in a residential district. It was agreed that this would be up to theBoard.

TheBoard also discussed the difficulties involved in deferring applications - with regard to the public coming to hearings.

Mr. Mooreland suggested that if a case is deferred after all evidence has been presented, theChairman should announce that the opponents and proponents of the case should not appear at the final decision, that theBoard should make its decisions on especially controversial cases without the public present. TheBoard agreed that often they wished to discuss cases without the public or the applicant present.

J.W. Brookfield

J.W.Brookfield, Chairman

* * *

October 21, 1952

The regular meeting of the Board of Zoning Appeals was held Tuesday, October 21,1952 in the Board Room of the Fairfax County Courthouse at 10 a. m. with the following members present: Messrs Brookfield, V.Smith, JB Smith, Herbert Haar, and Judge Hamel.

1 - Allen B. Truax, for permission to erect carport closer to side

lot line than allowed by the Ordinance, on Lot 56, Section 2, Westhampton, 1111 West Greenwich Street, Falls Church District.

Mr. Truax said the carport would be 12 x 20 ft. He wished to encroach on the sideline to within 3 feet of the line. If the garage is located back farther it would necessitate the driveway going in over the septic tank and drainfield. He has 25 feet on the opposite side of the house but the main water line stops there and a fireplug is located directly in the way of a driveway. He showed a letter from the neighbor immediately joining who does not object. His garage is on the side next to Mr. Truax. Mr. Mooreland thought this coming a little too close to the side line.

Mr. V. Smith stated that through no fault of the applicant a fireplug was placed at the spot where a driveway would naturally enter his property to serve a garage, and since the nearest neighbor who would be most affected does not object, should this application be granted, and because the septic tank and drainfield would interfere with construction of the garage in back of the dwelling, the application be granted. Seconded, Mr. Haar. Carried.

2 - Nathaniel K. Zelazo, for permission to erect additions closer to side property lines than allowed by the Ordinance, on Lot 12, Section 1, Braddock Acres, Falls Church District.

Mr. Zelazo proposes to build the living room to come 15 feet of one side line and a breezeway and garage to come within 5 feet of the opposite side line, architecturally changing the house to a rambler. The nearest neighbor on the east is 100 feet away with his building. On the west the dwelling is 50 feet away. Lots are 105 x 210 feet. At the back of the lot is a ridge which would preclude building there. This addition would enhance property value, Mr. Zelazo said. The entire construction will be fireproof The neighbors do not object.

Mr. Mooreland thought this a vary big variance in an agricultural district. Mr. Brookfield said the applicant was crowding too much on property located in a rural area.

Mr. V. Smith moved to defer the case to view the property and give decision November 3rd. Seconded, Mr. Haar. Carried.

3 - Raymond B. Coons, for permission to erect garage within 10 feet of side property line, Lot 14, Section 2, Walhaven, Mt. Vernon District.

Mr. Haar suggested shortening the breezeway to give a greater side setback.

The original zoning on part of this subdivision is Suburban and the applicant thought the developer would resone this portion of the tract to the same zoning - therefore misunderstood the required setbacks. This setback line abuts the rear line of the joining lot.

Judge Hamel movec to grant the application. Mr. Haar said he would second if it were granted to a 15 foot setback instead of ten. Judge Hamel accepted the amendment - to a 15 foot setback. Seconded, Mr. Haar. Carried.

4 - S. B. Wachtel, for permission to erect an attached garage within 27.02 feet of front property line, Lot 75, Hollin Hills, 1226 Stafford Road, Mt. Vernon District.

Mrs. Wachtel appeared before the Board. The house is a two level structure on a very steep lot - the second story is level with the street. The lot backs up to a dedicated park area which is wooded.

Mr. Mooreland thought this very close for a garage. Mrs. Wachtel said if the garage were moved back farther it would close off the only window in the room next to the garage. On the opposite side of the house is a retaining wall - and also windows are in the way of a garage. She read a letter from Mr. Davenport saying this addition is satisfactory architecturally and he has no opposition to the Board granting the application. Mr. Mooreland suggested that the Board view the property, since this garage would be 13 feet in front of the neighborhing house.

Mrs. Wachtel said this house was set on an angle and the garage which they propose would not obstruct the neighbor's view.

Judge Hamel moved to defer the case to view the property. Seconded, JB Smith. Carried.

5 - Edward M. Perkins, to extend open porch to within 16 feet of right of way line of Walnut Street, Lot 1, Block 2, Daniels Subdivision, Providence District.

Mr. Perkins said Walnut street was dead end and probably would never be put through. The neighbors do not object as this would not impair their view. The extension would be 28 feet from the surfaced edge of Walnut Street. (Walnut street is about 40 feet wide). It was brought out that Oak Street is dead end ending at the school and Walnut street is only 2 blocks long, therefore this would not create a traffic hazard, as there would never be a great amount of traffic here. The applicant wanted a 16 foot setback from the right of way.

Judge Hamel moved to grant the application, Mr. Haar seconded. For: Judge Hamel and Mr. Haar. ~~Not voting,~~ Mr. V. Smith, Mr. Brookfield, and JB Smith. voted no. The motion was lost.

Jb Smith moved to defer the case to view the property. V.Smith seconded. Carried.

6 - Harlan M. Tetrick, for permission to erect an addition to dwelling within 10 feet of side property line on Lot 10, Sherry Heights, Falls Church District.

Mr. Tetrick said he wanted a 22 foot addition. They have a large

lot. There is a 5 foot drainage easement which will in time be covered. This is a frame-Gunnison home. The lots joining are built upon. Other homes are 20 or 25 feet from side lines.

Mr. Mooreland thought if this were granted it would cause others to ask for the same thing - that this is a large lot and he thought the 15 foot setback should be sufficient.

Mr. Tetrick agreed that many others in the neighborhood would ask similar setbacks as some of the lots were narrow. Mr. Brookfield thought this a bad precedent.

Judge Hamel suggested that the county was at fault that so many have to ask such variances from this Board.

Mr. V. Smith said that the purchaser had not had the property misrepresented - that if people bought with the idea of building on the should be careful to know whether or not the property would take that addition.

Mr. Brookfield said that when subdivision plats were presented and conformed to county requirements the county could not require more width on lots - he saw no fault of the county.

Mr. V. Smith said developers particularly figured on the smaller lots for less expensive houses and they could not put in all improvements and give more land to each lot if they sold at low prices.

Mr. Haar thought the house could be redesigned for less setback- perhaps a 12 foot setback - that would be a 3 foot variance - he so moved. Seconded, Judge Hamel. Carried. V. Smith not voting.

7 - Thomas S. Wray, for permission to relocate gasoline island and pumps closer to right of way line of Rt. 236 on Lot 13, part of 12 and 14, Southern Villa, FallsChurch District.

Mr. Wray said there is not sufficient space between the building and pumps for cars on both sides of the pumps. He would like to move the pumps closer to the right of way to give this space. This would leave 19 feet between the pumps and the right of way. This is a nonconforming business. The pumps could be shifted back when necessary.

Mr.V. Smith said if this were a new business he would not approve it but since this is a nonconforming business it probably was all right.

Judge Hamel moved to grant the application, V. Smith seconded, asking that the motion include that 'since this is a nonconforming use it does not change the situation.' Judge Hamel agreed to the addition. Carried.

8 - Charles T. Brown, for permission to erect dwelling within 23 feet of each side line on Lot 58, Section 1, Pinecrest, Falls Church District.

Mrs. Brown presented letters from joining property owners saying they did not object. She wanted a wider house than the width of the

property would allow.

V. Smith suggested that they buy a wider lot - since the applicant has not yet completed purchase of this lot. Mrs. Brown said they had looked at wider lots but they did not find one which would take the percolation test.

V. Smith moved to deny the application because it does not conform to the minimum requirements and would establish a precedent, it is also too crowded for an established community. Seconded, Mr. Haar. Carried. Judge Hamel not voting.

9 - Bruce A. Saunders, for permission to build storage building 45 feet from a 25 foot outlet road, Lot 5, Robert and Fannie Kind Estate, back of Old Gum Springs School) on U. S. #1, Mt. Vernon District.

Mr. Saunders said the building was partially destroyed by fire. He would like to build it back to the size of 10 x 30 feet for storage of deep freeze, tools and as a workshop. This originally was an old store - it would not be used for a dwelling. The outlet road on which this property faces dead ends at the old school property. The septic field has been tested and is ok. There were no objectors.

Mr. JB Smith moved to defer the case to view the property. Seconded, Mr. V. Smith. Carried.

10 - Clarence Bahr, for permission to operate a nursery school at the N. W. corner of Rt. 611 and 634, adjacent to Piney Run Subdivision, on the east, Mt. Vernon District.

Mr. Jack Wood represented the applicant. Mr. Wood said that this was Mr. Bahr's third trip to the Board to get a nursery school. He has 3 acres, a 9 room two story brick house with basement, which is adequately suited for a school. It is a $30,000 property. Since there are many businesses in the area, Ft.Belvoir across the highway, the Coast Guard and demolition field are near, Mr. Wood did not think it would be detrimental to the neighborhood. Mr. Bahr will apply to the Welfare Department and Fire Marshall for clearance as soon as this, the first step, is completed, and granting this application would naturally be subject to the approval of these required agencies.

Mrs. Bahr, the applicant's mother, is in this business now in Arlington and will run the proposed school. Mr. Bahr and his mother are buying the property together. Mr. Wood had seven letters of recommendation regarding the character of the applicant and Mrs. Bahr, which he said he would leave with the Board if they so desired. Also additional land could be purchased if necessary, Mr. Wood said. The applicants will furnish transportation for the pupils.

Judge Hamel thought this a needed facility and appeared to be all right - provided people in the area did not object, which was

they did not. He moved to grant the application subject to the approval of the public welfare commission and other requirements under the Code and regulations therunder. JB Smith seconded. Carried. Mr. V. Smith not voting.

11 - W. S. Hoge, Jr., and Ashton C. Jones, to construct and operate a private school on Lot 5, (unrecorded subdivision) and to permit dedication of a public street nearer to existing house than distance required by Ordinance, on Lot 2, (unrecorded subdivision) on the north side of Rt. 7, approximately 1/4 mile east of Tyson's corner, Providence District.

Mr. Hoge said this land was laid out with Lot 5 reserved for the private school. An old house presently used as a church on Lot 2 is too close to the proposed street line. The location of this road was discussed with Mr. Schumann, Mr. Hoge said, and in order to make it a through street, instead of ending in a cul-de-sac, as proposed by the subdivider, it would be necessary to come too close to this old building. Mr. Schumann had suggested that a through street would be more desirable from the planning standpoint and Mr. Hoge was willing to continue the street provided given the ok frmm this Board. Mr. Mooreland said the Board had the power to grant this.

The Board members questioned their right to grant the private school, since Mr. Hoge would not operate the school himself and permits of this kind are granted to the person operating the school.

Mr. Hoge said he did not wish to reserve the lot and build a school building if he did not know he would have this use. He intended to lease the building for the school. If this use were not granted he would have no protection in going ahead with the building. Mr. Brookfield said the Board could not grant this permit to the person who was not operating the school.

Mr. Hoge suggested that the Board defer this part of the application until he had a lease.

Mr. Mooreland said this permit would go to the person, not the land, and it should be advertised to the person operating.

Mr. V. Smith thought the Board did not have the right to grant anything on a preliminary plat. Mr. Mooreland did not agree. He stated that this subdivision could not be approved by the Planning Commission without this variance in setback, for the location of the road.

Mr.V. Smith thought the school could not be granted at this location because it was not yet a legal lot and the building permit could not be issued on a lot that was not of record. He suggested deferring the case for study and to request a report and recommendation from the Planning Commission. He also suggested changing

the road line to give more setback for the building - changing the curve.

Mr. Mooreland said about a 22 foot setback could be had by changing the road on the curve.

Mr. V. Smith moved to defer the case for study and to refer it to the Engineers of theSubdivision Control staff of the Planning Commission for recommendation on resubdivision of the lot and a possible alternate location of the road to give greater setback for the presently located building. He thought the school on Lot 5 could not be handled because it is not a lot of record and the permit must be issued to the person operating the school. Seconded, Judge Hamel. Carried.

Mr. Ed Gasson asked for a deferment on the Elias Gelman case, to operate gasoline filling station on Parcel C, Fenwick Park, Falls Church District, for report from the State Highway Department. Mr. V. Smith so moved. Seconded, JB Smith. Carried.

12 - Aaron N. Shedd, for permission to operate a day nursery school for no more than 8 children on Lot 168, Section 3, West Lawn (903 Marshall Street) Falls Church District.

The applicant has the approval of the Fire Control Board, Welfare Department, and the neighbors do not object, in fact four neighbors wish to enter their children.

Mr. Mooreland said this school had been started without a permit. It was reported to the Zoning Office and the applicant came to his office for a permit, which resulted in this hearing. A petition was presented favoring this use.

Mr. V. Smith moved that in view of the location of this school, on a small lot and since it had been approved by the Public Welfare, the application be granted for one year. Seconded, JB Smith.Carried.

13 - W. Parker Richardson, for permission to construct and operate a filling station and to locate pump island 34 feet from right of way line of Rt. 642 and to locate building nearer to side property line than allowed by the Ordinance, SW corner of Rt. 642 and 600, Lee District.

This 34 foot setback for the pump island is requested to give distance between the island and the building, otherwise the building would have to be back too far. Mr. Richardson wished to come to the zoning line. He owns the joining property.

Mr.Schumann said Mr. Richardson had been trying for a long time to get a legally located filling station on this property. The Board had granted a less setback from Shirley Highway because of the peculiar situation of the land and he could not get the filling station in without this variance. There were no objections. Mr. Haar had seen the property and stated that it is very rugged and a

filling station could not be located without this variance. He felt there was a need in this location for a filling station. He moved to grant the application. Judge Hamel seconded. Carried.

088

14 - H. J. Bruin, for permission to erect and operate filling station at the NW corner of Chain Bridge Road at the intersections of Miller Road and Hunter Mill Road, Providence District.

Mr. Bruin said this is an unusual shaped lot and he asked the variance on the pumps in order to have a proper approach to his property. He wished a 40 foot setback from the center line of Rt. 123, which would be about a 25 foot setback from the right of way. This for the pumps, the building will conform. He figured that is the only way a filling station will go on the property. The road (Hunter Mill) has grown on both sides of the old oak tree which now stands in the middle of Hunter Mill Road. The road actually in this expanding has encroached on Mr. Bruin's property. This reduces his ability to meet the required setback.

Mr. Mooreland suggested locating the pumps closer to Miller Road. Mr.Bruin thought this would not give a good approach as an island will be put in on Miller Road, also it would make a sharp turn to get into his station. The setback on Hunter Mill Road is already established, Mr. Bruin said - 50 feet from the centerline. The frontage on Rt. 123 is 97 feet and islands will be put in by the Highway Department at intersections of Rt. 123 and Miller Road and 123 and Hunter Mill Road, which will cut down his entrance space. By granting the less setback for the pump island it would obviate a sharp turn into the station.

Mr. V. Smith said there was no determination of the exact location of Hunter Mill Road. He thought the Board should know that. The plats were not drawn to scale and a permit could not be given on the plats presented. Mr. Smith said this is a very dangerous corner and should be given study. He suggested deferring the case to view the property.

Mr. Bruin said he could put up a commercial building for some other use without a permit from the Board - which would create an equal amount of hazard.

Mr.Schumann thought a filling station would be more of a hazard to traffic than another business. V. Smith did not think the frontage sufficient for a filling station. He said he would like to see the plans for entrances and exits approved by the Highway Department.

Mr. Haar suggested locating the pumps nearer Miller Road with an approach from Rt. 123.

Mr. V. Smith moved to defer the case to view the property and for approval of the State Highway Department. Seconded, JB Smith.Carried.

15 - Hanna Hadeed, for permission to erect and operate motel on Lot 1, Section 3, Boulevard Courts, South side of Rt. 211, approximately 1/2 mile west of Fairfax Circle, Providence District.

Mr. Hadeed said he would have a ten unit building and a restaurant. The land joining on both sides is zoned business and motels are located on this so zoned property. There were no objections.

Judge Hamel moved to grant the application. Seconded V.Smith. Carried.

16 - St. Anthony Catholic Church for pre-school was withdrawn.

17 - H. F. Lane, to permit buildings, lumber and planing mill to remain as presently located on Lot 1, Block 7, Divines Subdivision, of Chesterbrook, on Old Dominion Drive, Providence District.

Mr. Lane said the building materials and equipment are on the property because he had intended to use them in the building of his subdivision. The subdivision plat, however, has not been approved because of delay by the engineer and for Mr. Lane to purchase additional land. The percolation tests are not yet completed. He would like another 60 or 90 days. He has a great deal of used and damaged lumber on the property which he wishes to trim and put in shape for use. He had bought damaged materials from the Murphy and Ames fire. Due to the unavoidable delays he has left the lumber on the property, merely for storage until he can go ahead with the subdivision.

Mr. Mooreland said these materials were moved in without a permit from the Zoning Office and stored there. Mr. Lane had agreed to have the plat put on record and develop the land. He was turned down by the Health Department for percolation tests because the lots were not staked and they could not actually identify them. He therefore gave Mr. Lane an extension of time to remove the materials. The day of the deadline, he cleaned up - but the place was also used as a dump. Mr. Lane then made this application to the Board.

Opposition: Mr. John Cannon. Mr. Cannon's house faces this property. He said it is really a dump which is being filled. There had been no attempt to clean up the place or remove the stumps which had been hauled on to the place. He felt that Mr. Lane had not kept his promises to clean up the place not to cover the stream with tile, which he had said he would do ~~would have to do~~ in order to fill in.

Mr. Harold Mason objected, to the present conditions.

Mr. Lane said he could do nothing until his plat was approved. He wants to put in whatever is necessary for proper drainage but cannot go ahead without approval of his plat. He had put up signs for no dumping but they were not effective. He would like eventually to build homes which would greatly improve the neighborhood.

Mr.Schumann thought it reasonable to allow Mr. Lane 90 days extension.

Mr. V. Smith thought it satisfactory to defer the case for 60 days with the understanding that the subdivision be approved and the materials removed by that time. He moved that the application be deferred for 60 days pending approval or disapproval of the subdivision plat. Seconded, JB Smith. Carried.

DEFERRED CASES:

Carrol J.Dodson, to erect dwelling on lot with less than required area, north side of Leemay Street, approximately 700 feet west of Beulah Road, ProvidenceDistrict.

Mr. V. Smith asked to be excused from participating in this case. TheBoard granted this request.

Mr. Jack Wood represented the applicant. He presented a petition signed by 14 people, all living in the area, favoring this application. This lot contains 17,853 square feet, Mr. Wood said. Mr. Dotson had bought about 20 acres, sold 10 acres to Mr. Horne. Mr. Dotson had built his own dwelling and several other nice homes were built. When the plat was put on record this small piece of land was left - not included in the plat. It is a good building site, with wide frontage. The applicant can meet all setbacks. Mr. Dotson would make his permanent home there - otherwise if a building is not erected there this land cannot be used. He did not feel that the building would in any way detract from the area. The Health Department has approved a septic field.

Mr. Wood said the road was buldozed out and dedicated before Mr. Dotson was able to buy more land to give this piece of ground more area. He had tried to buy ground from Mr. Horne and also wanted to straighten out the road but Mr. Horne would not sell ground nor would he agree to straightening the road.

Mr. Horne opposed the application. When he bought, Mr. Horne said, he wished to buy the land in question in order to control the spring which flows on to his place but Mr. Dotson would not sell it. He later offered Mr. Dotson more than twice the original purchase price of the land in that area but Mr. Botson still would not sell. Therefore he did not think Mr. Dodson was being injured by not being able to build on this site, since he was able to sell to advantage. He felt that a septic field on this property would damage the joining property, down stream. Also there was not sufficient room to ever replace the septic field. There about 6 small springlets on the property which make it soggy - which certainly would be bad for septic conditions. Mr. Horne did not want the road changed because it would change the entrance to his property. This area is generally rural, Mr. Horne said, and in larger pieces of ground.

Mr. Wood said he thought Mr. Horne had no grounds for objections

since the septic field had been approved and Mr. Dotson can meet all the requirements, except the slight amount of area.

Mr.Schumann said the only question before the Board is whether or not the Board wished to grant a lot of smaller area than required.

Judge Hamel moved to deny the application because it is not in accordance with the Zoning Ordinance and would be detrimental to the general character of the neighborhood. Seconded, JB Smith.Carried.

W. J. Clark, to allow building to remain 3 feet from side and rear lines on Lot 122, Lorfax Heights, Lee District.

Mr. Haar had seen the building. It was built without a permit. It was occupied by the brother of the applicant.

Mr.V. Smith moved to deny the application and the building to be removed, because it does not conform to the minimum setback requirements of the Ordinance. Seconded, JB Smith. Carried.

Daniel K. Hadeed, to operate motel, south side of Rt. 211, approximately 300 feet west of Virginia Diner, Centreville District.

This is near a non-conforming business. Mr. Hadeed said his entrances and exits would be submitted to the Highway Department for approval.

Judge Hamel moved that the application be approved subject to the approval of the Highway Department.

Mr. V. Smith said there probably was no business near except non-conforming businesses - Social Circle is about 600 feet west. Mr. Schumann said that since all the business in the area is non-conforming, this would be a spot zone. He suggested deferring the case until he and Mr. Mooreland could report on business locations in the area.

Judge Hamel withdrew his motion and moved that the application be deferred for report from Mr.Schumann and Mr. Mooreland on the business in the area. Seconded, JB Smith. Carried.

People's Drug Store, Inc., to erect sign larger than allowed by the Ordinance at 609 Belle View Boulevard, Belle View Shopping Center, Mt. Vernon District.

Mr.Schumann said the Planning Commission had not yet gone into this sufficiently to make a recommendation and asked for further deferrment. V.Smith so moved, Seconded, Mr. Haar. Carried.

J.W. Brookfield.

J.W.Brookfield, Cahirman.

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November 18, 1952

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, November 18, 1952 in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, V.Smith, J.E.Smith, Herbert Haar, and Judge Hamel.

1 - William O. Collins, for permission to erect building closer to side lot line than allowed by the Ordinance, on the north side of Rt. 600, approximately 1/2 mile west of Route 1, Lee District.

There are two houses on this property already, both of which are in the same ownership. While the applicant has the area for at least one more house he cannot locate it without a variance on the side lot line.

Mr. Haar moved to grant the application. Mr. V. Smith seconded. Carried.

2 - Yvonne G. Gall, for permission to allow dwelling to come within 35 feet of Aqua Parkway, Lot 25, Section 1, Lake Barcroft Estates, Falls Church District.

Mrs. Gall and Mr. DeLongpre, architect, appeared before the Board. The location of the house does not allow for a carport. The ground slopes down to the house, from the road. The applicant thought there was no other place on the lot for a carport.

Mr. V. Smith suggested moving the structure closer to the side line. Mrs. Gall said that would change the location of the house and she did not wish to do that because of the lake view and wanted the driveway to come on this side. There were no objections.

Mr. Haar moved to grant the application. Judge Hamel seconded. Carried.

3 - Bernice Carter Davis, for permission to have time extended to live in existing building located 15 feet from rear lot line, Lot 3, Clydesdale Subdivision, Mt. Vernon District.

Mrs. Davis has been hoping for the sewer line to her property so she would not have to put in a septic field which would involve cutting down some very large maple trees. When the sewer is available she will hook on, but there is no assurance when the sewer will be extended.

Judge Hamel moved to defer the case for 60 days. JB Smith seconded. Carried.

4 - W. H. and D. L. Ferguson, to have less width than allowed by the Ordinance on Lots 1 and 7 (Proposed Crutchfield Subdivision) on the north side of Great Falls Road, approximately 1/4 mile east of Kirby Road, Falls Church District.

No one was present. This case was put at the bottom of the list. Motion V. Smith, seconded, Judge Hamel. Carried.

5 - Herman B. Miller, for permission to have building within 38 feet of right of way of Old Courthouse Road, Rt. 677, on Lot 58A, Madrillon Farms Subdivision, Providence District.

The old building now on the property has been used (nonconforming) for a store. The applicant wishes to put on an addition for a store. If he locates it back far enough to conform to the Ordinance it will set back farther than the small shop which connects this new addition with the old building. This small connecting unit is only 12 feet deep.

Since the plats were inaccurate, Mr. V. Smith suggested that the Board should have a plat drawn to scale showing actual setbacks of the buildings on the property. Mr. Smith was not in favor of granting so much building on this property, all with a 38 foot setback. He moved to defer the case for 30 days to view the property and for the applicant to furnish certified plats, in conformance with the Zoning Ordinance, showing location of the buildings now on the property and the proposed addition with all setbacks. Seconded, J.B. Smith. Carried.

The Board discussed the requirements of plats. Mr. V. Smith suggested that especially on businesses the Board should have certified plats as they were too important to act upon without definite knowledge of the locations proposed. It was discussed whether or not the Board could require certified plats.

Mr.V. Smith moved to refer this to the Planning Commission for study. Seconded, JB Smith. Carried.

6 - Alfred L. Barrett, for permission to allow dwelling to remain closer to side lot line than allowed by the Ordinance, on Lot 23, Section 1, Lake Barcroft Estates, Falls ChurchDistrict.

Mr. V. Smith moved that where subdivisions were on record and the plats available, a copy of the approved subdivision plat be placed in the file of the case. Seconded, JB Smith. Carried.

In the Barrett case the building was located in error. This is only a 3 inch variance requested. Mr. V. Smith moved to grant the 3 inch variance because it appears to be an honest mistake and would work a hardship on the applicant to move the house. Seconded, Mr. JB Smith. Carried.

7 - Mrs. Thomas Dodd, for permission to erect dwelling closer to Dorcy Place and to side property line than allowed by the Ordinance, Lot 11, Block 10, Section A, Gunston Manor, Mt. Vernon District.

The applicant was not present. Mr. Flakne appeared against the application. He thought the applicant should abide by the sanitary laws - that the river is moving in on the property, and that the lots are entirely too small. He thought the Board should see the property. The width of the lots, Mr. Flakne said, would not permit a permanent type of dwelling. He suggested that if this were granted

others would ask the same thing.

Mr. V. Smith moved to defer the case to view the property. Seconded, Mr. Haar. Carried.

8 - F. C. Tinkham, for permission to erect and operate a pottery shop located 4 miles west of Tyson's Corner on the north side of Rt. 7. Providence District.

Mrs. Tinkham said she has 27 acres. She would build a small building in which to operate her shop. There will be no manufacturing on the premises. There was no opposition.

Mr.White thought this was not objectionable and that it could be very attractive - such shops were usual on major highways.

Mr.V. Smith said very few highways were as free of business as Rt. 7 and while this might not be objectionable it could very well cause a traffic hazard and that it was better for the future of the highway to continue to develop residential in character. He thought this type of thing should be nearer a business area.

Judge Hamel said small business of this type were found throughout the country similarly located and since the volume of business usually was so small it could hardly justify locating in a business district. He thought the traffic hazard would be negligible.

Mr. Haar moved to grant the application provided the proper setbacks are maintained and the shop carried on in an attractive manner and that sufficient parking space be provided off the highway. Seconded, JB Smith. Carried. Mr. V.Smith voted No. JB Smith not voting.

9 - Edmund Dreyfus, for permission to erect dwelling closer to rear lot line than allowed by the Ordinance, Lot 21, Glenpark Addition to Sleepy Hollow, Falls Church District.

Mr. Harrison represented the applicant. This came about by an error in dividing the lots in an old subdivision. It leaves only a 20 foot back yard.

Judge Hamel moved to grant the application in view of the fact that it seems to be the only feasible thing that can be done in the correction of an error in an old subdivision. Seconded, V. Smith. This was granted with the addition, agreed to by parties making and seconding the motion, that it be subject to the plats presented being accurate and the lot of record. Carried.

10 - Harry J. Wynkoop, for permission to erect an addition closer to side lot line than allowed by the Ordinance, Lots 16 through 19 and Lots 41 through 46, Block F, Wedderburn Heights, Providence District.

This was a garage used for living purposes. The applicant is buying the lot joining him which would allow him, after this purchase, to meet the proper setbacks.

Mr. V. Smith moved to grant the application on the side variance

line because the applicant is attempting to purchase the lot in between the two lots he now owns and because this cannot be done until a later date. Judge Hamel seconded. Carried.

11 - Mrs. E. G. Davis, to use dwelling as a two family dwelling part of the time, located on the west side of Rt. 657, between Rts. 608 and 665, Dranesville District.

Mr. Davis said his wife's parents have sold their home and intend so spend part of the year in Florida and the other few months with them. They would use this apartment for those few months each year. He has 9-1/2 acres. All setbacks are satisfactory - the ground area and frontage are far in excess of requirements. There were no ojbections.

Mr. V. Smith moved to grant the application for a two family dwelling - to the applicant only for use of members of his family and that this is limited to the 9-1/2 acres. Seconded, Judge Hamel. Carried.

12 - Louise H. Sugar, for permission to operate kindergarten in present building on Lots 30, 31, 32, Block 28, New Alexandria, 714 Potomac Ave., Mt. Vernon District.

Mrs. Sugar is operating a kindergarten now in Franconia. She needs more space to take care of her expanding school. Locating in New Alexandria will eliminate the children having to cross U.S.1. She had contacted Mr. Ellis of the Fire Marshall's office, who said the building is satisfactory except for a few small changes which will be corrected. The final approval of Mr. Ellis will be forwarded to theZoning Office. City water is available and they will connect with the sewer. The building has been a store. The yard will be fenced for play area. The house is 36 x 40 ft. This area is well built up. There were no objections.

Judge Hamel moved to grant the application subject to the approval of the Fire and Health authorities and would limit the permit to the applicant only. Seconded, V. Smith. Carried.

13 - O. H.Dennis, to erect and operate furniture storage on property 1/2 mile west of Rt. 650 on the south side of Lee Highway, between Newman's Hospital and the B & B Welding company, Providence Dist. Harry Carrico represented the applicant. He stated that this property has 54,000 square feet of area. It is between two businesses the B&B Welding Company and the animal Hospital. The building would be masonry construction. The first 15 feet of the building would be used as a sales room, back of that the storage area and back of that the loading and crating room. This will be a lighter industry, Mr. Carrico stated, than the welding shop. There will be no noise, fumes, smoke and sufficient space is available for off street parking. The building will be 45 x 125 feet. There were

no objections.

Both Mr. White and Mr. Price thought this a satisfactory use.

JB Smith moved to grant the application. V.Smith seconded.Carried

14 - W. N. Rogerson, for permission to erect and operate a public garage at the NW corner of Rt. 1 and Telegraph Road, Rt. 611, Lee District. The applicant asked for this case to be deferred until 3 o'clock. The Board agreed.

15 - Page-Hughes Buick, Inc. Case withdrawn.

16 - Fairfax Motel, for permission to extend motel on Lots 2 and 3 and part of Lot 1, Section 2, Boulevard Courts, Providence District.

Mr. Levenson represented the company. He showed drawings, renderings, elevations and building plans of the proposed motel. He has a 300 x 250 feet piece of ground. This building had been started by a previous owner. Mr. Levenson's company will complete and add to this structure. They have provided more than the required parking units, the building will be carried out with the very newest and best equipment and furnishings.

Mr. V. Smith thought the parking was crowded. He suggested that the applicant was crowding too much on this small piece of ground. Mr. Levenson said he would submit a plat showing the parking space for each car.

Mr. White thought the use satisfactory. Also Mr. Price. This will be a $300,000 installation.

Mr. V. Smith moved to approve the application subject to the applicant showing adequate parking space for each unit. Seconded Mr. Haar. Carried.

17 - Skylark Development Corporation, to erect and operate motel and have less setback from property lines than allowed by the Ordinance, located 300 feet west of Shirley Highway, approximately 1000 feet north of Franconia Road, Mt. Vernon District.

Mr. Ed. Holland represented the company. He stated that this property is joining commercial property. It has good access from Franconia Road, that the architectural plans are partly controlled by the sellers who wish to assure the attractive entrance to the subdivision near this property. Part of this ground is already commercial and the applicant has applied for commercial zoning on the agricultural area. They wish to have the same setback on the agricultural ground as on the commercial area in the event the commercial zoning does not go through.

There will be 121 living units, an office, swimming pool, and 143 parking spaces - each 8-1/2 x 20 feet. The renderings were displayed.

Mr. Lynch, who owns property joining this, thought this a good proposition, for the county from the standpoint of revenue and its

is not suitable for stores.

The cost of construction will be about $700,000. Sanitary sewer is available and water is there. Access road will be from Augusta Ave. from the Franconia Road and Backlick Road. There will be only one entrance. There was no opposition.

Mr. V. Smith moved to grant the application as per plats presented, as it appears to be a decided asset to the area. Seconded, Mr. Haar. Carried.

18 - K. E. Blunt, Jr., for permission to construct and operate motel and to locate same 15 feet from the right of way of Old U.S.#1, property located at the junction of Old U.S.1 and U.S.Highway No. 1, Mt. Vernon District.

Mr. Andrew Clarke and Mr. Blunt appeared before the Board. Mr. Clarke said the relocation of Old U.S.#1 left this strip of peroperty. The Board had, some time ago, granted a variance for a restaurant at the intersection of Old and the New U.S.1. There is very little traffic on Old U.S.1, Mr. Clarke said, and a variance in setback on that street would not be a serious traffic hazard. The applicant had thought it better to meet the setback on U.S.#1 and ask the variance on the rear line. The buildings would cost $100,000. It would have front parking. Water and sewer are available. There would be 22 units.

Mr. Chas. Pickett opposed, representing Mr.. Keith Pullman and Miss Hilda Pullman who own ground facing on Old U.S.1. Mr. Pullman questioned the sewage disposal. He stated that Old U.S.1 is heavily travelled at times. He thought this land was too narrow for this size installation - that it was not a suitable use. Miss Hilda Pullman spoke of a 6 foot right of way requested on Old U.S.1.

Mr.Clarke said the hardship had been created by moving the road and therefore was no fault of the applicant. All drainage flows toward the pumping station, Mr. Clarke said. He also stated that Old USl was gravelled for a distance from the intersection and he did not consider it a well travelled road. They would take into consideration the 6 ft. additional right of way mentioned by Miss Pullman.

Mr. Pullman said Mr.Blunt bought the property knowing of the conditions. He did not consider it a hardship.

Mr. V. Smith suggested referring this to the Planning Commission for their recommendation with particular reference to future plans for Old U.S.1. He so moved. Seconded. JB Smith. Carried.

19 - Gerald W. Davis, for extension of motor court and variance from rear lot line on the east side of No. 1 Highway, approximately 1/2 mile north of Rt. 242, Lee District.

In order to put in the proposed motor court and furnish adequate

parking, Mr. Davis said this is the only way he can locate his additional buildings. He has tried to buy land in the rear to give proper setback but the owner will not sell.

Mr. Brookfield suggested parking in the rear of the buildings. This, Mr. Davis said, would destroy the symmetry of the buildings. He now has room for a new septic field, which the Health Department has approved. The buildings will be cinderblock and will be a distinct improvement to the property and to the area. There will be 8 new units.

Mr. White thought this a meritorious case - that the applicant had improved the property immeasurably and that topography limits the space. He recommended approval.

Mr. Haar thought more room could be provided for ~~parking~~ the building by cutting down the parking space, that the applicant could gain an additional 5 feet on his setback. He moved to grant the application, provided the units be constructed to give a 10 foot setback from the rear line, as per plats submitted. Seconded, JB Smith.Carried.

20 - Luria Brothers, for permission to erect apartments on the south side of Lee Highway, adjacent to Pine Spring Subdivision, Section 5 Falls Church District.

Mr.Andrew Clarke represented the applicant. This property was before the Board of Supervisors a short time ago, Mr. Clarke said, for general business zoning with the proposed use - apartments. The Board zoned all of the property Urban except a strip 150 feet wide across the front, which remains Suburban Residence. This urban zoning necessitated the applicant coming before the Board of Appeals for the apartment use. The Planning Commission recommended that the Board grant this use. Water and sewer are available. Parking space is provided for each unit. There will be five buildings with a total of 47 units.

Mr.Brookfield thought there might be a need for this since Melpar would probably be granted.

Judge Hamel moved that in view of the Planning Commission's recommendation, the application be granted. Seconded, Mr. Haar. Mr. V. Smith noted No. Carried.

21 - Arthur L.Walters, to erect garden type apartments, approximately 1000 units on 68 acres on the south side of Columbia Pike, across from Lake Barcroft Estates, Falls ChurchDistrict.

Mr. Rutledge represented the applicant. On February 6, 1950, Mr. Rutledge said, this use was granted but the applicant was unable to start construction within the required 6 months and the permit became void. They are now asking the same thing. About 1000 units are planned and the usual utility rooms. Ten acres will be dedicated for park purposes. There is at present a dump on some of this

ground which will be filled and built upon. Construction will go forward unit by unit. Since this ground is urban it is the opinion of the applicant that apartments will be a better development than small homes on the small lots. The grounds will be landscaped and the place made generally attractive. This development will allow about 17 or 18 units to the acre, 25% coverage of the ground area. Sewer and water are available.

The need for more school facilities was discussed. Mr.Rutledge said they had planned a cooperative school. ~~was planned~~. He showed plans for the proposed project.

Objections: Mrs. Cox from Lakewood spoke of the inadequacy of the sewer lines, the additional cars on the dangerous highway, and the overloading of schools. Cooperative schools are inadequate to take care of all grades. No new school could be completed for at least two years.

Mrs. Oceans from Lake Barcroft suggested waiting for the master plan to determine proper location for apartments in order to achieve orderly development. She also mentioned overcrowded schools.

Mr.White recommended that the Board follow the Planning Commission's recommendation which opposed the development.

Judge Hamel moved to deny the application in view of the fact that it is not in keeping with the character of the community and in view of the Planning Commission's recommendation. Seconded, J.B. Smith. Carried.

22 - City and Suburban Homes Corporation, to allow dwelling to remain 38.5 feet from Maplewood Drive (1020 Maplewood Dr.) Lot 181, Sect.3 Belvedere, Falls Church District.

Mr. Delashmutt represented the Corporation. He said this was one of those unaccounted for errors in location, not discovered until it was to late to correct.

Mr. Haar Moved to grant the application because it appears to be an honest mistake. Seconded, JB Smith. Carried.

23 - C. D. Conyers, for permission to operate kindergarten in present building, Lot 2, Hanna Park Subdivision, Falls Church District.

Mr. Conyers said they had a 4 bedroom brick house, 2 baths and could take care of 20 children. He had written the Fire Marshall and checked with the Health Department, and applied to the Welfare Department. He would get these approvals if the application is approved by this Board.

Opposition: Mrs. Thorpe - living across the street from the applicant, did not want a commercial enterprise in the neighborhood. This would infringe on the privacy and the generally good character of the community. The road is not paved and this school would seriously add to traffic.

Mrs. Ware opposed. There is only a 115 foot distance between her home and the applicant's. The houses back up to each other. This would be noisy, not sanitary, and would devaluate property.

Mrs. Overby opposed - not wanting business on the street.

Mr. Davis, original developer in this tract, owns property joining. This would devaluate property and cause him to build houses which would be cheaper in order to sell - this he did not like to do.

Mr. Conyers thought this might help to relieve the school situation in a small way. He said this is a dead end street and he did not consider the traffic hazard a problem.

Mr.V. Smith moved to deny the case because it appears to affect adversely neighborhing property as evidenced by the neighbors appearing at the hearing. Seconded, JB Smith. Carried.

DEFERRED CASES:

Nathaniel K. Zelazo, to erect addition closer to side lot lines than allowed by the Ordinance, Lot 12, Section 1, Braddock Acres, FallsChurch District.

The addition, a porch and breezeway, is located on this particular side of the house because the opposite side would obstruct the windows. The porch would be 10 x 12 feet and the breezeway 9 feet. A garage addition is on the opposite side of the house from the porch and breezeway.

Mr. Brookfield suggested detaching the garage. This did not please the applicant. The lot joining this side of the applicant's property is a rear yard. The driveway is already in. Back farther there is a slight inclination which would necessitate excavation.

Mr. V. Smith thought that since the Ordinance was especially amended to allow garages 5 feet closer to the line, it should be observed. He thought granting this would cause others to ask the same thing. He moved that the addition to the house on the side joining Lot 11 should be allowed but that no variance be allowed on the side joining Lots 1 and 2. JB Smith seconded. Motion was limited to the applicant upon agreement of both Mr. Smiths. Motion carried. Mr.Brookfield voted No. (This motion granted the addition of porch and breezeway but denied the garage)

S. B. Wachtel, to erect an attached garage 27.02 feet from front property line, Lot 75, Hollin Hills Subdivision, Mt.Vernon District.

This case had been deferred to view the property. Mr.Wachetl said he had originally drawn plans for his garage which would conform to the requirements of the Ordinance. Since his covenants say any addition on his property must be passed by an architectural committee (which includes Mr. Davenport and Mr. Goodman) he submitted his plan to them but they would not approve them. He therefore scrapped his plans and drew another plan - which would necessitate

his asking a variance from the Board - the only alternative location for the garage. He had as a matter of fact started the garage on the first location - thinking it would be approved, but was stopped by an injunction and irate neighbors. This design which he presented to the Board was approved by the Committee on architecture and by his neighbors. There was no opposition.

Mr.V. Smith said that while he was very sympathetic to Mr. Wachtel's problem he could not see amending the Ordinance to conform to architects in Hollin Hills. He thought many other homes in that subdivision might have the same problem and it was unfair to ask the Board to relieve a situation which was created by a local committee. The garage can be located and conform to the Ordinance - a garage which is satisfactory to the applicant. He thought the Board had no jurisdiction under the circumstances.

Mr.V. Smith moved to deny the case because it does not conform to the minimum requirements of the Ordinance. JB Smith seconded. Judge Hamel and Mr. Haar did not vote. For the Motion: V.Smith, JB Smith.Mr.Brookfield voted No. Motion lost.

V. Smith moved to defer the case pending agreement of the Board. Seconded, JB Smith. Carried.

Edward M. Perkins, to extend open porch to come 16 feet from right of way line of Walnut Street, Lot 1, Block 2, Daniels Subdivision, Falls Church District.

Members of the Board had seen the property. Mr. V. Smith moved to deny the application because this is a corner lot and setbacks are properly maintained on lots joining in the area and in the general vicinity. Seconded, Mr. Haar. Carried.

Bruce A.Saunders, to build storage building 45 feet from a 25 foot outlet road, Lot 5, Robert and Fannie King estate, Mt. Vernon Dist.

The Board had tried to see the property but could not find it. Mr. V. Smith moved to defer the case to view the property. Seconded JB Smith. Carried.

David K. Hadeed, to operate motel, south side of Lee Highway, approximately 300 feet west of Virginia Diner, Centreville District.

Mr.Schumann asked that this case be deferred for further study of the business on this highway. Mr. V. Smith so moved, seconded, JB Smith. Carried.

Elias Gelman, to erect and operate gasoline filling station, Parcel C, Fenwick Park, Falls District.

Mr.Ed. Gasson appeared for the applicant. He showed plats approved by the Virginia Highway Department. He said he had suggested the apron at this point to make a safe turn in to the filling station, but Mr. Aichel of the Highway Department did not approve. Mr. Aichel gave no definite reason. Mr. V. Smith said Mr. Aichel had suggested

to him that this would be satisfactory.

Mr.Brookfield questioned the need of a filling station here and recalled the objections of the residents in the rear.

Mr. Gasson said two major oil companies had thought this a good location and wished to put in the station. There is considerable business in the area, he said. If the Board wishes, Mr. Gasson said they would plant screening trees between this business use and the residents in the rear - if this would reduce the objections.

Mr. V. Smith did not favor granting this because he thought there were sufficient filling stations in the area and he thought the opposition in the area should be given consideration. He moved to deny the application because it affects adversely the use of joining property and would tend to slow or retard travel on Lee Highway at this point and would create additional traffic hazard at this corner. There was no second.

Mr. Haar moved to grant the application provided that in order to reduce the objections of the neighbors on residential property in the rear this property be developed with proper treatment in landscaping. Seconded, JB Smith. Mr. Gasson asked the Board what they meant by "proper treatment in landscaping." Mr. Haar amended his motion to read "proper screening be provided to alleviate objections - a 5 foot high hedge." Also it was added that the landscaping plans be presented to the Zoning Office and to this Board at its next meeting. Mr. J.B.Smith accepted the amendments. Motion carried with amendments. V. Smith voted No.

W. S. Hoge, Jr., applications were deferred at the request of the applicant - death in the family and Mr. Hoge was out of town.

H. J. Bruin, to erect and operate gasoline filling station at the NW side of Chain Bridge Road at intersection with Miler Road and Hunter Mill Road, Providence District.

Mr. Bruin submitted his surveyor's plat which the Board had requested. He said the Highway Department would approve the plat as submitted. The pumps will be 40 feet from the right of way of Rt. 123 and 29.9 feet from the building itself. Entrances will be worked out with the Highway Department from Hunter Mill Road and Miller Road. There was no opposition.

Mr. V. Smith moved to grant the application with the pump islands 40 feet from Rt. 123 as per plat submitted and subject to the working out of ingress and egress from Miller and Hunter Mill Roads with the Highway Department and to the approval of the Health Department. Seconded, JB Smith. Carried.

W. H. and D. L. Ferguson, These are two corner lots. The entire property is not wide enough to dedicate the road and maintain the requirements on corner lots. This is presented to the Board before

the Planning Commission can approve the plat. Corner lots in this subdivision should be 115 feet. The applicant said he could not afford to buy more ground to give the proper frontage on these lots.

Mr. V. Smith thought the Board should see the approval of the Health Department. These lots would have septic tnaks.

Judge Hamel moved to grant the application subject to the approval of the Health Department. Seconded, Mr. Haar. Carried. Mr. Haar said he would like the record to show that in his opinion it was more desirable to have lesser depth to lots and more frontage. He asked that this be added to the motion. Judge Hamel agreed to the addition. Motion carried. Mr. V. Smith not voting.

W. N. Rogerson, This property is across from Pohick Church. The present building is 48 feet from the hard surface of the road. The right of way of Telegraph Road is about 30 feet here. U.S.#1 is about 80 feet.

Mr. White said that since this was a very historic area and this property is at present unsightly, he thought the Board should require that it be improved rather than extend existing conditions. He suggested screening the work area with a 6 foot evergreen hedge. This would hide the yard where cars are worked on - from the highway.

Mr. V. Smith thought the plats inadequate. He would like to see the exact location of the highway (Rt. 1.) with proper right of way so the ingress and egress could be located and the planting shown accurately. He would also like to see what the Highway Department plans there and the plan of what Mr. Rogerson planned to build.

Mr. Duval, Vestryman from Pohick, was very interested in the Board requireing sufficient planting and the appearance of the structure to be built.

Mr. Haar moved to defer the application. Seconded, V.Smith. Carried.

John W. Brookfield

J.W.Brookfield, Chairman.

* * *

November 25, 1952

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, November 25,1952 in the Board Room of the Fairfax County Courthouse, at 10 a.m. with the following members present: Mrrs. Brookfield, V.Smith, JB Smith, Haar, and Judge Hamel.

1 - Melpar, Inc., to erect and operate a research laboratory on the north side of Lee Boulevard, immediately west of Pine Spring Subdivision, Falls Church District.

Mr. Schumann read the amendment to the Zoning Ordinance under which the Board could grant this application and also the restrictions of the Ordinance governing the granting of this use.

Mr. Armistead Boothe represented the company. He first gave a broad general outline of the proposed plant and asked the Board to question either him, Mr. Malloy, or Mr. Duncan, the architect.

This is an electronic research laboratory, Mr. Boothe said, owned by Westinghouse Airbrake Corporation. They have 44.0725 acres with 1600 feet frontage on Lee Boulevard and 1200 feet deep. They are able to meet all the requirements of the Ordinance with regard to setbacks, parking area, architecture, and landscaping. The buildings will cover 4 acres - they are allowed to cover up to 20%.

Mr.Boothe showed renderings, the plot plan and landscape plans. The buildings will be mostly one story with a two story section in the middle of the building. In this second story will be the cafeteria and radio and radar tower. The entire building will be under the 65 foot height limit. The building will follow the contour of the land. It will be air and noise conditioned, masonry construction, no smoke, no fumes, and no heavy manufacturing. The applicant has gone over this with the Sanitary Engineer. There will be 700 employees about 250 of whom are graduate engineers, the other technical people, stenographers and custodial help.

Mr.Schumann read the recommendation of the Planning Commission which was to grant the application with a 100 foot dedication on the west side of the property for the NW Freeway, with a ten year reversionary clause, and that the ground for the Freeway not be deducted from the 20% coverage.

Mr.Schumann showed the plan for the NW Freeway and said this right of way would ultimately be 200 feet. The property on the west (Chiles) will be asked for the other 100 foot dedication. This will tie in with other dedications which have been acquired and are planned to put this highway through.

Mr. V. Smith asked about heavy trucks on the highway resulting from this use. Mr. Mallow, who will head Melpar here, stated that no heavy trucks will be used - after construction is complete. They will use only 1-1/2 ton trucks.

Mr.Schumann suggested that, for the record, the applicant describe to the Board the research and development planned on this property.

Mr. Malloy said the research would include work on communications systems, micro-wave, radar, sonar, fire control apparatus, pneumatic brake studies, air brakes, study of flow of air, small compressors, ignition systems for automobiles, development of air plane signal devices, traffic control, range equipment, Navy communication systems - in fact anything connected with communications. All production

will be in small quantities and by hand - for study and testing purposes only. Any large scale manufacture would be sent off to Pittsburg or manufacturing centers. Production here will be strictly used as models produced in quantities of from 3 to 10, as samples.

There were no objections.

Mr. Malloy said this installation would not interfere with radio or television reception - they will be strictly controlled by the Federal Communications Commission.

Mr. Boothe said there had been some discussion regarding the dedication of the 100 foot right of way for the Freeway - in order to come to a complete understanding. He said they were willing to dedicate this right of way with a 20 year reversionary clause instead of the 10 years suggested. This dedication will be made to the County. Mr. Boothe also urged that the Melpar Corporation be allowed the 20% coverage without deducting the Freeway dedication, and that the setback be 220 feet from the original property line on this side.

Mr.Duncan discussed the construction of the building and landscaping. The building will be steel and concrete with a brick exterior. The floor will be reinforced concrete and the roof concrete on steel beams, all fireproof. Windows will have steel or aluminum frames. Thecafeteria is on the second floor for aesthetic value and for conveinence. The pond has been suggested to take care of a drainage problem and to beautify the grounds.

Mr. Haar asked about plans for bomb shelter. Mr. Duncan said the basement area which is to be used for air conditioning and the heating apparatus is well insulated and reinforced with a concrete ceiling which would give adequate protection for that.

It is planned that this will tie in with the sanitary sewer. Adequate water is available from Falls Church. All utilities are at the site. They will have two sources of electricity.

Mr.V. Smith wished for the complete plans of landscaping and the buildings to be filed with the case, since they should be approved by theBoard.

Judge Hamel made the following motion: That the application be granted subject to the amendment to theZoning Ordinance adopted by the Board of Supervisors on November 5, 1952, Section IV A, Par. 15 par. m., and also that the application be granted in conformance with the recommendation of the Planning Commission which contains the condition that the applicant dedicate to Fairfax County, for the purpose of the NW Freeway right of way, a strip 100 feet wide, running the full depth of the property, with a 20 year reversionary clause, said dedication to be made before any building construction

is started. It is also understood in view of this dedication, that it will not infringe on the right of the applicant to ultimately erect buildings, the first floor of which may occupy 8.8 acres, which is 20% of the land before this dedication. It is also agreed that the setback should be considered as determined by thefacts existing at the present time, before dedication of any part of the tract for public use and by the law as amended hereafter. Also that the landscaping plans and plot plan as indicated in blue prints and photographs, filed with the Board, be maintained as shown and as filed with this case. Seconded, V.Smith. Carried.

Mr. W. S. Hoge, Jr., appeared on his application which is before the Board of Zoning Appeals for location of a road at Lot 2, Unrecorded subdivision, on the north side of Rt. 7, approximately 1.4 miles east of Tyson's Corner, Providence District.

If the road is located maintaining the proper setback on the old presently located building on Lot 2, Mr. Hoge said it would cut the church lot across the street so so narrow a strip that future construction on the church would be impossible. The lot has already been deeded to the church. The house in question is probably 75 years old, whereas the church structure is new and a permanent construction.

This road, Mr. Hoge said, was originally planned as a dead end-and in that case the setbacks could be met, but Mr. Schumann had asked to continue the road on to Rt. 7, which would allow through traffic to Rt. 7 and would be far better planning for the subdivision. Mr. Hoge is asking for a 24-1/2 foot setback from the road to the old building on Lot 2. There was no opposition.

Mr. V.Smith moved to grant a 15-1/2 foot variance - that is- to locate the road 24-1/2 feet from the old building on Lot 2 to the right of way of the proposed road, because of the narrowness of the church lot and the desirability of having a through street to Leesburg Pike rather than a dead end street. Seconded, JB Smith. Carried.

No action was taken on the request for the private school in this subdivision.

Mr. Wachtel, came before the Board with new evidence regarding his garage on Lot 75, Hollin Hills, Mt. Vernon District.

Mr.Wachtel read a letter he had written detailing his experiences in trying to get a garage on his lot. He had originally planned a garage which would conform to the Ordinance and with which hewas satisfied and submitted the plans to the architectural committee in Hollin Hills, in accordance with his covenants. The committee turned the plans down. Mr.Wachtel contacted all his neighbors,and the citizens committee in Hollin Hills, all of whom objected to

his going against the architectural committee in locating this garage. The only alternative then is for Mr. Wachtel to located the garage in front of his dwelling and ask the variance in setback. The neighbors and architectural committee would approve this.

The Board was of the opinion that covenants which would force a home owner to violate the Zoning Ordinance when an addition ofthis kind could legally be located on the ground, would not hold up in court. They did not consider this a hardship case since Mr. Wachtel actually could locate his garage properly.

Mr. Mooreland said he did not think the Board had the authority to grant such a variance - that there was nothing in the Ordinance to back up such a granting.

The Board was not inclined to amend the Ordinance to please an architectural committee who simply did not like the legally allowed location of a garage. They felt the attitude of the committee arbitrary and uncooperative with the Ordinance.

Mr. V. Smith moved to deny the application because it does not conform to the requirements as set up in the Zoning Ordinance and that the applicant has stated that an alternate plan for the garage,which conforms to the ordinance, meets his needs adequately and there is no evidence of any hardship in this case. Seconded, JB Smith.Carried.

John W. Brookfield.

J.W.Brookfield, Chairman.

* * *

December 16, 1952

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, Dec. 16, 1952, in the Board Room of the Fairfax County Courthouse, at 10 a.m. with the following members present: Messrs Brookfield, V. Smith, Herbert Haar, and Judge Hamel.

1 - Joseph Mattauer, for permission to have building closer to property line than allowed by the Ordinance, on the south side of Little River Pike at Annandale, Falls Church District.

Mr. Mooreland said Mr. Mattauer could not be present and had asked him to discuss this with the Board. Mr. Mattauer had started building, thinking this ground was all business. He was stopped but the building was practically up. He had the ground rezoned then found that the building was too close to the line. It is located 14' 6" from the side line. The owner of the property joining will ask for business zoning which if granted will make this setback conform.

In view of this contemplated rezoning on the joining property, Mr. V. Smith moved to defer the case until the January meeting. Seconded, Mr. Haar. Carried.

2 - Lars E. Janson, to erect carport and storage unit within 31 feet of Martha's Road, Lot 151, Section 4, Hollin Hills, 204 Martha's Road, Mt. Vernon District.

Mr. Morris represented the applicant. This carport is designed with the best relation to the house, Mr. Morris said. The solid portion of the addition is within the proper setback. Only the trellis extends into the prohibited area. This is the only place the addition can be located without cutting off the view or light in the house. The rear of the lot slopes considerably and the other side of the house would also come too close to the line. It will be frame construction.

Mr. Mooreland said this was the same thing Mr. Donchez is doing-in defiance of the decision of the Board.

Mr. Haar moved to grant a variance not greater than 5 feet and only the trellis area be allowed to extend over the 40 foot setback line (this is the carport area) and that the storage area be back of the 40 foot line and that this be granted due to topographic conditions. Seconded, Judge Hamel. Carried.

3 - Walter C. Crain, to erect dwelling closer to side property line then allowed by the Ordinance, Lot 5, Pike Branch Addition to Wilton Woods, Mt. Vernon District. (Requested 12.6 ft. from side line)

Mr. Crain showed on that plat that only one corner of the house violates the setback. He stated that he would build on the joining lot taking this setback into account so the houses would not be too close together. He is building up to the easement. Mr. White thought it all right.

Mr. Haar moved to grant the application as it does not appear to damage joining property. Seconded, Judge Hamel. Carried.

4 - Nolen C.Walker, to erect addition closer to side property line than allowed by Ordinance, Lot 3, Section 1, Chesterbrook, Providence District.

The applicant said he started this construction in 1947 without a permit. He went into the navy - came back and started to complete the construction but found it was about 12 feet from the line. He therefore made this application. This will be cinder-block construction. There were no objections from those present.

Judge Hamel moved to grant the application, seconded, Mr. V.Smith. Carried.

5 - Ina Dorman, to conduct a hobby of raising and breeding parakeets, Lots 76 and 78, Freedom Hill Farms, Providence District.

Mrs. Dorman said she would have about 400 birds. She raises

them mostly for show purposes - gives away a great many and sells a few. She would build a building to house the birds.

Mr. Mooreland questioned the number of birds - being only a hobby. Also he stated if this is commercial the buildings should be 100 feet from all property lines. There is no business near here. There were no objections.

Judge Hamel moved to grant the application with the understanding that this is purely a hobby and not a commercial enterprise. Mr. Haar seconded. Carried. Mr. V. Smith not voting.

6 - Bertha Pflieger, for permission to use a bus as a roadside stand to sell meats, located on the north side of Leesburg Pike, approximately 1-1/2 miles west of Tyson's Corner, Providence District.

Mr. Pflieger appeared before the Board. He stated that:

This would be a roadside stand on wheels. The applicant had a petition from his neighbors - not objecting. He would raise some of the meat sold. The business would be 100 feet or more from the highway. He has 27 acres.

Mr. Mooreland suggested that the Board view the property.

Mr. V. Smith moved to defer the case until the January meeting to see the property. Seconded, Mr. Haar. Carried.

7 - Jack Coopersmith, for permission to erect and operate a gasoline filling station and allow less setback from front property line than allowed by the Ordinance for pump islands, Lot 18, East Fairfax Park, Providence District.

This applicant said he would erect a modern filling station that this is a commercial area and his business would be consistent with the present development. The only residences near are two small frame houses to the rear. A motel joins on one side. They will landscape and make the place attractive. There were no objections from those present.

Mr. V.Smith thought this was coming too close with the pumps. The applicant asked 18 feet from the right of way for the pumps. Mr. Coopersmith said this was about the same as other stations in the area and he did not like to set back farther than the others, that setbacks should be uniform.

It was suggested that the case be deferred to check the setback of the Gulf and Esso stations near and with the idea of lining up these pumps with them.

Mr. V. Smith moved to defer the case until January meeting, to determine setback of other filling stations in the area. Seconded, Mr. Haar. Carried.

8 - Franklin Bray, for permission to erect and operate a gasoline filling station and to locate pump islands closer to the right of way of Old Dominion Drive on the north side of Old Dominion Drive, approximately 274 feet east of Kirby Road., Providence District.

The applicant asked the pumps to be 20 feet from the road and 35 feet from the building. He will have sufficient parking area. The nearest filling station is at McLean - 2 miles away. Probably Standard Oil will put up the station - they are making a survey at present.

Mr. Brookfield thought the Parkway would come this way. Mr. V. Smith moved to grant the application with a 20 foot setback for the pumps, because there appears to be a need for this in the neighborhood and the property is zoned General Business. Seconded, Judge Hamel. Carried.

9 - Fair Oaks, Inc., for permission to erect and operate a gasoline filling station on the southwest corner of Little River Pike and No. 652, Providence District.

Mr. Schillenberg represented the company. This is across from the school bus property. Cities Service are interested in building the station. They will locate the building 130 feet from Rt. 236 and 50 feet from the Burke Road.

Mr. Brookfield suggested that if the airport goes in the Burke Road probably would be widened to four lane. He thought more setback should be allowed on that road. Mr. Schillinberg said they had already dedicated 15 feet for the widening of Burke Road but they would be willing to set back 60 feet if the Board wished. They would also conform to all requirements of Cities Service, which are strict. The pump islands would be 35 feet from the building. There were no objections from those present.

Mr. Haar moved to grant the application provided the setback from Burke Road is 60 feet from the right of way instead of 50 ft. as shown on the plat. Seconded, Judge Hamel. Carried.

10 - Frances S. Shifflette, for the erection and use of property for gasoline filling station and to have pumps closer to right of way of Little River Pike and Lee Highway than required, Lots 1 and 2, Section 2, Fairfax Heights, Providence District.

Mr. Hardie Chamblis represented Mrs. Shifflette. This property was willed to the applicant, Mr. Chamblis said. The presently located building had been leased for 10 years. A new lease is now being negotiated with Cities Service for 20 years. They wish to remove the presently located building and build the new station back farther but because of the shape of the lot they cannot meet the required setbacks. The pump islands now are within 5 feet of the two rights of way. The pumps on the proposed construction will be 20 feet from both rights of way.

Mr.V.Smith thought the pumps could be set farther back on Rt. 236. Mr. Chamblis said the fall was too sharp on this side, that the engineers had located the pumps in the most feasible spot in

order to have the proper slope for the ramp. The storm drain runs down this side of the highway and the grade would be too great from the storm drain to the pumps if they were located back farther. The building will be well back to allow for any future change in road grade.

Mr. V. Smith thought this a distinct inprovement over the present situation on the property, but said he would like to see the pumps back farther. Mr. Chamblis said the pumps at Spears were closer to the right of way than the proposed pumps here.

Mr. Baggott, from Cities Service, said they had considered other layouts to try to get the pumps back farther but this was the best location from the standpoint of grade and entrance.

Mr. V. Smith moved to grant the application provided the setback on the pump islands be 20 feet instead of 10 feet, as indicated on the plans, from both Rt. 236 and Lee Boulevard, because of the shape of the land and topography as this is a distinct improvement over the buildings on the property. Mr. Haar seconded. Carried.

11 - Samuel T. Weaver, to use present building for duplex dwelling on Lots 5 and 6, Groveton Heights, Mt. Vernon District.

Mr. Weaver had presented no plans of his dwelling nor plats of his lots - therefore the Board could not properly hear this case. Mr. Weaver's previous case and the court action were discussed. Judge Hamel moved to defer the case for the decision of the court case now pending. Seconded, V. Smith. Carried.

12 - I. Henry Schwartz and M. Phillip Katz, to operate a gravel pit on 51.68 acres on the west side of Beulah Road, approximately 1/4 mile south of Rt. 635, Mt. Vernon District.

Mr. Harry Carrico represented the applicants. Mr. Carrico stated that the applicants have 176 acres part of which is now being developed as Windsor Estates. Fifty-one acres would be used for the gravel pit. Mr. Carrico said the Northern Virginia Construction Company had used this as a gravel pit and abandoned it. They now have a contract with Belvoir Sand and Gravel Company to use the gravel. This will not tend to harm the area, Mr. Carrico said as they will take off the gravel, fill in the area with top soil and develop this land. This is comparatively hilly land but taking off the gravel will not cause pits. It will be put in very good shape after the gravel is taken off by adding top soil and levelling. They will not dig below the level of the road. This is a development of low cost homes. The nearest house now on the property is about 250 feet away. There is a screening of woods around the pit area. In the end this operation will enhance the value of the land.

There were no objectors present. Mr.Brookfield thought the homes now in the area should be protected, as this could be a very obnoxious

process.

Mr. Carrice said they had hopes of getting the contract on the new warehouse and if so this would be a quick operation - they would replace the soil and develop immediately.

Mr. V. Smith thought this screened by the woods would not be objectionable.

Mr. Haar moved to grant the application provided the operation is screened with at least 50 feet of woods between the operation and the joining property and that the level of operations shall not go below the level of joining property, and that all pits will be filled. Mr. V. Smith seconded. Carried.

DEFERRED CASES:

Thomas Dodd, to erect dwelling closer to Dorcey Place and to side property line than allowed by the Ordinance, Lot 11, Block 10, Section A, Gunston Manor, Mt. Vernon District.

Mr. Paget, the prospective purchaser of this property was present. A dedicated road leading to the river is on one side of the property. This road is not used. The applicant can meet the setback on this side but if the house is located 50 feet from the front street it would be on very low ground and they want the better drainage. He would like to put the house as high as possible also for the view of the river. He faces a cul-de-sac which is used by only three lots. The river is continually eroding and he wishes to be back as far aspossible from the waters edge. The house would be back 35 feet from the cul-de-sac. There were no objectors present. Mr. Mooreland thought it was all right.

Judge Hamel moved to grant the application in view of the fact that it does not seem to any appreciable extent to affect adversely joining property or the area and the road leading to the property is almost in effect a private road. Mr. Haar seconded. Carried.

Bruce Saunders, since the Board members could not locate this property, Mr. V. Smith moved to defer the case pending location of the property. Seconded, Judge Hamel. Carried.

W. N. Rogerson, to erect and operate a public garage, Northwest corner of Rt. 1, and Telegraph Road, Lee District.

It was brought out that Mr. Rogerson wants a filling station on this property also - but this is not included in his application.

A letter from the Pohick Vestry was read stating that they opposed anything in the way of a structure which would not be an improvement on this ground.

Screening was discussed - either with a brick fence or trees. The plats did not show all the buildings now on the ground. The present garage building is too close to the apartment, Mr. Mooreland said. It was stated that Mr. Rogerson should make a new application

asking for the filling station.

Judge Hamel thought the Board should be careful that whatever goes in here should conform to the area. Mr. V.Smith thought a surveyor's plat should be presented showing actual location of all buildings on the property at present and proposed to be constructed.

Since Mr. Rogerson did not understand that he had asked for only the garage and not the filling station, Mr. Brookfield suggested that he be allowed to file for the filling station without fee. Mr. V. Smith so moved. Seconded, Mr. Haar. Carried.

It was agreed that Mr. Rogerson should present plats showing the location of buildings presently on the property and those proposed and to file a new application for a filling station.

Herman Miller, to have building 38 feet from Old Courthouse Road, Lot 58A, Madrillon Farms, Providence District, was withdrawn, at the request of the applicant.

The Gelman plats showing planting between the business property and residential was presented and was satisfactory to the Board.

K. E.Blunt, Jr., for permission to construct and operate motel and to locate same 15 feet from right of way of Old U.S.#1, at junction of Old U.S.#1 and U.S.Highway No. 1, Mt. Vernon District.

The Planning Commission had recommended verbally to recommend this case. Mr. V. Smith thought the Commission should state its reasons in writing because, since Mr. Pickett was handling the opposition on this it could well go to court and the granting should be substantiated by adequate reasons.

Mr. Haar thought it did not harm the objectors. He moved to grant the application.

The circumferential Highway location was discussed. Mr. Haar did not think this would interfere with this particular installation, since there was little development between this location and Hunting Creek. There is no definite plan anyhow for this highway.

Mr. Haar moved to defer the case for a written recommendation from the Planning Commission. Seconded, V. Smith. Carried. It was also added that it was important to determine the future use of Old U.S. #1, since both sides had had very different ideas of its status.

H. F. Lane, to permit buildings, lumber, and planeing mill to remain as is now on premises, Lot 1, Block 7, Divines Subdivision of Chesterbrook on Old Dominion Drive, Providence District.

Mr. Schumann asked that this be deferred ~~because of~~ pending approval of the subdivision plat. Mr. V. Smith so moved, Mr. Haar seconded. Carried.

Belle View Shopping Center - People's Drug Store, to erect sign larger than allowed by the Ordinance. Mr. V. Smith moved to grant this in view of the recommendation of the Planning Commission which

was to grant the application. Seconded, Mr. Haar. Carried.

Mr. Mooreland asked the Board for a Resolution on requiring certified plats on business property. The following resolution was passed:

The Board of Zoning Appeals agreed to direct a letter to the Zoning Administrator's office stating that before any application shall be considered which involves business property or a use permit for business - that certified surveyor's plats which will show information required in Section 16, Subsection C shall be in the hands of the Zoning Administrator prior to advertising of any application.

Mr. Mooreland also asked the Board for an interpretation of requirement of approval of theBoard of Supervisors in case of controversial businesses. The Board agreed that in case of any requested use which raised a doubt in the mind of the Zoning Office-the Board of Supervisors should be asked to rule on whether or not it would be allowable in an Industrial or General Business District, before permit could be issued or the case handled.

John W. Brookfield.

J. W. Brookfield,
Chairman.

* * * *

January 20, 1953

The Regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, January 20, 1953, at 10 a.m., in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, V. Smith, JB Smith, Herbert Harr, and Judge Hamel.

1 - John E. Letson, to allow carport 4 feet from side property line on lot 87, Section 1, Bel Air, Falls Church District.

Mr. Letson had built his carport too close to the line without knowing the regulations. He was told it wasnt necessary to get a permit. He said he could not excuse himself - it was purely a mistake. He had a letter from the neighbor most affected stating that he did not object.

Mr. Mooreland said the Board had turned down a similar request for a garage in this area about a year ago. He thought this would set a bad precedent, that people had bought in the area knowing there were no carports.

Mr. V. Smith said he did not favor putting the buildings so close together but he would like to see the property. He moved to defer the case until the next meeting. Seconded, JB Smith. Carried.

2 - M. T. Broyhill and Sons, to allow dwellings closer to lot line than allowed by the Ordinance, on Lots 20, 49, 51, Section 5, Broyhill Crest, Falls Church District.

Mr. Gardner appeared for the applicant. He stated that the houses were staked out during construction and the stakes were evidently moved in the course of the work and the houses located incorrectly. The mistakes were not recognized until certified location surveys were made. The houses are all up and plastered. There was no opposition.

The Board took up Lot 20.

Since this is a very small side line variance and since it does not encroach on the front setback and the fact that it is such a small variance, Mr. Harr moved to grant the variance requested as shown on the plats presented. Seconded, Judge Hamel. Carried, unanimously.

Lot 49. This is a front setback - a variance of 2.42 feet. This is on a dead end street, Mr. Gardner said (Sanford Court), There is a large cut on this lot and being on a curve with the house set at an angle it was difficult to locate the error. The error could have been caused during grading, changing the stakes or it could have been a mistake of the surveyor.

The Board questioned when this house location was checked. Since the houses are staked out and built without further checking until certified location plats are made, the Board thought an earlier check - perhaps when the footings are poured should be made, that a man should be employed for that specific purpose. Mr. JB Smith said it was often the custom of builders to keep a man on duty all the time checking these locations immediately when the footings are poured. This, he claimed, would eliminate the great majority of cases coming before the Board.

Mr. Mooreland suggested that the Board seriously warn the builders regarding these errors, that he has found it difficult to work with many of them because they do not check these locations soon enough and sufficiently accurately before construction starts. He felt that there are too many unnecessary errors.

Mr. V. Smith thought it was not up to the Board to continually grant these variances, that especially when there is sufficient ground such errors as continually come before the Board were unnecessary.

Mr. Brookfield said too many houses were being built without proper supervision, that it was certainly the responsibility of the

engineers or the builders to locate houses properly. Judge Hamel thought construction should be held up until the footings were inspected, which would eliminate the trouble.

Mr. Gardner said the errors were certainly not intentional, in fact they were very eager not to have errors but he felt that the hardship of having to move the houses would be terrific. He assured theBoard that the mistakes were made in ignorance. Mr. Brookfield termed it negligence. Mr. Gardner said that human error was always possible not matter how good the intentions.

The Board agreed that the cost to the builder of having an inspector on the job continually during the starting of construction to check house locations would be very small.

Mr. Gardner suggested the Board viewing the property.

Mr. V. Smith moved to defer Lots 49 and 51 to view the property, as he thought the possibility of moving the streets about 3 feet to give the proper setback might be considered. Seconded, Judge Hamel. Carried, unanimously.

3 - Retlaw, Inc., to allow dwelling to remain closer to side property line than allowed by the Ordinance on Lot 92, Pimmit Hills, Section 3, Providence District.

Mr. Grille represented the company. He said this was an error in laying out the house. It is one foot too close to the line. Mr. V. Smith suggested that the line between Lots 109 and 92 could be changed to give the extra foot setback required on this lot, since lot 109 has sufficient area and the dwelling on that lot is 16.9 ft. from this dividing line. He moved to defer the application toexplore possibilities of resubdividing these lots to give a 15 ft. setback on Lot 92 and for the applicant to report back at the next regular meeting. Seconded, JB Smith. Carried, unanimously.

4 - J. K. Boley, to use garage as part of house with less sideyard setback than allowed by the Ordinance on Lot 106, Sect. 2, Westhampton, Providnece District.

Mr. Boley said he had bought the house with the understanding from the real estate man that he could rent this apartment over the garage. There is a covered connection between the dwelling and the garage and apartment. There is not enough frontage nor area for a duplex. Mr. Boley now wishes to discontinue using this apartment to rent but would like to use the two bedrooms as part of his house. Since the garage building is too close to the side line, he has asked for this variance. He has city water and the septic is approved.

Mr. Mooreland said his office had discovered that this was being used as an apartment. The permit was for a garage only. If the

Board grants this application the kitchen facilities will be removed and the entire buildings used as a one family dwelling.

Mr. V. Smith thought it not necessary to come before the Board since the structure is already up and he can use the building without permission of this Board and the only necessary consideration for the Board is the 4 foot setback.

Mr. Boley said he had people in the apartment now and wondered if they could be allowed to remain until the school term is out. Mr. Mooreland said he would give them 30 days notice.

Mr. V. Smith suggested that Mr. Boley could rent rooms without approval of the Board. He moved to grant the 4 foot variance on the side lot line - granted in view of the circumstances because of the hardship caused in preventing the applicant from using the addition as part of his dwelling. Seconded, Judge Hamel. Carried, unanimously.

5 - Roger R. Dawson, to construct addition closer to side lot line than allowed by the Ordinance on Lot 13, Block C, Section 3, Lee Boulevard Heights, 216 Drury Lane, Falls Church District.

Mr. Dawson said this is the most inexpensive way he can puton an addition to his dwelling. It sits practically in the center of the lot. This addition fits the architecture of the present dwelling and he considered would be an addition to the neighborhood. Drury Lane is only a one block street.

Mr. Mooreland suggested deferring this case until he could check the deed dedication on this old subdivision, recorded before the Ordinance. He thought there might be something in the dedication on setbacks which would affect this case.

The neighbor nearest does not object.

Mr. V.Smith moved that the application be deferred in order that Mr. Mooreland might investigate the legal question involved in the setback requirement on the deed of dedication. Seconded, JB Smith. Carried, unanimously.

6 - M. W. Rinker, to use property as a garage and filling station on Rt. 697, corner of 1118 (Woodford), Providence District.

There is an old store on this property. Mr. Rinker had gone to the Board in 1947 and was granted a 43 foot setback from the front property line and 54 feet from the side line. Later, Mr.Rinker said Mr. Stockton and Mr. Carper came out to his property and suggested the present setbacks which would give room for parking between the buildings - these setbacks shown on the plat. Mr. Rinker put in the foundation observing thses setbacks but never finished the building. Now he wishes to complete his building on this foundation since he actually started it at the location at the suggestion of [illegible] Mr. Stockton and Carper. There were no objections.

Mr. Haar moved to defer the case to view the property. Seconded, JB Smith. Carried, unanimously.

7 - Abraham Aljan, to erect and operate motel on the north side of Lee Highway, 1-1/2 mile west of Centreville, Centreville District.

Mr. Aljan is now conducting a tourist home (guest house) in his dwelling. He wishes to construct about a 10 unit motel to operate in conjunction with his present dwelling. The buildings will all be located about 300 feet from the highway and 97 feet from the side line. He has 27 acres. Any widening of the highway will take ground on the opposite side of the road, Mr. Aljan said. The entrances are already in but Mr. Aljan said he would widen them to take care of more cars. There was no opposition.

Mr. V. Smith read from the Ordinance Section XII - F -1-f, which relates to recommendation from the PlanningCommission in granting a business use in an agricultural district and subsequent recommendation to the Board of Supervisors, whether or not a bubiness district should be established on the property in question. Mr. Smith said he thought this report from the Planning Commission was advisable in view of the Master Plan.

Mr. Aljan could not understand any delay in giving a favorable decision. He said this would benefit the county both from thetax standpoint and from the standpoint of a good development. He thought the Board was causing delay arbitrarily....Judge Hamel said the delay was perfectly in order and he resented any applicant questioning the integrity of the Board or their right to make decisions according to their own lights and in accordance with the Ordinance.

Mr. Brookfield thought the Board should have all the information they could bet before making a decision.

Judge Hamel moved to defer the case pending compliance with provisions of Section XII, F-1-f. Seconded, Mr. V.Smith. Carried, unanimously.

8 - Mrs. Leonard J. Robey, to operate a day nursery for 10 children, approximately one mile from the intersection of Gallows Road on the ease side of Woodburn Road, Falls Church District.

Mr. Jasper Robey appeared before the Board. He said they would comply with all requirements of the Health Department and County Ordinances. There was no opposition.

Judge Hamel moved to grant the application to the applicant only, subject to compliance with existing county ordinances, Health, Fire, and Welfare. Seconded, Mr. Harr. Carried, unanimously.

9 - Clyde E. Burnley, to use proposed garage on premises as a welding shop, Lot 16, Franconia Heights, Mt. Vernon District.

Mr. Burnley said this garage would be used very little as a shop-as most of his work would be on the job. He had a portable welding

machine which he would carry from job to job. The garage would be mostly for storage. It would be about 20 x 30 feet. He presented a petition signed by 10 families who did not object to this use. Mr. Burnley said he made his living this way.

Opposition: Mrs. Ramsey presented a petition against the use and pointed out that most of the signers on Mr. Burnley's petition did not live in the area. Those signing her petition were home owners and were living in the area. They were all near Mr. Burnley's home. She said the neighborhood was bad at present but that the home owners were trying to build up the neighborhood and make it better and more attractive. Some better class homes were going in but she felt that this use would defeat what they had been trying to do and discourage better class of homes. Also, the road was not yet taken into the Highway System and extra travel with heavy equipment on the road would be harmful. The residents in the area were at present taking care of the road. It was not fair to them to add this extra traffic. She said Mr. Burnley worked at night, which was unpleasant for the neighbors.

Mrs. Cloniger and Mr. Owen objected for the same reasons. Mr. Owen said they did not want a commercial project in the neighborhood and he was sorry to object - because it was in no way personal - but he thought this would be noisy and generally bad for the neighborhood.

Mr. Burnley said where he had operated in Springfield there had been no objection.

Mr. JB Smith thought it was important whether Mr. Burnley did most of his work on the job or in the garage.

Mr. V. Smith said the county was zoned for various uses and people had bought in the county with the understanding that these zones would be protected and while he had no wish to harm Mr. Burnley in his plan to make a living he thought the ordinance was very clear on designation of zones.

Judge Hamel moved that the application be denied because to grant such a use was not in keeping with the present development of the neighborhood which is being developed as a residential neighborhood. Seconded, Mr. V. Smith. Carried. For: Hamel, V.Smith, JB Smith, Brookfield. Mr. Harr not voting.

10 - L. A. and Charlotte Blackmur, to operate a dog kennel on approximately 2 acres on the south side of Lee Highway adjacent to Violette's Tourist Camp, Centreville District.

Mr. Lewis Leigh represented the applicant. This property is located between a used car lot and the tourist camp. The kennels are already operating and have been for 7 years. The present building

is located very near the line. The applicant wishes to move this building back farther and improve the building considerably. It will not be 100 feet from the line as required by ordinance.

120

The plot plan showed the proposed location of the building would be about 81 feet from the side line. The grave yard joining this property was discussed. Mr. Brookfield questioned the type of use granted near a church or graveyard.

Mr. JB Smith moved to grant the application allowing the building to be approximately 81 feet from the side line instead of 100 feet, granting the building as located on the plot plan. Seconded, Mr. Harr. Carried. For: JB Smith, Hamel, Brookfield, Harr. Mr. V. Smith not voting.

11 - Willis F. Kern, to use property for gasoline filling station, Lots 41, 42, 43, Rust and Smither's Subdivision at Fairfax Circle, Providence District.

Mr. Kern said he would lease his land to the Texaco Company. He showed his detailed plans with ingress and egress. There was no opposition.

Mr. Mooreland said a filling station application across the Circle had been deferred to check setbacks of nearby stations but he did not know the setbacks on this side of the Circle.

Mr. Kern said he would try to join with his neighbors in putting in a sewer line to the Town disposal plant. For the present he will use lot 44 for his septic field. He will get the approval of the Health Department.

Mr. V. Smith asked if the approaches had been approved by the Highway Department. Mr. Kern said no, but that this was planned in accordance with state requirements. Mr. Smith thought the approaches hazardous since this is a very busy intersection and should have ample room for entrances and exits. He thought perhaps the two lots 41 and 42 would not give sufficient room. He asked about using Lot 43.

Mr. Kern said the application was for the three lots but that he would use only Lots 41 and 42 for the station, Lot 43 would be used for the septic field.

Mr. Harr moved to grant the application subject to the approval of approaches by the Highway Department and subject to the approval of the Health Department for sanitary facilities. Seconded, JB Smith. Carried. For: Hamel, JB Smith, Harr, Brookfield. Verlin Smith not voting.

12 - Jack Coopersmith, to erect and operate gasoline filling station and to allow pump islands closer to right of way line of Columbia Pike 1860 feet east of intersection of Bailey's Cross Roads on the north side of Columbia Pike, Falls Church District.

Lewis Leigh represented the applicant. This is on the corner of Columbia Pike and a 50 foot dedicated road. There were no objections.

Mr. V. Smith thought this a very small area which would probably crowd the approaches. Mr. Coppersmith said he had 125 feet frontage and he owns the land joining. Entrances will be both from Columbia Pike and the side road. Mr. Leigh said this was the usual frontage required by the oil companies.

Mr. V.Smith read from the Zoning Ordinance regarding the scattering of businesses and locating them in compact groups. (Sect. 16-A-1).

Mr.Schumann said the phrase "compact groups" was put in the Ordinance for a purpose and the Board should take that into consideration - that gasoline filling stations should not be scattered along the highways. Mr. Schumann thought the Board should see the location before making a decision and that the provisions of the Ordinance should be taken into consideration.

Mr. Leigh suggested that the Board appeared to be familiar with the location and stated that it would be very inconvenient for the applicant to wait.

Mr. Coopersmith thought it was not always good to have too many of any one kind of business close together - that this was a business area and that the station would be modern and attractive and an asset to the area.

Mr. V. Smith moved, in view of Mr.Schumann's suggestion that the case be deferred and considered further. Seconded, Judge Hamel. Carried, For: V.Smith, JB Smith, Hamel, Brookfield. Mr. Harr not voting.

13 - Jack Coopersmith, to erect and operate gasoline filling station on Lots 3, 4, 5, Block 5, Woodley North, Lee Boulevard and Graham Rd., Falls ChurchDistrict.

Mr. Leigh represented Mr. Coopersmith. All four corners are business. A letter from Mr. Jack Eakin was read stating that he planned to file a similar request on the SE corner of Arlington Boulevard and Graham Road and wished to call attention to the Board of the 'compact groups' clause in the Ordinance.

Mr.Schumann thought , in view of Mr. Eakin's statement, that this application was probably all right to grant.

Mr. Leigh said access would be off the Service Road which is already built and an entrance from Graham Road. There was no opposition.

Mr. Harr moved to grant the application because it seems to be in accordance with the policy of the regulations. Judge Hamel seconded.

It was added to the motion and agreed to by Judge Hamel that the application be granted subject to the access being approved by the Highway Department. Carried. For: Brookfield, JB Smith, Hamel, Harr. V. Smith not voting. Motion carried.

14 - John U. Donahue, to have less setback for house on Lot 2, (proposed John Urban Donahue Subdivision) from Ellison Street and to less area for Lots 3 and 4, Providence District.

The property surrounding this piece of ground is developed. Lot 1 and part of Lot 2 are in the City of Falls Church. Lots 2 and 5 have more area than required by the Ordinance. Lots 3 and 4 will have less area. This would make the average area satisfactory. There was no opposition.

A letter was read from Mr. Charles Perry requesting that the proposed Kennedy Street will extend from Sewell Avenue through to South West Street. The applicant said it was his intention to have the street extend on.

With regard to the setback of the dwelling Mr. V. Smith said that since the dwelling was there before the street was put in it was not necessary to rule on that.

Mr. V. Smith said since Lots 3 and 4 have an excess of 10,000 sq. ft. they are in harmony with lot sizes in the surrounding area and could be considered in the category of Section 12, subsection G which relates to granting by reason of exceptional or extraordinary conditions. He therefore moved to grant the application under provisions of Section 12, subsection G. Seconded, Judge Hamel. Carried unanimously.

The applicant asked that the granting of the dwelling setback be approved also as his engineer had requested it - he was not just sure why. Mr. V. Smith added this to his motion - to approve the entire application as presented. Judge Hamel seconded. Carried.

16 - Irwin Memorial Church, to construct addition closer to lot line than allowed by the Ordinance, approximately one mile south of Leesburg Pike on the east side of Idlywood Road, Providence District.

The applicant had tried to buy more ground from the adjacent owner to meet the required setback but the property owner would not sell. This is the only way they can have an addition to the church. The addition will come about 4 feet from the side line. There will be plenty of parking space.

Mr. Mooreland said that since the point of variance will be 130 feet back from the road it would not interfere with any construction on the adjoining property. The side road is 24 feet wide and is not used.

Mr. V. Smith moved to grant the application because the variance

on the side yard setback is approximately 130 feet from Idlywood Rd and does not appear to affect adversely joining property. Seconded Mr. Harr. Carried, unanimously.

15 - D. L. Ferguson, to have less depth than required by the Ordinance for Lot 6, proposed Crutchfield Subdivision, east side of Great Falls Street, No. 694, approximately 500 feet north of Haycock Rd., No. 703, Providence District.

This case was granted by the Board of Appeals at the last meeting but it was found that the property was not properly posed and the location in the advertising was not entirely correct. Therefore, Mr. Ferguson made a second application. In the meantime, the variance on Lot 1 had been cleared up and was not necessary. The only variance now required is on Lot 6. Mr. Ferguson has more than the required area but not the required frontage on Great Falls Street. Mr. D. T. Rucker, attorney, represented Mr. Ferguson.

Mr. John Alexander represented Mr. and Mrs. Ryan who live immediately to the north of this property and opposed the application, and also Mr. Frase, owning property at the rear of the Ferguson property. Both objected because of the less width on Great Falls Street and Crutchfield Street, which runs through the subdivision, being only ~~being only~~ a 40 foot street with the two 5 foot easements. They consider the variance on the street as well as the street width to be objectionable and not in keeping with the neighborhood, which is built up in lots from 2 to 5 acre tracts - a generally rural area. Mr. Alexander said they considered this to be a substandard subdivision.

Mr. Rucker said they have water and the lots which have been tested for septic fields have run good tests. The land is zoned for 15,000 square foot lots. The preliminary plat has been approved subject to this variance. Mr. Rucker said he did not think hte 115 foot width should apply on both street frontages. They have more area than required.

Mr. Schumann thought this a reasonable request - he said the 115 ft. requirement did mean on both streets on a corner lot. The lot lacks about 6 feet in length.

Mr. Alexander showed a map of home owners in the area and the location of the objectors, with the amount of their acreage.

Mr. Frase said he objected to the road being only 40 feet wide. It was too narrow entering into a busy highway. Mr. Ferguson said the road width was not before the Board - that that has already been approved by the PlanningCommission Subdivision Office.

Mr. Ryam spoke opposing. He said communities had sprung up all over the county with definite characters and this subdivision was

out of keeping with this general trend in the community. There was no continuity - it is just a small strip of land developing in a substandard manner. He considered it a scar on the community to grant a string of variances, none of which were in harmony with the Ordinance, that such a development was possible only with a series of serious deviations from the Zoning Ordinance.

Mr. Ferguson said the houses would sell for about $20,000 - 3 bedrooms and 2 baths.

Mr. Schumann said the question of the street width was not before the Board, that the street is only 40 feet - which is below requirements but it has the two 5 foot easements possible to be used in the future.

Mr. Alexander asked if the area within the 5 foot easement was included within the lot area. Mr. Schumann said yes. The, Mr. Alexander said, if the state used the easements it would actually cut down the size of the lot. Mr.Schumann said the owner would continue to pay taxes on the easement. He said a 50 foot road would probably never be needed here as Crutchfield Street would probably some day end in a cul-de-sac.

Mr. V. Smith said he would like to see the property.

The adequacy of the septic field for two baths was questioned. Mr.Schumann said Lots 7 and 8 would require further tests by the Health Department. Mr. Ferguson said all lots had been approved but the final approval had not yet been sent to the Planning Commission. Mr.Ferguson said he had ceased operation on this because of the hearing and further delay was important to him.

Mr.Smith asked when the plat would be approved. Mr. Schumann said approval was held up because of this lot.

Mr. Ferguson said he had bought the land about 4 months ago.

Mr. V. Smith asked why the objectors had not come up at the first hearing. They said they were not informed - the posting was incorrect and the advertising wrong. Mr. Mooreland said the property had been posted and the objections did not come in until considerable time had elapsed after the first application had been granted. He said the posting sign was probably torn down and while the advertising was not entirely accurate he thought the objectors would have known where the property was located.

Mr. Brookfield thought this subdivision out of keeping with the character of the area and the property owners should have protection against development which would devalue property in the area.

Mr. V.Smith said the Board could grant this only on the hardship clause in the Ordinance. He moved to defer the case to see the property. Seconded, JB Smith. Carried, unanimously.

DEFERRED CASES:

David K. Hadeed, to operate motel on the south side of Lee Highway, approximately 300 feet west of Virginia Diner, Centreville District.

This was deferred for report from the Planning Commission on business in this area. Mr.Schumann showed a map which illustrated that there was very little zoned business in the area. There were several non-conforming or granted by Board of Appeals businesses near. Mr. Schumann recommended not to grant this application as it would tend to further encourage spotted businesses along the highway. At present there is too much scattered business with no pattern nor scheme.

Mr. V. Smith stated that in his opinion the granting of a business in an Agricultural District should, under Section 12-F-1-f, be referred to the Planning Commission on report as to the suitability of establishing a Rural Business district in this area. He moved that this application be referred to the Planning Commission for report. Seconded, Mr. JB Smith. Carried, unanimously.

K. E. Blunt, Jr., for permission to construct and operate motel and to locate same 15 feet from the right of way line of Old U.S.#1, on property at the junction of Old U.S.#1 and U.S.Highway #1, Mt.Vernon District.

Mr.Andrew Clarke appeared for the applicant. The recommendation of the Planning Commission favoring this application was read. Mr. Clarke said the complete evidence on this case had been presented at the last Board meeting - he therefore would not repeat it. However, he stated that Old U.S.#1 is almost abandoned and since there would be no entrance to this motel from Old U.S.#1 there would be no traffic hazard. This would make a very desirable development for this piece of property. There was no opposition present.

Mr.V.Smith thought that in view of the Planning Commission's reccommendation and because of the irregular shape of the ground this was satisfactory. He believed it would improve the area and would not cause additional traffic hazard on Old U.S.#1.

Mr. Harr moved, in view of these facts, to grant the application. Seconded, V. Smith. Carried, unanimously.

Joseph Mettauer, to have building closer to property line than allowed by the Ordinance, south side of Rt. 236 at Annandale, Falls Church District.

This was deferred because the property joining was thought to be up for rezoning, which would make the setbacks conform. This property is not at present being rezoned but it was the belief of the Board that it would be in time, in which case the setback would conform. The building at present is practically up to the line. Therefore the variance is necessary at the present time.

Mr.Schumann thought this was not a good location for residences and the property all around this would probably be zoned for business. There was no opposition present.

Mr.Brookfield moved to grant the application in view of the fact that contemplated development will probably make the joining property commercial. Seconded, Mr. Harr. Carried, unanimously.

Bertha Pflieger, to use bus as a Roadside Stand to sell meats, located approximately 1-1/2 mile west of Tyson's Corner on the north side of Rt. 7, ProvidenceDistrict.

This was deferred to view the property. Mr. Brookfield said that since this is a purely residential district he did not think it in keeping to allow a business. Judge Hamel took the Chair. Mr. Brookfield made the following motion: That the application be denied because this is a purely residential area. Seconded, V. Smith. Carried, unanimously.

Mr. Pflieger thought the Board had given him very unfair treatment and severely criticized members of the Board of Supervisors. Judge Hamel said he did not appreciate Mr. Pflieger coming before this Board and criticizing any members of the Board ofSupervisors- that any group could make a mistake in judgment but that the Board had acted in good faith and with integrity.

Jack Coopersmith, to erect and operate gasoline filling station and allow less setback from front property line for pump islands, Lot 18, East Fairfax Park, Providence District.

This was deferred to check the setbacks of filling stations in the area on the same side of the highway. Mr. Mooreland said the highway map showed a 5 foot off-set in the road where it enters the curve at theCircle. This would make the setback for this property 5 ft. farther back than those on the curve. If this setback is kept the same as the others it would be a 25 foot setback.

Mr.Schumann said if the road is widened the pumps would have to be moved at the expense of the Highway - he thought a 35 ft. setback would allow for the widening. Mr. V. Smith was not in favor of allowing the pumps closer to the road right of way than the others in the area. He thought a 25 foot setback might be all right because of the offset in the road. Mr. V. Smith moved to grant the application to locate the edge of the pump islands 25 feet from the right of way of Arlington Boulevard, subject to approval of ingress and egress from the Highway Department. Seconded, JB Smith. Carried, unanimously.

Samuel T. Weaver, to use present building for a duplex dwelling, Lots 5 and 6, Groveton Heights, Mt. Vernon District.

Mr. Mooreland recalled that the Weaver case originally filed was

denied. Mr. Weaver then went to Court. The case has been put over twice. This case was deferred pending the court decision. Mr. Mooreland thought the Board should render a decision irrepective of the Court decision as that case actually has no bearing on this.

Mr. Weaver said he had originally asked for three living units. He will dismantle the basement for living quarters and have just the duplex. He has sufficient area and frontage.

Mr. Mooreland said in the beginning Mr. Weaver had four families in the house.

Mr. V. Smith said this was denied once in good faith and why was it here again. Mr. Mooreland said six months had elapsed and Mr.Weaver could re-apply - under the Ordinance.

Mr. Brookfield said Mr. Weaver was violating the Ordinance and he thought the case should be denied.

JB Smith moved to deny the case because it is not in harmony with the intent of the Zoning Ordinance and affects the use and value of joining property - this in accordance with Section 12, Subsection F-6. Seconded, V. Smith. Carried unanimously.

Mr. Weaver stated that he would appeal this decision to the Court.

Bernice Carter Davis, to have time extended to live in existing building located 15 feet from rear lot line, Lot 4, Clydesdale, Mt. Vernon District.

Mr. V. Smith said he had seen the property and thought the dwelling not in keeping with the neighborhood and surrounding property and that it was inconcistent with good zoning, which should protect the people in the area. He suggested that Mrs. Davis should take steps to change the situation there.

Mr. Mooreland said Mrs. Davis had sold her home out from under her knowing she had no place to go, then asked the Board of Appeals to condone this situation. She had been granted the year to correct living conditions. He thought the Board should take action now.

Mr. Brookfield thought the case should be denied. Judge Hamel said Mrs. Davis had been given every opportunity and consideration. He moved to deny the case in view of the fact that the applicant has been given various extensions and that it is not feasible nor necessary to give further extension to relieve her hardship and the situation is inconcistent with the intent of the Zoning Ordinance. Seconded, V. Smith. Carried, unanimously.

H. F. Lane, to permit buildings, lumber and planeing mill to remain as is on the premises, Lot 7, Section 1, Divines Subdivision of Chesterbrook, Providence District. Mr.Robinson appeared for the applicant.

Mr. Mooreland said this case was another long line of granting and

extending time. First Mr. Lane was ill, then the subdivision plats were held up, then he asked the Board for 90 days to clear up things on his property. This was in reality a storage place and a dump.

Mr. Robinson said the percolation test was approved on five lots. The delays were all unavoidable, he said, the engineer was slow, he didnt know why, but that he is sure he can get going now very soon. The plans are ready for approval.

Judge Hamel asked if 30 days would give him time to clear things up. Mr. Robinson thought - yes. Judge Hamel moved, in view of the facts presented, to defer the case until the next meeting to give time in which to clear up the situation. Seconded, Mr. V. Smith. Carried, unanimously.

A letter was read from Mr. John Webb asking for a six months deferrment on the sewage disposal plant on Accotink Creek. Judge Hamel moved to grant the six months deferrment. Seconded, Mr. Harr. Carried, unanimously.

Bruce Saunders, to build storage shed 45 feet from a 25 foot outlet road, Lot 5, King Estate, Mt. Vernon District.

Mr.Brookfield said the building is up to the top of the windows- that this is a very bad area and this building is better than anything already there.

Mr. Harr moved to grant the application, Judge Hamel seconded, carried, unanimously.

Mr. Mooreland brought up the question of signs from Gunston Hall. Application had been made for four 4 x 5 ft. signs between Alexandria and Woodbridge. The application was turned down by him. (They had wanted eight signs of this kind) The applicant then produced a letter signed by Mr. Brookfield and Mr. Schumann saying there was nothing in the Ordinance against granting these signs which would be put up by the State - advertising an historical shrine. Mr. Mooreland disagreed with the letter. He thought such signs should be covered by the Ordinance as they were not put on the State's right of way. Since he had questioned Mr. Brookfield's and Mr.Schumann's interpretation of the Ordinance he asked a decision from the Board.

Mr.Brookfield said he thought an historical shrine such as this- partly owned by the State - should be allowed to put up signs on the right of way. Mr. Mooreland said they were not on the right of way- that the sign company was leasing ground for these signs. Mr. Brookfield thought that if the State wished to put up these signs the County could not stop them.

Mr.Schumann thought these signs should be allowed under the No Permit Required listing in the Ordinance (Signs - Section 2-f)

It was suggested that the Board get Mr. Marsh's opinion.

Judge Hamel thought as a matter of policy the State should not be held in violation of the requirements except perhaps in a matter of the public good being violated. He thought this was for the public good.

Judge Hamel moved that Mr. Marsh be requested to give a written opinion on the question of signs which have been requested by Gunston Hall to erect a number of signs on other than state property between Alexandria and Woodbridge. Seconded, V. Smith. Carried, unanimously.

The meeting adjourned.

J.W.Brookfield,

J.W.Brookfield, Chairman

* * *

February 17, 1953

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, February 17, 1953, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, V. Smith, Herbert Harr, Judge Hamel. JB Smith - ill.

1 - Morris B. Taylor, for permission to build residence closer to front property line than allowed by the Ordinance on Lot 80, Valley View, Mt. Vernon District.

Mr.Taylor said the incline was so great to the back of the building line that the fill would be very expensive. Since the lot is on the curve he did not think the less setback would harm. The fall is about 10 feet within 30 feet. If the applicant were to set back the required distance he would have to fill 8 or 9 feet for basement level in the rear. Also the property could be sewered from Hillcrest Drive.

Mr. Brookfield suggested building nearer SpringDrive but the applicant said he would not have either sewer or water there. The lots joining this property on both sides are irregular - one is considerably more rugged and high the other is more level. Across the street is high ground. The road (Hillcrest Drive) is built on the high side of the right of way. For this reason, in purchasing the lot Mr. Taylor thought his property line was not so far back toward the slope and that he would have room to build on level ground and meet the required setback.

Mr. Mooreland said this was an old subdivision and some of the houses are set back 20 or 25 feet, some even 15 feet. These were built before the Ordinance. Mr. Taylor is asking a 15 foot setback. Mr. V. Smith suggested another 5 feet back - this being such a large variance, but since this is recommended by Mr. Mooreland and

street is short andnot likely ever to be heavily traveled, Mr. V. Smith moved to grant the application because of the abrupt slope to the rear of the lot and because this is not a main street nor likely to become one and this is an old subdivision in which other houses are an equal distance from the street and to grant this will permit the applicant to use the available sewer and water. Seconded, Judge Hamel. Carried, unanimously.

2 - Eric D. Bovet, to allow carport to remain as constructed on Lot 15, Section 3, Tauxemont, Mt. Vernon District.

Mr. Mooreland recalled that Mr. Bovet had been before theBoard some time ago and was granted a detached carport. Now the carport is built and is attached. (It had been agreed by the Board that to be detached, a carport or garage should be 5 feet from the building this carport is attached with a wall and trellis. The case was held up while Mr. Mooreland went for the original plot plans in the first application.

3 - C. J. Howard, to allow carport to remain closer to street than allowed by the Ordinance, Lot 4, Knollwood, FallsChurch District.

Mr. Howard said he had built the carport without a permit because he did not know of the Zoning Ordinance. He put it in this location because the driveway was there. The roof continues the line of the house and architecturally it makes an attractive addition. He said he was about 34 feet from the property line, the plats showed 25 feet. This does not block the view of anyone and there were no objections. There is a 5 foot storage area nearest the street side.

Mr. Mooreland said if the Board granted this it would put him in a very bad spot from the standpoint of enforcing the Ordinance. The carport is within the front restriction line. It was built without approval or permit. The building inspector had stopped construction. This is frame construction. Mr. Howard said this is a built up neighborhood.

Mr. V.Smith asked if it would be possible to take off the storage area and leave the carport. Mr. Howard said it would be difficult but not impossible.

Mr.Brookfield was sympathetic but saw no reason to grant the application and he did not like carports in front of the house.

Mr. V. Smith moved to defer the case to view the property.Seconded, Mr. Haar. Carried, Unanimously.

2 - Bovet: Mr. Mooreland said the carport was built something over 5 feet from the house then a wall was built with a trellis on top of it which in effect connects the carport and the house,

Mr.Bovet said the Board had granted him a detached garage 15 feet from the line, rather than the 20 feet required. His architect

had re-designed the addition for a carport to meet the regulations when they found he could not meet the 15 foot setback. The architect did not consider the fence and trellis to be a structure, therefore he had considered that he had met the ordinance requirements.

It was determined by the Board that any fence or trellis could be considered a structure and act as a connection between two buildings.

Mr. Bovet said the trellis and fences had a purpose that they hid the back yard area. Mr. Harr said the same effect could be accomplished by planting, which would do away entirely with any violation.

Mr.Bovet said the trellis reaches from fence to fence and adds greatly to the attractiveness of his place. There were no objections.

Mr. V. Smith said that since the Board did hold that a trellis is a structure, he moved to deny the case because it does not conform to the Ordinance. Seconded, Mr. Harr. (It was suggested that Mr. Bovet could easily remove the top of the trellis) Carried, Unan.

4 - O and R Construction, to allow dwelling to remain closer toGriffith Street than allowed by the Ordinance, Lot 360, Section 6, Pimmit Hills, Providence District.

Mr. Carroll represented the company. He said this was a very embarrassing mistake, that the house had been laid out on the site plan facingGriffith Road. The crew staked it out in error. This was not picked up until the house was up. But since the road curves at this point it is not easily visible, and is not unpleasing. The location survey was not made until they were ready to make the loan.

There were no objections.

Mr. V. Smith moved to defer the case to view the property. Seconded, Mr. Harr. Carried.

5 - Mrs. Charles McGuire, for permission to use garage as dwelling on Lots 81-83B and parts of Lots 76 and 95, Southern Villa, Falls Church District.

This was granted a year ago for one year, for Mrs. McGuire's parents, who are quite old. Mrs. McGuire asked for an extension, for an unlimited time or at least for the life of her parents. There were no objections.

The garage apartment uses the same sanitary facilities and heating unit as the dwelling. There are two acres of ground with the place.

Mr. V. Smith moved to grant the application to the applicant only and to the present occupants of the house, which occupants are members of the family. Seconded, Mr. Harr. Carried, unanimously.

6 - S. J.Donchez, to allow carport to remain closer to front line than allowed by the Ordinance, Lot 47, Section 2, Hollin Hills, Mt. Vernon District.

Mr. Mooreland said this carport was granted without the storage area. Mr. Donchez has built the storage area - on the street side.

Mr. Donchez said there was no wilful intent in his building this- but he had just tried to figure ways he could construct the addition with a storage space and since he could not do so and come within the regulations decided to go ahead with it and bring it to the Board for their approval. He felt that he could not build any other place because of the topography.

Mr. V. Smith questioned this not being 'wilful intent'. Mr. Donchez said he thought if the Board saw his construction they might grant it. There was no opposition from the area.

Mr. V. Smith moved to deny the case because it is at variance with the Ordinance and a previous decision of the Board of Appeals. Seconded, Judge Hamel. Carried, unanimously.

7 - John F. O'Leary, for permission to have less setbacks from property lines than allowed by the Ordinance on the east side of Swink's Mill Road, approximately 1/2 mile south of Georgetown Pike, Providence District.

Mr. O'Leary said he had bought this property during a dry weather spell and did not know that the stream would at times flood a large portion of his lot. He wished to locate the house within 30 feet of his front line to avoid the flooding area. There is high ground near the road and he will excavate and fill in for the back of his house.

Mr. V. Smith asked if this was a subdivision. Mr. O'Leary said No. Mr. Smith said Mr. Merrill, the owner, had been selling off pieces of land without subdivision authority. He thought this was an illegal lot. Mr. O'Leary said Mr. Merrill had sold off land in small pieces but that each parcel from which he sold the land was entirely a separate piece of ground. Mr. Smith questioned the validity of this since the land was contiguous. Mr. Mooreland thought the sales were ok.

The plat shown was not accurate from the standpoint of the location of the stream-bed - more of it is on Mr. O'Leary's land than shown.

Mr. V. Smith thought Swink's Mill Road would be widened in the future and probably made a through street.

Mr. Harr moved to grant the application due to the unusual topography. Seconded, Judge Hamel. Carried. All voting yea except Mr. V. Smith who did not vote.

8 - Helen S. and Mark M. Regan, for extension of existing permit to operate private school on described premises with elimination of present ceiling on enrollment, east side of Falls Church-Annandale Road, 1/10 mile north of intersection with Rt. 236, part of Lot 2, Farr and McCandlish Subdivision, Falls Church District.

Mr. Hardie Chamblis represented the applicants who were present also. Mr.Chamblis said this application was granted for two years (two years ago) for 50 pupils. The school is situated on five acres with a 100 foot buffer strip between the play area and the joining property owners. The building is almost 900 feet back from the road. This affords complete safety for the children. The building is masonry construction inside as well as outside and fireproof. It was approved by the State fire regulations. Mr. Chamblis showed pictures and plans of the building. The entire area of the building will be used except one room in which Mrs. Ludwig, who runs the school, lives. It has about 2000 square feet of area. Most of the pupils attend from 9 til 12 - others stay until 2:30.

Judge Hamel asked if it were necessary to get approval from any state authorities to increase the number of pupils. Mr. Chanblis said no, the state had no jurisdiction over this type of school. Nursery schools require a certain area, 200 square feet per pupil, but that does not apply to this school.

Judge Hamel questioned the competency of this Board to judge the safety of the added number of children. He thought the Board was taking on authority it did not have as to increase enrollment would naturally increase hazards. He thought the fire authorities should know of this proposed increase.

Mrs. Ludwig said all romms had an outside entrance except one-which was very close to a door.

Mr. Mooreland said the county had adopted a fire code which would be effective March 1st.

Mrs. Ludwig said all the classes were small - never over 20 pupils.

Judge Hamel thought if this were granted it should be subject to the new county fire code and approval thereunder.

Mr. Chamblis said they would be glad to go back to the state for fire regulation approval and also to comply with any county regulations. He suggested that the case be approved subject to compliance with county and state regulations.

Twenty-two letters were in the hands of the Chairman - approving the continuance of this school and the lengthening of the permitted time and extension of enrollment. Mr.Chamblis read several of the letters. He stated that many of the former objectors had written letters of approval.

The reasons for lifting the restricted number is for economic reasons, since the school was practically unable to show a profit and the overhead expense is relatively the same for 50 pupils as for 120. There was no opposition present.

Judge Hamel moved that the application be approved subject to the approval by the Stare Fire Authorities, and more particularly to comply with the new county fire code which is effective March 1st, also subject to any other necessary county or state Ordinances and allowing an enrollment up to 125 pupils, and that this permit is limited to operation by the present applicant only. Seconded, Mr. V. Smith. Carried, unanimously.

Mr. V. Smith thought the fact that no authority was exercised over this type of school except fire regulations was most alarming and should be changed.

9 - Elvira Leduskukain, for permission to have chinchillas in present dwelling and have less setbacks from property lines than required by the Ordinance, Lots 12 and 13, Block 37, New Alexandria, Mt. Vernon District.

The applicant has a 50 foot lot - a vacant lot 75 feet wide is on one side of her. They would breed the animals in the house.She has space for from 25 to 50 pairs of chinchilla. She would like a temporary permit.

There were five objectors present: Mrs. Zaring, Mrs. Eilson, Mrs. Polen, and Mrs. Deitrick - all of whom live very near. They objected for the following reasons: It is neither healthy nor sanitary to have the animals in the dwelling, lots are too small and houses too close together, they did not want a commercial venture in the neighborhood.

Mr. Mooreland noted that the Board and the Planning Commission at a joint meeting had agreed by Resolution that for such an enterprise the animals should be 100 feet from all property lines. He thought the Board should hold to their decision.

Mr. Harr moved to deny the application as the request is an extreme departure from the Ordinance. Seconded, Mr. V. Smith. Carried, unanimously.

10 - Capital Airline Fleet Club, to operate a private club for Capital Airline employees, approximately 967 feet from intersection of Cedar Street, on the SE side of Washington, Mt. Vernon District.

Mr. Wayne Higgins represented the club. There will be about 600 members - an expected attendance over the week end, at which time only the club will be open, of from 50 to 150. They will operate with an ABC license. This is non-profit. They are now operating in a rented building at the Old Boulevard Club but the lease

expires next year and they wish to build. They would close at 2 o'clock Saturday a.m. and 3 o'clock Sunday a.m. There was no opposition.

They would operate only at night - the club as presently operating has caused no disturbance and is well recommended, Mr. Higgins said.

Mr. V. Smith suggested a permit for one year but this would not be worth building for such a short period, Mr. Higgins said. It will be built by the employees. It was suggested granting this to the applicants for a period as long as it is conducted in an orderly manner. Mr. Higgins said the police would regulate that, that they could be closed any time if it were disorderly - that they had operated since 1945 without complaint or trouble.

Mr. Andrew Clarke was present and stated that theBoard could revoke the permit any time they saw fit.

Mr. V. Smith moved to defer the application to view the location. Seconded, Mr. Harr. Carried, unanimously.

11 - Nick Basiliko, for permission to erect motel on 26 acres on the NE corner of Edsall Road and Shirley Highway, Falls Church District.

Mr.Andrew Clarke represented the applicant. Mr. Basiliko was also present. Mr. Clarke said the corners at this intersection are mostly commercially zoned. This is between the Shirley and Edsall Road. They can conform to all setbacks, the buildings will occupy about 7% of the 26 acres. He showed the plans, elevations, and layout, with swimming pool, miniature golf, and tennis courts. There will be 262 units.

The Planning Commission recommended that a business district not be established here as there is no need. (This recommendation was made in compliance with the Zoning Ordinance)

Mr. Clarke said they did not want business zoning - just a use permit. The recreational facilities will be used exclusively for guests - and not commercialized. It was questioned whether or not these recreational facilities should be moved back farther from the road. Mr. Basiliko said that could be done but they had thought it would add color to the setup as well as attract guests. They will have public sewer and water. It was discussed where the water from the swimming pool would be dumped. Mr. Clarke said this would be up to the Health authorities - possible it would go into the storm sewers.

Mr.V. Smith asked if the buildings were setting back far enough to allow for a clover leaf to be put in if the need should arise in the future. Mr. Basiliko said they had talked with the State Highway Department and that they said they did not comtemplate a cloverleaf at this intersection.

Mr. V. Smith thought the buildings should be placed allowing for the possibility of the cloverleaf. He thought this would be an asset to the motel. Mr. Basiliko said the building was 300 feet from the intersection which he thought would allow for the cloverleaf. There were no objections from those present.

Mr. Clarke said they would comply with all state and county regulations.

Judge Hamel moved to grant the application subject to all necessary sanitary requirements and subject to approval of the State Highway Department, looking forward to a future cloverleaf at this location. Seconded, Mr.V.Smith. Carried, all voting for the motion except Mr.Brookfield who did not vote.

12 - O. A. Moeller, for permission to erect and operate a gasoline filling station on Lot 16, Beech Park, approximately 1000 feet west of Fairfax Circle, on the north side of Lee Highway, Providence Dist.

Mr. Joe Bennet appeared before the Board representing the applicant. This is surrounded by commercial property which is being used, Mr. Bennet said. There is a grouping of filling stations at the Circle. This property lies in that general area. Sacony Vaccum Company is interested in a lease on this property. Mr. Orr owns property immediately back of this lot and did not object.

Mr. V. Smith moved to grant the application because it seems to be a logical use of the property, being a business area, and it does not appear to affect adversely joining property. Seconded, Mr. Harr. Carried, unanimously.

13 - Elvira Merigold, to erect and operate a gasoline filling station and have less setbacks than required by the Ordinance, Parcel B, at the intersection of Lee Highway and Rt. 50, The Black Lantern Tract, Providence District.

Mr. Orr represented the applicant. Mr. Orr said Standard Oil was interested in putting a station here. The buildings will conform to the required setbacks and they want a 31 foot setback for the pumps, both from Rt. 50 and 211.Mr. Orr said they had been in contact with the State Highway Department to see what they might require in the way of more right of way at the intersection here but so far had nothing from them. The distance of the entrances from the intersection was discussed. It was agreed that whatever the Highway may require, the setback should remain as granted.

Mr. V. Smith moved to grant the application subject to the approval of the Highway Department and in the event that the Highway Department wants more right of way the pump islands shall maintain the 31 foot setback from the right of way. Seconded, Mr. Harr. Carried, unanimously.

14 - David S. Boger, to erect and operate a gasoline filling station on the south side of Lee Highway, easterly corner at the Ancient Oaks Trailer Park, Falls Church District.

Mr.Boger said this would be on the corner of the Lee Highway and a 16 foot outlet road. This is business property. He is asking no variance - just a use permit. One of the big oil companys will put the station in.

Nine people were present objecting. Mr. Thompson, from Fenwick Park Citizens Association, said they had met and agreed that a gas station here would be a menace to the neighborhood. They requested the Board to defer this case for determination by the Master Plan where such businesses should go. They felt that granting such a use might prejudice the Master Plan development.

The condition of the present trailer park was discussed. The people opposing thought a gasoline station could also bring wrecked cars, and a bad development, that it could run down the neighborhood.

The Tyler Park Citizens Association also opposed. They thought this business here would be offensive to the neighborhood and it would be unethical to allow something of that nature.

The Tremont Citizens Association opposed.

Mrs. Fromme and Mrs. Grenfelt, both living very near the proposed station, opposed this use.

The Oak Knoll Citizens Association opposed.

Mr. Boger said he had this large tract of business property on which he paid high taxes and he wanted to do something with it to bring in more revenue, since he could not extend his trailer court.

Judge Hamel moved to defer the case pending completion of the Master Plan. Seconded, V. Smith. Carried, unanimously.

Mr. Brookfield read a letter from Marjorie Cooke, asking extension of her request for a nursery school pending changes in the State Fire Code. Mr. V. Smith moved to extend this permit for 6 months. Seconded, Judge Hamel. Carried, unanimously.

DEFERRED CASES:

John E. Letson, to allow carport 4 feet from side property line on Lot 87, Section 1, Bel Air, Falls Church District.

Two members of theBoard had seen the property. The applicant had built the carport without regard for the Ordinance. Mr. V. Smith thought it would be a great hardship for the applicant to move the carport. It was questioned who was at fault for this lack of knowledge of the Ordinance. Why was it so difficult for people to know about it and the requirements.

[illegible] said the Ordinance was adopted in the regular

manner, having been advertised and given a public hearing, and complying with all requirements and he felt there was no excuse for lack of knowledge of this law any more than any other law duly adopted by the County. He said if theBoard does not refuse some of these requests for variance, the Ordinance might as well be forgotten. It was too easy for people to go ahead and build in violation, then come to the Board for an o.k. People buy these lots knowing that they are small and that anny addition would be practically impossible.

13: 8

Judge Hamel thought many people who buy these small houses do not read the local papers and do not know the zoning laws. He felt that the developer and salespeople were often at fault as they mislead the purchaser. However, if this is granted, the Judge stated, others certainly would ask the same thing.

This is a 65 foot lot. The case was temporarily put aside. The Board wanted more time to make the decision.

M. T.Broyhill & Sons, to allow dwellings closer to lot line then allowed by the Ordinance, on Lots 49 and 51, Section 5, Broyhill Crest, Falls Church District.

Mr. Leon Johnson appeared for the applicant. He reviewed the case - the staking out of the house incorrectly - then when the loc survey was made the house was found to be in violation. Mr. Johnson said he did not think this was easily seen and would not detract from the neighborhood. Lot 51 is joining ground which will be dedicated for a park - if the County will accept it.

Mr. V. Smith suggested that developments with smaller lots where ground for schools and parks has been dedicated are an asset to the County. He moved to grant this application because it appears to be an honest mistake on both lots and the variance on Lot 49 is not great and on Lot 51 the gross deviation from the setback lines joining an area which is to be dedicated for a park, does not appear to affect adversely joining property. Seconded, Judge Hamel. Carried, unanimously.

Retlaw, Inc., to allow dwelling to remain closer to side property line than allowed by the Ordinance on Lot 92, Section 3, Pimmit Hills, Providence District.

This was deferred to discuss resubdividing but the lots are sold and the present owners did not wish to sell any of their land for the proposed resubdivision. Mr. Mooreland thought this was an honest mistake and should be granted - in view of the Broyhill granting. It is only a one foot variance.

Mr. Harr moved to grant the application in view of the fact that it appears to be an honest error which does not affect adversely

joining property. Seconded, Judge Hamel. Carried, unanimously.

Roger R. Dawson, to construct addition closer to side lot line than allowed by the Ordinance on Lot 13, Block C, Section 3, Lee Boulevard Heights (216 Drury Lane),Falls ChurchDistrict.

This was deferred as Mr. Mooreland thought there might be something in the deed regarding required setbacks. However, he found nothing. Since this lot meets present requirements in size he could not grant a reduction in setback. The applicant wants to come within 5 feet of the side line.

The house on the joining lot is about 19 feet from the side line. This neighbor does not object to the addition.This is a brick two story colonial.

It was suggested that the addition be cut from 14 feet to 12 ft. This is the living room and Mrs. Dawson thought the 12 feet would make the proportion bad but she was willing to take whatever the Board would grant. She noted that many other houses in the area had less setback then she is asking and less than the requirements.

Mr. Harr moved to grant the application provided the distance from the property line to the building be not less than 7 feet, because this is an old subdivision and other houses in the area are closer to the side line than required. Seconded, Mr. V. Smith. Carried, unanimously.

M. W.Rinker, to use property for garage and filling station on Rt. 697, corner of Woodford No. 1118, Providence District.

Mr. Mooreland said the old electric right of way is here and is probably part of the present road right of way. He reviewed the background of the case - the misunderstanding about the location of the building.

Mr. V. Smith moved to grant the application because it does not appear to affect adversely the use of joining property and there appears to have been a misunderstanding originally on the part of the applicant and there appears to be a need in this area for a filling station, granted provided the present footings and walls can be used. Seconded, Judge Hamel. Carried, unanimously.

Jack Coopersmith, to erect and operate a gasoline filling station and to allow pump islands closer to right of way line of Columbia Pike, 1860 feet east of intersection of Bailey's Cross Roads, on the north side of Columbia Pike, Falls Church District.

Mr. Lewis Leigh represented the applicant. This was deferred to view the property. This will be a corner when the planned 50 ft. street, which is now dedicated, is put in.

Mr. V. Smith said there were other filling stations in the area. There were no objections to this. He moved to grant the application

because it appears to be a logical use for business property in this particular location and filling stations are near by. Seconded, Judge Hamel. Carried, unanimously.

Abraham Aljan, to erect and operate motel on the north side of Lee Highway, 1-1/2 mile west of Centreville, Centreville District.

The report from the Planning Commission stated that they did not recommend establishment of a Rural Business District in this area at this time. (This report required under the Ordinance)

Mr. Aljan said he would build 10 units. The buildings would be attractive, would not destroy the effect of his home which is now on the property, and would be an asset to the county both from the standpoint of taxes and beauty. His present taxes are very high and he cannot farm the ground.

Mr. Brookfield thought this use would not be detrimental to the area. Judge Hamel said this area was fairly well built up with gas stations and motels and small businesses and he did not think this use would harm the area. He moved to grant the application in view of the circumstances. Seconded, Mr. Harr. Carried. All voted for the motion except Mr. V. Smith who didnot vote.

David Hadeed, to operate motel on the south side of Lee Highway, approximately 300 feet west of Virginia Diner, Centreville District

The Planning Commission recommended that a business district should not be established at this point at this time. (This report was made in compliance with the Zoning Ordinance) Most of the businesses in the area are non-conforming. This property is on the crest of a hill and might be dangerous for this type of development as this is a high speed highway.

Mr. V. Smith moved to deny the case because the majority of the land around this property is used for residential purposes and this being located on the crest of the hill would make a dangerous situation if approved, and would create a highway hazard. Seconded, Mr. Harr. Carried.

H. F. Lane, to permit buildings, lumber, and planeing mill to remain as is on premises, Lot 7, Section 1, Divines Subdivision of Chesterbrook, Providence District.

Mr. Robinson appeared for the applicant. He said they had done everything within their power to clear this up. There have been delays on everything but now they are waiting for the plans to be approved, which should be done within another day. Everything else is ready to go. In the beginning he said the holdup was financial, then started a chain of delays which have made this unhappy situation. The Health Department has approved five lots, the 6th lot did not pass the septic test. Stump dumping has stopped. Now there

are only materials on the property which the builder will use.

Mr. Mooreland said this had been under consideration for 9 months. He suggested giving the applicant a reasonable time for the property to be cleared of building materials and this dead line to allow no extensions.

Mr.Robinson said when approval of the plat was given there would be no more delays. Judge Hamel suggested 120 days. He moved, in view of the recommendation by Mr. Mooreland and the agreement of the applicant that the Board extend the time for 4 months in which to clean up the premises and comply with the Zoning Ordinance. Seconded, Mr. Harr. Carried, unanimously.

D. L. Ferguson, to have less depth than required by the Ordinance for Lot 6, proposed Crutchfield Subdivision, east side of Great Falls Street, Route 694, approximately 500 feet north of Haycock Rd., No. 703, Providence District.

Mr. Mooreland said the Board of Supervisors had ruled that the PlanningCommission staff had no authority to grant the 40 foot road in this subdivision, that only the Board of Supervisors has authority to grant variances on the subdivision ordinance. This case is now in the process of working over to include the 50 foot road. He thought the case was practically withdrawn.

Mr. V. Smith moved to deny the case because it does not conform to the minimum requirements of the Ordinance and the Board feels that the residents of this area are entitled to the maximum protection of the Ordinance. Seconded, Mr. Harr. Carried, unanimously.

It was stated that Mr. Pflieger is still operating - selling meat- on Route 7 after this case was denied by the Board. Mr. Mooreland said he could not police the county for these violations, that he had tried to get police action in such cases where the action of the Board of Appeals was ignored but had been unsuccessful. He suggested a Resolution to theBoard of Supervisors stating the case and his inability to get cooperative action from other agencies.

Mr. V. Smith moved that this be brought to the attention of the Board of Supervisors - that the case was turned down by the Board of Appeals and the man is still proceeding with his business - that the Board thought police action should be taken.

Mr. Mooreland said he had found complete lack of cooperation from the Commonwealth's Attorneys office, regarding enforcement of the Ordinance.

John E. Letson, was discussed again. Mr. V. Smith suggested that carports had been granted by the Board which were more flagrant violations than this. He thought denying this would cause a distinct hardship to the applicant - yet he thought to grant this would set a

bad precedent. Judge Hamel thought denying such cases was very hard on people.

Mr. Mooreland said he had found in his office in dealing with these people who violate the Ordinance - they were adamant and uncooperative - but in coming before the Board they took a very soft penitent manner which naturally created sympathy. He felt that there was no excuse for people not complying with the Ordinance.He suggested a joint meeting between theBoard of Appeals, theBoard of Supervisors, and the Commonwealth's Attorney to thresh out the enforcement of the Ordinance and handling violations.

Mr.Brookfield suggested getting a list of violations now pending, before asking for the joint meeting. Judge Hamel suggested that to bring accusations, one must have definite evidence. The getting of evidence was discussed - its necessity for bringing a court action, and the manner of getting it. Mr. Mooreland said he did not have the time to sit on these cases and get the evidence. He thought that was the responsibility of someonelse.

Mr. V.Smith said that although he was sorry to deny Mr. Letson's case because of the hardship involved, he would move to deny the case because it does not conform to the minimum requirements of the Ordinance. Judge Hamel seconded. Carried, unanimously.

It was suggested that Mr. Letson could detach his garage and conform to the Ordinance.

The meeting was adjourned.

J.W.Brookfield

J.W.Brookfield, Chairman

* * *

February 24, 1953

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, February 24, 1953, in the Board Room of the Fairfax County Courthouse, at 10 a.m. with the following members present: Messrs Brookfield, V. Smith, Herbert Harr, and Judge Hamel.

1 - Anchorage Motel, to erect a single sign larger than allowed by the Ordinance, Lots 2 and 3, and part of Lot 2, Section 2, Boulevard Courts, Providence District.

Mr.Dan Levenson representing the Motel and Mr. Ken Johnson from Jack StoneSign Company were present.

Mr. Johnson said inview of his experience with other sign Ordinances he was uncertain whether just the lettering of the sign was considered in figuring the area or if the entire structure was to be

taken into account. His interpretation was that if the lettering conforms to the requirements that that is sufficient - that the structure itself is apart from the sign size. If the Board considers the structure to be part of the sign then a variance will be needed but if just the lettering is considered - this sign will conform as proposed.

Mr. V. Smith read from the Ordinance - the definition of a sign which without question includes the structure as part of the sign size.

Mr. Levenson said the proposed sign was constructed to look like a ship. It is most unusual and attractive and in keeping with the architecture of the motel, the top of which is built to resemble a ship's deck. The sign structure would be built at right angles to the highway, and located near the right of way line.

It was agreed that any structure would have to be 50 feet from the right of way - the same as a building. Mr. V. Smith said if the applicant is applying for a structure he should have asked for a setback variance for a structure and a variance on the size of the sign.

Mr. Johnson said if it was necessary to apply for a variance for the structure they would do so. He said they actually did not know what to apply for since they were not clear on the total size to be figured and did not know how theBoard would intrepret this part of the Ordinance. The total structure of this sign is greatly in excess of the Ordinance requirements.

Mr. Johnson said the Ordinance was not in keeping with modern sign trends - that at a recent meeting of sign experts from all parts of the world, the trend was definitely expressed as being away from the old type of sign hoisted on poles and toward architecturally attractive structures which carried out a theme or the spirit of the thing being advertised. This, Mr. Johnson said, often resulted in a structure far in excess of the old sign regulations. This proposed sign is in keeping with modern trends.

The sign proposed would include about 175 square feet area.

Mr. Johnson asked if this were on the building - would the Board consider the building to be the sign area. Mr. Mooreland said the building obviously was not put there to support the sign as would this type of structure and also on the building it would have to meet the required building setback.

Judge Hamel thought the Ordinance very clearly stated itself on sign sizes - that the entire structure was counted.

It was suggested using just a part of this sign.

Even the small signs such as "TV" or "Air-Conditioned" or "AAA" should be figured in the size of the sign in giving a permit, Mr. Mooreland said.

The Board agreed that granting a sign of this size would encourage others to ask the same thing, which theBoard could not refuse, and it could very well result in some very large unattractive signs which would be out of harmony with the area.

Mr. Levenson said the sign at White House Motel was on a structure larger than allowed by the Ordinance.

The sign may go on the property line, Mr. Mooreland said, but a structure must set back 50 feet, which the applicants did not want.

Mr. V.Smith moved to deny the case because it would seem to put up a sign of this size and character would impair the general purpose and intent of theZoning Ordinance. Seconded, Judge Hamel. Carried, unanimously.

It was generally agreed by the Board that some revisions in the sign ordinance might be needed. Mr. Johnson asked what steps they could take either to request a change in the Ordinance or if it were possible to get any relief.

Mr. Mooreland said the only appeal from this Board was to the Circuit Court. He suggested that the applicant might request a change in the Ordinance by the Planning Commission.

Mr. Levenson said he did not wish a court action. He would be glad to talk with Mr.Schumann regarding a change in the Ordinance. The meeting adjourned.

John W. Brookfield

J. W.Brookfield, Chairman.

* * *

March 17, 1953

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 17, 1953, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, V.Smith, JB Smith, Harr, and Judge Hamel.

1 - Glen Realty Company, Inc., to erect dwelling closer to rear lot line than allowed by the Ordinance, on Lot 31A, Glen Park Addition to Sleepy Hollow, Falls ChurchDistrict.

Mr. Harrison appeared representing the applicant. A variance had been asked on Lot 21 some time ago - which variance was never used. Three lots in this subdivision were resubdivided to get better area but it was found that the house planned for Lot 31A would violate on one corner. It was shown that this would not affect adversely

joining property as the variance is not large - a 21.2 foot setback instead of 25 feet.

Judge Hamel moved to grant the application because it is a small variance and does not appear to affect joining property adversely. Seconded, Mr. Harr. Carried unanimously.

2 - Mrs. Anna La Von Gentry, to allow carport to come within 2 feet of side property line and allow house to remain 38.4 feet from East Greenwich Street, Lot 78, Section 2, Westhampton, 1005 E. Greenwich Street, Providence District.

Mr. La Von Gentry appeared before the Board. This addition is on the south side of the house - carport connected by a breezeway. The total addition would be about 20 x 20 ft. The lot facing this variance is the back yard of the neighbor and the buildings are all quite a distance from the line. This addition, Mr. La Von Gentry said, would help to screen the neighbor's back yard.

Mr. Mooreland thought this was bringing the house very close to the line.

There were no objections from those present.

Mr. La Von Gentry said he did not question his neighbor about this request as he is a renter. He did not know the owner.

It was suggested cutting down the breezeway to give a little more side setback. The house itself is closer to the front line than it should be but is in line with other houses in the area.

Mr. Harr moved to grant the application provided the distance from the property line to the carport is not less than 5 feet and that the house be allowed to remain 38.4 feet from the front line. Seconded, Judge Hamel. Carried. Mr. V. Smith did not vote as he came in late and did not hear all of the case.

3 - Gordon D. Seigle, for permission to have a 15 foot setback from all street lines on Lots 34, 35, 36, 37, and 38, Rock Terrace, Falls Church District.

Mr. Moncure and Mr. Seigle appeared before the Board. This property backs up to the Thompson Dairy land - which is zoned business. Mr. Seigle has about 400 feet on Seminary Road and the property is bounded on three sides by three roads, Seminary Road, Payne and Gorham Streets. This ground is contracted for purchase at 50¢ a foot. In the rezoning of this property the County asked for 30 feet for the widening of Seminary Road and the ground was rezoned on the condition that this ground would be available to the State for the widening. The strip is being sold to the State at 15¢ a foot - a considerable loss to Mr. Seigle. If all setbacks are observed, Mr. Moncure said, it would reduce the size of the buildable land by almost one half of the original ground purchased. Mr. Moncure said

this was too much of a financial burden on his client. They would like a 15 foot setback on all three streets, Seminary, Gorham, and Payne.

Mr. Moncure said this would be a high class business the retailing of small airplane parts and will bring considerable revenue to the county. They will erect a good office building and storage space. The company, Specialties, Inc., will deal with Airline companies and representatives from foreign countries - purchasing officers. It will not be a highly competitive business in the usual sense. Shipments will be made by air express and trucks. There will be an alley in the rear which will be built in conjunction with Thompson's Dairy.

Since there will not be a large retail trade a great amount of parking space will not be needed, Mr. Spiegle said. They would allow for about 20 cars. Most of the purchasers will be brought to the business from the Embassys or they will be purchasers from out of town companies who are in Washington temporarily. Otherwise there will be little traffic.

A picture of the proposed building was shown.

Mr. V. Smith thought it was an unusual request to reduce all setbacks to such a degree. Mr. Mooreland said one building would not establish a setback.

Mr.V. Smith said this area was beginning to develop into a good business district and he was not in favor of breaking down the setbacks now.

Mr. Seigle said he had understood that Thompsons would build facing Leesburg Pike, therefore there would be no business facing either Payne or Gorham streets.

Mr. V. Smith said the parking space could be between the right of way lines and the buildings if they were properly set back.

Mr. Seigle said they would employ about 9 people now.

Mr. V. Smith moved to defer the case to view the property and give more time for consideration. Seconded, Mr. Harr. Carried, unanimously.

4 - John P. Kingman, for permission to erect addition to dwelling 10 feet of side property line on Lot 1, Poplar Heights, 1444 So. West Street, Providence District.

Mr. Benedict and Mr. Kingman appeared before the Board.

The neighbor on the side where the variance is requested is 22 feet from his line. Mr. Kingman presented a letter from this neighbor saying he did not object to this addition. It will be masonry construction.

Mr. Harr moved to grant the application because it did not adversely affect use of the adjoining property. Seconded, Judge

Hamel. Carried, unanimously.

5 - Harry B. Walker, for permission to build open porch within 3 feet of side property line, Lot 57, Section 2, West Hampton, 1113 West Greenwich street, Providence District.

Mr. Walker presented a letter from the neighbor most affected saying he did not object to this addition. The porch will be screened for summer use. Mr. Walker said hisneighbor was granted a carport in the same relative location last October.

Mr. Harr moved to grant the application provided the distance from the porch to the side line be not less than 5 feet. Seconded, Judge Hamel. Carried. V. Smith moted No.

Mr. King stated that he wished to object to the Carusillo case which was scheduled to come up later but that Mr. DeBile had been hurt in an auto accident and he was taking him to the hospital and would like to state his objections now as he may not get back when the case comes up.

Mr. V. Smith moved to hear Mr. King. Seconded, Mr. Harr.Carried.

Carusillo: Mr. King said he had a filling station one lot away from the Carusillo lot, which is asking a reduction of setback. Mr. King's pumps set back the required distance from the right of way and he objected to Mr. Carusillo's pumps being put out 25 feet from the right of way. He thought it only fair that the setbacks should remain the same.

6 - O. A. Moeller, for permission to allow pump island within 25 feet of right of way line of Lee Boulevard, Lot 16, Beech Park, Providence District.

Mr. Joe Bennett represented the applicant. He said his client wished to continue the established setback on Lee Boulevard, which is 25 feet for pump islands. The building will conform to the requirements of the Ordinance.

It was recalled that the Board had granted this setback near Fairfax Circle - two blocks away. There were no objections.

Mr.V. Smith moved to grant the application because it conforms to the other setbacks in the vicinity. Seconded, Judge Hamel. Carried, unanimously. (It was added to the motion that the application was granted also because Lee Boulevard right of way at this point is 200 feet.)

7 - Herman Grenadier, to have less setback from street lines than allowed by the Ordinance on Lots 344, through 351, Block H and Lots 474 through 478, Block L. Memorial Heights, Mt. Vernon District.

Mr. Mooreland said this is an old subdivision. He thought the proposed road which would lead from Ft. Hunt Road to Oak Street should be taken into consideration. He suggested deferring this

case to see the property.

Mr. Grenadier said if he set back the required distance he would not have room on his lots. He had no objections to taking the variance on the rear of the lot if the Board did not wish to vary the front setback.

Mr.Schumann said that since this was an old subdivision with less area then required, the side setback could be granted to a 7 foot setback.

Mr. Grenadier said there was a hill in the back of his building site and it would be impossible to go back the required distance.

Mr. V. Smith moved that the case be deferred for Mr. Schumann and Mr. Mooreland to work out a solution for the setback. Seconded, Mr. Harr. Carried, unanimously.

8 - Commonwealth of Virginia, Board of Regents of Gunston Hall, special exception to the sign ordinance on property of Lottie Anderson, Walter S. Sims, and A. W. Mills, Mt. Vernon District.

Mr. Smith appeared for the Board of Regents. He said there had been an effort on the part of the Regents to publicize Gunstan Hall as the state will appropriate funds for this shrine based upon the gate receipts and they have been very low. A doner has agreed to pay for these signs and they wished to try this advertising for one year to see if the revenue will increase. One sign is on the Woodlawn property. The size of the signs does not violate the ordinance.

Mr. Mooreland asked who would own the signs. Mr. Smith said the State of Virginia. They have purchased the signs and will pay the maintenance.

Mr. Mooreland said these signs were advertising off the property and not on the State Highway right of way and he thought the Regents should come under the sign requirements - which would put these signs in violation. By this violation he thought other requests would come in. The ground is being leased from private owners at various distances from Gunston Hall. He thought this was defeating the intent of the County to try to get signs off the highways.

Mr. V. Smith said there was not another Shrine in the State that was owned by the State. Mr. Mooreland thought if these signs were on the State right of way they would be all right but not on private property.

Judge Hamel thought this was a matter of policy - should the State be granted a right that was not allowed anyonelse. Mr. Mooreland thought the State should be treated the same as a private citizen, when a sign was off the State right of way. The sign, he said, is not actually historical in character.

Mr.Schumann thought this should be allowed under Par. A-2-f of the Sign Ordinance. He thought no variance was necessary in this case- he suggested that there was a distinct difference between the use of land in this way and a purely commercial sign advertising a restaurant for example. There is no provision in the Ordinance relating to historiacl signs, Mr.Schumann said, but he considered a sign advertising something like this or Mt. Vernon as distinctly different from the ordinary commercial sign. He thought the case should not be considered but that the signs should be allowed as requested.

Judge Hamel thought this was not the ordinary type of sign - it was actually a service to the public - direction to an historic shrine. It was very desirable for people to know of this place and to go there - that it served a definite public service.

Mr. V. Smith thought the application should be granted, and so moved, under Section 12 - G "extraordinary and exceptional conditions" because the owner of the property is theCommonwealth of Virginia and such a sign will be of substantial benefit to the public good-rather than a detriment - in preserving an historic shrine. Seconded, Judge Hamel. Carried, unanimously.

9 - Louis J. Carusillo, to erect and operate a gasoline filling station and allow pumps 25 feet from right of way line of Lee Highway, Lots 23, 24, 25, Ratcliffe, Centreville.

This is the case to which Mr. King had registered opposition. Mr. Vaughn and Mr. Carusillo were present. It was thought that the highway is 80 feet wide at this point. By granting this 25 foot setback the pumps would be set considerably closer to the right of way than Mr. King's pumps, which the Board said must be taken into consideration. It was brought out that the 25 foot setback was granted at an near Fairfax Circle but that all setbacks in that area are approximately the same. This, it was suggested, would be unfair to grant when the business very near is conforming to requirements.

Mr. Vaughn said - supposing a 100 foot setback had been used - would they be required to observe that setback also. The Board said No, since that was greatly in excess of requirements.

The possibility of a reduced setback from Mosby Lane was discussed. Mr. V. Smith said that would depend upon the development there- whether reduced setback from Mosby Lane should be granted. This may not be a good location for a filling station - he moved to defer the case to view the property and to give the applicant time to revise his plans with a view toward meeting the required front setback. Seconded, Mr. Harr. Carried, unanimously.

10 - Julius Pruss, for permission to operate a motel on the SW corner of Route No. 613 and Lee Boulevard, at Seven Corners, Falls Church

District.

Mr. Harry Carrico represented the applicant. He said the applicant wished to convert the presently located Hillwood Motors into a motel. There are about 6000 square feet of floor space in the all fireproof building. The present use would be abandoned except for the filling station. There was no opposition.

The setbacks were discussed. Mr. Carrico said the building set about 77-1/2 feet from Lee Boulevard and 29 feet from Sleepy Hollow Road. There is a Service Drive in front of the building.The building is 30 feet from the Service Drive - granted under the old Ordinance, before the amendment on setback for General Business zoning was passed.

Mr. Carrico said there would be three entrances, one at the west end of the property, near the center, and one at the east end at the filling station. They would have parking space at the side and rear. He showed a plot plan of the building and parking area. Mr. Carrico said this, in his opinion, would be a distinct improvement in the use of this building. There will be no entrance on Sleepy Hollow Road - that road is considerably higher than the building level. There is a little less than one acre in the property. Sewer and water are available.

It was suggested that the Highway Department may not approve three entrances. Mr. Carrico said that only one entrance would come off of the Boulevard - the others would be from the Service Drive. The Highway Department, Mr. Carrico said, had stated that they had no definite plans for Seven Corners intersection.

Judge Hamel thought that such an important corner as this should be planned for the future as some radical change could be put into effect here.

Mr. Carrico said that since the building was already there - no setbacks could be changed and his client was willing to take the chance of a change in this intersection. He thought the use proposed was an improvement over the present use.

Judge Hamel thought this would enhance the value of the ground and therefore make acquisition by the State Highway more expensive in the event they wished to purchase more right of way. Mr. V.Smith agreed.

Mr.Schumann said it would be up to the State whatever was done here. He said the Master Plan would have a report and recommendations probably during November of this year.

Mr. Carrico said other things could be done to this building which would enhance the value. He said the present owner would liquidate

his stock - that if acquisition were necessary under the present use the value would be figured on the business as well as on the propert iteself. There would be no great difference in the expense to the State.

Mr. V. Smith thought the pump islands located 10 feet from the right of way would increase the traffic hazard. Mr. Carrico said they would be glad to move the pump islands back if necessary, or move them to the other end of the property.

Mr. V. Smith moved to refer this application to the Planning Commission to be considered in relation to the recommendation of the Master Plan for this intersection. Seconded, Judge Hamel. Carried, unanimously.

11 - The two Wills cases were taken up together:

12 - Roberts, Inc., to have less setbacks then allowed by the Ordinance at the intersection of Route 236, 244, on the east side of Route 617 at Annandale, Falls Church District, and

W. C. Wills, to have less setbacks than allowed by the Ordinance at the intersection of Route 236, 244, and on the west side of Route 617, at Annandale, Falls ChurchDistrict.

These are the setbacks requested by Mr. Wills:

Setbacks from the existing right of way:

Roberts Property: 13 foot setback from Rt. 244; 20 feet setback from 236.

Wills property: 14 foot setback from Rt. 244; 15 foot setback from Rt. 236.

Setback from the new right of way after dedication:

Roberts property - 10 foot setback from Routes 236, 617, and 244.

Wills property: 5 foot setback from Route 236; 10 foot setback from Rt. 617, and 7 foot setback from Route 244.

Mr. Lowe represented Mr. Wills, who was also present.

Mr.Schumann said the case of Mr. Wills now pending in theCircuit Court was held up pending the outcome of this decision by the Board. He asked Mr. Wills to answer one question before the case got under way: Mr. Lowe, are you willing that the statements and testimony given at this hearing today will not be used in the furtherance of your case now pending before the Circuit Court?

Mr. Lowe said he had not completed his administrative remedies and with the change in the circumstances and the State Highway's plans, the case might be resolved.

Mr.Schumann said this did not answer his question. Mr. Lowe asked why the question was asked. Mr. Schumann said because the case now before the Court was based on a previous case decision of the Board of Appeals and this case before theBoard today had nothing to do with

that.

Mr. Lowe said in the event of an adverse decision today they would have the right of appeal to which Mr. Schumann agreed and restated his question.

Mr.V. Smith asked why this case was before the Board again. It was noted that the six months required had passed and the applicant was therefore eligible for a rehearing.

Mr.Schumann restated his question. Mr. Lowe said he could not deprive his client of any means of defending him. Mr.Schumann restated his question. Mr. Lowe said: It is possible it would be used, Mr.Schumann.

Mr.Schumann said that since this case was before a fair and impartial Board he would advise the Board that it not consider the fact of litigation now in Court and hear this case only on its merits - on the facts as presented today.

Mr. Lowe said they had the State plans for this intersection: Rt. 236 will be 6 lane at the Springfield Road;76 foot right of way on Rt. 236; 57 foot right of way on Rt. 617 and Rt. 617 will enter Rt. 244 at Maple Street - cutting through a new right of way to connect these two streets. Mr. Wills will donate the land to make the 57 foot right of way on Rt. 617 and will dedicate 10 feet on Rt. 236. He will provide a 17 foot sidewalk on Rt. 236; a 7 foot sidewalk on Rt. 617; 12 foot sidewalk on Rt. 244. If he observes the 35 foot requested setback, Mr. Wills said he was giving up a great deal of valuable land. He recalled that the Safeway across Rt. 244 has a 15 foot setback, granted by the Board. These variances are asked because of the value of the land and the nature of the location- bounded by so many streets.

Mr. Lowe considered this a hardship case and thoughtthat economics should be considered. The reason for the required setbacks - to allow for the widening of the road was now eliminated. He said Mr. Wills needed to know just how much square footage of land he could use.

Mr.Brookfield asked what concrete proof the Board had that this was the final plan at this intersection - the Highway Department had changed its mind before and could on this.

Mr. Lowe said this plan was approved by the State Commissioner. Mr. Schumann agreed that this is the right of way the Highway wants to acquire for the foreseable future - but as to the ultimate future, he could not say.

Mr. Schumann called to the attention of the Board the great amount of time and effort Mr. Wills had spent in bringing this road-width decision to a head - in the Annandale area.

Judge Hamel thought there was no assurance that this was the final highway plan.

Mr. Wills said the State had bought three lots in order to make the connection between Rt. 617 and Maple Street and funds were allotted to widen Columbia Pike.

Mr. V. Smith questioned granting a blanket setback variance.

Mr.Schumann thought it could be granted under the hardship clause Section 12-G.

Mr. V. Smith asked how the Board could grant such setbacks when they did not know what was to be built on the property. Mr. Lowe said they could not determine what they would build until they knew how much land they would have.

Judge Hamel asked if the Planning Commission had a recommendation on this. Mr.Schumann said not as a body. Judge Hamel said he would like to have a letter to be made a part of this file from the Highway Department stating that this was their plan for Annandale intersection.

Mr. Wills said he would not build until this plan is definitely and finally adopted by the Highway Department.

A blanket variance was again discussed and questioned by the Board.

Judge Hamel said if these highway plans were definite the Board might be in a position to act, but until the record shows that this is the final plan he doubted if it were proper to act on this variance.

Mr.Wills said that the condition upon which he will build is that the Highway work will be done this year and the condition upon which he will give the additional right of way is that the work be done this year.

Mr.Schumann asked if the Board considered the widening of these roads the only conditions to be considered in this case. He suggested that other features should be considered as had been at the last hearing.

Mr.Brookfield thought the future plans of the Highway Department had nothing to do with granting setbacks at variance with the Ordinance.

Judge Hamel said he would like to see this case deferred for thirty days to see actual evidence of the Highway's plans and for further study - he so moved. Seconded, V. Smith. Carried, unanimously.

DEFERRED CASES:

C. J. Howard, to allow carport to remain closer to street than allowed by the Ordinance, Lot 4, Knollwood, Falls ChurchDistrict.

This case was deferred to view the property. Mr. V. Smith had seen the property and thought it not in harmony with the Zoning Ordinance and that it would establish a precedent if granted.

Mr. Howard said there were other houses in the neighborhood violating the Ordinance in the same way.

Mr. V. Smith said this was no hardship case and he thought we should uphold the Ordinance. He moved to deny the case because it does not conform to the minimum requirements of the Zoning Ordinance. Seconded, J.B.Smith. Carried, unanimously.

O and R Construction Corporation, to allow dwelling to remain closer to Griffith Street than allowed by the Ordinance, Lot 360, Section 6, Pimmit Hills, Providence District.

Mr. V. Smith had seen the property and he thought the violation very small and not perceptible. He moved to grant the application because it seems to be an honest mistake in the location of the house and there is sufficient area for this building and the violation does not affect adversely the use of adjoining property. Seconded, Judge Hamel. Carried, unanimously.

Capital Airlines Fleet Club, to operate a private club for Capital Airlines employees, approximately 967 feet from intersection of Cedar Street on the SE side of Washington, Mt. Vernon Electric right of way, abandoned, Mt. Vernon District.

Mr. Mooreland said he had learned that this property was not posted on the proposed club grounds but was posted on the presently operating club grounds. However, it was re-posted correctly.

Mr. Carl Spencer, representing 36 families in the immediate area of this proposed club opposed this use. These people consider such a use a nuisance, detrimental to real estate values and the only roadway entrance to the site is over a private road, privatly maintained. There is no dedicated road to the property. This road is narrow - one way and not adequate to take care of the traffic that would naturally result from such a use. A petition with 36 names was presented, opposing the use.

Mr. Mooreland said if the opposers would waive the 10 day posting requirement, the Board could act on the case - although it had not been posted properly for 10 days. Mr. Spencer said he could waive that for those names on the petition but the president of the Mt. Vernon Citizens Association, which organization also opposes this use, was not present and he could not speak for them.

The validity of hearing this case when it was not posted for the required length of time was discussed. Mr. V. Smith thought the case should not be decided at this meeting.

March 17, 1953

Mr. J.B.Smith moved to defer the case until the next meeting. Seconded, Judge Hamel. Carried, unanimously.

The meeting adjourned.

John W. Brookfield.
J.S.Brookfield,
Chairman

* * *

April 7, 1953

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, April 7, 1953, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, Verlin Smith, J.B.Smith, Judge C. Hamel, and Mr. H. Harr.

1 - Dowden and Farnum, for permission to allow dwelling to remain closer to front property line than allowed by the Ordinance, Lot 63, Block 11, Dowden Terrace, Falls Church District.

Mr. Dowden appeared before the Board. He showed a plat of the area surrounding this lot, which is on a cul-de-sac. Homes are built on all the lots surrounding. Mr. Dowden said his foreman measured the setback from a straight line across the front of the property rather than following the curve of the cul-de-sac. This accounts for the 31 foot setback rather than the 40 feet required. The house is now under roof. Mr.Dowden said he stopped work immediately when they were found to be in violation. They now have water and will have sewer this summer. The other houses on the circle are built and sold.

Mr. Harr said there would be no reason ever to widen the circle. Mr. Mooreland said this was the first time Mr. Dowden had been before the Board. He has been building for three years.

Judge Hamel moved to grant the application for a 31 foot setback from the front right of way because this appears to be an honest mistake and does not adversely affect joining property, also it is located on a cul-de-sac which there is no chance of ever widening. Seconded, Mr. Harr. Carried, unanimously.

Mr. Mooreland said the Pflieger warrant had been nol prossed by the Commonwealth's Attorney's office. He suggested that the Board write a letter to Mr. Ralph Louk asking for his reasons for this action. Mr. Mooreland said the question in the Commonwealth's Attorney's mind was created by Section 111 - A-1. Judge Hamel moved that the Board ask for a letter from Mr. Marsh's office stating the reasons

for nol prossing this case. Seconded, Mr. V. Smith. Carried.Unan. It was added to the motion that the Commonwealth's Attorney be asked to reply by April 20th as Mr. Brookfield said he would present this to the Planning Commission meeting that night.

Meeting adjourned.

J.W.Brookfield.
J.W.Brookfield, Chairman.

* * *

April 21, 1953

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, April 21, 1953, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: MessrsBrookfield, V. Smith, J.B.Smith, Herbert Harr, and Judge Hamel.

1 - Crestwood Construction Corporation, to allow open porch closer to side lot lines than allowed by the Ordinance, Lot 8, Block 24, Section 6, Springfield, Mt. Vernon District.

Mr. Carl Helwig represented the corporation. The house is now deck high, Mr. Helwig said. This was an unpremeditated error- the house was staked out with the porch on the other side which would have met the setbacks but in some way the plan became turned around and the porch was on this side creating the violation. Mr. Helwig said they had tried every way possible to correct this-they thought of taking the porch off - but this would not meet the commitments of FHA and they would have resubdivided but could not do that, the cost of changing the house entirely would have been prohibitive. They felt that there was no alternative but to go to the Board. Mr. Helwig said they were most unhappy.

Mr. Brookfield said that this was a good subdivision and he felt it was a grave error to start reducing the sidelines with this opening wedge. It was bringing the houses entirely too close together - asking for porches or carports too close to the line.

Mr. Helwig said they too wanted to keep the houses as far apart as possible. These are $18,000 houses and the company strenuously opposes carports or porches too close to the line. He was sure this would not happen again.

Mr. Mooreland said a carport would be allowed within 5 feet of the side line in this zoning classification and he did not consider a porch any more objectionable than a carport.

Mr.Brookfield said there must be a reason to grant such a variance and the only reason he saw here was the cost of changing the house and the fact that the developer was not intentionally trying to squeeze in the porch. However, he was afraid requests for porches

would be endless if this were granted.

Mr. Helwig said they have made the lots wider in the new sections of Springfield - to keep more distance between houses. They have also put restrictions on the property that no building or part of a building should come closer than 8 feet from a sideline. This is in the FHA restrictions. In this way, Mr. Helwig said, they could in the future control the reduction of side yards.

Mr. V. Smith moved to grant the application because it appears to be an honest error and will not affect adversely the use of adjoining property. Seconded, JB Smith. Carried, unanimously.

2 - W. S. Evans, for permission to erect dwelling closer to side lot line than allowed by the Ordinance, Lot 414, Section 4, Lake Barcroft, Falls Church District.

Mr. Michael Liberatore appeared for the applicant. It was the owners understanding that all lots in Barcroft had a 15 foot setback and therefore the house for this lot was designed for that setback. They found, after the plans were drawn that this is the only section in Barcroft which requires a 25 foot setback. (This is property bought from Malbrook which has the 25 foot restriction setback in the deed) The garage on one side is all right - it comes 20 feet from the line. He would like a 6 ft. 8 inch variance on the one side. The house is not yet started. There were no objections from those present.

Mr. V. Smith thought there was room to move the house forward. It was located about 98 feet back from the right of way. Mr. Liberatore said the house had been located on the crest of the hill in order to be sewered. There is low ground between the house location and the sewer lines.

Mr.Brookfield said a great meny of the lots in Barcroft were difficult to build upon because of topographic conditions.

It was noted that this lot is larger than required.

Mr. Harr moved to grant the application because it appears to be a topographic condition which would prevent a different location of the house. Seconded, Judge Hamel. Carried, unanimously.

3 - G. G. Welling, for permission to erect carport 7.5 feet to side property line on Lot 41, Section 3, Franklin Forest, Providence Dist.

Mr. Welling said this would add to the value and beauty of his home. It is a ranch style house.

Mr.Brookfield thought this was crowding too much.

Mr. Mooreland said some houses in this subdivision are as close as 7 feet from the side line. It is an old subdivision. Many of the lots are only 50 feet wide.

Mr. V. Smith moved to grant the application because this is an old subdivision where houses are in some cases as close as 7 feet from

the property line and it does not appear to adversely affect the use of adjoining property. Seconded, Judge Hamel. Carried, Unanimously.

4 - D. L. Ferguson, to allow house to remain closer to corner than allowed under the corner clearance clause of the Zoning Ordinance, Lot 1, Crutchfield Subdivision, Providence District.

Mr. Ferguson said he should be 45 feet back from the right of way. He got a permit to build this house and found it does not meet the restrictions on corner clearance as set up in the Ordinance. He has excavated for the building and only one corner of the proposed building projects into the prohibited area. There is a steep bank - about a 6 foot drop, on the Great Falls Street side and about a 3 foot elevation on Crutchfield Street. This would prevent vision from across the corner even though a house were not there, Mr. Ferguson said. He would terrace the slope to Great Falls Street.

Opposition: Mr. John Alexander represented Mr. and Mrs. Ryan. They live on the property joining this subdivision. The permit for this one house was granted, Mr. Alexander said, before the subdivision plat was approved. It was granted on acreage. The foundation or excavation was put in before the plat was recorded. This subdivision was originally set up with a 40 foot street and a request for variances on two lots on Great Falls Street. After this was not approved by the Board of Supervisors, Mr. Ferguson re-worked his plans and still has to have this variance on the one lot, Mr. Alexander said. He thought Mr. Ferguson could meet the ordinance requirements if he would move this house location back a short distance on the lot.

Mrs. Ryan went into the history of their dealings with Mr. Ferguson. She said the property should have been developed with a street on one side of the lots but that by putting the street down the center of the property and squeezing in two rows of lots it crowded the subdivision and it was out of keeping with the rural character of the surrounding area.

Mrs. Ryan said the foundation of this house was dug quickly when it was realized that opposition was evident. She had offered Mr. Ferguson $2000 for this lot or offered to sell him more ground both of which he refused. She considers this depreciates the value of their home and that it is bad planning. The homes on these lots will have no landscaping and will not in any way add to the area. She said Mr.Ferguson had wanted $4000 for one lot.

Mr. Ryan said this subdivision was made possible only by a series of variances and easements both of which are bad for an established rural area. He felt that Mr. Ferguson was not concerned

with the fact that he was depreciating property in the area. Mr. Ryan said his house is set back 68 feet and if this house on Mr. Ferguson's lot sets out as planned it would cut his vista to the highway. The house, in his opinion, could easily be set back the required distance. He considered that because of this development he had lost 6 or $7,000.

Mrs.Ryan said this house would be set out so far that the kitchen would be at about the same location as their living room.

It was brought out that this property is within the original Suburban Residence zoning - March, 1941 - when the map was adopted.

Mr. Ryan had offered to move the footings or buy the lot but Mr. Ferguson had refused both, Mr. Ryan said.

Mr. Ferguson said he had acted in good faith from the beginning. He had bought the property contingent upon getting the first variance, which he knew he would have to get. When that was approved by the Planning Commission and theBoard ofZoning Appeals, he bought the property, and went ahead with his plans. Then the road was thrown out by the Board of Supervisors. He had resubdivided, losing one lot. This 150 foot site clearance business had never been called to his attention and he knew nothing of it. He said the setback was only a matter of a difference of 6 or 7 feet, which he thought would not be noticed.

Mr. Harr suggested the relocation of the footings, that probably it would not cost too much and would make for a better feeling. Mr Ferguson said he had already been out about $5,000 and all throughn no fault of his own - that he had complied with every requirement the Planning Commission had asked.

Judge Hamel thought the relocation of the footings would be for the good of the neighborhood. Great Falls Street is getting to be an important thoroughfare and looking to the future he thought it should not be encroached upon. Mr. Ferguson said 6 feet would never be noticed, that there would always be a slope from this house to the street and his setting the house back such a small distance farther would make no difference.

Judge Hamel said if the house were half way up it would make a differnce but the expense would not be great in moving the footings at the present time. Mr. Ferguson said it seemed a little unfair since the error was not his and the time and trouble involved was considerable.

Judge Hamel moved to deny the application because, while it may be an honest mistake, it can be corrected with a minimum of expense and burden to the applicant. Seconded, Mr. Harr. Carried. Mr. V. Smith not voting.

5. - Oman-Neal, Inc., for permission to allow dwelling 32 feet of Slade Run Drive and 14.9 feet from side lot line, Lot 48, Valley Brook, Falls Church District.

Mr. McWhorter appeared for the applicant. This is an undeveloped subdivision, Mr. McWhorter said, which will be developed in groups of about 10 houses at a time. The error here occurred in the staking out of the house. Only one corner of the house is 32 feet from the front right of way - the side variance is very small. The house is built. The house faces on a curve and the front setback is not noticeable, from the street or from the other houses. Also it does not obstruct the view of joining property. Because of the curve all the houses actually line up. These are $27,000 houses. Twenty houses have been built and this is the only variance requested.

It was discussed when certified location plats were turned in. Mr. V. Smith suggested that they should be turned in after the footings were poured. Mr. McWhorter brought out that this was not always practical as there were features sometimes changed or added later in the building which FHA would require to have shown on the final location plat. He said it was hard to hold exactly to the setbacks because of grading and construction work.

Mr. Mooreland said he would prefer to have the plats after completion because of these changes - otherwise they would not always know what was on the property.

Judge Hamel said there should be some provision for these changes and mistakes - as the time might come when these mistakes could result in considerable expense for the developer.

Judge Hamel moved to grant the application because it appears to be an honest mistake and does not appear to be detrimental to property in the area and will not seriously interfere with the general view, because of the curvature of the street. Seconded, Mr. Harr. Carried, unanimously.

6 - William L. Mayne, for permission to erect dwelling 15 feet of Lakeview Drive, Lot 14, Section 1, Lakewood, Falls Church District.

This was granted some time ago but the 6 months period had elapsed without construction having been begun and the applicant came back to the Board for a new permit. This was a case of a new street being put in when Lake Barcroft was developed. When Mr. Mayne bought here this side line was not a street. It required only a 15 foot setback. Lake Barcroft developed and the street was put in - making the side line of his property a street. This requires a 40 foot setback. There is a steep cut to this street in order to make a good grade. This left the house very high on the lot.

Mr. V. Smith moved to grant the application because a new street was cut by the applicant's lot, a fact over which he had no control and to refuse this would work a hardship on the applicant and because of the topographic condition at Birchard Drive and Lakeview Drive, and this would not adversely affect property in the area. Seconded, Mr. JB Smith. Carried, unanimously.

6 - T. D. Todd, for permission to erect addition to dwelling closer to Tyler Avenue, Lot 1, Section 1, Tyler Park, Falls Church District, 1501 Tyler Avenue.

This would be 18 feet 9 inches from Tyler Avenue. Tyler Avenue ends at Graham Road. The addition is the living room - the applicant needs more room to take care of an expanding family. The house on the joining lot is set well away from the property line. There were no objections from those present.

Mr. Mooreland thought this quite a large variance.

Mr. V. Smith said he was sympathetic to the situation but he felt the applicants expanding family was not the problem of the Board. He felt that granting this would set a precedence for similar requests.

Mrs. Todd said there were other houses in the area with a different zoning which came closer to the line. Mr. Mooreland said this was not possible since this is the least restricted zoning in the county.

Mr. V. Smith moved to deny the case because it does not conform to the minimum requirements of the Ordinance and would be a gross variance from the requirements of the Ordinance. Seconded, Mr. Harr. The motion was lost. For: V. Smith, Mr. Harr. Against: Judge Hamel, JB Smith, Mr. Brookfield.

Judge Hamel moved to defer the case to view the property. Seconded, JB Smith. Carried.

8 - Hugo Maters, to allow building to remain 10 feet of side property line for living quarters, Lot 2, Hugo Maters Subdivision, Mt. Vernon District.

Mr. Maters said he first got a permit for a garage then later, without a permit, put an apartment upstairs. He did not know he was in violation of the Ordinance. The garage is about 40 feet from the house, but it is 10 feet from the property line. He would like to use this as a supplementary building, for members of his family.

Mr. Mooreland said the Board would be granting a dwelling 10 feet from the property line. He has about 3 acres.

Mr. Harr moved to grant the application as the building in question is an accessory to the present house and it is to be used by members of the family only and there is ample acreage to put

such a structure on the property. Seconded, V. Smith. Carried, unanimously.

9 - William C. Armburst, for permission to allow carport 6 ft. of side property line, Lot 48, Section 3, Franklin Forest, 4006 Lorraine Avenue, Providence District.

Mr. Amburst said there is a brook on one side of his property which will be walled in. He could not put the carport on that side because of the topography. There is a hill there. All other setbacks are complied with. He would not obstruct the neighbor's view.

Mr. V. Smith moved to grant the application because of the topography of the lot and because this is an old subdivision where some homes are within 7 feet of the property line and this will not affect adversely the use of adjoining property. Seconded, Mr. Harr. Carried, unanimously.

10 - Robert G. Gill, for permission to have a 15 foot setback from Cedar Lane for dwelling, Lot 47, Birch Subdivision, Falls Church District.

This is an old subdivision with only one vacant lot left. Many other houses, Mr. Gill said, are located 7 and 10 feet from their side lines. There was no opposition. The 50 foot street is not paved. The sewer line cuts throught the lot. This is a triangular shaped lot.

Mr. V. Smith moved to grant the application because it is a lot of record before the Ordinance, because of the triangular shape of the lot, and because many other houses in the area are located as close as 5 feet from the propeety line and because of the sewer easement on the lot. Seconded, Mr. Harr. Carried, Unanimously.

11 - Groveton Baptist Church, for permission to have less setbacks from property lines than allowed by the Ordinance, at the NE corner of Church Street, and U.S.#1, Mt. Vernon District.

Mr. Burton appeared for the Church. He introduced the pastor of the church. The congregation has grown rapidly and they need more room, Mr. Burton said. They have made a very complete study of the plans and the future of the church - for over year in order to be sure they have covered the needs of the congregation. They will spend about $320,000. Parking will be provided for 400 cars. The parsonage is facing on Church Street which is a short street ending in a loop - it is not a through street. The applicants have about 2-1/2 acres of ground. They are looking forward to a church capacity of about 700. They now have 250. It has taken considerable study and time to plan for the utilization of the ground to the best advantage. They are asking a 6 ft. setback from Church Street and a 5 foot setback from the side

line. They have tried to buy more land on the side line but cannot.

Mr. Harr moved to grant the application because it is an exceptional situation. Seconded, Judge Hamel. Carried, unanimously.

12 - Roger W. Anderson, for permission to erect detached garage 2 feet from side lot line, Lot 23, Block 6, Fairhaven (54 Hillcrest Drive) Mt. Vernon District.

This is frame construction. Mr. Anderson said there were others in the neighborhood with the same setback. It was brought out that these other houses were put in before the Ordinance was adopted. Mr. Harr suggested that the garage be put over to a 4 ft. setback.

Mr. V. Smith said he saw no reason to grant this. He moved to deny the case because it does not conform to the minimum requirements of the Ordinance and because the Ordinance was amended especially to take care of a situation like this. Seconded, J.B. Smith. Carried, unanimously.

13 - Rex Storer, for permission to erect garage closer to side lot line and closer to house than allowed by the Ordinance, Lot 6, Block 8, Fairhaven, 25 Rixey Drive, Mt. Vernon District.

The applicant has only a 12 foot side yard, the back yard has a steep rise in the ground which would be expensive to excavate. Also if the garage were put in the rear and meet the setbacks it would make too sharp a turn to get into it. The driveway is in on this side. There were no objections from those in the area. There are other garages in the area close to the houses - all are frame, the applicant said. This would be 3 feet from the house. The driveway is ribbon stripped. Mr. JB Smith moved to deny the case because it would not conform to the minimum requirements of the Ordinance. Seconded, Mr. V. Smith. Carried, unanimously.

14 - Banks & Lee, Inc., for permission to allow dwelling 14.06 feet from side property line, Lot 11, Block 15, Section 6, Virginia Hills, Mt. Vernon District.

Mr. Hunt discussed this with the Board. This is a wedge shaped lot. The survey stakes were properly located for a frame house. Then the construction was changed to brick veneer. The setback was wrong on one side.

Mr. Harr moved to grant the application because it was not a great variance and did not adversely affect joining property. Seconded, V. Smith. Carried, unanimously.

15 - Otto E. Meyers, to erect an addition to dwelling closer to side lot line than allowed by the Ordinance, Lot 64, 1st Addition to Holmes Run Heights, Falls Church District.

This is a request to expand existing house because of an

increasing family. The addition would be 15 feet from the side line. (a 12 x 12'addition) If this were built on the back, requiring no variance, it would be necessary to go into the roof, Mr. Meyers said, but this side addition can be put on by extending the present roof line, which would be less expensive. It would be frame construction.

Mr. Harr moved to deny the case because the addition could be put in the back and it is too great a variance from the Ordinance. Seconded, V. Smith. Carried, unanimously.

16 - Charles T. McDonald, for permission to erect dwelling 25 feet of Marlan Drive, Lot 30, Block 1, Marlan Forest, Section 2, Mt.Vernon District.

Mr. McDonald said he had been told he had a 25 foot setback from the street. On the strength of that he placed off his building space and had the plans drawn and submitted them to the building committee, with the plot plan. Marlan and Marine Drives are not through streets.

This plan was approved by the building committee then it was discovered that a variance was needed- the requirement being a 40 foot setback from the street. Since his plans were based on the 25 ft. setback from the street this reduces the building area considerably.

The drainage flow from the joining lot is across this lot and Mr. McDonald said he could not build in the path of this drainage flow The lots immediately joining are not built upon. The property owners in the area do not object. Relying upon the people he had dealt with, Mr. McDonald said he had paid for the property, the sewer, and a fire hydrant.

Mr. Harr thought such a variance on the street was not good.

Mr. McDonald said the flow of water over his lot was very fast and the house had to be on the high part of the lot.

Judge Hamel thought this a hardship case. He moved to grant the application because it is an exceptional situation and appears to be the only logical location for the house, in view of topography and the drainage situation. There was no second. He withdrew his motion and moved to defer the case to view the property. Seconded V. Smith. Carried.

17 - A. G. Anderson, for permission to build carport closer to side lot line than allowed by the Ordinance, Lot 15, Block H, Section 1, Annalee Heights, Falls Church District, 1203 Nottage Lane.

This would bring the building 2 feet from the side line and it is 24 feet from the property line to the next house. A slab driveway is in.

If this were granted, Mr. Brookfield said, the Board would have

to give the same thing to anyonelse asking it. Mr. Mooreland thought this very close - he said the subdivision was full of mistakes.

Mr. Harr moved to grant the application provided the setback is not less than 4 feet from the side property line. Mr. V. Smith said we have an Ordinance written expressly to relieve this situation and he saw no hardship here. Motion seconded, Judge Hamel. For the motion, Mr. Harr and Judge Hamel. Against: V. Smith, JB Smith, and Mr. Brookfield. Motion lost. The case was denied.

The letter from Mr. Marsh re: the Pflieger case was read stating the Commonwealth's Attorney's reasons for nol prossing this case. This letter is on file in the papers of this case.
The Board asked that a letter be sent thanking Mr. Marsh and stating that the Board hoped sufficient evidence could be obtaind to prosecute this violation.

The Board took up Fairfax Quarries, Inc., as Mr. Luck had to be in Richmond earley and his time had been passed.

28 - Fairfax Quarries, Inc., to locate an office building 20 feet from the new right of way line of Rt. 211, on approximately 30 acres of land on the south side of Rt. 211, approximately .3 miles west of Centreville, CentrevilleDistrict.

Mr. Luck said the Highway Department was widening the highway at this point. The proposed building would be about 20 feet from the new right of way line. The new right of way goes through the present office building. This location of the building is satisfactory to the Highway Depatment, Mr. Luck said.

Land on both sides of this building site is undeveloped. It would not affect visibility. They have about 1000 feet frontage but this is the only place the office can be located. There are other buildings on the property and the equipment must go between these buildings and the office, therefore the office could not go farther back. There will be no storage nor stockpiling in front. They plan an attractive office with landscaping. This Quarry has been operating since 1932.

Mr. V. Smith said he would like to view the property before making a decision on such a large variance.

Mr. Luck said the Highway Department would take down the old building and it would be necessary to build a new scales also. There were no objections from the area. The approach would actually be better than it is now, Mr. Luck said.

It was agreed that this was a very great variance and Mr. Brookfield thought it would be amending the Ordinance.

The Highway Dept. will put in a cross-over at this point, Mr. Luck said, into the north lane.

Mr. V. Smith said the Highway's requirements are much less than

that of the County. According to the Ordinance he thought the building should be 90 feet back instead of 50 feet. Mr. V.Smith moved to defer the case to view the property and if a special meeting is held before the next regular meeting this case should be taken up. Seconded, JB Smith. Carried, unanimously.

18 - H. J.Bruin, to permit pump islands to remain on property with less than permitted setbacks, NW corner of Chain Bridge Road, Hunter Mill Road, and Miller Road, Providence District.

Mr. Bruin was granted a 40 foot setback by this Board. Through an error the pumps were located 1-1/2 feet too close to the line, this to the center of the pumps. The setback is about 2 feet 2" shy of the permitted distance to the front of the pump islands. There were no certified plats of the location of the pump islands, as required by amendment to the Ordinance.

Mr. Bruin said in locating the pumps he thought they had some leeway but instead he was short of the setback he was granted. The pumps are installed and ready for use. There were no objections.

Mr. Mooreland thought the Board should have certified plats of the pump location.

Mr. Harr moved to grant the application because it does not appear to affect adversely adjoining property. Seconded, Judge Hamel Carried. V. Smith voted No. The Board asked for certified plats of the pump location.

19 - Joseph P. Costantino, for permission to have pump islands closer to right of way line of Route 50 and 29, and 211, at the intersection of Lee Highway and Rt. 50 and the Black Lantern Tract, Providence District.

Mr. Orr and Mr. Stendall of Standard Oil appeared before the Board. Mr. Orr said the Highway Department had asked them to move their entrances 50 feet farther back from the intersection than they had planned. In going back this far it makes the entrance from Rt. 50 directly in line with the building and would interfere with cars between the pumps and the building. Therefore, they would like the pumps to be closer to the right of way line. He thought this would be a traffic hazard to have the pumps this close to the building. There were no objections.

Mr. Orr said the Highway Department would take no more right of way on this side of the road (the south side of Rt. 50 and on the west side of Rt. 29) They cannot move the building farther back as the area on this property is limited.

Mr. V.Smith thought this was the same situation as was found on the Cities Service property across the street and the setbacks should be the same.

Judge Hamel moved to grant the application in view of the fact

that approval will contribute to the safety of the situation. Seconded - None. Motion lost.

Mr. V. Smith moved todefer the case for further study. Seconded, JB Smith. Carried.

20 - James Fletcher, for permission to use property for a private school, Lots 42, 43, 44, and 46, Freedom Hill Farm, Providence District.

This would be a new building. The school will be in the basement. The applicant has approximately 2-1/2 acres. Ages of children to attend school 3 to 6 years. They will have about 125 pupils. The basement has 3136 square feet in area. The applicants have seen the Fire Marshall and are making the changes he suggested. This school is now operating in a home.

Mr. Day opposed the school. He lives on Lot 48, next door. He thought this would depreciate his property, the noise from 6 in the morning until 6 in the evening was annoying, cars would be 20 feet from his window when they drive in and out. He thought the traffic resulting from such a large school would be bad. He did not mind a small school but thought this was too large and they actually could have an unlimited number.

It was brought out that the number of pupils would be regulated by the amount of square footage.

Mrs. Fletcher said she would not have all day pupils - they would start at 9 and run for 3 hours. Probably a few would have an afternoon session.

There were others in the area favoring the school:
Mrs. Willy, Mrs. Karus, Mrs. May, Mr. Cravens - all thought this would be an addition to the county.

Judge Hamel moved to grant the application, Mr. JB Smith seconded. Carried. Mr. V. Smith not voting.

21 - Reece M. Hardbower, for permission to erect and operate gasoline filling station and have less setbacks for pump islands, approximately 600 feet west of intersection of Rt. 629 on the north side of U.S.#1, Mt. Vernon District.

The applicant is asking a 15 foot setback for the pumps. Mr. Dinguid, from Shell Oil appeared before the Board. Access will be from U.S.#1 only. The building will be 63 feet from the edge of the pavement.

Mr. Harr moved to grant the application provided the setback for the pump islands be not less than 25 feet from the right of way line. Seconded, V. Smith. Carried,unanimously.

22 - V. D. Rinaldi, to use property for private school, Lots 2 and 3, property of Ted and Gertrude D. Bell, on Spring Lane, Falls Church District.

Mr. Swaney said he now operates a school on Juniper Lane in

Ravenwood and he proposes to organize another school. He looked for 6 months for a location. This section is not yet built up. It will be kindergarten and the first three grades. He and Mr. Rinaldi are in partnership. He presented two letters favoring the school. They will get the approval of all the necessary agencies before going ahead.

Judge Hamel moved to grant the application subject to the approval of the Fire Marshall, Welfare Board, and other necessary county and state agencies. Seconded, JB Smith. Carried, unanimously.

23 - Vernon M. Lynch, to operate a welding shop in a garage building presently located and to have less setback than allowed by the Ordinance, on the north side of Rt. 648, directly opposite the Northern Virginia Gravel Washing Plant, 1/4 mile west of Shirley Highway.

Mr. Lynch said he was sorry for Mr. Burnley who was turned down by the Board of Appeals for a garage in a residential area. They had this old garage building where he thought Mr. Burnley might operate for a limited time. There is a gravel washing plant, scales, etc. near and he did not think it would hurt anyone. He suggested about a 3 year permit - while they are washing the gravel.

Mr. V. Smith moved to grant the application for a period of 3 years because it does not affect adversely the use of joining property. Seconded, Judge Hamel. Carried, unanimously.

24 - A. F. Ray, to use a building 14 feet x 30 ft. to be a wayside stand, for sale of produce raised on the premises, Lots 15, 16, and 17, Block 40, New Alexandria, Mt. Vernon District.

Mr. Andrew Clarke represented the applicant. Mr. Ray has had a small stand here in connection with his service station. He wishes to put the building on a foundation and sell produce raised on his 7 acres. There were no objections.

Mr. Harr moved to grant the application, Judge Hame. seconded. Carried, unanimously.

25 - J. F. Jones, for permission to operate a dog kennel on property located 1/2 mile south of Lee Highway on a private road, first road after you leave Russell's Store, Centreville District.

The applicant has 4-1/2 acres. There are no houses near. He now has two dogs. He has only a small shack on the place and wishes to build a permanent kennel. There were no objections. He will be 100 feet from all property lines. He will have about 10 dogs - the building will be about 12 x 24 feet.

Mr. Harr moved to grant the application. Seconded, Judge Hamel. Carried, unanimously.

26 - Jonathan Woodner Co, for the extension of use of construction shacks to remain for storage of building materials, Lot 260, Sect.

4, Woodley South, Falls Church District.

Mr. Whittaker represented the company. This use has been extended before and the company now wishes another extension to complete the construction on this subdivision, Mr. Whittaker said. They would like another year.

Opposition: Wise Kelly represented the Citizen's Association of South Woodley - opposing. He said this permit was first issued for a construction shack for storage of materials for work on South Woodley. In February, 1951 an extension was given to complete Woodley South. This was granted and Woodley South was completed. In April 1952 they applied for an extension to complete Woodley North, across Lee Boulevard. This was not opposed as it was near. But this new construction will be several blocks away from these shacks. These shacks have served the purpose for which they were granted, Mr. Kelly said, and the people in the area wish the use abandoned. A construction shack should be on the property being served. There is an open privy near the shack, Mr. Kelly said, and the buildings have been used for storage of materials for other jobs. There are about 330 people in the Association, whom Mr. Kelly represented.

Mr. La Sard also objected. He had seen an open blade in the shed and with no watchman on duty he considered that very dangerous.

Mr. Whittaker admitted the shacks were untidy but that this is a logical site for their construction materials, near their property and convenient for deliveries. Excess materials from other jobs had been brought in here but that would be cleaned up and the place would be used only for Janathan Woodner materials.

V. Smith thought the buildings unsightly and since there are 170 acres yet to be developed and the company plans to develop only 45 houses at a time this could last an indefinite time. He moved to deny the application, giving the applicant 90 days to move their buildings and materials. Seconded, Mr. Harr. Carried, unanimously.

27 - Izaak Walton League of America, Inc., to erect club house and small arms target range on Rt. 657 on 124 acres of land, approximately 1 mile west of Rt. 28, Centreville District.

Carl Sanderauff appeared for the Club. This is a sparsely settled area with only two houses any where near. The Club will put in a fish pool, a shooting range which will fire into a bank, they will plant various seeds to encourage birds and wild life.It would be a general recreation area for the Arlington-Fairfax Chapter of the Izaac Walton League. They will use small fire arms only - the largest being a 22 rifle. They will eventually have a club house - 5 acres for the fish pont and will build a tool house and shelter. There were no objections. It is about 1500 feet from the shooting

range to the property line. The range will be set up in conformance with safety requirements.

JB Smith moved to grant the application subject to the approval of other state and county agencies concerned. Mr. Harr seconded, it was added to limit the permit for the rifle range to 5 years. Carried, unanimously.

29 - William Tate said the range would be directly opposite the 7th Tee on the Country Club golf course. Several members of the Country Club had expected to be present, favoring this use but the case coming up so late they were unable to wait.

Mr. Hardee Chamblis, representing Mrs. Kidwell, the original owner of this property, objected to the driving range. Mrs. Kidwell had signed a contract of sale not knowing that this driving range was contemplated. She first heard of it when the property was posted. She opposes this because of the noise, flood lights, and because she believes it would be a nuisance. The range would be directly in fron t of the 5 acres which she has reserved for her home, Mr. Chamblis said.

Mr. Chamblis also questioned the validity of the posting. He said it was not actually on the property to be used for the range and the posting sign was not in place on the property for ten days before the date of hearing as required by law. If this posting is inadequate, as Mr. Chamblis contended, the Board had no jurisdiction to act.

Mr. Chamblis said that Mr. Tate's brokers had represented him to be building at the present time in Arlington and as soon as his work there was completed he would start developing on this property.

Mr. Tate saidthe range would actually be about 500 feet from Mrs. Kidwell's home and to her left. He said he would operate only about 3 months in the summer and would not install flood lights as it would not pay to have night openings. His customers would be mostly the Country Club members.

Mr. Chamblis questioned the validity of the contract on this sale. He said Mr. Tate did not have a deed to the property - only a $1000 down payment and a contract.

Mr. Tate said he would mot make any move to do anything with the property until the deal was consumated. He was just attempting to get this permit to be used only when the deal is completed. He said he was not particular about getting this permit and he knew nothing of the posting - that was not his obligation.

Mr. Chamblis said this use would impair the property for residential use and would damage Mrs. Kidwell's property. This application Mr. Chamblis said, was not filed jointly by the legal owner and the purchaser. Mrs. Kidwell said she had contracted to sell - the

property to be used for residential development only.

Mr. Tate said he was apparently on trial here - that he would just as soon withdraw his application as it was not important to him to get it. He said two brokers had asked him if he wished to buy this property - they drew up the contract and he signed it. He had no desire to harm Mrs. Kidwell's property and had acted in good faith. He withdrew the application.

30 - Aner H. Hardbower, Josephine Brann and Merle E. Brann, for permission to erect and operate a gasoline filling station and have less setbacks than allowed by the Ordinance at the intersection of Huntington Avenue and U.S.#1, at the northeasterly corner, Mt.Vernon District.

Mr. J. F. Groff and Mr. Bagott of City Service represented the applicant. It was stated that because of the shape of the ground and the location - the setbacks could not be met.

Mr. Mooreland recalled that a 15 ft. setback had been established on Old U.S.#1 by other variances in the area.

There is a 50 ft. strip which has been used as a road on the west side of this property. This has never been dedicated but is used a great deal.

Mr. V. Smith thought too much was being crowded on a small piece of property. He was not in favor of a variance on U.S.#1 and on the 50 ft. undedicated side road - since it is being used as a public road. There is considerable development on back to which this road leads and would cause considerable traffic. He thought if the building was set straight on the property it might need no variance.

Mr. Bagott said the building was designed for an angle location. There was no opposition.

Mr. V. Smith moved that the application be granted with the following restrictions: that the setbacks be not less than 50 feet from the right of way line of U.S.1 and not less than 50 ft. from the 50 ft. strip known as Huntington Avenue, and that a 15 foot setback be granted from Old U.S.#1, and the pump islands be located not less than 25 feet from any right of way line, this subject to the approval of the State Highway Department. Seconded, JB Smith. Carried, unanimously.

31 - Holmes Run Acres Swimming Pool Association, for permission to have swimming pool, bath house, community house, tennis courts, and general community recreational activities on Lot 7, Block 1, Holmes Run Acres, Falls Church District.

Col Savoir represented the applicant. He said they had 225 members in their citizens association, the majority of whom favor this use. They wish to establish a private Club for use of members is the area. This will be a non-profit organization. They will take

title to the 2 acre tract. He presented a petition with 200 names, favoring this use. The swimming pool will be about 400 feet from the road. No one in the immediate area opposes, he said. About 17 people in the room stood favoring this project.

Dr. Himmelsbach spoke opposing. He lives two lots away from this lot. He thought the idea of the swimming pool all right but was opposed to the walk-way which he said they wish to put at the rear of his property, for access to the pool. His house is 50 feet from his back line and he thought this walk-way would be annoying and a detriment to his property. If this is approved he asked that no secondary access be allowed at the rear of his property as proposed.

Mr. Beckman said there was a public-walk now for the school and that walk would be projected to the pool. It would eliminate walking out on the public road.

Mr. Mooreland said he knew nothing of the walk-way - that that was not before the Board. It was agreed that the Board could not consider the walk.

Col. Savoie said there was nothing in writing about the walk-way.

Dr. Himmelsbach said the Chaconas people, owners to the rear of his property had been approached regarding the walk-way but that they had said nothing was signed as yet.

V. Smith moved to grant the application as provided in the Ordinance under Section IV -A-Par 15-c, re clubs and grounds for games or sports, provided any such use is not primarily for gain and under Section XII -F-2 Re: provided this use will not tend to retard or impair the present use or future development of the district for residence, and because this use is in conformity with the wishes of the majority of the property owners in the surrounding area. Seconded, Judge Hamel. Carried, unanimously.

32 - Sidney A. Wells, for permission to erect dwelling closer to Mallow Trail, Lots 15, 16, and 17, Block 20, Gunston Manor, Mt.Vernon District.

This property is on the waterfront. The existing established setback line is about 35 feet. This setback is requested to allow room for a septic field system and to keep the trees - in order to protect the bank from erosion. This road runs only to the river. Therefore it will never be heavily traveled.

Mr. Brookfield and Mr. Harr had seen the property. Mr. Brookfield said the road was on one side of the lots and the river on the other. He thought the setback would do no harm as all of the houses are set irregularly. He felt it was necessary to preserve the trees because of erosion and that every foot of land was needed because of the wearing away of the ground by the river.

Mr. V. Smith moved to grant the application because of the topo-

graphy with relation to the river and this is an old subdivision and this combines three 25 foot lots and it will not affect adversely the use of adjoining property. Seconded, Judge Hamel. Carried. The setback is granted to 30 feet from the street right of way. Unan.

DEFERRED CASES:

Capital Airlines Fleet Club: to operate a private club for Capital Airlines employees, approximately 967 feet from the intersection of Cedar Street on the SE side of Washington, Mt. Vernon Electric RR, abandoned, Mt. Vernon District.

Mr. Spencer presented a petition against this case.

Mr. V. Smith moved to deny the application because it does not conform to the minimum requirements set forth in Section 12-F-2. Seconded, Judge Hamel. Carried, unanimously.

Gordon D. Seigle, for permission to have a 15 foot setback from all street lines on Lots 34, 35, 36, 37, and 38, Rock Terrace, Falls Church District.

Mr. Moncure represented the applicant.

Mr. Brookfield asked what justification the applicant had for asking these setbacks. Mr. Moncure said that by selling 30 feet to the State for right of way and meeting the required setbacks they would lose a great deal of very valuable land. They also wish to have a 30 foot alley in the rear - in conjunction with Thompson's Dairy- who join this property on the rear. They would have parking at the ends of the building rather than in front. The price offered by the State was very small and Mr. Moncure thought the purchaser was being penalized all the way around.

Mr. V. Smith said it was up to the contract purchaser to negotiate with the State if this street acquisition affects him adversely but that the County has an ordinance to uphold. He said he had seen the property and thought it poor planning to reduce these setbacks when the state is spending so much on roads.

Mr. Seigle said this property had been rezoned by the Board of Supervisors with the provision that the purchaser reach a contract agreement with the Highway Department regarding acquisition of sufficient right of way. They did contact the State and the price offered was 15¢ a square foot. They had to go along with that. He thought it somewhat unfair that they should be penalized by having to dedicate all of the right of way for widening of the road. He suggested something of a compromise setback - or whatever the Board would go along with - perhaps a 20 foot setback instead of the 15'.

Mr. V. Smith ssaid by cutting down all the setbacks it would practically do away with parking area.

Mr. Moncure thought front parking hazardous, that it was better to park in the rear and on the sides, where they would allow suffi-

April 21, 1953

Mr. V. Smith moved to grant a 25 foot setback on streets known as Gorham and Payne Streets, this being granted because these streets are short and because of the particular use the applicant plans to make of the property, viz: the retailing of airplane parts and with such use there will be a limited number of automobiles entering the place at one time. It is understood that no variance from the Ordinance is granted on Seminary Road. Seconded, Judge Hamel. Carried, unanimously.

Herman Grenadier - Mr. Mooreland asked that this case be deferred. Motion - JB Smith, seconded, V. Smith. Carried.

Louis J. Carusillo, to erect and operate a gasoline filling station and allow pumps 25 feet of right of way line of Lee Highway, Lots 23, 24, 25, Ratcliffe, CentrevilleDistrict.

Mr. Vaughn represented the applicant. Since Mr. King who owns the filling station just two lots from this had objected, Mr. Vaughn said they had measured Mr. King's setback from the right of way in order to ask for the same setback. They had found that Mr. King was about 38 feet from the right of way - instead of 50 feet as he had claimed. He had measured his setback from the paved portion of the road instead of the right of way - Mr. Vaughn said. Mr. Vaughn asked if the Board would grant them the same setback as Mr. King's. Otherwise they can meet all setbacks. They have acquired an additional 25 feet to be able to meet the other setbacks.

Mr. JB Smith moved to grant the application keeping the building and pumps in line with the adjacent service station. Seconded, Judge Hamel. Carried, Unanimously. It was asked that plats showing the setback be filed with this case.

Julius Pruss, for permission to operate a motel on the SW corner of Rt. 613 and Lee Boulevard, at Seven Corners, Falls Church District.

Mr. Carrico represented the company. The recommendation of the Planning Commission to grant this application was read.

Mr. Carrico said the highway officials at Richmond had told him that they would not take any of this property in the final plan for 7 Corners, that Lee Boulevard ultimately would be depressed and the other intersecting roads would be taken care of by three bridges. They will also lower Sleepy Hollow Road.

Mr. Brookfield thought the motel less hazardous than the present use. He suggested moving the pumps to the other end of the lot, which was agreeable to Mr. Carrico.

Mr. V. Smith moved to grant the application subject to the approval of the state highway for ingress and egress and that the pump islands be moved in line with the front line of the existing building and the building to the west ~~of~~ and adjoining property - occupied by the 7 Corners market, because this is a more desirable use than the present

one. Seconded, JB Smith. Carried, unanimously.

Roberts, Inc., to have less setbacks than allowed by the Ordinance at the intersection of Rt. 236, 244 on the east side of Rt. 617 at Annandale, Falls Church District.

W. C.Wills, to have less setbacks than allowed by the Ordinance at the intersection of Rt. 236, 244 and on the west side of Rt. 617, at Annandale, Falls Church District.

These two cases were taken up together.

Mr. Lowe representing Mr. Wills, said Mr. Kessner of the Highway office was ill and unable to be present to assure the Board that the plans for widening of the three streets here involved is as Mr. Wills has stated in the previous hearing. These cases were deferred for further information from the Highway Department. Mr. Lowe said these widenings - Rt. 617 to 4 lanes; Rt. 236 to 6 lane; and Columbia Pike to 4 lane are approved by the State as far as they can see in the future. The funds have been allocated.

On Rt. 617 the applicant is asking a 10 foot setback from the new right of way. This will allow for a 17 ft. sidewalk. On Rt. 236 they are asking a 5 foot setback from the new right of way line. This building line will be 5 feet in back of the presently established setback, Mr. Lowe said. This will allow for a 12 foot sidewalk. On Columbia Pike the request is for a 7 foot setback, lining up with the ohter buildings and allowing for a 14 foot sidewalk. Mr. Lowe said he felt this request was justified because this property is surrounded by three streets and is very valuable ground. The Highway has said what it will do in the forseeable future. They cannot plan the type of structures they will erect until they know their setbacks. When the structures are decided upon, Mr. Lowe said, they will come back to the Board for whatever will be needed.

Mr.Wills said he had gone to Richmond to get the highway's plans.

Mr. V. Smith saidthe Board should have certified plats showing what the Highway will do here.

The Board read the recommendation of the Planning Commission on these cases when they were up six months ago - disapproving the request.

Mr. V. Smith thought in view of the PlanningCommission's recommendation and the tremendous load of traffic at this point the Board should not favor any variance. Judge Hamel thought they shouldbe deferred for final work from the State Highway Department.

Mr. Lowe stated that if the cases were turned down they would go to court. Mr. Brookfield said that was allright - it might be a good thing to get a decision from the Court on this.

Judge Hamel said if the State Highway said this plan is final-then the case would be considered for the variance.

April 21, 1953

Mr. Wills said, if Mr. Kessner says that this is the road plan would the Judge favor the variance. Judge Hamel said if this is the final word - yes.

Judge Hame. moved to defer the case. Seconded, JB Smith. Carried.

Mr. Brookfield said he would not vote for the 7 foot setback under any circumstances.

The meeting adjourned.

John W. Brookfield

J. W. Brookfield, Chairman

* * *

May 19, 1953

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, May 19, 1953, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, V. Smith, JB Smith, and Herbert Haar.

1 - Alfred Fox, to erect addition to dwelling closer to street line than allowed by the Ordinance, Lot 21, Block C, Churchill, 6812 Boxwood Drive) Providence District.

Mr. Fox was represented by Lionel Richmond. The addition as planned would come 25 feet from Beacon Lane. Mr. Richmond said the ground sloped gradually and he thought this setback would not be too noticeable, and would not change the symmetry of the subdivision. It did not seem advisable to put the addition on the back of the house. Neighboring property owners do not object.

Mr. Mooreland thought this a very large variance - this is a new subdivision. This, he said, is a side street for Mr. Fox but is the front street for others on Beacon Lane.

Mr. Brookfield thought a corner lot should have more setback if anything - rather than less setback.

Mr. V. Smith said under the corner clearance clause the Board could grant a request like this only in extreme hardship cases- which he did not see here. He moved to deny the case because it does not conform to the minimum requirements of the Ordinance and it is a corner lot. Seconded, JB Smith. Carried unanimously.

2 - Jack Pockrass, to erect attached carport 3 feet from the side property line, Lot 37, Poplar Heights, 1015 Tod Street) Providence District.

Mr. Benedict represented the applicant. He showed a letter from

the neighbor most affected who did not object.

This is a 7 foot variance. Mr. Mooreland thought this would encourage others to ask the same thing.

It was brought out that this could be put to the rear and meet requirements, but Mr. Benedict said Mr. Pockrass was crippled and wanted the garage as close to the house as possible. It was suggested pushing the garage closer to the house, but a tree in front which they wish to save is in the way. There is also a very large tree in the rear making it impossible to place the garage back farther without taking out the tree.

Mr. Haar moved to grant the application provided at least a 5 ft. setback from the side line be maintained because the applicant is crippled and the hardship involved in his getting in and out of the garage. Seconded, V. Smith. Carried, unanimously.

3 - Joseph H. Dindlebeck, to erect carport to come closer to front property line than allowed by the Ordinance, Lot 67, First Addition to Holmes Run Heights, Falls Church District.

The applicant wanted to come 25.2 feet from the front right of way line. The required setback is 50 feet. He could not move the house farther back as he wants in the future to put on an addition to the house which would make this variance necessary. The storage area is within the carport.

Mr. JB Smith moved to deny the case because it does not conform to the minimum requirements of the Ordinance. Seconded, V.Smith. Carried, unanimously.

4 - Thompson and Case, to allow dwelling closer to Burrows Avenue than allowed by the Ordinance, Lot 15, Section 4, Fairfax Acres, Providence District.

John Rust, Jr., appeared for the applicants. The house is sold and occupied. It is 39.9 feet from the right of way. In staking out the house, Mr. Rust stated, Mr. Case thought Burrows Road was a 50 foot road instead of a 60 foot street. This caused the error.

There was no opposition.

Mr. Rust said this mistake was not intentional - it was found when settlemen was being made. FHA required the variance from this Board. Mr. V. Smith said, this is the same old problem, the surveyors not being there when the house is to be located and no doubt the width of the road was shown on the plat.

Mr. Haar moved to defer the case to view the property. Seconded, V. Smith. Carried.

In case of a special meeting, Mr. V. Smith suggested that this case be taken up as settlement is being held up. The Board agreed.

5 - Harry F. Wagener, for permission to erect dwelling 20 feet of side property line, Lot 40A, Block E, Mt. Vernon Terrace, Mt.Vernon Dist.

The applicant wishes to reduce both side setbacks to 20 feet in order not to put the house too close to the water line. It is 87 feet from the road. The house immediately joining was granted the same variance and also a house two lots away. They all have the same problem. The lot widens toward the rear - which is the water line. The water is sometimes very high and the applicant wishes to preserve as much distance as possible between house and water. The septic field - or septic system - has been approved by the Health Department. This is an old subdivision. There was no opposition.

Mr. V. Smith moved to grant the application because the house is set back in excess of requirements, this is an irregular shaped lot, having Dogue Bay in the rear and the ground is subject to high water, and granting this will not affect adversely the use of joining property. It is understood that the garage is included within this setback. Seconded, JB Smith. Carried, unanimously.

6 - Clarence E. Reid, to erect open porch 7 feet of side property line, Lots 21, 22, 23, and 24, Block P. Beverly Manor, Providence District.

The neighbors, the Wallrabensteins, objectto the porch so close to the line. Mr. Reid offered to build an 8 foot fence but the Wallrabensteins object to that. Mr. Mooreland said they could have a 5 foot fence. They all compromised on a flagstone terrace and a 5 foot fence instead of the porch as requested. The case was withdrawn as no variance was needed to accomplish the fence and terrace.

7 - W. W. Hammerschmidt, to erect garden house closer to lot lines than allowed by the Ordinance, Lot 24, Section 4, Holmes Run Acres, Falls Church District. Mrs. Hammerschmidt said they had laid the concrete slab for the little building before realizing it was too close to the property line. They had picked a site to take advantage of two clumps of trees which would shield the house from the neighbors, whose front yard joins this. They didnt realize the setback should have been so much more. The garden house will be 1/3 open and 2/3 closed - an 8 x 10 structure - frame. There were no objections. It was brought out that a garage could come 2 or 4 feet from a side or rear line.

Mr. Haar moved to grant the application as it did not appear to adversely affect joining property. Seconded, JB Smith. Carried, unanimously.

8 - Mrs. James Potter, to build dwelling on lot with less frontage than allowed by the Ordinance, approximately 1 mile west of Telegraph Road on the north side of Franconia Road, Mt. Vernon District.

Mrs. Potter told the background of purchases of various lots

in this area.

Mr. Mooreland said this lot 50 x 500 feet is a lot of record which could be built upon now but Mrs. Potter wished to divide the lot and sell the rear portion. Since this is a lot of record it will be necessary for theBoard to tell how the lot should be cut, setting the depth for both lots. If this lot is cut then it is not a lot of record and must have the variance. The present status ties up the entire lot.

Mr.V. Smith thought the lot should be wider, there would be 41 feet between houses if this lot were built upon.

Mrs. Potter said the garage presently located on the property joining is very close to the lot line. The front building line is already established at about 28 feet from the right of way.

There was no decision made as this is a buildable lot. Mrs. Potter withdrew the case.

9 - Melpar, Inc., to erect temporary sign larger than allowed by the Ordinance, on the north side of Lee Boulevard just west of Pine Spring Subdivision, Falls Church District.

Mr. Koontz represented the applicant. They are asking for a 20 x 10 foot sign, to be used temporarily during construction of Melpar which construction will take about 9 months. They want this size sign because Lee Boulevard is a high speed highway and a smaller sign would not be seen. It would be off the right of way within the property.

Mr. Mooreland suggested 150 feet from the center line of the right of way of Lee Boulevard. There were no objections.

Mr. V. Smith suggested that by granting this any developer would be justified in asking the same thing during construction of a housing project or any type project, which sign might remain up a very long time. This could happen, Mr. Smith said, especially along Lee Boulevard because so much property there has not yet been developed.

Mr. Mooreland suggested that that would not necessarily apply to any other business, that this is the only business of this type going in the county at present, and he did not think this would establish a precedent.

Mr. V. Smith moved to grant the application for a sign, 20 x 10 feet, on one side only, for a period of one year, the setback to be 150 feet front the centerline of Lee Boulevard. Seconded, Mr. Haar. Carried, unanimously.

10 - James A. McWhorter, for permission to erect and operate a gasoline filling station with pump islands setback 25 feet from right of way line of Columbia Pike, 412 Columbia Pike, N.E. of Chatelain Village, Falls ChurchDistrict.

Mr. McWhorter showed his plats and the layout of the subdivision. The building will be 57 feet from the right of way and he is asking for the pumps to be 25 feet back. Route 244 is 55 feet wide at this point, it will be 4 lane with a 22 foot permanent walk on the side of this station. This was granted, Mr. McWhorter said, about two and a half years ago, but he did not go ahead at that time because of materials shortage and the permit lapsed - thus requiring him to come back to theBoard - asking for the same thing.

Opposition: J. Lau, Wm. J. Deveren, and Mrs. J.Giddings, all opposed the filling station. They had thought the commercial area here would include an office building and shopping center, but not a filling station. They said they had bought in this subdivision not having been informed of these plans. They wanted the case deferred to discuss it more generally within the subdivision.

Mr. McWhorter said he had told his plans to anyone who had asked about them. It was in the deeds that this area is set aside for a commercial development. He said the development would be about 300 feet from any residence, that no lots in the subdivisio face the commercial area. They back up to it. There will be a service road in the rear of the commercial property for service deliveries.

Mr. V. Smith said the filling station was the only thing before the Board and it was not necessary to discuss the overall development.

Mr. Lau thought this should be discussed as the community was greatly involved and concerned and if it were discussed it could bring about a better feeling in the community.

Mr. McWhorter said he had a dead line to meet on his lease and wondered what else the people would wish to discuss.

Mr. V. Smith moved to grant the application because it is within a general business district and this appeared to be a logical location for the filling station and it did not appear to affect adversely the use of neighboring property and because the filling station is approximately 300 feet from the nearest residence and the future business development would be between the residences and the filling station. Seconded, JB Smith. Carried,unanimously.

11 - John C. Payne, for permission to erect and operate a gasoline filling station and an auto repair shop, 1.2 miles west of Kamp Washington, on the south side of Rt. 50,Centreville District.

Mr. Cerio represented Mr. Payne. This property is on a rise in the ground west of Difficult Run. They can meet all setbacks. There was no opposition. It was brought out, however, that there are two filling stations at Pender and will be 3 at Kamp Washington and one other at least in this immediate area on Rt. 50. This is agricultural ground with no established business area near.

Mr. V. Smith moved to deny the case because it is within an agricultural area and would appear to be no need for a filling station at this point. Seconded, JB Smith. Carried, unanimously.

Mr. V. Smith added that this would locate a filling station in an isolated area whereas the Ordinance suggests grouping such installations.

12 - George E. and Hilda Burrier, to erect and operate a filling station and repair shop, on the west side of Gallows Road, approximately 700 feet south of intersection of Lee Highway and Gallows Road, Falls Church District.

Mr. Harry Carrico represented the applicant. The area surrounding this property is developed for business, Mr. Carrico said. It is a continuous business zone. This property is 185 feet x 418 feet and is located 700 feet from the intersection at Merrifield. The building will be 72 x 86 feet, masonry construction. The pumps will be 65 feet from the present right of way of Gallows Road, allowing 15 feet for widening. It will be 50 feet from the side road. Mr. Carrico showed elevations of the proposed building. He thought this development would improve the area. There are related business in the area near.

Mr. Haar thought it would be well to screen the area wherecars will be worked on. Mr. Carrico said they would do that if the Board wished. He said the repair work would be mostly front end work - specialized. There was no opposition.

Mr. Haar moved to grant the application because it is in a business district and is of the type business which is existing immediately in thearea and will not affect adversely the use of joining property. Seconded, JB Smith. Carried, unanimously.

13 - Edwin Lynch, Trustee, for permission to operate a restaurant at intersection of Cumberland Avenue andAugusta Drive at Springfield, Mt. Vernon District.

Mr.Vernon Lynch appeared to discuss this with theBoard. Mr. Lynch said the Motel, granted some time ago, was almost completed and they wish not to have a restaurant, probably a Howard Johnsons will go in. If the restaurant is kept in line with the motel it would not be seen, they want to locate it within 70 feet of the service Road. This project will cost about $80,000 and will not justify the expense unless moved out where it could be seen and attract business. Mr. Lynch thought this area would be developed as a motel center.

It was brought out that the motel sets back 170 feet from the right of way which is the setback line established by the Board of Supervisors on the Shirley Highway.

Mr. Lynch said this setback had not always been observed as in

the case of Mr. Richardson who had less setback on his filling station just off the Shirley at Lorton. Mr. V.Smith said that was shown to be a hardship case and that this setback from the Shirley had been set up to control buildings (business) on the Shirley and protect it from becoming another U.S.#1.

Mr. Lynch said if they met the 170 foot setback there would not be enough building area. This setback is not required in the Ordinance, Mr. Lynch said, it is just an established policy. There was no opposition to the application.

Mr. Brookfield asked Mr. V. Smith to take the chair. He said this setback had been established by the Board of Supervisors upon the recommendation of the Planning Commission and for that reason he thought this should be referred to the Planning Commission. Mr. Haar so moved - to defer the case for recommendation from the Planning Commission. Seconded, JB Smith. Carried.

13 - Luria Brothers, for extension of apartment project on the south side of Lee Highway, adjacent to Tremont Gardens Subdivision, Falls Church District.

Originally the applicant asked for business zoning on this land. It was refused by the Board of Supervisors. They then dedicated 40 feet for road widening and asked for this ground to be zoned Urban Residence with the plan to come before this Board for the extension of the already granted apartment use on joining ground. Urban zoning was granted - therefore the applicant came before this Board for apartment use. There were no objections. The Planning Commission recommended that this be granted.

Mr. V. Smith moved to grant the application because it is merely an extension of the apartment house project now under way. Seconded, Mr. Haar. Carried unanimously.

15 - Vernon M. Lynch, for permission to operate a gravel pit, 1/2 mile north of Franconia Road on an outlet road, approximately 1000 ft. west of the R.F.& PRR and bounded on the north by the Southern RR, Mt. Vernon District.

Mr. Lynch said there is a sharp ridge on this property which contains good gravel. They will take the gravel off and level this. There will be no pits - the ground being too high. They will use a new right of way to the digging which will not be in front of any homes.

Mr. V. Smith thought there should be a time limit on the digging. He questioned the effect of prolonged digging on the future development near Franconia Road.

Mr. Lynch said he may not start work at once and did not know how long he would be in getting the gravel out. He wanted to know in advance that he could use this gravel. It is a very iso-

lated property, Mr. Lynch said, and would damage no one.

Mr. Haar moved to grant the application because it does not appear to affect adversely the use of joining property. Seconded, JB Smith. Carried. Mr. V. Smith voted No. Mr. Brookfield not voting.

16 - The Stork Exchange, to use part of dwelling temporarily for used clothing and furniture exchange, 1/4 mile north of Town line of Vienna on the west side of Rt. 123, Providence District.

Mr.Strong appeared to discuss this case. He said this business had been very small - paying only $500 last year. He knew there was opposition to his application but there were no objections from the immediate neighbors. It was from those 6 or 700 yards away. They have a lease on the place, having moved there from Vienna.

Opposition: Mrs. H. Crum considered this spot zoning and that it would set a precedent, that it might give the owners of this property (known as the Economos Farm) a basis to rezone the balance of the land. She thought it had an undesirable affect on joining property values.

L. S. Willis presented a written statement saying he did not object to theStrongs operating this business in a small way but thought it might be used as a precedent for getting the land rezoned. He asked if the variance is granted that it be to the Strongs only.

It was brought out by the Chairman that this is not a rezoning and would not be so interpreted. Also that each case stood on its own merits.

Mr.Strong had the signatures of about five who favord the continuance of his business.

Mrs. Stenger, Clarke, Joy, Geib and Mrs. Freeman all agreed with Mr. Willis' statement.

Mr.V.Smith thought the Board should have better plats. He moved that the application be granted to Mr. and Mrs. Strong only, for a period of one year because this conforms to Section 16 of the Ordinance. Seconded, Mr. Haar. Carried, unanimously.

17 - Church of God, to erect church closer to side lot line than allowed by the Ordinance, Lot 65, Fairlee Subdivision, Providence District.

Mr. Aldrich, the paster of the church represented the applicant.

Mr. Mooreland said this subdivision was surveyed in 1940 by Mr. Berry but not actually recorded until July 1944. It was zoned Rural Residence but the lots are 75 feet wide. For this reason he thought this could be considered a lot of record and the side setback could be reduced. He so informed the applicant. Later he was told that he could not consider this a lot of record and the 25 foot setback would have to be met.

Mr. Aldrich said there is room enough to build only a 25 foot church. They had planned a 30 foot building. He noted that they could get a permit and would build anyhow but wanted to put up a larger building - consequently they came before the Board. They had had their plans drawn for the 30 foot building to cost about $24,000. The lot cost $1100. He thought this would be a credit to the neighborhood - as churches usually enhance values rather than deteriorate. The building planned is attractive.

Rev. J.L.McPherson, H.M.Burchett, Wm. Grimes, and Mr. Crass spoke for the applicant.

This is a new church with headquarters in Cleveland, local headquarters in Roanoke.

Opposition: A petition was presented with 93 names opposing. Twenty-six were present opposing. Mr. Podner said no one living in the subdivision favored this application. Parking of cars and the traffic situation were discussed.

Mr. Parker said two lanes of traffic should be kept open at all times. Mr. Landis said they all wanted this a strictly residential area.

Mr. V. Smith said the did not think the Board was in a position to vote onthis today. He thought this should be put over for 30 days. He suggested that possibly something could be worked out- a resale of the lot or some other means. He thought it most unfortunate for a church to go into a neighborhood where it so definitely was not wanted. He moved to defer the case for 30 days for further consideration and discussion among the parties concerned. Seconded, JB Smith. Carried, unanimously.

Mr. Mooreland asked what his position should be - that the church can get a permit under the Ordinance if they meet the required 25 foot setbacks. If they should apply for a permit - should he grant one.

Mr.Brookfield said he could not refuse a permit if they met the setbacks.

Mr. Mooreland said he wanted the people in the area to know that.

18 - Horace E.Downey, to allow dwelling to remain 15 feet of Vista Road, 1000 feet west of No. 684, Springhill Road, on the south side of Old Dominion Drive, Providence District.

This case was withdrawn at the request of the applicant.

19 - M. H. Snead, to operate a dog kennel on property approximately 100 yards west of Hunter's Lodge, on the north side of Rt. 211, CentrevilleDistrict.

Mr. Thompson represented the applicant. The applicant has more than 5 acres and can meet the 100 foot setback from all property lines. He would have 8 or 10 grown dogs. This property is all

wooded and no residences are near.

Opposition: A petition with 7 families represented was read opposing this application but no one was present to support the opposition.

Mr. Thompson said the applicant was intending to build his home here and the dog kennel was incidental. He would raise cockers.

Mr.V. Smith thought theBoard should have certified plats showing proposed construction and location of buildings.

Mr. Mooreland thought this was not necessary since he is 100 feet from all property lines and his office does not require certified plats in that case.

Mr. Thompson said the building for the dogs would be very small. These dogs are for show. He would have no sign. Since there are other kennels in the area and this spot is well protected from the neighbors Mr. Thompson could not see how this would be objectionable

Mr. V.Smith thought someone should be present to speak for the opposition. He moved to defer the case until the next meeting. Seconded, JB Smith. Carried.

20 - Mary W. Wrenn, to enclose carport to be used as a class room for the Mari-Dale School, parts of Lots 13 and 14, Mari-Dale Subdivision, FallsChurch District.

Mrs. Wrenn said she needed more class room space. She wants her school entirely separated from her own living quarters. The house would then be 13 feet from the sideline. She has 50 children enrolled. There is a very old tree on the opposite side of the house which she does not wish to have taken down. The rear is used for play yard and part of that space also has trees. After about 75 feet the yard drops off to a low level then there is a rather steep hill toward the end of the lot. The level part of the back yard is used for play. The school is on the ground level at the back and the house is on the ground level in front. The carport is on the first floor level. There was no opposition.

Mr. V.Smith said the Ordinance granting 5 feet relief for carport setback was for carports only and not for schools. He moved to deny the application. Seconded, Mr. Haar. Carried, unanimously.

21 - Northern Virginia and Sanitary Corporation, and Irvin Siegal, to have sewage disposal plant on approximately 1.3 acres of land west of the Shirley off Service Road No. 7, at the Belvoir interchange, Mt. Vernon District.

Lytton Gibson represented the applicant. The Planning Commission who must recommend on this case had requested deferrment for further study. Mr. JB Smith moved to defer the case, seconded, V. Smith. Carried. Deferred for recommendation from the Planning Commission.

May 19, 1953

22 - Huntington Development Corporation, for permission to operate sanitary land fill was deferred at the written request of Mr. George Ford. The case was deferred on motion of the Board.(Motion Mr. V.Smith, seconded, JB Smith)

23 - John E. McPherson, to erect and operate a gasoline filling station and minor automobile repairs in connection with filling station and to have less setbacks for pump islands than allowed by the Ordinance, at the N.W. corner of Shenandoah Road and Ft. Hunt Road, Hollin Hall Village, Mt. Vernon District.

Mr. Glenn Richard represented the applicant. The lot proposed to be used for the filling station is 130 x 170 ft. This property which is included in a larger area was recently rezoned for business by the Board of Supervisors. It is joining the school property.

Mr. Richard said it was generally the opinion in this area that a filling station was needed. The nearest station is at Belle View which is 2-1/2 miles away. The Planning Commission and the Board of Supervisors are trying to restrict business to definite areas at both Hollin Hall Village and Belle View, in order to keep Ft. Hunt Road residential, Mr. Richard said. Both the Hollin Hall Citizens Association and the Mt. Vernon Citizens Associations have stated that a filling station is needed in this area - the question of the location has been raised. It has been stated, Mr. Richard said that this particular location would be a hazard to children going to school.

Mr. Richard said that most of the children are brought to school by bus. He thought the filling station would not increase the traffic here because the shopping center across the street is already in operation and this station instead of generating more traffic would simply take care of shoppers in the area.

Mr.Richard gave the percentage of accidents as related to the direction of cars: those going straight ahead, 69%; turnings to the right 2.1%; turning left 6.1%, showing that people are more careful in making turns. There is a patrol woman on duty at this intersection during the crossing hours which gives this corner added security.

The Gulf Oil Company state that the addition of a filling station to an area actually decreases the hazard.

Mr.Richard stated that they would be willing to have only the one entrance onShenandoah Road, if the Board so desired and two on Ft. Hunt Road.

The school now has 10 acres, Mr. Richard stated, and it is possible Mr. McPherson will sell some property to the school, in which case this ground would not be developed for commercial

purposes. They would also be willing to put in a sidewalk from Ft. Hunt Road across the property so the children would not have to come to the corner of Shenandoah Road to get to the school, if the Board wishes. Or they would put in saidewalks from the safety islands on Shenandoah Road. However, Mr. Richard thought it was safer to have access to the filling station from the two roads to eliminate a left turn. The building is set well back to afford good vision on the corner.

Mr. McPherson said their aim was to get the most workable plan and the best solution for all concerned. He said the filling station located on the presently developed shopping center would interfere with the stores already there. He wanted, in every way, to protect the children.

Mr. Lampkin, representative from Gulf Oil Company, said in his 25 years experience with this business he had seen few if any accidents with children around filling stations. He stated that this will be an expensive and attractive building - porcelain enamel and would be an addition to the area.

The opposition was headed by D.K.Chacey who read a prepared statement on behalf of the Mt. Vernon Citizens Association opposing this use on this lot on the grounds that construction of this filling station would expose the children to unnecessary dangers in crossing, would create a fire hazard, and would not be in the interests of good planning, it would affect adversely joining property, and affect adversely the health, welfare, and safety of people in the neighborhood. (This statement in its entirety is made a part of these records and is in the file of this case).

Mr. Chacey thought the proposed sidewalk would not help.

Mrs. Simpson representing Hollin Hall Village Association and the PTA spoke opposing. She thought a filling station at the present shopping center location would considerably safer. It would help to concentrate traffic on to Ft. Hunt Road and off of Shenandoah Rd.

Mr. Rufus Wright, President of Tauxemont Citizens Association, said that association had expressed unanimous disapproval of this use as so many children walk to school and the danger would be greatly increased.

Mrs J.P.Ferrett - Tauxemont- opposed from the safety angle. She stated that it has been asked that the Board of Supervisors rehear the case of the rezoning of this area. She thought a filling station an attractive nuisance for children and dangerous. The patrol woman is on duty only part of the day, which leaves the hazard exposed when she is not there. She remarked that there is no compromise with the safety of children

Col. F.C.Bolt spokeopposing, restating statements already recorded

May 19, 1953

Mr. Manola, whose wife is the patrol woman, spoke opposing. He quoted his wife, who could not be present, regarding the hazardous condition of this intersection.. It has been necessary, Mr. Manola said, a number of times to call police when people violated the regulations here. He also thought the lighted signs, night lights, and the noise would be detrimental to those living near. Mr. Manola said he has bought in this area thinking the commercial development would be concentrated into this one presently zoned business property. He disapproved of the extension of the business zone.

Mr. Manola noted that the Board of Supervisors were viewing the property at the busy hour. He requested that this Board do the same thing, if they deferred the application.

A talbe showing the pupils within walking distance of the school from the various areas was presented and is filed with this case.

Mr. A. Bissell opposed for reasons stated above. He stated that there were only 6 patrol women in the county - one of whom was here, showing that this is regarded as a dangerous corner.

Each member of the opposition stressed the tremendous volume of traffic at this intersection and the great number of accidents caused by overloaded highways.

Mr. V. Smith thought the hazardous condition of Ft. Hunt Road should be taken up with the Highway Department. It was stated that this had been done and agitated for years but since the road was partially controlled by some Federal agency - nothing had been done.

Mr. Richard, in rebuttal, said he appreciated that the opposition was sincere in stating that automobiles are dangerous and many are killed because of them but he saw no statistics to show where filling stations located in a place similar to this would be more hazardous or dangerous than the intersection already is.

He recalled that they had offered to put a sidewalk along Shenandoah Road and had agreed to the one entrance on Shenandoah Road or had agreed to do whatever they could to eliminate the hazard but he stated that this ground is commercial and will be so developed under any circumstances and he could not see where it had been shown that the filling station would cause a greater hazard than any other type of development. They would move the pumps away from Shenandoah Road if the Board wished.

Mr. Richard noted that all except one person opposing this application were from Tauxemont and the only one from Hollin Hall Village. He questioned the continued opposition from Tauxemont. In Hollin Hall Vilage there are 450 homes which he said were most vitally affected.

The plat of this subdivision was recorded, Mr. Richard said, with

ground reserved for shopping center. Also the school knew of the commercial area. He suggested that the opposition from Tauxemont was partly caused by a back-log of opposition to the development in Hollin Hall Village.

Mr.Richard suggested that if the Board thought the filling station should be located within the present shopping center that he would request a deferrment and would file for another location.

Mr. V. Smith moved to defer the case until the next meeting. Seconded, JB Smith. Carried. The Chairman noted that the evidence on both sides was completed at this hearing and should not be repeated at the date of deferrment.

Complete statements from the various associations are filed with the records of this case.

DEFERRED CASES:

T. D. Todd, for permission to erect addition to dwelling closer to Tyler Avenue, Lot 1, Section 1, Tyler Park, Falls Church District.

Mr. Todd showed additional plans which they would use if this first plan is denied.

Mr. V. Smith said Graham Road would certainly be a major thoroughfare in time and will be a 60 foot road. He thought this was coming too close to the present right of way. He moved to deny the application because it does not conform to the minimum requirements of the Ordinance and because Graham Road is now 45 feet and probably will become a major thoroughfare. Seconded, JB Smith Carried, unanimously.

Charles T. MacDonald,for permission to erect dwelling 25 feet of Marlan Drive, Lot 30, Section 1, Marlan Forest, Mt. Vernon District.

Mr. V. Smith moved to deny this case because it does not conform to minimum requirements of the ordinance and there was apparently no need for a variance on this lot. Seconded, JB Smith. Carried, unanimously.

Fairfax Quarries, Inc., to locate an office building 20 feet from the new right of way line of Rt. 211, on approximately 30 acres of land on the south side of Rt. 211, approximately 3 miles west of Centreville, Centreville District.

Mr. Louck appeared before the Board. The Board members had deferred this case to view the property. The highway will be 4 lanes here and they have stated that this location is satisfactory to them. There is a great deal of machinery and equipment which would have to be moved to relocate this office building, and there is not sufficient ground to move back farther and at the same time use the already installed equipment.

There will be a cut-off in the highway, Mr. Louck said, to allow

entrance to this property. There were no objections.

Mr. JB Smith moved to grant the application because of the unusual ground conditions and it is in agreement with the State Highway's plans and structures are already on the property. Seconded, Mr. Haar. Carried, unanimously.

Herman Grenadier, to have less setbacks from street lines than allowed by the Ordinance on Lots 344 through 351, Block H, and Lots 474 through 478, Block L, Memorial Heights, Mt. Vernon Dist.

These lots were originally 25 feet wide. The applicant wishes to combine them to allow for 3 houses. He said the setbacks across Oak Street are irregular - some being 25 feet from the right of way. He would like to locate the houses 10-1/2 feet from the side lines instead of 15 feet. He would have about 30,000 square feet in each lot. Oak Street will be widened and paved - paid for by the property owners, Mr. Grenadier said, and it would be too expensive to do this and divide the property into only two lots. Oak Street is 40 feet wide. They plan to build better houses than are generally in the neighborhood - 15 to $17,000 houses. There was no opposition.

Mr. Mooreland said the houses across Oak Street were located irregularly but not on this side of Oak Street. He said the Zoning Administrator had recommended against granting this.

Mr. Grenadier thought having large lots in this block and the next block - semi-detached houses was not logical.

Mr. V. Smith moved to deny the application because it does not meet the minimum requirements of the Ordinance and Oak Street is only 40 feet wide and it would tend to affect adversely joining property. Seconded, Mr. Haar. Carried, unanimously.

Joseph P. Costantino, for permission to have pump islands closer to right of way line of Rt. 50 and 29, and 211 at the intersection of same, the Black Lantern Tract, Providence District.

Mr. V. Smith said the original decision on this was that no matter what changes the Highway Department made - the setback here would be 31 feet from the right of way. He considered that the setback here should be the same as Cities Service across the street which was granted a 20 foot setback. Therefore, Mr. Smith moved to grant the application because it conforms to the setback of nearby property with a similar situation and does not affect adversely the use of joining property. Seconded, JB Smith. Carried, unanimously.

Roberts, Inc., to have less setbacks than allowed by the Ordinance at the intersection of Rt. 236, 244, on the east side of Rt. 617, at Annandale, Falls Church District.

W. C. Wills, to have less setbacks than allowed by the Ordinance at the intersection of Rt. 236, 244 and on the west side of Rt. 617 at Annandale, Falls Church District.

Mr. Lowe said Mr. Ross had brought the plans of these intersections showing the proposed rights of way to be acquired. He said the plans were available for study.

Mr. Ross said this is the ultimate plan - as of now. They cannot tie down the future.

Mr. V. Smith asked why the right of way on Rt. 236, for example, was narrowed down through Annandale - would this not create a bottle-neck to carry the traffic from a wider highway to a narrowed down strip through the town. He suggested that this should be a wider highway all the way to theShirley - like Lee Boulevard.

Mr. Ross said the right of way could be bought at a reasonable figure on Lee Boulevard at one time. It would be prohibitive in Annandale now and if the traffic became too much for the highway planned, then it should by-pass Annandale or be re-routed. Construction cost of an underpass would also be prohibitive. Traffic would have to be slowed down through Annandale with speed zones.

V. Smith moved to defer both cases for study of the road plans as submitted by Mr. Ross. Seconded, JB Smith. Carried.

John W. Brookfield
J.W.Brookfield, Chairman

* * *

June 16, 1953

The Regular meeting of the Fairfax County Board of Zoning Appeals was held, Tuesday, June 16, 1953, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, V. Smith, JB Smith, Haar, Judge Hamel.

1 - R. E. Edwards, to allow garage to remain closer to side line than allowed by the Ordinance, north parts of Lots 16, 17, 18, 18, and 20, Roberts Place Subdivision, Falls Church District.

Mr. Edwards was not present Mr. Mooreland represented the case. He said this was advertised without fee because of an error in his office. The applicant was told he could build a detached garage 2 feet from the line. It was not noticed at the time that the garage was frame instead of brick. The frame garage should be 4 feet from the line. The building was actually located 3 feet from the line.

Mr. V. Smith moved to grant the application because it does not appear to affect adversely the use of joining property and the

variance is only one foot. Seconded, Mr. Haar. Carried, unanimously.

2 - Wm. C. Andrews, to allow dewlling to come closer to property line than allowed by the Ordinance, Lot 18, Section 1, Lake Barcroft, Falls Church District.

The applicant is asking a 35 foot setback. This is a corner lot and only one small triangle of the building violates. If he moved back far enough to meet the setback it would crowd the back yard and there is a 20 foot county easement across the back. Also the ground slopes and it would require a much deeper foundation to move back. He could meet the setbacks if it were not a corner lot.

Judge Hamel moved to grant the application due to the fact that it does not seem to affect adversely the use of adjoining property, and seems to reasonable because of the topographic situation. Seconded, Mr. Haar. Carried. Mr. V, Smith voting No; and Mr. Brookfield not voting.

3 - William H. Kearns, to erect addition to dwelling closer to side lot line than allowed by the Ordinance, Lot 70, Section 2, Woodley South, 1407 Oak Ridge Road, Falls Church District.

The back part of the presently located carport would be extended and enclosed into a sun room. It would come 3 feet closer to the side line than allowed. The neighborhig house is 20 feet from the property line. The applicant said it would not be conspicuous from the road. There were no objections.

Judge Hamel moved to grant the application in view of the fact that the variance will not affect adversely the use of joining property. Seconded, Mr. Haar. Carried. Mr. V. Smith voted No.

4 - Stanley C. Commer, to build carport and porch closer to side lot line than allowed by the Ordinance, Lot 1, Block D, Keys and Russell Subdivision, 4624 Cedar Lane, Mt. Vernon District.

This is a corner lot and the driveway is already in. The applicant wants to come 15 feet from the side line. The neighbor on this side is over 30 feet from the line. There were no objections. His house is set back considerably farther than required by the Ordinance.

Mr. V. Smith moved to grant a 15 foot setback because this is a corner lot and appears the only logical location for the carport. Seconded, Mr. Haar. Carried, unanimously.

5 - Clifford H. and Frances D. Warriner, to allow dwelling closer to lot lines than allowed by the Ordinance, Lot 1, Penderbook Addition to Wilton Woods, Mt. Vernon District.

The applicant said the house was located at an angle, by mistake and there is a step hill on the one side of the lot which would make a great deal of bull-dozing necessary. The house location stakes were torn out by the construction workers and replaced incorrectly.

A brick garden tool shed was built in the front yard. The house, which was built in stages, is irregular and does not follow the setbacks exactly. The applicant wants a 2.6 foot variance on the front and 12.5 foot variance on the side line.

Mr. V. Smith suggested buying a strip from the neighbor to give a better setback but Mr. Warriner said he could not do that. He said the house was built to fit the topography and gave an attractive appearance. There were no objedtions.

Mr. V. Smith moved to defer the case to view the property. Seconded, Mr. Haar. Carried.

6 - James G. Farley, to build garage in sideyard 4 feet from side property line, Lot 18, Fairlee, Providence District.

Mr. Farley said there was no other place to locate his garage. His septic field is in the rear and also there are trees they wish to preserve. Their neighbor has no garage.

Mr. Haar suggested moving the garage 1 foot closer to the house and this would be 10 feet from the drainfield or at least it would not be too near the distribution box.

Mr. Farley said he was told by the Health Department that he could not locate the garage there - so he moved it forward. He had a letter from the Health Department stating that he must stay 10 feet from the drainfield. The Board wanted this checked by the Health Department. The case was held up for word from them.

7 - John H. Cooke, to allow garage to come closer than allowed to side property line, Lot 5, Section 1, Columbia Pines, FallsChurch Dist.

This is practically built. It has been approved by the Columbia Pines Committee on architecture. The garage has been under the house the driveway coming in making a deep entrance to the garage on the side of the house. The driveway becomes very deep as it gets near the house and the applicant said it was a great source of danger to children in the neighborhood. He wishes to enclose this space at the end of the driveway making the garage there instead of under the house. This would eliminate the sharp turn into the garage - and enclose the deepest part of the driveway. This would put the garage underground - with a concrete slab over the top - this would be immediately beside the kitchen. This slab would be used as a terrace only. The walls would have to be raised some to get the proper depth for the garage and the garage front doors would be moved to the entrance to the garage. Under the house, which is now being used for the garage would be storage space. The underground garage would actually be on the property line. The joining neighbor does not object.

The ground to the rear slopes gradually up into the woods. It would be too expensive to locate the garage to the rear.

It was discussed whether or not this was a building, or just a covered driveway. Mr.Brookfield thought it would not add to the fire hazard. Mr. V. Smith said in effect it would be giving the applicant an extra 15 feet of property.

Mr. Haar moved to grant the application because it does not in effect constitute an additional building but merely an open porch adjacent to the kitchen and it eliminates a hazardous condition for joining property. Seconded, JB Smith. Carried.

Mr. Farley came back at this time stating that the Health Department had stated that his garage or any building must be at least 10 feet from the septic field - also trees.

Mr. Haar suggested a compromise of 5 feet from the line - he so moved. Seconded, Mr. V. Smith. Carried. Reasons: In view of the fact that the Health Department requires any building to be 10 feet from a drain field.

8 - Arthur I. Shaffer, to permit the construction and operation of a community swimming pool on one acre on the north side of Florence Lane, approximately 300 feet east of Telegraph Road, Mt.Vernon District.

No one was present to represent the applicant. However, Dr. Smagorinsky was present to oppose the application. He owns property across from this proposed use and he thought it would detract from the value of residential property in the area and would be a public nuisance. He did not like the intrusion of business into a residential area. He said one has a clear view of the location from his home. He thought this would affect the sale of his property. The nearest commercial property is over a mile away. He said this would be a semi-public project.

Mr.Brookfield said Mr. Shaffer planned to incorporate for this use.

Mr. Haar moved to defer the case in view of the fact that the applicant was not present. Seconded, JB Smith. Carried, unanimously.

9 - Reece C. Harthower, to permit relocation of existing bill board, approximately 600 feet from intersection with Rt. 629 on the north side of Route #1, Mt.Vernon District.

Mr. F. S. Diuguid represented the applicant. He showed pictures of the billboard and its present location. It is a non-conforming sign. They wish to move it as at present it is in the center of the driveway into the filling station. This is a double sign-front and back. It is about 5 feet from the right of way. They wist to locate it back farther where Mr. Diuguid thought it would not create a traffic hazard. The present sign has bout 300 square feet in it. There were no objections. This filling station was granted by the Board of Appeals on April 21st. The sign has been

on the property for about 20 years. It was noted that this sign was not shown on the original plats of the buildings and structures when the filling station application was brought before the Board.

Mr. Mooreland noted that this sign is about 5 times larger than allowed by the Ordinance.

Mr. Haar said the Board could not authorize moving a non-conforming sign. Mr. V. Smith said the tendency was to get rid of non-conforming signs.

Mr. Mooreland said theBoard could grant the variance but if they did most certainly many more similar requests would result.

Mr. Diuguid said the sign could be reduced by about 50% - that the double exposure was of no particular value to them.

Mr. V. Smith moved to deny the application because this was a gross variance from the Ordinance. Seconded, Mr. Haar. Carried. Judge Hamel not voting.

10 - Curtis Sightseeing Tours, special exception to the sign ordinance on property of Pleasant Acres Tourist Court and on the George Beach property.

Mr. Curtis said he had an information bureau located at Spears restaurant and wanted to have off the premises advertising for his agency as the small sign he now has is to easily passed up by tourists. One sign would be one mile from his business and the other about 3-1/2 miles away.

Mr.Curtis said he considered his burear a good thing for the area as he directed motorists to motels in the county and arranged sightseeing tours for them. The signs would be 4 x 10 feet. He felt this was a great help to tourists and would keep them from going on in to Washington for hotel accommodations, and information.

Mr. Wise Kelly represented opposition. Mr. Kelly presented a petition from several motor courts in the area opposing this application. They saw no benefit to anyone in advertising off the premises. If one agency was granted this variance they thought other similar agencies and motor courts should be allowed the same thing. The motor court owners indicated that their business had not needed off the premises advertising and thought Mr. Curtis should observe the Ordinance also.

Mr. Kelly commended the Board on having done a good job in keeping signs off the highways and suggested that the good policy should be continued. He felt that this information bureau would not necessarily be an asset to the county - but rather it would create a rat-race between those who subscribe to Mr. Curtis' services and those who do not. It is also evident, Mr. Kelly said, that if this variance is granted a flood of similar requests would result. The established policy is in the interests of the people, Mr. Kelly said

and it should not be changed.

Mr. Osborne, from Gateway Motor Court, Mr. Hyde, Sunset Motor Court, and Mr.Ade, from Camp Comfort objected for the above reasons.

It was suggested that Mr.Curtis was inclined to send his customers on to Washington because the motor court operators in the area do not subscribe to his service.

Judge Hamel thought this would open the door for other requests and that the highways should be protected.

Mr. Curtis showed a letter from a national sign company commending the type of service he gives. He said people often go to Washington and come back to him for information.

Mr. V.Smith asked the motot court owners present if the present sign ordinance seemed adequate to them. All agreed that it did and thought their advertising on the premises sufficient. They agreed, however, that if off the premises advertising was to be permitted they too would expect the same privilege.

Mr. V. Smith moved to deny the case because it does not conform to the Ordinance and does not appear that such signs would be in the best interests of the public. Seconded, Judge Hamel. Carried, unanimously.

11 - Rachel Sugarman, to operate a nursery school, Lot 97, Section 6, Broyhill Crest, Falls Church District.

The applicant is closing her nursery school in Cincinnati and wishes to locate here. She has operated there for 12 years and has a teaching certificate in Ohio. This school will be in the basement space about 45 x 26 feet. It will be completely finished inside, heated, bath complete. She will have 25 children ranging in age from 3 to 5 years and will operate only in the morning. The nearest school is about 1-1/2 miles away. She felt that the need for this school was already there. She will conform to the health, welfare, and fire regulations - if the case is granted. The lot is 105 x 131. The house is new - the basement is on the ground level. The basement is airy and light. There will be one assistant. There was no opposition. The houses on adjoining lots have been sold.

Mr. Mooreland said if this is granted he would not issue the permit until hearing that the requirements from other agencies are met.

Judge Hamel moved to grant the application subject to approval of Sanitary authorities, fire and health regulations and to be granted for a period of one year - permit to be granted for 25 children only. Seconded, Mr. Haar. Carried. Mr. V. Smith voted No.

12 - W. W. Jones, to operate kindergarten and primary grade school, Lot 1, Section 3, Piney Run Subdivision, NW corner of No. 611 and Rt. 634, Mt.Vernon District.

This is the property on which a nursery school was granted to Mr. Barr, some time ago. Mr. Barr could not open during the period of validity of the permit because of meeting the requirements. Now, Mr. Jones wishes to take over the business and operate under his own trade name. It was questioned whether the permit goes with the ground or to the individual.

Mr. Jones would operate as Knob Hill School. He has operated at Bush Hill Estates. They will have from 90 to 100 children - 8 rooms in the building. He did not have the floor plan. Mr. Jones said the school would take in the entire area - about 3 acres.

Mr. V.Smith moved to grant the permit to Mr. Jones only for a period of one year, subject to approval of Fire, Health, and sanitary regulations. Seconded, Judge Hamel. Carried, unanimously.

13 - Automotive Products Company, for operation of automotive machine shop and for a sign larger than allowed by the Ordinance, Lot 1, Block 7, Hillwood, Falls Church District.

Charles Beyer represented the company. The proposed building will be 125 feet long and the applicant wants a sign large enough to show up on this building, approximately 90 square feet, which sign will be on the building.

Mr. Jack Eakin said the established setback is 30 feet. He suggested that all the buildings at 7 Corners have larger signs than the 60 square feet allowed by the Ordinance.

Mr. Beyer had showed by dotted lines on his plat, the entire future plan of development of his property, with parking space. The plan included three buildings. Future parking would probably be on the roof with room for 150 cars. Mr.Beyer said before starting this project he wished to know that he could continue with the future plan to complete the proposed use of the ground.

Mr. V. Smith thought it was not feasible to tie up a plan for the future. It may not be developed for some time and conditions could materially change in that time.

This will be a wholesale business and some machining work for service stations. It will be a clean operation, no odors. It will be precision work. Mr.Beyer said he would set back in line with the other buildings or 35 feet as the Board requires.

Mr. V. Smith questioned the ingress and egress for the future with only a 19 foot alley - whether or not this was enough room for trucks to turn in, back, and unload and go out the front entrance.

Mr.Beyer thought it would be sufficient as part of one of the buildings is actually just a covering for trucks to turn in under and unload - giving considerably more space that would appear on the plat.

Mr. V. Smith moved to grant the application for the use applied

for (excluding the sign) as is shown by the solid lines on the plat and marked as 'proposed building' building granted to be 60 x 125 feet and this motion specifically excludes the area shown as possible future buildings as parking requirements and other requirements might change before the other buildings are constructed. Seconded, Mr. Haar.

Mr. Smith moved that no variance be granted on the sign size. No second - motion lost.

Mr.Eakin said this was the last building to go in on this side of the 7 Corners intersection and all the other buildings had larger signs - that businesses must have larger signs in order to do business.

Mr.V. Smith withdrew his motion.(Re sign size)

Mr. V. Smith added the following to his original motion: It be required that building coverage in excess of 66-2/3 % of the total area of the lot should come before the Board for approval. Mr. Haar agreed to the addition to the motion. Carried.

Judge Hamel moved that in view of the fact that the sign requested is not out of propostion to the other signs in the area that it be granted. Seconded, Mr. Haar. Carried. Mr. V. Smith voted No.

14 - Emily Dawson, to use present dwelling for two families on .991 acres on the south side of Cottonwood Street, approximately 200 feet west of Kirby Road, Providence District.

The niece of the owner of this property was living in the owners family. She married and left for a time. When she came back to live here - bringing her husband - they were considered two families. She said she had lived in this house all her life - the only change in their status is that she has a husband. The area is slightly under the requirement. There was no opposition.

Mr. V. Smith moved to grant the application because it does not appear to affect adversely joining property. Seconded, Judge Hamel. Carried, unanimously.

15 - Malsolm Matheson, Jr., to erect building and pump islands closer to property lines than allowed by the Ordinance, Part of Lots 25, 26, 27, 28, Rust and Smithers Subdivision at Fairfax Circle, Providence District.

Mr. Matheson said this station had been leased to Standard Oil for 13 years. In renewing the lease they wish to tear down the old station, which is too close to the front line, and is an old-outmoded type station and build a modern filling station. The old station is very low. They will raise the grade and fill but would like to have the pump islands about 10 feet from the right of way. The building would be 33 feet from the right of way and 36 feet from the back street. If they set the building back 50 feet from

the Boulevard, it would crowd the back street. Also if they set back the required distance it would mean too much filling and also the building would be practically out of sight from the highway. There were no objections. They wish to fill so the grade will be gradually slopped off to the rear line.

Mr. V. Smith said no other buildings on the Circle were so close to the line. Mr. Matheson said the shape of this lot, long and slim, made it so much of the ground they have is unusable. He thought this was the only way a station could be fitted in - otherwise, they would have to leave the old station as it is.

Judge Hamel moved that the application be granted in view of the fact that the plans presented will greatly improve the present situation. Seconded, Mr. Haar. Carried. Mr. V. Smith not voting.

16 - Stephen C. Wood, Jr., the erection of gasoline pump islands with less than required setback and to permit the construction of an open porch with less than requried side line setback, Lot 1, E. H. Harrison Addition to Merrifield, at the SE corner of Lee Highway and Gallows Road, Falls Church District.

Mr. Stickley represented the applicant. He said they would like a 13 foot 5 inch setback from Gallows Road. By locating the pump islands as his plat indicated, Mr.Stickley said the cars could enter with the natural flow of the traffic and eliminate a great deal of the corner traffic hazard at this point. They will have no parking up to the corner which will give a clear view across the corner. The porch will be 9 or 10 feet from the line. There was no opposition.

Mr. V. Smith suggested moving the islands back from Lee Highway-these are 10 feet from the right of way. He thought this a very dangerous corner and that this plan would create additional traffic hazard.

Mr. Stickley said the Highway Department had given their ok.

Mr. V. Smith moved to defer the application, to view the property. Seconded, JB Smith. Carried. Unanimously.

17 - Gunston Manor Property Owners Association, to erect a fire department building on the Plaz, Gunston Manor Subdivision, Mt.Vernon District.

The applicants are able to meet all requirements and there were no objections. Judge Hamel moved to grant the application. Seconded, Mr. V. Smith. Carried. Unanimously.

18 - C. W.De Hart, to build carport closer to side property line than allowed by the Ordinance, Lot 14, Rolling Ridge, Providence District.

The applicant said they have a porch and want to attach a garage which will be 15 ft. 6 inches from the line.

Commander Wellman objected. He showed a letter containing the restrictive covenants on the subdivision, which stated that no build-

ing may come closer to the side line than 20 feet.

Mr. V. Smith said the Board cannot approve the requested setback if the covenants make this requirement.

Mr. Haar suggested cutting the carport to 12-1/2 feet wide, and carry it back to take care of two cars.

Mr. V. Smith moved to deny the case because it does not conform to the requirements of the Ordinance and appears to be at variance with the covenants on the property.

Judge Hamel said he questioned if the Board or anyone was bound by covenants now since the Superme Court had decided that covenants should not be followed if they were shown to be not for the public good.

There was no second to Mr. Smith's motion.

Judge Hamel questioned what effect restrictive covenants would have under the Ordinance.

Mr. V. Smith thought that wherever restrictive covenants are different from the Ordinance people should be given protection of the Ordinance and the maximum requirements should be enforced. The applicant can come within 20 feet of the side line according to the Ordinance and also according to the covenants.

Mrs. De Hart said she knew that and would not have had to come before the Board to get a 20 foot setback. She said she knew nothing of the restrictive covenants. Mr. Smith said that was not the responsibility of the Zoning Office but each purchaser should look into that.

Judge Hamel thought that if it could be established that the setting aside of the covenants was in the public interest it was probably all right to act accordingly - following precedent of the Supreme Court.

Mr. V. Smith said it apparently was not in the public interest to disregard the covenants since there was an objector to it.

Mr. V. Smith moved to deny the case. No seconded. Motion lost. Mr. Haar moved to approve the application provided the setback be not less than 20 feet from the property line. Seconded, Judge Hamel. Carried. Mr. V. Smith noted No.

19 - Crestwood Construction Corporation, for permission to erect apartments on 1.7434 acres of land, Lots 7, 8, and 12, Section 3, Springfield, Mt. Vernon District.

Carl Helwig appeared for the company. The Planning Commission recommended to grant this application - their report was read. Mr. Helwig showed on the plat where a strip of land (60 acres) between the General Business District and the single family dwellings was reserved in the original zoning for apartments. However, now they are asking for apartments on the small portion of this 60 acre

tract. This may, if successful, expanded in the future.

The apartments will be two story, 2 and 3 bedrooms, two apartments to a building - like Fairlington. These will never be sold, or requested to be sold as row houses, Mr. Helwig said as they do not have the area nor the frontage required. They have allowed off street parking space for the 28 units planned. The apartment development, Mr. Helwig said, will act as a buffer between business and single family dwellings. This will be brick construction. There were no objections.

Judge Hamel moved, to approve the application in view of the recommendation of the Planning Commission and also because it conforms to the general construction in the area and has been zoned Urban, which will allow apartments. Seconded, Mr. Haar. Carried. Unanimously.

DEFERRED CASES:

Thompson and Case, to allow dwelling to come closer to Burrows Avenue than allowed by the Ordinance, Lot 15, Section 4, Fairfax Acres, Providence District.

Mr. V. Smith had seen the property and thought it was not objectionable and considered this to be an honest mistake.

Mr.Thompson said they had allowed sufficient setback for a 50 foot road and located the house accordingly. Then they discovered this was a 60 foot road, the only one in the subdivision.

Mr. V. Smith moved to grant the application because it appears to be an honest mistake and this is a 60 foot street. Seconded, Judge Hamel. Carried, unanimously.

Both the Wills cases (Roberts, Inc., and W. C. Wills) were deferred because the Board had not yet received the Highway plans promised by Mr. Ross - showing the final plans at Annandale.

Edwin Lynch, Trustee, for permission to operate a restaurant at the intersection ofCumberland Avenue and Augusta Drive at Springfield, Mt. Vernon District.

This is a request to locate a Howard Johnson's restaurant 120 feet from theShirley right of way instead of 170 feet as established by theBoard of Supervisors. The Motel presently located on joining property observes the required setback. The Board thought it was not fair to allow this less setback when the full setback had been required in the case of the motel.

Mr. Lynch said the Motel had made no objection to this application. Mr. Lynch discussed whether or not the Board was intending to require the 170 foot setback on all property along the Shirley. In view of that possibility, he mentioned his property across from this Howard Johnson site, which is between the Shirley and a state road. If the setbacks are met from both roads he would have very

little buildable property, on a narrow strip of land that is very valuable. He questioned what would be the policy of the Board and the Board of Supervisors in such a case.

Mr. Lynch spoke of the great volume of tourist business coming into Virginia, the need of Fairfax County for taxes and the necessity of businesses to be located so they could be seen and therefore attract the tourists and conduct a profitable business. The building here would cost about $80,000.

Mr.Brookfield and Judge Hamel agreed that when the Board of Supervisors established a policy of this kind, it was difficult for this Board to vary it.

Mr. Lynch said the motel was a two story building and the restaurant would be only one story. He thought his restaurant would be somewhat shielded or overshadowded unless it was set forwarded.

Mr.Brookfield suggested recommending this application to the Board of Supervisors to consider - in the light of their established policy for setback.

Mr. Schumann said the 320 foot setback from the centerline of the Shirley had been set up by the Board of Supervisors and varied only once in the Richardson case- which was 250 feet from the centerline.

Mr.Schumann said this policy was in line with that of Arlington with regard to Lee Boulevard which does not allow business closer than 150 feet from the right of way. The Board had been reluctant to rezone any land on the Shirley to business and it was only in the light of this restriction that they had zoned any business on the Shirley.

Mr. Ed. Lynch thought the policy of not rezoning to business but granting use permits was a good policy as the development could be controlled.

Mr.Schumann said this policy had been followed on the Winkler property and all businesses along the Shirley, including Mr. Lynch's property on Franconia Road. He listed others with the same restriction.

Mr. V. Smith thought the whole matter of setbacks along the Shirley should be reviewed and this Board should have the reasons stated for the Board ofSupervisors' requiring this setback. There should be a definite policy which is feasible. He questioned the Board's ability to defend denying this case in court if the necessity arose.

A joint meeting with the Planning Commission and the Board of Supervisors was suggested.

Mr. Brookfield said since he had an interest in this case he would request Judge Hamel to preside, which he did.

Mr. Haar suggested that this Board should be authorized to allow

the construction of buildings within the 320 foot setback line when the best interests and the beauty of the Shirley Highway was not impaired. He would like to have it stated under what conditions the Board could vary this setback.

It was agreed that a joint meeting would be arranged.

Mr. V. Smith said he considered that the Board had the authority to grant this variance but he thought a policy should be established jointly by the three bodies - he therefore moved to defer the case and that a joint meeting be arranged between the Board of Zoning appeals, Planning Commission, and the Board of Supervisors at the earliest convenient date. Seconded, Mr. Haar. Carried. Mr. Brookfield not voting.

Church of God, to erect church closer to side lot line than allowed by the Ordinance, Lot 65, Fairlee Subdivision, Providence District.

This case had been deferred with the suggestion that the opposing factions get together and try to work out a solution to their problem.

Mr. Aldrich appeared for the Church. He said he had heard nothing from the opposition to his church. They have bought the land and drawn their plans both at considerable expense. The opposition was not present.

Mr. V. Smith moved to grant the application for a 20 foot setback on the north side of the building. Seconded, JB Smith. Carried, unanimously.

M. H. Snead, to operate a dog kennel on property approximately 100 yards west of Hunter's Lodge on the north side of Rt. 211, Centreville District.

Mr. Snead said his nearest neighbor is 6 to 800 feet away. He can meet all the required setbacks. He would have about 12 dogs for show. He would sell the pups.

Opposition was filed by petition but no one was present to discuss the opposition.

Mr. V. Smith thought the dog kennel business had reached the saturation point - that there were already too many of them, particularly in this area. Mr. JB Smith moved to grant the application to the applicant only. Seconded, Judge Hamel.

Mr. Schumann suggested that since there are already several dog kennels along this highway that this matter might well be referred to the Planning Commission for recommendation, he thought the establishment of so many dog kennels along Lee Highway might well be worthy of study.

Mrs. Snead said they would like a decision now - one way of the other if possible.

Mr. Schumann said the county was spending considerable money on the Master Plan and a land use survey is being made now - which

should be used as a basis for future planning.

Mrs. Snead said they had a contract on this land, contingent upon the result of this hearing.

The motion carried, unanimously.

John E. McPherson, to erect and operate a gasoline filling station and minor automobile repairs in connection with filling station and to have less setback for pump islands than allowed by the Ordinance, at the N.W. corner of Shenandoah Road and Fort Hunt Road, Hollin Hall Village, Mt. Vernon District.

This case was deferred to view the property and check the traffic.

Mr. Haar had seen the property and checked the traffic. During 20 minutes 30 cars passed in two directions, on both streets, that is 1-1/2 cars per mitute. This was from 8:30 to 8:50 in the morning.

JB Smith found the traffic not too heavy. Mr. Brookfield counted cars between 11 and 12 a.m. - 27 cars on Ft. Hunt Road, 20 southbound trucks, 20 northbound trucks and 17 cars - within the hour. He saw two children cross the road, 2 adults, and 3 bicycles.

Judge Hamel suggested that this was a business zone. Mr. Haar said it was a bad corner and would probably be better if improved, and paved.

Mr. Brookfield recalled that Mr. Ross had said that Ft. Hunt Road will be widened as soon as the money is available. He thought the school sign slowed down the cars passing and the fact that a paid guard is on duty was a great help in controlling accidents, at this intersection.

Mr. Schumann said the setback for the pumps is also under consideration, according to the application. He suggested that the Board take into consideration that and the widening of Ft. Hunt Road in their motion.

Mr. Glen Richard (representing Mr. McPherson) showed his plan with one entrance on Shenandoah Road instead of the two as originall planned, with a sidewalk. He asked a 20 foot setback for the pumps. They have reserved an additional 10 feet which they will donate for the widening of Ft. Hunt Road. He said they had dedicated one half of what the Highway had required for the widening.

The opposition was concerned not so much by the traffic conditions now as by the traffic which would be generated by this installation.

Mr. Richard said the building would be located 60 feet from Ft. Hunt Road if the Board wished. He noted that in this general business zone a building could be put 35 feet from the right of way lines. He thought this planned project would be far less hazardous then a business building.

Mr. V. Smith said, in view of the present zoning he felt that a

filling station was less hazardous then a blind corner created by a business building and having only the one entrance on Shenandoah Road was good, he would move to grant the application provided the building is not less then 80 feet from the center of the existing Ft. Hunt Road and the pump islands not less then 55 feet from the centerline of existing Ft. Hunt Road and one entrance on Shenandoah Road, the building to be 50 feet from Shenandoah Road.

Mr. Schumann asked that it be noted that these setbacks are in excess of those required by the Ordinance and also the 11.6 foot sidewalk is not required by the Ordinance. Seconded, Mr. Haar. Carried, unanimously.

The Northern Virginia Sanitary Corporation, was deferred - motion Mr. V. Smith, seconded, Judge Hamel. Carried.

Mr. Schumann asked the Board for an interpretation of Section XVI D-2 of the Zoning Ordinance with regard to the strict application to multiple housing use.

He stated that in 1947 the Board had approved multiple housing on 118 acres at Culmore. Mr. Campbell has build upon several sections of Culmore but there are two parcels which are not built upon and upon which no building permits were ever requested. Now Mr. Campbell has requested building permits for these parcels and the question has been raised - if the original granting for multiple housing use involves the whole area- and is the continuance of this project covered in the original permit. Building has gone forward gradually on the project. Mr. Schumann said there were two other projects on which this same question would probably come up and he would like to have the status of this permitted use clarified by the Board.

Judge Hamel thought the original action of the Board was sufficient to take care of all permits on the property.

Mr. V. Smith thought the Ordinance was clear and that no further action by the Board was necessary, however, he questioned tying up a large tract of land, building part of the project, stopping, and then coming back after a period of 10 years or so and continuing the apartments.

The Board took no action.

John W. Brookfield,
J. W. Brookfield, Chairman.

* * *

July 7, 1953

A special meeting of the Fairfax County Board of Zoning Appeals was held, Tuesday, July 7, 1953, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs

J.W.Brookfield, V.Smith
J.B.Smith, and Herbert
Harr.

George Bronfen, to erect Garden Type Apartments on approximately 81 acres of land on the south side of Columbia Pike, westerly adjacent to Holmes Run, opposite Lake Barcroft, Falls Church District.

Mr. John Webb represented the applicant. Mr. Webb recalled the history of this tract - known as theDowden tract. The land was zoned to Urban Residence and Mr. Dowden got a use permit for apartments some time ago - but was held up by FHA and was unable tostart construction within the time allowed by the Ordinance and this permitted use expired.

Then Mr. Walters applied for apartments last November, 1952, and was denied. Mr. Webb said the denial was partly brought about by the fact that no provision was made for schools and no plan was presented for a proper treatment of Columbia Pike. He felt that now everything had been done to anticipate the problems that might arise and to solve them in advance.

The developers plan a 30 foot service road along Columbia Pike and are reserving a strip 150 feet deep and the frontage of the property long which was planned as a buffer between this development and Lake Barcroft. This strip will be built upon with single family homes.

There will be 125 buildings in the project, 1000 units, 750 of which will be 2 bedroom apartments and 250 - one bedroom. Land at the rear of the tract will be set aside for park and playground area.

Mr. Webb said he contacted the Lake Barcroft people, talking to a committee from their Association, showed his plans and asked for comments and suggestions. He received no concrete suggestions from them. He also had the approval of the Clark family who own property joining a long stretch of this tract. They did not object. Mr. Webb presented a petition signed by the Clark family and a few others who are affected- all of whom did not object.

Mr. Webb discussed apartments for the County. He recalled that the Hoyt report had stated that single family dwellings did not pay their way unless they paid a tax of $165 or more. Apartments will pay their way with $84.50 per unit tax. Apartments will produce 0.3114 children perapartment while single family dwellings produce 0.6132 children per home. (Almost twice as many)

It costs $265.93 per child per year for schooling, Mr. Webb said.

Tax revenue from Belleview, which has 964 units is $91.50 per unit and Willston with 1396 units has a tax per unit of $114.78 Mr. Webb said.

Since this is Urban ground already this could be developed like Pimmit Hills which pays about $96 tax. Taxwise, Mr. Webb said, it is almost necessary for Fairfax County to have apartments.

Utilities are available here, sewer, gas, water, buss transportation - it is about 7 minutes from the District. Mr. Leuders is the architect. FHA will underwrite the project and it will meet their requirements in every way.

Mr. Webb contended that apartment projects (good ones) do not tend to depreciate values in the neighborhood. He cited places on Wisconsin Avenue and Conneticutt Avenue in Washington as examples of good apartments developed near expensive homes with no depreciation.

Mr. Webb said the opposition would no doubt bring up the traffic and school problems. He said the same problems would accrue from single family homes. He showed on his plat the site for a school, selected by Mr. Walker of the School Board - 10 acre tract. This has been set aside for purchase by theSchool Board at the original cost proce of this land.

Mr. Webb asked the Board to grant this application for the people of the county to help pay taxes.

The Planning Commission recommendation to the Board of Appeals was read opposing the granting of this application.

The Chairman asked for any opposition. A petition was presented, opposing.

Dr. Murphy appeared representing Lake Barcroft community organization. They oppose contending that this development will down-grade the neighborhood, it is spot zoning in an already well established residential community, and is not necessary since the county has already established apartment developments.

The Citizens Association opposed for the following reasons:

1. The county is investing $100,000 in a Master Plan for the whole county - they thought this was largely wasted unless projects such as this wait for the result of the Plan.

2. Traffic conditions. Columbia Pike is already badly crowded and the plan to relocate the Pike south of Bailey's Cross Roads. Adding a thousand cars to an already overloaded condition is hazardous. The narrowness of Holmes Run bridge is dangerous.

3. Sewage conditions - the main trunk line is overloaded and this would overload it to a serious degree.

4. Schools - Funds are not available in the present bond issue to take care of this proposed school. It would be approximately 5 years before a school would be located here - if at all. Another school planned in the area and which would not take care of this project is the only school to be located near this.

5. This is spot zoning.

Dr. Murphy said that only a comparatively small part of this tract is usable for development - much of the land is low. If the owners are to make a fair return on their investment they must, if the land is developed for single family homes, put at least from 20 to $25,000 homes on the tract. This to his thinking would be far more desirable then apartments.

The buffer strip proposed alongColumbia Pike will not actually be effective as a buffer as the land rises and the apartments will not be screened. However, this is not the main problem, Dr. Murphy said - they do not want apartments.

Mr.Robert Walker said he would like to clarify the School Board's position on this. He nor the Board took any part in approving or disapproving this project, they had only the care of children as their concern.

The developer, Mr. Walker said, had asked if the School Board would want a site here. Since the School Board has in times past waited until land is developed before acquiring school sites and then has had to pay excessive prices they were interested in taking options wherever possible to protect their purchase price. However, Mr. Walker stated, that the School Board has no funds with which to buy ground now. No funds are available in the 11 million dollar bond issue and no funds with which to build are available. This is a 7 year option on this property which cost the county $1575. This option was taken to guard against the rise in land price and during the period of this option it will be decided whether or not the site is needed.

The breakdown of cost per child was given: Cost of instruction, $226.25; Capital outlay $6.96; Debt service $36.72 - total $269.93. It was brought out that apartments produce more children per acre than single family homes.

Mrs. Amato of Sherry Heights opposed - speaking of no fire nor police protection or at least not sufficient protection. She mentioned the late and over-crowded condition of the school busses.

Mr. Wood said there would be considerably better fire protection if this project were to put in- a plug on the premises.

Mrs. Cox, from Lakewood, agreed with the foregoing opposition. She thought it important to wait for the Master Plan.

Mrs. Robert Davis said their citizens association had not met on this but all who knew about it were opposed. She thought there was no possibility of a school here for 5 or 10 years.

Mrs. Ashins opposed - she recalled the Hoyt report said that $15,000 homes do pay their way. She asked that the recommendation of the Planning Commission be followed.

Mr. Webb cited the American University Hospital case - re downgrading a neighborhood, in which case the Judge said the testimony of those opposing was only the inner conscience of those who testified, that they had produced no specific case to show actual downgrading of values. He thought the same thing applied here - it is only the fears of what will happen. Mr.Webb said Columbia Pike will not be relocated at this point and will be a 4 lane boulevard.

Mr. Webb stated that any development will bring problems which will have to be solved. He suggested that all traffic flow from this area would not be down Columbia Pike, especially Pinecrest, one of the objecting subdivisions.

Other representatives from Belvedere and Lakewood, and Pinecrest were present - voicing the same objections as those stated above.

In their discussion of the case, the Board questioned when the Master Plan would be completed. It was stated that a preliminary plan would probably be ready in the fall.

Mr. JB Smith said he did not feel ready to make a decision today. He thought this too important to give an answer in a few minutes.

Mr.V. Smith said the Board had voted against it in November, waiting for the Master Plan and the Planning Commission being against the case was important. In 1950 when this was first granted there was little development in this area. Since then the pattern has been definitely set and it did not include apartments.

Mr. Brookfield said if it were turned down and single family homes put up - no one could regulate the kind of homes that would go in. However, Mr.Brookfield said he would vote with the PlanningCommission.

Mr. V. Smith moved to deny the case in view of the recommendation of the Planning Commission and because we will soon have the Master Plan of Zoning, which is being made at a substantial cost to the County.

Mr. V. Smith said that Dr. Hoyt's report included only the cost of schools but not the cost of concentration of people facilities, for example were not included. He thought when the final report was in it would show considerably more cost.

Mr.Webb asked the Board for a decision rather than a deferrment.

Mr. V. Smith said he especially wished to commend Mr. Webb on his excellent presentation of this case. He felt that it had been handled in a very intelligent manner and was very well presented. He considered that Mr. Webb had made an exhaustive study of the whole thing and made every effort to work out the problems with property owners in the area and he appreciated the effort that had gone into such a presentation. The Board agreed.

There was no second to Mr. Smith's motion. It was therefore lost.

July 7, 1953

Mr. Webb said if theBoard deferred the case for one week- they might get the owner to donate the school site. Mr. Smith thought that was not the complete answer - that it was the overall plan which should be considered. 210

Mrs. Oshi~~ns~~ ~~ashins~~ asked what changes had taken place since the denial in November, 1952 which might cause the Board to give a different answer.

Mr. Bronfen, the owner, said it would be necessary to sell his property.

Mr. Haar moved to defer the case to the next regular meeting. Seconded, JB Smith. Carried.

TheChairman stated that no more testimony would be taken at that time for either side.

The meeting adjourned.

John W. Brookfield.

J.W.Brookfield, Chairman

* * *

July 21, 1953

The regular meeting of the Fairfax County Board of Zoning Appeals was held, Tuesday, July 21, 1953, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, V. Smith, JB.Smith, Herbert Haar.

1 - M. T.Broyhill and Sons, to allow dwelling to remain closer to street line than allowed by the Ordinance, Lot 154, Section 6, Broyhill Crest, Falls Church District.

Mr. Leon Johnson represented the applicant. This is on a cul-de-sac. The house was originally staked out properly, Mr. Johnson said, but during construction, some of the stakes must have been knocked out and replaced incorrectly. It was noted that the house sat at an angle with one corner violating the setback. The house is actually located 85.4 feet from the center of the cul-de-sac and 35.4 feet from the right of way line. Mr. Johnson said it was very difficult in these fast jobs - they go ahead so quickly that the checking can hardly keep up and maintain accuracy.

There was no opposition - the house is under roof.

The Board felt that the builders should make more of an effort to be accurate.

Mr. Johnson said this was an honest mistake, that his company has had a good average. Out of 333 houses, very few mistakes. He

thought this would not affect the concept of good planning.

Mr. V. Smith moved to grant the application because it does not appear to affect adversely the use of joining property and seems to be an honest mistake. Seconded, JB Smith. Carried, unanimously.

2 - James Lyles, to allow tool shed to remain closer to lot line than allowed by the Ordinance, Lot 8, Section 2, Country Club Estates, Mt. Vernon District.

Mr. Walter Lyles appeared before theBoard. This shed was put up to store the children's toys and as a bicycle house. The well is near and trees which would make it almost impossible to relocate. They had thought all out buildings could be 4 feet from the line, the same as garages. The house on the joining lot is about 75 feet from the line. This is a wooded lot and the little building is attractive - set in the woods. There was no opposition.

Mr. Haar moved to grant the application, seconded, V. Smith. (Because it does not affect adversely the use of joining property) Carried, unanimously.

3 - Louis Johnson, to build carport and storage closer to lot lines than allowed by the Ordinance, Lot 9, A. N. Tinkle Subdivision, Mt.Vernon District.

This was started in 1950 but was held up for various reasons. The water from the joining lot flows toward the applicant's house and the septic field is near the line. The lot is very low. The applicant put in a concrete slab for this addition to keep the water from standing under his house. Also the creek near the house is washing the bank away. He will have to reinforce that and take care of the drainage. By building on this side it will protect the house and the drainage can be taken care of.

Mr. V. Smith moved to grant the application due to topography, this lot is lower than the joining lot, the stream and because of the septic field next door. Seconded, Mr. Haar. Carried, unanimously.

4 - Alfred Kastner, to allow dwelling closer to side property line than allowed by the Ordinance, Lot 24, Block 3, Section 1, Calvert Park.

Mr. Waller represented Mr. Kastner. Mr. Waller said the original house applied for was 45 feet wide. This was granted in error, as the lot was not wide enought to take that size house. They actually built a 36.99 foot house which is still in violation of the Ordinance. The house is under roof.

Mr. Mooreland said the Board should not consider the fact that the permit was issued in error from his office - that Mr. Kastner had built in the County for a long time and knew the regulations, that he should not be allowed to make a mistake because of the mistake in theZoning Office.

Mr. Kastner said this was an honest mistake - which slipped by

both himself and his engineer.

Mr. V. Smith moved to grant the application because this seems to be an honest mistake. Seconded, JB Smith. Carried, unanimously.

5 - E. E. Fordham, Sr., to allow dwelling closer to street line than allowed by the Ordinance, approximately 1/2 mile east of No. 1, known as the Gum Springs Parcel, Mt. Vernon District.

The owner is subdividing this property. The old house on this one lot is too near the street as planned. The Subdivision Control office will not approve the plat unless a variance is granted on this house setback.

Mr. JB Smith asked why the land owner on the opposite side of the street were not asked to dedicate a portion of the widening of the street. This would give more setback for the house.

Mr. Waller said he was not at all interested is subdividing. It was suggested that the Planning Commission approve a 40 foot street here and allow for the joining owner to dedicate 10 feet if and when de does subdivide.

Mr. V. Smith moved to defer the case and refer it to the Subdivision Control office suggesting that they approve a 40 foot street, pending the widening to a 50 foot street when the joining property is subdivided. Seconded, JB Smith. Carried, unanimously.

6 - A. W. Rebholtz, to allow porch closer to lot line than allowed by the Ordinance, Lot 106, Section 2, Burgandy Village, Mt. Vernon District.

The applicant said this being a small addition he did not think a permit was needed. He thought anything under $200 did not require a permit, therefore, he built the porch and it is about 3.28 feet from the side line. He had a letter from his neighbor saying he did not object.

Mr. Mooreland said the applicant stopped work when he found he was in violation and came in to make application for the variance. He did not think this hurt the appearance of the area but thought it would be a bad thing if others did the same thing.

Mr. Brookfield thought this would add to the fire risk, especially if others tried the same thing.

Mr. V. Smith thought the variance was very small, he moved to grant the application. Jr. JB Smith seconded. Carried, unanimously.

7 - Oliver Ramsey, to build dwelling closer to lot lines than allowed by the Ordinance, Lot 98, Section 1, Lake Barcroft, Falls Church District.

The applicant was represented by Byron Massey and Mr. Brookfield the architect. Mr. Massey said his company had designed the utilities for Lake Barcroft and had had difficulties in fitting the houses to the lots. In this case the sanitary sewer runs through

the lot and the Sanitary Engineer requires that the house set 10 feet from the sewer easement. In order to meet the sewer setback and still come 15 feet from the side line the proposed house could not be located without some violation. They ask a 14 foot setback from the side line. The house is set back far from the lake because of the sewer line. There are 15,000 square feet in the lotm but a comparatively small buildable area. Mr. Mooreland thought this was the best they could come up with between zoning requirements and the Sanitary Engineer's office.

Mr. V. Smith thought they were crowding large houses on small lots in Barcroft.

Mr. Ramsey said this location would not obstruct the neighbors view as he was building much nearer the lake. He is not affected by the sewer easement as is the applicant.

Mr. Haar moved to grant the application in view of the fact that to meet the proper setback from the sanitary sewer it appearsto be impossible to locate the house differently than that proposed. Seconded, JB Smith. Carried, unanimously.

8 - Robert Merchant, to build garage between house and side lot line, closer than allowed by the Ordinance, Lot 11, Section 1, Falls Church District.

This is a brick and cinderblock house. The house sets very far back from the road. There are 3 ft. 6 inches between the garage and house. On the opposite side of the house is a rock terrace. The house is 82 feet in depth. If they put the garage back of the house it would be too far back to be practical. The sewer is in the rear also. The house is 105 feet from the road.

Mr. R. P. Davidson opposed. He owns Lot 12 joining. He thought the applicant was violating the covenants of the property as well as the County Ordinance. It was brought out that the covenants say a garage must be 80 feet from the front line and 15 feet from the side line.

Mr. V. Smith said they had never granted a garage so close and along the side of the house. He said the Board had determined that the garage should be 5 feet from the house, when detached. He would rather see it attached.

Mr. V. Smith moved that in view of the 105 foot setback from the street and the relation of Lot 12 as compared to Lot 11 that an attached garage be permitted not closer than 5 feet 6 inches from the side property line. Seconded, Mr. Haar. Carried, unanimously.

9 - Roan and Poppleman, to build houses closer to side lot lines than allowed by the Ordinance, Lot 99 and 110 and part of lot 108, Ravenwood, Section 3, Falls Church District.

Mr. Roan, Mr. Mays, and Mr. Poppleman were present to discuss the

case.

This land was zoned Suburban Residence on the original zoning map. Recently, the Board of Supervisors,on their own motion, rezoned this area to Rural Residence, thus changing the required setbacks on the side lines from 15 feet to 25 feet. The houses in this area are long low houses - mostly one story, which they were formerly able to get on the lots because most of the lots are 100 foot frontage and the side setbacks were 15 feet. The 25 foot requirement leaves room for only a 50 foot house. They would like a 15 foot setback - to conform to the setbacks already observed, on the houses built.

Mr. V. Smith noted that there are 18 lots in this area which are not built upon - he asked if the developers would ask variances on all of these lots.

Mr.Roan said there were contracts on these two lots which were signed before the land was rezoned and they felt committed to honor these contracts, but the purchasers had planned houses which would require the 15 foot setback. It is impractical to throw the lots together, Mr. Roan said, first because it would raise the cost too much for the purchaser and many of the lots are already sold and built upon on joinig lots.

Mr. Poppleman said the streets, sewer and water were all in and paid for by the owner.

Mr. Brookfield thought the lot which had contracts on should be granted the variances but not on lots with no contract before the rezoning.

Contracts were produced dated before the rezoning took place. Mr. V. Smith moved that in view of the bone fide contracts to build and to convey building and lot to the respective vendees, that permits be issued by the zoning office as soon as contracts which have been notarized are presented to the zoning orfice on Lots 99 and lot 110 and part of lot 108 contracts dated prior to the rezoning of Ravenwood Subdivision, Section 3, that the application be granted under Section 12, Subsection g. Seconded, Mr. Haar. Carried, unanimously.

10 - Century Construction Corporation, to allow buildings to remain on Lots 1, 3, 5, 7, 8, 11, 12, 19, 32, 34, closer to property lines than allowed by the Ordinance, Little River Hills Subdivision, Providence District.

Mr.Randolph Rouse appeared for the Company. These are all slight errors - some caused by misinterpreting the Ordinance and others by working fast and not checking sufficiently closely.

Lot 1, - 1 foot variance. Ground was taken from lot 2 to give more area for this lot.

Lot 3, requires .8 ft. variance. Mr. Haar moved to grant these two lots, seconded, JB Smith. Carried.

Lot 5, This property is sold and the people are living in the house. Mr. V. Smith moved to grant a .7 ft. variance on the north side of the lot but the attachment between the garage and the house be denied. Seconded, Mr. Haar. Carried.

Lot 7, Mr. Haar moved to grant a .7 ft. variance from the side line, Mr. V. Smith seconded. Carried.

Lot 8, Mr. V. Smith moved, in view of the size of the lot, it is larger than the minimum required, the setback be granted. Seconded, Mr. Haar. Carried.

Lot 11, A .6 ft. variance is requested. Mr. JB Smith moved to grant this, seconded, Mr. Haar. Carried.

Lot 12, Mr. V. Smith moved to grant a 4-1/2 ft. variance because this is a larger lot and does not affect adversely the use of joining property. Seconded, JB Smith. Carried.

Lot 19, Mr. Haar moved to grant a .6 ft. variance on one side line because it is a small variance. Seconded, JB Smith Carried.

Lot 32, Mr. Haar moved to grant .6 ft. variance on one side and .1 ft. variance on the other. Seconded, JB Smith. Carried.

Lot 34, Mr. V. Smith moved to grant .5 ft. variance on one side and .4 ft. variance on the other. Carried after being seconded by Mr. JB Smith.

11 - James B. Cross, to remodel present dwelling into duplex at the SE corner of Rt. 123 and Rt. 674 at Oakton, Providence District.

Mr. Cross said this building is now being used by two families. He wishes to remodel to make it more comfortable - to use in this manner until this property is used for business. It is a logical location for business property. It is zoned Rural Business. There was no opposition.

Mr. V. Smith moved to grant this because being in a rural business district it does not affect adversely joining property, and provided it complies with the building code, Health Department, etc. Seconded, Mr. JB Smith. Carried, unanimously.

12 - Edna B. Hunter, to erect and operate motel and restaurant on the west side of service road No. 6 at Fort Belvoir Interchange, Mt. Vernon District.

The applicant was represented by Mr. George Alexander. The building would be 80 feet from the property line and approxmately 200 feet from the Shirley right of way. Service Road No. 6 borders this property.

Mr. V. Smith said the Board of Supervisors will appoint a committee to study the setback from the Shirley and also it should be

known exactly where the cloverleaf will be here and what setback will be maintained from the cloverleaf. The Board is discussing the 320 foot setback a little later in a joint meeting.

Mr. Alexander said there would be 48 units and a restaurant in this business. There was no opposition.

Mr. V. Smith thought the building should go back 100 feet from the right of way at the cloverleaf to allow for future widening. Mrs. Hunter said they could do that. However, there is a steep drop at the rear of the property and the building should not be too near that bank.

Mr. Mooreland thought the right of way was already taken for the cloverleaf.

The Planning Commission recommended that no Rural Business District should be established here.

Mr. V. Smith moved to grant the application as applied for - 48 units and a restaurant to be located not closer than 80 feet from the Shirley cloverleaf across the road to Ft. Belvoir and 250 feet east of the east right of way line of the Shirley Highway, as this would not affect adversely the use of adjoining property and is a logical use for this property, under agricultural zoning. Seconded, Mr. Haar. Carried, unanimously.

13 - Forest Haven Properties, Inc., to construct and operate a sewage disposal plant to serve the Forest Haven Subdivision, on the south side of Rt. 623, approximately 1-1/2 miles west of Mt. Vernon, Mt. Vernon District.

Col. Norcorss represented the applicant, The plant will be on an island in the lagoon of Dogue Creek, which is being dredged. The state knows of the plans, Col. Norcross said and have unofficially approved the preliminary plans. Also the County Sanitary Engineer approves. There are at least 7 feet of water there at all times - in the lagoon.

This plant is designed to take care of 167 acres - ground to be developed in 1/2 acre lots only - or larger. This is an actuated sludge plant.

The PlanningCommission recommended to approve this. There was no opposition.

Mr. Haar moved to grant the application as it does not seem to adversely affect the use of joining property and is in accordance with the Planning Commission's recommendation. Seconded, Mr. JB Smith. Carried, unanimously.

DEFERRED CASES:

Clifford H. Warriner, to allow dwelling closer to lot lines than allowed by the Ordinance, Lot 1, Addition to Wilton Woods, Mt. Vernon District.

The affected neighbors do not object.

Mr. Mooreland said if this is granted it puts his office in a bad spot - to allow one person to violate the Ordinance, then restrict others is quite impossible. The building in front was built without a permit.

Mr. V. Smith said he did not have a chance to see the property and would like to see it before voting. He moved to defer the case until August 4th (Special meeting) to view the property. Seconded, Mr. Haar. Carried.

Stephen C. Wood, Jr., Mr. Stickley represented the applicant, for the erection of gasoline pumps with less than required setback and to permit the construction of open porch with less setback at the SE corner of Lee Highway and Gallows Road, FallsChurch District.

Mr. V. Smith said this was a very dangerous corner. He thought the pumps on Lee Highway should be moved back before pumps are granted on the Gallows Road. He moved to defer the case for all members of theBoard to see the property. Seconded, Mr. Haar. (deferred to August 4) Carried, Unanimously.

Arthur I. Shaffer, (swimming pool) deffered to January, 1954 at the request of the applicant. Motion to defer - V.Smith, seconded, JB Smith. Carried.

George Bronfen, to erect Garden Type Apartments on approximately 81 acres of land, south side of Columbia Pike, westerly adjacent to Holmes Run, opposite Lake Barcroft, Falls Church District.

In the absence of Mr. Webb, Mr. Hardie Chamblis represented the applicant. Mr. Chamblis recalled that theBoard had stated at the last hearing on this case that no new evidence would be taken, therefore, the applicant had nothing new to offer.

Mr. V. Smith said he was against changing the established use in this area. Mr. Haar thought small house development on this Urban ground could result in something much less desirable than apartments.

Mr. V. Smith said that was true, any place in the county. He questioned the need for apartments in this area at this time. He thought a determination of logical localities for apartments should be known and in view of the Master Plan - no change of use dhould be granted here. He recalled that the Board had denied this 6 months ago - he could see no reason to grant it at this time. He suggested postponing this for a few months.

The Planning Commission recommendation opposing this use was read.

Mr. Chamblis read from the minutes of the Board of Zoning Appeals when this case was heard in 1950 when it was granted. It was recalled that this case was granted in 1950 but the permitted use expired as the applicant did not start construction within the

required 6 months period. It came up again in 1952 and was denied.

Mr. D.V.Geoffrion, Secretary of the Belvedere Citizens Association, offered to read a letter from FHA regarding loans on this property. The Chairman ruled that the letter was not in order.

Mr. V. Smith moved that in view of the Planning Commission's recommendation and the forthcoming Master Zoning Plan that the application be denied. Mr. JB Smith seconded. Carried. Mr. Brookfield voted No.

(For the Motion: V.Smith, JB Smith, H. Haar. - Against: Mr. Brookfield)

Roberts, Inc., and W. C. Wills cases: Mr. V. Smith moved to defer both cases for study of highway plans. Seconded, Mr. Haar. Carried.

The Board thought these cases should go before the Planning Commission for recommendation in view of the new Highway plans. Mr. Brookfield also thought Mr. McHugh should recommend to the Board on this.

Northern Virginia Water and Sanitary Corporation, Mr. Blinco was present. He said there was no opposition to this in the area. He said they would later ask for a treatment plant down farther on the Pohick Creek. He had no statement as yet from the State Water Control Board. This plant would have 95% treatment. This is an expandable plant which by adding cells could take care of increasing needs. They would start with this interim plant and would increase as revenue comes in and as development warrants. A pumping station and permanent treatment plant would be built. Percolation tests in this area have not been satisfactory. Sewage is necessary for development, Mr. Blinco said.

Mr. V. Smith questioned the operation of the plant. Would it actually work satisfactorily.

Mr.Blinco said the usual sewage plant was put in by the developer who when his development was completed - simply left the job and the operation of the sewage plant was practically abandoned by him. His outfit is not a land developing outfit - it puts in treatment plants only and operates them. It is naturally to their distinct advantage that the plant works properly. That is the only way his company can survive - is the continuous good operation of their plants. This is a public service company.

Mr. Haar asked if Belvoir knew about this proposed plant. Mr. Blinco said - yes - in a general way.

Mr. Blinco said it would be economically feasible to develop 30 acres with 1/2 acre lots. They plan to ultimately have 2500 homes when the entire area under consideration is developed. It was thought that Ft. Belvoir would in the near future hook in to the Virginia Water Supply.

July 21, 1953

Mr. Haar said that since there was so much controversy regarding disposal plants on the Accotink, he thought there should be more study on the entire situation and that perhaps this should be deferred. The Board should have more information.

Mr.Brookfield agreed and thought the Sanitary Engineer should be contacted on plants in general.

Mr. Haar moved to defer the case until the next regular meeting to make a further study and to get all the information possible. Seconded, Mr. V. Smith. Carried, Unanimously.

Mr. Brookfield suggested that it might be well to arrange a meeting with the Water Control Board to talk over all such type plants.

John W. Brookfield,

J.W. Brookfield, Chairman.

* * *

August 4, 1953

A Special meeting of the Fairfax County Board of Zoning Appeals was held, August 4, 1953, Tuesday, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, V. Smith, JB Smith, and Mr. Haar.

Leon Horowitz and Harry Gabor, to permit golf course and club house with incidental facilities on approximately 200 acres of land on the north side of Rt. 123, approximately 1500 feet east of the Town of Vienna, Economos Farm, Providence District.

Mr. Lytton Gibson appeared for the applicants. This property, known as the Economos Farm, has been up for rezoning twice and refused both times, Mr. Gibson said. The land has lain idle for 3 years. This requested use, for a private club and golf course is a logical development and will not only raise the character of the area but will actually enhance property values, Mr. Gibson said. He cited development around Belle Haven and the Fairfax Golf Club.

Mr. Horowitz said the club building would be 6 or 600 feet from the highway, on a knoll overlooking the course. Parking would be between the road and the club house. The presently located farm house on the property probably would be used for the residence of the manager - the barn to be used for equipment - first floor and rumpus room on the second floor. Mr. Gibson said they may wish to buy a small piece of ground in addition for a putting practice green and for an irrigation pool. There would be no night lights.

Mr.Baker and Mr. Myers were present - not objecting but to see the plans. They both favored the proposed use.

Mr.Gibson said they would like to start on the grading and

seeding as early as possible.

Mrs. Lauler mentioned the bad bend in the road at the location where the club house is planned and wondered if the road could be straightened as so many accidents have occurred here.

Mr. Horowitz said the actual course of the road could not be changed by them but he thought the entering to the club grounds at this point would tend to slow traffic.

Mr. V. Smith said he thought the plan a very good one - he would like to see a plat with the location of the buildings and the parking area shown on it.

Mr. Gibson said they would be glad to provide that - if the application could be granted subject to this.

Mr. Brookfield thought the approval of the Health Department should be shown. Mr. Gibson said it was impracticable to get these approvals before the case is granted - that they would have the approval of the Health Department also.

Mr. V. Smith moved to grant the application for a private club, subject to the applicant submitting to the Board the information requested in Section 16, Subsection C of the Ordinance and in addition showing the location of parking area. Mr. Haar seconded. Carried, unanimously.

The Stephen Wood, Jr. case was discussed. Mr. V. Smith said he had talked with Mr. Wood about moving the pumps back from Lee Highway and Mr. Wood agreed to a deferrment on this. Mr. Smith moved to defer the case until the August meeting for complete plans, which Mr. Wood will submit at that time. Seconded, JB Smith. Carried, Unanimously.

Clifford H. Warriner, to allow dwelling to come closer to lot lines than allowed, Lot 1, Addition to Wilton Woods, Mt. Vernon District.

This property is under contract to sell, the purchaser is in Korea, and his family are living in the house at present. There was no opposition.

Mr. Haar thought in view of the fact that this is an irregular subdivision, rolling ground and curved streets that the Board should give more consideration to developments of this kind than to subdivisions developed on straight streets and with houses set at exact angles - where a variation from the required setback would be far more noticeable and injurious. He thought this particular situation would do no harm, since the building is very low.

Mr. Warriner said he built the small building in violation because he had the materials and the men there and did not realize he was locating it in the wrong place.

Mrs. Cox, the joining property owner, did not object.

August 4, 1953

Mr. V. Smith said he would like to have a letter from Mrs. Cox saying she did not object. He moved that because of the topography this is a rolling area, curved streets, semi-wooded area, and the low height of the building, and the contract purchaser whose wife and family are now living in the house, is in the armed serviees over seas, and it would be a hardship for the building to be moved at this time, that the application be granted when written notice is given to the Board of Zoning Appeals at the Zoning Office, from the joining property owner, to the west, Mrs. Cox, stating that she has no objections. Seconded, Mr. Haar. Carried, unanimously.

John W. Brookfield,

J.W.Brookfield, Chairman

* * *

August 18, 1953

The Regular meeting of the Fairfax County Board of Zoning Appeals was held, Tuesday, August 18, 1953, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, V.Smith, J.B.Smith, Herbert Haar, and Judge Hamel.

1 - Caroline M. Mathews and Mary E. Mainz, to build carports on the property line, Lots 8 and 9, Block 11, Section 5, Springfield, Mt. Vernon District.

This request is for a double carport between the houses with the centerline on the property line. The applicants said if they put their garages back farther and meet the ordinance requirements there would be considerable dead space taken up in driveway. The driveways are already in. There are woods to the rear of the lot.

Mr. Mooreland said this would practically result in row housing.

Mr. V. Smith recalled that theBoard had established a required 5' setback - the garage from the house.

There would be about 33 ft. between houses - not exactly the same distance from each house to the property line, however. There were no objections.

Mr. V. Smith moved to grant the application provided the proposed open carports are located a minimum of 5 ft. from the rear lines of the residences, the carports to be centered on the property line. Seconded, Mr. Haar. Carried, unanimously.

It was brought out that having an unequal distance between the

houses, if the carports were not centered on the line it could cause difficulty in the future in case of a sale.

2 - W. H. Tuthill, to permit construction of dwelling closer to Woodland Drive than allowed by the Ordinance, 25 ft. setback, Lot 24, Section 2, Chesterbrook Woods, Providence District.

Mr. Hilton represented the applicant. This case was handled with the McCoach case:

3 - William McCoach, to permit construction of dwellings closer to Woodland Drive than allowed by the Ordinance, 25 ft. setback, Lots 26 and 31, Chesterbrook Woods, Section 2, Providence District.

These are all corner lots. If they observed the 40 ft. setback on Lot 32 it would practically put the house on the rear line and would be very close to the neighbor's house.

If lots 25 and 24 were allowed the less setback it would give them a uniform setback and in each case only one corner of the house reaches the 25 ft. setback line.

Mr.V. Smith thought it better to move the houses back to give as much front setback as possible. The applicants said that would give them practically no back yard and with all the wasted space in front. They would prefer their houses more nearly in the center of the lots

Mr. Mooreland said granting these applications was not only allowing an extraordinarily large variance but it was violating the corner clearance clause of the Ordinance.

Dr. Chas. Morgan and Mr. Thornton from theChesterbrook Woods Citizens Association appeared against these variances. They repsented substantially 100 people in the subdivision - 51 names on a petition opposing. Most of the signatures are people living immediately in the area. It was recalled that one exception was granted in the subdivision some time ago and the citizens felt that it had been detrimental and therefore have agreed to keep the subdivision without variances in the future. Dr. Morgan thought the house could be set back far enough to need no variance - the septic field could be put in front. He saw no advantage in allowing this which would depreciate property values. The houses should have a uniform setback. The only advantage to anyone in allowing these variances was to reduce building costs.

Mr. Hilton said there were others in the area who did not meet the requirements in their setbacks and only three people would be affected by these variances. If the houses were put back farther on the lots it would put the back yard very close to the side yard of the neighbor. The requested setback would center the houses and give more room between buildings, which would make for a better

development. If these lots are not built upon and the owners wait for sewer and water - then houses could be put closer together, Mr. Hilton said.

Mr. Mooreland said sewer and water would make no difference in the lot sizes nor in the setbacks.

Judge Hamel moved to deny the Tuthill case because it does not conform to the Ordinance and appears that it might be detrimental to the community as a whole. Seconded, V. Smith. Carried, Unanimously. Then Judge Hamel made the same motion to apply to the McCoach case. Seconded, V. Smith. Carried, unanimously.

4 - Frederick W. Jones, to allow storage shed closer to side lot line than allowed by the Ordinance, west side of Rt. 213, approximately 2-1/2 miles south of Fairfax, next to Jerusalem Baptist Church, Centerville District.

Wise Kelly, Jr., represented the applicant. Mr. Kelly said that Mr. Jones had allowed the church to build on a lot- which lot had never been conveyed. The lot, however, is joining Mr. Jones home. The plat showed a lot which was more or less set aside for the church. Mr. Jones built a small shed on the back of his property for storage without a permit as he thought any building costing less than $500 would not require a permit. The shed is located 5 feet from the lot line - which would be the church lot line - if this church lot were ever conveyed. The property is thickly grown up with brambles and brush. It is almost impossible to see the building and the lot lines. There are no definite property lines in evidence but they believe the line follows the fence.

Mr. Mooreland thought in view of the fact that they don't actually know where the property line is, the application should be granted.

Mr. Haar moved to grant the application as it appears not to affect adversely the use of joining property. Seconded, Judge Hamel. Carried, unanimously.

5 - Cammie L. Peters, to permit division of lot with less frontage than required by the Ordinance, SE corner of Lewisville Road and Davidson Road, Providence District.

No one was present, this case was put at the bottom of the list: Motion, Mr. V. Smith, seconded, JB Smith. Carried.

6 - Roan and Poppleman, to permit construction of dwellings on Lots - closer to side lot lines than allowed by the Ordinance, Lots 86, 88, 90, 92, 100, 103, 105, 106, 108, Section 3, Ravenwood, Falls Church District.

Mr. May represented the applicants who were also present.

There are 9 lots which the developers wish to get the variance on so they can continue the rambler type house already started in

Ravenwood. In order to put a 70 ft house on the lots they will need a 15 ft. side setback, which was the setback for suburban lots. Mr. Mays showed pictures of the type dwelling in Ravenwood. The rezoning, which took place at the request of the Board of Supervisors and which was instigated by people in Ravenwood has caught Section 3 of Ravenwood in a tight spot, Mr. May said. It was an oversight on the part of those who favored the rezoning as they did not realize that it would change the setbacks on this property and therefore reduce the size of the houses that could be built. New laws often work a hardship at first, Mr. May said, and these hardships have to be resolved but that there were not many lots affected by this change. However, by denying thses variances, it would change the character of the development and work a great hardship to the developers. He thought that under Section 12-g the variance could be granted under the exceptional conditions clause and undue hardship. It is a mistake that the Board of Appeals can rectify.

Judge Hamel asked if this situation was brought to the attention of the Board at the time of rezoning. Mr. Mays said No.

Judge Hamel thought the property should be zoned back to suburban residence and suggested that the developers take steps to do so.

Mr. Mays said he had discussed this with the Commonwealth's Attorney and had absolutely no encouragement from him as such a move would jeopardize the County's case now in the courts.

Mr. V. Smith said the Board had voted for the variance on the three cases where contracts had been signed before the rezoning but he questioned the wisdom of granting such a wholesale variance as this.

It was brought out that there are also several other lots owned by individuals who will probably want this same variance.

Mr. Poppleman made the statement that the night before the hearing on this case he was advised that the proposed rezoning would not affect lots in his property. When the rezoning did go through these lots were affected with regard to the setback.

However, it was brought out that the request for this rezoning actually started in Ravenwood but the thought was that it would not be too difficult to get variances on the few lots left which were not yet built upon - since the continuance of the same setbacks would actually be for the purpose of continuing a good community.

Mr. Poppleman said they had planned to start another subdivision in the county - to be developed on the same plan as Ravenwood, but if these variances were denied and smaller houses would have to be built upon these lots, thereby devaluating the property of practically 100 people, they could only sell and get out. He would be put in the position of ruining a very fine community.

There was no opposition to the application.

Judge Hamel questioned the authority of the Board to change the Ordinance. He felt that rezoning was the only answer.

Mr. Roan said they had started this subdivision in 1939 when there were no restrictions on the property and had made it a very beautiful area - pioneering the way for Malbrook, Holmes Run Park and other like developments. They had subdivided in large lots and built good homes. They are asking to be allowed to retain this character in the area. These are the last lots they will ask the variance on.

Mr. May said a rezoning back to suburban residence was not possible in the forseeable future - the case now in court could run on for a year - to a possible appeal.

Mr. V. Smith moved to defer the case until the next meeting of the Board - or a special meeting if one is held, for further study and that this be brought before the Planning Commission for consideration. Seconded, JB Smith. Carried, unanimously.

7 - H. E.Downey, to dedicate and build street closer to house than allowed by the Ordinance, Lots 1 and 9, Springhill Woods, Old Dominion Drive, and Rector's Florist, Providence District.

No one was present. Motion to put this case at the bottom of the list: Mr. V. Smith, seconded, Mr. Haar. Carried.

8 - Jefferson Mortgage Corporation, to allow house to remain closer to side lot line than allowed by the Ordinance (5 ft. from side lot line) Lot 55, Section 6, Pimmit Hills, Providence District.

Lytton Gibson represented the company. Lot 55 does not have the required width at the building line - the plat was approved this way. Lot 57 (joining) is unusually large which allows the house to set 70 feet from the house on Lot 55. The house on Lot 55 is actually 4.2 ft. from the side line. Mr. Gibson said when they realized the house was so close to the line they tried to resubdivide and take a strip of ground from Lot 57. The lot was already sold and the owner did not want to sell.

Mr. Harry Otis Wright, Engineer, said if this house on Lot 55 were moved back it would run into a 20% grade which would be impractical.

A letter was read from the owner of Lot 57 saying he did not object to the house on Lot 55 being so close to the line and that he was perfectly satisfied with his lot. It was agreed that only Lot 57 was affected.

The potential buyer of Lot 55 did not like being so close to the line and would like to negotiate with Mr. Joyner, the owner of Lot 57 to buy a strip of his land.

Mr. Haar moved to defer the case for the two lot owners to try to get together. Seconded, Mr. JB Smith. Carried, unanimously.

9 - Cynthia Ann Burgin, to build a duplex dwelling on the east side of Belmont Road, No. 601, approximately 1/3 mile south of the inter-

section with Rt. 242 and a mile from Rt. 1, Mt. Vernon District.

Mrs. Burgin said they wanted to build this for rentals. They are near Ft. Belvoir where there is a great need for housing. They have a strip of General Business property joining this on which they have built duplex apartments. They had this before the Board of Supervisors for General Business zoning but were turned down. As the property lays they do not have twice the frontage required for a duplex, in fact the property shows no frontage - only a 20 ft. road leading back to the property on which the duplex would be built.

Mr. Mooreland said it would be impossible to always have frontage on property. They could show the area but not the frontage and that rear property of this kind would have to have an outlet road-which was shown on this plat.

Mr. V.Smith said all the land, except the General Business property should be considered in order to give the proper area.

Mr. Haar moved to grant the application provided the building is erected on an unsubdivided 2-1/3 acres. Seconded, Judge Hamel. Carried. Mr. V. Smith voting No.

10 - Mrs. Lewis Harwood, to subdivide lot with less area than allowed by the Ordinance on Lot 24, Section 1, Wellington, Mt. Vernon District.

Mr. Ed. Gasson represented Mrs. Harwood. This lot existed in 1940 Mr. Gasson said. The owners built a new house on the back part of this lot and both houses were occupied. The total area of the lot with the two houses on it is 36,000 square feet. This case was up before the Board some time ago and no final action was taken. Now, the applicant wishes to sell one of the houses but the lot would not have sufficient area. She wishes the Board to divide the property into two lots and for the Board to determine the amount of area for each lot.

Both houses overlook the Potomac. There is a slope to the river. The street in front is dead end. They wish to divide the lot so each house will have its own septic field on its own lot. One lot would necessarily be over 1/2 acre and the other less.

Mrs. Harwood said her sister owns the joining property and does not object to the creation of this small lot.

Mr. Mooreland said the division of the lots was not an equitable division of the property. He thought if the Board set up this small lot they would run into trouble.

The plat submitted was not prepared by a certified surveyor.

Mr. V. Smith thought this should be studied by the Health Department before thisBoard acted upon it, and that the Board should not create a lot which was unsafe.

Mr. Haar moved to defer the case until a better plat showing the septic fields and all facilities pertaining to each house was

presented and that this should be referred to the Health Department. Seconded, Mr. V. Smith. Carried,unanimously.

11 - A. G.Ames, to operate a nursery and kindergarten school on Lot 2, Brilyn Park, Providence District.

The school would be located at 704 Hallwoos Avenue, Mr. Ames said. They would have about 20 children. There would be no outward changes in the house. The school would be operated by experienced teachers. They would operate in the living room and the basement. Most of the basement is above ground. There will be two restrooms. The school will be first class in every way, comparable to any other in the area. Mr. and Mrs. Ames will live in the house. They can take care of 30 children if the facilities are to be extended. The necessary agencies have been contacted. The Welfare Department have given their o.k. and state that they will visit the school monthly.

Mr. A. D. Young, 713 Ha lwood Avenue read a petition opposing this use. It was stated that this area should be for residences only and granting this use would be relaxing the protection of theZoning Ordinance.

It was agreed that the septic field would be all right for a family use but not for a school, as the septic fieds in this area have caused considerable trouble. Also this use was considered a nuisance which would devaluate property values and violate the covenants on the property. There were 69 names on the petition.

Mr. C.D.Smith spoke opposing the application. Mrs. Bundridge mentioned the bad visibility at this corner. She said septic conditions in this area were bad. She thought such a use would ultimately affect the entire neighborhood adversely.

Mr. Wm. North, 712 Hallwood opposed, saying he had spoken to several real estate operators all of whom said this use would devaluate property values.

The sanitation problem was discussed, especially an open ditch which was already a problem.

It was stated that allowing this commercial venture would encourage other business to attempt to operate in the area.

Mrs. Hoovler, 706 Hallwood, next door to Mr. Ames, objected for the reasons stated above. She had contacted her banker regarding the devaluating of property values and he agreed that this use would affect her property adversely. She mentioned the school bus stopping at this corner and the traffic hazard.

Mr.Ashton Timmons, C. Smith, Mr. Dewitt opposed for reasons stated.

Mr. Ames stated that sanitation problems resulted after flash rains as is the case in many parts of the county. They would operate only 3 hours each day and Mr. Ames showed that - the children they would have would cause less drainage than a normal family with 3 children.

Mr. Ames thought the visibility of the corner was not a school problem since that situation was always there. It was a problem of the County. However, they would eventually put a turn-in to their property - across the corner, which would greatly relieve the congestion at the corner. The school could be handled with the minimun of cars and in the future they would probably have their own transportation system.

The covenants refer to "noxious enterprises", in which class Mr. Ames thought this school would not fall.

Mr. V. Smith said the restrictions of the covenants were not before this Board. How this use affects the people in the area and the use of the property are the only considerations before the Board.

Mr.Ames quoted instances where this type of use did not devaluate property in the area,

Judge Hamel said the thoughts of people in the area determined whether or not their property was devaluated, which fact was very important to the Board.

Mr.Ames said he had tried to find out what the people in the area wanted with regard to his school and had circulated a paper to that end. He had found no objections. Opposition developed later after he had filed for this use.

Mr. V. Smith moved to deny the case because - based on the petition presented and the evidence of the citizens of Brilyn Park there appears to be no demand in the community for this school and it appears that it would affect adversely the use of property in the area. Seconded, Judge Hamel. Carried unanimously.

12 - Mary Neal White, to operate a kindergarten school on Parcel 1 and 2, Franklin Park, at the corner of Maryland avenue and N. Nottingham Street, Providence District.

There are 3 acres in this property, house is fireproof. It has been approved by the Fire Marshall and Health Department. They have filed an application with Richmond. There will be about 30 pupils. Three rooms will be used. If necessary the driveway will come in on the joining lot. There was no opposition.

It is possible, in the future to expand the school to the basement. If so repairs will be made.

Since part of this property is in Arlington County, Mr. V. Smith thought their Planning Commission should be informed of the proposed use on this property. TheBoard did not think that necessary.

Judge Hamel moved to grant the application subject to the usual approval of agencies concerned, welfare, fire protection, etc. Seconded, Mr. Haar. Carried. Mr. V. Smith not voting.

13 - Virginia Electric and Power Company, toconstruct a sub-station on property on the east side of Rt. 649, approximately 850 feet north

of Arlington Boulevard, FallsChurch District.

Mr.Scott appeared for the applicant. This installation would be located approximately 800 feet from Arlington Boulevard and Rt. 649. There is an increased demand in this area for power which requires a substation, Mr.Scott said. They have a sales agreement on this property. The structure will be all steel - the same as all substations There was no opposition.

Judge Hamel moved to grant the application because this appears to be a beneficial service to the County. Seconded, Mr. Haar. Carried, unanimously.

14 - W. H. Craven, to allow Goodrich sign to remain as erected on property on the north side of Rt. 211 east of Bull Run,Centreville District.

This Goodrich sign was put up without a permit. Mr. Craven thought they had a permit. The sign is too large to come within limits of the Ordinance.

The plat showed that there are ten signs in all on the property. Many of them had been there 5 or 10 years. Mr. Craven said he would take several of the signs down. He has a variance on several signs. He showed on the plat which signs he would not object to taking down. He suggested taking down 200 square feet of sign and leaving up 194 square feet. (The Goodrich sign is 97 square feet)

There was no opposition.

Mr. Mooreland said there was a complaint on these signs. He suggested the Board see the signs.

Mr. V. Smith moved to defer the case to view the property. Seconded, Mr. Haar. Carried, unanimously. The Board agreed to try to work out with Mr.Craven which signs should be left. They would view the property.

15 - Milton R. Westcott, to establish and maintain a Volunteer Fire Department on the northwesterly side of Rt. 649 adjoining Anna Lee Heights, Falls ChurchDistrict.

Mr. Cable appeared for the applicant, representing the people in the area. The charter has been filed with the State Corporation Commission in Richmond and is being processed. The need for a fire department in this area has been established. Mr. Westcott will sell the property for this purpose, about 3/4 acre.

They have been promised services of enough men in the area to take care of fires in the area. They can meet all the requirements for coming under the County fire levy.

Mr. Haar moved to grant the application as it appears to be a need for this particular use in this area. Seconded, Judge Hamel.Carried. Mr. JB Smith not voting.

16 - E. E. Lyons, to permit applicant only the relocation of construction office from its present non-conforming location on the property of

of the existing dwelling on the same; to establish an architect's office in connection with construction business and to establish a doctor's office in said dwelling in accordance with plans, at the SW corner of Rt. 7 and 678, Providence District.

Mr. Lyons said he had bought this property 13 years ago and had used the location for an office and a small repair shop. He showed his plans for remodelling the building for these offices as indicated. It is a brick and tile building. His office was established in 1940.

Mr. Mooreland said this case was up before the Board of Supervisors for rezoning and had been denied. They thought the Board of Appeals had the authority to grant this use to the applicant only. Mr. Lyons said he was asking for only one more office, actually, the one for the doctor. He presented a petition favoring this use.

Mr. Haar moved to grant the application to the applicant only. Seconded, Mr. V. Smith. Carried, unanimously.

17 - George Colbert, to erect and operate a restaurant and recreational area, Lot 4, Lincoln Park, Centreville District.

Mr. Makel represented the applicant. This is a colored subdivision. The lot contains about 3-1/2 acres. There is a house on the lot joining. There was no opposition.

Mr. Mooreland said the PlanningCommission recommended that no business district be established here. There is a store about 1/2 mile away.

Mr. V. Smith moved to grant the application to the applicant only for a period of 2 years. Seconded, Mr. Haar. Carried, unanimously.

18 - David Holbrook, for permission to extend motor court, on south side of Rt. 29 and Rt. 211, approximately 3 miles east of Centreville, Pleasant Acres Tourist Court, CentrevilleDistrict.

This tourist court was first started about 1938 and a use permit was granted in 1941. The ground is only half used. The applicant wishes to add a new building which would greatly improve the property. He will also improve the older units in time.

There were no objections.

Mr. Mooreland said the Planning Commission recommended that no business district be established here. He thought if the Board granted this they could very well set the number of units to be allowed.

Mr. Holbrook said he would want 8 or 10 units.

Mr. V. Smith said theBoard should have plats showing the location of the buildings and the driveway - to scale. He moved to grant the construction of 10 units subject to the applicant furnishing the Board with certified plats showing the existing buildings, proposed buil ings, the ingress and egress. Seconded, JB Smith. Carried,unan.

19 Paul Fahse, to erect and operate a motel (50 units) on the east side of Rt. 1, at the intersection with Ragin Street, immediately opposite Penn-Daw Fire Department, Mt. Vernon District.

This will be a first class motel - 50 units, cinderblock and brick, air conditioned. Parking space in the center of the buildings.

There was no opposition.

Mr. Haar moved to grant the application as it appears that it will be an improvement to the area. Seconded, Judge Hamel. Carried. Unan.

20 - Reece M. Hartbower, to erect and operate a gasoline filling station and to have building and pump islands closer to right of way line of Rt. 1 than allowed by the Ordinance, approximately 700 feet south of intersection with Rt. 629 on the north side of Rt. 1, Mt. Vernon Dist.

This is between the old and New U.S.#1 between Cities Service and Shell Oil Company service stations. The Sun Oil will put this station in. The other stations have set their pumps back 25 feet from the right of way. The applicant asked to do the same.

There was no opposition.

Judge Hamel moved to grant the application provided the building is at least 50 feet from the right of way line and the pump islands 25 ft. from the right of way. Seconded, Mr. Haar. Carried. Unanimously.

21 - The Texas Company, to permit pump islands closer to street lines than allowed by the Ordinance, SW corner of Rt. 1 and Rt. 629, Ft. Hunt Rd. Mt.Vernon District.

Mr. Multag represented the company. There is a service station here now which is very near the right of way - the building about 28 ft. back and the pump islands 10 or 11 feet. A new building and equipment will be put in. They would like to put the pumps 20 feet from the right of way because if they leave too much room between the pumps and the right of way people will park in that space and create a hazard. The building will be 64 feet back from the right of way, of Ft. Hunt Road. This will allow for the widening of Ft. Hunt Rd. There were no objections.

Mr. Gillam, the owner of the property, suggested that this would be a great improvement since the present building and pumps are so close to the right of way. He said they had talked this over with the Highway people.

Mr. V.Smith moved to grant the application provided the pump islands are at least 25 feet from the right of way line of U.S.#1, in view of the fact that this is the same setback required on other pump islands. Seconded, JB Smith. Carried, Unanimously.

22 - Vernon M. Lynch, to erect and operate a gasoline filling station and to have pump islands closer to road right of way lines than allowed by the Ordinance, at the SE corner of Rt. 617 and Rt. 644, Mt. Vernon District. Mr. V. Smith moved to defer this for one month. Seconded,

Mr. Haar. Carried, Unanimously.

23 - L. S. Cox, to erect and operate a gasoline filling station and to have pump islands closer to street lines than allowed by the Ordinance, on the northwesterly side of Telegraph Road at the junction of Burgandy Road and Edgewood Drive, Mt. Vernon District.

Mr. Harry Carrico represented the applicant. The applicant had his property rezoned by the Board of Supervisors for the purpose of having a filling station. He operates a station now in Alexandria. This will be a first class place. The corner is very bad now - it is low, has an old brick building on it, with two outside privys. These will all be removed, the property filled and a modern station put up. The building will be approximately 30 x 63 ft. The building can be set back the proper distance but they need the variance on the pumps. Mr. Carrico thought a smaller amount of room getting in and out would slow cars down and create less of a traffic hazard then if cars could come in fast and double park. There will be three islands and 4 openings for entrances and exits.

Mr. Satterfield from the Burgandy Village citizens Association thought this a satisfactory use. There was no opposition from the area. They would like the pump islands 20 feet from the right of way. Immediately to the south is another filling station - which is in keeping with the Ordinance for the grouping of filling stations. They want to be sure they have sufficient room between the pump islands and the building.

Mr. Cyndell from Standard Oil said they would like 35 or 40 feet between the islands and the building. They cannot put the building back any farther.

Mr. V. Smith moved to grant the application provided the pump islands are 25 feet from the right of way lines because this is a corner lot and the use does not appear to affect adversely the use of joining property. Second, JB Smith. Carried, Unanimously.

29 - Northern Virginia Water and Sanitary Corporation, to permit water filtration and sewage treatment plant on approximately 15 acres on the SE side ofTelegraph Road just south of Pohick Creek, part of the A.M.Burton Farm, Mt.VernonDistrict.

The PlanningCommission did not recommend on this but asked that it be deferred. Motion V. Smith, seconded, JB Smith. Carried.

DEFERRED CASES:

E. E. Fordham, Sr., to allow dwelling closer to street line than allowed by the Ordinance, approximately 1/2 mile east of Rt. 1, known as theGum Spring Parcel, Mt. Vernon District.

This was deferred for recommendation by the PlanningCommission to the Board of Supervisors. Motion to defer V.Smith, seconded, JB Smith. Carried.

No one was present on the Peters andDowney cases. Motion to defer until the next meeting, V. Smith, seconded, JB Smith. Carried.

Stephen C. Wood, Jr., to erect gasoline pump islands with less than required setback and to permit the construction of an open porch with less setback, at SE corner Lee Highway and Gallows Rd., Falls Church District.

Mr. V. Smith said Mr. Wood was trying to work out another plan to move the pump islands back, as now they are actually serving gasoline on the highway right of way. Mr. Wood could not be present today. Mr. V.Smith moved to defer the case, seconded, Mr. Haar. Carried.

Northern Virginia Water and Sanitary Corp., to have sewage disposal plant on approximately 1.3 acres of land on west side of Shirley Highway off ServiceRoad #7 at theBelvoir interchange, Mt.Vernon District.

This was deferred on motion of Mr. Haar, seconded, JB Smith.Carried.

The Wills andRoberts cases were discussed. The highway plans had been received showing widths at the intersection of Rt. 236, 617, and 244. The PlanningCommission had originally recommended against these variances.

Mr. Mooreland said he thought there should be some variance on the triangle but not on the other property, as it would set a precedent and there would be no chance for widening nor to conform to corner clearance, as required in the Ordinance.

It was brought out that there should be adequate off street parking area.

Mr.Lowe stated that according to theHighway'~~s~~ Dept. plans the road rights of way were set for the forseeable future. Now the applicant must know his setbacks before he can plan his buildings. The land value here is very high and the intersection of three streets present a serious problem. The rear can be utilized for parking, he stated, where it would actually be more safe.

Mr.V.Smith thought there should be a specific plan of the buildings and the location of the buildings as required in Section 16 of the Ordinance.

Mr. Lowe objected to this on the grounds of setbacks. They want a determination on how much of the land can be used.

Judge Hamel said he realized rejecting this would cause a hardship but he thought the recommendation of the Planning Commission was very important.

Mr. Lowe said that recommendation was made vefore the Highway plans had crystalized.

The Board thought the question of policy here should first be referred to the Planning Commission. Judge Hamel moved to defer the cases and refer them to the Planning Commission to be considered in the light of the Highway plans and in the light of the apparent

hardship that is produced here and in the light of the previous PlanningCommission's previous recommendation. Seconded, V.Smith. Carried, unanimously.

The meeting adjourned.

John W. Brookfield

J. W.Brookfield, Chairman.

* * *

September 15, 1953

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held, Tuesday, September 15, 1953 at 10 a.m. in theBoard Room of the Fairfax County Courthouse with the following members present: Messrs Brookfield, V.Smith, JB Smith, H. Haar, and Judge Hamel.

Mr. Lytton Gibson had sent the plat on the Economos Farm Golf Course and Country Club which the Board had asked for at the last meeting. Mr.V. Smith moved that the applicant work out a plan for a de-cellerating lane for the west-bound traffic lane on Rt. 123 in the vicinity of the parking lot. Seconded, Mr. Haar. Carried.

1 - John W. Pickens, to erect garage 3 feet of side property line, Lot 10, Oak Ridge, Providence District. Mrs. Pickens appeared before the Board.

A letter was read from Mr. Lankford, owner of Lot 9, opposing-because of devaluating his property and expressing the belief that the zoning regulations should be upheld.

Mr. V.Smith suggested locating the garage on the other side of the house, which Mrs. Pickens said could not be done as their bedrooms were there and the well and pump-house were near the house on that side. Also there are large trees which they do not wish to take out. The Railroad tracks are at the rear of the property.

Mr. V.Smith moved to defer the case to view the property. Seconded, Mr. Haar. Carried, unanimously.

2 - Stephen C. Ingham, to erect addition closer to side line than allowed by the Ordinance (7.5 ft.) Lot 75, Section 2, City Park Homes, Falls ChurchDistrict.

The addition would be 16 x 12 feet - a kitchen. The building sets at an angle on the lot and by extending the addition back it will come 7.5 feet from the line. They do not plan a garage. The structure would be cinderblock base - clapboard type. There were no objections.

Mr. Haar said since this is a small variance and not noticeable and apparently affecting no one else adervesly he would move to

grant the application. Seconded, Judge Hamel. Carried, unanimously.

3 - O. & F. Construction Co., to allow dwellings to remain closer to front lines than allowed by the Ordinance, on Lots 12A, 13A, and 13B and allow house to remain closer to front line and an open porch closer to side line on Lot 12B, Section 2, Westmore Gardens.

235

Mr. Felton, the builder, represented the Company. He said this was originally a mistake in the Zoning Office as they did not know that these houses fronted on a 40 ft. street and therefore granted the permit from what they thought was a 50 ft. street. All the subdivision had been based on 50 ft. streets with 40 ft. setbacks except this one street. They naturally made these the same setback.

(Mr. Mooreland explained that this had been done, allowing the developer to put on record a 10 ft. easement, usable for the street if and when necessary, and also to allow the proper area for the lots. This, however, is no longer done by the Planning Commission.)

Mr. John Finken and various women from the area opposed. Mr. Finken said he lives on Lot 11A. He thought the regulations should be observed. He did not think ignorance of the width of the street sufficient reason to make such a mistake. He also stated that if the houses were set back 45 feet, as required on the front they could not meet the back required setback - by at least 5 feet. In other words the lots actually were not buildable, in accordance with the regulations. That they were too small.

Mr.V. Smith asked how the opposers would suggest solving this - would they think it fair to tear down the houses and rebuild them? He asked the opposers if they felt their property had been adversely affected by these violations. They did not necessarily think they had been too badly affected, although they had understood that this portion of the tract whichwas re-subdivided would not have so many houses on it. The developer gave them that impression when they bought. Then he resubdivided and made these small lots which are too crowded and actually unbuildable. They were objecting on moral grounds - wanting to uphold the county ordinance and requested that builders and developers should be held to the ordinance when they plan their developments. They thought such things as this should not be allowd to happen. They all said Mr. Felton had been very fair with them and they had nothing against him personally. They thought the restrictions were known to the builder and could not understand why he was allowed to violate. They actually blamed the O & F Corporation.

Judge Hamel moved to grant the application because it appeared to be an honest mistake and in view of the fact that there is no required certified plot plan required and the opposition thought that no drastic action should be taken. Seconded, Mr. Haar. Carried,

with Mr. Brookfield not voting.

4 - L. B. McCloud, to allow tool shed to come closer to rear lot line than allowed by the Ordinance, Lot 11, Section 2, Franklin Forest, Providence District.

Mrs. McCloud appeared before the Board. The structure would be 14 x 6 x 7 ft. She presented letters from the neighbors stating they did not object. If the building were located farther from the rear line it would endanger the drainfield and also would necessitate taking out a very large tree which would be expensive and they did not wish to give up the tree. The Ayres lot - joining- is 200 feet deep and the house is 35 feet from the back line.

Mr. V. Smith said a garage could come 2 feet from a side or rear line, which is more susceptible to fire than a tool shed near the rear line. He thought this building located as requested would be harmless especially as the neighbor affected did not object. There was no other opposition from the neighborhood.

Mr. V. Smith moved to grant a 6 x 14 x 7 ft. storage shed for tools, 2 feet from the rear line and 12 feet from the side line, since it does not appear to affect adversely the use of joining property, as expressed by a letter from the joining property owner and also because of the drainfield being near and a large old tree, both of which prevent the location of the building farther from the rear line. Seconded, Judge Hamel. Carried, unanimously.

5 - E. E. Boggess, to permit the extension of tourist cabins east side of Rt. 1, approximately 2500 feet south of Rt. 242, Oak Lodge, Mt. Vernon District.

Mr. Boggess said the existing building would be the office and his residence. The log cabins now on the property will be moved back for tool shed and out buildings and the applicant will build new and better cabins. They will have the approval of the Health Department for the septic field if additional units are added. There are no facilities now, except a septic field which will be extended when the new units are added.

Mr.V. Smith suggested that this might well be deferred or postponed for a report from the Master Plan to see how an extension of a business here would fit in with the future planning of the County.

Mr. Mooreland said the use was there now - this is merely an extension.

Judge Hamel thought this was a distinct improvement and was no change in the land use, therefore he saw no objection. There was no opposition from the neighborhood.

Mr. Baar moved to grant the application as it appears to be an improvement to the existing facilities and there is no opposition

to the increased use. Seconded, V.Smith. Carried, unanimously.

6 - TheCannon Club, Inc., to permit the erection and use of a club house Lot 52 through 55, East Fairfax Park, Providence District.

Mr. Blumfield appeared for the Club. The ground is owned by the Veterans of Foreign Wars and will be leased to the Club. It is a 1.6 acre tract, structure will be cinderblock and stucco. There is some development in the area - much of it is business. There were no objections.

Mr. V. Smith moved to grant the case because in view of business in the immediate vicinity it would not appear to affect adversely the use of joining property. Seconded, Judge Hamel. Carried, Unan.

7 - R. D. Houtz, to erect addition to present store closer to street than allowed by the Ordinance, at the N.E. corner of Rt. 684 and 738, Providence District.

No one was present to discuss the case. It was put at the bottom of the list. Motion, Mr. V. Smith, seconded, Mr. Haar. Carried.

8 - Lewis E. Hanner, to applicant only, the operation of pressing and spotting shop, Lot 15, Willow Springs Subdivision, Centreville District.

Mr. Hanner said his eyes were very bad and he could work only about four hours a day (he presented a doctor's certificate to substantiate his statement) and he wanted to have this business in his home to supplement his income and help to support his wife and four children. He showed his price list of proposed charges. There was no recommendation from the PlanningCommission to make this business property. There was no opposition.

Mr. Mooreland suggested that the Board should see the area. Mr. V. Smith moved to defer the case to view the property. Seconded, Judge Hamel. Carried, unanimously.

9 - Trustee's ArnonCemetery, to permit the extension of cemetery, on the west side of Rt. 681, approximately 3/4 mile north of Rt. 193, Dranesville District.

Mrs. Trubaugh represented the applicant. She said Mr. Marsh (quoting from the Code) states that a cemetery cannot be located less than 250 yards from a residence. In this case residences have been build within the 250 yards after the cemetery was put in. Also a further statement in the Code was read- stating that "To enlarge or add to a Cemetery is not to establish one within the meaning of this Section." In other words that an increase in the cemetery did not come within the 250 yard restriction. This cemetery was established in 1891.

Mr. Mooreland said Mr. Boothe had asked him how close a cemetery could bury to a side line. Mr.Mooreland said he did not know and had called Mr. Marsh, who said 250 yards. Mr. Louck suggested

hearing this and deferring it for an answer to the legal question-whether or not the extension of a cemetery is an establishment of a cemetery. The determination will have to be made whether or not this comes under the Code. If it does not there is no need for this public hearing. Does the word "Land use" bring this under the Statutes or not.....

Mr. Mooreland said Mr. Louck says the Ordinance reads "Land use for cemeteries."

Mrs. Trubaugh pointed out that many houses had been put within the 250 yard line of the present cemetery, in fact the Zoning Office has issued permits within 20 feet of the cemetery for homes. Mr. Mooreland said one could build close to a cemetery if he wanted to.

Mr. V. Smith moved to defer the case for legal advice. Seconded, Judge Hamel. Carried, unanimously.

10 - Grace B. Smith, to permit occupant to teach piano lessons in basement of dwelling at 3404 Virginia Avenue near Franklin Park Subdivision, Providence District.

Mrs. Smith said she has 30 or 40 pupils. She presented a letter - petition, approving. There was no opposition.

Mr. Mooreland said he had had complaints from the area; however, none of the opposing were present.

Mr. V. Smith could not see why it should be necessary for a piano teacher to come before the Board..He quoted from the Ordinance re: "recognized profession."

Mr. Mooreland said they had to draw the line someplace.

Judge Hamel moved to grant the application to the present applicant only. Seconded, Mr. Haar. Carried. Mr. V. Smith not voting.

DEFERRED CASES:

Mr. Ed. Gasson asked to defer the Harwood case - to subdivide lot with less than allowed area, Lot 24, Section 1, Wellington, Mt. Vernon District. Motion to defer for one month, Mr. V. Smith, seconded, Judge Hamel. Carried.

H. E.Downey, to build street closer to house than allowed by the Ordinance, Lot 1 and 19, Spring Hill Woods, Providence District.

No one was present to discuss this case. It was put at the bottom of the list - motion Mr. V.Smith, seconded, Mr. Haar. Carried.

Cammie L. Peters, to permit subdivision of lot with less frontage than allowed by the Ordinance, S.E. corner of Lewinsville Road and Davidson Road, Providence District.

Mr.Rogers appeared for the applicant. The applicant is an elderly lady and this is too much ground for her to keep up, therefore she wishes to giver a portion of the ground to her son. She does not have enough frontage to comply with the ordinance although she does have sufficient area. A letter was read from the son asking the

September 15, 1953

variance and saying that he would not build until sewer and water are available. The house now on the property was built before the Ordinance. It violates the front setback, but is non-conforming. There was no opposition.

These lots should have a 90 foot frontage with 115 ft. for the corner lot. The plat showed 88 and 76* ft. for the lots.

Mr. Mooreland said many lots in this area are narrower than this.

Mr. Peters, who represented the applicant, said this is the only way the ground can be divided because the drainfield is in the rear. The property could not be divided cross-wise, which would actually be a better division of the property.

Mr. V. Smith thought this was not a good division of the property but was sympathetic to the request. It would be necessary to make the lot size legal for loan purposes.

Mr. V. Smith moved to defer the case to view the property. Seconded JB Smith. Carried, unanimously. It was stated that the applicant need not appear at the next hearing.

Jefferson Mortgage, to allow house to remain closer to side lot line than allowed by the Ordinance, Lot 55, Section 6, Pimmit Hills, Providence District.

Mr. Lytton Gibson asked that this be deferred for one month. He thought it may be possible to work this out without asking the variance. They are waiting for V.A. approval now. Motion to defer, Mr. V.Smith, seconded, JB Smith. Carried, unanimously.

W. H. Craven, to allow Goodrich sign to remain as erected on the north side of Rt. 211, just east of Bull Run, Centreville District.

It was brought out that Mr.Craven has 386.5 square feet of sign on his property, far in excess of that allowed by the Ordinance.

Mr.Brookfield and Mr. V. Smith thought the signs in particular were too low and were traffic hazards - they had seen the property.

Mr.Gasson thought Mr. Craven was greatly improving the property by taking down several signs and leaving the best ones. There are signs on the property which were put up without permits, Mr. Craven said he did not know how they got there.

Mr.V. Smith said if all business areas along the highway had signs like this property it would be a "sign alley". He suggested deferring and giving Mr.Craven a month to come up with a definite plan-take down enough of the signs to do away with the traffic hazard and actually improve the situation.

Mr. Haar moved to defer the case for one month. Seconded, JB Smith. Carried, unanimously.

E. E. Fordham, to allow dwelling closer to street line than allowed by the Ordinance, approximately 1/2 mile east of Rt. 1, known as the Gum Spring Parcel, Mt.Vernon District.

The Subdivision Control Division said they could not grant a 40 ft. road as requested by the Board of Appeals, because the Highway Department will not take a 40 ft. road into the State System, therefore, the recommendation from that office was that a 50 ft. road be dedicated and the presently located dwelling be allowed to remain 15 ft. from the right of way of a 50 ft. road.

Mr. Haar moved to deny the application. Seconded, Mr. JB Smith. Carried, unanimously.

Vernon M. Lynch, to erect and operate a gasoline filling station and to have pump islands closer to road right of way lines than allowed by the Ordinance, at the S.E. corner of Rt. 644 and 617, Mt Vernon District.

Mr. Lynch said he applied for a rezoning on this some time ago and withdrew it thinking this could better be handled by the Board of Appeals. This is a small lot - the State took 22 feet to widen Rt. 644. Entrances have been approved by the State. The building would be 50 feet from the right of way. Mr. Lynch said he had talked with Mr. Holland and Mr. Carr, both of whom would be satisfied if the pumps are moved back 8 feet more - 20 feet from the right of way instead of 12 - which is what Mr. Lynch wanted. Mr. Lynch agreed to the 20 ft. setback.

Mr. Brookfield asked about the proposed circle at this intersection. Mr. Lynch said that was talked of a long time ago but nothing had ever been done about it.

Judge Hamel said he would like to see a recommendation in writing from the Planning Commission,since we are not far from an overall plan he wished to see how this would fit in with future plans here.

Judge Hamel moved to defer the case until the November meeting for recommendation from the Planning Commission. Seconded, JB Smith Carried, unanimously.

Judge Hamel also moved that the PlanningCommission be asked for their recommendation as soon as possible, giving their views as to what should be done with the intersection at Rt.s. 644 and 617. Seconded, JB Smith. Carried.

Stephen C. Wood, the erection of gasoline pump islands with less than required setback and to permit construction of an open porch with less setback at the SE corner of Lee Highway and Gallows Rd., Falls Church District.

Mr.Stickley represented Mr. Wood. The applicant had presented a plan which had been worked out in accordance with suggestions of Mr. V. Smith and the Texaco people. They have put the pump islands back two feet farther than requested.

Mr. V. Smith thought the plan an improvement on that originally submitted. He suggested taking the traffic around the back of the

September 15, 1953

the building. Mr. Stickley thought there was not room there and it was not practical as water is thrown from the buildings on the joining property into this area making it muddy and almost unusable.

The pumps would be located 20 feet from Lee Highway. The entrances have been approved by the Highway Department. There was no opposition.

Mr. V. Smith thought by extension of the grass plot toward the highway it would keep cars from parking between the pumps and the right of way. He moved to grant the application as presented provided the applicant extend the grass area between Lee Highway and the pumps so no car can be parked between the island and Lee Highway and no storage on the lot of wrecked vehicles shall be allowed. Seconded, JB Smith. Carried.

Northern Virginia Water and Sanitary Corporation, to construct sewage disposal plants on approximately 1.3 acres of land on the west side of Shirley Highway - off Service Road No. 7, at the Belvoir interchange, Mt. Vernon District.

This is the Accotink Creek site requested by Mr. Blinco for the applicant.

Mr. Mooreland said he and several Board members had gone to Richmond to see the Water Control Board and found that this could not be approved unless the Pohick site is approved.

Mr. Blinco said he had been to Richmond more recently. His idea was to plan the utilities first and development would follow - this he thought was in the interests of good planning. He said it was possible in the future to go down to where the Accotink goes under the Shirley Highway and pump over into the Pohick, which was agreed to by the Water Control Board as being feasible. He thought there should be a number of intermediate stations for the purpose of conditioning the water. He stated that his case is not closed before the Water Control Board - on this development.

Mr. Blinco's franchise was discussed - giving him the right of eminent domain. Mr. Blinco said he had a franchise in four counties, giving him eminent domain rights but which he did not wish to use. He said such rights are not often used - except in extreme cases where and estate or some such hold-up stood in the way of development.

The two water sheds, Accotink and Pohick, are actually connected, Mr. Blinco said, that the Accotink plants would be limited in size and number- that it was agreed that the Accotink could serve about 2000 homes, but there was a demand for probably 15,000 homes on the Accotink. Therefore, how to divide this service among so many units is a question. The time will come, Mr. Blinco said, when the Accotink will be exhausted and no more plants can be built on that Creek- at that time they would have to pump into the Pohick.

It was brought out that Mr. Blinco's company does not now have any plants in operation nor under construction.

Dr. Bartsch stated that Ft. Belvoir might refuse this installation. Mr.Blinco said Ft. Belvoir had been opposing use of the Accotink for 7 years and had practically frozen the area for development. Belvoir has an intake on the Accotink for water supply and therefore they have opposed any major development on the Creek.

Mr.Walter Oliver opposed for property owners down on the bay.

Mr.V.Smith questioned what would happen if this company would go broke - what protection the people would have. Mr. Blinco said this was a public utility and could be taken over by the County or anyone capable of operating it. Also, Mr.Smith asked what would happen to the rates if the plant were built in excess of the development, since the company is allowed a fair return on its investment. It could lay a very heavy tax on each user in order to meet the 'fair return' allowed. Mr.Blinco said they could not go ahead with the plant unless the developers were ready to go ahead also - thereby creating the need for the plant. He thought the people in the area would be protected by law, since the plant would have to operate.

This case was put over to decide upon along with the second disposal plant application which Mr. Blinco has before the Board.

This second case Northern Virginia Water and Sanitary Corp. for a disposal plant on the Pohick - property known as the Burton Farm.

Mr.Blinco said 190,000,000 gallons of sewage are dumped into the Potomac at Blue Plains - which has pollutted the river to a dangerous degree. This proposed plant would have 90% treatment which would reduce the oxygen demand very little and would not harm acquatic nor wild life. The water would actually be all right for domestic use. Pohick Bay would have very little pollution from these plants.

Mr. Blinco said the Water Control Board would approve 70% treatment, that their representatives had walked over the ground before their approval and did not think 70% would harm wild life. They actually will have 90% treatment. The design of the plant calls for this 90% treatment and they would have to build and operate in accordance with these plans.

Dr. Bartsch said the marsh land in this area is a spawning ground for wild life- that this is the only area left in the Potomac Basin which is conducive to propogation of wild life and he thought it would be destroyed by this installation.

Mr. Mooreland said if other plants were installed on these streams the degree of treatment would have to be uniform - this would be controlled by the Water Control Board and also the rates

September 15, 1953

would have to be set at a fair figure for the consummer.

TheBoard questioned the installing of a big plant and few homes in the area - such a situation could occur - and what would the Water Control Board consider a fair return on the investment.

Dr.Bartsch spoke at length, representing Mason's Neck Citizen's Association and Lebanon - wild life sanctuary. He has 458 acres, the largest undeveloped territory near theDistrict which can encourage the propagation of wild life. He had noted changes in the Potomac basin since 1896 - the slowly decreasing wild life caused by stream pollution. Dr. Bartsch has established the wild life sanctuary at Lebanon which has become a mecca for Scouts, Garden Clubs, and naturalists. Fern Valley was established and has attracted national attention. Fifty years ago, Dr.Bartsch said, all the section around Washington was marsh land. It is all gone now and consequently the wild life is reduced. Lebanon has a 48 acre marsh land which is left from the glacial period. This is a spawning ground for wild life. He has seen millions of herring coming from the salt waters to the Potomac, meet the pollution and die - their bodies cast up on the shore. He asked theBoard not to grant this use, in the interests of preservation of wild life.

Mr. Andrew Murphy (representative of the Boy Scouts) agreed that this use would be bad for theScout area near the Pohick Bay.

Dr. Elizabeth Parker said the Pohick floods over a considerable area at times. When this flooding subsides the refuse left from this disposal plant would create a cesspool on the lowland area.

General Montague (from Gunston Hall) opposed, also Mr.Embrey from Gunston Manor subdivision objected, also Mr.Sheppard.

Mr. Blinco thought the influence of the Potomac pollution would be 1000 times greater than that of the Accotink and the Pohick.

Dr. Bartsch said these streams did not have a steady flow like the Potomac - they change with the tide and sewage and chemicals probably would not leave the Bay.

Mr. Blinco thought these plants actually would not hurt anyone except perhaps Dr. Bartsch and the Boy Scouts property - that the others were really not affected. He thought the 90% treatment would take care of any real problems.

The Planning Commission recommendation was read denying this application stating that it did not appear to be necessary.

Mr. Brookfield thanked Mr. Blinco for his presentation and stated that he thought Mr. Blinco had developed his case in a very fair and clear manner. The Board members agreed.

Mr. Blinco questioned on what grounds the Planning Commission had recommended against his application. Did they object on the grounds that it did not fit in with orderly development? The only way this

part of the county can develop, Mr. Blinco said, is by having sewage disposal.

Mr. V.Smith said he did not feel capable of saying whether or not 70% or 90% treatment would affect the area adversely. He thought there should be more local desire from the community for this development, that probably this was premature since it was not backed by people in the area. It could be that this development might take place and it not be for the best interests of the people and could affect them adversely.

Mr. Brookfield thought the granting of this might be premature because of the Master Plan and the campaign in Annandale area for a sewer line down the Accotink. He suggested deferring this for 6 months for the report of the Master Plan and the sanitation committee survey.

Mr.Blinco thought the studies would have nothing to do with the Accotink.

Judge Hamel thought the studies did affect the entire picture.

Mr. Haar moved to defer the case until the November meeting for more technical information and to give time for the Board of Appeals members to confer with the Health Department and with Mr. Marsh. Seconded, JB Smith. Carried, unanimously.

The first application presented by this Company was also deferred to November on motion of V. Smith, seconded, JB Smith. Carried, unanimously.

W. C.Wills and Roberts, Inc., both cases deferred for further study on motion of Mr. JB Smith, seconded, Mr. Haar. Carried, unanimously.

Roan and Poppleman, deferred on motion of V. Smith, seconded, Judge Hamel. Carried unanimously.

R. D. Houtz, this case was put at the bottom of the list. The applicant was present now. There is an old non-conforming grocery store on this property very close to the right of way. Since there is no storage space the applicants want this addition for that purpose. The parking will be on the property, in the rear. Since the addition would be so close to the road and this is a very bad corner already, Mr. V. Smith did not like granting an addition to an already bad situation. The addition would be cinderblock. It was suggested that the addition could be set back and that being cinderblock could some day become the main part of the building - at which time the present old building could be taken down. Or it was suggested that the addition be made of frame so it could be moved easily when the roadway is widened.

Judge Hamel moved to grant the application in view of the present character of the community - so much non-conforming development in the area. Seconded, Mr. Haar. JB Smith not voting. Mr. Brookfield

September 15, 1953

voted No. Mr.V. Smith voted No. Motion For: Judge Hamel, Mr. Haar. Against: Mr. Brookfield, V. Smith. Tie vote. Motion lost.

Mr. V.Smith thought this addition would create an additional hazard at this corner. He thought an addition could be put back at the rear of the present building and made of frame which could be moved when necessary and at that time could correct a dangerous situation at this corner. He suggested the applicant try to work out something like that.

Judge Hamel moved to defer the case for 30 days for the applicant to work out a better plan for the addition. Seconded, Mr. Haar. Carried, unanimously.

H. E.Downey, no one present. V. Smith moved to defer the case and requested Mr. Mooreland to write to Downey asking him if he wishes to withdraw this case or have it heard. Seconded, Mr. Haar. Carried. Unanimously.

The meeting adjourned.

John W. Brookfield

J. W.Brookfield, Cahirman.

* * *

October 20, 1953

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, October 20, 1953, in the Board Room of the Fairfax County Courthouse, at 10 a.m. with the following members present: Messrs J. W. Brookfield, Verlin Smith, and J. B. Smith.

1 - Reginald Rutherford, for permission to enclose porch closer to side line than allowed by the Ordinance, Lot 44, Walnut Hill Subdivision 1514 Timer Lane, Falls Church District.

Mr. Rutherford said the porch is now 13 ft. from the side line. He wishes to enclose it for an extra bedroom.

Mr. Smith, the neighbor most affected, questioned just what the applicant planned to do - what kind of addition, the materials to be used and the architecture. Would it be a detriment to the neighborhood - is he doing the work himself. He thought some of the other additions which Mr. Rutherford had made to his property were not too attractive. He did not wish to see the neighborhood broken down.

Mr. Rutherford said he had no definite plans as yet - he was waiting to see if this is granted. However, the addition will be

of clapboard, the footings will be filled in, the floor concrete, there will be three windows, the addition will be 10 x 18.

Mr. Mooreland noted that the Board did not pass on the aesthetic values of an addition.

Mr. V. Smith moved to grant the addition because it is a small variance and it does not appear to affect joining property adversely. JB Smith seconded. Carried, unanimously.

2 - R. L. Holcomb, for permission to erect carport 4 feet from side property line, Lot 106, Section 5, Donna Lee Gardens, 1400 Deborah Drive, Falls Church District.

Mr. Holcomb said there are woods on this side - the Kelly property which is undeveloped.

Mr. V. Smith suggested locating the carport in the rear. Mr. Holcomb said this would be detrimental to the appearance of the house and as proposed it would not obstruct the view of anyonelse and would add architecturally to the house.

Mr. JB Smith noted that the undeveloped woods would undoubtedly be developed in time and thought it was crowding the line too much.

Mr. Holcomb said the concrete slab was there now - 6 ft. from the line. They wished to extend that and use it.

There were no objections.

Mr. V. Smith said the ordinance had been changed to allow more encroachment by garages and carports. Mr. Mooreland said even an open porch could not come this close to the line.

Mr. V. Smith moved to deny the application because it does not conform to the minimum requirements and is a substantial variance from the ordinance. Seconded, JB Smith. Carried, unanimously.

3 - E. M. Webb, to erect carport closer to side property line than allowed by the ordinance, Lots 1 and 2, Forest Hall Subdivision, 438 Lebanon Drive, Falls Church District.

Mr. Lester Johnson represented the applicant. This is a request for a carport variance of about 3-1/2 feet. The breezeway is about 8 ft. wide. The neighbors do not object. The lot is 166 feet wide.

Mr.Brookfield suggested cutting down the width of the breezeway, or locating the carport to the rear.

It was noted that the joining lot is a corner lot and the owner will have difficulty in meeting his setbacks which would throw his building very close to this.

Mr. JB Smith moved to deny the case because this is a wide lot and there is actually no need for the wide breezeway. Seconded, Mr. V. Smith. Carried, unanimously.

October 20, 1953

247

Parakeets Accessory

4 - Jackson Masonry Co., Inc., to permit garage closer to side lot line than allowed by the Ordinance, Lot 46, Hansborough subdivision, Dranesville District.

This is a cinderblock building (it is already there) built for garage but actually used as an Accessory building to house parakeets, which are sold commercially. It was located incorrectly error. There were no objections.

Mr. Mooreland said this is actually an accessory building and should be located 10 feet from the line. This was granted, Mr. Mooreland said, by his office not realizing one line was a street. However, it was built before the permit was issued.

Mr. JB Smith objected strenuously to buildings being built in violation of the ordinance then asking the Board to legalize the error.

It was brought out that if the applicant is using this building to raise parakeets commercially, it should be 100 feet from all property lines - which setbacks could not be met.

Mr. V. Smith moved to deny the application because it is a gross variance from the Ordinance. Seconded, JB Smith. Carried, unanimously

5 - C. S. Hinman, to erect addition closer to both street lines than allowed by the Ordinance, Lot 14, Section 3, Tauxemont Subdivision, No. 12 Namassin Road, Mt. Vernon District.

Mr. Hinman had sent word he would be late. This case was put at the bottom of the list - motion JB Smith. seconded, V. Smith.

6 - Herbert C. Haynes, for permission to erect carport closer to front lot line than allowed by the Ordinance, Lot 11, Section 5, Hollin Hills Subdivision, 314 Martha's Road, Mt. Vernon District.

Mr. Haynes said the house is too close to the lines to put the carport in the rear. He would like a storage shed and a roof for his car. It will be constructed of brick and siding - the same as the house. The overhang will be 30 feet from the front line. The bank falls off abruptly to the side where there appears to be room. His plans have been submitted to the developer and approved. He has tried to harmonize the structure with the building and with the neighborhood. The driveway is already in.

There were no objections. Mr. Haynes showed letters stating there were no objections in the neighborhood and also showed the elevations of the proposed addition.

Mr. Mooreland said theBoard had never granted an addition as close as this, except in the Landsburg case.

Mr.V. Smith said the developers very often put the driveways in wrong, which is misleading to the purchaser. He thought if the Board let down on this there would be a flood of similar applications.

Mr. Haynes said this is the only place he can have an addition to

his house. He thought the planting would eventually take away any unattractive features of the structure.

Mr. Mooreland said there was some similarity between this case and the Landsburg case, which the Board granted, there is a curve in the road here.

Mr. V. Smith moved to defer the case to view the property. He suggested that Mr. Mooreland review the plats in this subdivision and see how many houses may be in the same position as this one.

Mr. JB Smith seconded the motion. Carried, unanimously.

7 - Bruen Chapel Methodist Church, to erect an addition closer to Lee Highway than allowed by the Ordinance, at the Northeast corner of Lee Highway and Juniper Street at Merrifield, Providence District.

Mr. J. L. Rees appeared for the Church. MR. Rees said he was not representing himself but the Church. He would rather the Board defer the case then to turn it down. He had talked with members of the Board regarding this situation. The congregation was more or less divided on whether or not to try to get the variance as some of them thought this not a good location for the Church.

Mr. Brookfield thought the traffic in this area was very bad and would certainly increase. There is commercial ground near here, Mr. Brookfield said, which is not good for a church location. He suggested their locating back farther on their property and face the Church on Juniper Street. That would be better, Mr. Brookfield said, but he thought they actually needed more acreage and a less noisy and crowded location.

Mr. JB Smith suggested deferring the case to give the congregation time to reconsider their request before the Board.

It was suggested that this is expensive ground and could very well be sold to good advantage and the organization purchase land some place else.

Mr. V. Smith moved to defer the case for 30 days for the church people to consider the hazardous traffic conditions in this area, as it is shown by the County having a policeman on duty here during church hours, and in view of the increased future membership of both the congregation and the Sunday School and in view of the increasing traffic. Seconded, JB Smith. Carried, unanimously. The Chairman asked the Secretary to write a letter to Mr. Rees stating the feeling of the Board.

8 - Harry Hager, for permission to divide lot with less area than allowed by the Ordinance on the west side of Rt. 657, approximately 316 feet north of intersection with Rt. 50, Centreville District.

There were no objections. After discussion of the actual size of the lots, Mr. V. Smith moved to grant the application provided Parcel 3, shown on the plat, is added to Parcel 2, because both

lots are in excess of many lots in the area. Seconded, JB Smith. Carried, unanimously.

9 - Thomas S. Wray, for permission to enclose part of building for grease lift, Lots 11, 12, 13, and part of 14, Southern Villa Subdivision, Mason District.

The grease lift is already there. The applicant wants to cover it for winter shelter. It will be 4.5 feet from the side line. There were no ojbections.

Mrs. Marshall, the neighbor most affected, did not object.

JB Smith moved to grant the request, seconded, Mr. V. Smith. Carried, unanimously.

10 - C. C. Carter, Jr., for permission to have pump islands closer to highway than allowed by the Ordinance, at the northeast corner of Huntington Avenue and King's Highway, Mt. Vernon District.

Mr. Carter showed the state's approved road plan. He has sold property to the State for widening purposes here, which he thought would be all the right of way they would require. He would like the islands 15 and 28 feet from the right of way.

Mr. V. Smith said the Board had held to 25 foot setbacks for other islands in filling stations and he felt that was the minimum the Board could grant.

Mr. Carter said there would be no question of road widening as the right of way was established and no more widening is contemplated.

Mr.V. Smith said a car has more vision when pulling into a station squarely. Mr. Carter said the newest idea in traffic studies is that it is better to enter a station at an angle.

Mr. JB Smith said the Board had never granted any setback on a new station with less than 25 ft. setback for pumps. He felt that should be maintained.

Mr. Carter said he wanted the islands away from the building. They have just 24 feet between the proposed locations, which he thought was just enough.

Mr. V.Smith said it would be unfair to give one person a setback advantage - and he saw no particular reason to grant this. He moved to grant the setback for a 25 ft. setback for pump islands. Seconded, JB Smith. Carried, unanimously.

11 - Bryan Heller, to permit applicant only to use property for Turkey Shoot on 20 acres, on the north side of Lee Highway, approximately 300 yards west of Rt. 656, back of Dinner Bell restaurant, Centreville District.

This turkey shoot is presently being operated in violation of the Ordinance. Mr. Heller said when he discovered this he made application to theBoard. The woods are to the rear and they would shoot into the woods. They have two targets 90 feet behind the building.

It is perfectly safe, Mr. Heller said.

Mr. Mooreland said this is carrying on a business in a residential area.

Mr. V. Smith said he could not see in the Ordinance where the Board had the jurisdiction to grant this in an Agricultural District. He asked Mr. Mooreland where in the Ordinance the Board had the right to grant this.

Mr. Mooreland said it was not actually spelled out but there were some things the Board had to decide upon which were not in the book. It was not possible to list out every possible kind of business. He and Mr. Schumann had discussed this, he said, and had thought it should come before this Board.

Mr. V. Smith said that may be all right but still he thought there should be something in the ordinance covering this type of thing- that he would not be a party to granting this - then maybe some one was killed and the question would naturally be asked - where did the Board get the right to grant this shooting range? He thought the Board should not put themselves in the place of granting something dangerous without regulations protecting that granting.

Mr. JB Smith said the benefit turkey shoots were usually all right but the others are so often located near some place that sells beer. He did not think that combination good. He had seen intoxicated people shooting which was certainly dangerous. He thought this a dangerous thing to grant and would like to see some regulations written to regulate it. The Board agreed that the County should have regulations which would cover this type of thing.

Mr. V. Smith moved to defer the case for 30 days to investigate if the Board has any authority in this. Mr. Mooreland suggested that they get information from Mr. Marsh on this. Mr. Smith said if it is found that the Board has no authority the Planning Commission should be asked to amend the Ordinance to allow the Board to handle this. Seconded, JB Smith. Carried.

12 - Millard L. Pearson, Sr., for permission to operate a restaurant on Lots 24 through 29, Southgate, Falls Church District.

Mr. Mooreland said this was granted in 1945 but the applicant did not start operating within the time limit, therefore the permit became void. There is a graveyard on one side of this property and an open field on the other. No other businesses are near and no other houses. There was no opposition.

Mr. JB Smith moved to defer the case to view the property. Seconded, Mr. V. Smith. Carried. Mr. V. Smith noted that this should be cleared also with the Health Department.

Mrs. Pearson brought to the attention of the Board the fact that

October 20, 1953

this is exactly the same place that was granted before only they now have more land - which gives a greater setback from their lines.

13 - R. W. Mullen, to operate a day nursery on east side of Backlick Road, No. 617, apprximately 1400 feet north of Rt. 644, Franconia Road, Mason District.

Mr. Mullen said they would remodel an old home on his property-using part of it now and ultimately all of the building for the nursery. He has 10 acres. The room in which they will start is 20 x 13 ft. and they will enclose another area 20 x 30 ft. if the school justifies that. It is a frame house. They will get approval of the Fire Marshall.

There were no objections.

Mr. V. Smith moved to grant the application to the applicant only subject to approval of the necessary authrities, State and local, Health, Welfare, andFire. Seconded, JB Smith. Carried, unanimously.

14 - Mrs. Willard Davies, for permission to operate a day nursery school on the south side of Collingwood Road, No. 628, approximately 1.2 miles west of Rt. 629,Fort Hunt Road, Mt.Vernon District.

Mrs. Green represented Mrs. Davies. The applicant has 5 acres-two of which are cleared and will be used for the school. It is well off the road - play area will be in the back yard where the children will be in no danger. They will use four rooms at present. This building is connected with sewer and water. The house has been fire inspected and ok'd. It is frame. There were no objections.

JB Smith moved to grant the application to the applicant only-subject to approval of other agencies interested. Seconded, Mr. V. Smith. Carried, unanimously.

15 - Walter E. Glasser, for permission to raise chinchillas and to have building closer to rear and side lot lines than allowed by the Ordinance, .3 miles north of Mt. Vernon Memorial Highway on the east side of Ft. Hunt Road, opposite Fort Hunt, Mt. Vernon District.

The building used for the animals is 75 feet or 80 feet from the lines - the Ordinance requires 100 feet. They have about 30 animals. There were no objections.

Mr. V. Smith moved to grant the application to the applicant only because it does not appear to affect adversely the use of joining property - application granted as per plat presented with the case. Seconded, JB Smith. Carried, unanimously.

16 - Julius Pruss, to operate an auto repair garage, at the southeast corner of Rt. 613,Sleepy Hollow Road and Lee Boulevard, Falls Church District.

Mr. Harry Carrico represented the applicant. The applicant wishes to convert the existing building on the rear of this property into

an auto repair garage with a 24 x 30 ft. addition. Mr. Carrico recalled that theBoard had given the applicant a permit for a motel on this property. The motel is now in operation. The owner had planned to abandon the automobile repair business and convert this building at the rear into motel rooms and storage space. During this conversion from automobile business to motel, Mr. Pruss could not dispose of his equipment except at a substantial loss so he set up his equipment in the rear building and did some repair work. Now, he wishes to continue this repair business in this building, along with the motel business. The applicant has been at great expense in converting the auto sales business to a motel and this has been an immediate source of income. Also, he has found it good to have a repair and lubrication business in conjunction with his motel. It will serve as a steady income during the slack season with the motel.

This building is 200 feet from the service drive parallel to Arlington Boulevard. There is a high bank on Sleepy Hollow Road which practically hides the repair building. The owner naturally would not do anything on the property to depreciate its value, Mr. Carrico said, he has too much invested. There will be sufficient room to park in the rear along the fence.

Mr.Brookfield wondered if, since this is actually two lots, one lot might be cut off of this property and sold. Mr. Carrico said not - because of the steep bank on Sleepy Hollow Road - there could be no entrance from that road.

There were no objections.

Mr.Brookfield observed that Mr. Carrico had made an excellent presentation of this case. The other Board members agreed.

Mr. V.Smith moved that the request be granted to the applicant only as long as the two properties remain as one. Seconded, JB Smith. Carried, unanimously.

DEFERRED CASES:

H. E.Downey, to build street closer to house than allowed by the Ordinance, Lots 1 and 9, Spring Hill Woods, Providence District.

No one was present to discuss this case. Mr. Mooreland said he had notified Mr.Downey to be here or the case would be dismissed. Mr. Downey had never presented plats. Mr. V. Smith moved to drop the case. JB Smith seconded, Carried. This wasdropped "without prejudice."

While waiting for the next applicant theBoard took Mr. C. S. Hinman's case under consideration. This is for an addition to come closer to both street lines on Lot 14, Section 3, Tauxemont, Mt.Vernon District.

Mr. Hinman said they needed another bath and recreation room.

October 20, 1953

The addition would be 16 feet. They also want to extend the porch- which is 10 x 18 ft. This will be 37 feet from the road, which road is dead end and only one block long.

The modified setback line shown on the plats was discussed. This came about by locating a dwelling too close to the line and the restrictions on the property were modified so this building was not in violation of the subdivision regulations. There is, however, a 50 ft. required setback according to county restrictions. This modified line was to relieve restrictions in the covenants, only.

Mr. Hinman said the streets were laid out at an acute angle which compresses the building space to the rear of the lot. The lot also slopes considerably to a rise in the rear. It would be difficult to add on because of that and because of the wish to save the trees. It also would be architecturally unattractive.

There were no objections.

This would be a 13 foot variance on one side for the house addition and a 6 ft. variance for the porch - on the other side of the house.

Mr. V. Smith thought the applicant was trying to crowd too much on the lot - that the variances were too great, and also this would encourage others to ask the same thing.

Mr. Hinman said if he added on at the rear it would mean a two level house and they would have to cut into the bank and take out trees.

Mr. JB Smith moved to defer the case to view the property. Seconded V. Smith. Carried.

John V. Pickens, to erect garage 3 feet of side property line, Lot 10, Oak Ridge Subdivision, Providence District.

Mr. Pickens presented a letter from Mr. Langford withdrawing his previous objection to this case.

Mr. Mooreland said he had seen a letter from the developer in this subdivision saying he would not approve this variance.

Mr. V.Smith said he was very sympathetic but he thought the garage should go back farther or to either side of the well, which would take care of the setbacks.

There were no objections.

The ground had been resurveyed and the garage location found to be 6 ft. from the side line - this would be a 14 foot variance.

Mr.V. Smith moved to deny the case because this is a substantial variance and there are alternate locations for the garage. Seconded JB Smith. Carried, unanimously.

Lewis H. Hanner, to applicant only the operation of pressing and spotting shop, Lot 15, Willow Springs Subdivision, Centreville District.

October 20, 1953

This was deferred to view the property. Mr. V. Smith questioned where the business would come from. Mr. Hanner said down toward Clifton and Burke were many houses. He hopes to do first class work at low prices and will operate on commercial property some day. He said the neighbors did not object. He would have no cleaning machine.

Mr. Mooreland said a year ago a cleaning establishment thought of going in here and there were many complaints. The people were assured at that time that there would be no business here.

Mr. JB Smith thought this was actually spot zoning.

Mr. Hanner said this use would be to him only - and for a limited time if theBoard wishes. He said he had an option on the corner lot which he hoped in time to have zoned for business and would operate there. He mentioned the business around him - the Diner and a motel. (These were found to be either non-conforming or granted by theBoard of Appeals)

Mr. Hanner said he could work only 4 hours a day and therefore could not get a job - also he could not stand and spot all day as would be required of him in a job for anyonelse.

Mr.V. Smith said the only way he would vote for this would be because of the hardship and because of Mr. Hanner's eyes. (Mr. Hanner had said at the last meeting that his eyes were very bad-which had kept him from working full time) He said it whould be understood that no one else would be employed.

Other locations - business - were suggested. Mr. Hanner said he had tried every place and could find nothing he could afford. He said he had financial backing.

Mr. V. Smith noted that the map made of this area showed this area to be either all residential or non-conforming businesses.He thought Mr Hanner would have no chance of getting the corner lot zoned to business.

It was asked about how much investment this would take. Mr. Hanner said about $2000.

Mr. V. Smith said he might favor granting this because of the hardship and because of the doctor's certificate regarding Mr. Hanner's eyes (Certificate presented at the last hearing) for a period of perhaps 5 years. He moved to grant the application to the applicant only, for 5 years only because of the applicant's handicapped condition and because of his four children and wife whom he had to support and the applicant says this is his only means of making a livelihood.

After discussion with Mr. JB Smith the time was reduced to 3 years. Mr. JB Smith seconded. Carried, unanimously.

It was added to the motion, agreed to by Mr. JB Smith, that this

in no way gives any encouragement to the applicant to assume that he may be able to get a future rezoning on this and the joining lot. This is purely a hardship granting.

Mr. Brookfield stated that he voted for this entirely out of sympathy for the applicant and because of his condition - but that it is actually against his better judgment.

R. D. Houtz, to erect addition to present store closer to street than allowed by the Ordinance at the northeast corner of Rt. 684 and 738, Providence District.

No one was present to discuss this. Mr. JB Smith moved to defer the case, Mr. V. Smith seconded, Carried.

Roan & Poppleman, this case was on the agenda in error. It had been deferred until January, 1954.

Trustee's Arnon Cemetery, to permit the extension of the cemetery on the west side of Rt. 681, approximately 3/4 mile north of Rt. 193, DranesvilleDistrict.

This case was deferred for a statement from Mr. Marsh as to whether an extension of a cemetery should come under the regulations of the Code or not. A letter was read from Mr. Marsh stating that in his opinion this should be decided as any other case, that the State Statute does not apply to the addition to an existing cemetery. Mr.V. Smith moved that, in view of the opinion of the Commonwealth's Attorney expressed in his letter,that the application be granted because it conforms to Section 12 of the Ordinance. Seconded, JB Smith. Carried, unanimously.

Cammie L. Peters, to permit division of lot with less frontage than allowed by the Ordinance, southeast corner of Lewisville Road, and Davidson Road, Providence District.

Since this is in Judge Hamel's district, Mr. V. Smith moved to defer the case for the Judge to see the property. Seconded, JB Smith. Carried.

Mrs. Lewis Harwood, to subdivide lot with less area than allowed by the Ordinance, Lot 24, Sect. 1, Wellington, Mt. Vernon District.

This was deferred at the request of Mr. Ed. Gasson. Motion to defer Mr. V. Smith. Seconded, Mr. JB Smith. Carried.

W. H. Craven, to allow Goodrich sign to remain as erected on the north side of Rt. 211, just east of Bull Run, Centreville District. Mr. Craven was not present with his plan for signs on this property. Mr. JB Smith moved to defer the case, seconded, Mr. V. Smith.Carried.

Vernon Lynch, to erect and operate a gasoline filling station and to have pump islands closer to road right of way lines than allowed by the Ordinance, at the southeast corner of Rt. 644 and 617, Mt. Vernon District.

Mr. Lynch agreed to put this off until after the Master Plan discussion. Motion JB Smith, seconded, V. Smith. Carried.

Jefferson Mortgage, to allow house to remain closer to side lot line than allowed by the Ordinance, Lot 55, Section 6, Pimmit Hills, Providence District.

This was deferred to see if Mr. Gibson has made a settlement on this without having to have a variance.

W. C. Wills, to have less setback than allowed by the Ordinance at the intersection of Rt. 236, 244, and west side of 617, at Annandale, Falls Church District.

and

Roberts, Inc., to have less setbacks than allowed by the Ordinance at the intersection of Rt. 236, 244, and east side of 617, at Annandale, Falls Church District.

Mr. Lowe discussed these cases with theBoard.

Mr. Mooreland said he and Mr. Schumann had made a trip to the Highway Department in Richmond to see if there had been any change in the Highway plans since last April. The answer came in a letter from Mr. J. P. Mills, Traffic and PlanningEngineer.

The letter from Mr. Mills was read regarding future rights of way at this intersection. Mr. Mills listed the desired minimum rights of way on ClassII highways as detailed in their Twenty-year Plan.

Class II Undivided highways - recommended 110' right of way

Class II Divided highways - recommended 160 ' right of way

This would recommend a 160' fight of way for Rt. 236 and 110' right of way for Rt. 244. Mr. Wills has asked for a 5 ft. setback on Rt. 236; 7' setback on Columbia Pike; and 10' setback on Springfield Road.

The Planning Commission recommendation was read denying the requested setbacks.

Mr. V. Smith said he did not think it wise to take a vote on this without a full Board present. (Mr. Haar and Judge Hamel were both absent)If the case should be decided against Mr. Wills and the case goes to court, he thought the decision should have been made by the entire Board, and that all members should be able to justify their vote. The other Board members agreed.

Mr. Lowe said he would rather have a denial than another deferment. He indicated that they would use the established setback on Rt. 236 as a legal point in court.

Mr. Mooreland thought one building in a block did not establish a setback, as the Ordinance says buildings - plural.

Mr. V. Smith suggested a special meeting to make the decision on this. It was agreed and tentatively set for October 27th at 9 o'clock. Mrs. Lawson requested to make the arrangements.

Mr. JB Smith moved to defer these two cases to the earliest date

October 20, 1953

at which time the full Board of Appeals, if possible, can meet.

Carried after being seconded by Mr. V. Smith.

The meeting adjourned.

John W Brookfield,

J. W.Brookfield, Chairman

* * *

October 27, 1953

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, October 27, 1953, in the Board Room of the Fairfax County Courthouse, at 10 a.m. with the following members present: Messrs J. W.Brookfield, Verlin Smith, J.B. Smith, Herbert Haar, and Judge Chas. Hamel.

W. C. Wills, to have less setback than allowed by the Ordinance at the intersection of Rt. 236, 244, and west side of Rt. 617, at Annandale, Falls Church District, and

Roberts, Inc., to have less setbacks than allowed by the Ordinance at the intersection of Rt. 236, 244, and east side of Rt. 617, at Annandale, Falls Church District.

This meeting was called to make a decision on the two above cases, as at the previous meeting a full Board was not present and it was agreed to defer decision until this date and for the full Board.

These cases had been deferred originally to get all the information possible from theState Highway Department regarding the future rights of way in Annandale. The following letter was read:

Mr. H. F.Schumann, Jr., Director of Planning, Fairfax County, Fairfax, Virginia.

Dear Mr. Schumann: Receipt is acknowledged of your letter of October 16 requesting answers to certain questions concerning right of way in Fairfax County. This letter was presented to me on Monday, October 19 by you and we discussed in detail certain phases of highway planning for Fairfax County.

I am answering your questions as follows:

1. There has been no change in our Twenty Year Plan which calls for a desirable minimum width for Class II Undivided Highways of 110 ft. and for Class II Divided Highways of 160 feet. Route 244 is a Class II Undivided Highway and has a proposed desirable minimum width of 110 feet, and Route 236 is a Class II Divided Highway with a proposed desirable minimum right of way width of 160 feet.

2. It is impossible for me to answer the question as to whether or

not the present plans for Route 617 cover the maximum right of way width needed for future development, however, I can state that we feel that the right of way shown for Project 2929 covers the minimum requirements needed at the present time to improve the traffic situation in the Annandale area.

I sincerely appreciate the cooperation which you and your office have given our Department, and it is our intention to work with you insofar as we are able to do so.

.....

Yours very truly,

J.P.Mills, Jr., Traffic and Planning Engineer.

Mr. Wills has asked for a 5 ft. setback on Rt. 236; a 10 ft. setback on Rt. 617; and a 7 ft. setback on Rt. 244.

It was recalled that Mr. Ross had stated that the present proposed right of way for Rt. 236 was satisfactory for the forseeable future; which actually meant, as interpreted by the Board, that this was all the money the State had at present to acquire rights of way.

The Board agreed to take the cases separately and to handle the Roberts case first.

The recommendation of the Planning Commission was read denying requests on both applications because the Commission "does not feel that there is an exceptional or extraordinary situation in this which would result in a peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of these properties."

Judge Hamel said theBoard had asked for a review of this case by the Planning Commission and in the light of their recommendation and the letter from Mr. Mills of the Highway Department he did not think the Board had a right to grant any variance. If there is any hardship in either of these cases some equities should be considered but where the interest of the public is involved it was up to the Board to decide which should have the greater consideration. If any future right of way were to be needed it should be acquired now rather than to allow construction to go ahead and then be faced with the necessity later of needing more right of way.

Mr. Brookfield noted that the traffic at these intersections was growing heavier all the time.

Judge Hamel suggested that the triangle might in time be taken over by the public for public use - parking or the like.

Mr. J B Smith said that certainly Rt. 617 would have to be widened as the population grows.

Judge Hamel said that granting these variances would be unduly tying the hands of public authorities in the future development of this area. He thought there was a duty to the public good here

October 27, 1953

and that those injured should be compensated.

Mr. Mooreland said the granting of the 10 feet setback for the Safeway store on Rt. 244 would no doubt be used as an argument for granting these setbacks. This was granted because of it being an old subdivision with a 10 foot building restriction line.

Judge Hamel moved that the application be denied on the grounds that he did not feel that this comes within the provisions of Section 12, subsection g, having considered in this connection the letter of October 19, 1953, from Mr. J.P.Mills, Jr., Traffic and Planning Engineer of the Department of Highways, addressed to Mr. H. F. Schumann, Jr., Director of Planning, in which letter he reviews the situation as to highways and proposed contemplated highways. It does not appear that there is any extraordinary situation which would result in peculiar and exceptional difficulties or exceptional and undue hardship to the owners of this property. There are alleged hardships here but the provisions of Section 12 are important in this case which section states that relief may be granted without substantial detriment to the public good or without impairing the intent and purpose of the Ordinance. The greater duty and obligation which we owe is to the public and in the event it becomes necessary for future development in this area the individual citizen may be compensated. Seconded, Mr. V. Smith. Carried, unanimously.

Wills, Inc.:

Judge Hamel said he felt that there might be a certain degree of hardship in this case but that it should be considered in the light of the whole situation. Undoubtedly this is one of the fastest growing communities in the County and also in the light of the October 19th letter from Mr. Mills of the Highway Department indicating that right of way requirements here may become greater, so in spite of a possible hardship here it is quite clear that if this variance is granted it would be a substantial detriment to the public good. A situation could develop here making it necessary to take a good part of this property as shown by the plans recommended by the Highway Improvement Plan and Studies by the regional Planning committee regarding public roads. If this is granted, Judge Hamel said, it may become much more expensive for the public to carry out improvements within the next few years.

Mr. Lowe recalled Mr. Ross saying the right of way presently planned was satisfactory for the forseeable future. If the traffic became a great deal worse than it now is, Mr. Lowe thought it would be necessary to by-pass Annandale and this area. He did not think the cost to the public in the future was grounds for paralyzing industrial development or for depriving a man of the use of

his property. He thought there was no certainty of having to take more right of way here - except in the very distant future. He thought compensation from the Highway Department would not actually compensate a man for tying up his property indefinitely.

Judge Hamel made the following motion: That the case be denied because in his opinion the Board is not justified in granting such a variance; that the granting of such a variance is justified only where such relief may be justified without substantial detriment to the public good; that the contemplated improvements here in this area may grow and change greatly. The letter from the Highway Department of October 19, 1953, shows that the present rights-of-way are mere minimums. The Board has a duty to the public and to the future and must act in the light of existing circumstances. This is a very rapidly growing area, probably the most rapidly growing area in the County, and it will no doubt mean substantial future changes in the highway situation. This decision is also made in the light of the Planning Commission recommendation which recommendation states that this does not appear to present an exceptional or extraordinary situation which would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner, Seconded, Mr. V. Smith. Carried.

Mr. JB Smith voted No.

John W. Brookfield,
Chairman.

November 17, 1953

The regular meeting of the Fairfax County Board of Zoning Appeals was held, Tuesday, November 16, 1953, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, Verlin Smith, JB Smith, Judge Hamel, and Herbert Haar.

TheChairman read a letter from E. M.Webb asking to reopen his case which was denied October 20th. Mr. V.Smith said he would be willing to view the property. He moved to reconsider the case and view the property. Seconded, JB Smith. Carried, unanimously.

1 - E. W. Kelley, to build breezeway connecting garage and house. Garage will be 7 ft. from rear property line, Lot 30, Block 21, Section 7, Belle Have, 13 Olmi Boulevard, Mt. Vernon District.

The breezeway would be 5 x 7 ft. The garage is 7 ft. from the house. There is a screened open porch already on the house. The garage dimensions - 21 x 24 ft. This also would be 7 ft. from the back line. There were no objections. The house is of stone, one story.

November 17, 1953

Judge Hamel moved to grant the application as it does not appear to affect adversely the use of joining property. Seconded, V. Smith. Carried, unanimously.

2 - Bernard R. Reed, for permission to enclose porch closer to side line than allowed by the Ordinance, Lot 10, Block B, Mt. Zephyr Subdivision, Mt. Vernon District.

There is at present a concrete slab at the side of the house - 15 feet from the side line. Mr. Reed had bought the materials for this job then discovered he should have a 25 foot side setback. He therefore made the open porch and now wishes to enclose it. The porch as enclosed would be 15 feet from the side line. The applicant presented a letter with 10 signers stating that the neighbors did not object to this addition. The property owner immediately joining on this side had not signed the letter as he was out of town. This house is located to one side on the lot.

Mr. Haar moved to grant the application because there were no objections and this does not appear to affect adversely the use of joining property. Seconded, Judge Hamel. Carried.

Mr.V. Smith voted No as the applicant had not contacted the property owner on the joining side to this addition and since this neighbor is the one most affected and should have been notified.

3 - David C. Lewis, for permission to build garage closer to side and street line than allowed by the Ordinance, Lot 1, Crutchfield Subdivision, 901 Crutchfield Road, Providence District.

The applicant said his septic field was at the side and rear of his house and his engineer had said it was not practical to put the addition in that area. The only reasonable location for the garage is to the front where the applicant said it is accessible to his living quarters. If it were put back farther it would cut off the light to his dining room and kitchen. He did not think this would affect his neighbors adversely. The garage would be about 35 ft. from the front line.

Mr. Lewis said he had an attractive plan for this addition and he thought it would be an asset to the neighborhood. It would cost about $2000.

Mr. and Mrs. Ryan the neighbors on this side objected. Mr. Ryan said his home was about 68 feet back from Great Falls Road and Mr. Lewis' house is forward. The garage would naturally put it even farther out in front of their house and he thought it would greatly detract from their property.

Mr.Ryan filled in with some background detail on this subdivision - the several variances granted to squeeze in more lots from a small piece of ground, the location of houses too close to the line, and the easement in lieu of the proper street width. He was opposed to

any more vairances on this subdivision. This is a rural area, Mr. Ryan said, most of the homes are on acreage and the creation of a suburban subdivision in itself is out of keeping with the area. He did not like to see such encroachments multiplied. Great Falls Road is also getting to be heavily traveled and he thought this was adding unnecessarily to the hazard. Mr.Ryan considered that his property had already been seriously damaged and that this would greatly add to that depreciation.

Mrs.Ryan spoke of the unpleasant view from their house - caused by this addition.

Mr. Lewis said he wanted to improve his property. The garage would be 5 feet from the side line. He stated that the Ryans had put up a 6-1/2 ft. fence between the properties which was certainly not a sightly thing to say the least but he thought it broke their vision of his property.

Mr. V. Smith thought the Board should be consistent on corner lot variances and should protect visibility. Mr. Brookfield said they could not protect visibility all the way down the road by one corner lot. Mr. JB Smith thought this actually would not affect the visibility.

Mr. V. Smith said there had been too many variances on this subdivision - that he had opposed them all. He thought homes in this area should be protected - that the subdivision itself was out of keeping with the area. He considered that this development had chisseled too much on the ground. He suggested changing the drainage field and locating the garage back farther.

Mr. Lewis said this would make it undesirable and inaccessible. He suggested that the Board view the property.

Mr. V. Smith moved to defer the case to view the property. Seconded, JB Smith. Carried, unanimously.

4 - Hampton E. Turner, to enclose porch closer to Fairmont Street than allowed by the Ordinance, Lot 90, Tremont Gardens, 326 Fairmont Street, Falls Church District.

Mr. Turner said he has an open porch now which conforms but if it is enclosed it would infringe on the setbacks. There were no objections. This would be 32 feet from the line.

Mr. V. Smith moved to defer the case to view the property. Seconded, JB Smith. Carried, unanimously.

5 - Maury I. Hull, to erect a chain link fence 48" high around the entire lot, Lot 13, McHenry Heights, Providence District.

This is about 3/4 acre which slopes toward the street. This is an area only partly developed, the applicant thought there would be no question of obstructing the view. The one road leads off to undeveloped property and Casner Street leads from McHenry Street to

another road. It actually does not make a four corner intersection. There was no opposition.

Mr. V. Smith moved to grant the application because it does not appear to affect adversely joining property and a chain link fence will not obstruct the view and the applicant could build a 3-1/2 ft. fence without a permit. Seconded, Judge Hamel. Carried, uananimously.

6 - Paul E. andElma D. Brown, to use present building for antique shop, at the northeast corner of Route 123 and 645, Lee District.

This little building which will be used for the shop is about 120 feet from Rt. 123 and therefore would not create a traffic hazard. There is sufficient room for parking. The Browns own the property across the street also. The building will be attradtive. There were no objections.

Judge Hamel moved to grant the application to the applicant only. Seconded, Mr. V. Smith. Carried, unanimously.

7 - Paul Fahse, to permit an addition to store building closer to Ragin Street than allowed by the ordinance, at the southeast corner of Ragin Street and No. 1, Mt. Vernon District.

The present building sets at an angle and the addition will be 4 feet from Ragin Street.

Mr.Schumann thought this was coming very close. Mr. Brookfield suggested putting the addition on the other side of the building where there appeared to be more room. Mr. Fahse said he wanted that left for landscaping, and also he wanted that left for the coffee shop area, which is on joining ground.

This road has never been surfaced and is little used. The building is 20 feet from the right of way. It is non-conforming.

Mr. Haar moved to deny the case because granting this addition to a non-conforming building would create a worse condition than now exists. Seconded, V. Smith. Carried, unanimously.

8 - Milton Cash, to permit resubdivision of lots with less area in one and less width on the others, Lots 32 and 33 King's Highway Subdivision, Lee District.

There is a house on one lot. Mr.Cash said this was too much ground for one house - or for just two houses and is well suited to making the three building sites. The two lots facing Groveton Street have 12,500 square feet in area but only 78 feet frontage. The back lot which they wish to create would have the required frontage but only 12,048 square feet area.

Mr.Schumann said one lot (33) of record could be built upon now and actually only the lot in the rear is in question. The house on Groveton Street could come 30 feet from the right of way since they could be put in line with existing buildings. The question of a traffic hazard was discussed.

Mr.Brookfield said this was valuable ground and homes were greatly needed in the area.

Mr. V. Smith said he saw no actual hardship to the owner, however he was willing to view the property. He suggested that the case be deferred to view the property and that a check be made to determine if this is granted - if a traffic hazard would result. Seconded, Mr. Haar. Carried, unanimously.

9 - Mrs. C. M. Mitchell, to operate a beauty shop in the home, part of Lot 4, R. W. Moore and Thomas Keith Subdivision. - .3 miles north of Route 236 on the west side of Route 649, Falls Church District.

Mr.Schumann questioned why this application had been accepted- he did not know of any provision in the ordinance giving permission to the Board to grant such an application.

The applicant said she did not want a sign. The neighbors do not object as long as the property is not commercial.

Discussing the jurisdiction of theBoard, Mr. V. Smith thought this came under the clause of "recognized professions." Mr. Schumann did not agree. Judge Hamel suggested getting a ruling from Mr. Marsh. J.B.Smith suggested this was in the same category as a barber shop which would not be granted in a residential area.

Judge Hamel moved that in view of the doubt of the Board regarding their jurisdiction in handling this case that Mr. Marsh be requested to give an opinion as to jurisdiction under the ordinance and that the case be deferred for that opinion. Seconded, J.B. Smith. Carried, unanimously.

10 - Gertrude E. Gresham, to operate a day nursery Lot 53, Section 4, Pimmit Hills, 1937 Hileman Road, Providence District.

Mr. Healy represented Mrs. Gresham. He asked that the hearing be deferred for more time to determine if this is actually in conflict with the convenants on the property and establish if this actually is to be considered a nursery school in the commercial sense.

Mr. Jas. Whytock, representing the Citizens Association at Pimmit Hills, who are opposing this application, said they had taken time off from their work for this hearing and would like a decision.

The restrictive covenants on the property were read stating that no property in this subdivision should be used for anything other than "residential purposes".

A letter from the Zoning Administrator was read stating that he had talked with the Commonwealth's Attorney, Mr. Marsh, and Mr. Marsh had stated that in his opinion no action should be taken on this as it appeared to be inconflict with the covenants.

Mr.Brookfield thought the Board would have to follow Mr. Marsh's ruling.

Mr.Schumann suggested that the Board should grant full hearing,

and that the Board could act on its own responsibility, irrespective of the Commonwealth's Attorney's opinion.

Judge Hamel thought that to make a decision the Board should determine if a nursery school is consistent with the covenants in the deed.

Mr.Brookfield thought a nursery school was not a "residential purpose" as stated in the covenants.

Mr. Healy said that was just the thing they wished time to determine and also - is Mrs. Gresham actually conducting a nursery school

Mr. V. Smith moved to defer the case until the next meeting. Seconded, JB Smith. Carried, unanimously.

11 - J. Kennedy Sills, to permit the extension of Motor Lodge at the intersection of Rt. 628 and Rt. 1, Totem Pole Motor Lodge, Lee District.

Mr.Sills said he would remodel the two existing log cabins and put an addition to the rear. The log buildings will be connected into one unit. There was no opposition and the applicant said this would greatly improve his property and the neighborhood.

Mr.Schumann thought it o.k.

Mr. V. Smith moved to grant the application to improve and to add to the existing buildings as per plats submitted with the case, because this does not appear to affect adversely joining property. Seconded, Mr. Haar. Carried, unanimously.

12 - C. W. Abbott, to permit duplex dwelling on Lot 10, Murnane Farms Subdivision, Providence District.

The building is well back from all property lines and there were no objections.

Mr. V. Smith moved to grant the application because it does not appear to affect adversely the use of adjoining property and because of the size and area of the property. Seconded, Mr. Haar. Carried, unanimously.

13 - Randolph Rouse, to permit the erection of fire house, Lot 18, Section 1, Bel Air, Falls Church District. This case was withdrawn by the applicant.

14 - Backlick Sand and Gravel Company, to permit the reopening of an old gravel pit at the easterly end of Oak Street, Walhaven Subdivision, Lee District.

The applicant said they have been taking gravel out of this pit for 30 years - they want to continue and extend operations. There is no question of bad drainage. They enter to the pit through Oak St. There are some houses around the entrance but none near the operations.

Mr.Schumann suggested that if the Board granted this it should be for one year only and the motion should require that the land be left properly drained and that the side slopes of the land be left

not to be in excess of a 2 to 1 slope. This so the banks would not be dangerous. He thought the County should have some contrl over the manner in which gravel pits are left and this Board could make effective restrictions.

There were no objections.

Judge Hamel moved that the application be granted for one year only, the applicant to apply for extension after that time if he desired and that the land be left with proper drainage and that the ground be left with banks sloped not less than 2 to 1. Seconded, Mr. Haar. Carried, unanimously.

15 - F. W. McLaughlin, to erect a sewage treatment plant on 2.495 acres of land on the north side of Rt. 644 adjacent to Pohick Creek on the west, approximately one mile west of Rt. 638, Falls Church District.

The recommendation from the Planning Commission asked for a deferment of this case until December 15th to allow time to see the property and to give proper study to the proposal.

Judge Hamel moved to defer the case for final recommendation from the Planning Commission. Seconded, Mr. Haar. Carried, unanimously.

DEFERRED CASES:

C. S. Hinman, to erect addition closer to both street lines than allowed by the Ordinance, Lot 14, Section 3, Tauxemont Subdivision, No. 12 Namassin Road, Mt. Vernon District.

This had been deferred to view the property. The Chairman read a letter from Mr. Hinman explaining again his wishes and reasons for the variance. Mr. Haar said the streets were very irregular here and he did not think this would do any harm to grant. He moved to grant the application because it did not appear to affect joining property adversely. Seconded, J. B. Smith. Carried. Mr. V. Smith voted No as he questioned what right of way might be needed in the widening of Ft. Hunt Road.

Herbert C. Haynes, for permission to erect carport closer to front line than allowed by the Ordinance, Lot 11, Section 5, Hollin Hills Subdivision.

Mrs. Haynes appeared before the Board. She presented three letters from neighbors who did not oppose this addition. The carport would be directly in front of the house. Mrs. Haynes said there were many carports of garages similarly located in Hollin Hills.

Mr. Schumann said to his knowledge the Board had granted nothing like this.

Mr. V. Smith said he recalled one case in Hollin Hills where the garage could be properly located and meet the setbacks and the subdivision architect would not approve the structure. He thought this could be located on the southwest side, with a little filling.

November 17, 1953

Mrs. Haynes said this would necessitate ripping up an expensive driveway and the expense of filling would be high.

Mr. V. Smith thought the Board should investigate what is going on in Hollin Hills and find out where so many carports are located in front of the houses.

Mr. Haar thought the carport could be built on the side making it two level - with the basement part for storage. It could be a low storage area to take care of the children's bicycles etc. This would not need much filling.

Mrs. Haynes said they had just paid $175 for a large tree which would have to come out if they located the carport there.

Mr. V. Smith said that since Hollin Hills was a unique development and so many of the driveways have already been put in for location of the garage or carport in front of the houses - perhaps an appeal might be made to the Board of Supervisors to allow this.

Mr.Schumann thought that impractical and that theBoard could not do this for one subdivision. If this were done for Hollin Hills-there would soon be a raft of other subdivisions applying for the same concession.

Mr. V. Smith moved to defer the case pending a study of the area-especially with regard to carports in front of the houses. Seconded, Mr. Harr. Carried, unanimously.

The Bruen Chapel Methodist Church will be handled at a later date as the congregation had matters to settle within themselves.

BRYAN HELLER, was not handled as this is waiting for a suggested amendment regarding jurisdiction in Turkey Shoots.

Millard L. Pearson, Sr., for permission to operate restaurant on Lots 24 through 29, Southgate, Falls Church District.

Members of the Board had seen the property. Mr. V. Smith moved to grant the application to the applicant only for a period of 5 years because it does not appear to adversely affect joining property. Seconded, JB Smith. Carried, unanimously.

W. H. Craven, did not appear with a plan for removal of some of the signs on his property, therefore the Board asked that a letter be sent to Mr. Craven with a copy to Mr. Ed. Gasson stating that this case will be dropped unless a plan can be presented at the next meeting.

Vernon Lynch, to erect and operate a gasoline filling station and to have pump islands closer to road right of way lines than allowed by the ordinance, at the southeast corner of Rt. 644 and 617, Mt. Vernon District.

A letter was read from Mr.Schumann to the Board relative to the future channelization of traffic at the intersection of Franconia Road and Springfield Road. The letter stated that General

Anderson had requested that he be sent copies of plans for ultimate residential and commercial development of the Springfield project together with traffic channelization, roads proposed to be put in by owners of property at both the northeast and northwest corners of the intersection and plans showing proposals for complete ultimate development of the intersection as those proposals may effect property on the southeast and southwest corners of this intersection.

Mr.Schumann said the plans have been drawn and will be sent to General Anderson for study and recommendation of what should be done in the future in this area.

Mr. Lynch suggested that a letter be sent to the Board relative to this - for their information.

Mr. V. Smith moved to defer the case, seconded, JB Smith. Carried unanimously.

Northern Virginia Water and Sanitary Corporation, The two cases requesting sewage disposal plants were discussed - the one on the Pohick Creek was taken up first - 1.3 acres.

Mr. Blinco was present. He asked his engineer, Mr. H.O.Wright, to discuss the case from the engineering standpoint. Mr. Wright said the plant was the most efficient that could be installed, having about 90% treatment. He thought it would not be harmful to aquatic life, in fact he suggested that it might serve as additional food for fish and would multiply aquatic life. This plant would have practically no odor if properly operated. The State would approve 70% treatment. However, they would not drop to that level. This is the most fool-proof plant that can be designed.

The Pimmit Hills plant and the old Fairfax plant were discussed. The Pimmit Hills plant would be perfectly satisfactory, Mr. Wright said, if properly operated and the Fairfax plant was greatly overloaded.

The proposed plant, Mr. Wright said, is more expensive to install than most plants and it can go longer without breaking down than the average plant. It is the same type of plant as Herndon has. It is less mechanical/and works to a greater extent on gravity.

Mr.Blinco said - with the present plans the nearest homes to the plant would be from 600 to 800 feet away.

Mr. Haar asked to what extent the County would have control over the operation of such a plant.

Mr.Schumann said - outside the sanitary district the County has no jurisdiction. Within the sanitary district he did not know entirely but he thought the County had some slight authority. Mr. Wright said the plant would be under the control of the Water Control Board, under any circumstances.

Mr. Haar thought that particular control or lack of it was the

key to the whole situation.

Mr. Blinco noted that the State had control over the degree of pollution - more control over a private agency than over a public agency. He said the State had approved this plant subject to the approval of the Great Neck area. Mr. Blinco thought the Great Neck area would not be affected, that it was in a different water shed and his development would not conflict in any way with that area. Belvoir representatives were at their meeting with the Water Control Board, Mr. Blinco said, as an observer and made no objections. There are other pieces of ground in this area which are interested in being sewered by this plant as a great deal of the land in this area will not pass the percolation test.

Mr. Blinco told of his discussion with a representative of the Fish and Wildlife Bureau, Dr. Means, who is an authority on fish and wildlife and Dr. Means had thought the fish life would be multiplied and improved by a well regulated plant.

Dr. Bartsch opposed this installation, representing Mr. Morgan, the President of the Mason Neck Citizens Association, who was unable to be present but who had sent a statement of the groups opposing. He listed the property owners opposing, all of whom thought this disposal plant was incompatable with the area. This large number of people are opposing this plant and only Mr. Blinco in favor of it, Dr. Bartsch said, a strange situation.

This proposed development would be on the Burton farm on which Mr. Blinco has an option to buy. The opposition thought the number of homes to be had on this property and the cost of the plant would be prohibitive for good development. None of the property owners in this area would benefit from this plant, the distance for running connecting sewer lines would make the cost prohibitive.

The association also brought out the adverse affect this development would have upon Lebanon, 548 acres of plant, game, and fish and wildlife preserve. The ebb and flow of the tide would affect preservation of the natural conditions, spawning etc. It would also affect adversely the Boy Scout land, causing it to be a dumping ground for the over-flow and waste from the plant. Chemicals used in such a plant leave a residue.

Financial responsibility of the operator should be established, it was suggested. It was stated that the applicant has failed to establish that this is in the public interest; that he is financially willing and able to construct, maintain, and operate the proposed plant, and that such a plant would be highly injurious to the natural surroundings and hostile to the promotion and development of flower, fish, and game preserves.

Dr. Bartsch presented letters and photostats to support his

opposition.

Mr. Parson, President of the Gunston Manor Citizens Association, spoke opposing. He thought the pipe line could be extended and the dumping be done farther out in the bay area. He objected for the reasons listed above.

Dr. Bartsch disagreed with the statement that pollution of the stream would multiply wild life. He thought the development of a sewage system here should rest in the hands of the County rather than an individual. Dr. Bartsch re-stated his opposition which he had given in detail at previous hearings, and restated his desire to keep Lebanon a wild life sanctuary. He asked the Board to deny the application.

Mr. Wheat opposed, also Dr. Parker, Mr. Montague, Mr. Sheppard, and Mr. Thompson.

The Planning Commission recommendation was read opposing this application.

Dr. Bartsch presented various letters and statements for the record - opposing. These statements and letters are on file with this case.

Mr. Blinco noted that the Planning Commission recommendation was merely advisory and not binding on the Board. The Water Control Board has approved this installation, Mr. Blinco said, and he felt that a man should not be deprived of the use of his land, unless it can be shown that he is damaging other property or individuals. He felt that the Planning Commission should show that this development would be a detriment to the area. He also said that subdivision problems could be much more easily solved if the disposal plant were put in before development actually started.

Judge Hamel questioned the responsibility of a private corporation - how far could the public rely upon performance and for how long. He thought there should be some authority over the financial responsibility of the corporation.

Mr. Blinco said the State exercised control, that this would operate as a utility under the State Corporation Commission. He also mentioned the responsibility of the lenders of the money. He said this operated under legislation and the constitution of the State of Virginia.

Mr. V. Smith thought the Board could not be sure this will not affect adversely the use of joining property - in the future.

Mr. Blinco said if there were specific reasons why they should not use this property - that was all right - but they were putting in homes and developing the ground and adding to the tax income- he could not see any clear reason why this should not be granted, or why this property should not be used the same as any other property.

November 17, 1953

Judge Hamel said the County was in the process of a survey of sewage needs for the County which survey he thought was worth waiting for.

Mr.Blinco said representatives of the Water Control Board and from the State Health Department had walked over the ground and had approved this project. He thought it inconceivable that they should approve this if it were not all right.

Dr. Bartsch stated that since Mr. Blinco was the only one in the County favoring this project it had resolved itself down to Mr. Blinco against Mason's Neck Citizens Association and others in the area objecting. The only thing holding this project is a $25 option on theBurton Farm. He questioned why they were dealing with Mr. Blinco only and not the Corporation. Who were the Corporation members?

Mr.Blinco said the State charters a utility to a corporation with five directors, which his company has. They have not yet applied for bonds or stocks - they are waiting to know where they are going rather then pay interest before this is settled.

The responsibility of theCorporation was discussed.

Mr. V. Smith brought up the possibility of the corporation expecting to serve say - 60 homes and the price set accordingly - giving the corporation a fair return on their investment. Then suppose a far less number of users hook on to the sewer - what would the State Corporation Commission consider a fair return on the investment.

Mr. Blinco said the utility company cannot overcharge. The charge would be enough to operate the plant, the service will continue as long as the people need and want it.

Mr. Brookfield moved to deny the case, in view of the Planning Commission's recommendation. There was no second. Motion lost.

Mr. V. Smith said he thought the County should have some control over such a corporation before granting this. The local government should have some control over the operation and the standards of operation in the future assuring a 90% treatment. He thought the Board should have a plat of the entire water shed, for future reference.

Mr.V.Smith moved to refer these cases to the Planning Commission for study. Mr. Smith said if private enterprise is to operate a plant in the county - the local citizens should have protection which would be guaranteed by specific controls exercised by the County. Mr. Haar added that the County should have definite time and methods of inspection by the county and local jurisdiction. Mr. Haar seconded the motion. Carried. Mr.Brookfield not voting.

Mr. Blinco said he was perfectly willing to see controls put on.

November 17, 1953

Mr.Schumann asked the Board to reopen the C.S. Hinman case, which they did./ He asked the Board to amend their motion to hold up the decision because the Highway Department is negotiating to widen Ft. Hunt Road and if they needed more right of way here it would cost the Highway Department considerably more if this addition is allowed closer to Ft. Hunt Road. He asked that this be deferred until we know what the Highway will take for right of way. It was suggested to defer the porch only and grant the other addition.

Motion to reopen, Mr. V.Smith, seconded JB Smith. Carried.

Mr. Haar moved that the action of the Board relative to the porch addition be rescinded and that the addition on the side road be granted. The porch addition on Ft. Hunt Road be withheld until action as to the acquisition of the right of way of Ft. Hunt Road is known. Seconded, Mr. V. Smith. Carried, unanimously

R. D. Houtz, to erect addition to present store building closer to street than allowed by the Ordinance at the northeast corner of Rt. 684 and 738, Providence District.

Judge Hamel moved to deny this as it would aggravate an already difficult situation. Seconded, V. Smith. Carried, unanimously.

Cammie Peters, to permit division of lot with less frontage than allowed by the Ordinance, southeast corner of Lewinsville Road and Davidson Road, Providence District.

Judge Hamel moved to deny this because the traffic on Rt. 123 is increasing at a very rapid rate and will no doubt be widened here and this might interfere with the new required right of way. Seconded, J.B.Smith. Carried, unanimously.

The Board asked that a letter be sent to Mr. W. H. Craven with copy to Mr. Gasson stating that unless a plan for the signs is presented at the next meeting, this case will be dropped and denied.

John W. Brookfield

J. W. Brookfield,
Chairman.

* * *

December 15, 1953

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, December 15, 1953, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, Verlin Smith, J.B.Smith, Judge Hamel, and Mr. Haar.

1 - Wills-Burch, Inc., to allow dwelling 39.2 feet from Hill Street, Lot 42, Section 1, Fairchester Subdivision, Providence District.

The dwelling was located in error because the street is a little on an angle, the applicant said, and it causes one corner of the house to come closer to the street line than allowed. There were no objections.

Mr. J.B.Smith moved to grant the application because this is a very small variance and it does not appear to affect adverwely the use of adjoining property. Seconded, Mr. Haar. Carried, unanimously.

2 - Warren Construction Corporation, to allow dwelling closer to Lamarre Drive than allowed by the Ordinance, Lot 5, Block D, Section 2, Warren Woods, Providence Dist.

The house was staked out in error, the applicant said. Only one corner is in violation. The house is set slightly askew on the lot. The next two houses joining and near are on a curve in the street, therefore this violation is not noticeable and would not obstruct the view of anyone. There was no opposition.

Mr. Haar moved to grant the application because it is a small variance and does not affect adversely joining property. Seconded, Judge Hamel. Carried. Mr. V.Smith not voting.

3 - Stuart S.Draeger, to erect addition closer to side lot line than allowed by the Ordinance, Lot 116, Section 2, Woodley (1426 Oak Ridge Road) Falls Church District.

Mr. Draeger said this is the only place he can locate an addition to his house. The ground slopes up in the rear and creates something of a drainage problem with the water coming down off the hill. If he put the addition at the rear it would be very expensive to control the water - they would have to dig into the bank and carry the water off to the street. The developer had promised to take the bank down but did not do it. The neighbor does not object - he has about the same condition on his property. Mr. Draeger showed pictures of his problem. This would be about 5.27 ft. from the side line.

Mr.Schumann suggested that if the Board is not satisfied that the case be deferred to view the property. Mr.Schumann thought this was all right from the evidence presented. If this were to be added to the rear it would be approved but because of the topographic condition that location is impractical. The builder did not drain the property properly. There is 34-1/2 feet between houses.

Mr.Draeger showed his plan. There will actually be only one solid wall - the other walls will be glass. It will have a concrete floor and a pitched roof.

Mr. Haar moved to grant the application in view of the topographic conditions and the hardship and also because this is an enclosed porch and not made of entirely solid walls (the walls are glass on three sides) this to be granted as requested in the application. Seconded, Judge Hamel. Carried. Mr. V. Smith and Mr. JB Smith voted No. For: Brookfield, Haar, Hamel.

4 - H. F. Lane, to locate dwelling closer to street line than allowed by the Ordinance, Lot 1A, Block 3, Lane's Resubdivision of Divine's Chesterbrook Subdivision, Providence District.

Mr.Schumann said before the resubdivision there were three streets here already dedicated. Mr. Lane cut the block into two lots and the lots take the shape shown on the plat because of the dedicated streets. If the Board did not grant the requested 42 ft. setback the house would have to be much smaller than if the application were granted. Mr.Schumann suggested that if the Board wished to grant this, they grant it so the houses could be worked out and located to the best advantage. The dedicated road is 46 ft. instead of 50 ft. The applicant could get small houses on the property and meet the setbacks but he wishes to put houses about 26 x 28 ft. on the property.

It was suggested that the variance be granted on the rear or side rather than on the street side.

Mr.Schumann offered to draw the houses in on the plat with a 10 ft. side setback so theBoard could see the plot plan. The case was held over to later in the day - for final decision.

5 - Odell C. Thorne, et ux., to allow lot with less frontage than allowed by the Ordinance, approximately 843 feet south of Lee Highway on the east side of Meadow View Road, Falls Church District.

Mr. McGinnas represented the applicant. The applicant has contracted to buy two unrecorded lots. The frontage should be 80 feet. If divided as requested the frontage would be 1-1/2 ft. less than the required amount. The total area would be well above the minimum requirements. Mr. Haar asked if the applicant would request a variance on the house setbacks if these lot sizes were granted. Mr. McGinnas said No.

The Board discussed the 40 ft. road on which this house would be located. Mr.Schumann said that had been approved and the Luria Brothers will build on that street also.

There were no objections.

Mr. V. Smith said he would like to see a plan of the house and carport before cutting down the width of the lot, to be sure the applicant would not come back to the Board for a variance, because

December 15, 1953

the lot is too narrow.

Mr. V. Smith moved to grant the application subject to the applicant furnishing a plot plan of the house with garage or carport, prior to the granting - the house and garage to be located without needing a variance. Seconded, Mr. Haar. Carried, unanimously.

6 - Annandale Millworks, Corp., to erect an addition in rear of building and remodel existing building on the north side of Rt. 236, approximately 1/4 mile east of intersection with Rt. 244, Mason District.

Mr.Schumann said that since Mr. Frogale is in the hospital he would explain this case to the Board. The buildings are already in existence. Two years ago the right of way of Rt. 236 was 59 or 60 feet from the present building. The Highway Department had acquired right of way to widen the road and this put the building too close to the right of way and created the necessity for the variance. There will be no addition to the front of the building. The addition will be to the side and back. Mr.Ross of the Highway Department has stated that any additional right of way will be taken on the opposite side of the road. This situation, Mr.Schumann said, was created through no fault of the applicant. The road was widened and the additional right of way taken created a non-conforming building.

There were no objections.

Judge Hamel moved to grant the application in view of the condition created by the Highway Department and under Section 12, subsection g. (exceptional hardship clause)Seconded, Mr. V.Smith. Carried, Unan.

7 - W. M. Green, to permit the extension of a non-conforming business on the south side of Rt. 211, approximately 4/10 mile west of Hunter's Lodge, Centreville District.

Mr.Schumann thought the Board had no jurisdiction to grant this - he referred to Section 12 -F-3 "....permit, if no structural alterations are made, etc..." and said he considered the only way to handle this would be through a rezoning. This is an antique shop where repairing and upholstering are also carried on. The business is all right now, Mr.Schumann said, to continue as it is but the Board has no authority to grant an expansion such as is planned.

Mr. JB Smith thought such a business could become a discredit to the County if it is not allowed to improve. He cited the condition of certain old buildings in Washington where no improvements were allowed and the neighborhood had run down very badly.

Mr. Green said the building was a fire hazard now. He would put up a cinderblock building.

Mr.Schumann said the only alternatives were to amend the ordinance or to rezone this property.

Mr.V.Smith thought the case should be deferred to get legal advice from Mr. Marsh and for study.

Mr.Green said the business has been in operation for 11 years.

Mr. V. Smith referred to the clause in the Ordinance "the strict application of any regulation in the Ordinance, etc."

Mr.Schumann said it was his opinion that the Board had no authority to hear this case in the beginning.

Mr. Mooreland said he accepted the case following the custom of the Board to hear such cases. He would like to know if he is wrong to accept a case of this kind and thought that should be determined by legal advice.

Mr. V. Smith moved to defer the case to get advice from Mr. Marsh whether or not the Board had jurisdiction to handle this case. Seconded, J.B.Smith. Carried, unanimously.

8 - John N.Campbell, Inc., to erect and operate a gasoline filling station and to have pump island closer to right of way line of Rt. 7 than allowed by the Ordinance, Part of Parcel 1, Section A, Culmore, Falls ChurchDistrict.

This is a general business property adjacent to apartments and the present shopping center. There are three filling stations in the immediate area. The Highway Department has approved the entrances. The approval was shown. The applicant would like the pumps 25 feet from the right of way. This is the only filling station on this side of the highway which the applicant thought a good thing for traffic on this side of the road and also a good location for people in the apartment development. They wouldn't have to cross the traffic to enter the station.

Mr.Schumann thought this was in accordance with good planning. Judge Hamel moved to grant the application, seconded, Mr. Harr. Carried, unanimously.

9 - Jack Coopersmith, to erect and operate a gasoline filling station and to have pump islands closer to street line than allowed by the Ordinance, on part of Lot 260, Section 4, Woodley, at the southeast corner of Arlington Boulevard and Graham Road, Falls Church District.

Mr. Lewis Leigh represented the applicant. This station is across the road from one which was granted last year. The Highway Department has approved the entrances.

Mr. Schumann said Woodley Drive acts as a Service Drive along the Boulevard - up to Graham Road so no lot will have access to the Boulevard from any lot in Woodley Subdivision. He thought the granting of this should include that there should be no direct access to the Boulevard except through those approved by the Highway Department.

There were no objections.

The applicant wishes to come 31-1/2 feet from the right of way with the pump island.

Mr. V. Smith moved to grant the application because it is in a

December 15, 1953

general business district, it is understood and that there should be no direct access to Arlington Boulevard except as approved by the Highway Department. Seconded, Judge Hamel. Carried, unanimously.

10 - K. E. Blunt, to erect a sign larger than allowed by the Ordinance at 1315 Richmond Highway, Mt.Vernon District.

No one was present to discuss this case. It was put at the bottom of the list - motion Mr. V. Smith, seconded, JB Smith. Carried.

11 - H. A. Slayton, to erect a sign larger than allowed by the Ordinance, at 1506 Richmond Highway, The Virginia Motor Lodge, Mt. Vernon District.

No one was present to discuss this case. It was put at the bottom of the list - motion Mr. V. Smith, seconded, JB Smith. Carried.

12 - J. A. Wheeler, to operate a commercial Landing Strip on the west side of Rt. 674 between Rts. 675 and 606, Centreville District.

Mr. M. S. Crippen, Jr., representing the applicant asked that the Board postpone this case until the next meeting as he did not have his facts together yet and a couple of the interested persons could not be present today.

Considerable opposition was present all of whom objected to putting the case over because it would cause undue hardship for them to appear against this at a later date. They had made their plans to meet the scheduled hearing.

TheBoard discussed hearing the opposition only. Mr. Armour and Capt. Boughman, representing the opposition, said they could not say much until they knew what the applicant proposed. After a conference with the opposition they concurred in the postponement.

Mr.V. Smith moved to defer the case, JB Smith seconded, Carried. This deferrment until the January 19th meeting.

13 - Crestwood Construction Corporation, to allow dwelling closer to side lot line than allowed by the Ordinance, Lot 18, Block 34, Section 8, Springfield Subdivision, Mason District.

This case was withdrawn by the applicant.

DEFERRED CASES:

E. M.Webb, to erect carport closer to side lot line than allowed by the Ordinance, Lots 1 and 2, Forest Hall Subdivision, 438 Lebanon Drive, Falls ChurchDistrict.

Mrs. Webb was present. This was deferred to view the property. Mr. V. Smith had seen the property. He said the garage footings are in and the sides are up about 3 feet. Had the breezeway been eliminated he said there would have been plenty of space to build the garage and meet the Ordinance requirements.

Mrs. Webb said their architect had told them it would be all right to go ahead - they did not know theywere violating the Ordinance. There was no opposition from the area.

Mr.Schumann suggested that if both the carport and the breezeway were cut by 3 feet there would be no problem. A garage 10 x 10-1/2 ft. could be put in and meet the requirements.

Mr. V. Smith said the plot plan does not actually show what exist on the property. He moved to defer the case pending a plot plan showing the location of the buildings existing and proposed - with their dimensions. Seconded, JB Smith. Carried, unanimously.

David C. Lewis, for permission to build garage closer to side and street line than allowed by the Ordinance, Lot 1, Crutchfield Subdivision, 901 Crutchfield Rd., Providence District.

This was deferred to view the property. The house is 45.7 ft. from Great Falls Road. The applicant had presented two alternatives for his garage location - one in front of the house and the other at the side front. It was noted that locating the garage in front of the house was contrary to the Ordinance.

Mr. Lewis said it could be located to the rear with a variance of 5 feet but he could not get into the garage if located there. Also it would block the light in his house. On the opposite side it would conflict with the septic field and would also be inaccessible there.

It was noted that a 20 foot garage could be put in on the east side-rear without a variance.

Mr. Alexander opposed for the neighbors - the Ryans.

Mr.V.Smith moved to deny the application because it does not conform to the Ordinance and it appears that there are alternatives for locations for the garage which would conform to the Ordinance, it therefore is evident that there is no hardship to the applicant. Seconded, JB Smith. Carried. Judge Hamel not voting.

Hamppon E. Turner, to enclose porch closer to Fairmont Street than allowed by the Ordinance, Lot 90, Tremont Gardens, 326 Fairmont St. Falls Church District.

Mr. V.Smith had seen theproperty. Since the walls of the proposed enclosed porch will not be solid walls and will not obstruct the view and there are no objections to this application, Mr. Smith moved to grant the application. Seconded, Mr. Haar. Carried, Unan.

Milton Cash, to permit resubdivision of lots with less area in one and less width on the others, Lot 32, and 33, King's Highway Subdivision, Lee District.

Mr. V. Smith thought this would be satisfactory if the applicant would submit a plot plan showing house locations with no variances needed as he did not think narrow lots should be granted then the applicant come to the Board for a variance on setback because he could not meet the required setbacks. Mr. Smith moved that this plot plan be submitted, showing house locations which would meet the ordinance,

December 15, 1953

and on receipt of this plot plan the application be granted. Seconded, Mr. Haar. Carried, unanimously.

Mr. Mooreland asked if this would be the policy of the Board in the future to request such a plot plan in all similar cases. The Board said that would be its policy and that such an application would be granted on that basis - if granted.

C. S. Hinman, to erect addition closer to both street lines than allowed by the Ordinance, Lot 14, Section 3, Tauxemont Subdivision, No. 12 Namassin Road, Mt. Vernon District.

This case was deferred to see the plans of the Highway Department for Ft. Hunt Road. The plans were not in the room. The case was put at the bottom of the list until the plans could be presented. Motion - Mr. V. Smith, seconded, JB Smith. Carried.

Herbert C. Haynes, for permission to erect carport closer to front line than allowed by the Ordinance, Lot 11, Section 5, Hollin Hills Subdivision, 314 Martha's Road, Mt. Vernon District.

Mrs. Haynes was present. Mr. Mooreland said the inspector had, with Mrs. Haynes' help, found what appeared to be 10 violations in this subdivision but the Board had granted three cases and actually only one was in violation. The one violation, Mr. Morris, 116 Martha Place was discussed - also the three granted cases.

Judge Hamel moved to grant this case and the variance not to exceed 5 feet. Seconded, Mr. Haar. Carried. Mr. V. Smith not voting.

Gertrude E.Gresham, to operate a day nursery, Lot 53, Section 4, Pimmit Hills, 1937 Hileman Road, Providence District.

This case was withdrawn by the applicant.

Mrs. Lewis Harwood, to subdivide lot with less area than allowed by the Ordinance, Lot 24, Section 1, Wellington, Mt. Vernon District.

They are trying to sell this property and wish it continued. Judge Hamel moved to defer - JB Smith seconded - defer this for 90 days. Carried, unanimously.

Mr. V. Smith moved that the Board commend Mr. Mooreland and thank him for the work done on the Hollin Hills Subdivision regarding the setbacks. Seconded, JB Smith. Carried.

W. H. Craven, to allow Goodrich sign to remain as erected on the north side of Rt. 211, just east of Bull Run, Centreville District.

A letter was read from Mr. Craven stating that he was unwilling to go any further in taking down his signs.

Mr. Mooreland said this application was not worded properly in the first place, that if the Goodrich sign is taken down the applicant is still in violation. He suggested denying the application.

Mr. V. Smith said Mr. Craven has some signs which have been granted by the Board- which would make his area of signs in excess of the Ordinance requirements. He moved to defer the case to check on the

signs Mr. Craven said he would take down. Seconded, JB Smith. Carried, unanimously.

Mrs. C. M. Mitchell, to operate a beauty shop in the home, part of lot 4, R. W. Moore and Thomas Keith Subdivision, .3 miles north of Rt. 236, on the west side of Rt. 649, Falls Church District.

Mr.Schumann said he had written Mr. Marsh for an opinion on whether or not the Board had the authority to act on this case and he had had no reply. He suggested deferring the case until word is received from Mr. Marsh. Judge Hamel so moved. Seconded, JB Smith. Carried, unanimously.

Vernon M. Lynch, to erect and operate a gasoline filling station and to have pump islands closer to road right of way than allowed by the Ordinance at the SE corner of Rt. 644 and 617, Mt. Vernon District. This case was deferred,pending discussions with the Highway Department regarding development of Springfield area.

With regard to the three sewage disposal plants before the Board: F. W. McLaughlin and the two Northern Virginia Water and Sanitary Corporation applications. Judge Hamel moved to defer all three cases until the next meeting. Seconded, Mr. Haar. Carried,unanimously. These cases were deferred because the Planning Commission is discussing legislation for the County which will control plants of this type - to some extent. Mr.Schumann is investigating the present legislation and if it does not give the County authority for control the County will seek new legislation to be enacted at the next legislature - which legislation will give such control. The Planning Commission agrees that the County should have the authority to exercise control locally.

Mr.Gibson was present, representing Mr. Blinco, and he indicated that they are agreeable to the deferrment.

Mr. Slayton was present. The Board took up his case.

The sign requested by the applicant is 100 square feet. The Ordinance allows 60 square feet - per sign and a total of 120 square feet. The sign in question is now located low on two props and the applicant wishes to destroy this sign and place the new one which will be larger -higher on the props. There is another sign advertising this motor court which Mr. Slayton said is not on his property but is on the property of Pachowski - joining.

Mr. V.Smith thought the Board should have a plot plan showing what is actually on the property and what is proposed. He thought this should be done in the case of all signs.

Mr. V. Smith moved that in the case of all sign requests that a plat be required showing location and square footage of all signs existing and proposed and showing their setbacks. Seconded, Judge Hamel. Carried, Unanimously.

Mr. V. Smith moved to defer this case pending the sketch showing

December 15, 1953

what signs are on the property and those proposed - but there was no second. Motion lost. Mr. Smith then moved to deny the case. Seconded, Mr. Haar. Carried, unanimously.

Mr. Mooreland asked to discuss certain matters with the Board involving shacks moved on to the King property in Gum Springs and which are being rented. This has been going on for many years and houses are located there without permits and without regard for the Ordinance. He asked the Board if he had the right to allow adding to a non-conforming use - or does the Board have jurisdiction to grant such an addition.

Mr. V.Smith thought anyone aggrieved had the right to go before the Board. Judge Hamel agreed - if the case is posted and advertised in the regular way.

The Blunt case was deferred as no one was present. Motion to defer, JB Smith, seconded, Judge Hamel - deferred to the next meeting. Carried.

Mr. Schumann had drawn the sketch in the H. F. Lane case.

Mr. V. Smith moved to grant the application provided the house be located not closer to either Valley or East Avenues than 33 feet and not closer than 15 feet to the south line of the lot. Seconded, Mr. Haar. Carried, unanimously. This was granted also because it does not adversely affect the use of adjoining property.

C. S. Hinman, The Board took this up - Mr.Schumann had the plats showing Ft. Hunt Road right of way. The plat showed that the front addition on the Hinman property would be 20 feet from the proposed right of way line of Ft. Hunt Road, if this is granted. Mr. Schumann thought it unwise to grant this. The house is already close and the present porch is 24 feet from the proposed right of way. Mr. Schumann said the construction of this addition would add to the cost of right of way purchase here and he saw no reason to make a bad condition worse by granting this.

Judge Hamel moved to deny the porch addition. Seconded, V. Smith. Carried, unanimously.

John W. Brookfield

J. W. Brookfield,
Chairman.

* * *

January 19, 1954

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, January 19, 1954 at 10 a.m. in the Board Room, of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, Hamel, V.Smith, JB Smith, and Herbert Haar.

1 - J. S. C., Incorporated, for permission to allow carport closer to to side lot line than allowed by the Ordinance, Lot 29, 1st Addition to King's Colony, Lee District,.

No one was present to discuss this case it was placed at the bottom of the list. Motion V. Smith, seconded, JB Smith. Carried.

2 - Robert S. Sigafoos, to erect addition closer to side lot line than allowed by the Ordinance, Lot 1, Valley Brook Subdivision, Falls Church District.

Mr. Sigafoos showed pictures and detailed plot plans indicating the relation of the neighbors to his addition. There were no objections from the area. This addition would be considerable distance from the neighbors, none of whom objected. The house on the immediately joining lot is set so far back from the line that any addition he might put on would still be far back from the line. The proposed addition would come about 8.5 ft. from the side line.

Judge Hamel moved to grant the application because it does not appear to affect adversely the use of joining property. Seconded, Mr. Haar. Carried. Mr. V. Smith voted No.

3 - Joseph King, for permission to allow building to remain on property as located, on the east side of Rt. #1 back of the Open House Restaurant, Mt.Vernon District.

Mr. King said the building on this foundation had been burned down a couple of years ago. A building had been given to him which he set up where the old building had been. He had gotten no permit for it.

Mr. Mooreland suggested that theBoard view the property as the plats did not give a true picture of the property. He said there are several families living on the property. There are two buildings there now on cinderblocks which Mr. King wants to combine. Mr. JB Smith moved to defer the case to view the property. Seconded, Judge Hamel. Carried.

4 - Culmore Investment Properites, Inc., to locate building closer to street line than allowed by the Ordinance, Parcel 3, Section A, Culmore, FallsChurchDistrict.

Mr. Glenn Richard represented the company. There are two stores under construction here, Mr. Richard said and they are asking a 15' setback from the right of way of Glen Carlyn Drive, West.

Originally, Mr. Richard recalled, they had dedicated an additional 40' right of way here to make Glen Carlyn Drive, West an 80 ft. right

of way but it had been decided that this wide right of way was not necessary for the two streets (Glen Carlyn Drive East and West) which inter into the apartment project. On the opposite side of the entrance, which is built upon, this right of way was not used to its full width and Mr. Richard thought this same width would be observed on Glen Carlyn West, as this is not a heavily traveled street and is not a thoroughfare. This addition would be 58 ft. from the right of way which is actually used. The parking ratio is now 4 to 1 and will remain that amount.

Mr. V.Smith thought this should be referred back to the Planning Commission for them to determine if they will want this extra 40 ft. dedication. If not it should be turned back to the original owners.

Mr.Richard said that could be done after granting this. If the strip is turned back to Culmore it would make the setbacks the same on both Glen Carlyn Drive East and West, which enter into the apartment project. Mr. Mooreland thought it all right to grant the application.

Judge Hamel moved to grant the application in view of the fact that this is not a main thoroughfare and the existing street is actually under the required width. Seconded, Mr. Haar. Carried. Mr. V. Smith voted No.

5 - Jefferson Volunteer Fire Department, to erect firehouse on the Falls-Church-Annandale Road adjacent to Lot 201, Section 2, Bel Air, Falls Church District.

Both the president and vice-president of the company appeared. It was pointed out that this company had found great difficulty in locating a fire station. They had tried two other lots and found opposition both times and they had withdrawn their request. This lot is very near a business section at the junction of Falls Church-Annandale Rd. and Lee Boulevard and appeared to be less objectionable than the other lots. They have authority to operate under the County Fire Commission. This is about 500 ft. from Lee Boulevard and across the street from commercial property. It was stated that this is a community necessity carried on by volunteering individuals.

Opposition: L. E.Batchelor and Russell Whitner lead the opposition. Mr. Cosby living immediately joining this property could not be present and sent his objections. Petitions opposing were filed from Westlawn, Sleepy Hollow, and Bel Air - most of the homes were within a 500 ft. radius, others within a 2000 ft. radius. 241 homes were represented in thepetitions.

Mr. Batchelor said they did not object to the fire station as such but did object to the location. He felt the area was adequately served by Falls Church. But if the station is to operate it should be located on undeveloped land in an area where new families coming in would know before buying that a fire station was near them. Mr.

Batchelor claimed this would be a noise nuisance (especially the siren) and that it was not in keeping with the area. He thought the project praisworthy and that it was actuated by public spirited individuals but that it should not be in an already settled community.

Mr. JB Smith suggested that if it were located in an unsettled area they might have difficulty in getting the help necessary. Mr. Batchelor said there were unsettled areas very near - near enough to get the help and in fact he thought there were such areas which would be even more centrally located, from the population standpoint It was noted that the existing fire protection from Falls Church can respond within 6 to 8 minutes in Bel Air. It was also noted that this fire protection is out of the County.

It was stated that there are 43 homes in the immediate area and appraisers had stated that a firehouse in the neighborhood would affect property adversely - up to 25% reduction in value. It was also noted that the FallsChurch and Arlington fire stations are located in business areas. Where they were located in residential areas it had greatly depreciated residential property.

It was also noted that theFire Commission had suggested that a site on Graham Road would be a better location to serve the area. TheFalls Church-Annandale road is heavily graveled, especially at this point and this would make it more hazardous for children walking on the road. Bel-Air has a project on now trying to better their roads and it was thought this installation would impair their chances of accomplishing this.

Judge Hamel thought adequate fire protection for an area should be an added attraction and an asset to property. He thought the people in the area should get together on a location and clear their differences before bringing these applications to the Board. He thought it unfair that local differences should be continually aired before this Board when by a little cooperation and discussion among thepeople in the area - this could probably be eliminated.

About 18 stood opposing.

It was stated in rebuttal that business land was prohibitive because of the expense. This is a small volunteeroutfit and the idea of buying business land is out of the question; that a siren would be heard anywhere in the area - that was the idea of a siren - and would certainly not be lessened by moving the station to Graham Road. It was also brought out that the Graham Road site is across from the school and would certainly be hazardous to the children.

Many of those opposing said they had given money to support the fire house - but that did not mean they favored it in the neighborhood.

Mr. Mooreland said this was a case of the people wanting all the

January 19, 1954

facilities but not being willing to put up with any of the unpleasantness of having them. He thought another location would probably turn up just another group of objectors.

Mrs. Hackner opposed - suggesting Graham Road.

Mr. Haar moved to defer the case to the next meeting. Seconded, JB Smith. Carried.

6 - Murray Bloch, for permission to extend motel(13 units) on the NW.side of #1, adjoining Fairhaven Subdivision known as Hilltop Tourist Court, Mt. Vernon District.

The applicant has 13 units and he wants to construct 14 more. He can meet the setbacks. It will be brick veneer construction. There was no opposition.

Mr. Haar moved to grant the application because it does not appear to affect joining property adversely. Seconded, V. Smith. Carried, unanimously.

7 - Edna B. Hunter, for permission to erect a service station and to have pump islands closer to the roads than allowed by the Ordinance, property located at the Belvoir Interchange, Lee District.

Mr. John Alexander represented the applicant. This filling station will be erected on the motel property and the islands will be 50 and 60 feet from the centerline of the bordering roads. There is no gas station within 3 miles on theShirley which one can get into. There was no opposition. The PlanningCommission recommended that a business area not be located here.

Mr.V. Smith moved to grant the application because it does not appear to adversely affect the use of joining property and a filling station is needed along the Shirley Highway and this is a very desirable location and that the pump islands be allowed to locate 25 ft. from the rights of way. Seconded, Mr. Haar. Carried, unanimously.

8 - Gilbert Sherfey, to erect an addition to come closer to front line than allowed by the Ordinance, Lots 38 and 39, Annandale Subdivision, on Columbia Pike and Maple Street, Falls Church District.

The applicant wished to come within 15 ft. of Columbia Pike, a variance of 10 ft. The house is now set 25 ft. from the right of way, as are all the other houses along this stretch of The Pike. Mr. Sherfey noted that the Safeway Store- just near- is located 15 ft. from the right of way - as granted by the Board - therefore he is asking the same setback.

If this were granted, it was noted, certainly other houses setting back 25 ft. would ask the same addition. Also the Safeway is not in this same block. There was no opposition.

Mr. V.Smith thought the Ordinance is perfectly clear that such a case should not be granted unless undue hardship is shown - which is not the case here. Those houses, Mr. Smith said, are non-conforming

already - therefore, why increase the encroachment. He moved to deny the application because it does not conform to the minimum requirements of the Ordinance. Judge Hamel took the Chair. Mr. Brookfield seconded the motion. It was a tie. For: V.Smith, Brookfield as against JB Smith and Mr. Haar. Mr.Brookfield took the Chair and Judge Hamel moved that this be submitted to the Planning Commission for recommendation. JB Smith seconded. Carried, unanimously.

9 - Jack Shereir, to allow pump islands closer to Lee Highway than allowed by the Ordinance, on the south side of Rt. 29 and 211, approximately 150 feet west of Gallows Road at Merrifield, FallsChurch Dist.

Judge Fitzgerald represented the applicant. This old station is now located about 10 ft. from the right of way. A new station is being built because they need a larger septic area. They would like the pump islands 15 ft. from the right of way. Sewer will probably be available here in the near future.

Judge Hamel moved to grant this in view of the fact that it will be a great improvement on the present station which has been a non-conforming use and the pump islands to be 20 feet from the rights of way. Seconded, Mr. Haar. Carried, unanimously.

The Vernon M. Lynch case, which was scheduled to come up later was deferred pending word from General Anderson regarding this intersection- motion V.Smith, seconded, Mr. Haar. Carried.

10 - Willima J. Tate, to permit the operation of a golf driving range on the north side of Rt. 211, approximately 100 ft. west of Mary Street Providence District.

Mr. John Rust represented Mr. Tate. This ground is about 350 x 1000! The entrance would be about 250 ft. from the top of the hill which would not be hazardous to traffic. This is about 1000 ft. from presently zoned business property., on Lee Highway. Mr.Rust showed the proposed layout. They could park approximately 42 cars. The lights will be placed so they will not cause a glare to create a road hazard. The applicant has a lease on the property. Joining property owner does not object.

Mr. Price thought this would be helpful to the community from a recreational standpoint and good tax-wise, and other driving ranges in the county have been developed without harm to joining property.

Mr. V.Smith moved to grant the application because it does not affect adversely the use of joining property and other driving ranges near have been developed in a residential area. Seconded, Judge Hamel. Carried, unanimously.

11 - C. S. Shillingburg, to permit the opening of a gravel pit on the north side of Rt. 620 approximately 2500 feet east of Rt. 645, on 122.3 acres, Centreville District.

There was no objection to this. The kind and quality of gravel to be removed was discussed. Mr. Haar moved to grant the application.

Seconded, JB Smith. Carried. Mr. V. Smith not voting.

12 - Helen K. Grubbs, for permission to operate a kindergarten and grade school located on the west side of Rt. 613, approximately 1/8 mile north of Rt. 644, Lee District.

Mr. Grubbs appeared. There were no objections. They will not live in the building, Mr. Grubbs said, where the school will be conducted. They have been having discussions with the Health, Welfare, and Fire Departments regarding this school and will conform to all requirements. The building will be brick; they will start with 21 pupils and can have up to 40.

Judge HANEL moved to grant this provided it is approved by the Fire, Health and educational authorities. Seconded, Mr. Haar. Carried. Mr. V. Smith voted No - as he did not like the idea of conducting a school without a resident member of the faculty or the owners of the school. He thought there should be more control over these schools.

13 - C. A. Metzler, for permission to build houses closer to side lot lines than allowed by the Ordinance, Lots 31A, and 41A, resubdivision of Lots 31 through 41, Rixey Estates, Mason District.

Mr. Metzler said this is a very old street - some of the houses are very near the line- in fact some are actually on the line. Originally there were three lots here which Mr. Metzler said he resubdivided to give 10 ft. more width to the two side lots. And because of this re-subdivision it was necessary for him to come before this Board for side setback. Had the lots been left as they originally were- which would have been much less desirable - because of the two very narrow lots- he could have built upon the narrow lots and have been allowed a 7 ft. setback. When this resubdivision was made Mr. Stockton who was Planning Engineer at that time, had told him he could build with a less setback on these newly created lots without going before any Board. However, that was not in writing and Mr. Stockton was no longer here. Mr. Metzler had sold the center lot on which was built a very nice home. This center lot has 130 ft. frontage. He has planned to build two 40 ft. wide houses on the two joining lots - which he thought would be in keeping with the house already sold. Even though there is a variance granted on this lot - it will still be some distance away from the center house.

Mrs. E. Jones objected and Mr. and Mrs. Miller -owners of the house on the center lot. They would be between the two proposed houses. They thought the side setbacks as required should be maintained so the side yard would not be encroached upon. A 30 ft. house could be put on the lot without asking a variance. This would give them more privacy.

Mr. Mooreland said the situation was certainly improved by the resubdivision and he did not think it right to penalize a man for tryin

to create a better situation. These lots are still below the minimum.

Mr.V.Smith asked how lots below the minimum were recorded in 1948-after the Subdivision Ordinance. No one knew.

Mr.V.Smith thought smaller houses would depreciate the value of the Miller home more than a variance.

The Board adjourned for lunch and to give the applicant and his opposers time to think over this and probably get together, which was exactly what happened. The opposition faded away. Upon return from lunch Judge Hamel moved to grant the application in the light of all the circumstances - the 50 ft. lots had been made into 60 ft. lots and had the owner kept the 50 ft. lots he could have built upon them and he should not be penalized for making better and wider lots and also in view of the former commitments. Seconded, V.Smith. Carried, unanimously.

DEFERRED CASES:

1 - E. M. Webb, to erect carport closer to side lot line than allowed by the Ordinance, Lots 1 and 2, Forest Hall Subdivision (438 Lebanon Drive), FallsChurch Dist.

No plot plan was presented showing the proposed addition and its location on the ground. JB Smith moved to defer the application. Mr. Haar seconded. Carried.

2 - Mrs. C. M. Mitchell, to operate a beauty shop in the home, part of Lot 4, R. W. Moore and Thomas Keith Subdivision, .3 miles north of Rt. 236 on the west side of Rt. 649, Falls Church District.

A letter was read from Mr. Schumann giving Mr. Louck's opinion regarding granting this type of business in a home. The opinion of the Commonwealth's Attorneys office had been asked by the Board.

Mr. Mooreland said if it was determined that a beauty operator is a "recognized profession" then the Board might have to handle cases for all kinds of other business which would call themselves "Recognized professions," such as welders, plumbers etc. He questioned if these were in a professional category.

Judge Hamel moved to grant the application. Seconded, Mr. Haar. Carried. Mr. V. Smith not voting.

3 - Milton Cash, to permit resubdivision of lots with less area in one and less width in the others, Lots 32 and 33, Kings Highway Subdivision, Lee District.

The plot plan was presented showing the location of houses on the ground without asking a variance. Judge Hamel moved that the plot plans appeared to be satisfactory. Seconded, JB Smith. Carried.

4 - Mrs. Lewis Harwood, to subdivide lot with less area than allowed by the ordinance, Lot 24, Wellington, Section 1, Mt. Vernon District.

Mr. Gasson, the attorney was not present. It was understood that

the owners are negotiating to sell this property as one piece and not to divide it. JB Smith moved to defer thecase indefinitely. Seconded, Judge Hamel. Carried.

5 - W. H. Craven, to allow Goodrich sign to remain as erected on the north side of Rt. 211 just east of Bull Run, Centreville District.

Mr. Moreland read minutes of previous meetings where Mr. Craven's cases were before theBoard in an attempt to find out which signs were granted and which are in violation, but it was impossible to tell which signs were granted because there were no plot plans required in years gone by. He read cases of May 28,1946; Mar. 25, 1947; and May 18, 1948.

JB Smith moved to deny this case and that the applicant be requested to remove the Goodrich sign within 30 days. Seconded, Mr. Haar. Carried, Unanimously.

6 - K. E. Blunt, to erect a sign larger than allowed by the Ordinance at 1315 Richmond Highway, Mt. Vernon District.

Mr. Ken Johnston appeared with Mr. Blunt. It was brought out that there are no signs on the one plus acre tract which is the Motor Court property. The sign requested is 91-1/2/sq. ft. in area (the ordinance allows 60 sq. ft.) The size sign requested, Mr. Johnston said, is comparable to other signs on U.S.#1. This is an attractive pile-on sign which will harmonize with the building. It is decorative and in good taste. The actual letter copy is only 41 sq. ft. and only the lettering is illuminated. It will be 20 ft. or whatever the Board determines from the property line. A grass plot surrounded by an eliptical driveway is in front of the motel. The sign will be back on the grass plot. There were no objections.

Judge Hamel moved to grant this inview of the circumstances surrounding this area-and this sign is not out of keeping with the general surrounding signs and the area of the sign lettering is actually within the required area. Seconded, Mr. Haar. Carried. V.Smith voted no.

8 - J. A. Wheeler, to operate a commercial landing strip on the west side of Rt. 674 between Rts. 675 and 606, Centreville District.

Mr. Paul Reiber represented Mr. Crippen, agent for Mr. Wheeler. Mr. Wheeler was ill and unable to be present. A 25 acre tract will be used, Mr.Reiber said, and they would show that this proposed use will not affect the health or safety of people residing in this area and will not devaluate their property.

This will be used exclusively for small motored planes carrying from one to four passengers. The strip will be 2300 feet long but they will use only about 2000 feet for landing and take-off. The air strip will be kept in grass. It will not be used a great deal.

Planes can fly lower over houses in this area now then they will be able to do after this air strip is put in, Mr. Reiber said, because

the flight pattern established would be at an altitude of 800 feet. Planes can now fly 500 feet. If planes are just passing over and not intending to land here they must fly 1500 feet over the air field. This would in effect keep the larger planes farther away from the field then they are now. There are few houses within the 1/2 mile area surrounding this proposed strip. Most of the houses are from 1 to 1-1/2 miles away.

This 25 acre area is surrounded on three sides by very large tracts of land, Mr. Bowman and Mr. Wheeler, both of whom do not object to this use. Both raise cattle and feel that this would not in any way disturb their business.

This would never be a large commercial air field, Mr. Reiber said. He also noted that the average number of people being killed by planes falling on houses is very small. Also accidents between the air port and 5 miles radius are very much less than accidents farther away from air ports.

Mr. Reiber quoted from the Virginia Court of Appeals regarding locating air ports- stating that danger of planes is no grounds for opposing the location of an airport - that the apprehension of people in the area is no reason to deny location of a port.

All around this area are dairy farms and the owners of the herds do not object. Mr. Reiber stated that the Supreme Court of Virginia had stated that planes warming up could not be annoying to homes 1/2 mile away. He contended that wooded areas, which partly surround this strip would also act as an insulation against noise and also the flight pattern of operation is away from the location of homes.

Mr. Reiber noted that theFalls Church airport had not hurt that area as there are homes within 150 feet of the runways and immediately across the road, that the greater part of the development in this area had come since the airport was established, and property in the Falls Church area is very expensive. The Jefferson Village apartments and Melpar - two expensive installations have gone in here, apparently unhurt by the airport.

If petitions are offered in opposition, Mr.Reiber said, he would like to know where the signers live with regard to the air strip.

Mr.Jack Crippen, grandson of Mr. Wheeler, said they had picked this second choice site for the airport because it was the least hazardous to homes and very few homes were within the flight pattern. There are four homes within the 1/2 mile radius. Mr. Crippen said about seven or eight of his friends would use the airport at present and next year probably 10 or 15 would use it. He would charge a tie-down fee, sell gasoline, and do minor and major repairs. There would be a hanger on the north end of the property. It would be away from Capt. Backman's property - which joins at one end of the

air strip. He thought the airport would be used about once a week-average - by each individual. The entire flight pattern would be over the Wheeler property, theplanes coming in at 800 feet. They would use standard markings for strangers landing there. He said he would continue farming and did not think this activity would interfere with normal life of his cows. The hanger would cost 7 or $8000.

Mr. Robert McCandlish appeared in behalf of a group of citizens in opposition. He called Mrs. Lamborn, real estate operator who said she thought such a use would hurt the development in this area for estates.

Mr. McCandlish said property surrounding the Falls Church airport was of a different class. It was in the line of density growth.

Capt. Bachman opposed. He has 175 acres directly south of the proposed air strip. His house is 850 feet from the strip. He thought this use would definitely interfere with the use of his land for the raising and breeding of beef cattle, it would be disturbing to his home, and would depress property values. The high spot directly back of the air strip he had planned to use for expanded facilities to take care of increasing his herd. He had a permit to build a barn on this high spot, which location he considered particularly suitable for the extension of his facilities. This, however, would now have to be abandoned. The small pine grove on beyond his barn location would act as a sounding board and would increase the sound of planes.

Captain Bachman said he had talked with Mr. Wheeler who had said that they had originally planned to put this air strip to the north on his property but had abandoned that idea because he feared it would disturb his cows and reduce the milk production. The Captain thought locating the strip as they now planned would certainly affect his cows.

He had thought of selling, Capt. Bachman continued, because of this proposed use and had contacted Stanley Rowland, real estate broker, who informed him that this air strip would render his land undesirable for residential use. He felt that the land would also be almost impossible to sell for a farm. The present value of the farm would be about half the original cost price. Other brokers had given him the same answer. He, therefore, thought his property was materially hurt.

Mr. McCandlish filed a petition with the Board with about 85 names opposing. About 50 people were present opposing. Mr. Reiber asked to know how close these people lived to the proposed port. Mr.McCandlish asked all opposing to stand and tell how far they live from the proposed strip. It was found that their homes ranged from about 1500 feet to five miles distant.

Mr. McCandlish cautioned that this may start out as a small air

strip mostly used by friends but it could easily grow into a large commercial venture. In fact, he was of the opinion that it would be necessary to have other commercial facilities in order to be a financial success. If this case is granted, Mr. McCandlish noted, it would not include a hanger which is in the nature of a garage. Mr. McCandlish quoted from the Zoning Ordinance,Section XII, Par. F. relative to granting uses that are "in harmony with the general purpose and intent of the zoning regulations and map, etc.", and Par.2 "provided....such use will not tend to retard or impair the present use or future development for residential purposes." Both statements, Mr. McCandlish contended, would preclude the Board from granting this

Mr.McCandlish stated that repair work to be done on the premises indicates that this will be somethiig more than just a small airstrip, that it could very well develop into a large commercial venture. He also pointed out to the development around Hybla Valley Airport-which is definitely not good and the Beacon Airport. There are continuous complaints around these airports because of low flying, jumping, and exhibition stunt flying. He thought the people in this area have too substantial an investment to have it jeopardized by such intrusion.

Also Mr. McCandlish continued that FHA has made a study of the results of airports in residential areas and considers houses in such an area not a good risk for loans. He read from a pamphlet put out by FHA detailing the bad features of airports, the lights, noise, dust, vibrations, low flying, etc. Residences should be from 1-1/2 to 2 miles from any port before they are considered for loan purposes. Also the 800 foot height level is not enforceable, Mr.McCandlish stated.

Mr. R. D.Singel, who is a flyer and who lives 2-1/2 miles from this strip said it would take one minute for a plane to get over his place. He stated that after a plane gets out of the flight pattern it can fly at any height. He also thought this would interfere with radio and television reception.

How much actual restriction could be placed over planes in this area was discussed.

Mr. H. Davis spoke opposing for the reasons given above, also Mr. Joseph Palmer. Two petitions were filed with about 80 names-also letters filed opposing, all of which are on file in the records of this case.

Mrs. Kisner, Mrs. Marshall, Mrs. Ettenhousen, Mr. CC Robinson, and Alfred Kidwell opposed for reasons shown above, noise, depressing of property values, commercial use and not in keeping with good future development and not for the good of the community.

January 19, 1954

It was also brought out that Route 7 is inadequate to carry additional traffic and that the Manassas airport is adequate to take care of the needs of this area for an airstrip.

A total of 5 Petitions opposing were filed.

Mr. Merril Armour spoke opposing this use. He said that he had been connected with avation for some years - particularly with the enforcement of CAA regulations.

The locating of an air-strip, Mr. Armour stated, is not just a matter of picking out a strip of land for that purpose. It actually involves the establishment of a regular air station and becomes an emergency terminal. It becomes a port where many airplanes will land and use the facilities available. Such an airport cannot be restricted and at the same time be effective. A commercial airstrip must be planned for that purpose. Few airports are successful if they have facilities only for tie-down, repair, sale of gasoline for which to charge fees. It must be planned on a successful commerical basis. His immediate interest in this port is - its use and its effect on the value of property in the area, Mr. Armour stated. Since the horse-power of planes is continually increasing the impact of this use on the community would become gradually greater, and of increasing interest to the flying public.

The Federal Government will exercise more authority over air space, traffic patterns and altitudes, and the individual owner cannot establish a pattern on his own unless it is fixed by the Government, it was brought out. The establishment of a standard safety flight pattern would, in order to guarantee safety, probably take in the entire airport, Mr. Armour stated. This would be necessary to observe the winds and follow the standard pattern.

Airports are a very necessary function in the County, Mr. Armour continued, as necessary as railroads and roads, for which property owners are compensated. But the County must look forward to locating airports and this should take great care and study. Much research and study has been done on the location of airports and it has shown that it is very necessary to take into consideration the zoning and the effect such use will have on joining property in order that property owners in the area are not hurt.

Mr. Reiber asked the following questions: What is the nature of the Beast? Can it be held within bounds and what affect will it have on the area? In answer he said, this would be a simple installation serving probably only 15 people. The flying would not be commercialized nor would there be stunt flying. He thought the use would not be depressing to values because it would be kept within limited bounds and theBoard can legally restrict any activities here. He contended

that this use would not affect joining property from the standpoint of cattle raising as is evidenced by Mr. Wheeler's herd and Mr. Bowman's - which they naturally would not wish to jeopardize. In other areas cattle have not appeared to be adversely affected. He thought the trees on either side of the air strip would act as a noise buffer. He recalled that the Supreme Court had thought that noise was not a factor beyond the 1/2 mile limit. Mr. Reiber said the FHA report from which Mr. McCandlish quoted was entirely obselete and was being revised. The statement presented which said that each airport should be considered on its own merits with relation to its effect on the surrounding land was important.

Judge Hamel noted that this is a good residential area and he thought it important that the people as a whole in the area think this would have a harmful effect on their property.

Mr. Reiber said the apprehension of people is not based on experience and he felt that they were unduly alarmed.

Mr. Brookfield suggested that the development of the entire County is important and that this area should be kept rural in character and the established trend of development should be maintained, that the value of ones property is largely established in the individual's own mind.

It was suggested by Mr. Reiber that certainly Mr. Crippen and Mr. Wheeler would do nothing to cripple the development of their own property and investment.

Mr. V. Smith quoted from Section XII, Par. F of the Ordinance regarding a use being in harmony with the general development of the area and affecting adversely the use of adjoining property. He thought this use would affect adversely property in the neighborhood Mr. V.Smith therefore moved to deny the application because it is not in harmony with the general purpose of the Ordinance and because it would affect adversely the use of adjoining property. Seconded, Judge Hamel. Carried, unanimously.

9 - Arthur I. Shaffer, to permit the construction and operation of a community swimming pool on one acre of land on the north side of Florence Lane, approximately 300 feet east of Telegraph Road, Mt. Vernon District.

Mr.Shaffer was not present. Mrs. Albertson, Mrs. Gallahur, Mrs. James were present favoring this use.

Mr. Joseph Smagarenski opposed. Also Mr. Walter Crain stated that he thought Mr. Shaffer should be present to tell what he intended to do with the balance of the land around this proposed swimming pool. He thought the establishing of a community pool had merit although he considered that it would render two of his lots unfit for residential purposes. However, his greatest concern was the future plan

January 19, 1954

for this ground.

Mr. Smagarenski said he lived about 200 feet down the road from the proposed pool and felt that he was being penalized by the use proposed ~~use~~. The road here is narrow and people would have to park on the road and around his driveway. He did not think this the spot for such a use and also he thought it would depreciate property values in the immediate area.

It was stated that the pool would be about 30 x 60 ft., membership would be limited - mostly to those who could walk to the pool.

Mr. James said the pool would be fenced and they would have a life guard.

Mr. Haar moved to defer the case and request that Mr. Shaffer be present at the next hearing to give complete information on the project. Seconded, JB Smith. Carried, unanimously.

Mr.Brookfield said the two Northern Virginia Water and Sanitary Corporation cases would be deferred. The reason for deferring is so that the possibility of getting legislation at this session of the Assembly to give some local control over privately owned and installed sewage disposal plants might be explored.

Mr. Blinco protested vigorously at the deferrment. He said he had been waiting almost nine months for the answer on these cases, he had lost money, and was being deprived of the use of this property. He felt that he had a right to an answer. The Health Department had approved this and there had been no showing in the discussions before the Board that this installation would be damaging to people or animals or to property. The people in the area, Mr. Blinco contended, are now in favor of development in this area. It was only a few of the large land and estate owners who had opposed it. The people think that this installation and use will raise the land values in the area.

Mr. Brookfield said the Board had been asked to defer these cases until they can digest the material resulting from a meeting of a committee in the county with the Water Control Board, and for the possibility of legislation.

Judge Hamel thought the Board was not sufficiently enlightened to pass on these cases at present, and he thought they should know more about the future plans of sewage for the County as resulting from the recent bond issue.

Mr.Blinco stated that the plans for county sewer would not come any where near this area - that there was no money set up for this. Nine months is a long time, Mr. Blinco stated, to wait for an answer from this Board. He noted that he now had contracts or requests for contracts from people in this area who were waiting development and would use sewage provided by his Company.

Mr.V.Smith said the Ordinance was limited in its protection to the County in the matter of the operation of private sewage plants. He was highly in favor of privately built disposal plants but he did think it important that their functioning and continued operation should be guaranteed - that local authorities should be able to inspect plants and see that specifications were carried out.

Mr. Brookfield asked Judge Hamel to take the Chair and he moved to deny the application, because there is no apparent need for this installation and he knew of no preparation of development in this area to use the disposal plant. (No second)

Mr. V.Smith noted that these grounds were not in accordance with the reasons for denial as listed in the Ordinance.

Mr.Brookfield moved to defer these two cases to give the Planning Commission time to investigate the possibilities of control legislation. Seconded, V. Smith. Carried, unanimously.

Mr.Brookfield took the Chair again.

With regard to the Slayton case, Virginia Motor Lodge, denied at the last meeting, theBoard voted to reopen the case at the next meeting because the applicant has gotten rid of some of the signs on the property and would like another hearing. Mr. V.Smith moved to reopen the case, seconded, Mr. Haar. Carried, unanimously.

Mr. Mooreland said Mr. Blackmur who has a dog kennel on Rt. 211 which was granted January 20, 1953 was on his way to sign papers for an extension of his use for six months when he had an accident and was unable to complete his application. He asked the Board to make this extension.

Judge Hamel moved to extend the use for six months. Seconded, Mr. Haar. Carried. Mr. V. Smith not voting.

It was noted that the joint meeting of theBoard of Appeals, the PlanningCommission, and the Board of Supervisors will be at 2 o'clock February 1st, also a joint meeting February 9th at 8 p.m. to hear the Homer Hoyt report.

W. M.Green's antique shop had been deferred for an opinion from Mr. Marsh regarding the authority of the Board to handle this case. A letterfrom Mr. Louck was read stating Mr. Louck's opinion. Mr. Green had asked that this case be deferred. Mr.V. Smith so moved, seconded, Judge Hamel. Carried.

No one was present to discuss the J.S.C.Incorporated case. Mr. V. smith moved to defer the case, seconded, Judge Hamel. Carried.

John W. Brookfield,

J. W.Brookfield, Chairman.

* * *

February 16, 1954

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, February 16, 1954, in the Board Room of theFairfax County Courthouse at 10 a.m. with the following members present: Messrs J.W. Brookfield, Judge Hamel, Verlin Smith, J.B.Smith, and Mr. Haar.

1 - Boats Sail, Inc., to allow house 37.5 feet of Woodhaven Drive, Lot 15, Fairchester, Providence District.

It was noted that the street here starts to curve in the middle of this lot. A straight line was taken from the lot line to locate the house and the curve was not taken into account. This put the house in violation at one end. The applicant asked a 37.5 ft. setback. Mr. V. Smith moved to grant the application because it does not appear to affect adjoining property adversely. Seconded, Mr. Haar. Carried, unanimously.

2 - Carl H. Nelson, to erect carport 7 feet of side lot line, Lot 117, Section 2, Lake Barcroft Estates, Mason District.

Mr. Nelson said he designed his house without knowing the setback restrictions. He got estimates and his loan, then found he could not meet the setbacks by 3 feet. This will be an open carport just a roof on pillars. The back part of the carport is within the 10 ft. requirement, only one corner violates the Ordinance. The house on the joining lot is considerably farther from the side line than required. Mr. Mooreland thought the application justifiable-that the applicant had met all other requirements and that the very best possible solution had been reached.

Judge Hamel moved to grant the application. Seconded, Mr. Haar. Carried, unanimously.

3 - R.C. Morris, to erect an addition to dwelling 16 feet from side lot line, Lot 7, Rockland Village, Centreville District.

There were no objections on this from the neighbor most affected, Mr. Morris said. Judge Hamel moved to grant the application because it does not appear to affect joining property adversely. Seconded, JB Smith. Carried. Mr. V. Smith not voting.

4 - James Byrd, to erect garage (detached) one foot of side property line, Lot 506, Block 2, Resubdivision of First Addition to Temple View, 304 Martin Street, Mt.Vernon District.

Mr. Byrd said the lot is irregular - narrowing to the rear and that he had tried to buy additional land on this side but his neighbor would not sell at any price. (There are about 100 acres in the ground joining) There is only one corner of the garage violating. It will be brick veneer.

Mr. V.Smith moved to grant the application because of the irregular shape of the lot, the house is brick and the addition will be brick veneer in construction and this is only a one foot variance and the granting does not appear to affect adversely the use of

joining property. Seconded, Judge Hamel. Carried, unanimously.

Since the next applicant was not present Mr. Mooreland asked to give his report on the meeting in Richmond regarding sewage disposal-County control legislation. It was found that there is very limited inspection by theState during construction of plants and only periodic (monthly) reports required during operation of plants and no means of checking closely to see if operation is actually being carried out satisfactorily.

It was agreed, however, Mr. Mooreland said, by the State that if the County Board of Supervisors asked for it, the County would be given the right of inspection both during construction and operation, working with the State Water Control Board. It was the opinion of the committee from the County that the County work with the State Agencies in this manner for the next two years (during which time it was thought nothing very serious could happen, as it would take that much time to construct any plant) and after the two year period, if this arrangement has not been satisfactory, the County should seek control legislation which would be more far-reaching and would give definite control to the County. Mr. Mooreland said it was not thought advisable to seek legislation now as the County might encounter opposition from theState.

It was brought out in discussion that theState has no machinery set up for taking over a plant which is abandoned or which is found to be operating unsatisfactorily.

Judge Hamel thought conditions could be imposed in the granting of such applications to cover taking over the plant in the event of improper operation or abandonment.

It was thought that requiring a bond was not feasible. Mr. V. Smith thought that if a bond could be required for street construction, one certainly could be required for a disposal plant.

Judge Hamel thought great care should be taken in granting such plants to safeguard the health and welfare of the County.

5 - Archie L. Tomlinson, to erect carport 14.13 feet from the side lot line, Lot 509, Block 6, Resubdivision of Blocks 5, 6, and 7, Hybla Valley Farms, 3111 Frances Drive, Mt. Vernon District.

No one was present to discuss this case. Motion to put the case at the bottom of the list - Mr. V. Smith, seconded, Mr. Harr. Carried.

6 - Klopfer Motors, Inc., to continue use of building located too close to Roanoke Street, Lots 3, 4, 5, and 6, East Fairfax Park, Providence District. No one was present. Motion to put this at the bottom of the list, Mr. V. Smith, seconded, Mr. Haar. Carried.

7 - Walter Bottcher, to erect an addition closer to side lot line than allowed by the Ordinance, Lots 2 and 3, Alice Moore Subdivision,

approximately 8/10 mile west of Kamp Washington on the south side of Lee Highway, Providence District.

Mr. Lester Johnston represented the applicant. Mr. Johnston said they had applied for a permit to erect this addition and thought could observe the business setback but found that since this property joins residential property on this side the setback must be 50 feet and they cannot meet that. The property joining, while it is zoned residential, has a non-conforming tourist court on it, therefore it was thought this would not in any way be a detriment to that property. They are asking for a 38.3 foot setback from the side line. They will erect an attractive stone structure. There was no opposition.

Mr.V.Smith moved to grant the applicant a 38.3 foot setback because the character of the joining property on which is located a non-conforming business, does not appear to be adversely affected by granting this. Seconded, Judge Hamel. Carried, unanimously.

8 - Frank E.Eakin, to have less setback for dwelling than allowed by the Ordinance, from the Falls Church-Annandale Road and from Hockett St. Lot A, Part of K.S.Putnam Property at the S.W. corner of Falls Church Annandale Road and Hockett Street, Falls Church District.

Mr. Walter Ralph represented the applicant - who was present also. Mr.Ralph pointed out that there is a 50 ft. sewer easement running through this property which makes it impossible to locate the dwelling to meet the setbacks and still stay away from the easement. The house would be about 1 foot from the easement line.

This is an Outlot. It was not included in the original subdivision. The entire outlot is about 1 acre. The division of this lot gives two lots, each of which is 1/2 acre - with proper frontages. The house would be actually 25 feet from the actual used sewer line. They can meet a 40 foot setback on both roads (this is a corner lot) It will be a one story house. It was noted that a detached garage could be located on the lot across on the other side of the sewer easement. That land is low and not suitable for a dwelling as it is too low to sewer but it would be all right for the garage.

Mr. Haar moved to grant the application because the sewer easement naturally limits valuable space for building and topography makes it practically impossible to locate a building otherwise. Seconded, Judge Hamel.

Mr. V. Smith thought this was not a legal lot as it was recorded as a one acre lot and has not been approved by the Planning Commission as two lots.

Mr. Mooreland suggested that if this were rezoned to Suburban Residence it would not need a variance. He asked if the Board had the right to grant a variance on this one part of the entire lot.

Mr.Ralph said his client could divide the lot one time without it

having to be approved by the Planning Commission as it would not be a subdivision. He thought it possible his client would buy the entire one acre, however, he wanted it to be in two lots.

Mr. V.Smith thought the variance would have to be granted on the entire lot, and also Mr. Smith noted that the plat submitted was not certified and approved by the Planning Commission.

Mr. Haar withdrew his motion, in view of this.

Mr. V.Smith moved to defer the application for study of the zoning picture and for approved certified plat. Seconded, Mr. Haar. Carried, unanimously.

If this is to be considered one lot, Mr. Smith said, there should be no need for a variance. Mr.Brookfield thought the applicant should present a plat the Board could approve.

9 - Elizabeth M. Smith, for permission to operate a day and boarding school at the northwest corner of Rt. 673 and Five Oaks Road, near Oakton, Providence District.

This school would be for pre-kindergarten and kindergarten children - age from about three to five. It would be a small select school - ultimately to have about 30 children. The applicant has 3.68 acres - house is frame. There was no opposition.

Mr. Chandler,who is handling the transfer of property, said he had contacted all the people living near in the area and they did not object but in fact thought this very satisfactory. They have not yet contacted the State and County agencies but will do so if this is granted and will meet all requirements. They have a well and septic field.

Mr. V. Smith thought the setup quite ideal as the applicant has a large piece of ground and the school will be well back from bordering property and there appears to be no objection - but in view of the fact that there is now considerable discussion about gaining some control over such schools this should be granted for a limited time and that the granting should be subject to future local control - if and when that materializes. He moved to grant the application to the applicant only and for a period of two years and subject to approval of the State and County agencies, especially theFire, Health, and Welfare. Seconded, Mr. Haar. Carried.

10 - Hollin Hills Community Association, to permit the construction of a Community House and swimming pool at Paul Springs Road and Fort Hunt Road, Hollin Hills Subdivision, Mt. Vernon District.

Mr. Francis Smith, Jr., President of the Hollin Hills Citizens Association appeared to represent the applicant. The Association wishes to purchase land from theSchool Board for the purpose of a community recreational area. Since the school is not yet certain just how much land they will need or where their buildings will be

February 16, 1954

located they cannot determine just which of several parcels of land they will be able to sell. Therefore, the plans of the Association are all contingent upon the purchase of ground from the school. It is planned that the development will conform in every way to the architecture and landscaping of the community. The ground which they already own is very beautiful but is too low for the development they plan. They will have a community house and swimming pool.

Mr.Brookfield said theBoard could not grant a use on someonelses land. However, that it might be granted contingent upon an agreeable arrangement with theSchool Board. There was no opposition.

Judge Hamel moved to grant the application subject to agreeable arrangements with the school board and also subject to the approval of the necessary governing agencies and the Board also requires a detailed map of the final plans to be submitted, showing the location of all improvements. Seconded, Mr. V. Smith. Carried, unanimously.

11 - Timberlake S. McCue, to permit the erection of service station with pump islands closer to highway than allowed by the Ordinance, Lots 315, 316, 317, and 318, Mason Terrace, Falls Church District.

Mr. Lytton Gibson represented the applicant. This will be a standard two bay Sun Oil station. There are three filling stations within a block of this location - which Mr. Gibson said is in accordance with the Ordinance' requirements of grouping businesses. They would like a 25 foot setback for the pump islands. This is the same setback as those stations across the street. A sign was shown on the plat but Mr. Gibson said they were not asking for a sign variance.

Mr. Haar moved to grant the application as per plat presented, with the exception of the sign shown on theplat, with the pump islands to be located not less than 25 feet from the right of way, because it does not appear to affect adversely the use of joining property. Seconded, Judge Hamel. Carried, unanimously.

12 - Wm. T. Jones, for permission to erect and operate a gasoline filling station and to have building closer to side lot line than allowed by the Ordinance and to have pump islands closer to road right of way lines than allowed by the Ordinance at the northeast corner of Arlington Boulevard and Falls Church-Annandale Road, Falls Church Dist.

Mr. Lillard represented the applicant. There is a house on this property, Mr. Lillard pointed out, where Mr. Jones, the owner of this property lives. He is a very old man, quite ill, and they wish to allow him to live there for the remainder of his life. The house will probably not stand moving and also it would be very expensive. After Mr. Jones is gone the lessee will tear down the house.

Mr. Leon, of the Shell Oil Company, said they would have no exit to Lee Boulevard. They will exit on to Falls Church-Annandale Road. There will be a temporary entrance which will be closed when the

service road is extended and the permanent entrance will be farther up the Boulevard from the Service Road. This road will be extended when joining property is developed. The Company have agreed to pave the service road here.

Mr. Mooreland said all the businesses west of Seven Corners had been set back 100 feet from the right of way of Lee Boulevard. This has been required by private deed restrictions, not the County. This is the only corner which would not have such restrictions. Also, Mr. Mooreland said if general business property is used for residential development the lot should conform to Urban Residence restrictions. This house should have a 35 foot setback. He suggested that this variance should be taken into consideration.

Mr. Brookfield said by locating this so close to Lee Boulevard it would establish a new building setback line, since there is no development joining this property. Across the street setbacks are also 100 feet or even 150 feet.

Mr. Lillard said there was no legal basis for the 100 foot setback - it was just a policy.

There was no opposition.

Mr. V. Smith said if there were a hardship here and if this were a temporary thing the Board would have reason to grant it but he was of the opinion that this filling station was too close to the right of way, and the pump islands should be 25 feet back.

Mr. Leon thought this was a hardship case, that this lease is very important to Mr. Jones who has no other income. They would like to put the building back farther but felt that their hands were tied.

Mr. J.B. Smith thought it would be better to build Mr. Jones another house and move the station back farther as they have plenty of ground.

Mr. Haar suggested building a smaller building which would allow more room between the right of way and the building. Mr. Leon said it was planned to build the standard type building.

Mr.Brookfield thought allowing the variance on the house might be all right but was of the opinion that the pump islands should be back 25 feet.

Mr. Leon said they needed the distance between the pump islands and the building for turning space. It was suggested buying land to the north. No one seemed to know who owned that ground. In fact Mr. Jones wasn't quite sure how much ground he owned.

Mr. V.Smith moved to defer the case to view the property and to study the situation and to try to determine if some alternative could be worked out. Seconded, Mr. JB Smith. Carried, unanimously.

13 - Ethel Harrison, to permit the operation of a Drive-In Theatre on the south side of Lee Highway approximately 500 feet west of

February 16, 1954

Gallows Road, Falls Church District.

Mr. Dudley represented Miss Harrison. Mr.Dudley located the ground by aerial photograph. This proposition has been before the Planning Commission and the Board of Supervisors for a rezoning with the statement of what business was proposed on the property and it was approved by both boards, unanimously, Mr.Dudley brought out. The Redstone Company will put in a Drive-In Theatre.

They had contacted all property owners of adjoining property, Mr. Dudley stated, notifying them and explaining the proposed use and had the approval of all of them - at least all they had been able to locate which was practically everyone. A petition with these names and a map showing the location of the interested owners was presented, the same papers that had been shown to the other two Boards. The people owning property joining - not only approved this but were eager for it, Mr.Dudley stated. Also Reverend Brown of the little church across the Lee Highway approves. (Rev. Brown was unable to be present) Mr. Brown had made his own private investigation of this company and other theatres which they have put in and had heartily approved this.

Mr.Dudley related that Redstone Company has put in several theatres in the eastern part of the United States and has been looking for three years for a location in this vicinity. They have made exhaustive investigations and studies of many sites and find this the very best location from every standpoint. The traffic problem can easily be solved because - first there is a natural service road entrance on to the Old Lee Highway leading to Lee Highway - something they have found in no other place and there is a right of way from Gallows Road which they will open to their property and will give a second exit from the property. This would take care of any amount of traffic without hazard. This is a business, Mr. Dudley pointed out, that will cost the County nothing in facilities and will produce revenue.

Mr.Redstone showed books of clippings commending their other theatres. He said after their three years study and looking he thought they could present a convincing showing. They had tried in every way to meet the usual objections and to satisfy the community. Drive-In Theatres are on the increase, he said, because they offer a family recreational facility.

Mr. Redstone said his father was a pioneer in drive in theatres, but had built only 6 in the country - all of which are first class. The last one he put in is the finest in the country - costing $300,000. The usual cost is about $65,000. He showed testimonials from civic organizations and the clergy commending their theatres. These theatres can be and often are used for churches. The building

here will cost about $85,000. It will be the best that can be built.

The actual location of the screen will be about 1/2 miles from the road and will be located in the woods area. They will use less than one half of the 22 acres for commercial purposes, therefore they cannot have a traffic problem as they will have so much unused ground.

to here 1/26/54

Mr.Redstone showed the natural service road (Old Lee Highway) on the map and stated that by bringing in the already dedicated 50 ft. road from Gallows Road it will relieve the traffic on Lee Highway.

They had made an exhaustive survey of people in the area to tell them of their plans - they were unable to contact only one joining property onwer - all the others were contacted, who approved.

If a location such as this is not approved, Mr.Redstone said, he thought it was humanly impossible to locate a drive-in theatre any place in theCounty.

Mr. Reece spoke for Reverend Brown, favoring this use. He thought as expressed by Reverend Brown, that it might help to solve the church problems and would be an asset to the community. He thought the plans excellent.

Mr.Cornell, whose property is not far from the proposed location of the screen, favored this use, also Mrs. Miller whose property is one mile from Merrifield. Mrs. Cochran, Mr. McGee, Mrs. Gill, Mrs. Goldstein, Mrs. Dodge, Mr. Foster, and Mrs. Wilson all thought the proposed development would be advantageous to the area.

Mr. Mooreland said it was the unanimous recommendation of the Planning Commission to grant this use. (However, there was no written recommendation of the Planning Commission on this use- their recommendation was to grant the rezoning - which recommendation was forwarded to the Board of Supervisors).

Opposition: Walker Smith objected. He lives just north of the church. He said they had contacted 140 people who were opposed because of the traffic hazard, noise, and the devaluation of their property. Their petition is on file with the Board of Supervisors. He thought the devaluation of their property would be about 10 or 25% - and the owners could not afford that. TheGallows Road is too narrow to take additional traffic and the outlet on to Lee Highway would merge at the intersection at Merrifield. Additional traffic here would cause delay in getting to homes in the area.

Mr.Strong whose property is at the junction of Old and New Lee Highway wished to preserve the rural aspect and was opposed to large commercial enterprises in the area. He considered this detrimental to health, morals, comfort and safety of the area. He could see no immediate benefit to the community - the only benefit would be to the owner and operator. It would reduce advantages of living in the

community.

Mr. H.W. Mudd objected. He said he had never seen an open air theatre that did not devaluate adjacent property. He had procured figures showing devaluation in other places of from 25 to 30%. He had built a subdivision and sold houses on the assumption that this would remain a rural community. Already it was necessary to have a police guard during church hours - he thought this would be an unnecessary additional hazard, that the theatre would be ill-placed, discrediting an already well established community. He noted that people in the area had tried for 22 years to have Gallows Road widened, without success.

Miss Mildred Mudd objected for reasons stated. Also Mrs. Graham and Mrs. Luther. Mrs. Shanan said she was "on the fence."

Mr.Redstone said they could have gotten a petition with a very large number of names but Mr. Mooreland had said it was not necessary. They had, however, secured the names of adjoining property owners, which he thought far more important.

Mr.Redstone said the traffic would not cause a hazard because there is so much land within the tract and if necessary they would have special police to handle the traffic. He thought some of the people who had signed the petition opposing were sorry now and actually do not oppose this use.

Judge Hamel moved to grant the application because this seems to be an ideal location for such a use with a minimum amount of traffic hazard and other difficulties that go with the collection of large crowds and it seems to meet with the approval of property owners in the immediate vicinity and it probably will increase tax revenue and will increase as time goes on and because this has been unanimously recommended by the Planning Commission and the Board of Supervisors. Seconded, Mr. Harr. Carried. Mr. V.Smith not voting.

Later in the day Mr.V. Smith brought up this case and said he did not vote for it because no certified plats were presented with the case. TheBoard has bounded small businesses, Mr. Smith said, for certified plats and he thought the same thing should be required on this. He also thought the application should be granted to the applicant only and that it should cover the entire 22 acres. If it did not cover the entire tract the theatre could be squeezed on to one end of the property and some other business could be put at the other end. He thought ingress and egress should be shown on the plats and approved by the Highway Department, and all buildings shown on the plats. As the motion was granted there was nothing to tie down the applicant and the Board had relinquished complete control of the area. This is granted under Section 16 and he thought the motion should require compliance with that Section, and should

be contingent upon the approval of the Highway Department. The other members of the Board agreed.

Mr. Mooreland thought the motion all right the way it was. He asked if theBoard wished to require certified plats on all such cases. The Board agreed that since this was granted under Section 16 - which requires certified plats - that Section should be complied with.

Mr. V.Smith offered the following amendment to the previous motion (it was approved by Judge Hamel and Mr. Haar):

That the Board require certified plats showing all proposed buildings and improvements to be put upon the property, that the applicant show ingress and egress approved by the Highway Department, all in accordance with Section 16 of the Ordinance, and that the application be granted to the applicant only and that this use be granted on the entire 22 acres. Amendment carried, unanimously.

14 - Jack Coopersmith, for extension of time on use permit to operate a gasoline filling station, 1860 feet east of intersection of Bailey's Cross Roads on the north side of Columbia Pike, Falls Church Dist.

Lewis Leigh represented the applicant, asking for a six months extension. There is no change in conditions. Mr.Coopersmith simply could not get started within the time limit. There were no objections. Mr.V. Smith moved to grant a 6 months extension, conditions being the same as when this was granted by theBoard. Seconded, Mr. Haar. Carried, unanimously.

DEFERRED CASES:

1 - J.S.C., Inc. for permission to allow carport closer to side lot line than allowed by the Ordinance, Lot 29, First Addition to King's Colony, Lee District.

There is a storm sewer easement through this property. To have a carport the applicant would encroach on the side line by 4 feet. The main building will be all right. There will be 33 feet between houses on this side. The carport will be 10 feet wide - house and carport 40 feet. There were no objections from the neighbor on this side or from anyone in the neighborhood.

Judge Hamel moved to grant the application because of the sewer easement and it is impossible to put in a carport in any other location. Seconded, Mr. Haar. Carried. Mr.V. Smith voted No.

2 - E. M. Webb, to erect carport closer to side lot line than allowed by the Ordinance, Lots 1 and 2, Forest Hall Subdivision, 438 Lebanon Drive, Falls Church District.

This was deferred for plot plans showing the addition. No one was present. This was put at the bottom of the list. Motion, Mr. V. Smith, seconded, Mr. JB Smith. Carried.

February 16, 1954

3 - Joseph King, for permission to allow building to remain on property as located on the east side of Rt. 1, back of Open House Restaurant, Mt.Vernon District.

This was deferred to view. Since the Board had not seen the property this was deferred until the next meeting. Motion JB Smith, seconded, Judge Hamel. Carried.

4 - H. A.Slayton, to erect sign larger than allowed by the Ordinance at 1506 Richmond Highway, The Virginia Restaurant, Mt. Vernon District.

This case had been denied and Mr. Johnston asked that it be reopened as the applicant has gotten rid of some of the signs on the property - two signs the area of each being 4 feet x 8 feet have been removed. He will have just one sign - overall 100 square feet and including 45 sq. ft. of copy. The balance of the area is used in pictorial embellishment. The sign is like a book in design. There will be 65 square feet of signs on the property after the other signs are taken down - this plus the requested 100 square feet, will be the total.

Mr.V. Smith suggested viewing the property and the sign which is on the property. He so moved, seconded, JB Smith. Carried, Unanimous.

5 - Jefferson Volunteer Fire Department, to erect firehouse on the Falls Church-Annandale Road adjacent to Lot 201, Bel Air, Section 2, Falls Church District.

Mr. Cassean represented the company. The property is located on the Falls Church-Annandale Road about 500 feet from the intersection with Arlington Boulevard. This was deferred to either get the applicant and the opposing factions to agree upon a site or to resolve their differences. Mr. Cassean said they had been totally unsuccessful and were therefore asking approval of this site. It was stated that people in the area were notopposed to a fire department but merely to this location as they thought the area could eventually go commercial if this use is put in. Mr.Cassean said this is a necessary public service. They are asking the Board to be the referee. Judge Hamel thought that not fair - that people in the community should work out their difficulties.

It was brought out that commercial ground was too expensive for such a group to purchase, it would place too big a burden on the people.

Mr. JB Smith thought it might be difficult to raise the necessary money with so much opposition.

It was thought that the opposition was actually small. They cover a very large area, including many people who do not oppose this. But the ground they can purchase is limited.

Five stood favoring the application. About 30 stood opposing.

Mrs. Chappeaux thought other ground was available and had been for some time and the Fire Company had thought of buying an $18,000 one acre piece of ground at one time. She thought they could, in the light of that, afford to purchase commercial ground.

A Resolution from the Sleepy Hollow group was read opposing this present location - also theBel Air group opposed.

Mr. J. Drackley and R.O.Comstock opposed.

Mr.Brookfield thought that ground this close to the intersection could very well become commercial in time.

Mr. Whitner said thepeople would take their chances with that.

Mr. V. Smith questioned if this was desirable for residential use. It was pointed out that commercialization stops at South Street.

Mr.Whitner said he sincerely hoped that Fairfax County would not grow up with scattered business areas like Arlington. He believed there were several other locations available which would be very desirable and acceptable to the Fire Company. He thought something could be worked out satisfactory to all concerned.

Mr. Mooreland thought Woodley and Jefferson Village would oppose a location on Graham Road.

Mr. Messer also opposed.

Mr. JB Smith thought the case should be deferred for 90 days hoping the people could reach a decision for themselves. He so moved. Seconded, Mr. Haar. Carried, unanimously.

6.- Gilbert Sherfey, to erect an addition to come closer to front line than allowed by the Ordinance, Lots 38 and 39, Annandale Subdivision on Columbia Pike and Maple Street, Falls Church District.

The PlanningCommission had recommended against this (The case was deferred for recommendation from that body.) Mr. V.Smith moved to deny this case for reasons given in the Planning Commission denial. Seconded, Mr. Haar. Carried, Unanimously.

7 - W. M. Green, to permit the extension of a non-conforming business on the south side of Rt. 211, approximately 4/10 mile west of Hunter's Lodge, Centreville District.

No one was present to discuss this. Motion to defer, Mr. Haar, Seconded, Mr. V.Smith. Carried.

8 - Vernon M. Lynch, to erect and operate a gasoline filling station and to have pump islands closer to road right of way lines than allowed by the Ordinance at the southeast corner of Rt. 644 and RT.617, Mt. Vernon District.

A letter was read to General Anderson asking for information on the treatment of this intersection. The letter was written November 17, 1953 and no answer had been received.

Mr. Lynch said there had been no agreement with Mr. Carr and others on the development at this intersection and he did not think

the planning here would affect his particular lot, as it is located beyond the area involving the intersection. He felt it was not necessary to hold him up for the ultimate plan which might be some time in maturing. He would have sewer connection from the stores on Franconia Road.

309

Mr. V.Smith thought the pump islands should be put back farther setback at least 25 feet - the same as the Board has been requiring on other filling stations. Mr Lynch suggested that 20 feet would be sufficient to make a proper turn.

Mr. Baar moved to grant the application with a 25 foot setback for the pump islands. Carried. Judge Hamel voted No, he thought the Board granting this at this time might embarrass the PlanningCommission in working out the final plans for this intersection. Motion carried.

9 - Arthur I. Shaffer, to permit the construction and operation of a community swimming pool on one acre of land on the north side of Florence Lane, approximately 300 feet east of Telegraph Road, Mt. Vernon District.

Mr. Shaffer said he was leasing this land for $1 a year for the community pool. A non-profit club will be formed, charging membership fees. They have already collected a portion of the necessary money to go ahead. He thought such a development would be an asset to the area.

Mr. Crain asked how Mr. Shaffer would develop his ground around the pool area. Mr. Shaffer said he would back up the lots to the pool. Mr. Crain said he was not objecting - he was interested in what Mr. Shaffer would do with that bordering ground. Therefore, he would have to do the same thing - back up his lots to thepool - as he could not sell a home facing the pool.

Mr.Crain asked about the financing. Mr. Shaffer stated that they had estimates that a 30 x 60 pool would cost about $9000 including a 10 x 30 ft. wading pool. He thought the membership fees would cover the amount needed. Later they will add bath houses, tennis courts, and other facilities - as the need and the money grows. If it is not a financial success the money will go back to those who have contributed.

There was no opposition.

Judge Hamel moved to grant the application, seconded, V. Smith. Carried, unanimously.

10 - F. W. McLaughlin, to erect a sewage treatment plant on 2.495 acres of land on the north side of Rt. 644 adjacent to Pohick Creek on the west, approximately one mile west of Rt. 638, Falls Church District.

Mr. McLaughlin recalled that the State Water Control Board, the Corporation Commission, and theState Health Department had approved this about two years ago. He had been held up because of financing

and a poor market. He was asking for this plant because his ground was not suitable for septic fields and the Health Department had suggested installing a disposal plant. They will have from 90 to 95% treatment, therefore there would be practically no pollution from the plant. This, Mr. McLaughlin thought, would actually be more pure than the stream itself. This plant will cost about $70,000 and the rates to the consumer will be regulated by the State Corporation Commission. The rates will be about the same as those of the County. The development would start with 250 houses and the plant will be equiped to serve 500 houses. This is the same type plant installed in Vienna and Manassas. Mr. McLaughlin said the present stream had tested 30% impure.

Mr. Mooreland said the County have a promise of delegation of authority from the State,upon request from theBoard of Supervisors, to inspect plants during construction and operation - this inspection in addition to the regular inspections required by the State.

The Planning Commission recommended in favor of granting this application.

Mr.Douglas Phillips objected. He owns property one mile from the site of this proposed plant. He represented the Upper Pohick League. They believe this would destroy the Creek for recreational purposes. The stream had been tested and found satisfactory for recreational purposes. He thought the pollution came from cattle and privys upstream. He was of the opionion that this would establish a precedent to establish other plants along the Pohick. Plants in the County are not operating satisfactorily, Mr. Phillips said, and before more plants are installed there should be a tighter control so plants will not be overloaded.

Mr.V. Smith said the Board must determine if this might be injurious to the health, safety, and welfare and would not affect adversely the use of joining property, in order to grant this.

It was asked what would be done in the case of a breakdown.

Mr. McLaughlin said in case of a breakdown they ~~would~~ could take care of operation for several days before the need to discharge sewage into the stream. He expressed complete confidence in the State Water Control Board and the Health Department's control.

Mr. Phillips said he saw no satisfactory provision for a failure in the plant and the only alternative was to dump raw sewage into the stream. He thought having proper controls would be a long drawn out operation.

Out of a very large survey of plants, Mr. Phillips said,38% were inadequately operated. He thought the only way to clear up pollution of the streams was by strict controls.

Mr.Thompson of RollingRoad, Springfield objected. Mr. Thompson

had sold some land for small estates on the Pohick having been told it was free of pollution. He thought this would adversely affect his property. He spoke of the unsanitary condition of Giles Run into which the Lorton Reformatory plant empties. He thought the stream dangerous.

Mrs. Karns objected to previous operations by Mr. McLaughlin.

Mrs. Phillips objected because the Pohick is now used for various groups for recreational purposes and they should be protected.

Lack of faith in the Water Control Board was expressed. It was thought that granting this would encourage others to ask the same thing, further polluting the stream.

Mr. McLaughlin said the new bond issue would not serve this area and there was no plan by the County to install sewers here in the forseeable future. He thought the opposers mostly did not live in the area and their arguments should not be considered, that Ft. Belvoir is using the Accotink after the Fairfax Plant is discharged into it.

Mr. V. Smith thought the Board must know that the plant will be operated satisfactorily and continuously before granting such an application. He thought plants of this kind were badly needed in the County but the Board must be assured of proper operation. The State admittedly does not have enough personnel, Mr.Smith said, to police these plants properly and there are already two in the County which are not operating properly.

Section 22-23 of the Code amended in 1952 was read stating that the Water Control Board required a progress report not oftener than once a month from these plants - therefore, Mr.Smith said the State could not delegate more authority then they have and such a report-only once a month - was not sufficient to require adequate performance. Mr.Smith said he was opposed to granting such plants until the county can have adequate control and can be assured the company will be an economic asset if the County has to takeit over. Judge Hamel agreed.

Mr. V. Smith moved that the application be deferred for 30 days. Seconded, Judge Hamel. Carried, unanimously.

11 & 12 - Northern Virginia Water and Sanitary Corporation, to construct sewage disposal plant on approx. 1.3 acres on the west side of Shirley Highway off Service Road #7 at Belvoir ~~Interchange~~ and to permit sewage treatment plant on approximately 15 acres of land on the southeast side of Rt. 611 just south of Pohick Creek, part of the A.M.Burton Farm, both in Mt.Vernon District.

Mr. Haar moved to defer the first case on the 1.3 acres on the Accotink for 30 days. Seconded, Mr. V. Smith. Carried.

February 16, 1954

On the Burton Farm property the 15 acre tract, Judge Hamel moved to deny the case because of the letter from the State Water Control Board denying their application. Seconded, Mr. Haar. Carried. For: Judge Hamel, Mr. Haar and Mr. Brookfield. Messrs JB and Verlin Smith not voting.

Mr.V.Smith said if the developer was dumping fluid into the stream from his disposal plant which was more pure than the stream itself- it was confiscation of the man's property not to allow him to put in a plant and develop.

5 - Archie L. Tomlinson. No one was present. Mr. V. Smith moved to defer this case. Seconded, Judge Hamel. Carried.

6 - Klopfer Motors, Inc. This is a request for extension of time for the small temporary sales building which is located too close to Roanoke Street. It has been extended twice. The applicant will black top the ground around this area. Roanoke Street is not a black top road and is very little used.

Mr.V. Smith moved to extend this for 10 years but reduced it to 5 years upon objection from Mr. JB Smith. Seconded Judge Hamel. Carried, unanimously.

Mr. Mooreland said theBoard had granted a use permit to Kerns for a filling station at Fairfax Circle. The plats came in after the application was made. When the plats were presented the setbacks requested on the plats were not checked and the permit was issued for a less setback then required for pump islands. The applicant wants a 21.5 foot setback for the pump islands and the Board has granted a 25 foot setback, the same as they have been granting on other pump islands. The plats presented showed a 21.5 ft. setback

Mr. Ragin of the Texas Oil Company said since the permit was issued in error they had staked out the building, depending upon the 21.5 foot setback for the islands. If the islands were moved back to the 25 foot line it would leave only 23 feet space between the building and the islands. This is a filled lot and would be difficult to move the building back farther. They would like a 30 foot clearance between the islands and the building for safety and utility. Mr. JB Smith moved that the pump island setback be granted as per plat presented which is 21.5 feet from the right of way. Seconded, Judge Hamel. Carried. Mr. V. Smith not voting.

Mr. Mooreland suggested changing the signature on the Variance Posters from Mr. Brookfield to Mr. Schumann. Agreed.

J.F.Brookfield, Chairman

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March 16, 1954

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 16, 1954, in the Board Room of the Fairfax County Courthouse, at 10 a.m. with the following members present: Messrs Brookfield, Judge Hamel, V. Smith, Herbert Haar, and J.B.Smith....

1 - Forest K. Hope, to permit an addition to dwelling to come closer to side lot line than allowed by the Ordinance, Lot 233, Section 3, West Lawn Subdivision, 932 Westfall Place, Falls Church District.

There are 17 feet on the side and the applicant wishes to add a dinette. With the addition the setback would be 8-1/2 feet.

Mr.V.Smith suggested putting the addition in the rear. Mr. Hope said he wished to put a porch there eventually - also if he moved his kitchen to the rear it would involve changing the plumbing, which would be expensive. This is actually a variance of 18". The neighbor joining does not object. Mr. Hope showed a letter stating that.

Judge Hamel moved to grant the application since the Board has granted similar applications and there is no objection from the joining owner. Seconded, Mr. Haar. Carried, unanimously.

2 - M. B. Shields, to permit dwelling as built closer to side lot line than allowed by the Ordinance, Lot 22, Braddock Hills, Mason District.

The applicant said he had gotten a permit for a garage and porch, both of which are built. The porch is not practical as the leaves and rain blow in. He would like to glass in the porch. After this addition had been granted on the original permit, the zoning law was changed making this 4 feet too close to the line. There are 3 feet between the house and garage. There was no opposition. This will be 20.3 feet from the side line. It is built of masonry construction.

Mr. Mooreland said the applicant did not call for an inspection-therefore this violation was not caught before it was built.

Mr. V.Smith moved to grant the application because it does not affect adversely the use of joining property and the garage and addition are fireproof. Seconded, JB Smith. Carried, unanimously.

3 - Douglas H. Layman, to allow dwelling to come closer to Chowan Avenue than allowed by the Ordinance, Lot 86, Section 2, Lincolnia Park, Mason District.

When this house was laid out the road was not hard surfaced and the applicant said they did not know where the property line was. He had hoped to have a five foot leeway but used the centerline of the road, which because of the lack of stakes, they could not exactly identify. They also had tried to save several large trees. There were no objections from the neighbors.

Mr. JB Smith moved to grant this application because it appears to be an honest mistake. Seconded, Mr. V.Smith. Carried, unanimously.

4 - Philip J. Patton, Jr., for permission to build carport closer to side lot line than allowed by the Ordinance, Lot 46, Section 1, Lake Barcroft, 7624 Lakeview Drive, Mason District.

Mrs. Patton appeared before the Board. They wish to put the carport practically on the line. This would be entirely open. The house is about 80 feet back from the road. The neighboring house is only about 40 feet from the road - therefore this addition would not bother them. The applicant's house would actually be in the rear. The ground slopes up toward the front. There is no place in the rear of the house because of the slope of the ground. There were no objections.

Building the carport so close to the line, Mr. V. Smith thought would be impractical because one could not paint nor even build the carport without having to go on to the neighbor's property. Mr. Haar thought 12 feet would be wide enough for the carport. The basement entrance is just at the front of this proposed carport.

Mr. Haar moved to grant the applicant a carport provided it does not exceed 11 feet in width and is located not closer than 4 ft. 6 inches from the side line, due to topography. Seconded, Judge Hamel. Carried, ~~unanimously~~. Mr. Brookfield and Mr V. Smith voted No.

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5 - Robert D. Daly, to allow porch closer to rear lot line than allowed by the Ordinance, Lot 4, Chatelain Village, No. 4 Dale Court, Falls Church District.

Mr.Daly wishes to screen a patio which comes within 8-1/2 feet from the rear line. This was built first as an 18 x 25 foot patio. He wishes to enclose half of that. There is a farm to the rear of his property. There is no building in the rear of his ground closer than about 200 feet. The owner does not object.

It was noted that a porch could extend into a prohibited area 10 feet. There is no provision in the Ordinance, Mr. Mooreland said, for a patio. Often a porch or patio becomes a room and is therefore in violation. This patio is built up about 4 or 5 feet with a wall. Mr. Daly said he had done that to protect his house from water draining from neighboring property.

Judge Hamel moved to grant this because the patio was approved and due to adverse topographic conditions and it does not appear to adversely affect the use of joining property and this is merely being screened.

Mr. Mooreland said the next step would be to glass this porch in. If the patio is enclosed it would be a 17 foot variance as it would be part of the house.

Mr. Haar amended the motion to state that the porch is to be

screened only above the existing masonry construction. Judge Hamel accepted the amendment. Seconded, Mr. Haar. Carried. Mr. V.Smith voted No.

6 - C. C. McCloy, to allow garage to remain closer to Beechwood Lane than allowed by the Ordinance, Lot 12, Section 7, Hillwood Subdivision, 111 Arlington Boulevard, FallsChurch District.

Mr. McCloy said they had originally planned to build a large house but cut it down considerably when they built - in 1951. A little later they built the garage and since they could not find the stakes for their lot they measured for the garage from the old original blue prints which brought the garage too close to the right of way. The original stakes had probably been knocked out during the time they were filling in the lot. The applicant had a letter from two property owners most affected stating they did not object. This garage is brick and concrete. The house is about 130 feet from Arlington Boulevard.

Mr. Mooreland said this was found by inspection - checking on those who had not called in for inspection.

Mr. McCloy said he had plenty of land and had no intention of violating the Ordinance.

Mr. V.Smith moved to grant the application because it does not appear to affect adversely the use of neighboring property and does not affect the vision on the corner and it appears to be an honest mistake. Seconded, Judge Hamel. Carried, unanimously.

7 - Harry L. Smith, Jr., to allow carport 8.1 feet to side lot line, Lot 41, Chatelain Village, 41 Chatelain Road, Falls Church District.

This property is on the corner of five intersecting streets. If the carport were located at any other point the driveway would run into this five point intersection. To avoid this and to keep the entrance clear of this he has put the driveway in leading to the proposed carport. The house on the adjoining lot is 30 feet from the line. Part of this addition would be a storage room. The carport would be open above a 3 foot wall. This is on a cul-de-sac, aside from being surrounded by three streets. There were no objections.

Judge Hamel moved to grant the application because it does not affect joining property adversely and it appears to be about the only place a carport could be properly located as the property is surrounded by streets on three sides.

~~There were no objections~~

~~Judge Hamel moved to grant the application because it does not affect joining property adversely and it appears to be about the only place where a carport could be properly located as the property is surrounded on three sides by streets~~

Mr.V.Smith added the amendment that this be granted provided the carport is entirely open rather than having the brickwork as shown on the plat. Amendment accepted. Seconded, Mr. V.Smith, Carried unanimously.

8 - James L. Scarberry, to permit garage to remain closer to side lot line than allowed by the Ordinance, Lot 4, Block A, Section 1, Churchill Subdivision, 3407 North Westmoreland Street, Providence District.

The garage is practically built - located 9" from the line. It is masonry. This was an error caused by working from the wrong stakes, Mr. Scarberry said. He presented a letter from the affected neighbor, stating that he did not object to the garage.

This garage was started two summers ago. The walls and roof are about completed. Only the floor and doors are not yet in.

Mr.V. Smith suggested purchasing a strip of land to make this conform to the Ordinance. However, it was brought out that if this were done it would make the adjoining lot too small. The joining lot is the same size as Mr. Scarberry's and if his neighbor has a garage it would naturally be on the opposite side of the lot.

Mr.V.Smith moved to defer the case to view the property. Seconded, JB Smith. Carried.

9 - L. R. Barrett, to enclose porch within 13 feet of side lot line, Lot 4, Block 3, Section 1, Virginia Hills, No. 6 Enfield Drive, Lee District.

The original permit on this was for a screen porch 13 ft. 6 inches from the line. Now the applicant wishes to glass in the porch. He was stopped in doing this by the Zoning office. He also planned a fireplace on the end of the porch. Materials have been bought.

There is no place for a garage on this property except on the opposite side of the house, however, the driveway has been built on the side of the house where the proposed enclosed porch is located. There were no objections.

Mr. Haar moved to grant the application provided the driveway is built on the opposite side of the house from this proposed porch enclosure and that the chimney shown on the plan be built so as not to project beyond the side line of the porch - that nothing of the structure should be closer than 13 ft. 6 inches from the property line. Seconded, Mr. V.Smith. Carried unanimously.

10 - Silas M. Ransopher, to permit dwellings to remain as erected on Lots 52 and 53, Section 3, Mt.Vernon Woods and Lots 1, 2, 3, 50, and 51, Section 4, Mt. Vernon Woods, Lee District.

It was noted that these are all very small variances - most of which are less than 4 inches. Mr. Ransopher said the builder had measured incorrectly - he had expected to have allowed at least

March 16, 1954

6 or 8 inches over the requirements.

Mr. Mooreland said this was not individual inspection but rather it was checked by certified plats.

Mr. Haar moved to grant the application because these are very small variances, most of which are less than 4 inches, and it appears to be honest mistakes and does not affect adversely the use of joining property. Seconded, Mr. V.Smith. Carried, unanimously.

11 - Julius Pruss, to allow pump islands closer to right of way line of Arlington Boulevard, at the southwest corner of Rt. 613 and Arlington Boulevard, Falls Church District.

Mr. Harry Carrico represented the applicant. He recalled that the Board had granted Mr. Pruss a permit for a motel here about a year ago. The pump islands at that time were at the front - ten feet from the right of way of Arlington Boulevard. The permit was given on the condition that these pump islands be moved back in line with the front of the building and the Seven Corner Market building, on joining property. This was done. Time has shown that this is a very inconvenient location for the public and the gas business has suffered greatly. Mr. Carrico recalled that the filling station was intended as a temporary expedient - to bring in revenue while the motor court was getting established and showing a profit. Since the moving of the pump islands has seriously hurt business the applicant requests permission to move them back to the original location. They had been in this original location for 13 years. Mr. Pruss will do away with the pumps as soon as his business warrants it.

Judge Hamel suggested that if granted a time limit should be put on allowing the pumps in this location. Mr. Carrico agreed to that. If an extension were necessary - the applicant could apply.

Mr. V.Smith thought the decline in business was not necessarily the result of the location of the pumps but probably because of so many new stations going up. Mr. Carrico agreed that that had no doubt contributed but the present location has also proved very inconvenient for the customers and had also created something of a traffic hazard - because of the poor entrance, from the service road. Mr.Brookfield thought the Highway Department would have the pumps removed anyhow.

There were no objections.

Mr.V. Smith moved to grant the application to the applicant only, in view of the hazardous approach to the pump islands from the service road and the financial difficulties caused to the owner, that the granting be for a period of five years or until the widening of Arlington Boulevard, whichever occurs first - so long as the present use continues on the property or should the construction work at Seven Corners materially change the approach to Arlington

Boulevard. Seconded, JB Smith. Carried, unanimously.

12 - Broyhill Crest Recreation Club, for permission to operate a swimming pool and recreational facilities on part of Lot 9, W.L.Clark Subdivision, Falls Church District. 318

Col. Morton represented the private recreational club which is being organized on a non-profit basis. This club will not be open to the general public- but for membership only and primarily for people in the immediate area. They plan bath houses, a 35 x 75 ft. swimming pool, which will be fenced, and a wading pool. They will have a full time life guard and all the safety features required by the county and state. The property is beautifully wooded, which trees will be kept. They will attempt in every way to make this an asset to the County.

The incorporation papers are now being processed. They now have 250 members and will limit the club now to about 400 homes but will extend this to take care of the 504 homes in the area. They have- or plan to have about 75% of the residents as members. Such facilities are greatly needed in the area, Col. Morton said. It will be accessible without crossing main highways. A new school will likely go in on property joining. People from homes immediately bordering this project are wanting membership. They will leave a buffer between the homes and the pool - shielding thepool with the trees. In fact the entire property is well screened with trees, Col. Morton said. The entrance will be chained off at night and they will have a caretaker. Water will be furnished from Annandale. The plant will be filtered once every 8 hours. Eight were present favoring theproject.

Mr.Wm. G. Knold spoke favoring this use. He stated that their plans had not yet been presented to the entire Broyhill Crest Citizens Association but had been shown to the Executive Committee who had approved it.

It was brought out by Mr. Clarke that this is not a commercial project but merely a limited use. He presented a letter from the Executive Committee favoring the project.

Opposition: Mr. Chas. Adkins, who lives on Lot 8, joining this proposed use objected, questioning what would be the future of this club. Most of the members, Mr.Adkins said, are probably military personnel who are here on a short tour of duty. (Col. Morton said the membership so far was about half and half military and civilian)

Mr.Adkins objected to the fact that Early Street, which stops at the edge of this property could not be put on through to Gallows Road and the land in the rear therefore could not be developed. This property lies between two undeveloped properties and would be a hinderence to future development.

Col. Longstreet opposed also, Mr. R.R. Koonz. Mr. Koonz owns Lot 10 which is on the east side of this property. It is a 5 acre tract. He thought this would devaluate his property and would lower the character of the community. The nearest commercial property is about 1/2 mile away. Such a use would be noisy and could create a traffic and a health hazard. This also could become a gathering place for juveniles without proper sponsorship - breeding crime and low morals. He thought the need of churches and parks far more necessary than this type of thing. Also, that it would be better to equip the school ground for recreational purposes. He suggested that it was the responsibility of Mr. Broyhill to provide a pool and recreational grounds. Mr. Koonz said Early Street stopped at his property - in fact a continuation of Early Street would be part on his ground and part on the club property.

Col. Morton said there would be a 7 ft. chain link fence between the large pool and the wading pool for safety. They would in every way conform to the best standards of health and safety.

Judge Hamel moved to grant the application subject to completion of the incorporation of the non-profit corporation and subject to the usual inspections - approval of the Health Department and other authorities. Seconded, Mr. Haar. Carried. Mr. V. Smith not voting. Mr.Brookfield not voting.

13 - David Derr and Peter K. Morse on behalf of Recreational Association to be formed, to operate a swimming pool and recreational facilities, south of Washington and Old Dominion Railroad, bounded on the south east by Fairfax Terrace Subdivision, Providence District.

Mr. Derr represented the Poplar Heights Citizens Association, which is being formed. The desire for this recreational area started, Mr.Derr said, with a few mothers and spread to almost the entire community. They had carefully chosen this site which in itself is well located and adequate and will not be objectionable to other property. They will have the pool for swimming, a wading pool and bath-houses. The parking will be changed to the back of the property near the railroad, which will make it less objectionable to others.

There was a meeting of 125 families, Mr. Derr said, who unanimously approved going ahead with this project. They have filed papers for the non-profit corporation, and have an option on this site. There is no recreational area in the neighborhood. They consider that 175 families will take out membership very soon and are planning for a maximum of 275 families, most of whom they hope will be in the immediate community. This is planned as a community project. It will be run by a Board of Directors who willcontrol the membership. There will be a few non-resident shares the owners of which will not be allowed to vote in the association, Mr.Derr said.

Resale of the stock will have to be offered to the community. The total membership which will total 275families will come from adjacent property when it is developed. They will have water from Falls Church.

The room was practically full of people who stood favoring this project.

Mr. Haar asked if the pool would be filtered. Mr. Derr said it would - they had checked with the Health Department and the water would be turned into Tripps Run.

There was no opposition present but a telegram was read from Mr. Holm who is in California, who owns joining land and who said he was not properly notified of this proposed use.

Mr.Derr said this was started last summer and had been talked of all year. Mrs. Wrench said Mr. Holm was notified by the block chairman. A petition was presented from Hughes Court favoring this (this is the street on which Mr. Holms owns property).

Judge Hamel moved to grant the application subject to the completion of the non-profit incorporation papers and subject to the approval of the Health Department and other interested agencies and subject to the erection of an adequate protection fence. Seconded, Mr. Haar. Carried, unanimously.

14 - A. F.Ray, to permit building on premises to be used as a store, Lots 15, 16, 17, Block 40, New Alexandria, Mt. Vernon District.

Mr.Ray said he had obtained a permit three years ago to sell garden produce at this location. He did not want to enlarge the place - merely to remodel and improve it. There is a filling station and a garage on the corner both of which have been operating for some time. This is only a use permit - not a rezoning. Mr. Ray said this was the only way he could make a living for his family. He has been very ill with a stomach ailment (he presented a certificate from the Veterans Administration showing his physical condition). He is restricted in the jobs he may take by the Veterans Administration. He cannot do inside work. This is practically his only alternative for making a living. The place would be cleaned up and Mr. Ray thought it would be a distinct improvement.

There were ten people present opposing this. Col Woodman from the Riverside Citizens Association said they did not want any extension of the fruit stand, that there had been two previous attemps to rezone this without success and the permit given Mr. Ray was for the sale of produce raised on his land only and he had been bringing in produce raised other places. There is a grocery store only one block away and Belleview Shopping Center is about six blocks away. This faces the Belle Haven Golf course. He thought there was no immediate need for this extension. Col. Woodman made

it plain that there was nothing personal in their objections - it was purely because of the desire to stop extension of business because it would lower property values.

Mr.Russel Merrill opposed. He owns Lots 6, 7, 8, Block 35. He gave the same reasons as listed above. There are 13 stores in operation at Belleview and 10 more under construction, which he thought entirely adquate. Mr. Merrill also emphasized the fact that his opposition was not personal and expressed sympathy for Mr. Ray.

General Cunningham of the Belle Haven Citizens Association Executive Committee also objected, because this is one of two main entrances to Belle Haven. It is residential and they wish to keep it so. This use should wait for the master- plan report. He didnot object to Mr. Ray selling his own produce in a small stand but did not wish to see the extension for a store.

It was brought out that this ~~land had~~ application is not been up for rezoning.

Mrs. Lamberton objected for reasons given above, also Mrs. Saunders from the Belle Haven Citizens Association. She thought this might be a toe-hold for a larger store later on.

Mr. Mooreland said the business originally located here was non-conforming and had been turned down for rezoning. This, if granted would be a use permit only.

Mrs. Woodman also expressed sympathy for Mr. Ray and thought it would be all right if no futther expansion took place - that a littl store might be all right but did not want to see business expansion which granting this might lead to.

Judge Hamel suggested granting this for a limited time.

Mr. V. Smith moved to grant the application under Section 12-G-Powers relative to Variances, because this grantingwould relieve an exceptional hardship and would not create a substantial detriment to the public good or impair the intent and purpose of the Ordinanc This is an exceptional situation because of the health of the applicant and that the granting be for a period of two years and to the applicant only.

Mr. Haar asked that it be added to the motion that the building not be altered materially, just minor repairs. Mr. V.Smith accepted the amendment. Mr. Haar seconded, carried unanimously.

15 - Louis D. Strong, to permit the operation of used furniture and clothes exchange on the N.W. side of Rt. 123, adjoining Gooding's Upholstery Shop, ProvidenceDistrict.

Mr.Strong said they were operating at one location and it became necessary to move- they found another location near business property which they had thought was also business ground but found that it was not. The building was not large enough to take care of bicycles and baby carriages so they put up a tent for shelter. They

had planned a display in front but the neighbors objected so they put the shelter in the back. Mr.Strong presented a petition signed by the person on joining property and people living in the area - not objecting. They are near the Cardinal School.

Mrs. Bragg objected. She owns two houses across the street. She thought this shop unsightly and a traffic hazard. They have no off-street parking. She presented a petition signed by property owners in the area - opposing.

Mrs. Chrisler had changed her mind and was now opposed. She had signed the petition favoring this use.

Mrs. Mutchler, a tenant in the Strong's home thought this was an asset to the county, that the Strongs are very fine people and she did not consider this a traffic hazard. The driveway is graveled and they will improve the entrance.

Mrs. Clarke thought the shop hardly visible, that it is trim and neat, they had only a small sign and the business was conducted in a clean, orderly manner, within the state laws and that the owners were willing for inspection at any time.

Mr. V.Smith suggested that Mr.Strong should have investigated the zoning as there is very little business between Vienna and Oakton and he thought this could very well affect property owners adversely. He moved to deny the case because it does affect adversely the use of joining property and this is not a desirable place for business. No second.

It was noted that there is sufficient business property in Vienna. It was suggested that this would be a temporary location. Judge Hamel suggested deferring the case to view the property. Mr. JB Smith so moved. Seconded, Mr. Haar. Carried, unanimously.

16 - S. T. Young, to permit the erection of electric repair shop closer to side lot line than allowed by the Ordinance on the easterly side of Rt. 7, approximately 900 feet northwest of Tyson's corner, Dranesville District.

Mr. Young said there is 800 ft. of general business zoning starting at Tyson's Corner westerly on Rt. 7, then a small strip about 80 ft. wide of Suburban Residence zoning then again rural business zoning for about 300 ft. Now Mr. Young wishes to build a good structure on his property and he would like to locate it 3 ft. nearer to this suburban residence property than he is allowed. (when residential property joins business property the business setback must meet that required in the residential zoning-which in this case is a 15 ft. setback). Mr. Young said his was the only shop in the area doing this type of work-he conducts an emergency service- any hour of the day. He did not wish to close down his present shop to put up the new building. This will be masonry construction

323

March 16, 1954

Mrs. Porter who owns the residential strip of property joining objected. She said there was considerable debris falling on to her property from this business, some of her trees and shrubbery had been destroyed because of the traffic into the yard.

Mr.Strong said an oil company truck had wrecked a pear tree belonging to Mrs. Porter but he felt that was the only actual damage he had done her.

Mr. Haar suggested a solid fence between properties.

Mr. Young said this was all potential commercial property and very valuable.

Mr. V.Smith moved to grant the application as presented due to the zoning in the vicinity and that it does not appear to affect adversely the use of joining property and the building shall not be closer than 12 feet from the side line. Seconded, Judge Hamel. Carried, unanimously.

17 - Sa. A.Wilkerson, to permit the erection of a gasoline filling station and to have pump islands 35 feet of the right of way line of No. 1 Highway, Parcel 2, Block 1, Barley Farms Subdivision (4114 Richmond Highway) Mt. Vernon District.

Mr. Wilkerson said he has 2 acres of business property. The Highway Department has approved his entrance and exits. There were no objections. Mr. JB Smith moved to grant the application and Mr. Haar seconded. Carried, unanimously.

18 - Corbin Baker, to permit the erection of repair garage at the S.W. corner of No. 624 and No. 1 Highway, Mt. Vernon District.

Mr.Cochran represented the applicant. There is a store on this property now. The setback line has been established for some time. A permit was granted for the store. This would be an extension for a garage and a State inspection station. This is a transient area - with many tourist cabins and Ft. Belvoir personnel coming and going. The store on the property is being extended. That is on the opposite side from this requested extension. There were no objections.

Mr. Baker said all cars being worked on would be parked in the rear.

Mr. Haar moved to grant the application provided there are no wrecked cars within the area marked 29,912 square feet on the plat. Seconded Judge Hamel. Carried, unanimously.

19 - Louis M. Russo, to permit the resubdivision of property, on lot with less width than allowed by the Ordinance, Lot 38, Moore and Keith Subdivision, Falls Church District, corner of Hummer Road and Walton Lane. There are three lots in this tract, Mr. Russo said, which conform to the subdivision requirements. This one lot lacks 4-1/2 ft. in width of meeting the requirements. There are more

square feet in this lot than required. On this corner lot the applicant wishes to build a house 46' x 24' which would be in keeping with the neighborhood.

Objections: Mr. Moore opposed. He lives three lots from this property. The majority of the lots in the area, he said, are large, many as much as 2-1/2 acre to 5 acre tracts and the creation of a lot here with less width than required would not be in keeping with the area. This lot is low and he did not believe it could pass the percoloation test.

Mr.Rave, on joining property, has located his house 125 ft. back from the road. If this property is built upon as proposed his property would face the back yards of three or four houses. He also thought septic conditions were bad and that resubdivision of this tract into four lots would depreciate values in the area.

Mrs. D.A.Russel, living across the street objected. She has 9/10 acres and objects to the small lot sizes.

Mr. Cheston, living two lots away objected for reasons given above. He did not object to the three lots on this property but thought the fourth non-conforming lot would depreciate values of the larger tracts in the area.

Mrs. J.V.Keys owns a 2-1/2 acre landscaped tract - very near. She objected for reasons stated.

Mr.George Benson stated that Mr. Russo had moved his equipment on this tract ready for action, He thought this development would depreciate values. The Accotink Creek is already badly polluted and the water table is only 18" which would be very bad for septic fields.

Mr.Russo said he had made percolation tests himself and that they would pass the Health Department's requirements. He had checked with Mr. Clayton of the Health Department who said no percolutaion tests here had been turned down. Much of the property in the area, Mr. Russo said, has only 100 ft. frontage although there is more depth to the lots and therefore more area than required. Mr. Russo said he would build $18,950 homes.

Judge Hamel moved to deny the case because by dividing this property into four lots it would be detrimental to the general residential character of the community and the County should ecnourage the larger lot size type of development. Seconded, Mr. Haar. Carried, unanimously.

20 - S. J.Beckwith, for permission to erect apartments on one acre of land on the east side of an outlet road and approximately 300 ft. south of Route #626, Gum Springs (school property) Mt.Vernon District.

March 16, 1954

Mr. Luckett appeared for the applicant. The applicant has bought the old Gum Springs colored school. He applied for general business zoning for the purpose of having apartments. The business zoning was denied, but the property zoned to Urban classification. He now wishes to remodel the existing building for apartment use, Mr. Luckett explained. The Health Department said they would make percolation tests after this permit is granted. The building would be remodeled into four or six three room apartments, whichever is approved by the Health Department and the Building Inspector. Each apartment will have a outside opening. Mr. Beckwith will live in one unit and rent the others. All remodeling will be on the inside-the outside of the building will remain the same. There was opposition to the business zoning, Mr. Luckett said, but none for the apartments. The construction of the improvement will be approved by the building inspector's office.

Mr. JB Smith moved to view the property - defer - seconded, Mr. Haar.

Mr. Luckett said the old outside privys are still there - he did not know what they could do about a septic field. Mr. Haar thought the Board should have more information about these things.

The motion carried, unanimously.

Mr.Luckett asked the Board to notify him when they viewed the property.

21 - R.A. Hodnet, to permit the extension of Motel (19 units) N.W. side of No. 1 Highway just south of Sky View Court, Lee District.

Mr. Kestner represented the applicant. This will be extended to a total of 19 units. A 50 ft. setback will be maintained and the presently constructed frame buildings will be brick veneered. There was no opposition.

Mr. V. Smith moved to grant this provided it conforms to requirements in Section 16, A,B,C,D, of the Ordinance. Seconded, JB Smith. Carried, unanimously.

22 - Samuel W.Eaton, to permit the erection of 40 unit motel on the south side of Rt. 50 just east of Pine Knot Antiques, Providence District.

Mr.Silberberg represented the applicant. This is a 6.3 acre tract, recently rezoned to general business. This is a use permit. The buildings will be masonry and will meet all requirements- with sufficient parking area and proper setbacks. There was no opposition.

Mr.V.Smith moved to grant the application because it conforms to requirements in Section 16 and is a logical location for such use because of the use of neighboring property and it is understood that this granting includes the entire 6.3 acres. Seconded, Mr. Haar, Carried, unanimously.

by the County. He stated that the Health Department had suggested

March 16, 1954

23 - Martin Gibson, to permit the operation of a gravel pit on property on the east side of Shirley Highway Service Road No. 6, adjoining the Parr-Franconia Warehouse property, on the south, Mt.Vernon District.

It was brought out that this is a hilly tract which joins Mr. Robinson's land-the owner of which land will also sell gravel. The applicant will leave the ground sloping so it will drain properly.

Mr. Haar moved to grant the application provided the ground be left so there are no detrimental holes or places that will cause trouble and so the property will be properly drained. Seconded, Mr. V. Smith. Carried, unanimously.

DEFERRED CASES:

1 - E. M.Webb, to erect carport closer to side lot line than allowed by the Ordinance, Lots 1 and 2, Forest Hall Subdivision (438 Lebanon Drive), Falls ChurchDistrict.

Mrs. Webb appeared before theBoard and did not have certified plats as requested. The plats she presented were not scale and the Board could not tell actually how the property is being used. Motion to defer, Mr. Haar, seconded, Judge Hamel. Carried, unanimous.

2 - Archie Tomlinson, to erect carport 14.13 feet of side lot line, Lot 509, Block 6, Resubdivision of Blocks 5, 6, 7, Hybla Valley Farms Subdivision (3111 Frances Drive), Mt. VernonDistrict.

This would be a 12 foot variance. The house is about 62 feet back from the road. If this side addition conforms to the requirements it would cut off about 6 feet of lawn. The house being located back so far on the lot it will not be detrimental to joining property, Mr. Tomlinson said.

Mr. Haar moved to grant the application because of the 62' front setback and that it does not appear to affect joining property adversely. Seconded, Judge Hamel. Carried, unanimously.

3 - Joseph King, for permission to allow building to remain on property as located on east side of Rt. 1 back of Open House Restaurant, Mt. Vernon District.

There are already several buildings on this property. The building in question was moved in without getting a location permit. One building was located 25 feet from the other building. The original building was cut in half and one of those buildings burned down. Then this building in question was moved in and located on the site of the burned building, this without a permit. There is a building to the rear which is 25 feet from the line. This will not be used for living quarters - it will be a wash room and storage place for the people living on the property. There was no opposition.

Mr. Haar moved to grant the application, seconded Judge Hamel.

JB Smith and V. Smith voted No. Mr.Brookfield voted for the motion Carried.

4 - W. M. Green, to permit the extension of a non- conforming business on the south side of Rt. 211, approximately 4/10 mile west of Hunter's Lodge, CentrevilleDistrict.

Mr. Balavage represented the applicant, who wishes to build a 20' x 40' shop in which to reproduce antiques. It will be located to the rear of his house. He is already operating, non-conforming, but needs more room and would like to either build this new building or extend the old one.

It was suggested that rather than grant this the applicant should apply for a rezoning. Mr. Balavage said he would talk with his client and decide whether to apply for a rezoning, in which case he would withdraw this case.

Mr. V. Smith moved to defer the case, seconded, Mr. JB Smith. Carried, unanimously.

A letter from Mr. Louck of the Commonwealths Attorneys office was read relative to the extension of such a use.

5 - Frank E. Eakin, to have less setback for dwelling than allowed by the Ordinance, from Falls Church-Annandale Road and from Hockett Street, Lot A, part of K.S.Putnam property at the SW corner of Falls Church-Annandale and Hockett Street, Falls ChurchDistrict.

Mr. Walter Ralph represented the applicant. Mr.Ralph submitted a plat which had not been signed by the Planning Engineer. The case was deferred to later in the day for this signature.

6 - William T. Jones, for permission to erect and operate a gasoline filling station and to have building closer to side lot line than allowed by the Ordinance and to have pump islands closer to road right of way lines than allowed by the Ordinance, at the N.E. corner of Arlington Boulevard and Falls Church-Annandale Road, Falls Church District.

Mr. Chamblis asked for a 30 day deferrment. Motion to defer for that time, Mr. V. Smith. Seconded, JB Smith. Carried.

7 - F.W. McLaughlin, to erect a sewage disposal (treatment) plant on 2.495 acres of land on the north side of Rt. 644 adjacent to Pohick Creek on the west, approximately 1 mile west of Rt. 638, Falls Church District.

Since this case has been fully heard at several previous meetings of the Board - these minutes will include only new information presented and the names of those for and against the case. (Refer to index for previous hearings)

Mr. McLaughlin said he was actually being taxed for his disposal plant franchise now - although his plant is not yet approved by the County. He stated that the Health Department had suggested

that he apply for this plant because of septic conditions in this area. Therefore, he made the application for this plant. This will not conflict with the county sewers in any way, Mr. McLaughlin said, as there are no plans for sewerage here. He had checked with Mr. Marsh regarding county control and Mr. Marsh had said the County would have no control because this plant is out of the Sanitary District. The Chief Council of the State Corporation Commission had stated that he thought the County was adequately protected. FHA will not approve loans with septic fields. Mr. Mc Laughlin said there had been no opposition within 2 miles of his proposed plant. This would serve 200 homes and by the use of twin plants could be expanded to serve 500 homes. He would probably develop on 15,000 square foot lots and would have black top roads.

Mr. McLaughlin introduced Mr. Griffith, designer of his plant. Mr. Griffith said if his plants were operated properly there was almost no pollution and in most cases the stream was more pure than a normal stream. His plants are operating satisfactorily at Vienna, Manassas, and at the government warehouse. Mr. Griffith stated that his plant was most economical on from 60 to 80 foot lots. The rates would be about $2.50 a month.

Opposition: Mr. Phillips who lives 1.3 miles away objected. Mr. Ross Karns, Mr.Clifton, Mrs. Ruth Kelly, Mrs. Phillips, Mrs. Simms Mrs. Karns, Mr. Baker, Mr. Colbin, Helen Johnson, and Mr. Thompson all objected for reasons stated in previous meetings: pollution of the stream, ruining recreational areas along the stream, lack of proper local control, and the possibility of overloading the plant It was generally agreed that the opposition would be negligible if proper inspection and local control could be assured. Several plants operating improperly were mentioned. Mr. Karns thought the $20,000,000 bond issue could take care of the influx of new people when the various areas were ready for development.

It was asked what would happen if the stream went dry. Mr. Griffith said they used to drill wells for water but that now the affluent was sufficiently pure.

County controls were discussed at length. Mr. Marsh had stated that in his opinion the state could not delegate any authority to the county without legislation.

Mr. Mooreland recalled the County's meeting with the State Water Control Board officials at which time Mr. Paessler had said the State would, upon request from the County, be very willing for the County to inspect plants during construction and operation and to report to them with regard to this and the degree of pollution.It would, however, be up to the State to bring about improvements or corrections of bad operation.

March 16, 1954

The financial backing of Mr. McLaughlin (with regard to members of his corporation and the ability of the firm to develop this area and operate the plant) was discussed and also the lack of confidence in what may go on this property because of previous building Mr. McLaughlin had done in the County. Pictures of an old development of Mr. McLaughlin were presented for the record.

Mrs. Simms thought this should wait for the complete development of Springfield to carry out a cohesive plan - rather than to have many small ill-working plants, here and there.

Mr. Thompson stated that he had no opposition to the Griffith plant but he thought the County should have guarantees to insure that the stream will not be contaminated and that the plant would be operated properly and without odor. He thought the case should be deferred for regulatory controls, which could only be had by legislation since the State obviously cannot adequately police operation of these plants.

Mr. McLaughlin said he would be willing to sign any kind of paper or guarantee the County would require to insure the proper installation and operation of this plant. He thought he could do nothing more.

Mr. JB Smith moved to defer the case until a report is received by the Board from the County Executive relative to the conference between County representatives and the State Water Control Board. Seconded, Mr. V. Smith. Carried, unanimously.

8 - Northern Virginia Water and Sanitary Corporation, to construct sewage disposal plant on approximately 1.3 acres of land on the west side of Shirley Highway Service Road #7, at the Belvoir Interchange, Mt. Vernon District.

Mr. J.B.Smith moved to defer the case until a report is received by the Board from theCounty Executive relative to the conference between County representatives and the State Water Control Board. Seconded, Mr. V. Smith. Carried, unanimously.

24 - H. R. Haar, to use dwelling as duplex dwelling on Rt. 642 adjoining Wildwood Subdivision, on 40.42 acres of land, Lee District.

Mr. Haar has the area and frontage. This would be a third floor apartment. There was no opposition. Judge Hamel moved to grant the application to the Haar family only as it did not adversely affect the use of joining property. Seconded, V. Smith. Carried, Unan.

Mr. Ralph returned with the Eakin plats - signed by the Planning Engineer. This plat was approved by the Planning Staff provided there is no encroachment on the easement, proper drainage and overlot grading provided.

Mr. Ralph is asking for a 10 foot variance because of an easement which prevents moving the house back sufficiently far from the right of way.

March 16, 1954

Judge Hamel moved to grant the application subject to the final approval of the Planning Commission. Seconded, Mr. Haar. Carried, unanimously.

Mr. V. Smith said he would like to go on record as favoring private sewage treatment plants provided the County could be assured of proper controls to guarantee satisfactory operation. If the plants could be granted under Section 16 of the Ordinance and under the supervision of the Sanitary Engineer's office and a bond could be required assuring that the stream would not be contaminated he would like to see them granted.

The meeting adjourned.

John W. Brookfield

J. W.Brookfield, Chairman.

* * *

April 13, 1954

A special Meeting of the Board of Zoning Appeals was held Tuesday, April 13, 1954 in the Board Room of the Fairfax County Courthouse, at 10 a.m. with the following members present: Messrs Brookfield, Verlin Smith, JB Smith, and Mr. Haar.

1 - Wm. F. Johnston, to permit a golf driving range on 28+ acres on the SE side of Rt. 237 - near Fairfax Circle, Providence District.

This property, Mr. Johnston said, is adjacent to the Fairfax Country Club - on the Accotink creek. The total area is something over 28 acres. Mr. Johnston will live in the house and about 15 acres will be used for the golf course. The only building will be a small office about 12 x 14 ft. They will sell golf clubs and soft drinks. The nearest neighbors do not object - in fact favor this use. There was no opposition. The applicant contacted two or three neighbors.

The average range of a golf ball was discussed - Mr. V. Smith wondered if there might be a nuisance to houses across the street. Mr. Johnston said they would see that the lights would follow the ground and would not disturb and would not shine into the road. He said it would be practically impossible for anyone to drive into the road - but such a thing could happen with an inexperienced player.

Mr. Orr said they owned property across the road and thought this use would be an advantage to them.

Mr. Johnston said their entrance would be approved by the Highway Dept. They planned to operate at night - possibly as

late as 11 or 12, depending upon the demand of business.

Mr. V. Smith moved to grant the application subject to the approval of the exits and entrances to Old Lee Highway and Schurmann Road by the Highway Department and that parking facilities be provided for off-street parking and the permit be limited to the applicant only and the lights be installed not to interfere with traffic on the Schurmann Road and the dwellings in the immediate vicinity, and should danger develop by balls driven into Schermann Road this use should be terminated.

There was considerable discussion on the last part of this motion. Mr. Johnston said that one person could complain - or one person might not like the lights and the permit could be taken away. The possibility of balls going into the road was so remote because of the location of the tee that it would be almost an impossibility. However, any golf course presented the same hazard. He did not like the possibility of having the permit revoked so easily. It was brought out that accidents of this kind were covered by insurance.

Mr. Johnston said the Board could always revoke a permit granted if the terms of the granting are violated. He thought the Board itself was in a better position to determine if the permit was being violated. Leasing this business would still place the responsibility on the owner, it was brought out.

The question of the Board's right to revoke a permit and the question of proof of nuisance were discussed. Mr. Mooreland asked Mr. Gardner Boothe, who was in the room, if the Board acting under the Ordinance has power to revoke a permit if the use became annoying or against the welfare of the people of the County. Mr. Boothe said Yes - unless it was arbitrarily done.

The motion was changed by Mr. V. Smith to read: That the application be granted subject to approval of the Highway Department for entrances and exits to Old Lee Highway and Scheurman Road and that adequate parking facilities be provided for off street parking and the permit be limited to the applicant only, with the right of sub lease, and lights be installed so as not to interfere with traffic on Schurmann Road and dwellings in the immediate vicinity, and should it develop that this use becomes an unreasonable nuisance and creates hazardous conditions on Scheurman Road or the lights interfere unnecessarily with the use of homes in the immediate vicinity, this use would be void. Seconded, Mr. Haar. Carried, unanimously.

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Mr. Redstone came before the Board regarding the marquee on his drive-in theatre. Mr. Mooreland said in the original application

there was no mention of the marquee. The marquee is shown on the original plat as it is shown on the presently presented certified plat, Mr. Mooreland said, and asked the Board if in granting the application they granted the marquee.

Mr. Redstone said the marquee would have to be more than 60 sq. ft. - that this is usually considered a part of the theatre building and not as a separate sign. The marquee would be about 23-1/2 feet long. Without a marquee, Mr. Redstone said, there could be no theatre.

Mr. V. Smith said that the marquee is a structure and he thought should be 50 ft. back from the highway.

Mr. Redstone said they would remove the two signs now on the property. In New York where they have a theatre situated very much like this there is no sign allowed on the Parkway the entrance to their theatre - but they have a marquee - and it was considered a part of the theatre. In this case the theatre itself is so far back from the highway it would seem almost a necessary part of the physical equipment of the theatre. Mr. Aichel of the State Highway has approved the marquee as located on the plat.

According to new legislation the sign must be back 15 ft. from the right of way, which Mr. Redstone recognized.

Mr. Haar agreed that this was the only means of calling attention to the theatre, and a logical reason for this exception.

Mr. V. Smith thought the location of the marquee should have been made a part of the original variance. Mr. Mooreland agreed but said it was not discussed, Mr. Redstone said they had always considered it a part of the theatre and therfore had not thought of putting it in the application. The ordinary marquee, he said, is much larger than the Ordinance allows - they are usually about 23x9 ft. He recalled that this would not even be on the main highway - but rather on the Old Lee Highway.

The conditions placed upon the original granting of this applications - which conditions were placed after the applicants had left the room were discussed. Mr. Mooreland stated that the applicants had and were complying with all the conditions.

Mr. Mooreland said he thought the Board had a legal right to consider that the marquee was included in the original granting.

Mr. V. Smith moved that the location of the marquee, which will be at least 15 ft. from the right of way of Old Lee Highway, be considered a part of the granting of the original application. Seconded, Mr. Haar. Carried. Unanimously

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Mr. V. Smith stressed the need of certified plats in the case of business installations.

Mr. Mooreland asked the Board if hereafter in making their resolutions they would include in the motion exactly what is being granted - not to state simply to grant the application. This is asked Mr. Mooreland said, to insure the complete understanding of just what is granted. He went into the Shillingburg gravel pit case where the application was written up for a gravel pit - the discussion was entirely related to a rock quarry and the application was granted - thus granting a gravel pit when the applicant actually wanted a rock quarry. This application will come before the Board at the next meeting asking the Board to advertise without fee and rehear this case as a rock quarry.

J. W. Brookfield, Chairman.

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April 20, 1954

The regular meeting of the Board of Zoning Appeals was held Tuesday, April 20, 1954, in the Board Room of the Fairfax County Courthouse, at 10 a.m. with the following members present: Messrs Brookfield, Judge Hamel, V. Smith, Herbert Haar, and JB Smith.

1 - Anton Papich, Jr., to locate carport closer to side lot line than allowed by the Ordinance, Lot 86, Section 2, Broyhill Crest, Falls Church District, (Suburban Residence).

Mrs. Papich appeared before the Board. The house on the corner backs up to the Papich living room. When they bought here, Mrs. Papich said, they had been assured that this house would not be located in this way. However, it has made an unpleasant situation for them. They wish to put in the carport to shield the neighbors back yard-they can plant roses to shield the view and also they need the protection for their car. The people next door do not object and in her opinion this would add to the neighborhood rather than detract. There are 45 ft. between the corner house and the Papich home. Other houses in the area are closer together, mostly about 30 ft. The carport would be 12 ft. wide.

Mr. V. Smith suggested putting the carport in the rear. Mrs. Papich said the lot dropped off quite steep starting about 10 ft. from the house. Water drains badly there and locating

the carport here it would require special drainage treatment.

Mr. V. Smith said this brought up a situation which often comes before this Board - he thought it might be suggested to the P/C that in subdivisions they require off street parking and a greater side setback should be suggested to take care of that.

Mr. V. Smith moved to defer the case to view the property. Seconded, JB Smith, Carried. Unanimously.

Mr. V. Smith moved that it be recommended to the P/C that a greater side setback be required where carports could be placed. Seconded, Mr. Haar. Carried. Unanimously.

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2 - Philip A. Harris, to locate carport closer to side lot line than allowed by the Ordinance, Lot 21, Section 2, Virginia Hills, (#5 Virginia Hill Avenue), Lee District. (Suburban Residence). This would be a variance. The joining neighbor does not object. The port will be entirely open. Many of the lots in Virginia Hills have similar carports - not in violation, however, as many other lots are large enough to allow a carport. While Mr. Harris said he purchased this smaller lot because he could not afford the extra expense of a larger lot he did not then know the required setbacks. Mr. V. Smith suggested moving to the rear, and put in a garage. That would be expensive Mr. Harris said and would not be as attractive. He wished to add a patio later to the rear and a building there would interfere. There are 30 ft. between houses. Mr. Parker, on the joining lot, does not object. His house is 15.29 ft. from the line. Mr. V. Smith moved to defer to view the property, Seconded, JB Smith. Carried.

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3- Du Pont, R. E., to build carport 7 feet of side lot line, lot 351, Section 3, Lake Barcroft, Mason District. (Suburban Residence).

In designing the house, Mr. Du Pont said, he thought the carport could be 7 ft. from the side line. The land slopes back to a narrow angle and only one corner of the carport will be violating. They have shortened the planned porch to make it conform. Carport will be double-21' wide.

Mr. Haar suggested narrowing the carport, so it could conform in the rear. Mr. Du Pont said he needed the double carport. There were no objections. The lots on either side are not yet developed.

Mr. Haar moved to grant the application, because this is a very slight variance, provided the proposed carport is not closer

than 7' from the property line, this granting is due to topographic conditions. Seconded Judge Hamel. JB Smith, V. Smith and Mr. Brookfield voted no. Motion lost.

Mr. Brookfield suggested deferring the case. Mr. Du Pont said he is ready to start work-he thought the Board had granted greater variances than this. He will put up a substantial type home which would be a tax asset to the Co.

Mr. V. Smith thought the neighbor joining should be notified of such variance.

Mr. Du Pont said the neighboring property is owned by the corporation and Col. Barger had said they did not object. Judge Hamel said he had no sympathy with the developer if he owned the joining property as most of the variance cases on carports were the result of carelessness of the part of the developers, who had not been frank with purchasers regarding carports and garages. Mr. Brookfield thought the building could be brought within the requirements. Former cases granted in this area were granted because of specific reasons, Mr. Brookfield said. Mr. Du Pont said the land drops sharply to the rear and was not suitable to locate the carport there. Mr. Brookfield changed his vote - to carry the motion.
For granting, Harr, Hamel, Brookfield. Against JB and V.Smith. Carried.

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4 - Henry J. Rolfs. To allow open deck closer to side lot line than allowed by the Ordinance, Lot 51, Section 1, Rolf Heights, Falls Church District. (Suburban Residence).

Mr. McLaughlin represented the applicant. This addition is called a flying sun deck, Mr. McLaughlin said. It is actually a second floor deck-supported by posts. This was not originally a part of the house plan - but the design was changed to include this deck. It will be 6 ft. from the lot line.

Mr. V. Smith moved to defer the case to view the property since this is the first case the Board has had of a sun deck in violation. Seconded JB Smith. Carried, unanimously.

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5 - G. G. Whistler, to erect carport 3.8 feet to side lot line, lot 49, Masonville Heights, (1502 Masonville Drive), Falls Church District. (Suburban Residence).

Mr. Whistler said the land slopes away to the rear 15 or 20'. The house on neighboring property is considerably higher than the Whistler's home in fact his kitchen faces the neighbors basement. There is a terrace between the houses. No objections.

The chimney juts out beyond the side of the house which makes it necessary to clear that in entering the carport. The house on the opposite side is about 100 ft. away. It is lower- they can look onto the roof from the Whistler house. The only level land is in the front. The driveway is in - the developer did that. Mr. V. Smith thought this was too close to the line - he moved to defer the case to view the property. Seconded, JB Smith. Carried.

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6 - George Maust, to erect an addition closer to side lot line than allowed by the Ordinance. Lot 95, Tremont Gardens, Falls Church District. (Rural Residence).

Mr. O'Rorke represented the applicant. The house on joining property is 20 ft. from the line. This addition would come 12 ft. 6 inches from the line. There were no objections. This is a level lot. When Mr. O'Rorke said it would throw the house out of balance. It is a rambler type and with this addition it would have two wings.

Mr. V. Smith moved to deny the case because by splitting the variance on both sides of the house it creats a gross variance to the Ordinance. Seconded, Mr. Haar. Carried. Mr. Smith said the addition could be put on the rear of the house and Mr. Haar noted that since this is a level lot the plans could be revamped so a variance would not be necessary.

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7- Morgan A. Ayers, for permission to attach present garage to house by breezeway. Garage too close to rear line, Lot 100, Broyhill Park, Falls District. (Suburban Residence).

The applicant has a garage which he wishes to attach with a breezeway. The garage is 16 ft. 10 inches from the rear line. There were no objections. There is a farm at the rear.

Mr. V. Smith moved to grant the application because it does not appear to affect adversely joining property and is a variance from the rear line. Seconded JB Smith, Carried. Mr. Haar not voting.

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8- George A. Passela, to erect an addition to dwelling and carport closer to side lot line than allowed by the Ordinance, Lots 11 and 12, First addition to Fairland, Mason District. (Agriculture).

There are woods to the rear and the ground drops off sharply - about 40 ft. starting from about 5 ft. back of the house. Mr. Passela showed a picture of his house. This addition would come 5 ft. from the side line. The drainfield is in the rear.

Mr. V. Smith suggested building on the opposite side. The

driveway is already in Mr. Passela said and the difference in elevation would be several feet. The house on joining land is 61 ft. from the Passela house. The houses here are all far apart. Mr. Haar suggested putting the carport over the room addition on the opposite side of the house. Mr. Passela said that would be expensive and inexcessible. On the side where he had planned the addition they have a window which would be the door-entrance.

This would be a 20 ft. variance. Mr. Passela had said the houses were about 61 ft. a part, yet, he also said the carport on joining property is 1 foot from the line - Mr. V. Smith said he did not understand this. JB Smith moved to defer the case to view the property. Seconded, JB Smith. Carried.

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9 - Robert R. Snyder, To erect an addition closer to street line and carport closer to side lot line than allowed by the Ordinance and carport closer to side lot line than allowed by the Ordinance Lot 13, Section 2, Gray's Subdivision, Providence District. (Rural Residence).

Mr. Snyder said he would need a 5 ft. variance to enlarge his living room. Other houses in the area have a similar addition but were able to stay within the requirements but here the street is diagonal. It would be expensive and impractical to change plans and add to the rear. This addition will extend out only 1 ft. beyond the neighbor's front setback. Both joining neighbors do not object. This addition would be 35 ft. from the front line. Mr. Snyder said he had thought this was suburban zoning with a 40 ft. front setback, he was so informed by the salesman. It was asked that Mr. Mooreland check the zoning to be sure. The Board questioned granting the application if this is Rural zoning.

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10 - David R. Strobel, to erect garage closer to side lot line than allowed by the Ordinance, Lot 50, Broyhill Park, (1322 Slade Court), Falls Church District. (Suburban Residence).

The joining neighbor does not object. There is a terrace between the houses. The houses along here are all the same and Mr. Strobel thought this addition would add to the neighborhood and increase values rather than decrease them. The chimney is on this side making it necessary to locate the garage closer to the line in order to get into the garage. Construction will be brick veneer and white siding. This would be 2 ft. from the sideline.

Judge Hamel said the Board had never permitted a 2 ft. setback. Mr. V. Smith thought this was practically creating row houses.

Since his neighbor is 20 ft. from the side line, Mr. Strobel thought this would not bring the homes too close together and since the neighbors house sets forward it would actually create an effect of space.

Judge Hamel moved to deny the case in view of the fact that the variance is so great. Seconded, Mr. V. Smith. Carried, Unan.

Mr. Strobel asked for five more minutes to talk to the Board. He thought there were other houses in the area much closer than he is requesting. It was brought out that a difference in the zoning probably did allow some houses closer.

SNYDER. Mr. Mooreland said the zoning on this property is Rural requiring the 50 ft. setback in front and 25 ft. on the sides. Mr. Snyder said his neighbor got a permit for a 49 ft. setback from the street. This projects in front of his house.

Mr. V. Smith moved to defer the case to check on the setback of the neighbor and to view the property. Seconded, JB Smith. Carried, unanimously.

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11 B. W. Fink, to enclose front porch closer to front line than allowed by the Ordinance, on north side Blake Lane, approx. 1600 feet east of #123, Providence District. (Rural Residence).

This is a 4 ft. porch to be enclosed. There are several houses very near which are closer to the front line than the ordinance allows - one was built recently and others which were built close to the line to establish a setback. If the street is widened they would probably take ground from across the road as there is a long stretch with no houses. On the west side of the Fink house the buildings are set back much farther.

Mr. Haar moved to grant the application because it does not appear to affect adversely joining property. Seconded Judge Hamel. Carried Mr. JB Smith and V. Smith not voting. (Blakes Lane is very narrow and they thought this coming too close to the road.)

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12 - Culmore Shopping Center, Inc., to erect store closer to Glen Carlyn Drive East than allowed by the ordinance, Parcel 2, Culmore, Mason District. (Rural Residence).

Mr. Glen Richard represented the applicant. When the streets were laid out here, before Rt. 7 was widened and before the State knew what they would need for the streets into Culmore, they allowed a 60 ft. right of way on E. Glen Carlyn Drive and an 80 ft. right of way on Glen Carlyn Drive W. and they dedicated 25 ft. on Rt. 7. The state notified them that of the 25 ft. r/w they did not need 19 ft. However, Culmore paved the 19 ft. They will have space

April 20, 1954

for 500 cars - ratio of 4 to 1 parking. They are negotiating with a drug store now who wants an additional 25 ft. space. They would still be 31 ft. 9 inches from the curb line of the road, G. Carlyn Drive East. If negotiations with the drug store do not go through they will have a drive-in bank. This will be a good tax asset for the Co. Mr. Richard said. A variance was allowed on Glen Carlyn Dr. West. Since the State has thought a 60 ft. right of way on Rt. 7 is sufficient, Mr. Richard thought the lateral roads into Culmore were entirely ample and this reduction in setback would in no way harm the flow of traffic and certainly there would be no more widening on these streets. The building would be 20 ft. from the dedicated street line, and 30 ft. from curb to curb.

Culmore has been maintaining the unused part of the right of way on Glen Carlyn Drive-West. Mr. Richard said he could see nothing against this-it would be good revenue for the County and there are adequate facilities for future road requirements.

Mr. V. Smith said in his opinion this would be setting a bad precedent - he moved to deny the case. Seconded Judge Hamel. Carried, unanimously.

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13 C. and P. Telephone Company of Virginia, to permit the erection of a Telephone Exchange, 750 feet east of #620 on north side #236, Mason District. (Rural Residence).

Mr. Armistead Boothe represented the Co. He introduced Mr. Huston and Mr. Kantz. This will be a similar installation to others previously granted in the Co. It will be a modern brick building, similar to the one on Rt. 29 in Fairfax. There will be no operators in the building, just 8 or 10 people for maintenance and operation. This will serve the Annandale, Lincolnia, and Barcroft areas. It is a needed facility, Mr. Boothe said. This is the best possible location to serve the public and the Company. It will cost about $1,470,000. They have about 2 acres and will comply with all requirements, and will landscape the lot. Parking space is sufficient. There was no opposition.

Mr. V. Smith moved to grant the application as per plat presented with the case and the rendering submitted, because this does not affect adversely joining property and is an asset to the County. Sec. Judge Hamel. Carried, unanimously.

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14 Vernon M. Lynch and Sons, to permit the erection of service station and to have pump islands closer to right of way lines than allowed by the Ordinance, N. E. corner of #236 and Braddock Road #620, Mason District. (General Business).

Mr. Lynch said he would like the pump islands 30 ft. from the right of way. The station will be parallel with Rt. 236. They have 22,000 square feet. They will locate 60 feet from the present r/w, allowing room for a 30 ft. service road to take care of future needs. This will be a three bay Esso station. There will be no repairing. They will clear entrances and exits with the Highway Dept. when and if this is granted.

Mr. Ralph Edwards informed the Board that this use was not properly advertised in stating that it was on the corner of Rt. 236 and the Braddock Road. It should have been Rts. 236 and 795 .

Mr. Lynch said that was correct, that the road was changed here and it is actually Rt. 795 instead of the Braddock Road.

Mr. V. Smith moved that this be advertised again so there would be no question as to the location. He thought that should be clarified for future protection. Otherwise this granting could be challenged.

Mr. Mooreland thought that could all be cleared up by the Board without the advertising.

Judge Hamel agreed that it should be clarified by readvertising.

Mr. Lynch said he would be willing to take the risk of not readvertising.

Judge Hamel said the only purpose of advertising was to point out the exact location. Mr. Lynch said he was in no special hurry.

Mr. V. Smith moved to defer the case for 30 days and that it be readvertised at County expense to correct the error in advertising. Seconded JB Smith. Carried, Unanimously.

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15 Ralph E. German, to build second dwelling on property and to remove existing upon completion, Lot 31, Byrnley View Subdivision Mason District. (Agriculture).

Mr. German said he would like to build on -four rooms and bath- then remove the present house. He would like to use the present building for storage of furniture and materials until his new building is completed. He also will salvage all the material he can from this old building to use in construction, of the new house.

It was suggested that this be granted with a time limit.

Judge Hamel moved to grant the application for a period of one year in which time the applicant shall complete his building and remove the old building. Seconded, JB Smith. Carried, Unanimously.

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16 Giant Food Store, Inc., to erect sign larger than allowed by the Ordinance, at Seven Corners, Falls Church District. (General Business)

Mr. Jack Eakin, owner and lessor of the property, represented the applicant. This will be the largest Giant Store in the metrop.

area - 152-1/2 ft. bldg. frontage. The sign is attractive and different from the old style signs. The Giant people are using this type sign now on all their stores. It has become almost a trade mark. The sign will have 116-1/2 square ft. in the lettering. It will be elevated 30 ft. above the top of the building - this because there is considerable slope in the ground. Mr. Eakin said the sign ordinance is entirely inadequate since it does not take into consideration the size of a building nor the location of the building. This is not a large sign, Mr. Eakin said, for the size of the proposed building. Grayco sign across the street, granted by the Board, is 39 square ft. smaller than this, and this Giant building is much larger. Mr. Eakin showed pictures of other Giant markets - using this sign. The highway is wide here and the sign will be back - on the tower attached to the building. The letters are mounted on a kind of mesh which will not make a solid background. Only the letters will stand out. There were no objections. Mr. Eakin hoped that the sign ordinance will be revised to take into consideration the width of highways, size of buildings, and setbacks. The sign will be seen from both sides. Mr. Eakin said there was probably a 50 ft. drop to this property from the corner.

Mr. V. Smith said he was aware that the ordinance needs amending but he thought this should be referred to the P/C in order to get their thinking with regard to future changes in the sign requirements. He so moved. Mr. Eakin said with a number of smaller stores they could actually have more sign area.

Mr. Haar seconded Mr. Smith's motion.

Mr. Eakin said the tower must have its foundation put in during the early construction of the building - defering this would hold up construction of the entire structure.

It was agreed that if the P/C approves this - the Board will grant the permit. Mr. Smith withdrew his motion.

Judge Hamel moved to grant the application inview of the fact that signs in the area have already been approved which are at considerable variance with the ordinance and this granting is subject to the approval of the P/C. Seconded, V Smith. Carried. Unanimously.

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17 Tully P. Sanders, to permit teaching of children to swim by a paid Red Cross Instructor in private swimming pool, part of lot 7, Reid's Grove Subdivision on Inglesde Avenue, Dranesville District (Suburban Residence).

This is an application to use an already established swimming pool for instruction purposes - three days a week. There were no objections.

Two cars will meet the classes at the Fire house and bring them to the Sanders place for instruction. There will be about 10 or 12 in each class. They will charge a fee for instruction. They will have insurance to cover accidents and will have a Red Cross instuctor.

Mr. V. Smith moved to grant the application to the applicant only - until October 1955 because this seems to be a desirable recreation for the neighborhood, subject to the approval of the Health Dept. Seconded, Mr. Haar. Carried, Unanimously.

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18 Mt. Vernon Community Park and Playground Association, to develop a community park and playground and construct a swimming pool and all necessary facilities on 7.3609 acres of land south of outlet A, Section 1, Hollin Hall Village, adjacent to A. H. Tinkle property, Mr. Vernon District. (Rural Residence).

This will be a non-profit project. The ground has been given by St. Lukes Church - 7-3/4 acres. Capt. Rhode, President of the Mt. V. Cit. Assn. appeared for the group. They have been working on this, Capt. Rohde said, since January. They have a 15 personnel Board of Director from the community. This will serve 1500 families. The plan has been worked out by a site planner. (This borders the Seweage disposal plant on one side.) They will have sufficient parking space. They have tried to meet wishes of home owners in the area. They will have a bath house which will be of attractive colonial architecture. They are now in the process of raising the necessary money. There were no objections.

Mr. V. Smith moved to grant the application to the applicant only - to the Mt. Vernon Comm. Park and Playground Assn., because it appears to be an asset to the county. Seconded, JB Smith. It was added that this be subject to the approval of all necessary agencies. Carried. Unanimously.

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19 Mrs. Lloyd Wallingford, to permit a private school on south side Lee Highway just east of Graham Road, Falls Church District. (Suburban Residence).

Mrs. Wallingford has been operating in Falls Church for 7 yrs. They will build a new modern cinderblock building with plenty of light and air, conforming to all requirements. The building will be used entirely for the school - she will not live in the building. They have sewer and water and 3/4 acre of ground. There were objections.

Mr. Haar moved to grant the application to the applicant only, subject to the approval of the Health, Fire and Education

department requirements and the building shall be so located on the lot so as not to be in conflict with any zoning regulations.

Mr. V. Smith asked that it be added that should new control regulations over such schools be passed - this school shall be subject to those regulations when adopted. This amendment was accepted. Motion seconded, Judge Hamel, Carried unanimously. Mr. Smith also asked that this be subject to submission of a certified plat when the property is surveyed. This amendment was accepted.

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20 - W. I. Robertson, to erect service station and to have pump islands closer to front line than allowed by the Ordinance, part of Lot 17, Holly Road Subdivision at the corner of Holly Road and Gallows Road, Falls Church District. (Rural Business).

The applicant asked for the pump islands to be 35 ft. from the right of way for better visibility. This will be a modern Gulf station with a concrete driveway. He will landscape the yard. This property was zoned in 1946, and never used for business.

Objections: About 15 people stood opposing. Mr. Francis Buttingham represented the group. Reasons for objection: There is no need in this area for a filling station - adequate facilities are within a 5 minutes drive - 1 to 3 miles away. The school bus stops directly opposite the entrance to this and it is believed this would be a hazard to the children, as this is already a dangerous intersection. They wish the area to remain residential in character. The usual collection of debris at the rear of a filling would be exposed to view of homes in the near area. This is the only business property within 7 square miles. Three roads come together here.

Mr. Robertson said he had talked with some of the people in Holmes Run Acres who thought this would be all right and also perhaps a small store, which the applicant hopes to build later on.

Mr. Brookfield thought the need was not there now.

Mr. V. Smith moved to deny the case because it appears to affect adversely the use of neighboring property and to grant this at this location would not be in accordance with the zoning ordinance which states that filling stations should be located in compact groups. Seconded, Judge Hamel. Carried, unanimously.

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21 T. R. Conrath, permit dwelling to be used in part for kindergarten, Lot 9, Little River Pines, Falls Church District. (Agriculture).

This will be a 3 hour school 9 to 12. It will be a new building complying with state fire and health regulations. They will live in the building. They have 1 acre of ground. There will be about 25 or 30 children. They have followed requirements received from Richmond insofar as possible.

April 20, 1954

Judge Hamel moved to grant the application to the applicant only subject to the usual approval of fire, health, and educational authorities. Seconded, Mr. Haar. Carried. Also it was added that if the County adopts regulations regarding such schools that this school will be subject to those regulations. This addition was accepted and passed unanimously.

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22 - William F. Newton, to use property for riding school and on east side #672, approximately 1/2 mile from Vienna Corporate limits, Providence District. (Rural Residence).

Mrs. Newton said they now have 28 horses. The two acre lake is stocked with fish. At present this will be just the riding school but later they hope to turn their property into a private Club. They have 110 acres. They will now have the necessary buildings and an arena. Boy scouts will camp in the woods and later they will have archery and games. The riding stable and the arena will be open to the public. The activities will be participated in mostly by children. The neighbors know of this request and do not object.

Mr. Haar moved to grant the application to the applicant only and the project must comply with existing county and state regulations, including the Health Dept. Seconded, V. Smith. Carried, unanimously.

23 - //

Clinton O. Raymond, to operate dog kennel, approx. 350 ft. west of Lee Highway on south side Blake Lane, Providence District. (Rural Residence).

Clinton O. Raymond. Ernest Hutchins represented the applicant. Mr. Raymond said he raised cocker spaniels for show. He has been in this business for 8 or 9 years. He bought this ground for a kennel. He will have a modern sound proof kennel, and raise champion dogs for breeding purposes. This may require that the dogs brought to be bred may have to remain for some time. Mr. Raymond said he had contracted many neighbors who did not object. He had found, however, that many of his neighbors had been mislead regarding his proposed activity. Mr. Raymond said he had gone into this business as a hobby, for his son who is ill, upon doctors advice. He paid $35,000 for the property. Since the dogs are very expensive - he will naturally keep the kennels very clean. There will be 22 runs - on cement blocks. This is not commercializing the property, it is only a permitted use, Mr. Raymond said.

The building will be 14' x 64' to accommodate from 30 to 40 dogs, at most 50. Mr. Raymond did not consider this use out of keeping with the area - there is a gasoline filling station near, a used car lot and tourist courts in the area - on the highway. There was a question about Mr. Brown's signature to the petition opposing this use. Mrs. Brown lives on joining property. Mr. Raymond has about 13 acres - he can locate the animals 100 ft. from all property lines.

Opposition: Eight stood opposing. Mr. Buckley said he was deeply in sympathy with Mr. Raymond's desire to have a hobby for his sick son, but he did not think this in harmony with the residential area,. He got up a petition which he said certainly did not misrepresent the facts and he knew of no one who had distorted facts regarding this use, or Mr. Raymond's plans. Mr. Buckley said both the Rhymers and Lysingers opposed when he talked with them last night. They own joining land.

Mr. Gibbons, Roy Clements, G. W. Blatten, Mr. Hoppe, Mrs. Green, Charles Baughman all spoke opposing because of the noise, lessen property in values, odors and this use would lessen salability of property in the immediate area. They wished to maintain the residential character of the neighbor.

The White House Tourist motel had objected because of the noise, also Mr. Sweeney at the Circle. Mr. Buckley presented a petition with about 66 names opposing, which petition is on file with this case. Mr. Blatten has 41 acres and has built four houses - some of which are 500 ft. from this property, Mr. Hoppe who has lived near for 27 years wished to continue this residential character. All agreed that this use would be detrimental.

Mr. Raymond presented written statements from eleven people not opposing this. Many of these Mr. Buckley said were not property owners or did not live close to the proposed kennels.

Mr. V. Smith thought this was not a good location for kennels since it apparently would affect nearby property owners adversely - he so moved, to deny the case for that reason. There was no second.

Mr. Haar moved to defer the case to investigate the property and the proposed use. Seconded, Judge Hamel. Carried. Mr. V. Smith not voting.

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24 - Bernard R. Bralove, to permit a golf driving range on east side # 7 adjoining Cappers Tourist Cabins, Dranesville District. (Agriculture).

Mr. Joe Bennet represented the applicant. This tract contains 8 acres plus. There is a trotting tract on one side of the property and a kennel on the other. There was no opposition. Since there was a question of the exact location and proper posting of the tract, which Mr. V. Smith thought should be clarified, Mr. V. Smith moved to defer the case to locate the property definitely and to see if it was properly posted. Seconded, JB Smith. Carried, Unanimously.

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25 - Charles F. Morgan, to permit operation of an agricultural Testing Laboratory west side #681, approximately 1 mile north of Forestville, Dranesville District. (Agriculture).

There is one large building and a small tenant house on the property. They would test new drugs and chemicals, additives to foods, which will be tested on animals. This is similar to the Haselton laboratories which the Board granted some time ago, a research laboratory. They will operate under the rigid food and drug laws. There was no opposition.

Judge Hamel moved to grant this case in view of the fact that the operation is not inconsistent with nor detrimental to the neighboring property, this granting is to the applicant only subject to the limitation of setbacks required in the Ordinance. Seconded, Mr. Haar. Carried, Unanimously.

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26 - Northern Virginia Rifle and Pistol Club, to permit the operation of a Target Range on east side of Shirley Highway south of Edsall Road, Lee District. (Agriculture).

Nothern Virginia Rifle and Pistol Club. Mr. V. Smith moved to defer until the next meeting. Seconded, Carried. Unanimously.

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27 - Mary F. Miller, to permit alteration and addition to former cabin to remain as built at S. E. corner of # 211 and Shirley Gate Road, Cherokee Tourist Court, Providence District. Agriculture).

Mr. Roy Swayze represented the applicant. Mrs. Miller wishes to use the main building on her property as a residence. She has put a summer porch on one of her cabins on the property and plans to abandon the use of this building as a cabin and use it as a summer kitchen, especially for canning etc. Mrs. Miller has made alterations to her non-conforming buildings. She was asked for a certified plat to show the locations of buildings on the property - but this is expensive and she had not had the plats

made. They would cost more than the small addition to the cabin. The cabin is located 97 ft. from the right of way on Lee Highway. It should be 100 ft. She is asking to leave the 6 ft. porch on this,cabin.

Mrs. Ethel Dennis opposed, mostly from the sanitation angle. Mrs. Dennis said she has tried to have something done about the drainage on this property, that she, living on adjoining property, is practically in the midst of a swamp, her place is saturated with sewage. Since the septic conditions are so bad here additonal construction on the Miller property has previously been turned down. Mrs. Dennis thought a kitchen would discharge more sewage which would unnecessarily add to her conditon. This kitchen, Mrs. Dennis said, was built against the wishes of the zoning office. However, Mrs. Miller has built the kitchen - then is asking for the Board to ok it. Mrs. Dennis said whe is afraid of her well now. She asked the Board to stop the addition of more construction. and that this addition not be allowed to remain

Mr. Swayze thought the kitchen would be an improvement on the tourist cabin - and under any circumstances it would not be worse than the existing condition, as far as drainage was concerned.

Mr. Mooreland went into the back ground of this case. He said they had found this addition going in without a permit. He then refused to grant the permit because there was no certified plat showing location of buildings. Mrs. Miller would not furnish the plats and said she would continue with the building. A warrant was filed - then Mr. Swayze came into the picture. There are 9 cabins on the property.

Mr. Brookfield noted that there was not mention of the kitchen on the plats presented. He thought the health and welfare of the community entered into this.

A letter from the Health Department was read stating that no more buildings should be put upon the property which would cause more flow of water.

Mrs. Miller said she would use only one kitchen at a time - either the one in her dwelling or the summer kitchen - which she thought would not cause more sewage.

Mr. V. Smith thought the plat should show whether this addition is a kitchen or a cabin addition .

Mr. V. Smith moved to defer the case to view the property and to check with the Health Department and see what the situation is with relation to the property. Seconded Mr. Hamm. Carried. Unanimously.

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DEFERRED CASES:

1 - James L. Scarberry, to permit garage to remain closer to side lot line than allowed by the Ordinance, Lot 4, Block A, Section 1 Providence District. (Suburban Residence). (3407 North Westmoreland Street)

The garage is already built and was incorrectly located, Mr. Scarberry said the neighbors do not object. The garage is 9 inches from the line. He presented letters from the joining property owner and renter saying they did not object. The garage is cinderblock construction. There were no objections. This was located here because of the topography of the rear of the lot. Mr. V. Smith moved to grant the application because it appears to be an honest mistake and the adjoining property owners do not object and because of the topography at the back of the lot and it is to be understood by the applicant that this is not to be used as a repair shop at any time in the future. Seconded, Judge Hamel. Carried. Mr. Haar not voting.

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2 - E. M. Webb to erect carport closer to side lot line than allowed by the Ordinance, Lots 1 and 2, Forest Hall Subdivision, (438 Lebanon Drive), Falls Church District. (Suburban Residence).

M. W. Webb. This was deferred for certified plats which were presented. Mr. V. Smith moved to grant the application because it does not appear to affect adversely the use of joining property and the variance is only 3.43'. Seconded, Mr. JB Smith. Carried. Unanimously.

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3 Louis D. Strong, to permit the operation of used furniture and clothes exchange on N. W. side #123 adjoining Gooding's Upholstery Shop, Providence District. (Rural Residence).

Mr. Strong presented a petition with 48 names - people in the community.

Opposition: It was pointed out that all property owners near and joining were opposed to this - except one. The opposers thought this would be a traffic hazard and it would devaluate property values. They had bought in the area thinking this was residential property and expecting the protection of the zoning laws.

Mrs. Hurst said this was a good enterprise and would be satisfactory in a commercial zone, also Mrs. Taylor, who lives three doors away wished to keep the neighborhood free of signs, traffic hazards and commercial uses in a residential area.

Mr. Strong said their business was very small and did not warrant large ~~large~~ expenditure for commercial ground.

April 20, 1954

Mr. V. Smith moved to deny the case because it does appear to affect adversely the use of joining property. Seconded, Judge Hamel. Carried, unanimously.

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4 W. M. Green, to permit the extension of a non-conforming business on south side #211, approximately 4/10 mile west of Hunter's Lodge. Centreville District. (Agricultural).

Mr. Mooreland thought Mr. Louck did not have the full picture that previous extensions on similar cases had been granted-especially for antique shops.

Mr. V. Smith thought the board should have a certified plat showing what is on the property and what is to be added.

There is a private road down the east side of the property only 9 ft. wide which leads to property in the rear. There is a building now about 45 ft. The applicant wants an addition 20 ft. wide X 40 ft.

Mr. V. Smith moved that in view of the long delay in this case for legal advice that the application be granted, but the building-addition 20 x 40 ft. should not be located closer to the private road than is shown on the sketch and not closer than the presently located cabinet shop which is 45 ft. from the private road, and this is granted to the applicant only to be used for reconditioning and refinishing of furniture. Seconded, Mr. Haar. Carried, unanimously.

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5 S. J. Beckwith, for the erection of apartments on 1 acre of land on east side of an outlet road and approximately 300 feet south of route # 626, Gum Springs, (school property), Mt. Vernon District. (Urban Residence).

This is the old Gum Springs colored school. Ground was recently resoned to Urban. The applicant wants from 4 to 6 apartments whichever the Health Department, will approve. Sanitation conditions are very bad and the Health Department will not make tests nor give the requirements until the Board acts on this case. If it is approved the Health Department will give Mr. Beckwith the required limitations and plans. Mr. Brookfield noted that no development could take place here on Urban ground without sewer and water, that if this is granted by the Board and the Health Department turns it down for sanitary reasons development will be stopped. Water is available.

Mr. JB Smith questioned the possibility of providing satisfactory septic conditions for 6 families.

April 20, 1954

Mr. Mooreland suggested that if granted - it be subject to the Health Department and that there be no outside privys.

Mr. Haar moved to grant the application provided not more than 6 apartments be allowed and a total occupancy of the building of not more than 25 people and that thismust comply with all sanitary regulations and that there be no outside privys. Also that the variance necessary to remodel a non-conforming building be granted. Seconded, Mr. V. Smith, Carried. Unanimously.

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6 William T. Jones, for permission to erect and operate gasoline filling station and to have building closer to side line lot than allowed by the Ordinance and to have pump islands closer to road right of way lines than allowed by the Ordinance, at Northeast corner of Arlington Boulevard and Falls Church-Annandale Road, Falls Church District. (General Business).

Mr. Lillard represented the applicant. They are asking a 25 ft. setback from the righ of way on this, for thepump islands. Mr. V. Smith moved to grant the application as this is a great improvement over the original plat shown and this does not appear to affect adversely the use of joining property and such a use is in keeping with filling stations in the area - the pump islands to be not less than 25 ft. from the rights of way of Falls Church-Annandale Road. and the Arlington Boulevard Service Road, and the 25 ft. setback from the Falls Church-Annandale Road will be increased by 10 feet when that road is widend. Seconded, JB Smith. Carried. Unanimously.

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7 F. W. McLaughlin, to erect a sewage disposal plant on 2.495 acres of land on north side # 644 adjacent to Pohick Creek on the west, approximately 1 mile west # 638, Falls Church-Annandale Road, Falls Church District. (General Business).

April 20, 1954

Mr. McLaughlin presented a letter which summarized his case: The meeting with Health and Sanitary officers in 1952 at which time it was suggested that the only means of developing this property was by a sewage ~~system~~ plant; the initial steps to form a corporation to install such a plant; approval by State Water Control Board, receipt of letter from Mr. Marsh saying the County could not obligate itself to expend funds to operate such facility and the Board of Supervisors could not commit themselves, this not being in the sanitary district. Engineering and topographic surveys were made and application made for the disposal plant. (This about Sept., 1953) Mr. Griffith (designer of the plant to be used) presented testimoney regarding design and operation of plants now in operation. It was shown that pollution would be practically nothing-that the affluent would be very like the stream itself - only more pure. Applicant agreed to be responsible for proper operation of plant in the absence of ability of the County to do this.

The applicant contends that opposition is from two miles or more distant and therefore ineffective. Charges were made by opposition that Water Control Board inadequately controls proper operation. Personal charges were made against Mr. McLaughlin, and type of building he might put in, which homes would probably be a detriment to the Co. It was charged that this installation would interfere with activities below the plant.

The applicants stated that rates charged would be comparable to those charged by the Co.

Mr. Phillips stated that he did not believe complete approval had been given by the Water Control Board because he had been informed that complaints would be heard by the Board on this case. Mr. McLaughlin said complaints would be heard - that he had approval on design and location, subject to final drawings. Mr. V. Smith said the Board can act under Section 12-F-2 and can grant this use if it can be established that such use will not adversely affect, materially the people in the area and will not tend to ultimately retard or impair the present use or future development of the district.

Mr. V. Smith moved to deny the case because in accordance with Par. 2-B the location will ultimately affect adversely the use of development of neighboring property and because there is at present no control by the County over the installation and operation of such a plant nor is there any control over the installation of sewage lines as to size with regard to the given

water shed. The evidence shows that there could be some hazard from the plant if it is not operated properly and there is no control over future continued operation. Seconded, Judge Hamel, Carried. Unanimously.

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8 - Northern Virginia Water and Sanitary Corp., to construct sewage disposal plant on 1.3 acres of land on west side of Shirley Highway Service Road #7 at the Belvoir Interchange, Mt. Vernon District. (Agriculture).

Mr. V. Smith made the same motion with regard to this case; That the application be denied because in accordance with Par. 2-b the location will ultimately affect adversely the use of development ~~the use of development~~ of neighboring property and because there is at present no control by the County over the installation of sewer lines as to size with regard to the given water shed. The evidence shows that there could be some hazard from the plant if it is not operated properly and there is no control over future continued operation. Seconded, Judge Hamel. Carried, Unanimously.

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RE: Shillingburg

Mr. Mooreland outlined the mistake with regard to the Shillingburg case. This case was advertised and granted as a gravel pit. All evidence and discussion was regarding a rock quarry- which ~~it~~, however, was Mr. Shillingburg's intention to have. In view of this mistake, Mr. Mooreland asked the Board to readvertise this at County expense to show the proper use and to be heard again on this basis.

Mr. V. Smith moved that the county readvertise this use as a rock quarry, at County expense, to be heard at the May meeting of the Board. Seconded, JB Smith. Carried. Unanimously

Mr. Lee said he had been asked by a group of property owners to appear before the Board and bring to the attention of the Board a resume of the facts regarding this case. Mr. Lee noted that there was nothing in the files regarding a rock quarry. Blasting is ~~not~~ now going on on the property - not, however, in the location which Mr. Shillingburg indicated on his plat. Since there was no indication of a rock quarry in the advertising or posting and there was no particular objection to the gravel pit - no one appeared opposing at the hearing. There are 180 residents within a mile radius who oppose this strenuously.

All have felt the blasts and are greatly alarmed because of the fact that this could ruin their water supply and such a use would have a very detrimental affect on property values. The dust from a rock quarry would ruin vegetation and could create a blighted area here. The location of operation indicated on the plat was near the Braddock Road - they are moving in heavy equipment near Lee Highway and are blasting there, Mr. Lee said. Mr. Brookfield said he understood that the entrance was to be from Braddock Road.

Mr. Lee said his group asked that something be done to stop the blasting and operations as they thought a continuance of this use was an injustice to people in the area.

Judge Hamel suggested that this be brought to the attention of Mr. Marsh to see if something could be done to stop operations until the hearing, as a continuance of this operation could do a great damage in a very short time.

Mr. Lee complimented the Board on their handling of cases during the day and expressed faith in the Board's ability to do something in conjuction with the Commonwealth's Attorney.

Mr. V. Smith went to see Mr. Marsh.

Mr. Douglas Goodenuff, Mrs. Cox, Douglas Jenkins, Mrs. Doane, and Mr. Cobb all spoke opposing this use and asked that it be stopped as soon as possible.

It was brought out by Mr. Labson that the property was not actually posted on the ground to be used.

Mr. Jenkins, President of the Citizens Association, said he had called when this was advertised and was told it was for a gravel pit. He relayed this information to the Association and there was no opposition.

Mr. Smith returned after having talked with Mr. Marsh. Mr. Marsh suggested that the Board pass a resolution to the effect that a letter be sent to Mr. Shillingburg stating that the advertising and posting were erroneous in that they did not state that this was a rock quarry and that such a use is operating illegally and that operations cease at once. This letter to be sent registered with a return receipt. Judge Hamel suggested that it also be put in the letter that if operations do not stop at once - appropriate action will be taken by the Commonwealth's Attorney. Judge Hamel moved the following resolution: That a letter be sent to Mr. Shillingburg (registered with return receipt) stating that this case was erroneously advertised and posted, that the plat is erroneous in that it showed that operations were

April 20, 1954

to take place on the Braddock Road and it is the opinion of the Board that this operation is illegal and that the said operations shall cease immediately. If operations do not stop the Commonwealth's Attorney will take appropriate action. Seconded, Mr. Haar. Carried, unanimously. There were over 65 persons present protesting. Mr. Brookfield suggested that a committee be appointed subject to call from the Board if needed. Mr. Jenkins, President of the Citizens Association appointed: Mr. Lee (Br. 8-9184 or Re 7-1820, X2113), Mr. Shepherdson, Mr. Cox, and Mr. Jenkins, (Br. 8-9027 - X-355).

Mr. JB Smith said he was very distressed over the inaccuracy in posting notices, and the fact that people so often did not see the posting signs. Mr. V. Smith thought the burden of this is on the property owner who should make the exact location known - either by marking the property in some way so there would be no question.

John W. Brookfield,
J. W. Brookfield, Chairman

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May 18, 1954

The regular meeting of the Board of Zoning Appeals was held Tuesday, May 18, 1954 in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, V. Smith Judge Hamel, Herbert Haar, and JB Smith.

1 - Barcroft Terrace Corp., to erect carports closer to streets and side lot lines than allowed by the Ordinance on Lots 18, 19, 34, and 35 Barcroft Terrace Subdivision, Mason District, (Suburban Residence).

No one was present. Mr. Haar moved to put this case at the bottom of the list. Seconded, Mr. V. Smith. Carried.

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2 - Wykle and Kress, to allow carport 32.94 feet to Parkway, Lot 15 Block 23, Section 11, Belle Haven Subdivision, Mt. Vernon District. (Urban Residence).

Wykle and Kress. Mr. Kress asked for a 32.94 ft. setback from the Parkway. The carport is already built. This should have a 35 ft. setback. There is no development on the joining lot. Mr. Haar moved to grant the application because this is a small variance, and does not appear to affect adjoining

property adversely. Seconded, Judge Hamel. Carried. Unanimously.

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3 - William O. Jackson, to erect carport and screen porch closer to side lot line than allowed by the Ordinance, Lot 194, Section 2, Bel Air Subdivision, Falls Church District. (Suburban Residence).

This is a concrete deck porch and carport. It will be 5.83 ft. from the side line. The people owning the joining property on which there is a house do not object, not were there any other objectons. The house on this lot is 54 ft. from the nearest corner of this addition. Mr. Jackson said it would cut up his back yard, and it would be too expensive to put in a detached garage. The neighbor on this joining property has a corner lot and his rear yard faces this side of Mr. Jackson's house. The concrete deck will have three wooden supports.

Mr. V. Smith thought granting this would encourage others to ask the same thing and it would be in effect amending the Ordinance. The applicant can build a garage in the rear - however, he would go with the Board to see the property if the Board so desired. Mr. Jackson said he would much prefer to have the carport joined to the house.

Mr. Haar moved to defer the case to view the property. Seconded, Mr. V. Smith. Carried, Unanimously.

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4 - W. I. Smith, to erect porch closer to side lot line than allowed by the ordinance, Lot 58, Section 2, Tyler Park, (1542 Roosevelt Avenue), Falls Church District, (Urban Residence).

Mr. Smith said he had an old wooden porch now - which he would tear down and rebuild. This would be 2 ft. from the lot line. The house is set at an angle and only a small part of the addition would violate the Ordinance. The porch would not be enclosed - it will actually be a raised patio.

Mr. V. Smith questioned why the open patio was before the Board. Mr. Mooreland said it was above ground level and therefore must come before the Board.

Mr. Smith said if he moved this farther forward to avoid violating the Ordinance he would miss his kitchen door - the only entrance to the addition. Mr. Smith suggested that the applicant make a small jog in his addition which would cut off the corner which violates the Ordinance - and still leave an entrance to his addition. He moved to deny the case because

the applicant can conform to the Ordinance - by making a small walkway from the kitchen entrance to the porch and this will not violate the Ordinance. Seconded, Mr. Haar. Carried, unanimously.

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5 - Walter Von Herbulis, to permit dwelling as erected closer to side lot line than allowed by the Ordinance, Lot 122, Section 4, Chesterbrook Gardens, Dranesville District. (Suburban Residence).

Mr. William Kelly represented Mr. Von Herbulis. This was a mistake in locating the building, Mr. Kelly said. He was the engineer. They will resubdivided the other lots on this street to make the buildings conform so this will be the only violation. The house on the next lot will be set farther from the lot so there will be the required distance between houses even with this variance. There will be 30 ft. plus between houses. This house will set 12.3 ft. from the line.

Judge Hamel moved to grant the case in view of the fact that this appears to be an honest mistake and that the house on the joining lot will be located so as to have a minimum distance of 30 ft. between houses. Seconded, Mr. Haar. Carried. Unanimously.

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6 - W. Elwood, to allow dwelling to remain closer to side lot line than allowed by the Ordinance, Lot 47, Resubdivision of Lots 2A through 5A and 15A through 21A, El Hogan Subdivision Providence District. (Rural Residence).

Mr. Kelly represented the applicant. This was laid out to meet the required setbacks, Mr. Kelly said - but house plans were enlarged by one foot and therefore violate the setback. The house is already built. There were no objections. Actually only one corner is violating, by .6 of a foot variance on the one side would affect adversely the use of joining property and this is only on the rear corner of the house. Seconded, Mr. Haar. Carried, Unanimously.

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7 - Robert W. Strong, to build storage building closer to front and side lot lines, Lot 113, Hollin Hills, (310 Martha's Road), Mt. Vernon District. (Suburban Residence).

Mr. Strong said he wished to have room for a 2 car driveway. This would be a detached building to be located

357

30 ft. from the front line and 8 ft. from the side line. There were no objections.

Mr. Strong presented a letter from his neighbor stating he did not object. This would be storage space for a deep freeze and for a small work bench-he would like to have it adjacent to the kitchen.

Mr. V. Smith noted that an addition could be put on to the front of the house without violation. Mr. Strong said he wanted the space in between his house and this building for a sheltered area for outdoor living.

Mr. Brookfield thought such variances actually slaughtered the Ordinance. It was brought out that this will attached by a trellis - which in fact makes it a part of the dwelling.

Mr. V. Smith moved to deny the case because it is a gross variance from the Ordinance and would set a bad precedent. There was no seconded.

Mr. Haar moved to defer the case to view the property. Seconded, JB Smith. Carried. Unanimously.

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8 - Laurel Grove Baptist Church, to permit an addition to nonconforming church on west side of Beulah Road #613, approximately 700 ft. north of Lewin Drive, Lee District. (Agriculture).

Mr. James Baker and W. E. Barringer appeared before the Board. Mr. Barringer said they had the approved plans and got the permit but were held up for lack of money. They cannot build to the rear because of a grave yard. There were no objections.

Mr. Smith moved to grant the application for an addition 12 x 24 ft. to the present church because it does not appear to affect joining property adversely. Addition to be as shown on the plat presented with the case. Seconded, Judge Hamel. Carried, Unanimously.

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9 - G. F. Weber, to permit sheds to remain closer to street line than allowed by the Ordinance, and a fence to be errected as shown on plats at the N. W. Corner of Arlington Boulevard and Graham Road Falls Church District. (General Business).

Hansbarger represented the applicant. A property fence would be located 23+ ft. from the right of way line. The front of the building is 200 ft. from Arlington Blvd. Mr. Hansbarger ~~Hansberough~~ said he considered setbacks applied to real estate only and not to personal property. He considered these small sheds to be personal property and therefore the ordinance not

applying. They are movable and not attached to the building. He thought they were not damaging anyone. Mr. Hansbarger read from the Ordinance and questioned whether or not setbacks applied to this case. Mr. V. Smith said he thought the Ordinance was clear on this and it did apply. and the setback should be 35 ft. from the right of way or 60 ft. from the centerline of the road.

The application of the Ordinance to side streets was questioned. Mr. Mooreland said the Ordinance said all streets, not recognizing side streets.

Mr. Hansbarger said the Board could grant a variance on a hardship and he thought this met that designation. The sheds were for storage purposes only and the fence was to protect the property of the applicant. He cited similar cases where fences were used for protection of merchandise. He could see no traffic hazard as the building itself sets back so far from the front right of way + 200 ft.

Mr. Hansbarger said the applicant was losing the area for use between the building and the street. The fence would be 5 ft. high.

Mr. V. Smith moved to defer the case for study. Seconded, Judge Hamel. Carried, Unamimously.

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10 - D. L. Ferguson, to permit dwelling to be built closer to street line than allowed by the Ordinance, Lot 19, Glen Park addition to Sleepy Hollow, Falls Church District. (Suburban Residence).

This is a pie shaped lot with a Creek across the back and a 25 ft. easement across the other side of the lot. If the building is located 40 ft. from the right of way he would be too near the Creek. This will not be out of line with other houses in the subdivision - all of which conform. Mr. Ferguson is asking a 10 ft. variance on one corner of the building and 1 ft. on the other side. The street curves, making this variance not noticeable. With the house being located between the Creek and the easement there is no other way to set it to meet the requirements. There were no objections. The home could not be located any other way, was the opinion of Mr. Harry Otis Wright, Mr. Ferguson's Engineer.

Mr. V. Smith moved to grant the application if the applicant presents a plat to the zoning office showing where a garage could be located without a variance - so there would be no future problem regarding this. No second.

Mr. V. Smith moved that this be granted because this is

an irregular shaped lot and there is a large stream and an easement on the property, provided the applicant will show where garage or carport can be located on the property without a variance - this to be shown to the zoning office before a permit is granted for the construction of this building. This granting does not appear to affect adversely the use of adjoining property. Seconded, Mr. Haar. Carried, Unanimously.

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11 - Y. J. Skalnik, to erect an addition to dwelling closer to side lot line than allowed by the Ordinance, Lot 52, Walnut Hill, Falls Church District. (Suburban Residence).

This addition is for a room and bath. If the addition were to conform to the Ordinance the room could be only 9 ft. wide. He wants a 12 ft. room. There is an existing porch about 8 ft. wide which he will tear down and put on this addition. In time he wishes to put the porch on the rear of his house. This would be 11 ft. from the side line. Mr. Skalnik showed a letter from his neighbor the joining property located 35 ft. from his side line.

Mr. Haar moved to grant the application provided the variance does not exceed 4 ft. - this being granted because the house on the neighboring lot is considerable distance from the property line. Seconded, Judge Hamel. Carried. Mr. V. Smith voted no.

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12 - Donald P. Reeder to allow dwelling to remain closer to Pike Branch Drive than allowed by the Ordinance, Lot 3, Section 1 Pike Branch Addition to Wilton Woods, Lee District (Suburban Residence).

This dwelling violates the ordinance by 1.7 feet - at one corner only.

Mr. Walter Crain stated that Mr. Reeder got his permit and asked for inspection. The inspector never came. The house was actually located wrong and he did not know it. Mr. Crain asked what the $35 payment for the permit included. He thought there should be adequate inspection.

Mr. Mooreland said the proper inspections were made but the house was not put where it should have been.

Mr. JB Smith said this kind of mistake could be corrected by certified plats.

Judge Hamel said the Board could do nothing about careless inspection - he thought such things should be brought to the attention of the planning Commission or the Board of Supervisors.

Mr. Crain said with all the mounting costs placed upon the property owneres - there should be adequate services and protection from the Zoning Office - or someone. The loan company found this discrepancy.

It would was agreed that if the Board granted this it would clear the title.

Judge Hamel moved to grant the application in the light of circumstances described-resulting in an error of location and this variance is very small - 1.7 ft. on the front of the building - facing Pike Branch Drive. Seconded, Mr. Haar. Carried. Unanimously.

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13 - John M. Suiter, to erect an addition to dwelling closer to side lot line than allowed by the Ordinance, Lot 42 Section 3. Tauxemont Subdivision, Mt. Vernon District. (Suburban Residence).

Mr. Suiter said this house was built in 1949. The deed restrictions allow an 8 ft. side setback - therfore he thought he had enough room for this addition. He was informed by the Zoning Office that a 15 ft. setback is required. This house and the house on the adjoining lot are set diagonally. There are presently 38.5 ft. between the existing neighboring house and the Suiter building. The addition would make 37.5 ft. between houses. The distance between houses is greater than required by the ordinance. This addition would be a recreation room for the children - there is no basement in the house. This would be 12 ft. from the side line. The plat also showed a proposed addition on the opposite side - which was not included in the application. This addition would also be in violation. There were no objections.

Mr. Haar thought this should be deferred so the applicant could make a further study and submit revised plats.

It was agreed that the second addition could not be granted even with revised plats as this variance was not requested in the original application.

Mr. Haar moved to grant the application for an addition to this side of the building only and the addition to come no closer than 12 ft. from the side line, because the applicant was of the opinion that the deed restrictions would allow 8 ft. and did not know of the 15 ft. requirement of the Ordinance and this is not a gross variance from the Ordinance. Seconded, Mr. V. Smith. Carried. Unanimously.

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May 18, 1954

361

14 - Charles F. Scheider, to erect dwelling closer to side lot line than allowed by the Ordinance, Lot 1, Section 2, Shamroch Heights, Falls Church District. (Rural Residence).

This is a pie shaped lot, The house on one side is 25 ft. from the line and on the other side the house is 40 ft. from the line. This lot has a strange shape because of the necessary ground to get in a septic field. The applicant wants a 19 ft. setback on one side. The houses across the street are in Suburban Residence zoning - this is rural. There were no objections.

Mr. V. Smith moved to grant the application because it will not affect joining property adversely and property immediately across the street is zoned suburban residence which requirement is a 15 ft. setback. Seconded, JB Smith. Carried. Unanimously.

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15 - Hi-Way Advertising Company, to move back sign due to widening of Highway on the south side of Lee Highway #211, approximately 1000 ft. west of Fairfax Quarry, Centreville District, (Agriculture)

Mr. Keith represented the applicant. This sign was put up in 1936, advertising the Fairfax Hotel. Recently Mr. Shockey had used this sign for his motel. The highway was widened here and it was necessary to move the sign back off the right of way. There were no objections.

Mr. V. Smith moved to allow the sign to be relocated because the necessity for such relocation was not the fault of the applicant but caused by the widening of the road, which is for the public good. Seconded, Jb Smith. Carried. Unanimously.

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16 - E. H. Cox, to permit sign larger than allowed by the Ordinance at the S. W. corner of Telegraph Road and Edgewood Drive, Lee District. (General Business).

This sign will be 62 square feet - it will be a transparent sign- mounted on an iron frame. The actual size of the letters would cover less than 60 square feet but the letters areblocked. It will be on the roof of the building There were no objections.

Judge Hamel moved to grant the application in accordance with the plats presented as it appears that the area of the letters themselves actually come within the area allowed and it is only by considering the area as a whole that the sign requires variance. Seconded, Mr. Haar. Carried. Unanimously.

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17 - Lilly Mae Suthard, to permit duplex dwelling to remain, Lots 65, 66, and 67, Valley View Subdivision, Lee District. (Rural Residence).

The applicant said they did not know of the violation. There is an apartment in the basement which is rented. There were no objections. The lots have a total size of 180 ft. x 154 ft. approximately. Mr. Haar moved to grant the application as the application includes lots 65, 66, and 67, on which one could build more than one house if he so desired. Seconded, Mr. V. Smith Carried. Unanimously.

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18 - Harold A. Liming, to permit occupancy of building on lots as a residence until the new dwelling is occupied, Lots 21 and 22, Block 7, Groveton Heights, Lee District. (Sub. Res.)

Mr. Moncure represented the applicant. The applicant has two lots each 25 ft. wide and with a depth of 210 feet. He is building a permanent brick home. Tenants are in the old house now on the property, and he would like to allow them to live there until the new building is completed. There are now two families in the old building. He will complete the new house in about 3 or 4 months.

Mr. Moncure said the applicant did not wish to tear down the old building as it can be used for purposes other than a dwelling.

It was made plain by the Board that this second building could not be used for a dwelling. Mr. Moncure said the applicant understood that.

Mr. Stillman and five other people objected to the gas tank which Mr. Liming kept out front at his place. Mr. Moncure said that would be taken away within a week.

It was asked - how about the basement in the new house - how would that be used. Mr. V. Smith said the application is for a single family dwelling, and naturally was understood the dwelling would be used as such.

It was also stated that dump trucks worked during week ends and were parked on the premises - they would like the applicant to get rid of them.

Mr. Liming said he was in the trucking business and had no other place to park his trucks. It was suggested that these trucks were a hazard on the road. It was agreed that that was a police problem.

Mr. Moncure noted that property across the road is zoned for rural business. There were no objections to the use of the building as applied for.

Mr. Mooreland said Mr. Liming could park his truck on his property - that a man cannot be kept from parking a truck if he owns and drives it. If someonelse were operating the business then he could be stopped.

Judge Hamel moved to grant the application for temporary use of the old building as a residence for 6 months or until the new building is completed whichever occurrs first, and no commercial activities be engaged in on the property. Seconded, JB Smith. Carried.

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19 - Luther M. Lowe, to permit lot with less width and area than allowed by the Ordinance, part of Lots 85 and 86, Section 1, Fairfax Acres Providence District. (Rural Residence).

There is a sewer easement here which makes it difficult to divide these lots and meet requirements. However, the applicant can get a good corner lot for a rambler if the second lot is made smaller than requirements. There was no opposition.

Mr. V. Smith moved to grant this because it appeared to be a hardship to the owner to utilize these lots to the maximum advantage with the sewer easement in its present location - the corner lot to be 150 ft. wide and the lot joining to be 70 ft. wide, thus creating two lots. Seconded, Jb Smith. Carried. Unanimously.

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20 - Howard Brock, to have less area in lot than allowed by the Ordinance, part of Lot 9, Forest J. Hall Property, Mason District. (Suburban Residence).

This lot should be 105 ft. by 105 ft. This subdivision was divided into 1/2 acre lots many years ago. The owner of Lot 9 divided the lot and built upon one lot and is selling this one lot to Mr. Brock. It will have less area than required. There was no opposition. This lot is not suitable for a park or playground but it is a beautiful piece of property with a very attractive building location. There are three classifications of zoning in the general area. Suburban Residence zoning joins this lot.

Mr. V. Smith moved to defer the case for inspection. Seconded JB Smith. Carried, unanimously.

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21 - L. K. Swiger, to operate a kindergarten, part of Lot 44, Devonshire Gardens, (143 E. Rosemary Lane), Falls Church District. (Suburban Residence).

The building to be used for a kindergarten is in the rear of this property. The Fire Marshall has approved the building subject to purchase of a fire extinguisher. There was no opposition. The applicant will live in the front house. They expect to have about 30 children in the school.

Mr. Haar moved to grant the application to the applicant only, the building to be set up to comply with existing fire regulations, educational and other County and State regulations, for a period of three years and the classes are not to exceed 30 children. It is understood that if new regulations controlling this type of school are adopted by the County this school will comply with those regulations. Seconded, Judge Hamel. Carried. Mr. V. Smith not voting.

It was brought out that there would be no traffic problem here as this is just a normal residential area.

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22 - Mrs. Willa F. Ecklea, to operate a play school, Lot 23, 2nd addition to Bryn Mawr, Dranesville District (Suburban Residence.

The applicant will have children in the school from 9 to 12 five days a week. The house to be used is a two story brick. She will have less than 10 children. This is called a Play School as it will be conducted less than 4 hours a day. There were no objections.

Mr. V. Smith moved to grant the application to the applicant only for a period of three years the enrollment will not exceed 10 children. This is granted because it does not appear that it will affect adversely the use of joining property. Also in case new regulations governing this type of school are adopted by the County during the three years this school will conform to those regulations. Seconded, J. Smith. Carried. Unanimously.

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1 - Barcroft Terrace was taken up at this time. It has been set over because the applicant was not present. The street curves at this point and the applicant thought the setbacks would not be noticeable, on lots 18, 19, and 31. However, on Lot 35 it was thought that the carport came too close to the street line.

Mr. V. Smith moved to grant the variance in accordance with the plats presented on Lots 18, 19, 31 because it does not appear to affect adversely the use of joining property but the request on Lot 35 to be denied because it is a gross variance and the applicant

May 18, 1954

365

can build his garage in the rear. Seconded JB Smith. Carried. Unanimously.

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23 - Ann Redmond, to permit extension of permission to operate a beauty shop in her home, Lot 8 Nordan subdivision, providence District (Suburban Residence).

Mr. Morreland said Mrs Redmond was unable to be present and had asked him to request an extension of her permit to operate a beauty shop - for one year. There was no opposition and conditions had not changed, Mr. Mooreland said, since the granting of this application. Mr. Haar moved to extend the permit in this case for one year. Seconded , Mr, V Smith. Carried. Unanimously.

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24 Rock Spring Swimming Club, to construct a swimming pool and bath house for the private use of Rock Spring Swimming Club on north side of Old Dominion Drive west of Brookhaven Subdivision, Dranesville District ~~(Providence Journal)~~.

Mrs. Hackman Chairman of the Committee to investigate the possibility of having the pool said they had picked one site but it proved too small then they found this tract and have made plans to go ahead. They will have the pool, wading pool, a bathhouse and will fence the pool area. She showed a plan similar to what they planned to have. They will have sufficient parking for 110 members. The property is partly wooded. The fence will be lock-link. They have an option on 2 acres. They hope to have a membership from the near area and from Fairfax County. This will be a non-profit corporation. Membership will be controlled. A large group stood favoring this use. They were people living in the immediate area.

Commander Rosenberg representing Brookhaven Citizens Association stated that people from his area (this subdivision is very near the proposed pool) would not oppose this use if certain conditions were met. They thought it should be opened from 9 to 9 the permit not transferable without a re-hearing, and should ban use of all alcholic beverages on the premises. He thought this should be an official part of the permit if issued. If these conditions are not included this group would oppose the application.

It was noted that by the proposed by-laws the club would be opened from 9 a.m. and to close within one hour after sundown. Alcholic beverages would be prohibited within the swimming area. The applicants said they wanted the place to be properly run and regulated but thought the complete prohibition of alcholic beverages too rigid that it was often very desirable to have beer with a picnic.

Mr. Brookfield said the by-laws should control things of this kind and if it became a nuisance it would be a police matter as the Board has no means of enforcing such regulations.

The Brook Haven group were still firm in their wish to oppose this if such regulations are not attached to the permit.

Mr. Muttersbaugh presented a petition opposing, for the following reason. They want the area to continue residential in character. There were 28 signers.

The owner of the 15 acres joining this property objected, and said she would not sell her property for this purpose when approched.

Mr. McKinley thought this would create a bad traffic condition as there is a blind and dangerous curve in the road here.

Col. Hackson opposed.

Mr. W. Jefferies who lives across the road said the acoustics were such that sounds re-echoed badly - just with normal living and he thought this would create an unpleasant situation for people in the near area. They can even hear people walking across the road and sound carried at least 900 yards. An active club like this and the cars coming and going would create a very noisy and unpleasant neighborhood and certainly would not promote the peace of the community.

Mrs. Muttersbaugh opposed, she thought they could not now build on their property which is very near. She questioned the solvency of this club - saying they now had only 16 members at $25 each and asked what protection will the neighborhood have, and what kind of a club will this be? Part of this area is road-right-of-way and the club has only two acres. The pool will be 35 x 75. They plan a membership of from 200 to 350. Also part of the lot is wooded. She thought there was not sufficient room to carry on this activity.

Ed Smith who lives about 400 feet from this location opposed, wanting the area to remain residential in character.

Ed Everett raised the question of money. He thought the plans showed no guarantee that they would go ahead with this as the group did not have money enough to go further.

Mr. Remm, whose permanent home is near, opposed. He wanted to keep the quiet residential community.

Mrs. J. Gilmore from Chesterbrook P.T.A., said they had explored the possibility of a community pool for some time. This is an activity which she considered very necessary for the young people especially. She thought this would help to meet a need in the County.

Col. Hackman said they had looked for 1-1/2 year and this was

May 18, 1954

the very best site from the standpoint of money, location, and accessibility. He thought they had looked fully and thoroughly. 367

Mr. V. Smith said the Board could act under Section 12-F-2 of the Ordinance, which refers to Section IV A-15-1-c if the location would ultimately affect adversely, the use and development of neighboring property. This is a residential area and as evidenced by the people in the vicinity. It will affect adversely the use and development of property in the area for residential purposes, therefore, Mr. Smith moved to deny the application. Seconded, JB Smith. Judge Hamel voted No. Mr. Brookfield and Mr. Haar not voting. The motion was withdrawn.

Judge Hamel said it is possible there is a better location than this, but he thought the juvenile delinquency situation very alarming and if this proposed club could stop or slow up that trend in any degree by offering a wholesome place to play, It could not be objectionable.

Mr. V. Smith said he agreed wholeheartedly but he thought there were places that a development of this kind should and should not be located and he felt that the people should determine.

Mr. Haar said he was in agreement with Judge Hamel. Mr. Brookfield, also agreed with Judge Hamel but said he could not go against the people in the area.

Mr. V. Smith moved to defer the case for 30 days for further consideration. Seconded, Mr. Haar, Carried, unanimously.

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25 - V. M. Lynch, to permit community swimming pool and facilities in connection therewith at the corner of Elmdale Road and #797 Mason District. (Rural Residence).

Mr. Charles Lynch represented the applicant. They have 5.2 acres located at Elmdale Road and Braddock Road. This will be a non-profit corporation with 225 shares at $200 per share. They plan a 75 foot pool, wading pool, and shower houses at the start. The land has been donated and will be privately controlled, for members and guests. Mr. Vernon Lynch owns land on three sides of this. Membership will come from the immediate area, with perhaps about 50 fringe memberships.

Mr. V. Smith moved to grant the application because the adjoining property owner owns this land and does not feel that this use will ultimately affect adversely the use of his property and the permit will be issued to the non-profit organization for the use of people in the immediate vicinity. Seconded Mr. Haar. Carried. Unanimously.

26 - Hollin Hills Community Association, to operate a swimming pool, community house and other recreational facilities on 2.95 acres of land at the S. W. corner of Paul Spring Road and Fort Hunt Road Mt. Vernon District. (Suburban Residence).

Mrs. Francis Smith said there were 25 people present favoring this and representing 214 families. Another site was approved for this installation during February. This granting was contingent upon the School Board being willing to sell the land. Since that time the School Board has changed thier plans and are not sure of using the site planned. Therefore this corporation could not get the land they had wanted. This property had at one time been planned for commercial development. It is partly wooded. They have $1000, now, for landscaping purposes. They will provide parking for 75 cars which area could be expanded. They now have 160 people interested and will probably have 95% of the community.

Mr. R. W. Strong, engineer, who is on the committee for this project , said this was the best site they had found and the only one they felt was economically feasible. Water and sewer are available.

Opposition:

Mr. McMutcheon, president of Marlan Forest Citizen Association, presented a petition opposing and stated that the Association was 100% against this use. (These in opposition are resident owners). Opposition was expressed in a letter to the Board: There is no opposition to such a project, but to the location in that it would be a nuisance to residents of Marland Forest. The site is not within the immediate vicintiy of Hollin Hills and is immediately adjacent to Marlan Forest, in fact, within the front yard of Marlan Forest. This would be a nuisance to Marlan Forest but it is not near enough to the residence in Hollin Hills to be objectionable. It should be more centrally located in the area it is to serve. The parking lot would areate additional traffic hazard on Ft. Hunt Rd; Parking lot screened with trees might be used for purposes other than intended and attract undesirable characters. Mt. Vernon has a similar installation which is within reach of this area. Marlan Forest wishes to continue its good residential development which this would impair.

Mr. Earl Raymond opposed. This ground has been proposed for a shopping center, a change in zoning was refused. He thought the joining property owners should have been contacted, since the

applicants have been working on this project for some time. They knew nothing of this plan until a week ago. Had the Marlan Forest people been contacted it is possible the differences could have been ironed out, Mr. Raymond said. Just near this proposed use are several lots which Mr. Raymond thought would not sell and probably would in the future be asked to rezone to commercial. At any rate Mr. Raymond thought this development should be confined to Hollin Hills and located within that subdivision.

Lester Simpson opposed for reasons given above. He thought this would be depreciating to the homes in Marlan Forest which range in price from $40,000 to $100,000.

Howard West said the parking area could be fenced to keep out the undesirable characters mentioned above.

It was noted that there are actually no houses along Ft. Hunt Rd. directly across from this property. It was brought out that there is a private pool in Marlan Forest, where they have a paid life guard, from which considerable noise is heard. Hollin Hills has not objected. There is a school planned within the area which would be noisy also, but which cannot be controlled.

The owner of Lot 17 which is very near the proposed pool did not object, in fact, favors the pool.

It was brought out that there are only 35 homes in Marlan Forest, while Hollin Hills has about 300 homes. The Mt. Vernon pool already serves 1500 families and it was thought there is room for the two pools in the area.

Mr. Barnes thought a recreational area might help to meet a need for young people and correct the improper use of this area alluded to above.

Harold Williams thought sending the children having to use a heavily traveled highway, three miles away.

Helen Kaufman opposed also.

Judge Hamel moved to grant the application subject to the usual checks by the Health Department and other interested agencies in view of the fact that it seems from the testimony given and statements made that it will be for the welfare of the County. Seconded, Mr. Haar. Judge Hamel, Mr. Haar, Mr. Brookfield voting for the motion. JB and V Smith not voting. Motion carried.

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27 - Jack Goopersmith, to erect a fire house on Parcel B, Woodley Subdivision, Falls Church District. (General Business).

Mr. Zabel, President of the Volunteer Fire Company and Mr.

Brophy, legal council, appeared before the Board. It was brought out that about a year ago representatives from the various subdivisions in this area, Jefferson Village, Tyler Park, Bel Air, Woodley, Tremont Gardens, etc., determined to set up a fire protection unit for their growing area. During that year following, several attempts were made to locate a fire house but objections were so strong to each location that no progress had been made. It was suggested that such a use should be established in a commercial area, in order not to be objectionable. It had been found that commercial property was too expensive, however, the company did find a piece of commercial ground, for which they made the application and which application is before the Board. This property is centrally located to adequately protect the entire area and is easily accessible. They will conform to all requirements of the Ordinance and will in every way attempt to make the place attractive. The building will be used for scouts, civic organizations, and the library. There have been four hearings on this project. If this is not successful, Mr. Brophy said, he thought it was practically impossible to have fire protection for the area.

Opposition:

Roy Swayze represented the South Woodley Citizens Association. Mr. Swayze said this group is entirely in agreement with having a fire house in the vicinity, they have contributed, but they do not like the presently chosen site. They feel it is not suitable because this is a heavily populated area already completely developed with homes. The traffic would necessarily pass through this subdivision and would be a hazard to children, it would be noisy and a general nuisance to the neighborhood. The social activities which would be carried on here, would create noise and traffic, both objectionable for a large area surrounding.

It was brought out that there was considerable amount of land in the area which was vacant and available and not surrounded by homes which property would still be centrally located. Mr. Swayze noted that even though this ground is zoned for business, this particular use had to come before this Board, for determination whether or not it would be a detriment to the neighborhood.

It was noted that this is a general business area. Judge Hamel said that since this case had been heard so many times, those wishing to speak to please be brief.

Mrs. McBroom said she was greatly concerned with the safety angle, the fast driving in a congested area.

May 18, 1954

Mr. JB Smith said the fire house had to be some place. He questioned why so much dissention regarding this one had been evidenced. He noted that such difficulty had happened no other place in the County.

Mr. Swayze said they had tried to get together , but no other location had been presented.

Mr. Boggs opposed, especially because of the two turns to to get into Arlington Blvd., the safety to children, the siren and trucks, the many social activities which would be noisy, and the fact that this would be an attractive nuisance for children. He thought this would depreciate property in the area.

Mr. Lint opposed because of the depreciating effect on the area. (He quoted experts to substantiate this) Encroachment on a quiet residential neighborhood with an unharmonious activity and that such use would break down the social membrane-which could not be repaired. This is both a public nuisance and is out of keeping with the area. Basic property rights should be protected.

Mr. Jervey, who lives within 500 feet of the proposed fire house, opposed. He thought the activities proposed to be carried on at the fire house, would create noise, traffic, would attract people from other areas, the roadways would be cluttered up with cars all of which would be depreciating. He wished to preserve the dignity and character of the subdivision and asked that another location be found.

A petition with 44 names was presented opposing, people signing owned property within 500 ft. of the site.

It was suggested that another 30 days be granted to select another site.

The president of the Woman's Organization for the Fire Company said they would like the cooperation of South Woodley.

Mr. Brophy, said the company had tried diligently to find a location satisfactory to everyone and how had thought this site met all objections, yet the opposition ask for another 30 days delay. They had done everything possible in the interest of the community, he thought.

George Kley, said they had raised $6,000 - $1,000 of which was contributed by South Woodley.

Judge Hamel thought the public interests were involved and the community as a whole were concerned in this. After four tries he thought any site that was picked would invoke opposition.

This site is general business zoning (the other sites were residential). He moved that the application be granted as it is in the best interests of the public good and the community needs fire protection. Seconded, JB Smith. Carried, ~~unanimously~~ Mr. V. Smith, not voting.

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28 - Nick Basiliko, to permit the extension of use permit for motel of 262 units and facilities as shown on plat on N. E. Corner of Edsall Road and Shirley Highway on 26 acres of land, Lee District. (General Business).

Mr. Mondure represented the applicant.

This had been approved previously by the Board. The applicant said the water and sewage difficulty would be resolved. He would like to comply with the present setbacks. They will have a 5% coverage or less.

Mr. V. Smith moved to grant the application to extend this permit for one year in view of the previous action of the Board and that the applicant be allowed to build within the new setbacks restrictions - this to be granted for a motel with 262 units. Seconded, Mr. Haar. Carried, unanimously.

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29 - Cannon and Lewis, to erect service station and to have pump islands closer to road right of way lines than allowed by the Ordinance at the S. E. corner of Huntington Avenue and Kings Highway, Mt. Vernon District. (General Business).

Mr. Lewis appeared before the Board. This will be a two bay Amoco Station, porcelain finish. They would like the pump islands to be 14 or 15 back from the right of way. Mr. V. Smith suggested putting the building back farther and therefore moving the pump islands back, probably 25 ft.

It was noted that there is a high bank in the rear of the property which would make it difficult to go back farther with the building. There are two other filling stations in the area. There was no opposition. Mr. V. Smith noted that the station on the corner was setting back 25' - pump islands - and he thought this should be the same.

It was suggested that this actually was a topographic condition.

Mr. Lewis said he probably could go back farther-he was presenting the plans suggested by the oil company.

Mr. V. Smith moved to grant the application provided the pump islands are located 25 feet (at least) from the right of way, because this is a concentration of similar uses in this

area. Seconded, JB Smith. Carried, unanimously.

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30 - Vernon M. Lynch and Sons, to permit the erection of a service station and to have pump islands closer to right of way lines than allowed by the Ordinance. (General Business). N. E. corner #236 and #797, Mason District.

Mr. Lynch said he would like a 55 ft. setback instead of the 60 ft. required, as shown on his drawing. This would leave room for a 30 ft. service road. He would like the pump islands to be back 25 ft. from the right of way.

Mr. V. Smith moved to grant this because it is business property and a logical use and there are other filling stations in the area, the pump islands to be not less than 25 ft. from the right of way. Seconded, JB Smith. Carried, unanimously.

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31 - Loren L. Thompson, to operate gravel pit on east side #747 near Lorton on approximately 1 acre of land, Mt. Vernon District (Agriculture.)

Mr. Thompson said there is a small deposit of gravel here. The ground is high and after the gravel is taken off it will make a good piece of ground. He would operate on approximately 1 acre. It would take about 1 year to get the gravel out. There were no objections. Mr. Thompson said he could haul the gravel through the back road if the Board so desired.

Judge Hamel moved to grant the application for a period of one year - in compliance with the present regulations regarding the operation of gravel pits. Seconded, Mr. Haar. Carried, unanimously.

The following conditions were added to the motion - after the Board had acted - That all trucks used for hauling gravel to operate slowly within 1/2 mile of the gravel pit. The last however, was not acted upon by the Board.

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32 - C. S. Shillingburg, to permit opening of a Rock Quarry, north side #620, approximately 2500 feet east of #645 and south side #211 adjoining Poor Richard Antique Shop, Centreville District. (Agriculture).

Mr. Roy Swayze employed a court reporter for the following case. The County purchased two transcripts:

Senator Ball represented Mr. Shillingburg. Mr. Ball said a permit was granted in January 1954 for operation of a gravel pit instead of a rock quarry. Actually, Mr. Ball said there was no difference, geologically the two were the

same thing. Actually it was the intention of the applicant to ask for a rock quarry and it was the belief of the applicant that that was understood both in the Zoning Office and by the Board in their granting. With this understanding-that the rock quarry was granted - operation began. $50,000 worth of machinery was purchased and blasting and rock curshing has been going on.

Mr. Ball said the applicant was excavating the valuable minerals from this ground which was a recognized right. They are asking permission to exercise their natural right.

Mr. Ball mentioned the rock quarry which had been operating for 40 years on the edge of Leesburg. Homes are very close and there had been no complaints. Also the Bull Run Quarry has been operating for 25 to 30 years and development has gone ahead in this area. They had blasted sometimes every day - without complaints. There are many nice homes in the area and other large amounts of money invested in this area in business enterprises. Mr. Ball stated that in his opinion large trucks and air planes were more noisy and more obnoxious than a rock quarry.

This particular ground is not good for residential development, Mr. Ball said, it is difficult to get a good well and it would be too expensive to develop with sewer and water. Mr. Ball said the temper of living had become accustomed to noise and he did not think it obnoxious in general.

The nearest home to the operations was about 1150 ft. as near as they could estimate it, Mr. Ball said, and the nearest house to the plant would be about 1075 ft. The plant will be located within 100 ft. of the quarry or about 115 ft. away from where the blasts will be set off. They do not consider that any damage will be done to the $50,000 worth of machinery. The blasting will be done at intervals and will last only a short time. This is a valuable asset to the County, Mr. Ball said.

Mr. Sissler who will operate the plant (the lessee) said the charges would not be large and they will dynamite about twice a week - now they are blasting about 3 times a week to open up the plant. They will usually blast between 12 and 1 o'clock, no night operating.

They have about 50 acres estimated of rock which would take about a life-time to excavate. They would operate to about 300 ft. of the property line .

May 18, 1954

Mr. Swayze, who appeared in opposition, asked when the equipment was brought on to the property. Mr. Sissler said about the middle of April.

Mr. Swayze asked if Mr. Sissler had seen the letter sent from the Board of Zoning Appeals telling Mr. Shillingburg hisoperation was in violation. Mr. Sissler said Mr. Shillingburg had received the letter and he had seen it. He said Mr. Shillingburg had not written to the Board in answer to this letter.

Mr. Swayze noted that the equipment was put on the property after Mr. Shillingburg had been told it was in violation, which was April 21.

Mr. Sissler said he has received no notification except that the application was granted. He had bought his equipment after January 18, when this was granted. Nothing would be located closer to Lee Highway than 1050 ft. They will have the weighing scales there. Access will be to Lee Highway.

It was asked if they had clearance from the Highway Department for entrance to Lee Highway. Mrs. Sissler said they had not.

Mr. Ball said he had had no notice of the meeting of April 20th, at which time citizens objected to the rock quarry and petitioned it to be re-advertised.

Mr. Swayze said people in this area were most unhappy over the prospect of the rock quarry and had banded together to oppose it. He presented a petition with about 55 names, opposing. The room was well filled with people opposing.

Mr. Swayze said these people had come here in the hopes of protecting their homes - that a pall of uncertainty had settled over their area, that this rock quarry is incompatable with the development in the area. They cosider that the rights of anyone end where such rights are a detriment to of materially hurt others - which is the status of this rock quarry, that one cannot exploit land at the expense of residential improvements. They consider this an intrusion and the beginning of a blight upon the area. Mr. Swayze said there is no limitation upon how much or how often blasting may take place. That depends upon the financial requirements and the success of the operation. Such blasting will be a constant and continuing danger to children, stock, and chickens, and buildings in the area. Also this will be on one of the main traffic arteries in the county and would be a constant traffic menace. The noise, dust, intermittent blasting, the possibility of dangerous premature blasts are all a disturbance and will greatly impair this peaceful

residential area. The white coating of dust coming from the crushing will lay a ruinous dust over crops, furniture, and vegetation.

The blasting could also jeopardize the water supply, wells could go dry and homes would be rendered valueless. Also this could cause pollution of the water supply.

Mr. Swayze said Mr. Aichel has stated he would not permit access to Lee Highway, and would permit no cross-over for entering into this property - therefore, trucks would have to go up the highway, make a left turn back to get into the property, which would be very dangerous and a hazard to other traffic.

This would blight the area and depress values at least 50% and these people feel they are entitled to protection of their home values, that it is unfair for one to profit at the expense of others, Mr. Swayze said.

Mr. Swayze thought the Board has no responsibility to grant this because the previous granting ~~because~~ of the former case was advertised as a gravel pit to which there was no opposition. The posting, Mr. Swayze said was on joining property for the former case.

It is his belief, Mr. Swayze said, that 90% of the equipment was put on the property here after April 20th hearing and after the Board had told the applicant he was in violation. He felt that there was no pressing need to the County for this rock. Sam Cox opposed: He lives 850' away. He restated reasons already given, no need for this rock, dangerous flying rocks, dust and noise.

Pictures were presented to the Board showing the area around the Parsons rock quarry - the blighted conditions, dust and the bad area surrounding the quarry.

J. O. Cobb, lives on the east of the Shillingburg property. He has 212 acres. He objected for reasons given. Mr. Cobb has had a gravel pit on his property for 25 years, which has left a dangerous hole.

Mr. Timmons and Mr. Jenkins objected.

Mr. V. Smith noted that the Board had nothing to do with Mr. Aichel's refusing an access permit.

Mr. Jenkins showed air pictures of ground 1 mile radius.

Mrs. Ladson opposed. She is 500' to 700' from this operation. She was most unhappy and worried over danger to the children, the harm done to their property, flying rocks, and the

changing of rural character of the area, frightening the animals and blasting of their lifetime dreams of a comfortable rural home.

Mrs. Doan read a letter from the P. T. A. opposing for reasons given.

Mr. Stevenson opposed - he owns joining land. He sometimes works at night and has found it impossible to sleep in the daytime because of the blasting. The water level in his well has dropped after a blast and he has had to carry water from the neighbors.

Capt. Sasser has a $22,000 home representing his life savings which he considers will be greatly depreciated.

Mrs. Niebert has 95 acres across from this property valued at $65,000, which she considers it will be depreciated to about $20,000.

Mrs. Hellway read an opposition statement from the Ladies Auxiliary to the Centreville Fire Department.

Mr. Goodenuff opposed, for reasons stated, also George Hadeed.

Mr. Rex Lee opposed. His home is about 2000' away. He went into the history ~~of the history~~ of the case, the granting of a gravel pit which was unopposed. He considered that there is a great difference between gravel and rock. There is a difference economically and geologically, Mr. Lee said. There are 266 homes within 1 1/2 mile radius of this property. He also thought this is an inferior kind of rock in this area, which would ~~be~~ decompose readily, not like rock in the Bull Run Area, which is harder and plentiful.

Mr. Stuart DeBelle opposed this use. He lives 2 miles from the property. He said this would certainly hurt future development, of the area.

Mr. Ball questioned Mr. Craven who lives and has a business near the Bull Run Quarry. He did not find the quarry objectionable.

Mr. Swayze questioned if the men from the rock quarry traded with him. Mr. Craven said they did.

Mr. Ball said tests had shown that this rock is comparable to the Fairfax Quarry and the Leesburg Quarry. He cited the case as not creating a blighted area. He thought property would not be greatly depreciated otherwise the opposition would have had experts testifying to that effect. He could see no blighting of the Bull Run area as new businesses and new homes had been developed in this area. Mr. Ball noted that the wells in this area are suffering as practically all wells in Fairfax County because

of a lowered water level. This could not be related to the blasting They will take care of the access to the Highway, Mr. Ball said anyhow that does not concern the Board. They are asking the same permit as the Parsons Quarry which he thought could not reasonably be denied.

The operation area could very well be fenced, Mr. Ball said, to safeguard children. If the Board wished to limit their operation, the applicant would not object. They are simply asking their natural right to use the stone on their property.

Mr. Ball thought fears had been built up in the minds of people in the area, fears which he thought unfounded and impractical.

There were about 96 present opposing, including 14 children. Many others had left.

The meeting was adjourned for decision to be given May 25,1954.

THIS MEETING WAS CONTINUED TO MAY 25,1954 - THE CASES TAKEN IN THEIR REGULAR ORDER:

The Chairman asked for a motion on the Shillingburg case - if the Board was ready.

Judge Hamel moved that the application be denied because it appears that the use for which permit is sought will adversely affect the health and safety of persons residing in the neighborhood and would be detrimental to the general health and welfare and would be injurious to property in the neighborhood.

Mr. V. Smith asked that it be added to the motion that the Board acts with special reference to Section 12-F-1-e of the Zoning Ordinance. Judge Hamel also added that in his motion he is referring to Section 16, and D of the Ordinance relating to use permits (Amendment - April 1951).

Mr. V. Smith seconded the motion. It carried unanimously.

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33 - Frank C. Pannil, to build street closer to house line than allowed by the Ordinance at the S. E. corner of Kirby Road and Birch Avenue, Dranesville District. (Suburban Residence).

The Board was asked to defer this case until the next regular meeting. Mr. Haar so moved, seconded, Mr. JB Smith. Carried.

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34 - Howard Stipe, for permission to extend motor court on south side of Lee Highway across from National Memorial Cemetery Entrance, (2014 Lee Highway), Falls Church. (Rural Business).

This addition would be a three room cinderblock cabin. This

is a 4 ½ acre tract. They have sewer and water. The applicant has been operating for 7 years. All setbacks can be met.

Mr. V. Smith moved that the application be granted to construct that addition on the west side of the property because it is in keeping with the intent of the Ordinance and the extension of this existing business does not affect adversely the use of joining property. Seconded, JB Smith. Carried, unanimously.

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35 - Parr Warehouse Company, to permit a sewage disposal plant on property approximately 1900 feet east of Service Road #6 and approximately 1000 feet south of the warehouse Lee District. (Industrial).

Mr. Andrew Clarke appeared for the company. Mr. Clarke apologized for the delay in applying for this use as the plant is already in operation and has been for one year. When the permit for construction of the building was granted the applicant secured permission from Ft. Belvior and the State Water Control Board for the installation of the disposal plant and proceeded with construction. The company did not realize that it was necessary to have a permit from this Board for the plant.

When the building permit was granted the company actually expected to hook into the Eddie Carr Plant but Mr. Carr opposed that as he was not chartered to serve this project and was not permitted to expand to include this area, as it is another water shed.

This plant is located near the railroad, far from all property which will be developed. It has been approved by the three agencies, State Water Control Board, State Health Department, and Ft. Belvoir. There are about 400 employees at the plant which personnel may be expanded, the plant could be enlarged in the same ratio as the plant expands.

Mr. Brookfield thought this would be a precedent for other plants to be established on the Accotink. Mr. Clarke said Ft. Belvoir could control that. He said there is a new transmission line planned which he thought would do away with the need for Ft. Belvoir to depend upon the Accotink for water.

Mr. Brookfield noted that since the two largest plants in the County are now on the Accotink - the Board certainly is in no position to grant additional plants on this stream. He thought that might appear to be working an injustice to others if they were not granted. Mr. Clarke said this has a 90% treatment. There is no manufacture at the plant, only individual human waste.

Mr. Haar moved to grant the application with the plant as it now exists, provided no industrial waste be drained into this plant. Seconded, Judge Hamel. Carried, unanimously.

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DEFERRED CASES:

1 - Anton Papich, Jr. to locate carport closer to side lot line than allowed by the Ordinance, Lot 86, Section 2, Breyhill Crest, Falls Church District, (Suburban Residence).

This would be a seven foot variance - three feet from the line. There was no opposition. Mr. V. Smith had seen the property and said there were many houses in this area in the same category as this one. If the Board granted one case it would be practically making a blanket change in the Ordinance if the other cases came up and were granted. If the Board of Supervisors amended the Ordinance to allow a 2 or 3 foot setback - that was a different thing. Mr. Smith suggested that houses be located to one side of the lots as far as possible to allow a greater depth on the other side for a carport or garage. Mr. Brookfield suggested that a letter be sent to the Board with this suggestion that developers be asked to so locate thier houses.

Mr. V. Smith moved to deny the case because it is not consistent with the apparent intent of the Zoning Ordinance and it is a gross variance from the Ordinance. Judge Hamel asked that it be added that there are a great number of other houses in this subdivision with the same condition and the granting of this would set a precedent. (Mr. Smith agreed to the addition) Seconded, Judge Hamel. Carried, unanimously.

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2 - Philip A. Harris, to locate carport closer to side lot line than allowed by the Ordinance, Lot 21, Section 2, Virginia Hills, (#5 Virginia Hill Avenue), Lee District. (Suburban Residence).

This would be 5.29 ft. from the side line and it should be a 10 ft. There was no opposition.

Mr. V. Smith moved to deny this case because it is not consistent with the apparent intent of the Zoning Ordinance and it is a gross variance from the Ordinance. Seconded, Judge Hamel. Carried, unanimously.

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3 - Henry J. Rolfs, to allow open deck closer to side lot line than allowed by the Ordinance, Lot 51, Section 1, Rolf Heights, Falls Church District. (Suburban Residence).

This would be 6 ft. from the property line, a 4 ft. variance. Mr. V. Smith suggested that the applicant would probably ask for a garage also. Mr. Mooreland said all the other decks in this subdivision were on the rear but this is a corner lot and the applicant could not place his there. The lot also is not wide enough for a carport, Mr. Mooreland said. The ground slopes sharply on this side.

Mr. Haar moved to grant the application because it does not appear to adversely affect joining property and this is a corner lot where it is often difficult to meet required setbacks. Seconded Judge Hamel. Mr. V. Smith added that this was granted also because of topography. Mr. Haar and Judge Hamel accepted the addition. Motion carried, unanimously.

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4 - G. G. Whistler, to erect carport 3. 8 feet to side lot line, Lot 49, Masonville Heights, (1502 Masonville Drive), Falls Church District. (Suburban Residence).

There is a large tree on this property which the applicant wishes to save. He had presented a letter from the neighbor joining who stated he did not object. Mr. Brookfield noted that this is a very long lot and the garage or carport could be located back of the house.

Judge Hamel moved to deny the case because it is not consistent with the intent of the Zoning Ordinance and it is a gross variance from the Ordinance. Seconded, Mr. V. Smith. Carried.

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5 - George A. Passela, to erect an addition to dwelling and carport closer to side lot line than allowed by the Ordinance, Lots 11 and 12, First Addition to Fairland, Mason District. (Agriculture).

This is a 3/4 acre lot. There were no objections to the additions. The carport would be 2 ft. from the side line and the addition would be 16 ft. from the line.

Mr. V. Smith said the ground slopes off sharply at the back. He thought the addition might be allowed but not the carport, as this would bring the building too close to the line.

Mr. Haar moved to grant the applicant an addition to come not closer than 16 ft. from the side line but that the carport not be allowed. This addition is granted because of an unusual topographic condition - the ground falling off at the rear so no addition could be located there - and there seems to be no hardship which would

justify the carport. Seconded, unanimously carried.

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6 - Robert F. Snyder, to erect an addition closer to street and carport closer to side lot line than allowed by the Ordinance, Lot 13, Section 2, Gray's Subdivision, Providence District. (Rural Residence).

Mr. Moreland said his office had found it difficult to check the addition on the house next door and had probably issued a permit to that property, in error. The house is probably not 60 ft. from the centerline of the street. They could not find the street right of way markers.

Mr. Snyder said his neighbors did not object and that several other houses in the neighborhood had been enlarged in this way and had come closer to the line than the Ordinance requires. Some of the older houses down the road are close to the road. Mr. Moreland said those houses were built before the Zoning Ordinance. There is only one house in the subdivision which is too close to the line, Mr. Mooreland said.

Mr. Snyder said his addition would come 35 feet from the roadway.

Mr. Moreland said by granting this the Board would be setting up an Urban zone rather than a Rural Residence District.

The carport would come about 16 feet from the side line. Mr. Snyder said he had been told when he bought that that would be allowed. He thought others had located additions in the same way during the last year. He thought the zoning had been changed since that time. Mr. Moreland said not - but those houses were probably in the older part of the subdivision.

Mr. Snyder said he would be willing to take a less variance if he could have the same setback as his neighbor. It was noted that that would give him only a 9-1/2 ft. room. Mr. Mooreland said the joining house probably was not inspected as at the time this addition was built they simply had an honor system - hoping people would set back in accordance with regulations. They had very scant means of inspecting such things.

It was noted that there are actually two zoning classifications in this subdivision.

Mr. V. Smith suggested that this be referred to the Planning Commission and Master Plan to consider rezoning this area to a suburban residence classification since there are so many differences and variances from the ordinance - a change of zoning might alleviate some of the discrepancies.

Mr. V. Smith said in view of the fact that this was only a 30 ft. street he did not favor such a variance from the front line - that the board had sometimes gone along with side variances if it was not too great a variance and if there was justification for it. He thought it a dangerous precedent to grant this setback.

Mr. Haar moved that the addition on the front be approved if it will conform to the front setback of the house on joining property the house located on the side toward Rt. 123, located on Lot 14. The 16 ft. setback for the carport - granted. Seconded, Mr. V. Smith. It was added that this was granted because the permit issued for the house on the joining property ~~was issued for the house on the joining property~~ was issued for a house with less setback and there is considerable variance from the Zoning Ordinance on houses in this area. The addition was accepted and the motion carried, unanimously.

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7 - Clinton O. Raymond, to operate dog kennel, approximately 350 feet west of Lee Highway on south side of Blake Lane, Providence District. (Rural Residence).

Mr. Ernie Hudgins represented the applicant. Mr. Hudgins said there is a great deal of commercial property in the immediate area or property which is being used for commercial purposes. He cited the motor courts and filling stations on commercial ground on Lee Highway, Mr. Hoppe who parks his well drilling equipment at his home, Mr. Duncan breeding horses, the selling of sheep dogs and ponies on Blake Lane, and a florist-all commercial uses. However, in reading the Ordinance, Mr. Hudgins said that he thought this use actually did not require coming before the Board as it actually is an agricultural use and since Mr. Raymond can meet the required setbacks for the commercial use of his dogs - it did not require this hearing. He cited Section IV, Paragraph 13, of the Ordinance. He considered dogs to be "other animals", that Mr. Raymond had bought this ground for this purpose, thinking such a use would be allowed.

Mr. Weston, who has been a long time resident in this area represented the citizens opposing this case. He said the commercial activities on Blakes Lane were not actually carried on on a commercial basis. Mr. Hoppe moves his equipment from job to job and rarely has machinery in his yard. He has no office - he really operates from his machinery or from each job.

This is a purely residential area, Mr. Weston said, and those semi-commercial uses being carried on were purely agricultural. It was not the intent of the Ordinance to include dog kennels as a part of agricultural uses. This is actually a business. It was impossible for the Ordinance to name all animals, but dog kennels had been established by policy as commercial use.

Mr. Weston said 69 people had signed their petition opposing this kennel.

A letter from Mrs. Norton opposing was offered. Mr. Hudgins objected. The chairman asked that the letter be read.

Dr. Latch, minister, opposed. Mr. Hoppe, Mrs. Brown, Mr. Green, Mr. Bickle, Mrs. Pobst all objected to a commercial use of this ground because it would depreciate the neighborhood values, noisy for motels in the area and for residents, did not want to see commercialization of the area. Mr. Hoppe said if the Board wished he would store the small amount of equipment he kept on his property some place else within 30 days. All of these objectors live very close to the Raymond property, and felt that they would be greatly injured if the application is granted.

Mr. Weston stated that the great amount of opposition indicated that there must be a very real detrimental affect in the granting of this use.

The petition with 69 names was filed with this case.

Mr. V. Smith said that - referring to the statement that there was no need for this case to come before the Board - it was not actually spelled out in the Ordinance but that it had been interpreted several years ago that dogs were not included as farm animals and that the Board would grant this use only if it were established that it was not in conflict with the intent of the Ordinance and would not work as a detriment to the welfare of the community.

Mr. V. Smith moved to deny the case as it would affect adversely the use and development of neighboring property in accordance with the zoning map. Seconded, Judge Hamel. Motion carried unanimously.

Mr. Hudgins noted that this case would be appealed.

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8 - Bernard R. Bralove, to permit a golf driving range on east side #7 adjoining Cappers Tourist Cabins, Dranesville District. (Agriculture

Mr. Joe Benner represented the applicant. This was deferred to check on the use of joining property. It was noted that the Capper property is not a tourist court. A trotting track joins this ground on one side, and a dog kennel on the other. There was no opposition

There will be only one small building to take care of golf clubs. They have no restaurant. It appeared that the range of the golf balls would not endanger anyone.

Mr. V. Smith thought this was a good use of the ground as it is low and swampy and not particularly good for other uses. However, he thought the entrances should be approved by the Highway Department.

Mr. V. Smith moved to grant the application because it does not appear to adversely affect joining property and that it is subject to the applicant providing off street parking for all patrons and subject to the approval of the State Highway Department for entrances and subject to the layout of the range being such that it will not endanger or create a hazard for the use of adjoining property and that the lights be arranged so as not to interfere with traffic or use of joining property. Seconded, Judge Hamel. Carried, unanimously.

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10 - Mary F. Miller, to permit alteration and addition to former cabin to remain as built at S. E. corner of #211 and Shirley Gate Road, Cherokee Tourst Court, Providence District. (Agriculture).

Mr. Roy Swayze represented the applicant. Mr. Swayze reviewed the case which had been deferred to view the property and for a report from the Health Department. The cabin in question will be taken out of circulation as a tourist cabin and will be used as a summer kitchen. That is the purpose of the addition - to convert the cabin to a summer kitchen. Mr. Swayze said the opposition to this was because of the health conditions. He asked Mr. Miano of the State Health Dept. to report on his inspection of sanitary conditions on this property.

Mr. Miano said he inspected the property about a week ago and at that time there was no overflow of sewage. The cabins were in use- he did not know if they were used to full capacity or not, but the sanitary facilities had not mal-functioned as far as he could see. Mr. Haar questioned how many cabins had been used the night before. Mr. Miano said he did not know.

Mr. V. Smith said he had understood that sanitary conditions were very bad on this property and suggested that the Board might see the Health Department records showing past perfomance of the situation here.

Mr. Miano said thier records did not show mal-functioning. They have had complaints but inspection did not show mal-functioning.

This porch addition will be 4 ft. from the present dwelling which Mrs. Miller is using.

Mr. Moreland said this addition was reported to him by the building inspector. Mrs. Miller asked for a permit and he refused it,

because it was an extension of a tourist cabin and must come before the Board of Appeals. Mrs. Miller refused to have the plats made which would show the exact location of the buildings and addition with relation to property lines. Mrs. Miller went ahead with the building without a permit. She was taken to court. The judge is now waiting sentence- pending decision of this case which while they are not surveyors plats, Mr. Moereland asked the Board if they would accept them.

Mr. V. Smith said the Board had passed a ruling that on business uses the applicant must present a plat (certified) scale 1 to 100'.

Mr. Moereland said the application was made not for a kitchen but for an addition to a cabin.

Mr. Swayze said the plat actually did show the situation on the ground, he asked the Board if they would accept it.

Mr. V. Smith moved that to clarify the situation relative to the plat situation because this is a small percentage of the overall use made of this property and because a business use is to be changed to a residential use and because the attorney , Roy Swayze has stated in good faith that this plat shows the location of the existing buildings the plat presented be accepted by the Board. Seconded, Mr. Haar. Carried.

Mrs. Ethel Dennis objected. She said the former owners of this property had been turned down when they applied for an eating place here because of the ineffective septic field. She stated that Mr. Miano did not see the condition when the place was in full operation.

Mr. Brookfield said this actually had nothing to do with sewage it was making an addition to a home use.

Mrs. Dennis said she hoped to stop anything new added to the property as it would increase the already very dangerous sewage conditon. She said the overflow here was well known to many in the County and various inspections had been made by Board members who expressed the opinion that conditions were very bad. She said her home was practically standing in a puddle of seepage from this sewer line, but no one had done anything about it.

The fact is there is probably nothing that can be done except connect with a sewer line as this area is one which simply will not take a septic field. When the cabins are filled to capacity, Mrs. Dennis said, the sewage flowed all the time.

Mr. Swayze said he was very sympathitic with Mrs. Dennis but he did not think this kitchen would add to her unhappy situation- as it was not adding to - anything actually - simply exchanging the use of the kitchens - a summer and a winter kitchen. He thought if the result of this was bad - it would be closed immediately by the Health Department.

Mr. V. Smith thought there was some question as to what they were being asked to grant - a kitchen or what? The application says "addition" and the plat says kitchen.

Mr. Swayze said this building will abandon the use as a cabin for tourists and would never be used as such.

Mrs. Miller agreed to that.

Judge Hamel moved to grant this addition for a kitchen limiting the application to that use and that the cabin be used for residential purposes only, this subject to the approval of the Health Department. Seconded, V. Smith Carried, unanimously.

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9 - Northern Virginia Rifle and Pistol Club, to permit the operation of a Target Range on east side of Shirley Highway south of Edsall Road, Lee District. (Agriculture).

// Case was withdrawn.

11 - Bruen Chapel Methodist Church, to erect an addition closer to Lee Highway than allowed by the Ordinance at the N. E. corner of Lee Highway and Juniper Street at Merrifield, Providence District. (Suburban Residence).

No one was present. Mr. V. Smith moved that a letter be sent to these people saying that this case is deferred until they request it to be opened. Seconded, JB Smith. Carried.

A letter from Mr. Ed. Prichard was read asking that the Wm Johnson case granted for a golf driving range be reopened as the people in the area have declared that the property was not properly posted - in that it did not mention Scheurmann Road - but only Rt 237. Therefore the people in the area did not know of the hearing. (The plat shows entrance on Rt. 237, the Board noted.)

It was noted that the case was posted according to law (on Rt. 237) advertised properly and heard in the regular manner - they thought reopening this case would set a bad precedent.

Mr. Haar moved that the case not be reopened because it appears that it was properly posted, properly advertised and heard, and there were considerable restrictions placed upon the applicant in the granting.

Seconded, V Smith. Carried, unanimously.

John W. Brookfield

J. W. Brookfield, Chairman

June 15, 1954

The regular meeting of the Board of Zoning Appeals was held Tuesday, June 15, 1954 in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs Brookfield, Judge Hamel, Verlin Smith and Herbert Haar.

1 - O. M. Horneland, to erect dwelling closer to street line than allowed by the Ordinance, Lots 25 and 26, Block 36, New Alexandria, Mt. Vernon District. (Urban Residence).

Mr. Morton represented the applicant. The applicant asks to come 25 feet from 11th Street. It would be difficult to locate the house back farther on the lot because of soil conditions which are not good for a foundation. Three houses were built recently on 11th Street each with about a 25 foot front setback.

Mr. Mooreland said the ground is very marshy and it would be difficult to locate a house. He thought the requested setback would do no harm when the road is completed. Mr. Brookfield thought this was setting a precedent and wondered if the lay of the land justified this variance. Mr. Mooreland said the only way to build at all was to get out of the marsh. The houses facing on H Street are about 10 feet from the right of way.

Mr. Sampson and Mr. Mahoney representing the Riverview Citizens Association wished to go on record opposing this variance They thought this marshy land could be filled in and built upon probably for apartments. They thought such variances did not make for a good community, since nothing would be done about the marsh conditions. The original mistake was in putting in the two homes already there, but plans should be made to take care of this swamp area. There is an alley between 11th and 12th Streets.

Judge Hamel moved to defer the case to view the property. Seconded, Mr. Haar. Carried.

Mr. Mooreland noted that on these old lots one could build on a 50 ft. lot - as the old lots in this subdivision were 25 feet wide.

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2 - M. T. Broyhill and Sons, to erect dwelling with less side yard setback than allowed by the Ordinance, Lot 8, Section 5, Broyhill Park, Falls Church District. (Suburban Residence).

Carl Gardner represented the applicant. Mr. Gardner said this was an error in the location caused by the fast production schedule. The encroachment of 1 foot 4 inches was not noticed until they had requested the loan survey. The distance between

houses is in excess of the required thirty feet. This encroachment is only on the front right hand corner - the rear of the building is in excess of requirements. Because of the curvature of the streets, this variance would not be noticed, Mr. Gardner said. He thought the effect would not be detrimental. There were no objections.

Mr. Haar moved to grant the application because this is a side variance only and on only one corner and the location is considerably farther from the road than required. This appears to be an honest mistake. Seconded, Judge Hamel. Carried.

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3 - Hollin Hall Development Corp., to allow dwelling closer to side lot line than allowed by the Ordinance, Lot 34, Block 10, Section 9, Hollin Hall Village, Mt. Vernon District. (Suburban Residence).

Mr. Robert Kursch represented the applicant. They are asking a 13.4 foot side setback - a variance of 1.6 feet. The total distance between houses is in excess of the thirty feet required. This lot is actually undersize and the same house is being built on this lot as the others in the area.
Therefore, it does not fit the lot. There were no objections.

Mr. Mooreland noted that his office had had little trouble with the developers meeting setbacks in this subdivision.

It was brought out that the preliminary plat was put on record before lot sizes were changed, therefore, the 65 foot frontage on this lot was approved.

Mr. V. Smith moved to grant the application (for a 1.6 foot variance) because this is an old subdivision and because it does not appear to affect adversely the use of property in the area. However, Mr. Smith suggested that the developer use a different house plan for these narrow lots. Seconded, JB Smith. Carried. Mr. Brookfield voted no.

Judge Hamel noted for the record that it had so often come to the attention of the Board that the big developers are careless of the accuracy in house locations and more care should be taken. He suggested that the Board had no thought of encouraging such inaccuracy in house locations and more care should be taken. He suggested that the Board had no thought of encoraging such inaccuracies. Mr. Brookfield thought it entierly out of order for the developers to make mistakes then come to the Board for variances.

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4 - Edward C. Wilkie, to locate dwelling closer to side lot line than allowed by the Ordinance, Lot 2, Block 3, Section 3, Hollin Hall Village, Mt. Vernon District. (Urban Residence).

June 15, 1954

The applicant is asking a three foot variance. He presented a letter from his neighbor on the side affected by this variance saying he did not object. There was a question about the zoning on this subdivision. Mr. Mooreland went to check. The case was put over pending this information.

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5 - Ray C. Burrus, to locate dwelling closer to Rusticway Lane than allowed by the Ordinance, Lot 534, Section 5, Barcroft Lake Shores Mason District.(Suburban Residence.)

The road on which this house is located curves into a cul-de-sac. The lot line could have been moved over a short distance farther , giving more room to locate the house to better advantage. However, the variance will not be noticed because of the curve in the road. There are only about thirty square feet violating just one corner of the building. There were no objections. The zoning was questioned and found to be Suburban Residence. If the house is moved farther from the line the applicant would lose some very large trees.

Judge Hamel moved to grant the application in view of the topographic condition on the lot and because this is a dead end street and would not affect adversely the use of joining property Seconded, Mr. V. Smith. Carried, unanimously

In the Wilkie matter it was found that since this is Urban zoning there was no need to come before the Board for a variance. Mr. V. Smith moved that the case be dismissed and the payment for the hearing be refunded to the applicant. Seconded, Judge Hamel. Carried, unanimously.

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6 - Alfred H. Burnett, to erect screened porch closer to side lot line than allowed by the Ordinance, Lots 175 and 176, Wellington Estates, Mt. Vernon District. (Rural Residence).

Mrs. Burnett appeared before the Board. The applicant has two 50 foot lots. She presented a letter from the neighbor most affected who did not object to this variance. The request is for 7 foot setback from the line. Seconded, JB Smith. Carried, Unanimously.

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7 - John Nolan, Jr. , to allow carport closer to side lot line than allowed by the Ordinance, a portion of Lot 34, Kings Highway Subdivision and a portion of Lot 22, Groveton Heights Subdivision Section 2, on Queens Lane, Lee District. (Suburban Residence).

This is already built. Mr. Nolan said two men from some company had offered to put this addition up at a very reasonable figure, about $160. They had told him a permit was not necessary

That this was not a structure. They put the building up in one day. Two months later the building inspector told him this building was too close to the line - and he could not get a permit to cover it. This is about 18 inches from the line.

Mr. Nolan said there was a bad drainage situation between his house and his neighbor and he had to build a concrete slab there to take care of the water. The water now runs down his driveway.

Mr. Mooreland said a 10 foot side setback had been granted for this dwelling and he considered that was actually all the variance that could be granted on this property. The garage could be built in the rear. He felt that this would be setting a dangerous precedent if granted. Mr. JB Smith moved to deny the case, Seconded, Mr. V. Smith. Carried, unanimously.

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9 - Warren Construction Company, to allow dwelling to remain closer to Marquis Court than allowed by the Ordinance, Lot 10, Block D, Section 2, Warren Woods, Providence District. (Urban Residence).

In this zoning, the applicant said, a 10 foot setback is required but they have in most cases held to a 15 foot setback. This is a corner lot. The house is partically built. When the layout was made it was thought this was suburban zoning and the house location was shifted to get the 15 ft. side setback - this ran too close to the subdivision. Most of the lots in the subdivision conform to suburban zoning in size. This would be a 7 ft. variance. There is only one other house in this subdivision which violates the ordinance. (Mr. Mooreland said the developer here had done a good job).

JudgeHamel moved to grant the application because it does not appear to adversely affect the use of joining property and it appears to have been an honest mistake. Seconded, Mr. Haar. Carried, unanimously.

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8 - William C. Crossman, to erect dwelling closer to street line than allowed by the Ordinance, Lot 9, Subdivision of Parcel D, Jackson Mill Woods, Dranesville District, (Agriculture).

Mr. Mooreland said this was a topographic situation - If the house is located back farther on the lot there would necessarily be a great deal of filling - as it is almost a cliff. There are about three acres of unbuildable land - it is almost like a river bottom. Difficult Run floods badly. There

were no objections. The street stops with the edge of this property. The setback would be 28.2 feet from the right of way There are no houses near. This is actually like a private drive. All houses in the area are on large pieces of ground.

Mr. V. Smith moved to grant the application because of the topographic conditions - the land being very steep and it does not appear to adversely affect joining property and this is a dead end street. This is a large lot - about 4 acres. Seconded, Judge Hamel. Carried, unanimously.

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10 - T. L. Paget, to erect garage closer to street and side lot lines than allowed by the Ordinance, Lot 12, Section 1, Beverly Forest, Mason District. (Agriculture).

Mr. Paget said he had no basement in his home and no place for storage . There are three houses on this side of the street and no development across the street. He would like this addition for tools, work shop, storage, washing machine, deep freeze etc. and would like it connected with the house. It was suggested putting this in the rear - detached. Mr. Paget said they could not use it in winter for washing-it would not be practical.

Mr. Mooreland said if the Board granted this gross variance it would amount to scrapping the Ordinance.

Mr. Haar moved to deny the case because it is too great a variance. Seconded, Judge Hamel. Carried, unanimously.

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Mr. John Nolan came before the Board and asked to reopen his case, as there were certain things which had not been brought out at the first hearing which he would like to present.

Mr. V. Smith moved to reopen the case, seconded, JB Smith. Carried.

Mr. Brewer, who accompanied Mr. Nolan, said he had a G. I. Loan pending on this property and would buy it if the loan goes through. However, they will not make the loan unless this addition setback is approved by the Board.

Mr. Brookfield said since the garage was put up in a half day he thought it not too difficult to move the garage to the rear. He thought allowing this to remain as it is, was opposed to good planning. He did not like the idea of creating this violation then asking the Board to o. k. it. The Board agreed.

Mr. V. Smith said minimum setbacks were set up, and a variance had already been granted on this property - he did not think it wise for the Board to approve the mistake of some fly-by-night builder. However, he felt very sympathitic toward the entire

situation. (Mr. Brewer had said he was living in a basement with his wife and small baby - waiting for this loan to go through) It was agreed by the Board that this was not only a bad precedent but a fire hazard.

Mr. V. Smith moved that the original motion and action taken by the Board should stand. Seconded, Mr. Haar. Carried. Unanimously.

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11 - Anne Rust Patterson, Trustee, to erect dwelling with less front and side line setbacks, Lot 12, Block A, Parcel 1, Holly Park Subdivision, Mt. Vernon District. (Suburban Residence).

Mr. John Rust JR. represented the applicant. They had had the proper inspections and approval on this, Mr. Rust said, but when they came to make the loan they found two violations. It was possible the stakes had been moved during construction and the measurements made from the wrong locations. They requested a 19.2' setback on one side and 47.5' setback from the street right of way. They had considered taking 5 ft. off of the joining lot - but that would make that lot too small to build on. The garage could go on the opposite side of the house as there is 40.7 ft. setback there. There were no objections.

Judge Hamel moved to grant the application in view of the fact that an apparently honest mistake had been made and the builder had been mislead by approval of the foundation inspection Seconded, Mr. Haar. Carried, Mr. V. Smith not voting.

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12 - Hollin Hills, to erect dwelling with less front setback than allowed by the Ordinance, Lot 243, Section 10, Hollin Hills Subdivision, Mt. Vernon District. (Suburban Residence).

The lots were laid off in this area not knowing that the sewers would not be available for probably two years The lot falls off rapidly and if the house is located back the required distance it would be below the sewer. There is sufficient level ground to located the house 30 ft. from the road and the septic field could be put in the rear on the slope. It was understood in the purchase that there was no place for a garage. In fact it will be very difficult to use much of the lot because of the steep slope. The sewer and the street will both be higher than the house. If the house is located 40 ft. from the street it would mean about a 15 or 20 foot cut. The sewer would have to be about 10 feet deep. There were no objections.

Mr. Haar thought the house could be properly sewered with a 40 foot setback as the ground humps here and by grading the sewer could still get a sufficient fall.

The applicant said this was a split level house and it was actually the lower floor they were concerned about.

Mr. Haar moved to deny the application because he felt the sewer connection could be made when and if the sewer comes in-at a 40 foot setback. Seconded, Mr. V. Smith. Carried, unanimously.

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13 - Edward and Katherine P. McDaniel, to allow tool shed to remain as built, Lot 1, Block 11, Section 7, Hollin Hall Village, Mt. Vernon District. (Suburban Residence).

Mr. Mullard represented the applicants. The tool shed is 1.9 feet from the side line. It was noted that a carport or garage could be located on the opposite side of the house without a variance. There were no objections.

Judge Hamel moved to grant the application for 7.9 feet setback from the side line for the tool shed because this is not a gross variance and does not affect adversely the use of joining property.

Seconded, Mr. Haar. Carried. Mr. V. Smith voted No.

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14 - Ellsworth Williams, to occupy existing building while building new dwelling. Lot N, Seth Williams Subdivision, Falls Church District. (Suburban Residence).

Mr. Seth Williams appeared for the applicant. Mr. Williams said the applicant will move the present building when the new one is completed. He could not say just how long it would take to finish the new dwelling. However, the building now on the property is very old and probably will not stand up for any great length of time. There was no opposition.

Mr. V. Smith moved to grant the application for a period of one year from this date with the understanding that the old building will be removed when the new one is completed.

Seconded, Judge Hamel. Carried, unanimously.

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15 - John S. Elliott, to occupy existing dwelling while building a new dwelling, Lot 27, Franconia Heights, Mason District. (Agriculture).

Mr. Elliott said he would like the right to occupy the existing building for about one year. He wants to build a better home. He has purchased the materials - brick and

cinderblock. There was no opposition.

Mr. V. Smith moved to grant the applicant the right to occupy the existing dwelling for a period of one year while constructing the new dwelling and at the end of the year he will discontine the use of the small home as a dwelling - as this does not appear to affect adversely the use of joining property.

Seconded, Judge Hamel. Carried, unanimously.

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16 - Nelson Christian, to occupy existing building while building new dwelling, Lot 2, Alice B. Walker Subdivision, Mason District. (Suburban Residene).

Mr. Christian said he is living in a garage at present and hopes to finish his home within a year. There was no opposition.

Mr. Haar moved to grant the use of this building as a dwelling for a period of one year and at the end of that time the old building shall not be used as a dwelling. Seconded, Judge Hamel. Carried, unanimously.

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17 - Beatrice F. Brown, to permit a duplex dwelling on 2.281 acres of land on south side of Blake Lane, approximately 1/4 mile west of #211, Providence District. (Rural Residence).

Mrs. Brown gave a brief history of her situation. She works as a waitress, taking care of her 83 year old father. They have been trying to complete their home on a pay as you go basis. She and her husband are now separated and she was left with a half finished house. She would like to add an apartment upstairs in her garage to rent to help pay off the mortgage and complete her house. This apartment will be temporary - until the mortgage is paid off then she will have a two bedroom house and the apartment will not be used for rental purposes. The construction will be two rooms above the garage which will be added to the present partially finished house. There are two other small buildings on the property - a storage house and a wash house. Mrs. Brown has about three acres. There were no objections. She has notified the neighbors of her intentions.

Judge Hamel moved to grant the application in view of the size of the property and this does not appear to affect adversely the use of joining property. Seconded, Mr. Haar. Carried, unanimously.

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18 - Robert K, Epps, to erect motel (16 units) and to allow motel closer to Shields Avenue, Lot 5, Section 1, Spring Bank Subdivision

Mt. Vernon District. (Rural Residence).

Mr. Andrew Clarke represented the applicant. In order to meet the 15 foot setback joining the Trailer Park property (which is residential zoning) the applicant would like to come 35 feet from Shields Avenue. There is considerable business in the area - the Trailer Park, a dog hospital and other business at the corner of U. S. # 1 and Shields Avenue.

Mr. V. Smith moved to grant the application because there is business in the area andit does not appear to affect adversely the use of joining property.

Seconded, Judge Hamel. Carried, unanimously.

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19 - American Legion Post to erect a meeting hall 60 feet by 100 feet. Lot 15, Block 2, Rolling Hills Subdivision, Lee District. (Suburban Residence). No one was present.

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Mr. Mooreland asked the Board if in the case of the riding school and show ring granted by the Board on Rt. 672 - it would be permissible to sell saddles and bridles. Would the permit granted include that. It was questioned what may happen if sales were permitted. It was brought out that it was often practical to sell certain second hand saddles etc. , but the Board did not think the permit granted would allow general sales.

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20 - Woodley Recreation Association, to permit swimming pool, bath house, and club house on 4.5 acres of land in Broyhill Park on south side of Camp Alger Avenue adjacent to the Fairfax County School Board Property, Falls Church District. (Suburban Residence).

Mr. McDaugh represented the applicant. This is a non-profit organization, about 350 families having shares, all living within 1-1/2 mile radius. They have 4-1/2 acres. There is little development near -a proposed school site joins this property and all other land is undeveloped, owned by Mr. Broyhill.

There was no objections. The pool area will be fenced. It was brought out that the Jesse property which is about 300 ft. from this proposed pool had not been notified of this proposed use.

Mr. V. Smith thought it might be advisable to notify owners of the Jesse tract since this is undeveloped property. He thought all joining property owners should be notified of such an installation as this - by registered mail - if they were not living in the area. This should be done as a future safeguard, Mr. Smith thought.

Mr. McDauch said this ground was topographically good for such a development. They hoped to start selling shares immediately.

They had settled upon this large site in order to keep a good distance between the recreational area and homes. They will spend about $2000 in landscaping and improving the site. They will leave all the trees they can.

It was questioned whether the building is a club house or a community house as it was shown the two ways on the papers. It was said a community house.

Mr. Mooreland asked the Board if they wanted something in these cases to show that joining property owners had been notified. The Board said, Yes.

Judge Hamel moved to grant the application because such a use seems to be in keeping with the neighborhood and will not affect adversely the use of the joining property in the immediate area and it is also understood that the building to be erected is a community house and shall not be converted into any commercial enterprise. Seconded, Mr. Haar. Carried.

Mr. V. Smith, and Mr. Brookfield, voted no.

Mr. V. Smith suggested retaining a screening of trees around the property - he asked that that be added to the motion. Judge Hamel and Mr. Haar agreed. Carried.

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19 - American Legion Post. This property is across from business development. The members of the Post will build the building themselves. There are 297 members. There is a gravel pit on one side of the property. They will have water and sewer by the time the building is completed. Temporarily they will install a septic field.

Mr. V. Smith moved to grant the application because this is a good size lot and it does not seem to adversely affect the use of joining property and seems to be compatable with uses in the area and it is understood that they provide off street parking and the building will be in accordance with the plat presented. Seconded Judge Hamel. Carried, unanimously.

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21 - Backlick Sand and Gravel Company, to permit operation of a gravel pit on west side of Lunt Road #613, approximately 1700 feet north of #644, Lee District. (Suburban Residence).

A letter was read from Mr. Schumann asking that this case be deferred as proper plat was presented too late for the Planning Staff to make necessary inspections in time for this hearing.

Judge Hamel moved to defer the case until the July hearing. Seconded, Mr. Haar. Carried, unanimously.

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DEFERRED CASES:

1 - William C. Jackson, to erect carport and screen porch closer to side lot line than allowed by the Ordinance , Lot 194, Section 2, Bel Air Subdivision, Falls Church District (Suburban Residence).

Mr. V. Smith had seen the property. Since this is a level lot he thought the carport could be located back - without a variance. He moved to deny the case because it is not in keeping with the intent of the Zoning Ordinance and there is an alternate location for the carport. Seconded, Mr. Haar. Carried, unanimously.

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2 - Robert W. Strong, to build storage building closer to front and side lot lines, Lot 113, Hollin Hills, (310 Martha's Road) Mt. Vernon District, (Suburban Residence).

Mr. Strong said his best view is toward the rear and he did not wish to disturb the lovely trees and landscaping. The rear area makes an attractive view for the neighbors also. Mr. Strong noted that two neighbors on his street had received variances similar to the one he is asking. He thought since his house was set at a angle it would not be objectionable. He will connect this building with a trellis. Five immediate neighbors have said they do not object.

Mr. Haar suggested moving the structure back five feet farther which would not require such a large variance. He moved to grant the application provided the setback from the right of way is 35 feet rather than the 30 feet requested and shown on the plat. Seconded Judge Hamel. Carried. Mr. V. Smith voted No. Mr. Brookfield not voting.

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3 - Howard Brock, to have less area in lot than allowed by the Ordinance, part of Lot 9, Forest J. Hall Property, Mason District. (Suburban Residence).

This property was originally all one lot. Part of the lot was sold and a house built upon it, The purchaser did not want all of the original lot. The piece left does not have the required area under the present regulations. 15 feet were taken off of this property for the widening of Glen Carlyn Road. Water and sewer are available.

Mr. Groves who sold a part of this lot still owns this piece of property which Mr. Strong is buying. This was actually a violation from the beginning. There are three other variations from the zoning ordinance within one block, but the other properties were sold before the 105 foot requirement on corner lots was passed.

Mr. Mooreland said the Board was asked to approve a lot which was divided a long time ago - with less area than required at present. The lot is 200 square feet short of the requirements. The frontage conforms to requirements before the 105 foot corner lot was required.

Mr. Brock said the house on the lot already sold is about 18 or 20 feet from the dividing line.

Mr. Haar moved to grant the application because it does not appear to adversely affect the use of joining property.

Seconded, JB Smith. Carried, unanimously.

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4- G. F. Weber, to permit sheds to remain closer to street line than allowed by the Ordinance and a fence to be erected as shown on plats at the N. W. corner of Arlington Boulevard and Graham Road, Falls Church District. (General Business).

G. F. Weber,

Mr. Hansbarger represented the applicant. This case was deferred for study. Mr. Mooreland thought the Board did not have the right to grant a fence at this setback in a business zoning.

Mr. Hansbarger quoted from Section 11 Par. 8 of the Ordinance and referred to Par. 10, to substantiate his claim that a fence less than 5 feet could be erected. The buildings are 100 feet back from the right of way. The right to have a fence, Mr. Hansbarger said, is not in question. It is whether or not he can have a fence 6 ft. high.

A diagram was drawn showing area affected by 100 ft. visibility requirement.

Mr. Mooreland advised the Board that if the applicant is allowed to fence off an off-street parking area - such as this is - it would be establishing a precedent and would create a very bad situation. He thought the visibility clause in the Ordinance applied to a residence district only - and there was nothing in the Ordinance allowing the reduction of parking area, or allowing an applicant to use parking area for selling purposes.

Mr. Hansbarger said the only thing in question was safety of travel. He presented a letter from Chief McIntosh stating that he saw no traffic hazard in allowing the sheds and equipment at this store. He also handed the Board a letter from Mr. Charles Rose, owner of the property, approving the sheds and fence. Mr. Hansbarger saw no adverse affect to the public wel-

Mr. Mooreland said would fare the decision on this case serve for future cases which might arise.

Mr. V. Smith said he beleived a five foot fence was permitted under the Ordinance but thought this should be studied by the Planning Commission.

Judge Hamel noted that since it had been the policy of the Board and Commission to establish areas for off street parking this Board should do nothing inconsistent with that policy without recommendation from the P/C. He thought this a matter of policy which should be studied by the commission. Does the Board have the right to grant the use of space alloted to off street parking.

Mr. V. Smith said businesses are required to provide off-street parking-he questioned if this was originally set up including this area for off-street parking.

Mr. Hansbarger said there was a large area for parking here and the small space taken up by the sheds would allow only about eight cars.

Mr. V. Smith moved to deny the application for a fence and sheds because it is an encroachment on the setback line established for this district.

Seconded, Judge Hamel. Carried.

Mr. V. Smith moved to refer the proposed 5 ft. fence to the P/C for study.

Seconded, JB Smith. Carried.

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5 - Frank C. Pannill, to build street closer to house line than allowed by the Ordinance at S. E. corner of Kirby Road and Birch Avenue, Dranesville District. (Suburban Residence).

Mr. Pannill. Mr. Pannill said he could not buy additional ground to make this conform and the people across the street will not dedicate any ground for street purposes. The property across the street is undeveloped. It was suggested moving the front wing - which projects on to the rear. This was satisfactory to Mr. Pannill.

Mr. V. Smith moved to grant the application provided the applicant removed the projection on the east side of the house so it will be in line with the main structure (reducing the projection by approximately 10 feet,) and remove the porch on the north side of the house as this does not appear to affect adversely the use of joining property, and because with the

additional setback on the corner, visibility will not be obstructed by this variance.

Seconded, JB Smith. Carried, unanimously.

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6 - Rock Spring Swimming Club, to construct a swimming pool and bath house for the private use of the Rock Spring Swimming Club on north side of Old Dominion Drive west of Brookhaven Subdivision Dranesville District. (Suburban Residence).

Rock Spring Swimming Club, Mrs. Hackman represented the applicant. Mrs. Hackman said they were trying to meet a recreation problem - which she considered important to the area. They had searched widely for another location but could not find one with sufficient ground and a location which the Health Department would approve.

Opposition: Mrs. Muttersbaugh objected to this use because of depreciation to property values and she thought the project in Chesterbrook - two miles away - was sufficient to take care of the needs in the area.

Mr. Edwin Wrenn thought this would benefit only the few - as it is a private club and the price would probably be prohibitive to a great many in the area.

Mr. E. Smith, from Brook Haven Citizens Association opposed Also Mr. W. M. Jefferies - from across Old Dominion Drive and immediately across from the proposed pool. He has owned property there for 38 years and thought this encroachment not in keeping with quiet rural living. He also thought the parking lot near Old Dominion Drive not good. He agreed that this would depreciate values and change the character of the area. He thought a more secluded area could be found.

Mr. Thummel in Brook Haven was not opposed to the idea in principle, but he did not like the idea of another county organization coming into the neighborhood and taking over. He objected to the noise, traffic, and the possible inability to control the area from vandals and nuisance.

Mrs. Hackman noted that regardless of everything the city is moving in on people and the noise & traffic, and the influx of changes cannot be stopped. She said that while this is a private club, it will be open to anyone in the area who may wish to join. The club will be operated under an elected Board whom she thought could exercise complete control over conditions on the grounds.

Judge Hamel thought it was the duty of the County to encourage such a greater duty to the children than to the older settlers - he moved

to grant the application.

Mr. V. Smith thought also that the County should have swimming pools and related recreational facitities but he thought there must be areas in the County which were more suitable and would not be so objectionable to people in the area - he thought people were entitled to protection from the County.

There was no second to Judge Hamel's motion. Mr. V. Smith moved to deny the application because it appears that it will adversely affect the use of joining property. Seconded JB Smith. Carried, Judge Hamel voted No.

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New Case:

7 - Robert A. Green, to erect dwelling within 25 feet of street line Lot 76, Section 1, Lake Barcroft, Mason District. (Sururban Residence).

Mr. W. L. Mayne represented the applicant and Mrs. Ellen Oshins. This is a very steep lot - level for only a short distance near the street. If the applicant meets the 40 foot setback the drop will be very steep. Mrs. Oshins noted that they have on their property, which is immediately joining, a setback of 27 feet granted by the board. This is on a cul-de-sac and because of the curve a less setback will not be noticeable.

Mrs. Oshins, who is president of the Barcroft Citizens Association, recalled that this subdivision has a terrific erosion problem caused largely by removal of trees, and the steep slopes. There is a very large tree on the side of this lot which, if Col. Green sets his house back the required 40 feet, will have to be removed. It would be a great advantage both to the erosion problem and for shade from this especially large tree if it could be left.

Mr. Haar moved to grant the application provided the setback from the front property line is not less than 27 feet which is comparable with the house on joining property, in view of the unusual topographic conditions and it does not affect adversely joining property.

Seconded JB Smith. Mr. V. Smith voted NO. Carried.

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Phillip A. Harris to locate carport closer to side line than allowed by the Ordinance Lot 21, Virginia Hills, asked to have his case reopened, which was denied, because of new evidence. Mr. V. Smith moved to rehear the case, seconded Mr. Haar. Carried.

Mr. Harris said he had relocated his carport back to the center of the house which would require a less variance. The front part of the carport would now require a 7'10" ~~foot~~ setback from the line and the rear would be less variance - requiring a 9 foot .6 inch

setback at the rear of the carport - as shown on the plat presented. (2feet 2 inches variance and o.6 inch variance) because it does not appear to adversely affect the use of joining property. Seconded, Mr. Haar. Carried, unanimously.

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The selling of products related to nurseries was discussed.

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It was also agreed that in the case of use permits the applicants should notify joining owners.

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Mr. Mooreland asked if the Board considered he could grant a variance of 6". The Board thought - no.

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The meeting adjourned. John W. Brookfield

J. W. Brookfield, Chairman

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The Regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, July 20, 1954 in the Board Room of the Fairfax County Courthouse, at 10 o'clock A.M. with the following members present: Messrs Brookfield, Judge Hamel, J. B. Smith, Verlin Smith, and Herbert Haar.

1 - A. L. Manville, to permit an addition to dwelling 34.5 feet to street line, Lot 89, Section 2, Westhampton (1113 East Greenwich Street), Dranesville District. (Suburban Residence).

This is requested for an addition to their home, Mrs. Manville said, to help take care of the addition to their family. It will be used for a study for Mr. Manville. The houses nearest to them are set closer to the road than required. This house actually faces an open field. The street is a connecting street which does not carry much traffic. Mrs. Manville considered this an addition to the neighborhood.

Mr. Mooreland said the road is evidently built on part of their lot as the house is not as far back as the certified plat shows (46'Plus) If the plat is right, Mr. Mooreland said, the road is partly on their lot.

The septic field is in the rear which makes it impossible to put the addition there. There were no objections.

Judge Hamel moved to grant the applicant a 34.5 foot setback from the street line as it does not appear that it will be detrimental to joining property and this is not likely to become a highly

congested or developed area. Seconded. J. B. Smith, Mr. Brookfield, Mr. Haar and Judge Hamel voting for the motion. Mr. V. Smith not voting. Carried.

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2 - Mrs. C. L. Funkhouser, to permit dwelling closer to side lot line than allowed by the Ordinance, Lot 54, Pinecrest Subdivision. Mason District. (Rural Residence).

Walter Ralph represented the applicant. This is a corner lot 100 feet wide, formerly allowable under the ordinance. This requested variance was granted on this lot some time ago to another owner who did not go ahead with construction. The present owner is asking the same thing. There was no opposition. The side setback will be 15 feet.

Mr. V. Smith moved to grant the applicant a 10 foot setback variance from the north property line because this is a narrow corner lot and does not encroach on the corner setbacks and it does not appear to affect adversely the use of joining property but will enable the applicant to construct a larger house. Seconded, J. B. Smith. Carried unanimously.

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3 - Virginia Properties, Inc., to permit less setback from street line than allowed by the Ordinance, Lot 4, Masonville Heights, Falls Church District. (Suburban Residence).

Mr. Kelly represented the applicant. This is a corner lot which has been originally staked out wrong by the survey party. The discrepancy was found in applying for the loan. This is the only violation, Mr. Kelly said, in 66 houses. All other houses have loans on them and are sold. Mr. Williams, the developer, will live here. They are asking a 37 foot setback from Masonville Drive. All the other houses in the subdivision are set back 41 feet. There was no opposition.

Mr. Haar moved to grant the application for a 37 foot setback from Masonville Drive and a 41 foot setback from Custer Street, as there are only two lots on Masonville Drive and the homes are not in line and this would not affect adversely the use of joining property. Seconded. Judge Hamel. Carried unanimously.

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4 - Clyde G. Alley, to permit dwelling to be built closer to side lot line than allowed by the Ordinance, Lot 29, Fairfax Acres Subdivision. Providence District. (Rural Residence).

Mr. Hudgins represented the applicant. This is a corner lot. The one side street is not put in yet and the loan company will not lend the money on a house facing a street which is not

yet completed. (If the house were put up facing this side street it would not violate the Ordinance) This will be an $18,000 house. They want to come 10 feet from the side lot line. (Lot 30).

Mr. Hubbard, the contractor, said there are no houses on either side of this lot and they could not get in touch with the owners of the properties. This is a 100 foot lot.

Mr. V. Smith thought the joining owner on lot 30 should be notified of this encroachment. It was suggested that a request for a garage might come later. There was no opposition to the application. Mr. Hudgins said Mr. Alley would pay for the sewer to be brought to his line, therefore, he did not think the owner of lot joining would object.

Judge Hamel moved to grant the application because it does not appear to adversely affect joining property and that a 50 foot setback each from Burrows Avenue and Orchard Street be maintained. Mr. Haar thought there should be a letter from the owner of Lot 30 stating he did not object. Mr. V. Smith thought the person most vitally affected should be notified of this variance. There was no second to the motion.

Judge Hamel made the same motion subject to the approval of the owner of lot 30. Seconded, Mr. Haar. For: Judge Hamel, Mr. Haar. Opposed: J. B. Smith, Mr. V. Smith and Mr. Brookfield. Motion lost.

Mr. V. Smith moved to defer the case for further consideration to give the applicant time to get a letter from the joining property owner most vitally affected. Seconded, J. B. Smith. Carried Judge Hamel and Mr. Haar not voting. For the motion: Mr. Brookfield Mr. J. B. Smith and Mr. Verlin Smith.

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5 - Joseph O. Hanson, Jr., to permit the erection of dwelling with less setback from street line than allowed by the Ordinance, Lot 18, Block 18, Section 13, Belle Haven, Mt. Vernon District. (Urban Residence).

The applicant asks a 25 foot setback from the street which actually is a circle. The front setback would be 36 feet from the curb. There are already variances granted on other houses in this area. Two other houses face the circle and the variance in setback is not noticeable, according to Mr. Hanson.

Mr. Mooreland said it was difficult to build here as the ground slopes down (very steep) from the street. The increase cost in having to locate the house 35 feet from the street - the fill and masonary - would be expensive. Also immediately back

of the house - if it is set back 35 feet are 3 (three) large trees. They want very much to save these trees as much of the front has necessarily been cleared. They actually bought the ground for the lovely trees. The neighbors do not object and have sent letters stating so. This is a small circle and would be no traffic hazard. There were no objections. There is no room for a garage and the applicant does not wish to have one.

Mr. Haar moved to grant a 25 foot setback from Randall Court and 23 feet setback from lot 17 and 25 feet setback from Lot 19 because this house fronts on a circle and not a through street and topographic conditions are unusual. It does not affect adversely the use of joining property. Seconded, Judge Hamel. Carried, unanimously.

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6 - Wainard H. Sparks, to permit carport with less setback from street line than allowed by the Ordinance, Lot 418, Section 9 Bel Air, Falls Church District. (Urban Residence).

This is a one block long street ending in a circle. (Donahue St.) If the carport is put back further, the applicant said, he would enclose his basement window - cutting off the light. The lot is high in front and low in back - about a 10 foot change in elevation. Mr. Brookfield did not like granting the garage in front of the house. Mr. V. Smith thought this granted would cause others to ask the same thing - he thought the carport being open would give plenty of light for the basement window if the carport were put back farther.

Mr. L. Hiner, living on the right side of the applicant - two lots west did not object; Mr. Price joining Mr. Sparks in the east side favored the requestm and Mr. Marshall three lots away thought it all right . The applicant wants a 25 foot setback instead of a 35 foot setback.

Mr. J. B. Smith moved to defer the case to view the property. Seconded, Mr. V. Smith Carried unanimously.

Mr. Sparks asked the Board to call him when they viewed the property. Je 4 1949. Mr. Sparks said he would like to work during the good weather to accomplish as much as he can.

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7 - Henry J. Rolfs, to allow dwelling 14.3 feet from side lot line Lot 12R, Chatelain Village, Falls Church District. (Suburban Residence).

No one was present to discuss this case. Motion to put this case at the bottom of the list - J. B. Smith, seconded, Mr. Haar. Carried.

8 - L. L. Whetzel, to allow dwellings to remain closer to street lines than allowed by the Ordinance, Lots 14 and 15, Keene Mill Heights, Mason District. (Agriculture).

Mr. Lamb represented the applicant. The streets were not in when these houses were located and the point of curve fooled the surveyor in the locations. This caused the error on the three lots. The street is curved - the surveyor thought it was straight. Setbacks requested are on Lot 14 - 47'; Lot 15 - 47.6 feet.

Mr. Mooreland said the builder was allowing no leeway at all in his figuring. He has 17 more lots - five houses are sold and four more started. These are all ok. The developer is operating for the first time in Fairfax County. He is from Prince William County, where they have little or no restrictions. There were no objections .

Mr. Haar moved to grant the application for a minimum setback of 47' from Keene Drive - Lot 14 and a minimum setback of 47.6 feet on Lot 15 because it does not appear to affect adversely joining property and this is a curved street where a slight variance is not noticeable. Sedonded, Judge Hamel. Mr. J. B. Smith added to the motion and it is understood that the applicant will not bring in any more variances on the other 17 houses in this subdivision. Amendment approved. For: Judge Hamel, Mr. Haar, Mr. J. B. Smith, and Mr. Brookfield. Mr. Verlin Smith not voting. Motion carried.

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9 - W. F. Kern, to allow pump islands to remain as built 19.7 feet from property line, Lots 41, 42, 43, Rust and Smithers Subdivision Providence District. (Rural Business).

Mr. Kettler represented the applicant. They realized the error in this when under construction, Mr. Kettler said. The sewer line was put in and at that time the stakes of the corner points of the property were likely knocked down. The road here is rugged and there is also a reverse curve which makes the front line questionable. They usually allow at least a 6 inch margin on these installations. There was no opposition.

Mr. V. Smith said the limit on pump islands was 25' and this had been granted a 21.6 setback, and now they are asking for a 19.7 feet setback. He thought this not good-especially on this circle where the traffic increases every day. They request a 19.7 foot setback.

If they must move the pumps, it would be necessary to tear out lines to the tanks and change connections which would cost about $1500, Mr. Kettler said. Mr. Haar moved to defer the case to view the property. Seconded, Judge Hamel Carried unanimously.

It was noted in this case that the edge of the concrete appears to run along the property line and it was confusing just what was

the distance from the concrete to the edge of the road. The site has proved difficult to work out.

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10 - Joseph Lamberton, to allow garage closer to Spring Street and to side lot line, Lot 15, Section I, Leehigh Village, Centreville. (Agricultural)

Mr. John Rust has asked that this be brought up later at the time of his next case - as he was in court in the morning. Motion to defer til later in the day - Mr. Haar, seconded, Mr. Verlin Smith. Carried.

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11 - Floris Methodist Church, to permit extension of church closer to side line than allowed by the Ordinance, east side #657 just north #608, Centreville District. (Agriculture).

Mr. John Middleton represented the applicant. There was a small corner of ground given to the church some years but, the deed showing this new line was never recorded. It was necessary in making application for this extension to use the old recorded property line - which would require a large variance. However, the deed to the gift - property will be recorded and the final setback will be from that line. The new addition will come about 18' 4" from the new property line and about 8 or 9 feet from the old recorded line. There was no opposition.

When this land was given it was just a verbal agreement. The church people would like to get a building permit subject to the final survey of this additional piece of property - which survey will be made and the property recorded - showing the new line.

Mr. Verlin Smith moved to grant a variance to the minimum setback of 9 feet on the side yard because this does not appear to affect adversely the use of joining property and also because there is ample parking space already provided, seconded, Mr. J. B. Smith. Carried unanimously.

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12 - William D. McIntyre, to teach dancing in basement of dwelling, Lot 20, Darwin Heights Subdivision, Falls Church District. (Urban Residence)

Mr. McIntyre said this will be a part time venture with classes held on Saturday and probably one or two evenings a week. He is regularly employed in the Government. He will limit his classes to 5 children. The home in which the classes will be conducted is on a dead end street - it would not be a

hazard to traffic.

Mr. McIntyre read letters from two clients,(Mrs. Lucy Rose, and Mr. Jetmore), regarding his ability, urging that this application be granted. Mrs. Bruner was present and favored granting the use. There was no opposition. Mr. McIntyre said he would remodel his basement for his classes. Mr. McIntyre has been on the professional stage for many years. The people on both sides of him do not object to this use.

Mr. Verlin Smith said this was a small lot and a new community the houses on either side are not occupied. He would favor granting this for one year. He moved to grant the application provided the number of pupils not exceed 5 in any one class period and that the applicant has stated that he has the approval of both home owners on either side and this is granted to the applicant only for a period of one year. Seconded, Mr. Haar. Carried unanimously.

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13 - Freedom Park, Inc. to permit the erection and operation of a private non-profit swimming pool, picnic and recreation area, refreshment booth and accessory facilities at the end of Hull Road and Byrd Road on 4.2616 acres of land. Providence District. (Rural Residence).

Mr. Whutock represented the applicant. The ground is not yet finally purchased nor is the layout of installation complete. This park will serve 500 residents in the Freedom Hill School District area. They will have 35 feet, 50 feet, and a 75 foot pools. The nearest they will come to any property line is 50 feet. The pool area will be fenced - this fence to be 30 feet from any property line. A 50 foot private right of way will be dedicated. Entry will be from Byrd Road. They will have parking space immediately for45 cars and more area for parking if and when needed. They will have the pumping station and filter plant within the fenced area and will also have bath houses fronting on the fence line. The fenced area will be about 20 feet wide. The septic area was shown on the plat. Percolation test has been made but no report on that has as yet been recieved. The filter will re-circulate the water every 8 hours. The Health Department says this can empty into the

stream. There will be a very slight overflow. They hope for picnic tables and play equipment a little later, and possibly a pavillion in the picnic area. The bathouses will have a gate into thepool area which will all be fenced. The fence will be 7 feet high. Also they will have a refreshment stand. There were 9 people present favoring this project and no opposition.

They have been working on this since about October, Mr. Whytock said. The pool will cost about $20,500.

Mr. Lowry, President of the group, suggested that this is a very badly needed facility - that the location was ideal being situated at the end of two dead end streets. This will come about 200 feet from any property line with all installation except the picnic tables. They have only a 3 months option on the property. They have worked out good rules of operation.

Mr. Haar thought the Board should have more detailed plans. Mr. Whytock said they did not feel like going to the expense of getting a more detailed plan until the use was granted. It was suggested that this might be granted subject to the presentation of more complete and detailed plans, the location of the buildings etc.

Mr. Verlin Smith said since they could not begin work in this before October anyhow it might be well to postpone action on this so the Board could see more detailed plans and building locations.

Mr. Whytock said it was purely a matter of money - that the builders did not wish to spend too much time on a deal like this unless there was a good chance they would get the contract. Their contract of purchase expires within one month also final locations will depend upon the Health Department.

Mr. Verlin Smith said the Board should know that all property owners had been notified and that they approved.

Mrs. Lowry said the Carrol family who live near this property questioned this use - at least here had been some thought that they might object. However, they had been notified of the hearing and had been informed what was being planned. They did not appear at the hearing.

Mr. Haar moved that the application be granted provided the swimming pool be built not closer to the property line than

indicated on the plat and the proposed buildings come within the fenced area and that written approval of all adjacent property owners be obtained and all subject to the approval of all concerned County Ordinances . Seconded Judge Hamel. All voted for the motion except Mr. Verlin Smith who voted No. Motion carried.

Mr. Verlin Smith said this should be granted to the present owners only-this was added to the motion and agreed upon.

Mr. Verlin Smith said one property owner could kill this entire project by disapproving - he suggested that the casebe deferred - and thought the purchase contract could be reopened

Mr. Haar moved to repoen the case, Judge Hamel seconded. Carried. This was done to restate the motion. Mr. Haar moved the application be granted provided that the swimming pool be built not closer to the property line than indicated on the plat and the proposed buildings come within the fenced area, and this is granted to the present applicants only. Seconded, Judge Hamel. Carried. All voting for except Mr. Verlin Smith who voted no. Mr. Smith said he would rather view the property.

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14 - Chesterbrook Swimming Club, Inc. to permit swimming pool and bath house, Lot 1, D. F. Divine Subdivision, Dranesville District. (Suburban Residence).

Mr. Hutchinson represented the PTA in this area - speaking for the applicant. The applicant has the approval of the Health Department for location of septic field and presented signed statements from all abutting property owners favoring this project. They will have 2000 feet of drain field. Membership will be 250 maximum. Site 4.3 acres. Thirty stood approving this application. There was no opposition.

Judge Hamel moved to grant the application to the applicant only, subject to the usual approval of sanitary facilities necessary when this project is installed and subject to construction in accordance with plans submitted.

Mr. V Smith asked that this also be subject to the submission of a final plat. Seconded, Mr. Haar. Carried unanimously.

Mr. Verlin Smith also suggested that it be added to the motion that off street parking be provided for all persons using this club. This was accepted as an amendment and carried.

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July 20, 1954

The Board was ready to adjourn for lunch but continued as Mr. Clarke asked that his case be ~~adjourned~~ heard in order that he might attend a civil defence meeting. Mr. Verlin Smith moved that cases be taken up to and including Mr. Clarke's case before lunch seconded, Mr. Haar. Carried.

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15 - Percy M. Petitt, to permit the erection of a repair garage, south of Leary's Market on U. S. # 1 Highway at Engleside. Lee District. (Rural Business).

The applicant can meet all setbacks. There were no objections. A garage is across the street. The building will be about 70 feet from the right of way and the pumps be 50 feet from the right of way.

Mr. Verlin Smith moved to grant the application because the building will be set back 70 feet from the right of way and the pump islands will be set back 50 feet as per plat submitted with the application and the property is zoned Rural Business. This does not appear to affect adversely the use of adjoining property. Seconded, Mr. J. B. Smith. Carried unanimously.

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16 - J. H. Poladian, to permit the erection and operation of a gasoline filling station and to have pump islands closer to right of way than allowed by the Ordinance, at the S. W. corner of School Street and Kings Highway. Lee District (General Business).

Mr. Hobson and Mr. Poladian were present. The applicant plans to have 4 stores immediately [redacted] to the side of this filling station which squeezes the depth of this lot - therefore requiring the variance. Plans were shown of the proposed stores and then relation to the filling station lot. They would like a 20 foot setback for the pump islands.

Mr. Verlin Smith thought the approach could be changed and the pumps set back 25 feet.

There were no objections. Mr. Hobson thought this would make a small distance between the pumps and the building.

Mr. Verlin Smith moved to grant the application subject to the pump islands being not closer than 25 feet from the right of way, because this is a logical use for the property and does not appear to affect adversely the use of joining property. Seconded Mr. J. B. Smith. Carried unanimously.

17 - Ashton C. Jones, to permit the erection and operation of a gasoline filling station and to have pump islands closer to fight of way line than allowed by the Ordinance, at the N. W. corner of Castle Road and Route #7 at Seven Corners, Mason District. (General Business

Mr. Hobson also appeared on this application. They are asking a 25 foot setback for the pump islands. The road will be widened 7 feet at this point. There was no opposition.

Mr. Haar moved to grant the application provided the pump islands are setback not less than 25 feet from the right of way as this use of the land appears to be appropriate for that area and there are no objections from the adjoining property owners.

Seconded, Judge Hamel. Carried, unanimously.

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18 - M. S. Horne, William B. Ingersoll and H. A. Naisbitt, to permit the erection and operation of a gasoline filling staton and to have pump islands closer to road right of way lines than allowed by the Ordinance, at the N. E. corner of Arlington Boulevard and Patrick Henry Drive, Mason District. (General Business.)

Mr. Andrew Clarke represented the applicant. There is a service road all along the Willston property here, Mr. Clarke said. This variance is asked from the service road rather than the Boulevard. There was no opposition. Mr. Clarke said the traffic comes into the service drive and is controlled before going on to Arlington Boulevard.

Mr. Verlin Smith moved to grant the application because this is a logical use for the ground and the layout is logical and the pump islands are granted 25 feet from the right of way. Seconded, Mr. Haar. Carried, unanimously.

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19 - Joseph Lamberton, to allow garage closer to Spring Street and to side lot line, Lot 15, Section 1, Lee High Village, Centreville.

Mr. John Rust represented the applicant. The inspection for location was made and approved on this but in making the loan it was found that the garage violated the setback requirements. This was brought to the Board to ok the existing setbacks in order to get the loan. The garage is attached to the house. There were no objections. The violation is .4 of a foot from the front street and 3.8 feet violation from the side right of way line. The building is masonry construction.

Judge Hamel moved to grant the side setback of 16.2 feet and a setback from Spring Street of 49.6 feet, in view of the surrounding circumstances, and because this does not appear to be detrimental to joining property. Seconded, Mr. Haar Carried unanimously.

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19 - C. T. Dalton, to permit the erection and operation of a service station at the S. W. corner of #236 and #652, Providence District. (General Business).

Mr. John Rust represented the applicant. Mr. Moreland said this had been granted but construction was not started during the required period. The applicant can meet all setbacks. There was no opposition.

Mr. Verlin Smith moved to grant this as it is merely a renewal - the pump islands to be 50 feet from Little River Pike and 60 feet from the Burke Road. Seconded, Mr. Haar. Carried unanimously.

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20 - Earl A. Glick, to permit the use of property as a service station and to allow pump islands closer to right of way line of Highway, Lot 20 and part of Lot 19, Beech Park Subdivision Providence District. (General Business).

Mr. Glick has an operating oil business on this property - the building for which is 50 feet from right of way. Mr. Glick said he wanted the 24 foot long tank and also the pump islands between the building and the right of way. Also he wanted the pump islands away from the heavy oil trucks parked on the side of his property. The sewer line runs down his property so he could not put the tanks cross-wise in front of his building. There are three stores now going in on Lot 19 joining. The request is for the pump islands to be 30 feet from the right of way. There were no objections.

Mr. J. E. Smith moved to defer the case to view the property, seconded, Mr. Verlin Smith. Carried unanimously

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21 - Mrs. Claire M. Reitnauer, to permit dwelling to be used as a kindergarten on west side # 623, approximately 1 mile south of U. S. # 1 Highway. Mt. Vernon District. (Rural Residence).

The applicant showed letters of recommendation favoring this use (which letters are a part of the file in this case)

July 20, 1954

Mr. Barner, Vice President of the local citizen's association stated that this group is in favor of the establishment of such a kindergarten by Mrs. Reitnauer. The school will operate from 9 to 12 and will have not more than 15 children.

Mr. Ohar moved to grant the application to the applicant only for a two year period and subject to approval of the local health, fire and other interested County agencies. Seconded, Judge Hamel. Carried unanimously.

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22 -- R. F. R. Company, to permit a golf course and club house on 243 acres of land, approximately 1 1/2 miles south of Judge Brown's property, 3/4 mile west of #123 on south side #[illegible], Henderson Road, Lee District. (C: Agricultural).

Mr. George Ross represented the company. They will have 18 holes of golf on the 210 acres tract. The three owners of the club are all employed by the Federal Government and are men of substantial background - well qualified to develop and carry out the plans of this club. The club will serve west Arlington, and Alexanderia area as well as Fairfax County.

Mr. Moorehead suggested that it should be shown on the plat where the clubhouse will be located.

It was brought out that they will use the existing buildings - the original 10 room dwelling, one barn, plus one milkhouse. They have not made detailed plans as yet as it is expensive to make a definite layout for the golf course (cost about $6,000), therefore, they did not wish to go into that until this case is granted by the Board. There was no opposition.

Mr. Franklin who lives across the road said he was present to learn what was to be done with this property - he was not opposing. He thought the plan very satisfactory and those interested in the development men of integrity and ability.

Judge Hamel moved to grant the application in view of the fact that the property and location seem to be adapted to this use and it appears in no way to be detrimental to surrounding property. Seconded, Mr. Ohar.

It was questioned what the club house would be used for. Mr. Ross said just the normal club needs - locker room and necessary facilities. This would be a dawn to dusk proposition - no night club. Motion carried unanimously.

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23 - Wissinger Chevrolet Company, to permit erection of signs with more square footage than allowed by the Ordinance, Lot 1 and part of Lot 2, Section 7, Hillwood Subdivision at Seven Corners, Falls Church District. (General Business).

Mr. Jack Eakin represented the lessor. Mr. Wissinger will lease the property joining his already existing business. If he rented this property joining his property, to another lessee, Mr. Eakin said, there would be no need for a hearing - as the amount of sign requested would be granted. This is a continuous use of the operating Wissinger business. He has 155 feet on Arlington Boulevard which joins this 1-1/2 acre. He wants 120 square feet more of sign. This property could also be leased to several different businesses - each of whom could have the full amount of sign allowed by the Ordinance. They acutally could get over 400 square feet of sign. In this way by granting the application the sign area would be greatly reduced. This is temporary lease - the lights will be behind the signs. This lot will be used for used cars. There will be three signs - each coming within the area limits. This is a 4 year lease. There was no objection.

Judge Hamel moved to grant the application for the lease - hold period, in accordance with the plans presented. Seconded, Mr. Hair. Carried unanimously. Mr. Verlin Smith stated, and the Board agreed that this was granted without requiring a certified surveyors plat because this is a temporary lease (use) and not a permanent situation.

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24 - Kiwanis Club of Mt. Vernon, to operate a Skeet Range at the N. W. corner of Hybla Valley Airport, Lee District. (Rural Residence)

Mr. Olmi, Jr. represented the applicant. The primary purpose of this Skeet Range is to raise money to care for needy and under privileged children, Mr. Olmi said, and also for recreation for the Club members. The Range will be supervised by trained fire-arms personnel. They would be satisfied with a one or two year permit. This is an old automobile track. The nearest home is about 600 yds. away. Capt. Mahoney has inspected the Range and says it is safe. This will be shot gun target shooting. There were no objections.

Mr. Verlin Smith moved that in view of the recommendation from Capt. Mahoney who has inspected the property and that it appears

that this use will not affect adversely any other property and it appears to be a logical use, this application be granted to the applicant only for a period of one year. Seconded, Mr. Maar. Carried, unanimously.

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25 - Crestwood Construction Corp., to permit the erection of 68 Garden Type Apartments containing 1020 units, Parcel H, Springfield on Cumberland Avenue. Mason District. (Urban Residence)

The report from the Master Plan staff stated that this use is logical and not incompatible with the plan as presently constituted

Mr. Carl Hellwig represented the Corporation. This land was rezoned to Urban Residence several years ago and it was planned that apartments should be constructed here to act as a buffer between business property and single family dwellings. There will be 14 units to the acre. Mr. Hellwig said the average for the county is about 17 or 19 to the acre. There will be a total of 1020 units on 72.6 acres, 68 buildings. The architecture will conform generally to colonial style, and will be masonry construction, 1 and 2 bedrooms - two story. This will be started within six months and will take two or three years to complete. All facilities are available. This will act as a buffer between business property and single family dwellings.

The Planning Commission recommended to grant this.

This is part of the plan for the original Master Plan of Springfield.

Mr. Maar asked about recreation area and a school..Mr. Hellwig said they had planned a ten acre site for a new school. They have set aside 17 acres for recreational purposes and he thought 10 acres more would be added to this. Mr. Hellwig showed a sketch of the type of buildings planned. He stated that financing is available. Mr. Hellwig said they would like to put in buildings that are a little more attractive but they could not get financing for anything better than this.

The 27 acre recreational area already planned is about two blocks away. Mr. Verlin Smith thought there should be a site available in the immediate area for this project. With 1020 units he thought recreational facilities should be provided without question.

Mr. Hellwig said he was sure there would be a play area for this project but that it had not yet been decided upon, in fact, they have held down the number of units so they could give ample ground for play purposes.

Mr. Hellwig said the test units granted some time ago by the Board are now under construction. They realized it would be necessary to have more play ground. There were no objections.

Mr. Verlin Smith thought there should be a plan submitted showing where the planned recreational area would be. He thought this could be granted including that provision in the motion and that the amount of square footage for play area be shown on a plat.

Mr. Hellwig said he could not give a specific answer on the actual amount of ground that would be dedicated - he knew the corporation would be willing to give the ground but thought it should be given more study. He thought the case could be granted with the provision that the plat be presented showing the square footage.

Mr. Brookfield said there was no legal set-up to require that but the Board should be able to specify a certain amount of square footage of play area per unit.

Mr. Maar thought it might be well to grant the application as to use but that no construction start until the proper amount of play area is set up. Mr. Moorland thought they did not have the authority to hold up construction until the play ground is shown on the plat.

Mr. Verlin Smith said the Ordinance says the Board can grant an application if it meets certain conditions and he thought it not good planning to grant such an application without assurance of reasonable conditions, which include a reasonable amount of play area.

Mr. Hellwig said he would be very glad to discuss the play area with the owners, he was sure they intended to work that out for sufficient area - but he could not specify a definite amount of ground, it had been discussed - but no difinite area decided upon. He would work up some figures and discuss this with the owners - he would like about one month in which to do that.

Mr. Verlin Smith said he felt that there wasno question of the intergrity of the applicants he therefore moved to grant the application subject the applicant setting aside a reasonable recreational area for play purposes, plats showing play area to be submitted before construction takes place or before permits are issued, because this is consistent with the overall plan of the area and does not appear to affect adversely the use of joining property and this appears to be a logical use. Seconded, Mr. J. B. Smith. Carried unanimously.

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July 20, 1954

26 - M. J. Biles, to operate a gravel pit for three years on 12 acres of land on N. E. side # 7 near Tyson's Corner, Dranesville District. (Suburban Residence).

Jack Wood represented the applicant. Mr. Moreland read a letter from Mr. Schumann saying that the plats on this application were insufficient and recommending deferment until August 17, for proper plats.

Mr. Wood thought his client was entitled to immediate consideration on this. This gravel pit is within a 171 acre going farm. During some grading they had discovered this very fine quality of gravel in the middle of the farm. The zoning here was Rural Residential which Mr. Biles was told did not allow a gravel pit. About one year ago they therefore asked for a rezoning to agricultural zoning which would permit a gravel pit on 12 acres, in order to be able to dig the gravel. The Board of Supervisors said this was spot zoning and the application was deferred. It was Mr. Wood's contention that this gravel is one of the important resources of the County and the owner should be allowed to market the natural resources on his own ground. This case has been hanging on for a long time, Mr. Wood said, and during this period of delay a new amendment to the Zoning Ordinance regarding requirements for a gravel pit was passed. The amendment is confusing , requiring topography to be shown on a very large scale map - too large to be practical - and he actually could not get information on just what the new requirements are. The field topography is shown on the Geological Survey Map which is accurate - Mr. Wood thought that sufficient. He thought the function of the Board is to accomplish ends for which it is designed and to protect people , to carry out the intent of the Zoning Ordinance.

This gravel pit area is entirely within the Biles farm. The letter from Mr. Schumann telling of the requirements of the new gravel pit amendment and asking this deferment came at the last minute, Mr. Wood said. This gravel can be produced cheaply for sale to the County and since this is road building season they would like to go ahead without delay. These requirements under the new amendment will naturally apply to the new applications, but Mr. Wood contended that since this request was actually started so long ago - the amendment should not hold them up. He asked for tentative approval so they can operate. The maps required would take some time to prepare. They will put up the bond as now required.

Mr. Wood noted that prior to this amendment a man could cut down a hill on his property without a permit that is actually what Mr. Bless will be doing here, and this application actually has been hanging fire for a year. Mr. Wood asked the Board to recognize that this is an extreme hardship on the applicant , and this would be in no way a detriment to anyone else - since the operation will all be within Mr. Bless' own property.

Since Mr. Schumann has asked for deferment, Judge Hamel thought this should be discussed with him.

Mr. Wood said he was only asking for a conditional approval subject to having the topography worked out. They would have to go back to the Government topo maps for the original lay of the ground as grading and changes have been carried on - they were willing to give assurance that the ground will be left in a safe manner, Mr. Wood said he would go over this with Mr. Schumann and will meet all requirements - this is just a matter of time saving.

Mr. Verlin Smith moved to defer the application according to the ordinance because it would be illegal to do otherwise. He quoted from the gravel pit amendment.

Mr. Wood said he considered this making the amendment retrocative - since this application was actually started a year ago - and he thought the Board could legally relieve a hardship. The application was actually deferred until after the amendment was passed.

Mr. Verlin Smith added to his motion that the case was deferred also because it was as requested in the letter from Mr. Schumann. There was no second to the motion - Mr. Smith withdrew his motion, and moved to grant the application under the hardship clause in the Ordinance, Section 12-0, subject to conditions set forth in letter of July 19, 1954 from Mr. Schumann, (granted for a period of three years) because the area in question is surrounded by property of the applicant, containing 171 acres, and it does not appear to harm anyone in any way and the applicant has made several attempts over a years period to remove gravel from this area and to operate a legal business. Seconded, Judge Hamel. Carried, unanimously.

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27 - Belvoir Sand and Gravel Corp., to operate a gravel pit on 35.688 acres of land approximately 3500 feet north of intersection of Telegraph Road and King's Highway. Lee District. (Agricultural)

Mr. Bryan representing the applicant. Mr. Handy, representing

the Rose Hill Corporation asked for the deferment of this as there had been no opportunity for the opposition to familiarize themselves with this case and to see the ground.

Mr. Moreland said the case was posted and advertised in the regular manner.

Mr. Bryan said he would oppose the deferrment because under their lease on the property they would be penalized at the rate of $800 a month if delayed - however he did not wish to be unjust and if the Board wished to defer this case he would not press for the hearing - even though he would prefer to go ahead.

Mr. Handy said they did not see the advertising nor posting. There are two entrance roads - one which is on the way of the traffic flow to Alexanderia was not posted - therefore they did not see the posting and did not know of this until a day ago. The Virginia Hill development is also on the road to Alexanderia although they are very near this proposed pit and he thought they too might oppose it. He would like more time to present the complete opposition.

Mr. J. B. Smith moved to defer the case, seconded, Mr. Verlin Smith. Carried.

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DEFERRED CASES:

1 - Morneland, O. M., to erect dwelling closer to street line than allowed by the Ordinance, Lots 25 and 26, Block 36, New Alexanderia Mr. Vernon District. (Urban Residence).

Mr. Verlin Smith and Mr. J. B. Smith went to view the property but could not locate it. The plats did not locate the property sufficiently. Judge Hamel moved to defer the case for plats which would show the actual location of the property. Seconded, Mr. Verlin Smith. Carried, unanimously.

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2 - Hacklick Sand and Gravel Co. to permit operation of a gravel pit, on west side Lunt Road, #613 approximately 1700 feet N. #644 Lee District (Suburban Residence).

A letter from Mr. Schumann was read stating that the applicant has met the conditions on this and requesting that if the application is granted operation within 20 feet of the west boundary line should be rest ricted from gravel pit operation.

Mr. Verlin Smith moved that the application be granted subject to the applicant not carrying on his gravel pit operations closer than 20 feet from the west boundary line (adjacent to a building)

This is granted because it conforms to the amendment regarding gravel pits adopted April 22, 1954. This is granted for a period of three years. Seconded, Mr. Haar. Carried unanimously.

// Ann Redmond: (Beauty shop)

This was granted for one year and the applicant was unable to get started within that time - she had an operation and was unable to work continuously since this was granted. She has been doing part time work. She would like a permit for 5 years. There was no opposition.

Mr. Verlin Smith moved to grant the extension for a period of three years to the applicant only for her operation only. This is granted for the same reasons as the original application - because there was no opposition and this does not appear to affect joining property adversely. Seconded, Mr. Haar. Carried unanimously.

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Jack Scopersmith - re application to permit erection of fire house in South Woodley.

Having filed a request on the part of citizens in South Woodley to reopen the above case, Mr. Roy Swayze appeared before the Commission in support of the request.

This petition was filed in the name of Charles E. Clapp, II.

Mr. Verlin Smith said he would like to correct the statement in the request for rehearing stating that the decision on this case was unanimous. He, Mr. Smith, did not vote.

Mr. Swayze said he was asking the reopening of this case on the basis of new evidence. The new evidence is another location which Mr. Swayze said the community of South Woodley believe would fit requirements of this use far better than the location granted. The location granted is within an area in which 250 homes are established within a radius of 500 feet.

Judge Hamel asked if this new location is agreeable to the entire community. Mr. Swayze thought it would be - it is commercial property and no homes are near. Therefore, it would not be a danger to children and a nuisance to home owners. The new location is on the south side of Arlington Blvd. just east of the Post Office property which is near the Falls Church, Annandale Road. It is zoned general business. Surely, Mr. Swayze could

this would eliminate all objections. Judge Kimmel asked if the Fire Department group knew of this location - if a general agreement could be reached it would save time for everyone, that every effort should be made to get together on a site.

Mr. Swayze said they would be willing to defer action and talk this over with the Fire group, if the Board so desired.

Mr. Moreland said it was not possible for 250 homes to be within a 500 foot radius of the Woodley location.

Mr. William Brown thought there were probably about 57 homes within that area. Mr. Moreland checked this later and found about 38 homes within the area.

The relative cost of this proposed site and the one already granted was discussed. This ground is 75¢ per square feet and they need about 25,000 square feet. The other site was $18,000. The prices are comparable, however the new location would have less area.

Mr. Brophie represented the Fire Department. He said he had recieved notice of this rehearing, but did not know what the new evidence was. He had contacted Mr. Swayze asking him what new evidence was to be presented and Mr. Swayze had said he was not at liberty to say. Mr. Brophie said in order to be centrally located and to serve the area properly they had felt it necessary to be west of the Falls Church-Annandale Road. They have bought the property on which this use was granted and the drive for funds is already under way. If they understand the location, Mr. Brophie said this is near where the Fire Commission had said some time ago that it was not satisfactory. Title has been taken to the granted site and the architect is working on the plans. Had they known of this location earlier, Mr. Brophie said, they could have made a further study of it, however, from the evidence presented it did not look as though this would in any sense of the word be satisfactory. He could not say positively that the Fire Commission would turn this location down but thought it unsatisfactory. Mrs. Burge noted that this location is actually at the end of an area of 250 homes which certainly would not adequately serve the area.

Mr. Brophie said he was of the opinion that there would be a great deal of opposition in the area suggested. He thought there would be no end to opposition - he asked how long can this thing be put off. It looked as if there was no assurance of a location even after it had been granted.

Mr. Swayze said they would be glad to meet with the Fire

company people and see if the Fire Commission would accept this location and if so they would like to have the new hearing. He thought the lot purchaser of the original location could be handled without loss to the Company.

Mr. Harry LaBrie said his home in South Woodley had been depreciated in the amount of $1000 - he objected strenuously to that location of the firehouse.

Mr. Verlin Smith moved to re-hear this case based on the new evidence presented - in fairness to the opposers.

Since there was no second, Mr. Brookfield asked Judge Hamel to take the Chair and he would second the motion. Judge Hamel took the Chair and Mr. Brookfield seconded the motion.

Mr. J. B. Smith thought it all right to rehear the case if this would not jeopardize the people in the organization. Mr. Hoar agreed. The motion carried. Judge Hamel not voting- all others voted for the motion.

Judge Hamel thought there should be a limitation on rehearings.

Mr. Moreland said a re-hearing on this or any other property could not grant a new location. A new application would have to be submitted for readvertising.

Mrs. Nurge asked what will happen if the original application is turned down - what will become of the money already invested and spent. A brochure has been printed and circulated in an effort to raise funds.

Mr. J. B. Smith said a fire department would have to have the support of the entire area and locating it in a hostile neighborhood would be a handicap.

Mr. Verlin Smith thought the value of the property would take care of expenses incurred.

It was agreed that those asking for the rehearing would have to show that the new site selected is available and feasible.

Mr. Hardee, Chandler, discussed the Weber case with the Board - which will be in court.

The meeting adjourned.

John W. Brookfield

J. W. Brookfield, Chairman

August 17, 1954

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, August 17, 1954, in the Board Room of the Fairfax County Courthouse at 10 a.m. with the following members present: Messrs Brookfield, Verlin Smith, J. B. Smith, and Herbert Haar. Judge Hamel was not present

A letter was read inviting members of the Board of Appeals to hear a talk on "Role of the Board of Zoning Appeals" - September 20th at Roanoke.

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1 - Ralph Z. Polittle, to allow storage shed closer to side lot line than allowed by the Ordinance, Lot 30, Section 3, Tauxemont Subdivision (#4 Westmoreland Road). Mt. Vernon District. (Rural Residence).

The neighbors adjoining do not object to this shed, Mr. Polittle said, as they wish to do practically the same thing themselves. The covenants on the property say that no building shall come closer than 8 feet from a property line. The shed was built before the applicant knew it was necessary to have a permit. It is 7 feet 8 inches from the line, instead of the 8 feet which they had intended to have. Mr. Polittle read a letter from the neighbor joining, saying he had no objection to this variance. There are many trees on the rear of this lot - they practically shield the little shed. He wants to keep the trees. The dwelling is about 45 or 50 feet from the shed. There were no objections.

Mr. Verlin Smith moved that the application with a variance of two feet four inches be granted because this does not appear to affect adversely the use of adjoining property and the neighbor most affected has written a letter requesting that this be granted. Seconded, Mr. Haar. Carried unanimously.

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2 - Hollin Hall Village, Inc., to allow dwellings closer to side lot lines than allowed by the Ordinance, Lots 14, 15, 16, & 17, Block 9, Section 9, Hollin Hall Village, Mt. Vernon District. (Suburban Residence).

Mr. Holland represented the applicant. Mr. Holland said he was asking for two things - the granting of his application and an expression of policy from the Board on allowance of small variances in setbacks to be granted by the Zoning Administrator - instead of requiring individuals to go before the Board on very small violations. Mr. Holland explained how in making house location surveys it was very difficult to come out to the tenth of an inch for a setback,

that while the foundation might be placed exactly the correct distance, when construction goes up there could be a slight variation of from 1/10 to probably 1-1/2.inch. He said in Alexanderia the Zoning Administrator was given a certain amount of leeway - where he could give a permit on a case where the setback was very slightly off. He said the builders in Fairfax County were greatly worried over these small variances and were constantly after the contractors. They do not wish to violate the intent of the Ordinance but feel that it would relieve them considerably if these small variances could be taken care of without coming before the Board, the Board to determine to what extent these variations would be acceptable to them and to the Zoning Administrator.

Mr. Brookfield asked how these mistakes could be cleared with the loan companies. Mr. Holland thought there would be no problem there if the exact loctions were shown and those approved in the Zoning Office, and this statement of policy approved by the Board.

It was suggested that from 1 to 1-1/2 inches violation be allowed. If the variance is too large it would naturally come before the Board of Appeals but otherwise the small variance would be granted at the discression of Mr. Mooreland's office.

Mr. Baar suggested that this request be discussed at the close of the session. Mr. Verlin Smith moved that these variances be granted because they are very unimportant violations - less than 2" and because granting these will not affect adversely the use of adjoining property. Seconded, Mr. J. B. Smith. Carried unanimously.

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3 - Charles R. Horner, to permit less setback for carport and breezeway from street line and side line than allowed by the Ordinance, Lot 53, Woodley Hills, Mt. Vernon District. (Rural Residence).

The carport would be attached to the dwelling by a 17' breezeway. It would be 42 feet from the street line and 10 feet from the side line. It should have a 50 foot front setback and 20 foot side line setback. There were no objections.

It was suggested that the variance asked was too great.

Mr. Horner said the driveway and a patio with large shade trees which he wishes to have are planned for this entrance. This is not a main traveled road. The property is wooded on two sides. Mr. Horner thought he could reduce his building by one foot - but more

than that would spoil the plan, and would not blend with the house.

Mr. Canepa owns the adjoining property and he objected. He said if he wished to build on the property joining this - the house on his property would face Mr. Horner's garage. The house is set at an angle such that a dwelling on Mr. Canepa's property could not avoid this situation. If the house were set back farther Mr. Canepa said he would not object - but this was coming too close. He was the only one who would be hurt. He felt that this would hurt the sale of the property,(the adjoining property). Mr. Canepa has 4 acres.

It was suggested to put the garage in the rear but Mr. Horner said that would be too expensive, and would not be as attractive.

The road in front of these two properties, Mr. Canepa said, is dedicated to 50 foot width and will be opened when property along this road is ready to sell.

Mr. Verlin Smith thought Mr. Canepa had a point. This is a large lot and sufficient room to locate a carport without harm to adjoining property. Mr. Smith suggested deferring the case for the applicant to reconsider his plans and to work out a solution with his neighbor. He moved to defer the case for 30 days to work out an alternate place for the carport - he did not favor a variance in front of the house and this is an excessive request on the side setback. Seconded, Mr. J. R. Smith. It was suggested that the Board might consider a 15 foot side setback. Carried unanimously.

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4 - Roberts, Inc., to permit building closer to front line than allowed by the Ordinance, Lot 45 and parts of Lots 44 and 46 Dunn's Subdivision. Mason District. (General Business)

Robert Lowe represented the applicant. Mr. Lowe said the ABC store wanted to locate here. He had their specifications from which he read. They will have 5 to 1 parking in the rear. The ground surface will be covered with a tar product. They will have angle parking. They would like the building to be 10 feet from the new highway right of way line.

It was brought out that the Highway Department's 20 year plan shows an 80 foot right of way from the centerline of Little

August 17, 1954

River Pike, and the setback should comply with the Highway's plans. (This property is about 500 feet. from the main intersection at Annandale.) The required setback is 35 feet from the present right of way. Mr. Mooreland referred to a letter from the Highway Department dated October 19, 1953 in which Mr. J. P. Mills had stated the proposed widths of the roads intersecting at Annandale. (160' right of way for Little River Pike) Mr. Mooreland read the motion on the previous Wills and Roberts case denying the less setback. Mr. Lowe said Mr. Ross of the Highway Department had told him that the letter from Mr. Mills would be recinded and he stated that the Highway Department did not object to this requested 10' setback.

Mr. Lowe said that when the Planning Commission had discussed the rights of way for the roads at this intersection they did not discuss it with relation to the Roberts-Wills cases. Mr. Mooreland said that was not so - he and Mr. Schumann had discussed the entire situation thoroughly with the Highway Department. Mr. Lowe recalled that it had been said at the previous meeting that there was a hardship on the triangle property where the Board had granted a variance of a 10 foot setback.

Mr. Verlin Smith asked upon what grounds the Board could grant this? Mr. Lowe said - hardship and he thought that the required setback of 35' is arbitrary and unnecessary. He could see no reason for it. This would not be a traffic hazard and they will provide adequate parking space in the rear. Mr. Lowe said he had talked with several reputable planners in Washington, especially Mr. Pierre Ghent, with regard to the Wills cases which were appealed to the Circuit Court and they had agreed that the 35 feet setback requirement was arbitrary and unreasonable.

Mr. Brockfield thought this setback would encourage parking on the street.

Mr. Lowe said these were the specifications used on ABC stores all over the state.

Mr. Verlin Smith said that was probably true and he had seen many situations where there was not enough parking space.

Mr. Mooreland said in his opinion Mr. Lowe was asking the Board to declare the Ordinance void as the only reason this could be granted was on a hardship situation and there was no hardship shown, otherwise there was no authority to grant. He did not consider it

a hardship because Mr. Ghent or some other planner says that a 35 foot setback is arbitrary. The Board had granted the Safeway setback because it was the ruling by Mr. Marsh that this must be granted. (old established and recorded setback on this old subdivision) Therefore, they could do nothing else.

Mr. Lowe said the Board did grant Mr. Wills a less setback some time ago. Mr. Moorelend said the same ruling held on that application as on the Safeway case.

Mr. Brookfield said at any rate one mistake should not set a precedent. It was necessary to consider the whole picture - the Board must think in terms of the entire building setback line not just one building. He thought it was proper to require all buildings to conform to the established setback.

Mr. Lowe questioned why the 35 foot setback? Mr. Moorelend said the Board did not write the Ordinance - they simply administered it. The setback was approved by the Board of Supervisors in adopting the Ordinance - and the Board was carrying out the law.

Mr. Verlin Smith said this case came under Section 12-G of the Ordinance and since the applicant has not presented any extraordinary or exceptional conditions for justification of this variance he would move to deny the case because it is a gross variance from the minimum requirements of the Ordinance, which is set up in the Ordinance to be 35 feet. Seconded, Mr. Baar. Carried unanimously.

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5 - Ralph H. Stowe, to permit carport to remain as built closer to side lot lines than allowed by the Ordinance, Lots 1 and 2, Ralph H. Stowe's Addition to Pine Spring, Falls Church District (Suburban Residence).

This case had been withdrawn.

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6 - Payne and Oliver, to permit a dwelling to remain closer to side lot line than allowed by the Ordinance, Lot 3, Alice B. Walker Subdivision, Mason District. (Suburban Residence).

Mr. Grill represented the applicant. The dwelling was built 10 feet from the line - it should be 15 feet. The applicants got a permit on this, Mr. Grill said, and they are about to sell the house. (this is a colored area) Mr. Grill said he did not know how the mistake in location could have happened. It could have been confused with another subdivision which Payne & Oliver were developing at the same time when staking out this house as they had plenty of

room and there certainly was no intent to violate the Ordinance. This is all residential property. The house is located about 266 feet from Columbia Pike. There were no objections.

Mr. Verlin Smith moved to grant the application as long as there is only one residence on this particular lot because this does n ot appear to affect adversely the use of adjoining property. Seconded, Mr. Haar. Carried unanimously.

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7 - Phillip Benthall, to permit erection of dwelling with less setback from street line than allowed by the Ordinance, Lot 822 Section 8, Barcroft Lake Shores, Mason District. (Suburban Residence).

The applicant asked for a 30 foot front setback so he could have the additional 10 feet for his back yard. This violates on only one corner as the road curves into a circle. Mr. Benthall said he wanted the large back yard because there is a street which dead ends at the back of his lot. The lot is level. He also has a 10 foot screen porch on the rear.

Mr. Verlin Smith said he saw no hard ship here or extraordinary situation nor anything of a topographic condition and he thought there are many lots in Section 8 which one could find to build upon and meet the requirements of the Ordinance. He noted that the road which dead ends at the rear of the lot was there when Mr. Benthall bought.

Mr . Haar thought the applicant could locate the house on an angle and meet the setback requirements. Mr. Benthall s aid there were apartments to one side of his place and he wanted to shut them off. Mr. Haar thought the 5 feet variance would be all right. He moved to grant the application provided the variance not exceed 5 feet as this is an irregular shaped lot and this does not appear to affect adversely adjoining property and the street on which this house faces is a circle. Seconded, Mr. J. R. Smith Carried. Mr. Verlin Smith voted No.

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8 - Margaret P. Copin, to permit dwelling and garage to remain as built Lot 1, Section 1, Woodburn Heights, Falls Church District. (rural Residence).

The garage addition was built supposedly on lots 1 and 2 as the applicant owns both lots 1 and 2 the line was not taken into consideration. The owner did not know the restrictions.

Mr. Moreland said the zoning application mentioned two lots but the two lots were not taken into consideration in granting the original permit. The applicant cannot take additional property

from the joining lot as it would not leave sufficient area. The applicant wishes to keep the two lots separate.

Mr. Verlin Smith moved that since the permit was issued for the garage with the applicants understanding that it included lots 1 and 2 and the applicant was not aware of the requirements of the setback and the applicant's owns the two lots the application be granted as it does not appear to affect adversely the use of adjoining property. Seconded, Mr. Haar. Carried unanimously.

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9 - Robert C. Brown, to permit erection of carport closer to side lot line than allowed by the Ordinance, Lot 28, Block 16, Section 3, Springfield, Mason District. (Urban Residence).

This is urban property. There are 13.7 feet from the house to the boundary line. If the carport is put in it would come 3 feet from the side line.

Mr. Verlin Smith suggested that since there was no topographic condition the carport could be put in the rear. Mr. Brown said he did not wish to locate the carport in the rear as it would block off his back yard. If the carport is attached to the house it will not disturb the view of his neighbor. The neighbor most affected has stated that he does not object.

Mr. John W. Brookfield thought it was well to leave the rear yard for play area for children - therefore it might be better to put the carport on the side of the house.

The neighbor's house joining on this side faces a side street causing their rear yard to back up to the proposed carport.

The applicant presented statements from neighbors stating they did not object.

Mr. John W. Brookfield thought a policy should be established - if this is granted there would certainly be many other similar applications and will the Board be willing to grant a great number of carports in Springfield.

Mr. Haar thought it advisable that the Board defer this to inspect the area with regard to what might come up on carports in the future. He so moved. Seconded, Mr. J. B. Smith, Carried unanimously.

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10 - Vester Simmons, to divide lot with less frontage than allowed by the Ordinance, Lot 23, Lewis Park, Centreville District. (Agricultural).

Mr. Swann represented the applicant. The applicant has sufficient

area and would need only a slight variance on the required frontage. The lot broadens to the rear. The applicant bought this ground with the idea of dividing it into two lots. There are many lots in this subdivision susceptible to the same conditions.

Mr. Swann showed the plans of the proposed house. It will be cinderblock - 40 x 32 feet.

Mr. Verlin Smith thought a small amount of land could be bought to make the required frontage. It would make a much better lot. Mr. Swann said the owner had not tried to buy more property. Mr. Swann said the house probably could be built back farther which would meet the required setback. He thought that the owner would probably have to dedicate 15 feet more for highway purposes. It was thought that would not be necessary.

Mr. Moreland suggested that the Board might place the setback at 65 feet and grant the variance.

Mr. Verlin Smith suggested that the acquisition of more land be explored to be bought from the joining lot. He thought the Board should not grant such a variance in a new subdivision and it does not appear necessary to give more dedication for the street. Mr. Swann thought there would be difficulty in buying more land.

Mr. Verlin Smith moved to defer the case to give the applicant opportunity to buy more land from the joining owner. Seconded, Mr. J. B. Smith. Carried unanimously.

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11 - Garfield Corporation, to permit the erection of a sign larger in area than allowed by the Ordinance, at the N. W. corner of #644 and #617, Mason District. (General Business)

Mr. Swaile represented the Corporation. Mr. Swaile said they wished to erect a sign which would be in harmony with future proposed development here. This will be a brick sign with an attractively lighted area. It will be 108.75 square feet. There were no objections. The sign will be surrounded by a grass plot and will be 35 feet from Backlick Road and 180 feet from Franconia Road. It will be located so it will not interfere with the future roadway.

Mr. Verlin Smith thought the Board should have a plat showing the location of the sign on the ground. Mr. Swaile said they could prepare one. He also said they could set back farther if the Board wished it.

Mr. Verlin Smith thought the sign definitely should be back

farther also that it would be seen better if it is located back farther from the intersection. Mr. Swaile agreed.

Mr. Werlin Smith moved to grant the application because the sign will be used for a large development and it will not affect adversely the use of adjoining property. The lettering on the sign occupies a small area of the entire structure and the application be granted as per plans submitted with the case. The setback shall be a minimum of 35 feet from the right-of-way. Seconded, Mr. Haar. Carried unanimously.

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12 - Howard Johnson's, Inc., to permit the erection of a sign larger than allowed by the Ordinance at Seven Corners, Falls Church District. (General Business).

Since the representative from Jack Stone Sign Company was not present this case was put at the bottom of the list. Motion to defer Mr. Werlin Smith, seconded, Mr. Haar. Carried.

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13 - R. W. Chilcott, to permit the extension of an existing fruit stand on north side #123, approximately 250 feet east of Babcock road, Providence District. (Rural Residence).

This wayside stand was originally granted in 1949. Mr. Chilcott is asking an extension. The building will total 55 feet long and will be located 46.68 feet from the right of way. This is to take care of sales of produce raised on the Chilcott property.

Mr. Moorelend thought there should be a provision in the motion if this is granted that this building must be removed when it is no longer to be used for a fruit stand. The building looks pretty permanent, Mr. Moorelend said.

Mr. Werlin Smith moved to grant the application to the applicant only so long as it is used for a wayside stand for the purpose of selling produce raised on the property as this is a desirable method of retailing products. Seconded, Mr. Haar. Carried unanimously.

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14 - Virginia Electric and Power Company, to permit the erection of an electric sub-station, located approximately 250 feet north of Windsor Lane adjoining west boundary of Lots 6 and 7, Sec. E. White Oaks Subdivision, Mt. Vernon District. (Urban Residence).

Mr. Henry Anderson and Mr. Ware represented the Company. Mr. Anderson showed the location with relation to the area. The present owner of this land requested to be used is also the owner of a strip of

land leading all the way to Popkins Lane. The Company is buying on the extreme rear of this strip of land. This entire area is very well developed, Mr. Anderson said, and there is a growing need for this substation in order to serve the area adequately. There were no objections. They will have a right of way from Ross Street.

Mr. Ware said they had bought this property on the rear of the strip because it was not objectionable to anyone. They will have a chain link fence around the structure. The homes nearest this proposed use are aware of what VEPCo proposed to do. All the yards joining back up to this property.

Mr. Haar moved to grantthe application as it appears to be a needed facility in the community and it does not appear to adversely affect the use of adjoining property and that it is also understood that the area will be adequately landscaped. Seconded, Mr. Verlin Smith, Carried unanimously.

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15 - Harry E. Beatty, to permit physician to conduct his office in dwelling as a non-resident physician, Lot 203, Section 3, Westlawn Subdivision Falls Church District. (Urban Residence).

Mr. John Parrish represented the applicant. Mr. Parrish said there was no doctor near the area. This will be used entirely for an office.

Mr. Verlin Smith asked how the Board could grant this - it certainly was not a hardship case. It was brought out that a similar case was granted in McLean:

Mr. Parrish said many of Dr. Beatty's patients live in this subdivision and in the immediate area. His practice is now in Arlington. This house is too small both for both living quarters and the office.

Mr. Paul Steange, President of the Citizens Assn. at Westlawn, objected and represented that citizens group. He had a petition signed by 81 people. These signers are in the immediate area. There were 15 present opposing this use. It was brought out that the covenants on the ground restricts the homes to family dwelling. The Association objects because this is a variance from residential use. If Dr. Beatty lived in the house they would not object but using the house exclusively as an office is objectionable to them.

It was brought out that the area was not especially in need of another doctor as the Falls Church Medical center is near and Dr. Morales lived only about 1/4 mile away.

Dr. Beatty said he did not know of this opposition or he would not have proposed this to the Board - he therefore withdrew his case.

AUGUST 17, 1954

Mr. Werlin Smith moved that the withdrawal be accepted, seconded, Mr. J. B. Smith. Carried.

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16 - Bunch and Barsante, to permit two physicians to practice in same dwelling, Lot 123, Section 3, Rolf Heights, Falls Church District. (Suburban Residence).

Mr. Uhler represented the applicants. Dr. Bunch will live in the house, Mr. Uhler said and Dr. Barsante will work there with him, as his partner. This will be a 24 hour clinic, much needed in the Annandale area. Mr. Uhler said the doctors had spent two months looking for a location suitable. This is very near presently zoned commerical property and they thought it would not be objectionable. There was no opposition present.

Mr. Brookfield thought this a very attractive building for this purpose. They will use the basement only.

Mr. Mooreland suggested that if this is granted it should be to the applicant only, to the doctor who is living in the house, and as long as he is living there.

Mr. Haar moved to grant the application to the applicant only as there appears to be a need in this community for doctors and this does not appear to affect adversely the use of joining property and this is granted so long as one of the doctors resides on the property. Seconded, Mr. Werlin Smith. Carried unanimously. It was brought out also that the doctors would probably be located in a business building when such facilities are available.

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17 - W. E. Eaton and Margaret E. Eaton, to permit the operation of a kindergarten, Lots 33 and 34, Block 2, Daniel's Subdivision (615 N. Greenwich Street), Drehesville District (Suburban Residence).

This case was withdrawn before the hearing.

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18 - Marjorie C. Singleton, to permit the operation of a kindergarten and first grade, Lot 21, Block 2, Section 1, Springfield Subdivision (6025 Amherst Avenue), Mason District. (Urban Residence).

Mrs. Tenhagen represented the applicant. Mrs. Tenhagen said she would assist Mrs. Singleton in the school. They will use the first floor which is constructed in accordance with requirements of the fire regulations This will be a first grade and kindergarten - 15 pupils to each teacher.

A letter of recommendation was read from the principal of Garfield school and a petition signed by 14 neighbors approving this school. Also a letter from Mr. Robinson was read stating

that Mrs. Singleton has done outstanding work and is an asset to her community. There were no objections.

Mr. Haar moved to grant the application to the applicant only for a period of two years subject to the County Health and Sanitary facilities being approved and to the fire regulations and also subject to such new regulations as may be adopted by the County. Seconded, Mr. Verlin Smith. It was added to the motion that this does not appear to adversely affect adjoining property as is shown by signatures of property owners on the petition. Motion carried, unanimously.

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19 Rachel Sugarman, to permit the extension of a nursery school Lot 97, Section 6, Broyhill Crest (1504 Oliver Avenue), Falls Church District. (Suburban Residence).

This application is to extend the use of an existing nursery school. This was granted originally for one year. Mrs. Sugarman said she would like an extension of 5 years. There were no objections.

Mr. Verlin Smith moved to extend this use to the applicant only for a period of 5 years subject to the usual controls and also subject to any new Ordinance that may be adopted by the County. Seconded, Mr. Haar. Carried unanimously.

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20 Hanna E. Hadeed, to permit an addition to motel and allow same closer to Road right of way line than allowed by the Ordinance, Part of Lot 1, Parcel A, Section 3, Boulevard Courts, Providence District.

This property joins the Anchorage Motel. The motels on the highway here have an established 50 feet setback although the property is zoned for general business. Mr. Hadeed conformed to the established setback but finds that since his property is so small with a very narrow frontage - his business is not seen. He would like to put on this small office addition in front to attract attention to his motel -as he is losing business. Mr. Prince has built 40 feet from the right of way- his motel is a short distance from Mr. Hadeed. Mr. Hadeed said he was first told that the setback was 35 feet - he had a buyer for his property then he was told that he must set back 50 feet because of the established setback. The only projection into the established 50 feet setback will be this small office.

Mr. J. B. Smith moved to defer the case for inspection of the property. Seconded, Mr. Verlin Smith. Carried, unanimously.

Mr. Moreland noted that the Hadeed sign overhung on to the highway right-of-way. Mr. Hadeed said he had gotten permission for that from the Highway office.

21 - V. M. Longoria, to permit operation of a kennel in connection with a Veterinary Hospital on #7, Leesburg Pike, approximately 250 feet east of Shreve Road, part of Willett property, Providence District. (Rural Business)

In addition to a veterinary hospital, which can be granted by permit on business property, the applicant would like to be able to board animals. This would be merely to take care of animals while people are on vacation or for a temporary period. This would be a new building. They will set back sufficiently far to allow parking in front of the building.

Mr. Verlin Smith suggested that the bearded dogs should be kept within runs or inside the building at night as they can be very disturbing.

The applicant said the dogs would be housed at night and outside only during the daytime.

Mr. Verlin Smith moved to grant the application as this seems to be a logical use and it shall be subject to the dogs being housed at night inside the house. Seconded, Mr. J. B. Smith. Carried. Mr. Brookfield not voting.

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22 - Harold Strother, to permit lot with less width than allowed by the Ordinance, part of Lot 2, Seth Williams Subdivision, Falls Church District. (Suburban Residence).

Mr. Price represented the applicant. This property has sufficient area but not the required frontage. They can meet the required setbacks. Since the lot does not have the required width the applicant cannot get a building permit until the Board has given approval of its present width, and therefore made this a legal lot. There are two houses on the property. The ground was divided when a 65 foot lot was allowed. The lot in question is 63.95 feet wide. There were no objections.

Mr. Baar moved to grant the application as it is a slight variance and the house is fairly old and it does not appear to affect adversely adjoining property. Seconded, Mr. Verlin Smith. Carried unanimously.

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23 - Greater Annandale, Recreation Center, Inc., to permit a recreational center and for interpretation from the Board as to whether or not the theater requested would come under the regulations governing Open Air Theaters on north side #236, Approximately 4/10 mile west of Annandale undivided portion

of Russell C. Wood Subdivision, Section 2, Falls Church District

Mrs. McNamara represented the applicant. The planning of this project was started about a year ago, Mrs. McNamara said. They had worked very hard to find property that is well located and at the same time that they could afford. They have found this ground which is being sold to them below the market price. They formed the non-profit corporation and have their charter. They have many stockholders and others who will also send in money. They have only preliminary plans as they first want the approval of the Board. Mrs. McNamara showed a drawing of what they will eventually have - however, it was not a rendering of the actual plans. They would like to have the swimming pool first, then add the gymnasium and the stage. It is planned that YMCA people will come in to help with the children. The certified plats were promised for this hearing, Mrs. McNamara said, but had not been received from the engineer. They will have about 8.2 acres. It is possible they can buy more ground if and when they need it.

Mr. Bethridge, a temporary member of the Board of Directors, said the activities were not yet fully organized but this will be patterned after the Middleburg Community civic center only on a more simple basis. He thought this would result in a high class community rallying point, where people of all ages could congregate. It would give opportunity for recreation of all kinds, dramatics, lectures, games, swimming, amateur theatrical productions for members and all cultural and recreational facilities.

Mr. John Clarke said he would like to subscribe to all that had been said. Mr. Clarke said Section IV, Par. 10 of the Zoning Ordinance actually gives authority to have this project without a hearing but it was the wish of the people in the area that this be brought before the Board. He thought it was the duty of Fairfax County to provide such facilities but since it had not provided them - this group had banded together to have a place for people in the area to get together and so the children can be kept at home with facilities for attractive and wholesome amusement and interests.

Mrs. Wilkins said she considered this a tremendous asset to the community of Annandale - It is the type of facility

badly needed in the County and she thought it especially commendable that people in this area had gotten together and worked this out on such a fine basis. She thought the establishment of many of these projects in the County would be a good thing and would mean less tax on the County itself.

Mrs. Wilkins said she was concerned over the theatre which the group very much wanted to have and which was questioned. She thought it inconceivable that the type of theatre planned should be considered in the light of an open air theatre. An open air theatre, Mrs. Wilkins said, is an entirely different thing - it is purely commercial. This would be for amateur performances only - merely for the people of the area and not in any sense of the work a commercial project. She asked the Board to approve the requested use.

Mr. Ange said there were no details yet on the cost. All construction will be kept within all building regulations of the County. A petition favoring was presented with 144 names.

It was brought out that operation control was spelled out in the by-laws. (A copy of the by-laws was left with the Board). There will be three classes of membership, regular, special, and organizations. They have stringent rules of operation and anyone can be expelled for not complying with the regulations. The entire operation will be kept on high class level - no intoxicating beverages will be allowed on the premises.

Mr. Moorelend asked to what extent member organizations would be allowed to use the theatre - would they use it to raise money, just for the members or for business.

Mr. Brookfield thought the theatre part of the application should be studied and probably should not be answered today.

Mrs. McNamara said the floor could be used for skating in the daytime. She said that through a questionnaire there had appeared to be a great demand for skating in the area. This is one of the reasons they would like to have the theatre first so they could have skating during the day and dancing at night, or the chairs could be put out for the theatre. The stage would be small and would not resemble a commercial project. There was also a desire to have summer square dancing.

Mr. Clarke said no part of this project would be used for profit -

the theatre is simply a part of the recreational plans which will endeavor to give well rounded facilities for the use of people in the area.

Mr. Brookfield still thought the theatre should not be granted without further consultation or discussion with the Planning Commission.

Mr. Bethridge thought the work theatre was perhaps an unfortunate word - this would be more like an amphi-theatre an outside auditorium carrying no idea of profit - an outdoor gathering place.

Mr. Brookfield said the Board must act on the application as it was presented.

Mr. Bethridge asked if in the opinion of the Board a decision could be rendered using the terms out-door auditorium or gathering place.

Mr. Clarke suggested withdrawing the theatre part of the application. The chairman asked for opposition.

Mr. W. H. Bacon said he owns 1000 feet bordering this property in question. While he was not actually objecting he was wondering how far this project would go commerical. Mr. Bacon's property is on the east side of this ground. He had not been approached on this project and knows nothing about it. He thought it probably was a very good thing and a morale booster for the area. However, he had moved to this area for a quiet home and of course if it became too noisy he could move - or if this project was going to ask for commercial zoning on the front of their property - as had been discussed - he would like the same consideration for himself and to be allowed a strip of commercial zoning joining this ground.

Mr. Clarke asked the Board if they would rule on the main part of the application and leave the theatre to be acted upon at a later date.

Mr. Brookfield thought that was satisfactory.

Mrs. McNamara said that whatever was done here would be a good thing for the community and at the same time a good thing for Mr. Bacon.

Mr. Verlin Smith asked Mr. Bacon if he realized that this would be a non-profit organization. Mr. Bacon said he had not

known that - he knew nothing of the plans - he re-stated the fact that he was not opposing this - he merely wanted the same privileges as this organization in case of commercialization he was glad to see this go in and thought it a good thing for the community. He thought the theatre would be all right if it were operated entirely on a non-profit basis.

Mr. Verlin Smith asked if four adjoining property owners were on the petition. Mr. Clarke said he wished to make a public apology to Mr. Bacon because he was not approached on this - it was entirely an oversite and he wished to thank Mr. Bacon for not opposing this project. All other property owners joining had been notified.

Mr. Haar moved that the Greater Annandale Recreation Center, Inc., as a non-profit organization, be granted their application ,except that reference to the open air theatre be eliminated, as it appears to be a great service to the community and does not appear to affect adversely adjoining property - this to be granted on approximately 5 acres of ground in the Russell C. Wood Subdivision, this granting subject to the furnishing of a certified plat. Seconded, Mr. Verlin Smith. Carried, unanimously.

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24 - O. K. Normann, to permit the operation of semi-public swimming pool, Parcel 2, Bonniemill Gardens Subdivision, Mason District. (Agriculture).

Mr. Norman said he has a swimming pool on his property which many of the neighbors have been using. He had wanted to have swimming lessons taught at the pool but the question of a commertial enterprise was raised. They would have regular swimming classes. Now he cannot charge - but he would like to get a life guard whom of course he would have to pay. The YMCA, the church, Boy Scouts, Franconia Fire Department are all using the pool now on various days during the week. If a small fee is charged - merely enough to pay the life guard - Mr. Norman said he felt he should have the approval of the Board. This would never become a commercial project - it was just that people didn't feel free to come and use the pool unless they paid something for it. It would be a very convenient and a pleasant thing for the neighborhood if the pool could be used by these various groups.

August 17, 1954

Mr. Moorelend said this would be semi-public - much like an application the Board granted in McLean where they allowed the applicant to have lessons in swimming taught by a hired teacher.

Mr. Verlin Smith referred to the clause in the ordinance stating "not for profit or gain." with regard to recreational areas. Mr. Moorelend said that actually is a mistake that clause in the Ordinance is conflicting.

Mr. Verlin Smith thought this a service to the community. Mr. Moorelend said there was no provision for parking and questioned where the entrance would be.

Mr. Norman said he actually had 20 acres and the people could park any place on his land. Mr. Verlin Smith noted that the application said Parcel 2 - which would be only a portion of Mr. Norman's land. Mr. Norman said there was plenty of room for parking on Parcel 2.

There were no objections. Mr. Norman said his desire was to make his swimming pool available to the general public and to organizations just to pay the expenses of a life guard.

Mr. Verlin Smith moved to grant the application with the understanding that Mr. Norman wishes to make minimum charges for use of his swimming pool to maintain and pay expenses such as a life guard and this is not a commercial undertaking. The application is limited to the applicant only.

This does not appear to affect adversely use of adjoining property. It was also added that off street parking be provided. Seconded, Mr. J. B. Smith. Carried, Mr. Haar not voting.

DEFERRED CASES:

1 - Clyde G. Alley to permit dwelling to built closer to side lot line than allowed by the Ordinance, Lot 29, Fairfax Acres Subdivision. Providence District. (Rural Residence).

Mr. Verlin Smith moved to grant this application because it does not appear to adversely affect adjoining property and the property owner most affected has written a letter approving Seconded, Mr. J. B. Smith. Carried unanimously.

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2 - Wainard H. Sparks, to permit carport with less setback from street line than allowed by the Ordinance, Lot 418, Section 9 Bel Air, Falls Church District. (Urban Residence).

August 17, 1954

Five additional property owners in the area have signed letters approving this - two had already presented letters approving. Mr. J. B. Smith could not see how the driveway could be put to the garage if it were in the rear - there is room in the rear for the garage but it was not practical and he did not think the proposed location would do any harm. There were no objections.

Mr. J. B. Smith moved to grant the application because it does not appear to affect adversely, joining property. Seconded, Mr. Verlin Smith. Carried unanimously.

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3 - Henry J. Rolfs, to allow dwelling 14.3 feet from side lot line Lot 12R, Chatelain Village, Falls Church District. (Suburban Residence).

This projects into the restricted area 9 inches. Just opposite this lot is an outlot and construction cannot take place on that lot - at least at present. There are more than 15 feet on the other side of the house.

Mr. Verlin Smith moved to grant the application because it is a small variance and does not appear to affect adversely the use of adjoining property. Seconded, Mr. J. B. Smith. Carried unanimously.

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4 - W. F. Kerns, to allow pump islands to remain as built 19.7 feet from property line, Lots 41, 42, and 43, Rust and Smithers Subdivision. Providence District. (Rural Business)

Originally it was planned to ask for the pump islands to be 15 feet from the line then the applicant was granted a 21½ foot setback by the Board. A great deal of filling was done on the property and it was difficult to lay out the exact location for the pump islands and in the final check they were located 19.7 feet from the line. This was partly due to the curve in the road. There is only one end of the pump island that violates as the road curves enough to make the other end of the pump islands all right. They did not realize this violation until the final survey was made. They also had difficulty in the beginning in finding the front line. The edge of the pavement varies considerably from the property line. There actually was a great deal of confusion in the whole process of locating these pump islands. They were not sure just where the property line ran.

If they must be moved it will cost about $1500. This could be done in the future if it becomes necessary. Apologies were offered for this mistake. There were no objections.

Mr. Verlin Smith said he thought all pump islands should be back at least 25 feet from the right-of-way - he did not wish to vote on this case. He thought it was probably all right but did not wish to record his vote.

Mr. Haar moved that in view of the unusual circumstances, the curvature of the property line which at this point is somewhat indefinite and the pavement being some distance from the property line that the application be granted. Seconded, Mr. Brookfield. Carried, Mr. Verlin Smith not voting.

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5 - Earl A. Glick, to permit the use of property as a service station and to allow pump islands closer to right of way line of highway, lot 20 and part of lot 19, Beech Park Subdivision. Providence District. (General Business).

Mr. Glick said he could go back to a 25 foot setback for his pump islands. There were no objections.

Mr. Verlin Smith moved to grant the application for one pump island to be 25 feet from the right of way instead of as shown on the plat presented-which shows 10 feet from the right-of-way subject to the approval of the highway department for ingress and egress. Seconded, Mr. Haar. Carried unanimously.

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6 - G. M. Horneland, to erect dwelling closer to street line than allowed by the Ordinance, Lots 25 and 26, Block 36, New Alexandria, Mt. Vernon District. (Urban Residence).

This had been deferred for plats and the applicant was not present. The secretary was requested to contact the applicant in an effort to get the plats. The case was deferred.

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7 - Belvoir Sand and Gravel Corp., to operate a gravel pit on 35.688 acres of land, approximately 3500 feet north of intersection of Telegraph Road and King's Highway, Lee District. (Agricultural).

This was deferred upon request of the applicant.

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8 Rehearing on Jack Coopersmith - Firehouse application - So. Woodley

August 17, 1954

Mr. Roy Swayze represented citizens in South Woodley who are asking the rehearing. Mr. Swayze said this request was filed after the May 18th hearing granting a Fire Station in South Woodley because the people in that area feel that they were not treated fairly and that the decision on that date was harsh and that it was detrimental to those in the vicinity of the property to be so used. Mr. Swayze said he felt that the Board did not have the proper basis for decision on this case and that the basis presented for the application at that time did not exist. It was said by the applicant that locating the Fire House on this property was a case of necessity. Mr. Swayze took issue with that. Other sites in the area had been selected (4 previous applications had been made for a location) and the applicant said they had canvassed the entire area and this location was the only one they could find. It has become evident now that there are many sites available where this station could be located. Mr. Swayze mentioned near the intersection of Falls Church Annandale Road and Arlington Boulevard, which would be far better suited than the site approved by the Board. They have now found a site on the south side of Arlington Boulevard, about 1/10 mile east of the intersection of Falls Church-Annandale Road and Arlington Boulevard, Just east of the business zoning. This is a general business district, 80 feet wide and running to South Street. This would give access on two streets.

Mr. Samuel Kite of Dillon Land Company said there is a buffer strip along South Street which is not commercial and which would protect the homes in Sleepy Hollow. This ground costs 75 cents per square feet - total amount would be $21,420. The nearest residence is across South Street. There is one residence on the site. This property is available and could be bought.

Mr. Swayze said they did not contend that this is an ideal location - it is difficult to find that - but the idea is to find a location that is the least objectionable.

Mr. William Brown showed the proximity of residences to the South Woodley site, and to the Arlington Boulevard, by means of a dot map, and pointed out the relative inconveniences resulting from the two locations. On the South Woodley site there are 59 homes within a radius of 500 feet. On the new site selected there

are about 15 or 20 homes within that same radius. This number of homes was questioned.

Mr. Swayze said they were not suggesting that this is the only site for the Fire Station, but contended that there is this one which is definitely available and was sure there were many other sites equally suitable in the area. The Fire Commission had not set a definite site nor definite area for this Fire House - they had simply said that if a company is organized, if they get their equipment, and are ready to operate the Fire Commission will be in a position to approve such operation. The Commission has not set boundaries, and they did not state that the South Woodley location was the spot. The Commission is concerned with accessibility and suitability of the site only. Mr. Swayze said there is no immediate necessity for this fire station that the area is already covered with fire stations located within servicing distance - Falls Church and Annandale particularly.

Captain Brophie questioned the size of the areas being served by these already established fire stations. It was brought out that no special areas are set - it is planned so the areas do not over lap and can adequately serve the general area.

Mr. Swayze said many in this area were already contributing to the established fire stations and he questioned if this organization could ever operate as it would be very expensive and since there was so much dissention in the area - it would be difficult to take on such a great debt and make it a success. He thought the organization has a long row to hoe and a difficult one. A station of this kind should be located in a friendly locality to be successful - it should be located to protect the people and not to depreciate property values and should serve the best interests of the County rather than inconvenience people and create bad public relations.

Capt. Roberts Lucy said he had talked with John Carper, Chairman of the Fire Commission, who thought this area was already adequately served. Mr. Carper had said no definite area would be assigned to this Company until they were ready to operate.

There were letters 52 and 76 people present agreeing with Mr. Swayze.

Capt Murphy represented those present opposing the new location

and favoring the South Woodley location already granted by the Board.

They have been trying for one year to get a fire station, Capt. Brophy said. They first got a $5000 option on property on Annandale Road. The Fire Commission thought they should be nearer Arlington Boulevard. They then moved to South Street at the Annandale Road and contracted for property at $6500 - 90 day option. Because of opposition in the area they continued the 90 day option and the price went to $10,000. It was suggested then that they should get commercial property. The Fire Commission did not outline a definite territory but gave a verbal assignment of the area, assigned for the purpose of collection of funds, only. The Fire Company then looked for commercial ground and found this location in South Woodley.

The location mentioned today on Arlington Boulevard, Capt. Brophy said, is not desirable - it is off center for the area to be served - too far to the east.

A map was displayed showing the relative location of fire stations in the area - this is a fast growing area, Capt. Brophy said, and the need for this station is evident. The property on Arlington Boulevard is expensive, not centrally located, and would be objectionable. There are propbably other sites available but since sincere efforts have been made to buy ground they could afford ground that is centrally located and ground that is accessible and suitable - it would appear that the South Woodley site was adequate and would meet requirements. There must be some final answer to this location, Capt. Brophy said.

The south Woodley site was bought on May 25th - ~~pay~~ They paid $5500 cash - the balance in a mortgage. A new location can always be proposed, Capt. Brophy said and there will always be objections. It must be possible to decide upon a location and know that the site is permanent.

Mrs. Edith Chappeaux noted that after taking out the buffer strip on this property, which is not zoned commercial, there would be about 20,000 square feet of ground for the fire house. The site they now have has over 50,000 sq. feet. There are 30 homes within a 500 feet radius of this proposed property valued at about $680,000. Mrs. Chappeaux considered this would create a traffic hazard at this location.

She also presented a letter from the Highway Department stating that they could not guarantee permanent access from this property to Arlington Boulevard. Eventually service roads will be provided which will serve as entrance but Arlington Boulevard has been set up as a limited access highway and the presence of a Volunteer Fire Department would not necessarily insure direct connection with Rt. 50.

There were 68 persons present favoring the present South Woodley site.

Mr. Clarke Thomas who is with the Annandale Fire Department said they had many calls from this area and to travel the Annandale Road was very slow and dangerous. Streets like Kenfig Drive which are on the border line for servicing are very difficult to service properly. They are serviced by two companies both of which are too far away. There is necessarily a delay in getting to fires and that few minutes delay could mean the difference between saving a house and complete loss to the home owner - especially for the frame houses. They do not have the facilities to take care of this area. Since the time element for a fire department is all important he did not think the Annandale fire station could adequately service this area and a fire station there was badly needed for proper protection.

Mr. Swayze said the Brochure gotten out by the Fire Department showed a definite territory and he wished it to be known that this area is for soliciting funds only - not the area to be covered by the new fire department. Mr. Swayze said that settlement on this South Woodley property had been made after he had sent notice to the Planning Commission and to the Fire Company that a re-hearing was being asked, that they had gone ahead with settlement with that knowledge. Capt. Brophy said it was necessary to get started if they ever were to have a fire department. Mr. Swayze said there was no argument about the necessity for a fire department - but they contended that they were not forced to take the present location and the hearing was granted on the basis of a necessity and it was not shown that property even more desirable could be found.

Mr. Emory Reissinger said in this rapidly growing area - much of which was built up before attempting to have a fire department problems would naturally arise. But the need for a fire department was agreed to by all and the people had put in a great deal of time and effort to establish this station for the good of the community.

August 17, 1954

They would service about 5500 homes about 1000 of which are frame houses. If it takes more than 8 minutes to reach a burning home - the service is not adequate. Progress has been made toward taking care of this area. He asked the Board not to destroy this step toward progress.

Mr. Haar said he believed there would always be opposition wherever the site. He felt the Board should stand pat on the original decision. The Board agreed.

Mr. Haar moved that since the matter of a fire department in this area has been considered for a period of more than six months, with considerable opposition the Board feels that the action taken by the Board at their previous meeting may 18, 1954 should stand. There is a definite need in the area for a fire station which has been brought out by the evidence presented today and it is felt that there was insufficient new evidence presented to warrant a change in the original decision. Seconded Mr. J. B. Smith, Carried unanimously.

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12 - The Howard Johnson case was taken up even though the JackStone sign representative was not yet present.

Mr. Welliver represented the company. This is a request for a new sign to replace the one which was destroyed. This will be a solid background and will fit into the triangle in front of Howard Johnson's. It contains 116.62 square feet not counting the ornament which is across the top. The old sign was located about 15 feet from the side line but it could not be seen until one arrived at the crest of the hill and it became a traffic hazard. Mr. Welliver thought it was better to see the sign farther ahead on the turn. He also noted that the Giant sign has 130.5 square feet (Howard Johnson's are buying more land on the side of the Giant store for another dining room).

Mr. Brookfield did not like the ornamental figures on top of the sign. Mr. Welliver said that was the trade mark of Howard Johnson's, and used in many of their signs and had proved good advertising but it could be taken off and put on the building. Mr. Brookfield thought it a traffic hazard on the sign.

Mr. Welliver said this trade mark distinguished them from the Hot Shoppes.

August 17, 1954

Mr. Verlin Smith moved that in view of what has happened in the past at Seven Corners, and due to the long frontage and the large site involved - and the other variances that have been granted at this intersection the application be granted subject to the new sign regulations which will be effective in Virginia 1956 - or whenever the regulations do become effective they will apply (The new regulations are to require a 15 foot setback from the right-of-way) Seconded, Mr. J. B. Smith carried. Mr. Brookfield voted no.

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Mr. Moomland recalled the Basilico Motel at Shirely Highway and Edsall Road to the Board where they had granted to the 262 unit motel a swimming pool, shuffle board, miniature golf course for guests to be located between the building and the right-of-way line. Now they are asking to extend this area for entertainment of the guests into the 70 foot area taken off of the setback requirement by policy established by the Board of Supervisors This would give a 100 foot setback in which there could be no buildings. The 70 feet could be used for recreational purposes. The Board agreed that this 70 feet area could be so used.

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With regard to the small variances which Mr. Holland asked for a discussion and decision upon, Mr. Moorelend said that many builders had su gested that he should have discression to grant very small violations.

Mr. J. B. Smith thought allowing such discrepancies might encourage the builders to be careless. Mr. Brookfield thought the loans might be questioned - if these violations were not cleared by the Board. Mr. Moorelend said most other jurisdictions did allow a certain amount of leeway for the zoning office. Mr. Haar suggested a 1% allowance. Mr. Verlin Smith asked how about it if the house on joining property was too close to their line. Mr. Verlin Smith thought the Board of Supervisors had probably considered this and should be left as it is. The other Board members agreed.

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J. W. Brookfield

Mr. J. W. Brookfield, Chairman

September 21, 1954

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 21, 1954 at 10 o'clock a. m. in the Board Room of the Fairfax County Courthouse, with the following members present: Mr. J. W. Brookfield, Judge Hamel, Herbert Haar, Verlin Smith, and Mr. J. E. Smith.

451

The meeting was opened with a prayer by Judge Hamel.

1. A. P. Kergel, for permission to erect an addition to dwelling closer to side line than allowed by the Ordinance, Lot 127A, Greenway Downs (316 E. Greenway Boulevard), Falls Church District. (Suburban Residence).

Mr. Kergel appeared before the Board and gave the following reasons for his request for variance:

The only persons directly concerned, Mr. and Mrs. W. Curtis, have given their consent in writing. This addition would not extend excessively close to the Curtis dwelling - approximately 45 feet would still separate the dwellings. This addition is badly needed for a four bedroom house. It will be the dining room; the present kitchen is very small. This addition in front of the house would destroy the outer harmony of the house and would not be practical. Mr. Kergel contended that this addition would actually be on the side yard and not the rear as the house actually faces Greenway Boulevard and not Curtis Parkway - although the lot has very little frontage on Greenway Boulevard.

Mr. Mooreland said the Board had allowed Mr. Kergel to divide the lots as they now are making this a corner lot and there was really no rear line, therefore this would be a variance on the 15 foot side yard. He felt that if granted should be because of hardship and the Board should decide what the hardship is.

Mr. Verlin Smith suggested adding the room to the Greenway Boulevard side - which Mr. Kergel had said would not be practical and would destroy the harmony of the house - also it would necessitate expensive changing of the plumbing and moving windows.

Mr. Mooreland thought the aesthetic value of the house did not figure.

Mr. Brookfield thought a 3 foot variance was not out of reason and this did not appear to depreciate joining property.

Judge Hamel moved to grant the application in view of the fact that the neighbor most affected is in agreement and it appears that this will not be detrimental to joining property. Seconded, Mr. Verlin Smith. Carried. This variance is granted on the side line.

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2. Rose Hill Development Corp., to have less setbacks for dwellings to side lot lines than allowed by the Ordinance, Lee District, Lots 21, 25, 26, 28 and 30 Rose Hill Farms Subdivision, (Suburban Residence).

Mr. F. M. Gaspar represented the applicant. Mr. Gaspar said in laying out these lots they had noted carefully that the carport side met the required setbacks but since the lots were slightly pie shaped the rear line of the carport was found to be in violation. When they discovered that a variance would be needed on these rear lines these lots were skipped temporarily until the variance could be obtained. Mr. Moorelend said there was a tolerance here, that Mr. Phillips did not wish to put the houses down exactly on the line for fear that in construction a slight over stepping of the setback requirement might result. The variance probably will not be as much as requested, when the finished plat is presented. The front lines of the houses are all within the Ordinance.

Mr. Verlin Smith moved to grant the variances requested on Lots 21, 25, 26, 30 because this seems to be an honest mistake and does not appear to adversely affect adjoining property but that Lot 28 be denied because this is a gross variance from the Ordinance. Seconded, Mr. J. B. Smith. Mr. Brookfield voted No because he thought the builder had no business locating houses on these lots in such a manner when there was sufficient ground to meet the Ordinance requirements. Motion carried. (The variance requested on Lot 28 was 3' 10").

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3. G. W. Scott, for permission to erect garage 1 foot of side and rear lines, Lot 29, Section 2, Burgundy Village (2908 Elmwood Drive), Lee District. (Urban Residence).

Mr. Scott presented a statement from the three neightbors most affected saying they did not object to this garage. Mr. Scott said there was a retaining wall at this location on his lot which he would like to use as the back and side wall of the garage. He has a link fence around his property. The garage will be cinderblock.

Mr. J. B. Smith questioned if the footings on the retaining wall would be satisfactory for a garage. Mr. Scott thought they would although he had not checked with the building inspector.

This building should be two feet from the side and rear lines. It will be one foot. There were no objections.

Judge Hamel moved to grant the application because it does not appear to affect adjoining property adversely and the joining property owner most affected is in agreement with this and this will be a fire-proof building. Seconded, Mr. J. B. Smith, Carried unanimously.

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September 21, 1954

4. William S. Goodman, to erect carport and storage shed closer to side lot line than allowed by the Ordinance (1305 Rollin Road), Lot 8, Block A, Section 1, Woodley West, Falls Church District. (Suburban Residence).

453

The rear line of this carport - which will be the storage shed - will be 5' 6" from the side line. The house sets at an angle on the lot. Mr. Goodman said, slanting nearer to the line at the rear.

Mr. Mooreland said the variance would be granted on the storage room- he questioned granting such a variance as there was no particular hardship shown and that the fact that the neighbor agreed to this variance hardly justified amending the Ordinance.

Mr. Goodman said he had no storage room and he could not afford a basement. Mr. J. B. Smith said he did not like granting the variance on the storage shed.

It was brought out that the lot was generally level - no topographic condition.

Mr. Verlin Smith noted that the applicant could have a detached garage in the rear which could be 4 feet from the line-with a storage shed. It was stated by Mr. Mooreland that the storage shed would be in the same category as an accessory building and would have to be 10 feet from the line. Mr. Brookfield suggested leaving off the storage shed.

Mr. Goodman said the addition would be all right if the house were set square on the property - it was the angle location which caused the trouble.

Mr. Verlin Smith moved to deny the case because there does not appear to be any hardship involved and the applicant can build a detached garage in the rear yard and he considered this a bad precedent to start in a new subdivision. Seconded, Mr. J. B. Smith. Carried, unanimously.

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5. Bruce Sanders, to permit an addition to dwelling closer to side lot line than allowed by the Ordinance, Lots 35, 36 and 37, Block 5, West McLean, Branesville District. (Suburban Residence).

Mr. Saunders said his house was too small - they need this addition to be comfortable. The addition would bring the dwelling to within 11 feet of the side line.

Mr. Mooreland said there was a different situation here from other cases handled at this meeting. This is an old subdivision and many of the homes in this subdivision are built to within 7 feet of the side line. One house very near this one is 7 feet from the line. This house is built on two lots and the applicant owns three lots with the house in the middle of the center lot. The lots are each 25 feet wide. There were no objections.

Mr. Saunders presented a letter from his neighbor most affected saying he did not object.

Mr. Verlin Smith said that since this is an old subdivision and other houses in the subdivision have less than the required side setback, he moved that the application be granted because it does not adversely affect adjoining property. It is to be understood that this is granted including the three lots. Seconded, Judge Hamel. Carried unanimously.

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6. Joseph S. Gordin, to permit porch to be converted into carport with less setback from street line (40 feet), Lot 7, Section 1, Beverly Forest, Mason District. (Agricultural)

This is a corner lot, Mr. Gordin said requiring a 50 foot setback on both streets. There is a porch now on the Back Lick Road side which comes within 40 feet of the right of way. This porch would be converted into a carport on the front of his house. The driveway is already in to this carport location and if the carport were moved to the side of the house it would disturb the large windows there.

Mr. Brookfield suggested that the carport might be set back farther. Mr. Gordin said this would cover the front entrance.

Mr. Brookfield noted that Backlick Road is heavily traveled.

Mr. Mooreland said the Ordinance will allow a porch on the front of the house - but not a carport.

Mr. J. B. Smith moved to deny the case because it does not meet the requirements of the Ordinance. Seconded, Mr. Verlin Smith. Carried, unanimously.

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7. C. F. Hoy, to erect an addition to dwelling closer to side lot line than allowed by the Ordinance, Parts of Lots 13 and 14, 1st addition to Fairland, Mason District. (Agric.)

This addition would come about 12-1/2 feet from the side line. Mr. Verlin Smith suggested putting the addition in the rear or on the other side of the house where there would be room without a variance. Mr. Hoy said he did not want the addition on the opposite side of his house - that would be impractical and would disrupt the plan of his house. The bath and kitchen are at the back of the house and the addition would not be practical there either. There is a bank on the opposite side of the house.

Mr. Brookfield noted that this is a wide lot - 125 feet - and it should be possible to get the addition without a variance.

September 2, 1954

Mr. Verlin Smith moved to deny the case because this is a gross variance from the Ordinance which sets up a 25 feet side setback for this area and there seems to be alternate locations for the addition. Seconded, Mr. J. B. Smith. Carried unanimously.

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8. Harold J. Hungate, to permit location of carport closer to side line than allowed by the Ordinance, Lot 9, Block B, Section 1, Burgundy Village, (2613 Burgundy Road), Lee District (Urban Residence).

The house is set on an angle, Mr. Hungate said which would place only the front of the carport in violation. The back would meet requirements. He wishes to continue the roof line of the house - which would be more practical and more attractive than to change the style of the roof.

Mr. Verlin Smith noted that by locating the carport back farther and extending it back beyond the house - and necessarily changing the roof line the carport could be put on without a variance.

Mr. Hungate thought this would not look attractive and he would like to use the concrete slab which is already in on the requested location.

A detached garage would be too expensive. He would enclose the proposed carport with greenery - which he thought would improve his property and the neighborhood. The house is about 24 x 30 feet.

Mr. Verlin Smith moved to deny the case because by changing the roof line and moving the carport back the applicant can come within the Ordinance and 3 feet is too close to the line. Seconded, Mr. J. B. Smith, carried unanimously. Mr. Verlin Smith also noted that the neighbor to Mr. Hungate had built his garage in the rear - and therefore it would not be fair to grant this variance.

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9. Milton M. Graps, to permit location to carport closer to side lot line than allowed by the Ordinance, Lot 45, Block B, Section 1, Burgundy Village, Lee District. (Urban Residence).

Mrs. Graps appeared before the Board. They are requesting the carport 3 feet from the side line. They cannot locate the carport back farther as the ground slopes too much to be practical. Mr. Graps said the neighbor most affected did not object. Mr. Moreland called to the attention of the Board the fact that they had turned down another applicant for the same thing in the same block and same subdivision.

There were no objections.

Mr. Verlin Smith noted that a 9-1/2 foot carport could be located on the other side without requiring a variance. Mrs. Graps said the

concrete driveway was already in on this side where they are requesting the carport. The general slope of the lot is up from the street to the house and the rear yard slopes down.

In scaling the plat, Mr. J. B. Smith noted that according to the plot plan there should be 14 feet on either side of the house, in which case a 9 foot carport would go in without a variance. Mrs. Craps said her husband had measured the distances and she thought the carport would need the 2 feet variance on this side, at least according to his measurments.

Mr. Verlin Smith thought the case should be deferred to work out what the actual setbacks are. He moved to defer the case to study the plat and to view the property as the plat submitted shows that there is sufficient room for a carport without a variance. Seconded, Judge Hamel. Carried unanimously

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10. Homer L. Belle Isle, to erect dwelling closer to street line than allowed by the Ordinance, Lot 13, Section 1, Lincolnia Park, Mason Dustrict. (Agriculture).

Mr. Belle Isle said he was requesting this variance because his lot is odd shaped and he wishes to front the house on the main street - Lincoln Avenue. The 37 feet setback requested would be from the side street. The house would be in line with the other houses facing Lincoln Avenue, and he did not want the side of his house facing Lincoln Avenue. There were no objections. Across the street is vacant property - there is a dwelling built on the joining lot. This would meet the 50 feet setback from Lincoln Avenue.

Mr. J. B. Smith said he could not see any hardship here. He moved to deny the case because there is no hardship involved and the applicant could reverse his plans to face the house on the other street which would enable him to come within the Ordinance. Seconded, Mr. Verlin Smith. Carried, unanimously.

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11. Richard S. Talbott, to permit location of carport closer to side line than allowed by the Ordinance, Lot 17A, Section 1, Langley Forest, Dranesville District. (Rural Residence).

Mr. Talbott said the contractor who started to build his house had said he did not take the responsibility of locating the house - he expected Mr. Talbott to do that. However, the house was originally located within the required setbacks. The original permit did not include the carport - the contractor had said there was no permit needed for the carport. The original blueprints did not include the carport, as

Mr. Talbott did not think he could afford it. Then, Mr. Talbott got bids from another contractor and since the price was lower he could include the carport - which was wider than he had originally planned. This contractor agreed to take care of everything - but he did not locate the house properly and the carport was found to be in violation. Mr. Talbott had done some filling in on the carport side because of the widening of the carport, and this had put the carport in violation. The permit did not include the carport.

Judge Hamel moved to grant the application in view of the facts presented because this appears to have been an honest mistake and the size of the lot is such that this cannot harm adjoining property and this is back from the street about 200 feet. Seconded, Mr. Verlin Smith. Carried unanimously.

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12. Dale E. Oyster, to screen in open deck within 6 feet of side lot line, Lot 51, Section 1, Rolf Heights (9401 Justin Drive), Falls Church District (Suburban Residence).

Sometime ago Mr. Rolfs was granted a variance on this - a sun deck. Now the applicant wished to put a roof over the sun-deck and screen it. The carport is under the sun-deck. Mr. Oyster said he had actually bought this house when Mr. Rolfs realized it would be necessary to get the variance on the sun-deck. Mr. Rolfs did get the variance / and Mr. Oyster had not realized this was necessary, he did not know the sun-deck could not be enclosed.

Mr. Verlin Smith recalled that the Board had granted this variance on the sun-deck on May 18. He moved to deny the case because a variance was granted for the open deck in this case, although it was too close to the line and to enclose this deck would create a gross variance to the Ordinance. Seconded, Mr. J. B. Smith, unanimously carried.

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13. Annandale Millwork Corp., to permit building to be erected closer to front line than allowed by the Ordinance, Lots 32 and 33, J. G. Dunn Subdivision on north side #236, Mason District. (General Business).

Mr. Frogale appeared as the applicant. There is an existing building on this property which Mr. Frogale said is 4.4 feet from the new proposed right of way of the highway. This building which will be 60 x 80 feet will be 15 feet from the new right of way line, and 94.2 feet from the center line of Rt. #236. Mr. Frogale said he had discussed the right of way for Rt. #236 at this point with Mr. Ross, Highway right

of way Engineer and Mr. Ross had said this is all the right of way that will be required on this side of Rt. 236 at this time.

Mr. Frogale ~~said~~ noted that the service station on down Rt. #236 is 32.2 feet from the edge of the new right of way. There are residences on down the highway which are close to the right of way - one house nearest is 24 feet back. This building is necessary for his business expansion, Mr. Frogale said. It will have two levels - the parking on the lower level. Also he will have parking on Lots 30 and 31 with an entrance to the lower level of this proposed building. The main show room will be on the upper level. If he locates this building back the required distance it will not be economically sound as the building would be obscured by the existing buildings near.

Mr. Frogale suggested drawing a line starting 10 feet back from the right of way at the existing building west of this proposed site - to the front line of the service station building which is set back 32.10 feet from the right of way, it would show a gradual widening of the setback and the line would come just about where he wishes to locate this new building. The gas pumps on the filling station down Rt. #236 are 15 feet from the new right of way line, the building is farther back.

Mr. Mooreland noted that the Board had denied Mr. Wills application for less setback in this same subdivision on the same side of the road.

Mr. Frogale recalled that the Highway Department had not yet purchased all of their right of way for the 20 year plan along the Wills property but they have purchased all they will need here. He had sold a wide strip here to the Highway, probably more than the Highway Department will need in which case he will buy it back from them. He had sold the land here actually for the Highway Department to establish a cost price of the land for acquisition purposes. The Highway Department will not pay the cost of moving a large expensive building back from the right of way. Mr. Frogale said the Highway Department had assured him of their fullest cooperation regarding development along here. Mr. Frogale said this proposed building will exceed the cost of the existing building and the filling station combined - he thought it would be an asset to the County.

Mr. Frogale said they could use the area purchased by the Highway Department, for the right of way, which is not now being used, for parking. He thought the Highway Department was not entirely sure they would use all of this right of way - in that case he would buy back what he could. He noted that the telephone poles along here were on the right of way - usually they are on private property, indicating they probably would not keep all this right of way.

September 21, 1954

Mr. Verlin Smith thought for a retail business it would be better to set back the required distance - which space could be used for parking. Mr. Fregale said if this were another type of business it might be an asset to be back farther but for this particular business it would not be economically sensible. He said they had plenty of parking area on the two lots (30 and 31) and also the area in the rear would be used for lumber storage. They would have displays in the front.

There were no objections.

With regard to the repurchase of some of the Highway Department's land in front of this site, Mr. Verlin Smith said he did not think the Highway Department went about buying land just to sell it back. He thought they had bought this extra right of way because they wanted it and that this is a minimum of what they will need. Mr. Fregale was sure this was the maximum they would need on this side of the street, that they would never need any more. It was suggested that never is a long time and the rights of way requested by the Highway are for the needs 'at this time' with no guarantee that the needs would not increase in the future. Mr. Fregale thought it would be too expensive for the Highway Department to buy more property on this side of the street. Mr. Verlin Smith said the Board had held out on other's requesting less setback and he thought it would be a bad thing to grant this.

Mr. Brookfield said the Highway's plans could change within a short space of time.

Mr. Fregale said he would not build if he could not get this setback as he could not economically do so. A 35 foot setback would defeat the purpose of a retail business. He thought the revenue derived from this building would be an asset to the County. He noted the irregularity of setbacks on businesses in Annandale.

Mr. Fregale said if the Highway Department would move back his old building he would be willing to hold to the 35 foot setback but they will not do that.

Mr. Brookfield said that since this is expensive property, and a very important location, he thought this should be considered carefully.

Judge Hamel thought this problem involves the whole area here - that there was no justification in granting this without considering it in the light of the whole area, that this should be studied and considered well. Deferred for study and for report from planning commission.

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15. Charlotte N. Gardner, to permit duplex dwelling on Lots 9 and 10, Cleveland Heights, Mason District. (Suburban Residence).

Mr. Bean appeared as attorney for Mrs. Gardner. The applicant has

been renting her basement apartment for a number of years. She owns lots 9, 10, and 11 - one house is on Lot 9. An application for rezoning to commercial is pending on property across the street. The house on Lot 8 is a duplex which use has been abandoned.

Mrs. Gardner has been using this house a s a duplex in ignorance of the fact that it was in violation. The neighbors objected to the use as a duplex and the violation was reported to Mr. Moorland's office.

The renting of this apartment, Mr. Bean said, is part of Mrs. Gardner's support. She is a nurse. The income from this apartment has been applied on the loan on her property. This income is necessary to meet her financial obligations. The sewer is expected to be put in here very soon - at that time Mrs. Gardner will build a small house on the other lots and will discontinue this duplex use. She would like to be allowed to rent the apartment for a limited time - until the sewer comes in.

Opposition: Mrs. McClinton presented a petition with 17 names opposing this use. Mrs. McClinton said she had put a large addition to her home several years ago, which she would not have done had she known apartments were coming to the neighborhood. They had seen the apartment being built in the attic and had told Mrs. Gardner they would not approve this use. Mrs. Gardner had stated that her mother would use this attic space - but Mrs. Gardner's mother did not come to use the rooms and the attic apartment was rented. Then Mrs. Gardner added the basement apartment. This was reported but since there was such a shortage of houses at that time this use was allowed to continue. It has been 5 years since this was first reported. The house has been used as a duplex for 7 years.

Mr. Wayne Rothgeb opposed . Mr. Rothgeb said that while he was in the Arlington County part of Cleveland Heights he had checked the Fairfax County zoning laws and was assured that this was a single family residential area - therefore he had built here thinking he was in a one family development. Mr. Rothgeb said he had waited for a long time to have a nice home - his house is valued at more than $20,000 - and it is located in a very nice subdivision - all of which is single family dwellings. He thought to grant this or to grant a temporary use of this kind would put the subdivision in a difficult spot as it would not be logical to turn down other apartments in this development.

Mrs. Jensen opposed. She thought the granting of this would decrease property values.

Mr. Farmer stated that he had built and sold this house to the Gardners. He had mentioned to them that the attic was for storage and

not apartments. However, the Gardners had a bathroom put in and the sink and rented this as an apartment. The Gardners had been advised that there was objection to this use. He was glad that this had come to a head.

Mrs. William Stott said that the financial need of this apartment was certainly not pressing as both Mrs. Gardner and her daughter, who lives with her, are gainfully employed in good occupations. Mr. Menser opposed.

Mr. Bean said that this place had been used as a duplex for 5 years almost continuously, that while Mrs. Gardner is a nurse - she is entirely alone in her support and her employment is her only income, and meeting her obligations without this rental would be difficult She is asking this for only a limited time. At the end of that time she will discontinue this use or sell this as a single family dwelling.

Mr. Verlin Smith said that since the Board of Supervisors is to consider a rezoning on the property across the street from this he would move to defer the case for study and to view the property. Seconded, Judge Hamel. Carried unanimously.

Mr. Bean asked if the situation may continue until the meeting next month. It was agreed that the Board could do nothing but it was suggested that a warrant not be served on Mrs. Gardner.

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16 Timberlake, Inc. to permit use of property for swimming, games and sports with structures of accessory thereto on north side #672, approximately 1 mile east of #665 (Young Property), Centreville District. (Agriculture).

Mr. Verlin Smith disqualified himself to vote or to sit on this case as he is an adjoining property owner.

Mr. Ed. Pritchard represented the applicant. This is about a 100 acre tract which has been owned by Mr. Joseph Young for about 15 years. In 1946, Mr. Pritchard said, Mr. Young built a small pond which was designed by the Agricultural Conservation Service. Some time later Mr. Young enlarged this lake to cover an area of about 17 acres. This larger lake was also designed in accordance with the Department of Agriculture plans. Since the lake cost considerably more than he had anticipated, Mr. Young conceived the idea of forming a private swimming club to help recover some of the expense - a matter of about $10,000. With help from Luther Miller a corporation was formed with Mr. Young holding 85% of the stock and Mr. Miller 15%. Mr. Meyer was employed for the purpose of conducting a Boys Summer Camp, where they could have use of the lake. They had checked with the County and State officials regarding requirements. Now they wish to build two bath houses - one for men and one for women, each containing dressing rooms, shower and toilet facilities

September 21, 1954

These are all the buildings they contemplate.

Mr. Pritchard said his client, Mr. Miller, had gone to the zoning office regarding this club and was told by Mr. Mooreland that a use permit from the Board of Zoning Appeals was necessary, such use to be applied for under Section IV A-15-c. Mr. Pritchard contended that this use is permissible without a hearing before the Board of Appeals under Section IV-A-10 of the Ordinance and he believed that Mr. Mooreland should have issued permits for the buildings under paragraph 10. Mr. Pritchard said that Section IV-A-15-c did not fit his case but that paragraph 10 did. This is a service facility primarily, Mr. Pritchard said They will also probably have badminton and horse-shoe pitching. He thought this a desirable addition to the community and he was sure they could produce many signatures agreeing with that opinion.

Before going into the use permit, Mr. Pritchard said he would like a ruling from the Board on whether or not Mr. Mooreland erred in requiring his client to come before this Board under Section IV-A-15-c.

Judge Hamel questioned whether or not it was the function of the Board to make a ruling of this kind or was it the function of the legal officers of the County. He did not think it within the jurisdiction of this Board to make a determination in this matter - to interpret the Ordinance.

Mr. Pritchard said the Enabling Act under which the Board operates says that this Board can correct errors of the Zoning Administrator and he thought it not only the duty of the Board to pass on such a question but that it is necessary to first have an answer from this Board in order that the applicant may then go on to court if he so desires.

Judge Hamel said as long as there was a question in the minds of the Board as to their jurisdiction he felt that the only position they could take was to ask for a legal opinion.

Mr. Mooreland said this question is not properly before the Board. The only question before the Board is the use permit requested in the application. He stated that a ruling from the Board must be formally requested by inclusion in an application which was not done in this case.

Mr. Mooreland said Mr. Miller was not denied a permit - he had talked with Mr. Miller about his plans - a swimming pool, the private club and grounds for sports - but Mr. Miller had not asked for a bath house permit. Mr. Miller was told that he should apply to the Board for this use - under Section IV-A-15-c - which Mr. Mooreland contended was the correct procedure.

The Board may interpret the Ordinance, Mr. Mooreland said, when there is difference of opinion as to the wording of the Ordinance.

Mr. Pritchard said the Zoning Administrator should tell an applicant under which section in the Ordinance he was making an appeal and that it should not be necessary for an applicant to have to employ an attorney to tell him that. In this case he thpught all Mr. Miller needed was a building permit to be issued under paragraph 10.

Mr. Mooreland said he had told Mr. Miller under which section he was applying - that he was making application under that section and paragraph 10 was not correct.

Since the Board questioned its jurisdiction in giving an answer to ruling requested by Mr. Pritchard, Judge Hamel moved that the application be deferred for proper legal advice on the authority of the Board. Seconded, Mr. J. B. Smith. Carried, unanimously.

Mr. Pritchard asked that the Board continue the hearing on the use permit and defer the answer to his question.

The Board agreed that the motion to defer the case should stand.

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17. Edmund Mansur, to permit the operation of a dog kennel on 10 acres of land on Saville Road, north side #123, approximately 4500 feet east of Langley, Dranesville District. (Rural Res.)

Mr. Mansur said he had about 20 very fine dogs which he would like to bring here from the middle west. This will not be a kennel in the accepted commercial sense - he will merely sell the pups.

OPPOSITION:

Mr. Roy Britten who owns adjoining property objected. He stated that he was speaking also for a group of property owners who had signed a petition against this use - the petition with 26 names was placed in the records of this case. Objections listed: this use will materially lessen property values, the noise would constitute a nuisance, and disturb the peace and quiet of the neighborhood.

It was noted that Mr. Mansur did not own the land - that this use would be granted to the property and could go with the land if the lease is terminated. Mr. Mooreland suggested that this could be granted to the applicant only.

Mr. Mansur said he would not board dogs - the only commercial aspect would be selling the pups. He did not wish a rezoning. These are very fine dogs, Mr. Mansure said. The area from which he has come in Chicago is highly restricted but practically all the property owners there have fine dogs for show and there were no objections.

Mr. Britten who lives 150 yards away from this property objected to the noise and general nuisance.

Mr. Henry Hirst said this is an exclusive residential area settled by

permanent people, all owning large tracts of land. He objected to the intrusion of the 20 dogs - this is a request, Mr. Hirst said, that no one in the area would ask for - as they do not wish to depreciate the area.

Mr. Southall objected for Mr. Revercomb who could not be present, but who lives 200 yards away.

Mr. Mooreland said Mr. Mansur could have all the dogs he wished al long as he did not go into a commercial enterprise.

Mrs. Gantt objected - she lives one house away. She thought granting this would be an injustice as taxes here are high and this would be an entering wedge for commercial uses.

Mr. Mansure said the permit would terminate with his lease. He thought dogs generally were noisy - one or 20.

Judge Hamel said this is a high tax value area - including the extension of Mt. Vernon Boulevard and granting this could set a precedent for commercialization.

Mr. Mansure said the dogs would not be sold on the place - that they showed the finest dogs and weeded out the inferior dogs to sell. They were particular in finding good homes for these dogs. They would have scotti and collie dogs. Mr. Mansur noted that there are chickens, cattle and pigs in the area and two gas stations on Rt. 123 which do not appear to depreciate property values.

Judge Hamel moved to deny the case as it is not in keeping with the character of the neighborhood and this may set a precedent which people in the neighborhood fear. Seconded, Mr. V. Smith. Carried unanimously.

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18. H. O. Engen, to permit the operation of a trailer camp for one trailer only, Lot 5, Old Courthouse Subdivision, south side of 677, approximately 70 feet east of #123, providence District. (Rural Business).

Mr. Engen appeared before the Board. Mrs. Engen said they are asking the use of this trailer for her parents who have been in a very bad automobile accident and her mother could not do housework. This way the mother would be near so Mrs. Engen could help her. She had called here from Ohio regarding the use of this one trailer for this purpose and was told that since the property is zonind Rural Business, it was possible they could get a limited permit for the use of her parents only. The Health Department have said that the water and septic field are sufficient. There are several small trees on the lot - the trailer would be about 200 feet from the road.

There were no objections.

Mrs. Engen said they did not want a trailer park - that this was asked only for the use of this one trailer - for the life of her parents.

Mr. Verlin Smith moved that the application be granted to the applicant only for the use as stated which is that the persons occupying the trailer

will be the parents of the applicant, this is granted because it appears to conform to Section 16 pertaining to Trailer Camps.
Seconded, Mr. Haar. Carried, unanimously.

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19. Alfred J. Suraci, to permit the erection of a clinic having offices for from 4 to 8 doctors which will be expanded as conditions warrant and permit side line setbacks if not more than 40 feet, on south side #236, approximately 0.66 mile west of Annandale, Falls Church District.

Mr. Lytton Gibson represented the applicant.

This property was brought before the Board of Supervisors for a rezoning to General Business to take care of this use but the Board, after a tie vote suggested that rather than rezone this large tract of land to business the applicant bring it before the Board of Appeals for a use permit - asking the variances on the setbacks. This case has been deferred by the Board of Supervisors pending the outcome of the hearing before this Board.

Dr. Suraci is a plastic surgeon, Mr. Gibson said, however the clinic will handle a general medical practice. They will erect a building with treatment and observation rooms for from four to eight doctors. The plan is that this will eventually expand into the same type of thing as Anderson Clinic. This use is permitted under the Ordinance, Mr. Gibson said and the procedure of coming to the Board was suggested by the Director of Planning, Mr. Schumann. They will ask that the 100 ft. setback requirement be reduced because the property is too narrow to meet this - it has only 160 ft. frontage but considerable depth. The adjoining property owners on both sides of this ground are relatives of Dr. Suraci and they do not object. This property was given to Dr. Suraci by his father - who owns immediately joining property. They would like a side setback of 40 ft. and would also like the granting of accompanying uses which go alongwith a medical clinic. Mr. Gibson said, for example they may wish to put in a coca cola machine and later if the clinic is a success they might want a flower shop. He did not wish to have to come back to the Board for these additions.

Mr. Gibson said for the first time in his experience, many organizations and a large group of people in the Annandale area had voluntarily banded together to approve the requested use. They were present today to support this case without prompting from him or from the applicant. A petition signed by 75 people favoring this project was presented. A great need for this service is felt in the area, Mr. Gibson said, the people thought it would be an asset to the area and the entire County. He noted that the County had built a medical buildingon the Old Lee Highway in the

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middle of a residential area and he did not think it had hurt the health, safety or public morals of the community, neither did he think the Anderson Clinic had been determential to the surrounding area.

Mr. R. E. Taylor representing the American Legion, The Lyons Club, and Annandale Greater Recreational Assn. and other groups spoke for these organizations favoring this project and requesting a favorable decision. In view of the tremendous growth in this area, Mr. Taylor said, there is a great need for medical facilities in the Annandale area. This will have a 24 hour despensary where they will have emergency equipment - which is greatly needed.

Mr. Brookfield asked about ingress and egress for trucks and ambulance. Mr. Gibson said both would have to be direct.

Mr. Ange, representing the Business Mem's Assn., said this group had endorsed the project. He mentioned the long wait for emergency treatment which wax often necessary at Anderson Clinic and which delay this would take care of.

Mrs. Wilkins said this type of project is badly needed in the Annandale area and she hoped the Board would grant the use permit rather than to encourage rezoning the land to General Business as under such zoning the County would have no control. If the use is granted for this use only then they would have the clinic. If the General Business zoning were granted it would open this tract for additional business uses and would encourage such zoning down the highway.

Mr. Mooreland noted that Section IV - A-15-f says the buildings on a project of this type shall be set back 100 ft. from any lot or street line. He wished to call that to the attention of the Board.

Mr. Gibson said he knew that - that was the reason for asking for the variance on the setbacks. He recalled that the Board had many times granted other less setbacks under the shall clause. However, he noted that the front setback could meet the requirement - the setback variance would be only on the sides.

There were no objections.

Judge Hamel moved to grant the application with the provision that there shall be no variance on the front setback.

The Board discussed whether or not they had the jurisidction to waive the side setbacks. Judge Hamel thought they did have.

Mr. Brookfield said he did not recall that the Board had granted a variance of over 50 ft. Mr. Gibson said he did not think the Board had granted such a variance before but they had granted a 12ft. and less setback on a 15 ft. setback requirement.

Mr. Verlin Smith said the Board could grant the permit on the medical center but questioned the variance on the side lines. Although he said he favored the granting even with the very large setback variance - still he questioned their jurisdiction.

Mr. Gibson said the reason for this required 100 ft. setback was to protect joining property where contageous diseases were handled but in this case the property on both sides of the clinic property is owned by relatives of Dr. Suraci, who do not object.

Judge Hamel restated his motion and moved that the Board grant the use permit and the variance as requested and this is approved with the understanding that there will be no variance on the front set back line and this will include uses incidental to a medical center, granted because there appears to be a demand for an institution of thiskind in the area and the people in the community approve and desire it. Seconded, Mr. Haar, carried, unanimously.

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20. McPherson and Minnie Dobbins, Lessess, for permission to operate an Antique Shop to be known as Boulevard Antiques, Inc., in conjunction with Parson-Weems Shop, Lot 63, Section 2, Wellington Subdivision, Mt. Vernon District (Rural Res.)

Mrs. Carneal asked that the name of L. L. Carneal be substitued on this application for Eileen McPherson.

Mr. Mooreland recalled to the Board that this antique shop was originally granted to Mrs. Slayton - and the permit was extended upon request of Mrs. Slayton - and the permit was granted to the applicant only. Now, Mr. Slayton has been transferred for a two or three year period and Mrs. Slayton does not want to lose the right to operate her shop, or to lose the control of her shop, she therefore is turning the buisness over to the present applicants who are requesting the right to operate. This applicant will actually take over temporarily. There will be no structural changes in the business.

Mr. D. B. Alexander questioned how a permit which expires can be extended. It was noted that this is an entirely new application.

Mr. Alexander said he was not really objecting to this there was no objection to a legitimate operation but he hoped if the new applicant takes over that the management will not be as noisy as the present management has been. He said there had been noise late at night on Sunday - they would like to see a dignified operation. During the last year especially the place had become noisy and the auction held when the Slaytons left was very unpleasant - parking spread all over the neighborhood. Mr. Alexander said they did not wish to block anyone's means of a living but if this could not be controlled - he would object to the use.

Mrs. Carneal said the shop would be run in a strict manner and would not be open in the evenings - they would operate from 11 a.m. to 5 p.m.

She thought it was the family living in the back of the building who had made the noise.

Mr. Harr moved to grant the application for a period of one year to the applicant only. Seconded, Judge Hamel. Carried.

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21 Martin Dalton, to operate a convalescent home in an established dwelling closer to side lot line than allowed by the Ordinance, Lot 10, 1st Addition to Leewood, Mason District. (Agriculture)

Mr. Lewis Leigh represented the applicant. Mr. Leigh said this was an application similar to the Suraci case. They have 2-1/4 acres but the 200 ft. frontage does not allow them to have the building 100 ft. from all property and which is 35 ft. from one side line. They now have a septic field but within one year the sewer will be there and they will hook on to that. The property is 500 ft deep. The setback can be met on the one side and the front if it becomes necessary to add to this building - such addition can go to the rear where it will meet required setbacks. The building is 215 ft. from the road.

A signed statement from the neighbor most affected by the 35 ft. setback was present saying he did not object. There were no other objections.

Mr. Haar moved to grant the application to the applicant only, and that the operation shall be in compliance with all State and County regulations now or to be in affect later - this to be granted for a period of three years. Seconded, Judge Hamel. Carried, unanimously.

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22. Mrs. Dorothy Gubser, to permit the operation of a kindergarten and nursey school, Lot 1, Block 2, Section 3, Holmes Run Acres, (2000 Gallows Road), Falls Church District. (Sub. Res.)

Mrs. Gubser said that she had been operating for a period of two years. She had checked with the Board of Education, the Welfare, and the Health Department but was never told that she would need a permit from this Board. This is a needed service which will serve the immediate ~~community~~ Community. The building is frame about 28' x 34'. The school is conducted on the first floor. There are two outside doors. The Fire Marshall has not yet seen the building. Mrs. Gubser said she had called Richmond regarding supervision of her school but she does not have full day pupils nor enough classes operating to require their supervision.

Mr. Mooreland said if this is granted it should be subject to the local fire marshall and the Health authorities.

Mrs. Gubser said she would have about 18 children at the school at one time. There were no objections.

Judge Hamel moved to grant the application to the applicant only for

September 21, 1954

a period of three years subject to the approval of the local fire marshall and the Health Depatment, and any other County agencies which may be concerned. Seconded, Mr. Haar. Carried, unanimously.

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2. Mrs. Mamie H. Spencer, to operate a kindergarten, first and second grade school on the east side of Sleepy Hollow Road, approximately 500 feet south of #7, near Seven Corner, Mason Dist. (Sub. Res.)

Mr. Harry Porter represented the applicant. This would be a kindergarten, first and second grades, Mr. Porter said. This property is located 400 ft. from the intersecion of Sleepy Hollow Road and Rt. 7. Mrs. Spencer has operated Evergreen School in Falls Church, but her lease was cancelled rather suddenly and it is necessary for her to find a new location. This site, a 3/4 acre tract, has been used for sometime for school purposes - first by Falls Church and later by Fairfax County. Fairfax County made some changes in the premises and grounds, adapting it especially to school use. Later the property was used for St. Anthony's parochial school. They built on to the building. This is a large building which has been inspected and approved by both the Fire Marshall and the Health Department. The house is actually not suitable for anything except a school. Mrs. Spencer will occupy the building. Mr. Porter said it would appear that this presently requested use would not be objectionable as the place has been used for a school for so long and has not been objected to. Mrs. Spencer would operate from 9 to 12 a.m. and from 1 to 4 p.m. in the afternoon. There would be no school on Saturday nor Sunday. Morning and afternoon sessions would be different classes. There will be from 50 to 75 children.

It was brought out that the survey on this property (a plat presented with this case) shows that this site is included in a General Business district. It is located 429 + feet from the intersection of Sleepy Hollow Road and Rt. 7, which is included ~~not~~ in the original General Business zoning and is not Suburban Residence zoning. Mrs. Wilkins said this survey was not correct - that this property is outside the business zoning. Mrs. A. B. Ray spoke representing the Citizens Assn. of Buffalo Hills, which Subdivision backs up to this property. She thought this school with 75 children would be noisy and objectionable in this well developed area which contains some of the best homes in the County.

A map was shown, which Mrs. Wilkins said was drawn by Mr. Schumann, indicating the buisness zoning and which map did not include the presently discussed site in the buisness area. It was shown that the homes in this area are all set back a considerable distance from the roadway which would make this school particularly objectionable to them. Mrs. Ray suggested that a commercial enterprise should not be allowed in this area which is strictly a high class residential area. It was thought that the suggested by-pass through this area which will run from Sleepy Hollow Road to Castle Road will come very close to the north side of the property line of Mrs. Spencer. This road would be a logical line at which to terminate commercial property and commercial uses.

Mr. Quade read a petition from the Buffalo Citizens Assn. opposing this use. The petition contained 58 names. They objected for the following reasons: The area is amply served by other schools of this category: While this property has been used in the past by schools, this association did protest this use but were assured that this was of a temporary nature, that these schools were a public necessity and at such time as sufficient schools were built this use on this property would be abandoned. Now that there are sufficient schools in the area - the Association opposes the continued use - on permanent basis as proposed here; This would create noise and traffic; the by-pass road contemplated for the Seven Corner intersection would furnish a proper line to stop commercial property. The 58 signatures represented home owners in the immediate area.

Mr. Verlin Smith questioned if the previous schools were noisy.

Mrs. Tagmeck, who lives near the proposed site, said she was representing eight others who were present opposing and stated that the schools were noisy and extremely objectionable but that they had been told that citizens could not object to a public school or a parochial school. Mrs. Tagmeck stated that this school has been operating for one week, that the children come from 9 to 6 and a sign has been put up at the corner of Sleepy Hollow Road indicating the new site of the Evergreen School.

Mrs. Wilkins said that Mr. Schumann, Director of Planning, had written Mrs. Spencer a letter telling her that this school could not be opened without approval of the Board of Appeals, that Mrs. Spencer had started the school in defiance of the letter, and a copy of this letter is in the case file.

Mr. Porter said as to the community being amply served by schools of this type - he asked where were the 'ample' schools for kindergarten and first and second grades. Mr. Porter said it was only a belief that this would be objectionable

there was no proof of that. This permit would actually be granted on a temporary basis, Mrs. Spencer has a lease for one year. Since her present lease was terminated suddenly and she has contracts to continue her school it was necessary for her to find an immediate location and since this property had formerly been used for schools she had thought there would be no objection here - that this would at least be no more objectionable than the other schools. This could be granted on a temporary basis until Mrs. Spencer could find another location. This is too large a home for private use - it is suitable only for commercial use. Mr. Porter said he did not know that this was not in the commercial zone - he accepted the surveyors plat as correct. If this is not correct, Mr. Porter said, he would apologize to the Board for presenting an improper plat.

Judge Hamel said he thought the matter of the present zoning should be cleared up.

Mr. Mooreland said according to the County zoning map the length of a zoning area was measured from the intersections of the rights of way and not from the centerline of the streets. This property is within the 500 ft stretch from the intersection of rights of way of Sleepy Hollow Rd. and Rt. 7 which would put it in the business zoning.

Mrs. Wilkins said she had discussed this with Mr. Schumann and according to Mrs. Schumann the length of a zoning area was measured from the centerline of the highway and the depth of zoning was measured from the right-of-way. This would put the property in question in suburban residence zoning.

Mrs. Wilkins said this case was different from the last case which the Board had granted as Mrs. Gubser has the full approval of the community and that school is for the community. This is primarily commercial in character and would not be operated for the community, that the children would come from other areas.

Mr. Porter said he thought at least one child would come from the area.

Mrs. Peach said she had called Mrs. Spencer regarding this school but that her child would attend the Juniper Lane School - not Mrs. Spencer's.

Mrs. Verlin Smith said that since there is a discrepancy in the ideas of the zoning - this zoning ~~description~~ classification should be established.

Mr. Brookfield thought that not important - as this is a use permit for a school.

Mr. Verlin Smith said that even if this is in business zoning the Board would control the school.

Mr. Verlin Smith said that this application could be granted under Section 12-F-2, Amendment effective April 22, 1954, if the location of such a school will not immediately affect adversely adjoining property, but it is evident that granting this will affect adversely property in the immediate area and therefore he would move to deny the application.

Seconded, Mr. J. B. Smith, Carried unanimously.

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24. Marian B. Anderson, for extension of private school, located at 622 Telegraph Road, Lee District.

This is the Brownie School. The applicant wishes to build a brick house on this property in which Mrs. Anderson will live and will use one room for extension of the school. This use has been granted by the Board and has been operating for some time. There are three school buildings on the property. They have about 205 children in the school - 10 acres in the tract.

There were no objections.

Mr. Verlin Smith moved to grant the application to the applicant only for an indefinite period - because this is an old established school on 10 acres of ground and it does not appear to affect adversely the use of adjoining property. Seconded, Mr. Haar. Carried unanimously.

DEFERRED CASES:

1. Robert C. Brown, to permit erection of carport closer to side lot line than allowed by the Ordinance, Lot 28, Blk. 16, Section 3, Springfield, Mason District.

This had been deferred to view the property. The neighbor most affected by this addition does not object and others in the area do not feel that this would affect them adversely. The house on the adjoining lot is set at an angle and therefore would be less affected by the addition here then if the carport were put back farther on the lot.

Mr. Verlin Smith noted that these are narrow lots and others could very well ask the same thing. Mr. Brookfield thought this was setting aaprecedent.

Mr. Verlin Smith said that in looking at the property they had agreed that because the side yard of this lot touches the rear yard of the joining lot which is a corner lot this neighbor would actually be adversely affected if the carport were put in the rear. The rear yards of several lots at this corner converge into a wide open space in the rear and if this structure were put in the rear it would block the rear yard for the other neighbors. Under these circumstances the Board thought this might be allowed.

Mr. Verlin Smith moved to grant the application because of the situation with regard to the corner lot the rear yard of which faces this lot, the applicant to be granted a setback to within 3 ft. of the side line. Seconded, Judge Hamel. Carried. Unanimously.

Judge Hamel also added that if the carport were in the rear it would block the rear view for the corner lots, as additional reason for granting this application. Mr. Smith accepted this addition.

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September 21, 1954

2. O. M. Horneland, to erect dwelling closer to street line than allowed by the Ordinance, Lots 25 and 26, Blk. 36, New Alexandria, Mt. Vernon District.

No one has been able to contact Mr. Horneland and no one was present to represent him. Mr. Verlin Smith moved to drop this case from the records - that the case be dismissed with no decision. Seconded, Mr. Haar. Carried unanimously.

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3. Vester Simmons, to divide lot with less frontage than allowed by the Ordinance, Lot 23, Lewis Park, Centreville District.

No one was present to discuss this case. Mr. Verlin Smith moved to defer this case again, Seconded, Judge Hamel. Carried unanimously. Mr. Verlin Smith suggested that Mr. Mooreland write Mr. Simmons a letter asking him to let the Board know if he had been able to buy more ground and to come to the next meeting with his plans on this or the case would be dropped.

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4. Hanna E. Hadeed, to permit an addition to motel and allow same closer to Road right of way line than allowed by the Ordinance, Part of Lot 1, Parcel A, Section 3, Boulevard Courts, Providence District.

The Board had seen the property and thought this might be granted because of a topographic condition. Mr. Hadeed's property is much lower than the other motels near him which practically obscure his entrance which puts his business at a great disadvantage.

Mr. Verlin Smith moved to grant Mr. Hadeed the same setback from the highway as the Westwood Motel, because of an adverse topographic condition. Seconded, Mr. Haar. Carried unanimously.

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5. Belvoir Sand and Gravel Corp., to operate a gravel pit on 35.688 acres of land, approximately 3500 feet north of intersection of Telegraph Road and King's Highway, Lee District. (Agric.)

This case was withdrawn by the attorney.

Letters were read from citizens regarding Poplar Heights Recreational Assn. concerning the entrance to the swimming pool at the end of Kennedy Street. Since the file on this case was not present, Mr. Brookfield suggested that this might be discussed at the Special meeting October 5. The Board agreed.

Mr. Verlin Smith said he thought something would very soon have to be done about including restriction on dog kennels in the Ordinance - that since there is practically nothing in the Ordinance giving the Board proper control - it could well lead to serious difficulty.

Mr. Mooreland said the Board had determined that dog kennels should come under farm - commercial animals.

September 21, 1954

The meeting adjourned.

John W. Brookfield,

John W. Brookfield, Chairman