October 5, 1954

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, October 5, 1954 at 10 a.m. in the Board Room of the Fairfax Courthouse, with the following members present: Messrs Brookfield, Verlin Smith, JB Smith, Judge Hamel, and Mr. Herbert Haar.

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

1 - Miller and Kelley, Inc. Mr. Gordon Kincheloe of Leigh and Kincheloe represented the applicant. Miller & Kelley, Inc., to permit location of dwellings close to property lines than allowed by the Ord., lots 49, 50, 51, Section2, Leehigh Village on Freeland Court, Centreville Dis

There were three lots involved all of which are located on a cul-de-sac which is the termination of Freeland Court. These are all large lots. Lot 50 has a contract of sale on it - the final papers are being held for this hearing. (houses are already built on all three lots). All the houses are located to observe the required 40 feet front setback. Mr. Kincheloe noted that the Ordinance says the Board can grant relief on cases such as this if it will not impair the intent of the Ordinance and if it would not be a detriment to joining property. Since this a dead end street and the houses located on a circle which has a 100 ft. diameter and the lots are large, Mr. Kincheloe said he did not think this would in any way violate the intent of the ordinance.

On lots 51 and 50, Mr. Kincheloe noted that there is a distance of 50 ft. between the buildings which actually meets the requirements.

It was brought out that there was no topographic condition here which might affect the location of the houses.

Mr. Kincheloe brought out that no other houses could be crowded in here as they could not maintain the required 50 ft. between the houses. Lots 50 and 51 have carports and there is a garage on lot 49. There is some work yet to be done on the house on Lot 49. As soon as the violation was discovered this application was made. The houses were laid out incorrectly by the builders, Miller and Kelley - not by a surveyor.

Mr. Verlin Smith said that since this is a dead end street and the lots in question are in excess of the minimum requirements and the houses already have carports or garage he would move to grant the application under Section 12-G because this is an exceptional situation also because this is a cul-de-sac and the houses do not line up with other houses and there has been maintained 50 feet between houses. Seconded, Judge Hamel. Carried unanimously.

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Mr. Hardee Chamblis was present to discuss the deferrment of the Timberlake case with the Board, especially with respect to Section IV, A, 15, c. Since this was to be an informal discussion and not to be included in the regular minutes of this meeting Mr. Verlin Smith moved to adjourn the

the meeting. Seconded, Mr. J. B. Smith. Carried.

John W. Brookfield

Mr. John W. Brookfield, Chairman

Following is the discussion with Mr. Chamblis which is not a part of the October 5, 1954 minutes:

Mr. Mooreland stated that his interpretation of the Ordinance had been that he could not grant Timberlake a permit under Section IV-A-10 but that it was necessary that application be made to the Board of Appeals under IV-A-15-c. Since there was a difference of opinion with regard to jurisdiction of the Board and the section under which this case should be allowed - Mr. Pritchard has filed application to come before the Board October 19 for interpretation of Section IV, A-9 and 10. The Board, therefore, asked for informal discussion and advice from Mr. Chamblis.

It was discussed whether or not this use was to be primarily for gain. Mr. Verlin Smith thought if it was for gain primarily the Board could not hear the case. It was brought out that when the initial expense is covered the project would certainly continue to operate for gain. Mr. Mooreland thought the Board would have to hear the case under any circumstances - and should then determine whether or not it was primarily for gain.

Mr. Chamblis said if the Board determined that this is for gain they could deny the case. It was brought out that the application itself had not been heard.

Mr. Chamblis said the Board did not have jurisdication at the previous meeting to interpret the ordinance since request for this interpretation was not properly before the Board. Mr. Chamblis said the Board did have the right to interpret the Ordinance where there is a dispute as to the meaning as stated in Section 12-d-4.

Mr. Chamblis noted that it probably will be said that the Board cannot extend the Ordinance but can only interpret. The purpose is to prohibit uses which are not in keeping and it is the obligation of the Board, Mr. Chamblis said, to interpret the Ordinance to carry out the intent of the Ordinance to the best of their ability. A project of this kind could grow into another Glen Echo.

The possibility of this case coming under Paragraph 9 also was discussed, - possibility of the applicant building cottages for summer guests for a period of from April to October.

Mr. Chamblis thought the Ordinance not clear here - this should be clarified. It was thought the meaning of the work Private as used in Paragraphs 7, 8, 9, and 10, probably is the same. All of this must be discussed and the Board make their decision on the interpretation and intent of the Ordinance.

In granting such uses, Mr. Chamblis said, the Board should keep in mind the intent of the whole Ordinance and the public good - as stated in Section 12, Paragraph G, the - and relate the decision on the use to that end.

Mr. Verlin Smith was still of the opinion that if this is primarily for gain, the Board cannot hear it. Mr. Chamblis said if this application was filed under Paragraph 15, the Board would necessarily hear it but if it is shown that the use is primarily for gain - the Board could deny it.

It was brought out that if this application were made under paragraphs 9 or 10 - it would result in the Ordinance allowing Mr. Mooreland's office to grant something which the Board could not grant - which was certainly not the intent of the Ordinance.

Mr. Schumann thought the matter of this being primarily for gain was not a point - that the applicant could very well say it is not primarily for gain, and for this reason the 'for gain' issue should not be raised.

Mr. Chamblis quoted from various decisions showing how short quotes could be used before the Board which could be misleading and cautioned the Board to relate their decision to the intent of the Ordinance, the public good and to the merits of this particular case - and he stressed the importante of the fact that it is not the intent of the Ordinance that the zoning Administrator could grant uses which the Board could not grant.

Mr. Schumann suggested that with attorneys appearing before the Board in these cases the Board should have legal counsel to advise on statements made which could be either wrong or misleading. Mr. Marsh agreed stating that he thought an attorney should be present at all Board of Zoning Appeals meetings. Mr. Chamblis said if he were present it would be just as legal adviser on questionable points.

Mr. Marsh strongly advised the Board to ask for Mr. Chamblis' advice on these matters as he considered Mr. Chamblis to be the best versed attorney on the Zoning Ordinance in the area. Mr. Marsh said his office did not have the personnel to assign anyone to the Board nor did he have anyone whom he thought as able in this matter as

October 5, 1954

Mr. Chamblis.

Mr. Schumann suggested that the Board pass a resolution requesting that Mr. Chamblis be retained in the Timberlake case. Since the Board had adjourned and could not properly reconvene it was agreed that Mr. Brookfield ask the Board of Supervisors that Mr. Chamblis be retained for this hearing.

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With regard to the Spencer nursery school case - Mr. Mooreland asked if anyone beside the applicant could ask for a rehearing. Mr. Marsh said no, in his opinion, only the applicant could ask that. It was noted that the owner of this property had asked for a rehearing. Since a court action is pending in this matter, Mr. Marsh said he thought that no judicial body would allow a rehearing while such court action is pending.

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By John W. Brookfield
John W. Brpokfield
Chairman

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October 19, 1954

The regular meeting of the Fairfax County Board of Zoning Appeals, was held Tuesday, October 19, 1954, at 10 a.m. in the Board Room of the Fairfax County Courthouse, with the following members present: Messrs, J. W. Brookfield, Verlin Smith, J. B. Smith, Herbert Haar, and Judge Charles Hamel.

The meeting was opened with a prayer by Judge Hamel.

1. Harry C. Sipe, Jr., to permit dwelling closer to street line than allowed by the Ordinance, (35.1 feet), Lot 37, Section 3, Salona Village, Dranesville District. (Suburban Residence).

Mr. Trueax represented the applicant. This is a corner lot and the house violates at just one corner. The basement is in. Both the neighbors on lots 36 and 38 and the people living across the street have said they do not object to this violation. This is located about 3/4 mile from rt. 123. This dwelling was located incorrectly because the road runs at an angle and the lot is irregular in shape, making it difficult to locate the property lines.

Judge Hamel moved to grant the application in view of the fact that this appears to be an honest mistake and it does not adversely affect adjoining property and the nearest neighbors do not object, and this is an irregular shapad lot. Seconded, Mr. Haar. Carried, Unanimously.

2. Bernard H. Putziger, to permit an addition to dwelling closer to street line than allowed by the Ordinance, located 1/4 mile east of Mt. Vernon Boulevard on on north side of Herbert Springs Road, Mt. Vernon District. (Rural Residence). Mr. Rauth represented the applicant. The house was placed at an angle on the property. It was thought that Herbert Spring Road is a private road, and the house is50 feet from this road. The applicant wishes to put an addition on (a room and bath and a utility room) which would come about 41.03 feet from the private road. The addition could not go at the back of the house because a pool and the well are there and due to the design of the house the addition could not be put forward. Therefore this is the only place he could have the addition. This is the only house in the block. Most of the property in this area is cut up into small estates. This would be a 9 or 10 foot variance. The property is about 900 feet from the Memorial Highway. Herbert Spring Road is about 11 feet wide and it was questioned whether or not this has been dedicated. The people in the area keep up Herbert Spring Road - it serves four homes and dead ends at the river.

Mr. Mooreland said there would be no setback requirement from a private road but he thought this was a dedicated road as it is shown on the map, therefore, the setback should be 75 feet from the centerline of the road. However, if this is a private road this setback would not be required.

Mr. Putziger said he had spent quite a bit of money and work in keeping up this road which he had always understood was private. Mr. Mooreland suggested that this case be deferred to determine the status of this road- to see if the deed shows a right of way.

Mr. Verlin Smith moved to defer the case until someone could check the records to determine the status of the road. Seconded, Mr. J. B. Smith, Carried unanimously.

It was found later that this is a private road therefore this application does not apply. The case was dismissed.

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3 - O. E. Coleman, to permit the erection of a garage closer to Woodridge Road than allowed by the Ordinance, Lot 3, Block 7, Section 4, Wellington Heights, Mt. Vernon District. (Rural Residence).

Judge Fitzgerald represented the applicant. Judge Fitzgerald said that this is a short dead end street - ending in a cul-de-sac. A side street comes in here and the garage would be too close to this side street. There is a high bank to the rear of the house which would prevent locating the garage back. The other houses on this street are higher than this one. The architectural design of the house would prevent locating the garage on the other side. The other houses are all far apart and are on higher ground and therefore

their view would not be obstructed by this, and it is located back far enough that it would not be a traffic hazard. The residents in the area who would be most affected had signed a statement saying they did not object - in fact they thought it would be an improvement to the community. This is a two level house but being low it would not hurt anyonelse. The garage is now located in the basement which they would like to convert into a recreation room, furnace and utility room, and laundry. The house is back 100 feet from the intersection.

Mr. Coleman said he had worked out this addition with his neighbors to assure that it would not be objectionable and would conform to houses in the community. This addition would give him privacy in his back yard.

Mr. Verlin Smith suggested excavating in the back for his addition and that Mr. Coleman continue to use his present garage. Mr. Coleman thought it would be too expensive to excavate.

Mr. Mooreland suggested that this might be granted because of topographic conditions.

The applicant would like a 30 ft. setback. The breezeway would be 12' X 12'. If it were made smaller it would detract from the house.

Mr. Verlin Smith said that because of the large variance he would like to see the property. Mr. Haar suggested cutting 5 feet off of the addition, either that or defer the case. Mr. Coleman suggested that the Board view the property, as he thought they would find that this is reasonable.

Mr. Verlin Smith moved to defer the case to view the property, seconded, Mr. Harr, carried unanimously.

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4. Charles F. Amsbaugh, to permit the erection of a carport and screen porch closer to side lot lines than allowed by the Ordinance, Lot 39 and 1/2 of Lot 40, Engleside Subdivision, Mt. Vernon District. (Rural Residence).

There is a hedge on the side line. The Applicant wants a 4 ft. setback on one side for the carport and 5 feet on the opposite side. He thought this would be an improvement to his house and to the community.

This is an old subdivision, and a narrow lot, Mr. Mooreland said, and he could allow less than the requirements - but this was a greater variance than his office could grant. The house is cinderblock construction.

Mr. Amsbaugh said he could not see the owner on one side as he is renting that property - on the other side the house is being sold and

he did not see the owner. There were no objections. One neighbor's house is 14 feet from the line and the other house is 20 feet from the line.

There are two outbuildings in the rear yard one of which is at present being used for a garage but which Mr. Amsbaugh wishes to use for storage and a shop. Mr. JB Smith suggested that that building could be used for a garage. It was brought out that the driveway is already in to the present garage.

Mr. V. Smith thought the screen porch all right but not the carport. He moved to deny the carport because there is no hardship involved and the applicant already has a garage with the driveway in but that the screen porch be granted because this is an old subdivision and because of the narrowness of the lot and there appears to be a hardship on the applicant to deny this. Seconded, Mr. JB Smith. Carried unanimously.

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5. Clifford P. Wonn, to permit an addition to dwelling with less setback from street line than allowed by the ordinance, lot 1, block 4, section 2, Wiley Subdivision, Mt. Vernon District. (Agriculture).

This would be a 5 foot violation on a corner lot. This would appear to be the most feasible place to put this addition as the septic tank and drain field are in the rear.

Mr. JB Smith suggested making an off-set for the addition which could meet the requirements. Mr. Wonn said this would run into his drainage field. Mr. Wonn did not think this would obstruct the view of other houses because they are set back so far. The nearest house is about 150 feet away. Both streets coming in here end in a cul-de-sac.

Judge Hamel moved to grant the application in view of the fact that it does not appear to affect adversely the surrounding property and the streets on each side of this property dead end within a short distance. Seconded, Mr. Haar. Carried. Unanimously.

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6. Irvin D. Black, to permit the erection of dwelling closer to side lot lines than allowed by the ordinance, lot 312, section 3, Lake Barcroft Estates, Mason District. (Suburban Residence).

This is designed for a 73 foot rambler with a double garage under the house. The lot has 116 feet frontage with an 80 foot rear line making it difficult to comply with requirements. The only way he could comply with setback requirements would be to cut down to a one car garage

which Mr. Black said he did not want. He had tried all ways of locating the building on the property to meet setback but this seemed the most desirable and would be asking the least variance. This will be 14 feet on one side, and 10 feet on the other side. Mr. Black thought to cut down the size of the house would destroy its architectural beauty. It was brought out that Mr. Black knew the size of his lot when he had the house designed. There is a house being built on one side of his property and Mr. Black owns the lot on the opposite side. There will be approximately a 20 ft. side setback on house on the joining property.

If the applicant took about 6 feet from the joining lot which he owns to give more width to this lot he would destroy the frontage requirement of the joining lot.

Mr. Mooreland questioned amending the Ordinance. He felt that Mr. Black had bought this lot knowing its size then tried to squeeze too large a house on it. He thought the house should be designed to fit the lot.

Mr. Black said it would be expensive to re-design his house.

Mr. Verlin Smith moved to deny the case because he thought it was not up to the Board to make corrections in an architects plans when he had designed a house too large for the lot and there is no topographic condition here and no hardship to the applicant. Seconded, Mr. J. B. Smith. For the motion: Verlin Smith, Mr. JB Smith. Voting No: Judge Hamel and Mr. Haar, Mr. Brookfield not voting. Motion tie.

Mr. Black suggested that this would be a tax asset to the County.

Mr. Haar moved to defer the case for Mr. Black to revise his plans to conform to the zoning ordinance requirements. Seconded, Judge Hamel. Carried.

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7. M. L. Hays, to pem it garage as built 15.1 feet to side lot line, lot 3 section 1, Lincoln Heights, Lee District (Agric.)

Douglas Adams represented the applicant. There has been a great deal of trouble in this, Mr. Adams said - in the beginning the house was to be built by Mr. Strother. The garage was located 15.1 foot from the side line which would be a variance of 4.9 feet. The builder made a mistake in locating the house. The house was completed-located in violation. The neighbor on joining property questioned the location of the building. Therefore this application was made. The house could have been located better on the lot as there is room to spare. Mr. Beaty was present to object. He owns the joining lot. [redacted]

Mr. Beaty said he had told Mr. Hays of the violation in location but that Mr. Hays did nothing about it. Mr. Beaty's lot is vacant. Coming this close to his line, Mr. Beaty said, would require him to build a smaller house on his lot or he could not sell his lot because this building would be so close to whatever he built on his lot. He noted that this is a 20 ft. garage.

Judge Hamel thought that since the building is already built - it is brick construction and it was simply a mistake in the location - that it would be expensive and a hardship to tear down any of the building, but he thought it very unfortunate that such things can happen and that they should be controlled - but he did not know exactly how that could be done.

Mr. Adams said this house was completed in July by Mr. Strothers, the builders, it was sold to Mr. Foster with a FHA approved loan. Then Mr. Mays came into the picture.

It was questioned how this got by FHA if it was inspected. No answer on that.

Mr. Haar said this was a bad thing and he thought the Board should have more information on how it happened.

Mr. Verlin Smith thought that perhaps a 4.9 foot variance could not actually affect the value of the joining lot when this lot has sufficient area to take care of a house this size. Mr. Verlin Smith moved to defer the case to view the property. Seconded, Mr. Haar. Carried unanimously.

Mr. Adams thought the garage actually provided more privacy for the joining property.

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8. Gilbert F. Wagner, to permit erection of garage closer to side lot lines than allowed by the ordinance, lot 47, section 2, Westmore Gardens, Dranesville District. (Suburban Residence).

Mr. Wagner said he would like to come 5.5 feet from the side line. The house on joining property is about 20 feet from his line. The original plans had shown the garage but Mr. Wagner said he felt it was too expensive at that time. There is a steep grade on the other side of the house and the driveway is already in on this side. This will be brick construction. This will extend 3 feet above the first floor level. The rear yard is also steep and is very low. Mr. Wagner thought it would

be dificult to sell this house without a garage.
There were no objections.

It was suggested that a 10 foot garage might be sufficient. This would necessitate moving the driveway, Mr. Wagner said. He noted that all other houses in the area had garages on the side.

Judge Hamel said he could see no reason to grant this in view of the position the Board has taken in similar cases. He moved to deny the case. Seconded, Mr. Haar. Carried, unanimously.

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9. Warren R. Bailey, to permit erection of a carport closer to side lot lines than allowed by the ordinance, Lot 52, Section 3, Franklin Forest (3938 Lorraine Avenue), Providence District. (Suburban Residence).

There is a side road on the side opposite where the applicant wished to put on this carport. However, that road has not yet been put through. A house is being built on Lot 53. This carport is an integral part of his house plan, it will come within 5 feet of the side line. This would appear to be the only place the carport can be located as the road is on the other side, and the lot is rugged and hilly in the rear. There are actually three levels to the lot with big drops between levels. They had considered putting this on the rear but it would cut up the picture windows in the living room and too the ground is rugged, with about 8 foot drop. There will be a small covered entrance between the house and the carport. The septic field is in the rear.

Mr. Verlin Smith suggested moving the carport back of the entrance. Mr. Bailey said that too would cut the view of the window. The house could have been better located on the lot to allow for this addition.

Mr. Verlin Smith thought it might be all right if the carport were located not closer than 8 feet from the side line. It was noted that there must be room for the casement windows to open. There were no objections.

Mr. Verlin Smith moved to grant the carport to be not closer than 8 feet from the side line of the property and that the carport shall not encroach on the front setback line-granted because of topographic conditions. Seconded, Mr. Haar. Carried, unanimously.

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10. Philip W. Allen, to permit location of closed porch closer to street line than allowed by the ordinance, Lot 50, Fairlee Subdivision, Providence District. (Rural Residence).

Mr. Allen said that he would remove the existing porch on the front of the house then he would construct an enclosed porch on the front for entryway, which would incude a coat closet and bedroom closet. He would come 43 feet from the front line. People living on both sides of him and across the street, Mr. Allen said, have stated they do not object to this. They are the three people most affected.

The lot is level in front, Mr. Allen said, and slopes gradually down in the rear. His well is at the corner of his house and the septic in the rear.

Mr. J. B. Smith suggested putting this on the side, but Mr. Allen said his fireplace chimney was there on the living room side and the coat closet would be very inconvenient on the opposite side. This actually would be the same as the open porch which is there now, except that it is enclosed. This is a dead-end street which would never carry a great deal of traffic. The street ends in a cul-de-sac.

Mr. Verlin Smith moved to deny the case because there does not appear to be any hardship involved and there is room in the rear and on the sides for this construction and it is not within the minimum requirements of the ordinance to put this construction on the front of the house. Seconded, Mr. Haar. Carried, unanimously.

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2. At this point Mr. Mooreland said it had been found that in the Putziger case the road in question is a private road and therefore the Board has no authority and suggested that the Board dismiss that case. Mr. Verlin Smith so moved, seconded, Mr. Haar. Carried.

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11. Jesse L. Lyerly, to divide lot with less area than allowed by the ordinance, Lot 25, Glen Alden Subdivision, Centerville District. (Agriculture).

This is an old subdivision recorded in 1939. The house is 12 feet from the house next door. Mr. Lyerly's property is 145 feet x 300 feet. He is giving part of this lot (the rear part)

to his daughter with a 20 foot easement to the rear lot. This would be only one square foot less area than required to meet the ordinance. There were no objections.

Mr. Verlin Smith moved to grant the application because this does not appear to affect adversely joining property and there is only one (1) square foot less area than required by the ordinance. Seconded, Mr. Haar. Carried unanimously.

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12. Barcroft Terrace, Inc., to allow lots to remain as divided with less area than allowed by the Ordinance, Lots 16, 17, 18, 19, 20, 21, 22, Section 1 and lots 36, 37 and 38, section 2, Barcroft Terrace Subdivision, Mason District (Sub. Res.)

Mr. Harry Otis Wright represented the applicant. Mr. Wright said they had run a line 2000 feet long and at the end of the line it was found to be 3 feet over on other property. In order to locate the line properly on Barcroft ground it took a small amount off of the rear of each lot. This is rugged ground, Mr. Wright said - they had to work over a couple of hills and it was difficult to hold to complete accuracy. They could not change these lots by addition at the end of the 2000 feet line as houses were already built there and coming before the Board appeared to be the only way out. The variances are small ranging from 212 square feet to 12 square feet less area than required. There were no objections.

Mr. Haar moved to grant the application because this does not appear to affect adversely joining property and the area which is short is not more than 1% on two lots and all amounts of violation are small. Seconded, Judge Hamel. Carried, Unanimously.

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13. Mrs. Louise Gazlay, to permit a Not New and Do It Yourself Shop, west side of Backlick Road #617 north of Springfield Subd. (Luthern Parsonage), Mason District (Urban Res.)

Mrs. Gazlay said she is planning a community consignment shop for hobby materials. She would use the basement and perhaps some room upstairs. This has been used as a parsonage. There would also be some reconditioning of toys. Things would be brought in on consignment and sold. She would not make enough out of this to locate in a commercial zone, Mrs. Gazlay said.

It was suggested that this was like the business venture near the Gooding shop which came before the Board some time ago. Mr. Brookfield thought this was establishing a commercial use in violation of the ordinance.

Mr. Olson from St. Marks Church said they wanted to sell this property and they were having a hard time moving it as a residence. There is no objection in the area to this use.

Mr. Mullen said he had sold this to the church when they had planned to build. Then they bought property in Crestwood. This piece of property has been a problem, Mr. Mullen said, It was hard to sell because of the "house that Jack built" type of architecture. He was sure that Mrs. Gazlay was a good purchaser that her business was limited and the use could be granted to her only and not transferable. He felt that this was a good change to get rid of this "white elephant" for a purpose which is not objectionable. There is no objection in the area.

Mr. Verlin Smith said that property across the street from this is up for rezoning before the Board of Supervisors - he thought this might be deferred as it might have bearing upon that case, however, Mr. Verlin Smith moved to deny the application as it appears to be establishing a business in a purely residential zone. Seconded, Mr. JB Smith. Carried. Judge Hamel not voting.

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14. Springfield Swimming Pool Club, Inc., to permit a swimming pool and incidental buildings thereto located on northern portion of Block 52, Springfield Subdivision, on proposed Highland Avenue, Approx. 2100 feet west of intersection of Gloucester Avenue and Highland Avenue, Section 3, Springfield Subdivision, Mason District.

Mr. Singleton represented the applicant. This is an outgrowth of plans of the Springfield Citizens Association to have summer recreational facilities in the area. A committee had been appointed to study the best manner to proceed in this and they decided that a separate association should be created. They had studied many sites but this was the only one which had met all requirements. The engineering committee had made a preliminary design for the pool and related facilities. This ground is being purchased from the Crestwood Corporation. This is a non-profit, non-stock corporation. They will have sewer and

and water connections.

Mr. Shoemaker said definite plans were being worked out - they will have off street parking for 72 cars. This project is designed to take care of 500 families. (The pool is designed in accordance with Federally approved plans). Mr. Shoemaker said he was representing people living in the immediate area.

There were no objections.

They will get final approval of the Health authorities, Mr. Shoemaker said. Mr. Brookfield said the Park Authouity had approved this.

They will start work this winter to be ready for use about May of next year. The tract contains about 4.82 acres.

Mr. Verlin Smith moved to grant the application because it conforms to Section 12-F Par. 2, granted with the understanding that the applicant complies with all health andother requirements and provided sufficient off-street parking is provided to take care of all users of the project and that final plans shall be submitted to the Board before construction starts. Seconded, Mr. Haar. Carried unanimously.

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15, Clarence A. Fowler, to permit the operation of a convalescent home in the present dwelling known as Briarwood Manor on north side #211 just west of Happy Hour Pavilion on 38 acres of land Centreville District. (Agri.)

This is a 38 acre tract - and there appears to be no objection in the area to this use, Mr. Fowler said. There are many commercial uses in the area already. They plan to take about 12 patients, their state license calls for that number. Mrs. Graham of the State has said that there is no mandatory state inspection if they have 12 beds or under. The captain of the fire department in Centreville has said that the building is satisfactory. They have steel doors at the four exists.

Mr. Mooreland suggested that they have approval of the local County Fire Marshall.

Mr. Verlin Smith moved to grant the application because it does not appear to affect adversely the use of adjoining property, this is granted on the 38 acre tract and is subject to the control of any local or state authorities and any new ordinances or controls covering same which may be enacted and this is granted to the applicant only for a period of three years. seconded, JB Smith

16. Pimmit Development Corp., to permit use of property for a service station at the N. W. corner of Paxton and Petterson Roads, Pimmit Hills, Dranesville District. (General Business).

Mr. Lytton Gibson represented the applicant.

Mr. Gibson said he thought this a logical use for this business property, that they had agreed, because they knew there would be objections in the area, to put in an evergreen hedge along the property line facing residences which would be affected. There are commercial activities in the area, Mr. Gibson said, and this located away from the highway would be a strictly local business particularly for people in the subdivision. They would arrange the lighting so the rays will be directed away from residences in the area. Mr. Gibson noted that since this is zoned for business there are a many other types of business which could go in here without a permit which would be far more objectionable than this. He mentioned a White Tower Hamburger stand or a bowling alley. This station will be porcelain faced and well designed. A shopping center is being developed on business property across the street.

Mr. Whytock objected, representing the Citizens Association and others in the area who were opposed. Many of the people most affected had a meeting just the night before and voiced their disapproval of this. They thought this use showed lack of overall planning on this shopping center. There are nine shops planned for the business development and Mr. Whytock thought that if the grouping had been better planned they could have had a cleaner and less objectionable business near the homes. He thought that since there was to be no transient trade - if this should not be a success they would be left with a vacant eyesore. He thought this would concentrate traffic in a residential area and would draw cars on the residential side of the commercial ground. He thought the lighting had been well disigned but that it was impossible to shield the lights entirely, that while the lights will be directed toward the station - the lights would also go beyond the station and would be annoying. He thought this would be very unpleasant to have these bright lights on when it was children's bed-time. The fumes from the station would be a health menace-especially when filling the large tanks. There are homes within 50 feet of this and the constant filling of cars with gas and the traffic would be noisy and most unpleasant.

It is the history of filling stations that they pile their junk in the rear of their building. This would be visible to homes and would certainly be obnoxious. It is shown by the fact that a special permit is required for a filling station that the County feels they need special control, Mr. Whytock said. Also the Ordinance says that filling stations should be concentrated in compact groups. This one is alone. The nearest filling station is about 3/4 mile either way. Also this would be located at the top of a hill and the drainage will come down the two roads, Paxton and Patterson. These streets cannot handle the water flowing through them now, the ditches are being undermined and the roadway and yards badly damaged. Additional traffic would be difficult to handle without widening the road and storm sewers. Mr. Whytock said they would prefer almost any other kind of business here. There were ten people present opposing.

Mr. Nigh who owns property joining this site (along a 500 foot line) said that this development would change the natural course of the water. He said they had been told that curb and gutter would be put in when commercial development took place here - which would take care of the drainage.

Mr. Gibson said drainage would be provided to take most of the flow to Route 7. This land will be built upon , Mr. Gibson said, water or no water. There are about 1500 homes in the area and only a few would be adversely affected Mr. Gibson thought the additional traffic would be negligible as there is already business there and naturally-traffic. Mr. Gibson said he thought this should be considered in the light of the fact that some business would go here and in the case of the filling station they are willing to do everything they can to lessen any hardship to property owners affected. They will be glad to change the lights so they will shine down if they so desire. They will also furnish proper drainage. He thought the overall bad affects would be very small.

Judge Hamel said that since this is general business property it was obvious that something else moreobjectionable could be put in here, he therefore moved to grant the application. Seconded, Mr. Haar.

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Mr. Whytock asked that it be included in the motion that this be granted subject to final approval of the plans which were filed with the application in order that the Planning Commission will be sure that these plans are followed. These plans should include final specifications as drawn up, and this is granted in accordance with Section 16 of the Ordinance. This was accepted in the motion. Seconded, Mr. Haar. Carried, unanimously

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17. Garfield, Inc., to permit service station and to have pump islands clsoer to right of way lines of Roads than allowed by the Ordinance on the west side of Backlick Road, #617, approx. 405 feet north of Franconia Road, #644, Mason Dist. (General Business). Mr. H. T. Hobson represented the applicant. They are asking a 25 foot setback for the pump islands - otherwise this is just a use permit, Mr. Hobson, and the applicant can comply with the ordinance. Backlick Road at this point is dedicated 30 feet wide, Mr. Hobson said, and this intersection is under study by the Highway Department. They had conferred with General Anderson a number of times as to what should be done here and had been promised an answer as to what the highway Department will recommend for all the roads here but so far there are no overall plans. Because they are waiting for a answer from the Highway Department as to thier recommendations, they are in no position to dedicate more rightof-way here or to establish a definite setback line. It may be that 15 feet will be needed maybe less in other places the road varys in width - there is no certainty in what will be needed nor what will be done. The permit to construct the road to Franconia has been granted and is under construction.

Mr. Holland asked the Board to forget that there were drawings of curb and gutter on the maps presented as the plans for them will necessarily have to be worked out with the Highway Department as there has been no pre-committment as to what will be acceptable to the Highway Department. Any variation on Backlick Road, Mr. Holland said, could not be figured exactly where the curb and gutter would go - therefore this should not be in the granting of this application. Backlick Road varys in width along the entire route and what to do about that is not before the Board but the County will naturally acquiesce to what the State wants at this main intersection.

Mr. Schumann said that since it is not known in detail what

what the latest drawings of the Highway Department are and there is no agreement where curb and gutter will go therefore this should not be considered in the decision - for location of curb and gutter we must first have the reaction from the Highway Department. If Backlick Road is the same as it is now the Planning Commission will want 40 feet from curb to curb.

Mr. Brookfield asked that if the Planning Commission had no plans for this how can the Board of Appeals act? Mr. Schumann said the Highway Department would control the location on the west side. The Planning Commission wants 44 feet from the East side unless the Highway Department says differently.

Mr. Brookfield thought something should be presented to the Board of Appeals making some kind of a decision - there seemed to be no stand taken anywhere.

Mr. Holland said if the Board wiped out thoughts of the curb and gutter, since it would not be constructed now anyhow, they could consider just the setback. If the Highway Department wants 11 or 15 feet there is still room for that and there would be no conflict. They would like the pump islands 25 feet from the right of way and the building will be 50 feet back.

Mr. Brookfield questioned the propriety of granting something that was not planned - he thought the Board could not act until this intersection and right of way was planned.

Mr. Carr was asked what he thought. Mr. Carr said he hadn't realized just what the situation was here - it was possible something definite should be planned before asking this. Mr. Brookfield said there was no specific location, no right of way, no decision on road location, he thought there were too many things that should be decided upon before building here. He thought the Board had no right to go ahead with this.

Mr. Schumann thought the Board could handle the case - just considering the filling station permit and the pump islands setback.

Mr. Verlin Smith said ingress andegress would have to be shown.

Mr. Schumann said that since curb and gutter would not now be put in he felt the Board should disregard that. The Planning Commission operated on a basis of 60 ft. right of way here unless the Highway Department says differently.

Mr. Mooreland suggested granting 25 feet from the finally decided right of way. Mr. Schumann said they didn't know when the Highway Department would make their decision. Mr. Verlin Smith said this was a very important intersection, and should be carefully considered.

Mr. Hobson suggested that they could go ahead with the building and hold up on this one pump island until it is known where the right of way is or until they could get approval from the state. Mr. Holland agreed and suggested the Board granting the station and two pump islands without variance on setback and refer the third bank to the Planning Commission.

Mr. Carr thought it would be all right to go ahead with the station leaving out this one pump island, that there is plenty of room at this intersection. If the road goes straight it should have a 60 ft. right of way. He thought when plans here are straightened out the third pump island could be put in. They could dedicate additional width if the Highway didn't make a decision.

Raymond Lynch was present in opposition. The Lynch business development is across the street from this property. Mr. Mullen also has property near this intersection. Mr. Lynch said he and Mr. Holland differed because he was interested in keeping Backlick Road as the main artery here and Mr. Holland was not. Mr. Lynch felt that since Backlick road was so heavily traveled sufficient room should be left for the widening of that road. He thought a 25 foot setback in the proper place was all right but here it would not leave room for future development of the road. Mr. Lynch thought that the distance from face to face of the curb should be 47 ft. He wanted assurance that the curbs would not be put in as indicated on the plats presented.

Mr. Hobson suggested that they could come back 10 ft. farther with the pump islands. Mr. Carr suggested that if the Board gave them a permit on the service station all except this one bank of pump island - that that pump island could be decided upon later.

Mr. Verlin Smith said he did not want the inference that the Board would be willing to grant a 15 or 20 ft. setback later when the width of the Backlick Road is settled.

Mr. Mullen said he too wanted to keep Backlick Road in its present location and not-by-pass it as has been suggested, since this is an old well established road with sewer and water lines in and already well defined development on this road.

Mr. Verlin Smith moved that a permit be granted for the filling station with no variances from the Ordinance andthis shall be subject to the approval of the State Highway Department for ingress and egress. (Thus the pump island on Backlick Road was not included in the granting). Judge Hamel seconded the motion. Carried. Mr. Brookfield voted no.

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18. William F. Robertson, to permit service station andto have building closer to rear lot line than allowed by the Ordinance and to allow pump islands closer to read right of way lines than allowed by the Ordinance at the N. W. corner of Arlington Boulevard and Cherry Street, Falls Church District. (Gen. Busi.)

Mr. Robert McCandlish represented the applicant. Mr. McCandlish said they had planned this location carefully and felt that by setting the pump islands back 22 ft. from the right of way it would allow the building to be located so it could be seen and at the same time would not be detrimental in any way. This is expensive ground, Mr. McCandlish noted, and they wish to use it to the best advantage. The actual difficulty in meeting setbacks has been caused by the fact that this property joins residential property in the rear and therefore must add an extra 25 feet in setback on that side. The property is odd shaped and actually would be useless to the owner if he could not develop here without some variance. A filling station is about the only practical use for the property. With the 22 ft. set-back on the pump islands and a 5 foot variance in the rear the ground would be very well utilized. The lot is high at the rear, in back of the station.

Mr. Brookfield suggested locating the pump island 25 ft. from the front line instead of 22 and push the building back farther - granting a little more variance in the rear. Mr. McCandlish discussed this with his client - (this would encroach 8 feet in the rear).

Mr. Phillip Burch objected. He is the adjacent property owner, his property joining this business lot for 357 feet. His home is back 60 feet from Cherry Street and 41 feet from the side line of this property. The business lot has a narrow frontage on

Cherry Street. He thought this filling station should be located some other place where it could meet the required setbacks. Mr. Burch recalled that on the general business zoning across the street a 50 ft. buffer strip between the rear of business and residential ground had been required by the Board. He thought the same should be observed here. Mr. Burch also noted that Arlington Boulevard is a high speed highway carrying a great deal of traffic and this would add a definite traffic hazard at Cherry Street. He said that the purchaser had known when he bought this property that this property would not accommodate the establishment of this business.

Mr. McCandlish contended that the Board had not required a buffer strip here and therefore that was not a point in question. He noted that this property could be developed into many other kinds of business without having to go before this Board. As to the traffic, Mr. McCandlish said the Highway Department would take care of that - it would be up to that agency to either grant or refuse access. Mr. McCandlish said in his opinion all this property in this area along the Boulevard will be developed in business and that it would be a great hardship to the owner of this expensive piece of land to be refused the use of it.

Mr. Brookfield agreed that this was a hardship for the joining property owner - but he thought this may be a reasonable request.

Judge Hamel moved to grant the application subject to the pump islands being located at least 25 feet back from the front right of way line and that he be granted not more than an 8 foot variance in the rear - that this be adjusted to make up the difference, and this is granted subject to the approval of the Highway Department for ingress and egress. Seconded, Mr. Haar. Carried unanimously.

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19. Darrell S. Parker, to permit operation of dog kennel on 17 acres of land on south side of #50, approx. 1/2 mile west of Pender, Centerville District. (Agric.)

Mr. Parker said he would like to raise dachshunds on his 17 acre tract. The building where the dogs will be kept would be 12 X 18 feet. The dogs will be kept inside. They will keep about 10 dogs. There are but a few scattered houses in the area and Mr. Parker said he did not think anyone would be annoyed.

Mr. Schumann said if the Board continues to grant permits along this highway for commercial uses - there probably would be

no end to it - especially the stretch between Kamp Washington and Centreville, where there are already indiscriminate business uses.... He suggested that the Board defer this to see the property and that they refer this to the Master Plan for comparison with this and what the master plan will show.

Mr. Brookfield thought that a good idea.

Mr. V. Smith moved to defer this case for 30 days to view the property and to give the master plan staff time to study this application and report or suggest to this Board. Seconded, JB Smith. Carried unanimously.

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20. Wilfred Robinson and Francis E. Johnson, the owners desire to take, level, grade the land, soil, sand and gravel in the said tract and to strip it in such a way as to prepare this tract for development on 35.688 acres of land, 3500 feet N. W. of intersection of Kings Highway and Telegraph Rd, Mt. Vernon District. (Agri.)

Mr. Andrew Clarke and Mr. Moncure represented the applicant. Before the new regulations on April 21, 1954 Mr. Clarke said there was nothing in the Ordinance to prevent the applicant from carrying out the work proposed here. But provisions of this amendment regarding "soil, sand and gravel stripping", and the topographic requirements have made it necessary to make this application.

Mr. Moncure said Mr. Cross (engineer) has prepared the grading plan and the Planning Commission, who reviewed this plan, have asked for a few changes which they will make. One of the conditions is that they operate no closer than 25 ft. from the joining school property - which they thought all right.

As the ground is, Mr. Moncure said, it is not suitable for subdivision purposes. There are many irregular wooded ridges which need to be leveled. They will operate in about a 35 acre tract - grading the property in conformity with the entire tract. There will be no washing of gravel - it will all be truck removed. It was stated that the Rose Hill people had objected to this because they wanted the trucks to go out King's Highway to which they have agreed and the Planning Commission have also agreed to that. It was also asked that a 100 ft. buffer strip along Telegraph Road be left - they have agreed to that also. The property owner most affected lives

about 300 feet away in Virginia Hills.

Since grading on this property is necessary before the subdivision can go forward and there is gravel on the property, this would appear to be a logical request. (It was noted that gravel was taken from this area before the Civil War). These people, Mr. Moncure said, will not leave sink holes, the ground will be left in accordance with requirements of the Ordinance, and a refusal to allow them to remove a natural resource from the ground and therefore put it in shape for subdivision purposes would be depriving the owners of a natural use of their ground.

It was brought out that the elevation of the school property is about 240 feet - the finished grading will slope away from the school property at a ratio of 4 to 1.

Mr. Reamy appeared in opposition. Mr. Reamy represented the Happy Valley Citizens Association. He thought if the applicant lived near such a proposed project he too would object to the noisy machinery, dust, dirt, tearing up of roads, and the hazard to children. Mr. Reamy said he had spent a great deal of time trying to get a better road here and such an operation as this would tear the road up again. He also thought this application had been misconstrued in the advertising when it said "take, level, and grade the land etc." which he thought misleading, that it is simply for a gravel pit. He did not think the wooded strip to be left as a buffer would block the noise and dirt. This is a nice residential section, Mr. Reamy said, and the development of a subdivision was certainly not objectionable - but he did think this excessive grading and gravel hauling was detrimental. The Virginia Hills Citizens Association had also objected, Mr. Reamy said because of the nearness of this operation to the school, dust, and noise - all of which would be hazardous to children.

Judge Hamel asked how long this operation would take. There was no definite time stated - but it was brought out that this was certainly not a permanent thing.

Mr. Reamy said he lives about 8 or 900 yards from this property, on Telegraph Road.

Mr. Moncure noted that this is only 35 acres - part of a very large tract and even though it would be noisy - it was

a long way from homes.

It was stated by the opposition that if it were not for the gravel trucking and operations but just for the purpose of getting the ground in condition to subdivided there would be no objection but that the whole thing had been intentionally misleading.

Mr. Clarke said the topo plans were at this time being revised in accordance with Planning Commission requests.

Mr. Ellison objected - he owns 5 acres on which he too has gravel but he stated that he would not take the gravel out and cause harm to others. He objected to operations so near the school. Mr. Ellison lives within 8 or 900 feet of this property.

It was suggested that this was a matter of dollars in in the pocket for the few to the detriment of many others. Mrs. Ellison said this w as in her opinion, definitely misleading-that this was a gravel pit operations.

Mr. Handy, representing Rose Hill said they did not wish to impede progress and that since the applicant had agreed to take the trucks out Kings Highway and to leave the 100 ft. buffer strip between this operation and Telegraph Road - based on these conditions they would withdraw their previous objections. However they did condition their withdrawal of objections on these conditions being met.

Mr. Hampton, who lives next door to Mr. Reamy, objected. He agreed with Mr. Reamy that this would be depreciating to property, noisy, dusty and a hazard. If the applicant merely wished to grade for subdivision purposes - that was all right but he thought this clearly was a gravel pit-that the application itself was too general and did not state specifically what they actually are going to do.

Mr. Clarke thought those objecting lived so far from this operation that they actually would not be harmed. He noted that Mr. Schumann, who certainly has the welfare of the County at heart, had been over the plans and he and the Planning Commission would be very sure that the interests of the people of the County are protected. Mr. Clarke thought the reference to the "dollars in pocket" not fair - that they will sell the gravel for sure but the ground will also be

subdivided. This operation will be expedited - they will work 10 hours a day. He thought under any circumstances the people living to the north would not be badly affected. As to the word- of the application being misleading, Mr. Clarke said, they had actually used the wording of the Ordinance itself. He assured the Board that Mr. Robinson will do just what he says, and he did not consider Mr. Robinson asking anything unreasonable.

Mr. Reamy thought the Rose Hill people would naturally not object-they are building homes to sell - it was the home owners who were affected. He thought there would certainly be holes left. Mr. Schumann said if there were holes left the bond would be forfeited. Mr. Reamy thought there was no protection from hazardous excavation while operations were going on and these operations would be hazardous to children at the school.

It was brought out that the 4 to 1 grading near the school property was acceptable to the school board.

Mr. Schumann suggested that if this is granted it should state in the motion that grading plans be approved by the Planning Commission staff before operation starts.

It was suggested that about 2 years should be time enough. It was noted that the school is not there now and it is not sure just when it will be completed. It was also thought that grading could be done so there were no deep pockets during operations - they could grade off the top and relieve any hazardous condition during operation.

Mr. V. Smith moved to grant the application under Sec. 12-F-Par. 2 and Sect. 12-F-7 as having met these requirements and that this be subject to the Planning Commission staff approving the grading plans before operations start and that no pockets shall be created on the ground duringoperations, that the trucks will go out on King's Highway and that a 100 ft. buffer strip be left on Telegraph Road, this to be granted for a 2 year period, and that they shall not operate closer than 25 ft. away from the school property and the grading shall be left at a ratio of 4 to 1 and that there should not be banks higher than 5 feet and there shall not be any kind of hazardous condition created. Seconded, JB Smith. Carried, unanimously.

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21- Abraham Aljan, to permit operation of an Antique Shop on 27 acres of land, 1 1/2 miles west of Centreville on north side of

211, Centreville District. (Agriculture).

Mr. Aljan is operating a motel on his property which was granted some time ago by the Board. He wished to have the antique shop in his home. There were no objections in the area.

Mr. V. Smith moved to grant the application to the applicant only the antique shop to be conducted in the existing building which is the house, because this does not appear to affect adversely the use of adjoining property. Seconded, Mr. JB Smith. Carried unanimously.

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22- Harry W. Hicks, to permit location of chicken house and brooder house closer to side lot line than allowed by the Ordinance and permit operation on a commercial scale, 1/10 mile south of Wolftrap Road on the east side of Woodford Road, part of Lot 6, Wells A. Sherman Subdivision, Providence Dist. (Rural Res.)

Mr. Hicks said he had about 2-7/8 acres. It was suggested that this new building be located near the center of the property so it would be as far as possible from the side lines. There were no objections in the area.

Mr. V. Smith thought the building could be centered as on the plat it was located very close to the line.

Mr. Haar moved to grant the application provided the buildings are set within 5 feet of the centerline of the broadside of the lot. Seconded, Judge Hamel. Carried, unanimously.

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23- Joseph S. Young, interpretation of Section IV, subsections A-9 and A-10 of the Zoning Ordinance to permit erection of 2 bath houses and 1 recreation hall on #672, Centreville District. (Agricultural)

Mr. Ed. Prichard represented the applicant. This application was filed, Mr. Prichard said to clear up the question of which section of the Zoning Ordinance Mr. Prichard should apply under for a permit to have a club for swimming, games and sports, with structures accessory thereto on his property. Mr. Prichard had asked the Board if Mr. Mooreland had not erred in telling his client that he should apply under Sections IV, A, 15,c, instead of granting him a permit under Section IV, A, par. 10. Since this had not been asked in the original application and Mr. Pridhard had been informed by Mr. Marsh that it was necessary to

ask this interpretation by formal application, this application was filed for interpretation of which section of the Ordinance applies.

Mr. Miller, acting for the applicant, had asked for a permit including two bath houses andMr. Prichard contended this permit should have been issued. Mr. Mooreland had told Mr. Miller that he must make application under Sect. 14, A, 15, c, and go before the Board of Appeals. Mr. Prichard contended that the Board could interpret the words of the Ordinance where there is a dispute (Sect. 12, D, 4) Mr. Prichard asked why the permit had not been granted.

Mr. Prichard referred to the Courthouse Country Club which had been granted in 1947 without special permit from this Board apparently granted under Par. 10. The officers of this Club had been told at that time that no special permit from this Board was necessary. Later the Westbriar Golf Club was told they must have a permit from this Board. Mr. Prichard said he did not understand the variance in interpretation of the ordinance-that the law had not changed. He questioned the legality of the zoning office changing the law and the manner of handling such cases. (He cited court case to substantiate this)

Mr. Young has used his property for recreational purposes for summer boys-camp which certainly is allowable under Par. 10. Mr. Prichard said. He has employed an experienced director and this use has been purely for recreational purposes. Mr. Prichard thought the Ordinance perfectly clear and cited cases showing that when the language of an Ordinance is clear, rules which obstruct the meaning do not apply. He cited a case which stated that it is not possible to interpret that which needs no interpretation, that plain language is perfectly understandable, as in this case, and needs no interpretation. Mr. Prichard thought both of these sections in the Ordinance could be used that there was no conflict between them. He went into the intent of those drafting the ordinance in 1941 when Fairfax County was undeveloped and rural. This County at that time was something of a summer resort, recreational area for people from Washington, people came out by train and street car and the framers of the ordinance considered recreational areas in connection with a rural county, this is reflected in the meaning of the Ordinance. Under Par. 15-c a different kind of recreational area was intended. At that time there was a rage for miniature ~~fold~~ golf courses, skeet shooting, and the like, ~~which~~

Mr. Chambliss said this hearing was not to present arguments for or against theapplication for this use - it was for inter-

which needed little ground but which required more protection for the community and they should be controlled. Therefore Section 14-A-15-c. Thus the Ordinance takes care of the two types of recreation - the large open type of development and the smaller facility which could be put into a neighbor hood. The large area developments were intended to come under Section 10 and the smaller more concentrated developments were planned to come under Par. 15-c. Both kinds of development were possible and intended in the making of the Ordinance. Mr. Prichard thought by refusing a permit for this recreational area under Par. 10, Mr. Mooreland has presumed to change the Ordinance which he had no power to do - as that power is given only to the Board of Supervisors.

Mr. Prichard said heunderstood that Mr. Chamblis was present to advise the Board andhe was of the opinion that Mr. Chamblis' advice could not be unbiased since Mr. Chamblis had talked with Mr. Verlin Smith who opposed this and had discussed the case thoroughly with those in opposition and had therefore made up his mind.

Mr. Chamblis said that he had discussed this case with Mr. Smith but that he had not been consulted by the Board. He felt that he could advise the Board in an impartial manner.

(Mr. Velin Smith said he was sitting on the Board during the hearing on the interpretation but that he would disqualify himself if Mr. Prichard so desired. Mr. Prichard was not unwilling for Mr. Smith to remain.)

Mr. Chamblis said he had no authority whatever to participate in this case that he was here only to answer questions which the Board addressed to him - he was not acting as a judge.

Mr. Mooreland said Mr. Miller had told him what would take place on this property and who would operate the Club. On that information he had told Mr. Miller that he must go before this Board.

Mr. Mooreland reviewed his angle of the case. He said he was not bound by any former Zoning Administrator's interpretation of the Ordinance. That if such clubs had formerly been granted under par. 10 - that was not his interpretation.

In interpreting the Ordinance, Mr. Mooreland said, one must interpret at least a whole section - that it was not possible to isolate one part of the ordinance and say that was it. He noted that in Section IV, pars. 7,8,9,10, the word "private" was

used in each instance and that he believed with the same meaning that a private citizen could have these things. Par. 10, he believed, would allow an area like Great Falls Park - but if such uses were carried on by a club than they should come under par. 15-c provided they are not for gain. (The 'for gain' angle had not been discussed, Mr. Mooreland noted.)

Mr. Mooreland said he thought the framers of the Ordinance foresaw the possibility of municipalities coming into this County for these recreational purposes and those must come under this Board (Par. 15-d). If Mr. Prichard is right in his interpretation then, Mr. Mooreland said, the ordinance is in canflict between Par. 10 and 15-c but the circumstances and evidence in this case must be taken into consideration.

Mr. Schumann asked Mr. Mooreland to state to the Board just what Mr. Miller had told him was the purpose of this application.

Mr. Miller had said that the lake cost about 10 or $15,000 (this was the second lake - approx. 17 acres) and it was his wish to recover the cost of his improvements and therfore had formed this club. Mr. Miller is from Washington, Mr. Mooreland said, and in his opinion - naturally the people using these facilities and joining the Club would be mostly from Washington and Arlington - there was nothing said about this being for the people in the area. They were planning horse shoe pitching, badminton and other activities along with the swimming. They would ultimately have a lodge for the Club.

Mr. Prichard said he would like Mr. Miller, who was present, to correct some of Mr. Mooreland's misstatements. Mr. Miller said he had one person from Washington who would like to join the Club the others were from Arlington, Oakton and Fairfax County. (there were actually only two from Arlington, Mr. Miller said).

Mr. Miller said that Mr. Young had asked his advice on this development, but that he himself has very little interest in the whole thing but had talked andplanned with Mr. Young. They wish to have a restricted membership club with dues to reclaim Mr. Young's expenses of the lake.

Mr. John Alexander asked if there was a $60,000 lease on this property. Mr. Miller said yes.

Mr. Chambliss said this hearing was not to present arguments for or against theapplication for this use - it was for inter-

pretation of the Ordinance. He thought that was necessary before the Board could make their interpretation.

Mr. Prichard said Mr. Mooreland hadrefused to check the item on the Building Permit papers which says, "Is the zoning proper, etc." This was the basis for the case filed.

Mr. Prichard said he would stand on the evidence presented.

Mr. John Alexander opposed, representing citizens in the area who think Mr. Mooreland's interpretation of the Ordinance is correct. The people whom Mr. Alexander represented live within a radius of 2 miles of this property. Mr. Alexander said he didn't see how the Board could rule on interpretations of this application without any evidence being brought before it.

If this use is to be for a family there is not any point in it coming before this Board, Mr. Alexander said, but if it is a club or day camp - that is different, it must come before the Board.

What this application actually applies for, Mr. Alexander said, is a club for swimming, fishing, playgrounds, baseball, badminton, and like facilities. Some if these uses will be charged for and some free. Also this is not a Virginia Corporation it is incorporated in Delaware. (Mr. Alexander showed a form for application for membership). At a meeting at the Vale Community House it had been stated that 100 families in the community would be canvassed for membership.

The agreement shows that Mr. Young will receive $60,000 over a period of 30 years. This is an unusual kind of corporation, Mr. Alexander said, definitely formed to pay dividends and was obviously a large operation which could not come under pars. 9 or 10. It must be a paying proposition and it must be handled by membership it is not a public nor private park and not private summer cottages nor recreational camp grounds, it is not a golf course but rather it is purely a commercial proposition. It is important that the Ordinance be read as a whole, Mr. Alexander said, in order to make a fair and complete interpretation. One cannot cite one court case and relate it to this case, one must know the object of the statute and must question the whole body of the statute in all its parts, and the intent of this Ordinance to arrive at the proper answer. If such a project could be granted under Pars. 9 or 10, certainly the

the Board of Supervisors wasted its time in putting Par. 15-c in the Ordinance. It is the intent of the Ordinance to keep agricultural areas agricultural, that uses increase as the areas become more populous and the ordinance has taken care of that. Mr. Prichard had said that if Par. 15-c applies then Pars 9 and 10 **insert above but a public swimming pool could not. If this were not so, the Board of Supervisors has certainly had time since 1941 to amend the ordinance.

The Courthouse Country Club, referred to earlier by Mr. Prichard, is a non-profit organization for the benefit of the community. In this case Mr. Young is the only one in the community who is interested. This is not a community project. Mr. Alexander said his clients and he believed that Mr. Mooreland was correct in his interpretation and asked the Board to sustain this interpretation.

Mr. Prichard noted that in pars. 7 and 8 the word private garage and private stable are used - noting the singular use while in Par. 10 the plural is used. The Board of Supervisors must have defferentiated between a use carried on by one person and a group of persons.

Mr. Schumann said he was present at the Vale Community house when this project was discussed and at that time Mr. Miller had been told, when it was understood that this is actually a club, that this case must come before the Board of Appeals under Par. 15-c before approval could be given. He thought Mr. Mooreland could make no other interpretation, knowing that this is a club.

Mr. Chamblis said the only question before the Board at this time is whether or not this application should be granted under Pars. 9 or 10 or Par. 15-c and the Board is sitting to make that decision upon the facts presented. Mr. Chamblis referred to Section 1, Par. 2 of the Ordinance which provided that a use "will not tend to retard or impair the present use or future development of the district for residence". The Board has that safeguard in the Ordinance where it can always turn to section 12-G relating to restrictions on the Board where it can grant variances to relieve hardships provided it can do so without detriment to the public good or without imparing the intent of the Ordinance. If it is established that allowing such a use under Pars. 9 or 10 will impair the intent of the Ordinance such

a use should not be granted under those paragraphs, Mr. Chamblis said. In making its decision the Board must construe the law as a whole; the health, welfare and safety of the community must be carefully considered.

Judge Hamel thought in interpreting this in the light of the whole ordinance it would appear that it is clearly the intent to police these quasi commercial projects, and that if this is a project for gain it must come under Par. 15-c that the Board could grant this if it is established that it will not harm the community but that this, according to the evidence, is an enterprise for gain, and the Board must consider this in the light of the whole ordinance. Judge Hamel thought the Board had jurisidiction to handle this case and interpret under which section such application should come. Under any circumstances it is a matter for the Board to handle, and if there is the possibility of gain the Board must handle it. It would appear that this has the aspects of a commercial enterprise and in his opinion the facts show that this should not be premitted under paragraphs 9 or 10.

Judge Hamel moved that in the light of the arguments and facts presented at this hearing that this application does not fall under Section IV, Par. 9 or 10. Seconded J. H. Smith Carried. Mr. Verlin Smith not voting and Mr. Brookfield not voting. (Hamel, Haar, and JB Smith voting for the motion.)

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24- Timberlake, Inc. to permit use of property for swimming, games and sports with structures accessory therto on north side #672, approximately 1 mile east of #665 (Young Property), Centreville District.

Mr. Ed. Prichard represented the applicant. Mr. Verlin Smith disqualified himself to sit on this case as he is an adjacent property owner.

Mr. Prichard said he was sure the Board was familiar with this case, that, the applicant has 100 acres of ground. He presented a map of the surrounding property showing the location of those opposed and those not committing themselves. He left a petition with the Board signed by people in the community, many of whom have abutting property and who favor this use. The petition had 80 names. Also Mr. Prichard presented a letter from one who had signed in opposition and who is now in favor of the project.

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Mr. Lloyd Miligan who is with the Federation of Churches in Fairfax County said he had no interest in this project except that he wants to see recreational facilities in Fairfax County. He thought it important to decide whether or not such facilities can grow in this County, that this decision is fundamental and would be expressive of whether or not future recreational facilities will will be choked out of Northern Virginia, where they are so badly needed. He thought there was nothing planned here that was in opposition to public interest. He asked why not swimming and boating - when there is no place in the County where these things can be enjoyed. Since these facilities are not furnished by the County, people must band together to get them. He thought this area well suited for this purpose - he had seen the area, and he thought an attractive well rounded recreational development could take place here.

Mr. Young said he had lived in the County since 1937, working in Washington. He started out with a small recreational area. He thought he could have such a project for his friends. He found it necessary to have a life guard and other expenses developed. He had the day camp operating and did not think it had been annoying. When his expenses began piling up Mr. Miller offered to help. Mr. Young had built the lake in 1946. Mr. Young noted that there were many people present in opposition whose children had swam and fished in his lake.

Mr. Young said he owned 85% of the Corporation formed with Mr. Miller and Mr. Miller owned 15%. Mr. Sheldon was operating under contract and is on the Board of Directors. Mr. Young would receive $60,000 over a period of 30 years ($2,000) a year). In making a canvass of the property owners in the area, out of 8 property owners 4 favored this project. Mr. Young said this was not a project for gain - it was the realization of his lifetime dream. It may liquidate itself in 5 years. After that time he would be willing to resubmit an application for this use. The memberships are for 5 years only. During that time, Mr. Young said, there would be no financial profit to him as he will have many expenses and he will naturally follow all regulations.

Mr. Schumann asked how many families were involved in this. A number not to exceed the point of practicability, Mr. Young said,

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they would not want too many but he did not say just what number they expected.

Mr. Sheldon will be the director and manager of Timberlake summer day camp. Mr. Sheldon has operated swimming pools in Arlington and also was with the Washington Golf and Country Club for 9 years. Mr. Young said there would probably be about 5 or 600 families - this would be open to families only and the day camp members.

Mr. John Alexander presented a petition with 81 names opposing this use. He also handed the Board a map indicating that the objectors lived within a 2 mile radius of this property. He also presented a letter from the Providence Grange opposing as this project would not be for the best interests of the Community and such activity would be objectionable.

Mr. Alexander quoted Section IV, A, 15, c of the Ordinance which says "not primarily for gain". This is certainly a club which is established for gain, Mr. Alexander said, which is evidenced by the 5 or 600 families expected to become members. (It was stated at the Vale meeting that this would be for about 100 families plus the summer children), Mr. Alexander thought a $60,000 lease a matter of gain.

There is still a question, Mr. Alexander contended, just what use would be made of this project. The membership has a long list of activities which could include almost anything - it might result in night crowds. He recalled that this is not a Virginia Corporation but is incorporated in Delaware. The Board of Directors and stockholders could easily change - and under any circumstances the primary purpose of the corporation is for gain. Certainly this will not be a free camp for children. It would also be necessary to have refreshments. The swimming pools which have been granted, Mr. Alexander recalled, were non-profit corporations in accordance with their charters and they have also been restricted to the community in which they operate. There is no permanent control over this club and the ~~people~~ participating would have no say. Since this is not a non-profit, community project but rather is a money making proposition obviously for gain therefore the Board cannot permit such a use. If this is primarily for gain it would materially affect adversely the welfare of the community and would ultimately have a detrimental affect

on the development of property in the area. Also it has not been shown that ingress and egress would not be dangerous. The burden of proof is on the applicant, Mr. Alexander said and he must show that this project will not in any way be detrimental. The applicant has not shown, Mr. Alexander insisted, that this will not affect the community adversely. From the health standpoint - can they take care of from 5 to 600 families, how about the policing problem, the safety from fire, and the welfare generally of the community. There is not any proof of protection in these things, Mr. Alexander said.

This is an area of large farms and substantial homes - an agricultural and rural area and the people in the area want to keep their area rural. The nearest commercial project is about 6 or 7 miles away, Mr. Alexander noted (Arbogast' Store).

This is on a narrow road and the entrance to this project would be on a rise in the ground which is screened by bushes, and at a bad turn in the road. The paving is very narrow. This would, indeed, Mr. Alexander assured the Board, be hazardous with a membership here of 5 to 600 families. All of these things will materially affect the area adversely if this project is allowed. There were 20 present opposing. (Mr. Alexander said his opposing group had been greatly depleted by the lateness of the hour - many had left) Those present live within a radius of 2miles.

Mr. James Daniels said he wished it to be understood that there was nothing personal in the oppositon but that there was a strong feeling among people in this area for their homes and property. He himself had spent 8 years looking for a permanent home and he hoped the character of this locality could be maintained. This area has kept its rural aspect because the Board has been against encroachments of a commercial nature. Mr. Daniels lives within a mile of this project.

Mr. Owan Clarke said he owns 175 acres joining this property. He also stated that his opposition was not personal - but he objected strenuously to this commercial use.

In answer to some of the statements made, Mr. Prichard said it was true that this was not a Virginia Corporation because they were not operating in Virginia yet. He noted that any corporation could and often did change its directors and stockholders. The

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$60,000 lease amounted to $20 per acre. He questioned if that could be considered for gain. Mr. Prichard noted that the Westbriar Golf Club was also set up like this project that the people did not actually own any part of the golfcourse. This corporation is only asking for a fair return on the investment. It is up to the Board, Mr. Prichard said, to determine if this would be a benefit to the county as a whole. As to the dangerous traffic - Mr. Bolton, Highway Department Resident Engineer, had said that this is a highway problem and must be corrected by that agency, it necessary. Regarding the welfare of the community, Mr. Prichard showed pictures taken in the area which showed unattractive and ill kept homes. He also recalled to the Board that pigs, guinneas, chickens and the like could be raised in the community.

Mr. Alexander said this showed that this area was still maintaining agricultural character. Mr. Prichard recalled to the Board that they had recently granted the Last Frontier Ranch about 2 miles away from this. He also informed the Board that the Planning Commission had approved this. It was brought out that this was in error (to which Mr. Prichard agreed) it was the Park Authority which had given their approval, unofficially.

Judge Hamel said he was strongly in favor of recreational facilities because he thought they were a big factor in training young people when that facility was planned strictly for the community but when so many living in the immediate area were opposed and believed such a project would harm their community it is apparent that the people fear what the project may become. He thought great care should be taken in permitting a project of this kind. This is a better rural residential and agricultural area and everything should be done to protect and maintain such area. He thought the Board was not justified in approving this project, he therefore moved to deny this application because it is not in keeping with the character of the neighborhood and it is the belief of the Board that it would impair the general purpose andintent of the Ordinance. Seconded, Mr. Haar. Carried.

Mr. Brookfield and Mr. V. Smith not voting.

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DEFERRED CASES:

1- Milton M. Craps, to permit location of carport closer to side lot line than allowed by the Ordinance, Lot 45, Block E, Section 1,

Burgundy Village, Lee District. (Urban Residence).

Mr. V. Smith said that since this is a new subdivision it was not the thing to allow the houses so close to the line and there was an alternate plan open to the applicant - which would involve merely cutting a small tree. He moved to deny the case. Seconded, Mr. JB Smith. Carried, Unanimously.

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2 - Vester Simmons, to divide lot with less frontage than allowed by the ordinance, lot 23, Lewis Park, Centerville District. (Agricultural)

Mr. Mooreland had written a letter to the applicant telling him that it would be necessary for him to be present at his hearing or his case would be dropped. (Mr. Simmons had been notified several times to come before the Board with his plans but no one had heard from him). There was no response to Mr. Mooreland's letter.

Mr. Verlin Smith moved to drop the case from the agenda. Seconded, Mr. Haar. Carried, unanimously.

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3- Charlotte N. Gardner, to permit duplex dwelling on Lots 9 and 10, Cleveland Heights, Mason District. (Suburban Res.)

Mr. V. Smith said he had seen the property and noted that this is purely a single family neighborhood and purchasers had been told that this was not a duplex area. This building is located on one lot and Mrs. Gardner owns two lots; however, this could be granted under Section 12-F-6 if the use is in harmony with the intent of the ordinance and will not affect adversely the use of joining property.

Mr. V. Smith moved to deny the case because it doesn't conform to the requirements of this section (12-F-6). Seconded, Mr. JB Smith. Carried, unanimously.

Mrs. Gardner said she would discontinue the use of the two apartments, but the tenants will remain in the house.

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4- 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 Sub., on north side #236, Mason Dist.

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This was referred to the Planning Commission for recommendation. The Planning Commission recommended that:

In view of the fact that the Highway Department has taken 1/2 the proposed right of way on this side of the street and an existing building is practically on the new right of way line and on the east there is a building back farther than Mr. Frogale proposes from this new building, it was suggested that in order to get a better setback here a graduating setback line be established by starting from a point ten feet back on the existing building, drawing a line to the service station building on the east which is set back farther and that this building be located not closer to the right of way than this drawn line which would locate this building about 20 feet back from the new right of way.

Mr. Haar moved to approve the recommendation of the Planning Commission. Seconded, Judge Hamel.

The Planning Commission, Mr. Schumann said would recommend denying such a setback if the Highway Department had not yet taken ground for the future right of way. There were no objections to this. The motion carried, with Mr. V. Smith and JB Smith voting No. For the motion: Judge Hamel, Mr. Haar, and Mr. Brookfield.

Mr. V. Smith said he would like to go on record as saying that he did not think it wise to place one commercial property owner in a more advantageous position than the others in the area.

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5- Rehearing on application of Homer L. Belle Isle

Mr. JB Smith moved to rehear this case at the request of the applicant. Seconded, Mr. V. Smith. Carried.

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6- Rehearing as requested by Miss Edith Thompson

Miss Thompson said she was asking for a rehearing because there was evidence which she thought had not been presented at the last hearing. This application was made by Mrs. Spencer the lessee and denied by the Board. Miss Thompson, The owner of the property, asked the rehearing. It was questioned whether anyone except the applicant could ask to have a case

reopened. Mr. Schumann suggested that the Board hear what evidence Miss Thompson has to present.

Miss Thompson said this building was rented to Falls Church who had spent about $6500 on the building to make it conform to regulations. The next year it was rented to the County of Fairfax. After that it was rented to St. Anthony's for a school. Miss Thompson said she had bought this with the idea of renting it for a school. The property owner who would be most affected, Mr. Jones, did not object to this use. Miss Thompson read a long letter setting forth the history of the property and her desired use. This letter is on file in the records of this case.

They would use only part of the yard if the Board so desired and would fence the grounds, Miss Thompson said.

Mr. Mooreland said as far as he could see all the statements presented here by Miss Thompson had been given to the Board at the former hearing, and there was therfore no new evidence. He thought this was now a case for the court, as an appeal has been made on the original decision.

Mr. Schumann said that when an appeal is made to the Court on a decision of the Board the Board could not reopen the matter as that case was then in the hands of the Court.

Mr. V. Smith said the Board had acted under Section 12-F-2-b and he saw no reason to change their decision and no new evidence was presented he therefore moved to deny the application to reopen this case. Seconded, Judge Hamel. Carried, unanimously.

The meeting adjourned.

John W. Brookfield

J. W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, November 16, 1955 at 10 a.m. in the Board Room, Fairfax, Va. with the following members present: Messrs. Brookfield, V. Smith, JB Smith, and Herbert Haar. Judge Hamel was absent.

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

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[redacted]

The Springfield Swimming Club brought their plans before the Board as instructed at the last hearing. They had provided parking space for 63 cars, planning for the pool to accommodate 250 people. Cars will come in to the grounds from Amelia St. and exit on Highland St. Plans will necessarily be approved by the Zoning Office and the Health Dept. They have cleared with the A. T. & T. people who have an easement through this property. Mr. V. Smith noted that setback requirements must be met which will be checked in the Zoning Office. Since the grade has not yet been set on Highland St. the egress plans were not complete. This grade will be set by Crestwood Construction Co. Mr. V. Smith thought the Board should take formal action when all plans are complete. Mr. V. Smith moved that the preliminary plans as shown be referred to the Zoning Office for recommendation on the setback and ingress. Seconded, Mr. JB Smith. Carried This will be taken up at the next meeting. It was noted that the off street parking is a continuous requirement to be maintained as long as the club operates.

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William B, Hooper, to permit carport to be built closer to side lot line than allowed by the Ordinance, lot127, Sec. 9, Columbia Pines (705 Terrace Drive), Falls Church District (Suburban Residence).

Mr. Hooper said that the side of the carport away from the house will be open. It will come 5.9 ft. from the side line. Mr. V. Smith noted that a detached garage or carport could be located back of the house and detached. Mr. Hooper said this would not look good and also located on the side it would give a good play area for the children. The neighbor most affected has said he did not object to this.

Mr. V. Smith said he could see no hardship here and the lot is level. He moved to deny the case because it does not come within the minimum requirements of the Ordinance. Seconded, JB Smith. Carried, unanimously.

Mr. Hooper asked if he could have a cement slab here and a 30" concrete wall around two sides of the slab. It was agreed that this would be all right and in accordance with the ordinance.

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2- Russo Construction Company, to erect dwellings closer to side lot lines than allowed by the Ordinance, Lots 8, 9, and 10, Hylton's Addition to Tyler Park, Falls Church District. (Urban Residence).

Mr. James Patton represented the company. These houses are already built. On lot 8 the house is 4 ft. from the side line. This, and the other houses also were staked out wrong by a party chief whom Mr. Patton said had simply made a mistake. The houses were under roof when a check was made on the setbacks.

Mrs. Nurge said it was her understanding that this place had been reserved for play area and that all owners in the tract would have to sign for it to be used otherwise. She had noticed this setback when the house was being built.

Mr. Patton said they usually try to allow an extra foot in setbacks but this engineer whom they had employed some time ago was not accurate in his work. They were greatly distressed over his carelessness. This builder has done considerable construction work in the County and this is probably the first variance he has asked.

Since there is plenty of room on this lot the Board could see no reason for such a mistake. There were no objections from those present.

Mr. Patton said Mr. Russo had taken the surveyor's work that the set back was all right. They had planned a 40 ft. house but the Veterans Administration had required a 42 ft. house for the loan. The setback should be 10 ft.

The setback requested on Lot 10 is 9 ft. and on lot 9 it is 7' from side line.

Mr. Haar moved to grant the variance requested on lots 9 and 10 only as the variance on lot 10 ~~and~~ is 1 ft. and on lot 9 is 3' but that the variance on lot 8 be denied. Seconded, V. Smith. Carried, unanimously.

Mr. Patton said they couldn't resubdivide the lots as this would destroy frontage requirements on the joining lot.

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3- J. Harry Poladian, Jr., to allow dwelling closer to side lot line than allowed by the Ordinance, Lot 37, Section2, Penn Daw Village Lee District. (Urban Residence).

Mr. Poladian asked a 9.54' side setback. This is his first mistake in a long time, Mr. Poladian said but the terrain is rough here and they somehow made this mistake.

Mr. JB Smith moved to grant this variance because it is only a 6" violation at one corner and there is ample room on the lot. Seconded, V. Smith. Carried, Unanimously.

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4- St. Mary's Church, to erect an addition to building closer to side lot line than allowed by the Ordinance, located between #123 and #660, St. Mary's Church at Fairfax Sta. Centreville District. (Agricultural)

Mr. T. M. Hammil represented the Church. This would come 2 feet from the side property line. Mr. Davis who lives in the joining property has a shed very near his line - which would be close to this addition. Mr. Davis' house sets back considerable distance from the street.

The plats presented were very rugged - Mr. Brookfield thought impossible to read intelligently. The Board agreed.

There were no objections from the area. Mr. Brookfield suggested also that the applicant get a letter from Mr. Davis saying he did not object to the building coming this close to the line.

Mr. Haar moved to defer this case for one week to see the property and for the applicant to present plats drawn to scale. Seconded, JB Smith, Carried, unanimously.

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5- Virginia Hills Development Corp., to erect dwellings with less setback from street line than allowed by the Ordinance, Lots 5 thru 10, Block 9, Section 13, Virginia Hills, Lee District. (Suburban res.)

Mr. Vic Ghent represented the applicant. These houses are located at the end of the section, Mr. Ghent said. The basement walls were up when they realized the error. They had tried to move the house itself back on the foundation in order to conform - but could not do it. This is all filled gound. They had drawn a line indicating the setback for all these houses - and it was off-varying from 6" to 1-1/2". However these variances do not detract from

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the symmetrical appearance of the street.

Mr. V. Smith asked where they planned the carport. Mr. Ghent said there would be no carport because of the topography - the ground slopes off in the rear - about 30% slope. For that reason too they had had to hold very close to the required setback. There were no objection.

Mr. V. Smith moved to grant the application because the variances are only 6" or less and because the topography which is very steep slopes to the rear of the lot and this appears to be an honest mistake. Seconded, Mr. JB Smith. Carried, unanimously.

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6- Howard P. Horton, to erect dwellings closer to front line than allowed by the Ordinance, lots 148 and 149, Section 2, Lake Barcroft Subdivision,

Mr. Herring represented the applicant. The sewer easement runs through the center of this lot and if they set the house 40' back as required the applicant could not get the size house he wants on the lot. He is asking a 30 ft. setback from the front line. It was noted that there is actually a strip 10 feet wide which is buildable area on this lot. Mr. Herring said Mr. Horton was planning to get the right from the sanitary sewer people to build on 10 feet of their easement. There was no house location on the plat - the plats presented showed a drawing of two houses built on two joining lots - like row houses. There was no side setback shown between houses. Mr. Haar thought if they ever excavated within this sewer easement - and if the house was built upon 10 feet of the easement - the house would fall in the excavated sewer.

There were no objections.

Mr. Haar moved to defer the case for re-submission of plans more in keeping with the zoning regulations. Seconded, JB Smith This was a tie vote: Haar, and JB Smith for - Against Mr. Brookfield and V. Smith. The Board took no action.

Mr. V. Smith said such a request as this should never be granted by the Board, the idea of an applicant coming to the Board when he had only 10 feet of buildable space on his lot should never expect the Board to correct such a situation. This

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would certainly create future trouble for some future owner - it is a request for a gross variance entirely out of keeping, Mr. Smith said.

7- Ernest Hall, to permit operation of a day nursery, on north side of #211, Lee Highway, approximately 1000 feet west of Mary st. on the Shockey Property, Providence District. (Sub Res.)

The property to be used is 350 x 400 feet. Mr. Hall showed a list of the scope of improvements and activities proposed to take place on the property if this is granted. The house is frame - it sets well back on the property. They plan to have 30 children. There will be a large play area on the side of the house and a garden for the children. The house is in good shape, Mr. Hall said, it has been approved for use as a tourist home and they will ask for similar approval for this use. They plan to have children aged 2-1/2 to 5-1/2 years. They have made application to Richmond. They plan to employ an experienced director who has an excellent school background (Sorbonne in Paris) and is well qualified.

Mr. Brookfield thought there should be a fence along Lee Highway for protection. Mr. Hall agreed. The tee of the driving range joining this property faces away from this building.

Mr. V. Smith moved to grant the application to the applicant only for a period of 5 years subject to approval for ingress and egress from the Highway department and that adequate fencing be provided on Lee Highway and that the applicant shall get the approval of all activities such as fire, and Health authorities now in eixistence or any ordinances in the County which may later be adopted and exercise control over such use. This is granted because it does not appear to affect adversely the use of joining property - and this also shall be granted for a maximum of 30 children. Seconded Mr. Haar. Carried, unanimously.

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8- Eleanor L. Francis, to permit an Antique Shop in the home as a hobby, Leesburg Pike and Dale Drive, Providence District (Sub. Res.)

Mr. Gardiner Francis represented the applicant , his wife. This will never be a large commercial deal, Mr. Francis said, it was, as a matter of fact, a hobby for his wife who is retiring from newspaper work. This property was bought with the idea of using it for this purpose. Mrs. Francis will sell antiques which she

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will buy here and there. There will be no piling of junk around the house and they will comply with the Ordinance in every way - if they don't - Mr. Francis said they would expect to have their permit revoked. He presented a petition signed by many neighbors, of their own free will, saying they do not object to this use.

Mr. Francis read the names of those on the petition (signed by many neighbors, of their own free will, saying they do not object to this use), (12 in all) and located their place of residence.

Mr. Gordon Kincheloe represented the opposition. He presented a petition with 28 names showing the location of the homes all of whom live very close to the applicant - including those living next door.

This is purely a single family residential area, Mr. Kincheloe said. People in the area object because they believe this would be injurious to their property to establish a retail business in their midst. This may start as a hobby, Mr. Kincheloe said- but it was not known what this might expand into - they objected to a commercial sign. Mr. Francis has an old black surrey now on his property which may very well be used for advertising purposes. He thought that out of keeping with the area. This business would be the first blight on the neighborhood - the first black eye. It would also encourage other commercial uses. There are already three such establishments in the general area which would very well take care of a need-if there is one-for an antique shop. The people in this area do not wish the character of a good residential development changed.

Mr. Curr, who lives three doors from this property, objected. He said Mr. Francis has thought of this shop for some time and had asked some of the neighbors if it would be objectionable and they had told him - yes. That was about 2 years ago. There was no talk of a hobby then - it was just a business.

Mr. Shield also opposed, also Dr. Podolnick, who thought the structural changes necessary in this building would be objectionable to him as they would face his home.

Mr. Edwards living two doors away, objected. He is restoring a very old home, spending much money on it, as are others in the area. He thought the character of the neighborhood should be preserved. Mr. Allen said the Board had denied Mr. Redd the right

Pine Ridge. About 10 were present opposing. They asked the

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to put his heavy equipment on property near this and asked the Board to deny this and all similar commercial encroachments.

Mr. Francis said he had a beautiful home which was of high value and he certainly would not want to depreciate that. The old surrey to which Mr. Kincheloe referred is very valuable - it is 150 years old and that he may use it as a flower box and recondition it. He probably would not put it out doors. However, he could do so if he wished - having no horse. Mr. Francis restated his reasons - that his wife has retired and does not have to work - but would like to be busy with this as a hobby. They could operate the Surry Lodge Nurseries or have a permit for a tourist home within the Ordinance. He was sorry his neighbors objected.

Mr. V. Smith thought that this should be referred to the Planning Commission for report from the Master Plan as to whether or not this is apt to be a future business zone - and also to view the property. This is to be deferred for one month. Seconded, Mr. Haar. Carried, unanimously.

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9. B. & B., Inc. to permit dwelling closer to street line than allowed by the Ordinance, Lot 9, Block 6, Yates Village Mason District.(Suburban Res.)

Mr. Holland represented the applicant. To the west of this lot is Urban zoning where the required setback is 35'. This is suburban and to the east is suburban. Houses in the area cost up to $24,000 - they wish to build a comparable house on this lot. If they met the required setback they would have to dig into very high ground and even then it would squeeze the size of the house which they do not want to do. He asked a 35' setback. There were no objections. The ground also slopes toward the rear of the lot. There will be the proper distance between all houses for plenty of yard space.

This is a corner lot - they could meet a 40 ft. setback from one street and 30 from the other. There would be no traffic hazard.

Mr. Haar moved to grant the application provided the setback from Lynbrook Drive is not less than 35 feet, because of topographic conditions and this will permit uniform setback on Lynbrook Dr. Seconded, JB Smith, Carried, unanimously.

10- Amanda Payne, to permit use of property for a service station and to have pump islands closer to road right of way line than allowed by the Ordinance on Leesburg Pike just south of Riedlebach Property near Bailey's Cross Roads, Mason District. (General Business).

Mr. Himes with the Shell Oil Co. represented the applicant. This is joined on one side by an existing service station - Gulf Oil Co., a dry cleaning establishment and realestate office on the other side. They wish to locate the pump islands 12 feet from the right of way. It was noted that the Gulf pumps are 8 feet from the right of way. There is also 15 ft. from the right of way to the paving which would give the islands a good setback. Other filling stations in the area have their pumps back 12 feet. There were no objections.

This would bring the pump island a total of 27 ft. from the edge of the paving.

Mr. V. Smith saidthe pump islands which are so close had been located there before the road was widened - he thought the islands should be 25' from the right of way. He moved to grant the application provided no pump island shall come closer to either the side 50 ft. road or the Leesburg Pike (Rt. 7) than 25 ft. from the property line. Seconded, Mr. Haar. Carried. Unanimously.

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11- Eakin Properties, Inc., to permit use of property for service station and to have pump islands closer to road right of way line than allowed by the Ordinance, Lot 17, Section 5, Pine Ridge Subdivision, Providence District. (Rural Business).

Mr. Jack Eakin represented the applicant. They asked a 25 ft. setback for the pump islands. It was asked if Norfolk's store on joining property is business. It was thought that this is non-conforming. Mr. Eakins said it has been difficult to get a septic field on this ground but they could get it here and locate the building as shown on the plats. This is the only business property on about 700 acres of development, handled by Eakin Properties, Mr. Eakin said.

Col. A. H.. Onthank opposed. He is president of the Pine Ridge Citizens Assn. Also the Pine Ridge Women's club objects to this. All together, this takes in about 125 families in Pine Ridge. About 10 were present opposing. They asked the

Board to deny this application because their convenants say all purchasers must meet the required 50 and 25 ft. setbacks and now Mr. Eakin himself who has imposed the restrictions is asking to violate them. They did not like it. The opposers thought this would lead to others breaking the setback requirements as it would act as a precedent. They thought the entrance to their community should not be narrowed down by their requested setback which would act as a bottleneck for ingress and egress to Rt. 236 into Pine Ridge. This could be bad for traffic conditions and would detract from the beauty of the subdivision. It was noted that Mr. Moton had asked for 5 feet less setback and had been denied by the Board, therefore this should logically be denied also.

Mrs. Henderson opposed - she lives one block from this property. Also Mrs. Dunegan and Dr. Inness opposed for reasons given. It was noted also that school children walk in this area to the bus and this could prove to be a hazard for them.

Mr. Onthank said they had requested the Highway Dept. to widen the highway entrance here for safety purposes.

Mr. V. Smith spoke of the possibility of front parking if more than 25 ft. were left between the pump islands and the right of way - and cited that as one reason the Board so often granted that 25 ft. setback. He thought cars would have to keep coming and going with the 25 ft. space whereas with more ground they could park there for service purposes.

The objectors said they would not object to an enterprise that would not encroach on the setbacks and on the restrictions in their covenants.

Mr. Eakin said this lot had been excluded on the original subdivision plats approved and therfore did not come under the restrictive covenants. He was not asking to violate his own covenants. He was simply asking for the 25 ft. setback which has been an established policy of the Board to grant. He did not consider the pump island to be a structure as they can so easily be moved if necessary. They have 400 ft. of business here, Mr. Eakin said but they are only using 150 feet of it. (This lot is 400' deep.) They have also given additional right of way along here, Mr. Eakin said.

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Mr. V. Smith said they should know if Norfolks store is residential property as the Ordinance says that an extra 25 ft. setback is required from residential property.

Mr. Eakin said this is the only place they can locate a business here because of septic conditions.

Mr. V. Smith asked about future widening of Rt. 236 and future requirement of a service drive. Mr. Eakin said they had tried to learn what the Highway department would do here but were unable to find out. They cannot learn how much they will widen nor where they will take the ground. Some service roads have been built on the south side of Rt. 236 in subdivisions only, Mr. Eakin said.

Mr. V. Smith thought the Board should know the status of the widening of Rt. 236 before granting this. He thought there should be an extreme hardship to grant less setbacks as the highway department had asked the Planning Commission to hold to maximum setbacks insofar as possible for widening purposes. He moved to defer the case pending information from the Master Plan regarding the widening of Rt. 236. Seconded Mr. JB Smith. Carried unanimously.

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12 James M. Monroe, to permit location of childrens playhouse closer to street line than allowed by the Ordinance, approximately 155 feet south of Lee Highway on east side of Meadow View Lane, Humpty Dumpty School, Falls Church District. (Rural Resi.)

Mr. Wm. Baskin represented the applicant. This is actually an application to locate playground equipment , Mr. Baskin said. The building will be 20 feet from the street right of way. They now have permanent playground equipment in here, pipes underground etc. The building will be 8 X 10 ft. This road serves as an entrance for the Luria development. Fenwick Park is on one side of this school. They have been operating 7 years. They wish to have playground area between this building and the main building. There are homes to the rear of this.

Mr. Brookfield noted that there is plenty of room on the property to properly locate this building.
There were no objections from those present.

Mr. Haar thought this might be granted for a limited time

until the road is improved.

The property is fenced and they do not want a large area between this building and the fence, Mr. Monroe said.

Mr. V. Smith moved to deny the case because there is no hardship shown and this is a gross variance from the Ordinance. Seconded, JB Smith. Carried unanimously.

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13- Elmer O. Clair, to permit operation of trailer court 14 units 202 feet North U. S. #1 on the east side of an outlet road, Austin Hart Property, Mt. Vernon District. (Gen. Bus.)

Ft. Belvoir joins this on one side. The applicant will have water and sewer. There were no objections. This property is on a 12 ft. outlet road.

Mr. V. Smith moved to defer the case to view the property - deferred for onemonth. Seconded, Mr. Haar. Carried, unanimously.

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It was suggested by the Board that deferred cases be heard before the regular new cases instead of at the end as at present.

14- Julia Burrus, to permit the erection of Church closer to Emmett Drive than allowed by the Ordinance, at the S. W. corner of Quander Road and Emmett Drive, Mt. Vernon District. (Suburban Residence.)

Mr. H. Lutz represented the applicant. (Mt. Clavary Baptist Church) A preliminary plat was approved on this church for a 65 foot setback from the centerline of Emmett Drive. The footings were poured and approved. This also had a 15 foot setback from the side line. An application then was made for the shed, a sketch drawn on the basis of the first plot planapproved. It was then noted that the original church building was too close to Emmett Drive. They then changed the setback for the shed to 40 ft. from Emmet Drive. A survey was made showing the church footings to be 14 ft. from Emmet Drive and 65 ft. from Quander Road.

Mr. Burrus, the pastor of the church made a strong plea to the Board to grant this application as he had gone into this community where there was no church - had brought the people together, established a church and held services in the shed and had begun raising money for the permanent church. Mr. Burrus felt that he would be in a very bad spot if this application is denied as they have already spent money on the church and the error, which was no fault of the applicant, has caused

much unhappiness among his people. They have tried to buy more land - but were unable to do so.

Mr. V. Smith moved that the application be granted to the Mt. Calvary Baptist Church in accordance with plat by A. B. Garrett, dated October 23, 1954, which shows only the church and no shed nor other buildings, this is granted under Section 12-G under the clause relating to "extraordinary and exceptional situation" in that there is evidence showing that plans were tentatively approved by the Zoning Office and footing were poured by the Church andit would be a hardship to ask members of the Church to remove the footings; this is subject to providing parking on the rear of the lot for members of the Church. Use of the temporary shed shall be permitted until the church is completed. Seconded, JB Smith, carried unanimously.

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15- Langley School, Inc., to permit operation of a nursery and primary grades 1, 2, and 3, located on east side of #686, approximately 1/4 mile north #694 a part of the Anderson Property Dranesville District. (Suburban Residence.)

Mr. Graighill represented the applicant. This is a non-profit school operated by 100 familes, Mr. Graighill said. It was started in 1943 and had operated in its present location for the past 2-1/2 years. Mr. Graighill presented a map of homes within 1/2 mile of the school indicating those who approved and otherwise. He presented a petition with 133 names approving. This school would be for a nursery and the first three grades. There will be about 110 children, attending from 7 a.m. to 6 p.m. with classes all day or half day. The buildingwill be on one level. This property will be purchased with the idea of building the school. The school will be masonry construction. About 20 stood favoring this project and Mr. Craighill noted that about 35 had had to leave.

Mrs. Lucas had talked with the Macks who live very near this project who are highly infavor of the school - they wish they lived across the street from it. The Macks have no children.

This will be well landscaped and will be an asset to the County, Mr. Craighill said.

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Mr. Norman Hall said his property would be joined on two sides by this school and while he did not object to it he would like the Board to put certain limitations on the granting of this limitations on the granting of this application: and that it should be for the school's use only because there are many other organizations in the community which might very well wish to use the buildings and grounds. He asked that they be limited to the use for the period for which they have asked. Mr. Hall recalled a fair which was held last year to raise funds for this school which brought a great dea of activity - many people, boothes were built and a great deal of noise and coming and going. This is a narrow street and such activity, especially if it were prolonged into perhaps many days could be very annoying and cause serious traffic hazard.

Mr. Brookfield thought a fair a very logical way to raise maney and method often used.

Mr. Hall thought one fair a year ok but he did not want a constant pattern established of week long fairs - like Annandale had staged for instance. He though this could be limited to one day, once a year. The three limitations: To the school only, for the school term, and one day fair.

It was agreed that this has been a desirable asset to the area in its past operation.

A letter read from Mr. T. N. Wesley objecting to the noise, traffic and the probability of lowering property values.

Mr. Craighill thought this actually could enhance values, that people often inquire about schools when buying property, the traffic will occur only at the beginning and closeing of the school day, they have sufficient room for parking off the road and there should be no congestion.

Mr. Craighill said he appreciated Mr. Hall not objecting but he felt they could not tie down the future of the school as future owners may feel differently then , than the present owners. However, they expected to have about 110 children as stated. They expect to have one fair for one day.

But they will not consent to saying they would not have the fair for 2 days. They will have a small nursery program in summer and the girl scouts will meet there. With minor exceptions this will be for the school only. They will beautify the grounds,

Mr. Ghaighill said, and he believes that this will be an asset to thecommunity.

Mrs. Reiber noted that the American Legion Hall has operated near this property for 5 years and has not been objectionable.

Since Mr. Hall still seemed unhappy, Mr. V. Smith asked if the school could be built back farther - say 150 ft. from the road. Mr. Craighill said they could not very well as the ground slopes quite a bit at a point back farther - he did not know just where the slope started but if they went back too far they would run into too much slope for the playground area.

Mr. V. Smith said the Board could not limit the number of fair days but they couldlimit the number of children. Mr. Craighill asked if this be done that the number of chilren. the figure they had already stipulated. Also the number of children are regulated by the County the square footage with relation to each child - which would take care of that. They may want some changes in the grades in the future and do not wish to have that tied down, Mr. Cragihill said. No one knew what the future would bring. There will be room now for about 120 or 130 children.

Mr. V. Smith moved to grant the application to the applicant only under Section 12-F-2 as it conforms to the "health, safety, welfare" of the County and ingress and egress requirements and that the applicant shall adhere to all authorities pertinent to such schools at this time and those which may be adopted in the future. Seconded, Mr. Haar. Carried, unanimously.

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DEFERRED CASES:

1- O. E. Coleman, to permit the erection of a garage closer to Woodridge Road than allowed by the Ordinance, Lot 3, Block 7, Section 4, Wellington Heights, Mt. Vernon District. (Rural RES.)

Judge Fitzgerald represented the applicant. This was deferred to view the property. Judge Fitzgerald recalled to the Board that had a topographic problem exists - ground to the rear is very high and also that the garage as planned was architecturally in harmony with the house.

This is a dead end street which serves only 5 families therefore there would be no traffic hazard, as the amount of variance is very small. To cut down the garage would throw the plan into helter skelter. The people in the neighborhood think this addition will improve the house, and will not be detrimental to them.

Mr. Brookfield asked Mr. Haar to preside while he made a motion. Mr. Haar took the Chair. Mr. Brookfield moved to grant the application because this is on a dead end street serving only 5 families all of whom favor this application or do not object and there is an extraordinary and exceptional topographic condition in the rear of the House where the ground is almost as high as the house itself and the house is situated far enough back from the street that there will be no traffic hazard - this granted under Section 12-G. Seconded, Mr. V. Smith. Carried, unanimously.

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2- Irvin D. Black, to permit the erection of dwelling closer to side lot lines than allowed by the Ordinance, Lot 312, Sec. 3 Lake Barcroft Estates, Mason District. (Suburban Res.).

No one was present to show new plans for this case. Mr. Haar moved to defer the application for one month. Seconded, J. Smith. Carried, unanimously.

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3- M. L. Hayes, to permit garage as built 15.1 feet to side lot line, Lot 3, Section 1. Lincoln Heights, Lee District. (Agric.)

Mr. Douglas Adams represented the applicant. This will be 15.1 ft. from the side line, a 4.8' variance. Mr. Adams thought this would not harm the nearest neighbor - there is no window on the side of the garage facing the joining lot. Mr. Foster has purchased this house subject to this variance being granted. This has been a mistake of long standing which was not discovered until the garage was being built.

Mr. Beaty, who owns the lot joining on the garage side objected as he said he could not sell his lot because of the nearness of this building to his line. He thought it had greatly depreciated his property. He said he had a sale for this lot but the people refused to go through the deal because of this garage on Mr. Hayes property. The error in setback on the garage was found when searching the title. Mr. Beaty

said he wanted a large lot because he has 9 children and wanted plenty of ground between houses. He thought this no hardship for Mr. Hayes.

Mr. JB Smith recalled to Mr. Beaty that a detached masonry garage could come within 2 feet of the side line, and he did not see how this could affect Mr. Beaty's lot so badly when the present garage comes 15.1' from the line.

Mr. Beaty still thought he would be greatly harmed. He recalled the fact of his nine children.

Mr. Adams said he did not think the nine children had any bearing on the case.

Mr. V. Smith moved to grant the application under Section 12-G because the house and carport are very much in keeping in size with houses in the area and it appears that this was an honest mistake in location although there is ample frontage on the lot for the house and breezeway and carport as constructed and it does not appear that the granting of this variance will cause difficulty or harship to the public good or to the joining property owner. This is to be brick construction. Seconded, Mr. Haar. Carried, unanimously.

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4- Darrell S. Parker, to permit operation of a dog kennel on 17 acres of land on south side of #50, approximately 1/2 mile west of Pender, Centreville District. (Agriculture).

This was deferred for report from the Master Plan. Mr. John Geiger reported that since this is an agricultural area and the use proposed appears to come within the scope of agricultural uses he could see no particular objection to granting this. They can meet all required setbacks and the applicant has 17 acres so the kennels could very well be located where they would not detract from future development. However there is no provision in the Master Plan for this use.

Mr. Parker said he wanted to locate the kennels where they would not be in the way of future development - this would leave the entire one side of the property free. While he does not wish to develop into a subdivision now - his heirs might wish to do so and he would like to have this building out of the way. His daughter will operate the kennels.

Mr. V. Smith thought the kennels could be better located on such a large tract as 17 acres. He agreed with Mr. Schumann's

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statement at the last hearing that there were too many kennels along this boulevard and too many scattered businesses. He thought the kennels might better be put over into the woods where they would be screened and away from any other houses, where it would not be so objectionable.

It was suggested that a woods area was not good for animals and they would like the kennel building where they could be seen from the house. Also there is a topographic condition on the opposite side of the property. They could moved the kennels back a little farther - but the ground slopes off rather steeply as it goes back.

Mr. V. Smith suggested putting the kennels just back of the brow of the hill where it would be shielded by the trees. Mr. Parker said this would be a future building site and they particularly want the view at this point. The kennels, Mr. Parker said, would be 12 x 18 ft. and would harmonize architecturally with the house.

Mr. V. Smith said he did not favor this kennel nor more kennels on Rt. 50 - he did not like the cluttering of business uses and the accompanying signs on this highway. If this could be moved back farther, it would probably not be so objectionable but he did not like it as planed.

Mr. Parker said this would break up the ground for future development. Mr. Haar thought screening could be added shielding this use from Rt. 50.

Mr. Brookfield thought screening would not help the noise.

Mr. Parker said they has written Richmond and had been informed that there was no plan to take more right of way on rt. #50 near this property.

Mr. Geiger said they had had a meeting with the Highway Department this week and that they were informed that more right of way will be taken on the south side of Rt. 50 - they will want 50' and 30' service drive. This is the latest information from the Highway Department . This will mean a 160 ft. right of way plus the 30 ft. service drive on each side of the highway.

Mr. Haar moved to grant the application to the applicant only for a period of 4 years provided the building in question is attractively designed andproperly screened from adjacent

property, as the use of this land seems to be consistent with land use in the immediate neighborhood. Seconded , J° Smith. Carried. Mr. V. Smith voted no.

The meet ing ad journed .

John W. Brookfield.

John W. Brookfield, Chairman

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The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, Nov. 23, 1954 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, Judge Hamel.

The meeting was opened with a prayer by Judge Hamel.

1- Dr. Phillip Austin, to permit erection and operation of a medical building on Pt. lots 20, 21, and 22, Fairview, at the Southeast corner of Pickett Street and Kings Highway, Mt. Vernon District. (Suburban Res.)

Mr. Cooper Dawson represented the applicant. Penn Daw Corporation has sold this lot to the applicant contingent upon this applica tion being granted, Mr. Dawson said. The proposed building will be 20 x 30 ft. two story with basement. They can meet a 50 ft. setback from the streets and a 20 ft. setback from Penn Daw. The building is designed for medical use. The people in the area think this will be a great asset to the community. Mr. Fraley who owns joining property objected at first but he too now thinks this will be a good project . Mr. Fraley has cottages to rent. The building will be attractively designed which design will be subject to the approval of people in the community. All joining property owners are in accord with this, Mr. Dawson said.

It was brought out that the Ordinance required a use of this kind to be located 100 ft. from all property line.

Mr. Walter Crain, representing the Mt. Vernon league Chamber of Commerce, said the membership of the Chamber had discussed this project and approved it. Since the days of the old country doctor have gone (either because of lazy doctors or lazy patients -

he didn't know which) the trend is for doctors to be located where the patients can get to them easily. He thought this would be beneficial to the areaand in keeping with the modern trend. They will have an emergency room and general hospital equipment. Mr. Grain said he could see no objection to granting this use.

Mr. Dawson said the Doctors intendingto carry on this business were both fine people and he was sure their activity would fill a very necessary place in the community.

Mr. V. Smith questioned whether or not the Board should limit this to the applicant only. He thought it possible that later this might be taken over by someone-perhaps objectionable to the area.

Mr. Dawson thought granting this to the applicant only perfectly satisfactory - that if the place changes hands - the new applicant would necessarily have come to the Board for re-approval.

The required 100 ft. setback was discussed. Itwas brought out that thissetback is required to protect joining property owners from possible diseases - this is purely a health protection. However, it was thought some future control over this should be exercised. This could be taken care of since any change in the personnel of the doctors or the use would necessarily have to come before the Board.

Judge Hamel moved to grant the application to the applicant only because there does not seem to be objection and this is desirable from the community point of view. Seconded, Mr. Haar. Carried, unanimously.

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2- Worthy Smith, to erect an addition to dwelling closer to street line than allowed by the Ordinance, approx. 300 yds. south of Lee Highway on east side of Gallows Road #650 Falls Church District. (Suburban Res.).

Mr. Mamuel Taylor represented the applicant. The applicant wants an addition of two rooms on the south side of his house. The existing ho se will be raised and a new foundation put in. This will have a 25 or 30 ft. setback. Mr. Taylor noted that there are many houses in the neighborhood with this setback and less, in fact the house on the joining lot is setback about this distance. His septic field would be in the rear. This addition will be 22

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feet from the side line and29 feet from Gallows Road.

There were no objections from those present.

Mr. Haar suggested that the Board view the property.

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

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3- L. H. Campbell, to erect an addition to dwelling with less setback from street and side lot lines than allowed by the Ordinance Lot 9,Section 2, Gray's Subdivision, Providence District. (Rural Res.)

This is an old subdivison with varying setbacks. The applicant is asking a 12 x 34 ft. addition on the end of his house. This will not be close to the joining neighbor who is about 160 ft. away leaving a large area between houses. The nearest neighbor does not object. This property joins an old railroad right of way which will probably never be built upon and this addition will face the railroad land.

Mr. Campbell presented a petition signed by three people in the neighborhood all of whom did not object to his addtion.

Judge Hamel moved to grant the application in view of the fact that this addition will not adversely affect joining property in the neighborhood. Also this is an old subdivision and setbacks in the subdivision vary considerably. Seconded, Mr. V. Smith. Carried. Unanimously.

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4- Andrew L. Darne, to permit dwelling to remain closer to front property line than allowed by the Ordinance, Lot 27, McHenry Heights, Providence District. (Rural Residence).

The applicant is asking a 37.8 ft. setback from the street. The house is practically finished. Mr. Darne said he did not know how this violation happened.

Mr. Mooreland said the foundation was approved by the inspector who thought that the projection in front was to be an open porch which would have been approved. Then they saw it later and realized that the front projection was being enclosed - and the set-back was in violation. The plans show, Mr. Mooreland said, that this is part of the dwelling but his office did not see the construction plans, and the approval did not show this projection in front. The permit was issued in June, 1954. If his office had had a set of

the plans this would have been caught as they would have seen this projection, was part of the main enclosed building. Actually the porch was on the original plans but did not show on the approved sketch which was presented at his office.

Mr. Kuhlman objected. He lives just two lots away from this property. He showed a map of the subdivision. Mr. kuhlman had planned to buy Lot 26 which joins this property. He thought a house built on this lot would not have too good a view if this addition were put on. (There are now only two houses in this block.) Mr. Kuhlman said he was not exactly objecting but he wanted to see how far this protrudes. He does not like the idea of violating the Ordinance but if this is granted and he builds on the joining lot - he will probably want the same variance.

Judge Hamel saidin that case the Board was almost obliged to grant Mr. Kuhlman the same variance, if this is granted. This is a bad situation, Judge Hamel said, bacause the house is practically built.

Mr. J. S. Baughman questioned whether or not this house will affect the neighborhood - he thought it could change the whole aspect of the subdivision, if granted. Will other houses get the same variance when built? (It was noted that an easement runs across the rear of this property) Mr. Baughman was distressed because this violation was not caught before the house was up.

This is a frame house with a half basement under the back part of the house.

Mr. Kuhlmen said he normally would not like to object to something like this but he thought it should be brought to the attention of the Board because this could depreciate property and would be harmful to the neighborhood. He considered this a very unfortunate mistake.

Mr. Baughman thought the inspector should take great care in checking setbacks.

Mr. Mooreland said the inspector saw the foundation and thought this living room was the porch - which was not shown on the approved sketch handed to the zoning office. Had he known this was the living room they most certainly would have caught the violation, and thinking this was the porch he naturally thought it was all right. The basement was in the rear of the house and not under what he thought was the porch part. Mr. Mooreland thought this was a natural mistake on the part of the inspector. Mr. Mooreland said he thought it was coming to the point where he would have to have a copy of construction plans beforeinspections are made.

The building Inspector did not catch this because he does not check on setbacks.

Mr. Darne said thelocation stakes were pulled up many times before the building was actually started and probably were not put back correctly.

Mr. V. Smith thought that since the street is straight here they could easily have meausred from the line of the street. The sketch shown for the Zoning Office did not show this addition, Mr. Smith noted. He wondered why.

Mr. Kuhlman said he had come to the Board primarily for information he did not think Mr. Darne was entirely responsible and the mistake of the inspector was understandable, therefore he said he would appreciate it if the Board would discount what he had said and decide this on their own thinking. He withdrew his objections.

Mr. V. Smith thought the Board should view the property. He moved to defer the case to view the property. Seconded Judge Hamel. Carried. Unanimously.

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5- David Cerkel, to permit erection of dwelling and carport closer to street and rear lines than allowed by the Ordinance Lot 853, Section 9, Lake Barcroft, Mason District . (Sub. Res.)

The applicant is asking a 16 ft. setback from Blair Road on one side and a 15 ft. setback on the other side. Mr. Cerkel said 75% of his lot was lined with streets and by observing the setbacks it leaves a limited area for building. He had tried to locate the house so as to be as far from the streets as possible but this is a difficult lot to build upon. There is a 20 ft. easement in the rear for sewer. This property cannot be used either. This house is at the end of the block. There were no objections from the area.

Mr. Moorland said there had been many cases before the Board where people had bought lots on which they tried to fit too large a house and these cases have almost consistently been turned down.

Mr. Brookfield said they had never granted a variance like this

Mr. Moreland noted that a 70 ft. house could be put on this lot, without variances.

Mr. Gerkel said the Planning Commission had approved this subdivision and Col. Barger (the developer) does not object.

Mr. Mooreland recalled that Col. Barger had tried to squeeze every bit of land possible in this subdivision

Judge Hamel thought the house could be better designed to fit the lot.

Mr. V. Smith moved to deny the case because this is a gross variance from the Ordinance and there appears to be no hardship involved but rather is an attempt to erect a larger house than the lot will permit. Seconded, Mr. Haar. Carried, unanimously.

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6 Bernard H. Price, to permit carports to be built closer to side lot lines than allowed by the Ordinance, Lots 18 and 19, Langhorne Acres, Providence District. (Rural Residence).

Mr. Hansbarger represented the applicant. This is a request for a 3.8 ft. variance for the carports on both lot 18 an 19. The applicant bought the houses when they were substantially completed. The applicant asked for 10 ft. carports but it was not wide enough. He had thought the required setback was 15 ft. The setback for the carport on both these lots would be 16.1 ft. Mr. Hansbarger said it would be a considerable monetary loss to the applicant not to grant this request,

Mr. Dodd, the builder, was asked how much it would cost to remove a carport. Mr. Dodd said if they knocked off the carports it would reduce the selling price of the houses and would also hurt the neighborhood as the houses would look cheaper. He thought it would cost about $3,000 to move the carports including the depreciation to the value of the houses. They want to build houses comparable to those in the neighborhood and without the carports these houses would not be comparable The carports now are 13 x 26'

Mr. V. Smith asked how much would it actually cost to remove the carports. Mr. Dodd said $500 but that if the carport were removed it would take the price of the house farbelow the present $20,000 price level.

Mr. Hansbargar said there was no intention to violate the Ordinance as there is sufficient room on the lots for these houses with the carport. There is over 26 feet on the opposite side of the carport on both houses. Mr. Hansbarger said there was not sufficient space to re-subdivide the lots. The violation is on the wrong side to accomplish that.

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Mr. Dodd thought that if this house were dropped below the general price level in the neighborhood - these houses would not sell as the comparison would be too great. Since this area is not yet built up, Mr. Hansbargar thought the variance would actually not affect anyone adversely. It would not actually affect future purchases as they would not know of the variance.

There were no objections from the area.

Mt. Mooreland thought the monetary value should not be considered in the variance.

Judge Hamel moved that as the Board has granted some variances with less setback than this and it appears to be the possiblility of a mistake he thought the Board was justified in granting the application. Seconded, Mr. Haar. Carried, Mr. Yerkin Smith voted no.

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7- Mary D. Miller, to permit the extension of a non-conforming building at the S. E. corner of # 211 and Shirley Gate Road, #655, Providence District. (Agri)

Mr. R. A. Diggs represented the applicant. The applicant is asking for a small room to be added to the main house. Mr. Diggs said he had been hired to repair the roof - Mrs. Miller had talked of putting on this room but did not plan to do so at that time. This is just a little corner which will fill in the corner of the house. It will be used for an office. It won't bother anyone, Mr. Diggs said. Mrs. Miller had talked of this room for a year and she had gotten a permit to repair the roof and some remodeling. But the permit did not include this extension. However he thought it did ~~not~~ include this little room, so they went ahead building.

There were no objections from the area.

Mr. Mooreland saidthis was the third or fourth time something similar to this had happened here, and Mrs. Miller had gone ahead with construction without a permit. This is partially completed. They had gotten a permt to repair the roof and do a little remodelling but did not get a permit to extend the building. They have gone ahead contrary to the Ordinance then hired an attorney to get them out of their difficulty. He thought this business should be stopped.

Mr. Diggs said this was such a little building it wouldn't hurt anyone - it would be used for an office and flowers etc. This will be about 97' from the side road.

Mr. V. Smith moved to defer this for later in the day for further study and that Mr. Diggs will be advised of the decision by letter. Seconded, Mr. Haar. Carried unanimously.

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8- Myrtle Cox, to permit duplex dwelling on Lots 4,5,33, and 34 Hunting Ridge Subdivision, Dranesville District. (Sub. Res.)

Mr. M. E. Powers represented the applicant. Mrs. Cox got a permit to put two dormer windows in the rear of her dwelling. The apartment was already in the house, and Mrs. Cox rented it. A few months later Mrs. Cox was notified to vacate the apartment, which she did. She had remodelled the apartment putting in a new bath, heat, etc.

Judge Hamel asked if there were other apartments in the neighborhood. Mr. Powers said no.

Mr. Mooreland said the permit issued was for remodelling - not for a duplex dwelling.

Judge Hamel said this was a area of good homes ~~and~~ there was nothing of this kind (duplex) in the neighborhood - he thought allowing this would set a precedent which could very well hurt the whole area.

There were no objections from the area.

Mr. Mooreland said he could see no reason to ~~get up~~ PERMIT a duplex dwelling here - this is an area of good single family dwellings.

Judge Hamel moved to deny this case because it is not in keeping with the character of the neighborhood and it could depreciate the area. Seconded, Mr. V. Smith. Carried unanimously.

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9 - Annandale Water Company, to erect a water standpipe 63 feet high on a Parcel of land 10,000 sq. ft. adjoining Section 1, Columbia Pines, Falls Church District. (Suburban Res.).

Mr. James McWhorter represented the company. Mr. McWhorter said this company was incorporated under the State Corporation Commission as a public utility to service the area in and around Annandale. They have experienced a great expansion since the incoproration of this company and will have 3500 connections on the system. They have made a study of the most feasible site for

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a new storage tank, and when the location was decided upon this application was made. The tank will be 50 ft. in diameter and 63 ft. high, and will hold 1,000,000 gallons of water steel construction. They have recently bought more ground in order to install this tank. The contract has been let. They have expedited matters to this point in order to be ready for use of this tank by Spring and to takecare of water needs for the coming summer. There are two rights of way leading to the property and no part of the 10,000 square feet involved will front on a highway. ~~It and no part of the 10,000 square feet involved will front on a highway~~. It is well setback from any dwellings. The setbacks were shown on the plat to be 35', 25' and 15' from the lines. The site is on the edge of the woods back of homes, the view will be blocked on three sides. Mr. McWhorter showed an aerial photograph of the site indicating the location of homes in the area.

Mr. Douglas Brooks who will build the tank told the Board that in view of the water shortage in this areaadditional storage facilities were proposed to be provided. He has contracted to build the tank if this is granted.

The Chairman asked for opposition. Mr. B. Frank Young, Chairman of Parks and Planning Committee of the Columbia Pines Citizens Association spoke in opposition. Mr. Young told the Board that there are 200 homes in Columbia Pines, which are valued at from 18 to $30,000 . They thought that one tank should be sufficient to take care of the storage needs in this locality. This installation will depreciate the value of adjoinig homes by $5,000, each he thought, and would be detrimental to the entire community, as this would be visible from the main entrance to Columbia Pines.

Mr. Young presented an opposing petition with 98 signatures, all residents of Columbia Pines and all from the Rose Lane---- Ridge Road area. There are about 101 homes occupied in this area. There were only two residents called upon regarding this petition who refused to sign - one a member of the clergy and the other a renter. The petition stated that the opposition was because of depreciation to values andwhile thepeople in the area realize that additional water facilities are necessary they thought this might indicate that the Company could place on

this site not only a water tank but other undesirable structures. The Company already has two tanks in the area and the past has shown that they do not keep the surrounding grounds neat or orderly. It would appear appropriate to locate this tank in the vicinity of the existing tanks in order not to depreciate further existing homes.

Mr. Young presented a photograph of the existing tank which showed unkept surrounding area. There were 8 present opposing.

A sketch was shown indicating that homes were 40 feet from this proposed site. Mr. Young asked the Board to deny the application.

Mr. McClure, Mrs. B. Frank Young, both of whom live near this site opposed for reasons stated.

Col. Chase lives on Ridge Road across from the two existing tanks. He testified that the tank area is ill kept. However he thought another tank should be put in this same area.

Mrs. J. Cook who lives next door to the Youngs agreed. Mrs. Upson said this would practically be in her back yard. Col. Upson said he bought about 2-1/2 years ago adjacent to this proposed site for $30,000. If the tank is built here their home will be 60 feet from the tank. He thought there was probable danger from this tank.

Judge Hamel asked why this tank could not be located in the area of the existing tanks. Mr. McWhorter said the system of mains are already installed and they do not have sufficient property there for this tank and it would necessitate condemning land. Another tank there would be more conspicuous and therefore more of an eyesore than the site chosen.

Mr. Haar suggested that if this were granted some ornamental structure might be put around the tank area to make it more attractive.

Mr. McWhorter thought it would be difficult to try to hide a 63 ft. high tank without making it more conspicuous. However, his contract calls for screening by planting along with dressing up thelot. He would be willing to put a fence around all of the property if the people wish. As to depreciation of property values. Mr. McWhorter asked how badly their property would be depreciated without water?

Mr. Young thought that irrelevant - they had been without sufficient water for 3 years or more and the Company has added more customers than they could service therefore they have penalized the people in the area.

Mr. McWhorter said they were under contract to serve people in the area.

Judge Hamel asked if there was another location sufficiently close that would not be so displeasing to the community. It was brought out that this was on high ground and would therefore be cheaper to serve from this point.

Judge Hamel thought that since water was so badly needed and the company must have a site - they should all get together and decide upon an agreeable location - he thought this an embarrassing situation for the Board to decide something which the people in the area should, along with the Company, decide themselves.

Mr. McWhorter said they had made an exhaustive study of the situation and this is the best location they had found. He thought if they were delayed and could not start immediately the people could very well be restricted on water for household use next year. He noted that the shortest distance from this tank to the nearest house is 90 feet. If they have to change this location, Mr. McWhorter thought the tank could probably not be put in for another year.

Mr. McWhorter said he had not known much about the objection he had talked with Mr. Young and had heard that there was no opposition. He had also talked with Mr. McClure who had made no statement of objection. Mr. McWhorter said they had thought this site was not objectionable, the elevation is good and it is located at the rear of lots. The easement for this installation has been on the Company plans since it was organized, the supply lines were laid on the site before anyone built in Col. Pines.

Mr. Haar suggested getting more land. Mr. McWhorter said they had talked of this but it would mean a condemnation suit and they could not get disposition until next spring.

It was asked why the tank must be 63 feet high. Mr. McWhorter said it was necessary that this tank be on a top level with the existing tanks.

Mr. McWhorter suggested that an evergreen hedge could be planted which would grow up and not out - which would better shield the tank.

Mr. Haar moved to defer the application to the next meeting to give the company the opportunity to present adequate landscaping plans not only of the grounds surrounding the tank but of the tank itself.

Mr. McWhorter said any delay will mean two or three months delay in getting the tank ready for use and will necessitate a new Schedule.

Judge Hamel thought that a 30 day delay would give time for the company and opposition to get together on a better location which would be more desirable.

Mr. V. said the fact that there has been a water shortage in this area for many years was not the responsibility of the Board. He thought every care should be taken to make this site as attractive as possible.

It was added to the motion that consideration be given to the possibility of an alternate location more desirable to the residents of the communtiy. Judge Hamel seconded the motion. Carried, unanimously.

Mr. Kuhlman suggest that proper landscaping plans should be submitted, in writing, for all tank areas as there had been many broken promises in the past. Mr. V. Smith saidthe Board could do nothing about the other tank areas.

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10. Lorton Volunteer Fire Department, Inc., to permit use of property for a Fire House, Lot 11, Pohick River Pines Sub. at the N. W. corner of Pohick River Drive and #7/8, Lee District. (Agri).

Mr. Ira Cochran represented the applicants. Mr. Cochran said they had formed this volunter fire department and incorporated. Mr. Helms had donated the land. The County Fire Commission has approved the site and the property and approved the organizations. They had many meetings and had heard no objections from the area. The subeivision is as yet undeveloped. The percolation test proved o.k.

Mr. Haar moved to grant this application because this is a carefully planned project and the applicants have gone through the normal procedures of establishing the Fire Department

and this is a badly needed facilities in the community. Seconded V. Smith. It was also added to the motion that this has been approved by the County Fire Commission. Motion Carried. Unanimously.

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11. Charles H. Fugate, to permit a service station and to have pump islands closer to road right of way line than allowed by the Ordinance, on north side #644 adjacent to Ward Plaugher 's Stores, Lee District. (Rural Business).

Mr. Jack Wood represented the applicant. ~~The nearest the applicant~~. The nearest pump island will be 25 ft. from the right of way, Mr. Wood said. There is a filling station across the street. There were no objections from the area.

Mr. V. Smith moved to grant the application because there is a filling station across the street and this is a rural business district and the use does not appear to affect adversely the use of joining property. Seconded, Mr. Haar. Carried, unanimously.

12. R. R. McKay, to permit operation of a service station at the S. W. corner #674 and #603, Dranesville District. ~~Providence District~~. (~~Agri.~~) (RURAL BUSINESS)

Mr. Harry Carrico represented the applicant. The plans have been changed on this, Mr. Carrico said, the request for a service station has been abandoned and now the applicant is wanting only the pump islands. He will operate his filling station in connection with the store. The Board of Supervisors have rezoned to Rural Business a parcel of ground 300 X 300' for this purpose, Mr. Carrico said. The store planned here will be 55' X 71' and the pump islands will be to the side of the store facing River Bend Road. No variance is being asked - merely a use permit. The islands will also be a long distance from the right of way. Mr. McKay will move from his presently operating store as the lease has run out. The volume of business done by Mr. McKay shows that a store and the pump islands are a badly needed facility in the community. There are no objections from the area - and the people indicate that they want this use.

Judge Hamel moved to grant the application for the pump islands in view of the fact that this seems to be a needed

facility and there is no variance required and the property has recently been rezoned rural business to take care of this type of business. Seconded, Mr. Haar. Carried, unanimously.

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13. Douglas A. Brooks and A. Bud Fenton, to permit swimming pool and other recreational facilities on west side of Sleepy Hollow Road, approximately 500 feet north of Holmes Run, Falls Church District. (Rural Res.).

Mr. Carrico represented the applicant. The wrong land was posted in this case, Mr. Carrico said and was not caught until too late to repost. Therefore this case cannot be heard legally. Mr. Carrico asked for a deferrment.

Judge Hamel moved to defer this case for 30 days until the property is properly posted. Seconded, Mr. V. Smith. Carried unanimously.

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14- Lee-Graham Association, Inc., to permit swimming pool and recreation center on south side of #211, approximately 800 feet west of Graham Road, Falls Church District. (Sub. Res.)

Mr. Eastham represented the applicant. There is a great need for recreational facilities in this area, Mr. Eastham said and the people have found it necessary to get together and work out plans for this Association. They have an option on the ground. They will have approximately 8 acres. The pool will be located about 677 feet from Lee Highway. They want a use permit for the pool and other recreational facilites two baseball diamonds, tennis courts, pony rides and probably additional types of recreation. This will be a non-profit association.

Mrs. Nurge noted that only the people owning shares would use the pool. The parking area will be open to others also who will use the other recreational facilities.

The pool will be 38 feet from the nearest property line. The lot is 116 feet wide at the location of the pool. The pool will be 50 ft. wide. Parking will be provided at the rear of the property and to the side. There is a 20 ft. entrance road on the property to the parking area. There will be a member - ship of about 450. The application for a charter is on file with Richmond. They have canvassed the area well (property owners) there were about four whom they did not see. A petition

with 39 names was presented favoring this use. These people understood the plans for recreational development. They plan and 8 ' fence around the pool for protection. They will also have a wading pool. About nine people were present favoring this project.

Mr. Belyea appeared in opposition. Mr. Belyea said a group of people in the area believed that this could be a nuisance unless it is adequately supervised and restricted. He read a petition with 64 names stating that this use would interfere with the life of people in the area unless restricted, The petition asked that this recreational area be open from 9 a.m. to 9 p.m. and closed securely at all other times. Signers live within 500' of the pool area.

Judge Hamel asked if the Ordinance took care of any such policing restrictions. Mr. Mooreland said no.

(The signatures on the petition represent 31 property owners)

Judge Hamel thought the people making this application and members of the group should do their own policing and restricting to assure that no nuisance will be created for the neighborhood.

Mr. Belyea said this is a large area there are many share holders which might make it difficult to superwise adequately without restrictions laid down by the Board. They had not heard anything about the hours this would be open. Also he questioned the ingress and egress. He thought a man-proof fence should be required around the pool.

Mrs. Caspro agreed with the objectors. She lives across the street from this proposed use.

Mr. John Pyron said reasonable restrictions would be put on the group but that they did not have much money as there are many needs in working out a thing of this kind but they will make every effort to give the very best protection. He noted that some of the objectors are members of this association and they will have a voice in the management and restrictions

It was also noted that the right of revoke of permit in case this is not properly managed was always possible. However, everything would be done for protection and safety

It is planned to have a contract with the Red Cross for swimming lessons and they will have a full time life guard

and necessary personnel to adequately take care of the area.

Judge Hamel moved to grant the application in view of the desirability of this type of recreational area for this community. This is granted with the understanding that the citizens making up the Association will police the situation and adequate fencing will be provided around the pool. Seconded, Mr. Haar. Carried, Mr. V. Smith not voting.

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15. Joseph L. Atchison, to permit an apartment to be used as a medical office, Section 4, Springfield, 6114 Backlick Road, Mason District. (Urban Res.)

The applicant will not live in the apartment to be used as a medical office - he will live in a joining apartment. This will be a temporary use- until such time as office space is available. The office building into which they will later move - is now being built. The apartment in which this use will be carried on will be ready about December 1st - it is Apt. 11-A.

Mr. Schumann said he did not know where in the Ordinance the Board was given authority to grant this - but this application is before the Board for their handling.

Judge Hamel moved to grant the application to the applicant only for the use of Apartment 11-A located at 6114 Backlick Road. Seconded, Mr. Haar. Mr. Brookfield voted Yes. JB Smith voted no and Mr. V. Smith not voting. Carried.

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16. C. R. Vaughan, to operate a gravel pit on 1.046 acres of land on south side of Columbia Pike, approx. 420 feet west of Arlington County Line, Mason District. (Sub. Res.)

Mr. Gail Landon represented the applicant. This application is made for the purpose of completing a job started some years ago,, Mr. Landon said. This is an old abandoned gravel pit - partly gravelled out. This application is to operate on the back part of this property. They will carry the gravel out by means of an old road through the DeVall property joining this.

Mr. Schumann read a report and recommendations submitted by Mr. Rasmussen of the Planning Commission office regarding his inspection of this property. (This report required by the Ordinance).

1. Natural Drainage divides must be maintained.

2. Existing access road from old pits could be used or new road could be constructed along the hill to Col. Pike. In either case a permit must be obtained from V. D. H. to insure a safe and proper location.

3. Adequate drainage must be provided at stream crossing where access road will be made to Col. Pike. .

4. Operations should terminate at least 15' from southerly boundary and from the westerly boundary Ground should slope not greater than 2:1 from the top of excavation along the lines 15' from and parallel to the southerly and westerly boundaries to the ultimate limits of the new gravel pit operations.

There were no objections.

Mr. Schumann suggested that these recommendations be put in the motion if this case is granted.

Judge Hamel moved to grant the application for one year to the applicant only subject to the requirements as stated in Mr. Rasmussen's report dated November 23, 1954 (as stated above) and these requirements are agreeable to the applicant. Seconded, Mr. Haar. Mr. V. Smith added that the joining property owners be notified of this use. Carried, unanimously.

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17. Ralph Derrenbacker, to permit erection of dwelling with less setback from street line and side lines, Lots 20, 21, and 22 Block 2, West McLean, Dranesville District. (Suburban Res.)

Mr. Mooreland said this is an old subdivision and many of the houses are on two lots (this will be on three lots.)

Many of these houses are located 7 ft. from the side lines and some of the existing houses are 20 ft. from the street. These lots are mostly built upon.

Mr. Mooreland said no houses face on Meadowbrook Avenue they all face on Buena Vista Ave. The lots in this subdivision are less than the required minimum but by the use of these three lots the area comes up to the required minimum and because of that Mr. Mooreland's office could not grant the less setback. If this were two lots and less than the required minimum the Zoning Office could grant less setback, according to the Ordinance

There were no objections.

Mr. Haar moved to grant the application as this house is to be built upon three lots and this is a old subdivision where existing houses are set at varying distances from the

property lines and the applicant has the approval of the Planning Commission. Seconded, Judge Hamel. Carried. Unanimously

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Mr. Mooreland asked the Board to discuss having two meeting dates a month and to determine which dates will be satisfactory to the Board. Mr. V. Smith moved that the second and fourth Tuesdays be set for meeting dates. Seconded JB Smith. Carried, unanimously.

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The Belle Isle application was discussed. Mr. Simpkins represented the applicant, who was present also. This rehearing was granted at the October 19th meeting. The setback asked is the same as houses along this street. The side road here is very short - about one block long. It had been suggested that the house be turned to face this little road. If the house, faces the little road the back door would face the neighbor who would certainly object. This also would not be good for loan purposes. This small road is a 25 ft. dedication which was left by Mr. Lynch for a future street. It was suggested that the house might be moved closer to the side line giving as much setback as possible from the little road. The applicant is asking 37.05 setback from the side road or less setback on the side line. No carport is planned at this time. The garage could be built in the rear of the house. It was brought out that this side road is actually a right of way left as entrance to a colored settlement in the rear of this development. This side street is bordered by trees. Houses in the area are valued at about $20,000.

Mr. Haar thought that by moving the house over 5 ft. toward the side line it might be all right as this is an irregular shaped lot and the side road is not a fully dedicated street.

Mr. V. Smith moved to grant the application subject to the house being located not closer than 42.05 ft. from this small side road which is on the south side of the lot and the building may come 20 ft. instead of 25 ft. from the line on the north side of the lot because this is an irregular shaped lot and in this way the house fits into the development more harmoniously than if turned to the side and that there be no variance for a garage or carport on this property

because there is ample space for a garage or carport back of the house. Seconded, Mr. Haar. Carried, unanimously.

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St. Mary's Chapel was discussed again. This was deferred for better plats. a scale drawing. However, the new plats were not to scale. The plat shows 3-1/2 ft. between the Davis shed on joining property and this proposed parish hall. There were no objections.

Mr. Haar moved to grant the application provided the proposed addition comes not closer than one and one-half ft. from the property line. The addition to the existing building appears to be necessary to the present activities of the church andit does not appear to affect adversely joining property. Seconded, Mr. V. Smith. Carried, uanimously.

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The Mary D. Miller case was taken up again. It was suggested that while this property has caused many headaches for every one this small addition probably would not hurt anyone.

Mr. Mooreland said that was probably true but this business of going ahead with construction then the applicant hiring an attorney and coming to the Board for a permit is not good. In this case the applicant got an application for re-roofing then went ahead and extended the building. This is extending a non-conforming use which is not allowed by the Ordinance. A use can be extended throughout the building, Mr. Mooreland said, but not extended by addition to the building. However, it was noted that the Board had in the past extended the building of a non-conforming use.

Mr. V. Smith thought this probably would not hurt what was already there. However, he moved to defer the case for 30 days to further study conditions. Seconded, JB Smith Carried, unanimously.

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Mr. Schumann asked that if in the Robinson gravel pit the Board meant that in their granting this that no banks more than 5 ft. high should be created. He thought this could not be accomplished. Mr. Haar said he meant that no banks during the term of excavation - no vertical banks should be created more than 5 ft. high. Mr. Schumann said that was satisfactory as the Ordinance refers only to the finished banks. Also Mr. Schumann asked if the buffer strip is to be a permanent thing of is this to be granted down when this operation is

finished. The Board thought this should be graded down in the end.

The meeting adjourned.

John W. Brookfield

John W. Brookfield, Chairman

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December 14, 1954

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, December 15, 1954, at 10 a.m. in the Board Room of the Fairfax Court House with the following members present: Messrs Brookfield, Hamel, JB Smith and Mr. Haar.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- Elmer O. Clair, to permit operation of a trailer court, 14 units 202 feet north U. S. #1 on the east side of an outlet road, Austin Hart Property, Mt. Vernon Dist. (General Business)

Mr. Haar had seen the property, however, he said he did not go into it thoroughly andhad heard no particular comments on this. There are about 2/3 acre in the tract which joins Fort Belvoir on one side. The neighbors on joining property do not object, Mr. Clair said. This will be a trailer court with first class facilities.

This property is on an outlet road about 202 feet off of U. S. #1.

Mr. Mooreland suggested that if this is granted it should state in the motion that the property should be developed as the

plats show leaving ample area for each trailer. These trailer courts are mostly under state control which requires 1000 square feet per unit. If this is not required the trailers could be put too close and the zoning office could not require that the trailers be set on the lots as shown on the plat.

Mr. Clair said the trailers could be there b y the day or permanently if the occupant so desires.

Mr. Haar moved to grant the application provided the Court be operated as indicated on the plans submitted with the application and that it be maintained in first class manner and that this comply with all regulations regarding the establishment of Trailer Courts. Seconded, Mr. Hamel. Carried, unanimoulsy.

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2- Eakin Properties, Inc., to permit use of property for service station and to have pump islands closer to road right of way line than allowed by the Ordinance, Lot 17, Section 5, Pine Ridge Subdivision. Providence District. (Rural Business)

Mr. Jack Eakin read letters from the Highway Department dated November 19 and 29, 1954 regarding right of way of Rt. 236 which stated that there were no development plans regarding Rt. 236 at this time that right of way studies had not been made. The letter had also suggested that pump islands should be back 60 ft. from the centerline of the pavement. But there was no answer on the widening of the highway.

Mr. John Geiger of the master plan office read a letter from the Highway Department dated December 16, 1954 stating that 160 ft. minimum right of way would be required on Rt. 236 and perhaps an additional right of way for the service roads which would bring the entire right of way to 220 ft. This would be for a 4-lane divided highway, Class B.

A letter was read from Col. Onthank, president of the Pine Ridge Citizens Assn. stating that they had received information that the ultimate right of way would probably require 220 ft.

Mr. Eakin said this was an idealistic plan for widening which may never come to pass. The building planned on this property would be back the required distance, this or any other business could be so located without permission from the Highway Department or anyone as long as the existing requirements are met. The pumps have never been considered to be a structure, Mr. Eakin said, Mr. Eakin

said no service road could be required here. [redacted] This is expensiveproperty on which they paid high taxes for many years-he thought it was confiscation of property to require more than the required setback. Since there are no definite highway plans and the proposed width may never be taken Mr. Eakin said they would be asked to wait indefinitely - and for what? Judge Hamel suggested that in view of the ANTICIPATED growth of the county perhaps some definite action be taken. He thought the maximum width of highways was desirable. Mr. Eakin agreed but he thought 160' on Rt. 236 unreasonable, he questioned how the Highway Department would ever buy this right of way since so many already constructed buildings would be terrifically expensive to move. He also noted that the Highway Department had discovered that divided highways are very unsafe-therefore this idea may be abandoned on Rt. 236.

Judge Hamel thought the Highway Department should have as much vision as they expected us as a County to have with regard to future highway plans.

Mr. Eakin said if they built a business building on this property at the required setback line the highway department would have to move that back and buy the property for widening which he did not think in the interest of the public welfare. Mr. Eakin said they could move both the building and the pump islands back some distance - leaving the same relationship-distance between the two and gain a little extra setback from the road. They could probably move back 10 feet, which would be 35 ft. from the right of way for the pump islands.

The distance of these structures from Norfolk's store was discussed. Mr. Mooreland said Norfolk's store had agricultural zoning which did not require the additional setback for business on this property as would be required with a residential zoning.

It was brought out that these pump islands would set out some distance in front of the house on neighboring property.

December 14, 1954

It was suggested that the State probably would make a survey of Rt. 236 and determine on which side the additional right of way would be taken, and that this survey should be made for future guidance.

Mr. Haar moved to grant the application allowing the pump islands a 35 ft. setback from theright of way of both Rt. 236 and 699 in place of the requested 25 ft. setback and the building setback should be at least 58 ft. from the right of way of Rt. 236 right of way. Seconded, Judge Hamel. Carried. Unanimously.

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REGULAR CASES:

1- E. E. Fordham, to permit dedication of public street closer to existing dwelling than allowed by the Ordinance approximately 1/2 mile south of #626 on west side of Holland Lane, Mt. Vernon District. (Rural Residence).

Mr. J. W. Waller represented the applicant.

Some changes have been made in the original plats - in that the lots in the rear were made larger. HollandLane gives access to a lot with an old house on it - which house was here before the Ordinance would be too close to this street with its full dedication, 50 ft. The applicant cannot subdivide unless this is granted. This is a difficult situation as the County says the applicant must go ahead on this basis but the Ordinance says it cannot be done.

Mr. Schumann said this is definitely a hardship case, the applicant wants to subdivide and the County says he must dedicate the 50 ft. road and the Zoning Ordinance says he cannot dedicate the road because it is too close to this old house. Since this is a nonconforming house it cannot be changed nor improved without coming first to this Board.

If this is not granted, Mr. Schumann said Mr. Fordham has land which he cannot subdivide.

Judge Hamel thought this was an asset from the tax standpoint to allow development to go ahead. There were no objections. Judge Hamel moved to grant the request in view of the fact that it appears to be a real hardship and because the house on the lot in question was there for a number of years before the Zoning Ordinance was effective. It was also noted that this house could not be added to as it is nonconforming. Seconded, Mr. Haar carried, unanimously.

2 John J. Stahl, Jr., to permit erection of garage and breezeway closer to side lot line than allowd by the Ordinance, Lots 31, 32 and 25 feet of Lot 30, Section 2, Lee Forest, Providence District. (Agri.)

The house planned will be 60 feet across the front. It therefore will not fit on the lot. Because a brook divides the lot, and the building could not be located in the center of the property. The applicant wants an extra 10 feet on one side. The house on the joining lot is 30 ft. from this side line. Mr. Stahl thought that he needed 15 ft. for the breezeway to make it an attractive addition to the house. He thought the house plan as presented would be an addition to the neighborhood. If the garage were at the rear it actually would detract and would do nothing for the area.

Mr. Stahl presented a letter from three neighbors stating they did not object to this. This house would be located actually on 2-1/2 lots. It is frame construction. There were no objections from the area.

Judge Hamel moved to grant the application because the neighbors do not object and because of the topographic condition on the lot, caused by the stream, and that the variance be fixed at 12 ft. from the side property line. Seconded, Mr. Haar. This was a tie vote.

For: Hamel, Haar.

Against: JB Smith, Brookfield.

Mr. Brookfield announced that this would be re-heard at the December 28th meeting. Mr. JB Smith so moved, Seconded, Mr. Haar. Carried, unanimously.

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3- Carney and Drew Development Corp., to permit dwelling with less rear yard setback than allowed by the Ordinance, Lot 9, Jacobs Park, Falls Church District. (Urban Res.)

This was one of those unfortunate mistakes, the applicant said, an engineering oversite. The house planned is 40 X 26 ft. the same size house that is being placed on other lots in this subdivision. All other setbacks have complied. This is an irregular shaped lot which probably confused the engineer in finding his points. This is the last house in the subdivision. It violates only on the corner. There were no objections.

Mr. Jb Smith moved to grant the application as it does not appear to adversely affect joining property and it is an irregular shaped lot and the violation actually affects only one corner of the house. Seconded, Mr. Haar. Carried, unanimously.

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4- B. H. Brittin, to permit location of garage closer to side lot line than allowed by the Ordinance, lot 26, Section 2, Sleepy Hollow Subdivision, (107 Holmes Run Road), Falls Church District. (Suburban Res.)

The front of the garage in this case is 7-1/2 feet from the side line, and the rear violates by 9 inches measurements were taken from the corner which were evidently not in place and the lot is irregular is shape-fanning out toward the rear. In the summer when foliage is out this does not show, therefore they did not know this garage was in violation until in the fall when the leaves dropped - then they meausred and found the setbacks did not measure up to requirements. A letter was presented showing that the immediate neighbor who would be most affected did not object. There were no objections from the area.

Judge Hamel moved to grant the application because this was apparently an honest mistake and it does not appear to affect adversely adjoining property and the lot is irregular in shape and such an error could easily be made. Seconded, Mr. Haar. Carried. Unanimously.

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5- Lewis E. Hardbower, to permit the erection of motel, 15 units at the southerly side of #1 Highway, 102.87 feet west of Belfield Road, Mt. Vernon District. (Gen. Busi.)

Mr. Fred Lacey represented the applicant. This will be brick and cinderblock construction. There is an existing house on this property. At the rear of this property is a 15 ft. right of way on which three houses face. The applicant is asking for no variance - merely the permit to erect the motel.

Mr. Mooreland suggested that the ingress and egress should be shown on the plats - and approved by the Highway Department that this should be definitely tied down.

It was stated that there would be an opening on U.S. #1 for ingress or egress 102 ft. from the Belfield Road.

Mr. Haar moved to grant the application as this seems to be an appropriate use for this land in this area and that ingress and egress be as sketched on the plan which will be subject to the approval of the Highway Department. Seconded Judge Hamel. Carried, Unanimously

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6- Rose Hill Development Corp., to permitdwellings closer to street and side lot lines than allowed by the Ordinance Lot 18; Block G, Lots 23, 24, Block G, Lot 2 Block H, Lot 15, Block H, Lot 4, Block E, Section 1, Rose Hill Farms Subdivisions, Lee District. (Suburban Res.)

No one was present. Mr. Haar moved to put this case at the bottom of the list. Seconded, JB Smith. Carried.

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7- C. A. Briggs, to permit erection of workshop closer to side lot line and permit carport closer to street line than allowed by the Ordinance, Lot 84, Section 5, Hollin Hills, (1303 Popkins Lane), Mt. Vernon District. (Suburban Res.)

This lot drops off about 7 feet immediately from the street except in this one place where the carport would be located. It would be on the highground which is actually the top level of the house. This is a split level house. Most of the house is on the lower level which is below the street. This is the only way a car port ccould be added to the house, because of the extreme slope. The carport would be 30-1/2 ft. from the front property line and 10 feet from the side line. The house is now located the required 40 ft. from the street. Mr. Briggs said he thought this would be an addition to the Community - there were no objections.

Mr. Mooreland thought this should probably be looked into - that the house was built according to requirements but that this is a large variance and perhaps the Board should see the property, that they should be careful they were not amending the Ordinance. This Board had limitations, Mr. Mooreland said, and there should be a special reason - a hardship or something definite to grant such a variance.

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He thought the applicant had bought the house knowing the limitations of the lot and now was asking the Board to amend the Ordinance and he questioned their right to do so.

Mr. Briggs said it had been his ultimate intention to have a carport when he bought and he did not know there would be this difficulty or that he would be asking too much.

Mr. JB Smith moved and Mr. Haar seconded that the case be deferred until December 28, to view the property. Carried, unanimously .

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8- Samuel V. Merrick, to permit erection of carport closer to street line than allowed by the Ordinance, Lot 83, Section 5, Hollin Hills, (1305 Popkins Lane), Mt. Vernon District. (Suburban Res.)

Since this is the same type of variance asked, the same motion was made by Mr. JB Smith and seconded by Mr. Haar that this case also be deferred until the 28th to view the property. Carried, unanimously.

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9- Flint Hill Cemetery Association, to permit extension of cemetery in rear of the Church of the Brethern, located on #123 immediately in the rear of the present Flint Hill Cemetery, providence District. (Rural Res.)

Mr. Roland Blake, Pres. of this Association represented the applicant. This is a very old cemetery, Mr. Blake said, started in about 1840 and which has been added to from time to time. This is a community proposition - no profit involved. Mr. Blake said it was his understanding that an established cemetery could extend itself with permission of this Board even to the point of condemnation if necessary. In this case they do not consider this necessary and have contracted to buy additional property. They know of no objections from surrounding property owners. There are no setback restrictions.

Judge Hamel moved to grant the application because there appears to be no objection and such a use would not adversely affect the use of adjoining property and this is merely the extension of an existing cemetery. It is also required that certified plats be presented and filed in the Zoning office.

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Mr. Mooreland read a letter from Mr. Wm McIntrye asking the Board to remove the "five students" clause in the granting of his dance studio, which was granted by the Board. He wishes to have larger classes and to have an assistant.

Judge Hamel thought this was asking a great deal and perhaps there should be a new hearing. The Board agreed. No action was taken - it being understood that a new hearing would be requested if Mr. McIntyre wished to increase his school.

Mr. Mooreland also read a letter from David Cerkel saying he had new evidence and would like a rehearing on his case which was denied by the Board. Mr. Mooreland thought Mr. Cerkel might be presenting new plans and it might be well to rehear the case.

Mr. JB Smith moved to grant a rehearing, seconded, Judge Hamel - Carried. It was agreed that Mr. Mooreland set the date to best fit in with future agenda.

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10- W. T. Carrico, to permit erection and operation of a service station and to have pump islands closer to road Section 1, Willow Run Subdv., Mason District. (Rural Business.).

Mr. Lytton Gibson represented the applicant. Mr. Gibson said the original plans presented asked for a variance on the side line but these plans had been revised and now there was no need for that variance.

In the original plans of this subdivision, Mr. Gibson said, this lot and lot 11 were reserved for commercial uses. This was shown on the recorded plats of the subdivison. This property was rezoned by the Board of Supervisors and Mr. Carrico is now making application for use permit for the filling station, as required. They are asking that the pump islands be located 25 feet from the right of way of Rt. 236. They will take their plans for ingress and egress to the Highway Department for approval, Mr. Gibson said.

This property is zoned business for a depth of 200 ft. There is a house on Lot 2 joining - part of this lot is also zoned business - which takes care of the setback on that side line.

Mr. Mooreland suggested that the Board should be consistent in granting setback variances he recalled another case

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where they had granted a 35 ft. setback for the pump islands on Rt. 236.

Col. Henderson appeared in opposition, representing residents in this area. There are many in the area who are opposed to this Col. Henderson said and he wished the Board would hold up decision until he was able to present to the Board a petition in opposition which would consider another proposal from the residents in the area. The purchasers in this subdivision do not wish to have a filling station so near their homes. Since Rt. 236 is planned to be a four lane hig way and now so many changes are taking place with a new look for this entire area he thought the area should be studied with regard to future commercial development and not have commercial spots intermingled with residential property - but rather that it be concentrated in logical areas. It was noted that a rezoning had been turned down at Willow Run and Rt. 236 and now a residence had been built on that property - showing that the residential character could be maintained. Six property owners from the area stood opposing.

Mr. Gibson stated that he considered the Colonel very fair in his presentation of opposition but the fact remains that Mr. Carrico could get a permit for many other kinds of business here without benefit of a use permit - some of which businesses might be obnoxious - it just so happens that a filling station requires this use permit and therefore a public hearing.

Mr. Brookfield noted that this was in the Ordinance because filling stations had been considered detrimental to residential areas. Mr. J. Popham from the Sinclair Oil Company noted that within the last three months other filling stations had been granted permits under conditions similar to this - he could see no reason for not granting this one.

Mr. Gibson noted that this is about 475 ft. from Campbell nursery and there actually are no other filling stations very near - one being about 1/2 mile away.

Mr. Haar moved to defer this case to the next regular meeting (the first meeting in January) to view the property and for the presentation of any further pertinent evidence in this case.

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Seconded, Judge Hamel. Carried unanimously.

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6- Rose Hill Development Corp. This case was taken up at this time, Mr. Morell being present. It was brought out that Section 1 is completed - the 149 houses are mostly occupied. Certified surveys showed these few discrepancies. These setbacks had been accepted as they were laid out by engineers who should know their business. These houses are all completed.

There were no objections to the application from the area.

These houses are on curved streets where the monuments were difficult to locate - therefore these mistakes. The streets are all well graded and well drained and it did not appear that these variations would detract from the general set up.

Judge Hamel thought Lot 18 might be granted because the street is curved and lot is more narrow in the rear than in the front and would not affect adversely the use of adjoining property He so moved. Seconded, Mr. Haar. Carried.

On Lots 23 and 24 it was brought out that in laying out this section the engineers did not take into consideration the location of the carports and did not know on which side the carport would be placed. Therefore they did not allow sufficient setback on the proper side for the carport. Actually the carport should have been on the other side of the house. The houses are brick construction and would be difficult to move. The carports face each other on joining lots. On lot 23 there is a storage area enclosed at the end of the carport.

Mr. JB Smith suggested moving the lot lines to give more setback. Mr. Mooreland left to get the subdivision plat to determine if the lines could be moved without jeopardizing lot sizes ~~lot sizes~~ and frontages.

It was stated that usually the title company requires a survey when the first inspection is made and the house is laid out. Mr. JB Smith thought this should be done and certified plats presented both in the beginning and upon completion of buildings in order to assure proper location and to catch discrepancies.

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It was stated that it would be difficult under any circumstances to resubdivide these two lots as the loans are already placed and the houses are sold and ready to be occupied.

After looking at the plat of the subdivision, Mr. Haar moved to grant the requested variance on Lot 2 as it is similar to Lot 18. Seconded, Judge Hamel. Carried unanimoulsy.

On Lots 23 and 24 the carports would come within 3.8' and 3' from the side lines, but since the carports are an integral part of the structure having a continuous roof from the house it was suggested that these additions add greatly to the buildings. The houses have been staggered purposely to lend variety and interest to the development.

Judge Hamel said he would like to think about these two variances a little longer.

On Lot 15 the road curves at the front of the carport. The nearest point comes 38.5 ft. from the line . Mr. JB Smith moved to grant this because it is on a curve and would not be immediately noticeable and would not adversely affect other property. Seconded Mr. Haar. Carried, unanimously.

Since the variance on Lot 4 is very small about 1' 1/4" Mr. JB Smith moved to grant that. Mr. Haar seconded, Carried, unanimously

In going over the subdivision plat it was discovered that changing the lot lines would disrupt the procedure as people are waiting to get into their houses, and resubdivision of the lots would not be practical. All houses in this area have carports except one. Mr. Moreland thought the Board had the authority to grant this.

Mr. Brookfield suggested that this is a large area to be developed and the developers had come in requesting variances on the first section - he did not think that a good precedent.

Mr. Haar said he would like to see the property.

Mr. Morrell said the house on Lot 23 is 63 ft. back from Flower Lane and he did not think it would obstruct the view of anyone - that actually the front line of this house is at the rear of the house on the adjoining property on Lot 24.

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It was suggested that the Board go to lunch and during the lunch hour view the property and make the decision on these lots after that.

The Board reconvened after lunch and made the following motion: that the request on Lots 23 and 24 be granted provided the side yard clearance be not less than 4 ft. 8 inches on both lots. Motion made by Mr. Haar. Seconded, Judge Hamel. Carried unanimously.

The meeting adjourned.

John W. Brookfield

JOHN W. BROOKFIELD, CHAIRMAN

December 28, 1954

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tue. Dec. 28, 1954 at 10 a.m. in the Board Room of the Fairfax County Courthouse with the follwing members present: Messrs Brookfield, Hamel, Haar, JB Smith, Verlin Smith.

DEFERRED CASES:

1- Worthy Smith, to erect an addition to dwelling closer to street line than allowed by the Ordinance approx. 300 yds.south of Lee Highway on east side of Gallows Road, #650, Falls Church District. (Suburban Res.)

Mr. Taylor represented the applicant. Mr. Taylor said he had appeared to hear the findings of the Beard as they had deferred this case to view the property.

Mr. Brookfield and Mr. JB and Verlin Smith had seen the property. Mr. Brookfield thought this addition might be all right but he had noticed that the house itself is too close to the road. ~~Mr. V. Smith thought it looked to be about 10 ft. which is too close to the road~~, Mr. V. Smith thought it looked to be about 10 ft. from the right of way line.

Mr. Taylor said they had evidently not located the line as he thought the house was set back farther than 10 ft. The porch which is now on the house will come off when this addition would be constructed, Mr. Taylor said. He thought they could not put the addtion to the rear as it would change the style of the house and would be impractical. The addition

would be about 12 feet from the road.

Mr. Mooreland thought the Board had no authority to grant this as the house is non-conforming. He noted that a business can be extended through-out a non-conforming building but a non-conforming building itself cannot be extended. However, he noted that the Board had extended such buildings.

Mr. Mooreland said this house is on a 30 ft. right of way which will no doubt be widened, which would make the building 10 feet from the right of way. This property will probably be classified later as buisness and the buildings will probably be located in line with the existing house.

Mr. V. Smith moved to deny the case because the existing house is already too close to the right of way of Gallows Road and this is a non-conforming house. The traffic is increasing on Gallows Road due to the nearness of the school and the increase in business activity in this area. Seconded, JB Smith. Carried, unanimously.

Mr. V. Smith noted that this area is rapidly becoming business. It would be better to move this house back and put the addition on staying within the required ~~right of way.~~ set back.

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2- Andrew L. Darne, to permit dwelling to remain closer to front property line than allowed by the Ordinance, Lot 27, McHenry Heights, Providence District. (Rural Residence).

This was deferred to view the property.

A letter was read from Mr. Robert Mangan opposing this variance, and stating that a lessening of requirements on this property would encourage depreciation of the subdivision by others who might ask similar variances.

Mr. Darne said this was just a mistake which was made unintentionally. Mr. Mooreland said he could not see where this could be called a mistake. The original plot plan presented to his office showed the house located 50 ft. back from the line. When the inspector saw the footings it appeared that the house was being located properly and he thought the front projection was a small porch which would have been allowed. When construction continued it was found that this small projections was part of the main house and was in violation. Mr. Darne was then notified.

Mr. Darne said he was not notified of this viiation until the house was almost finished. There was a lapse in time of about 4 months before he was notified. He thought this was a mistake on the part of the inspector as well as himself, and therefore thought he should not be held entirely responsible. He thought the inspector should know his business.

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Mr. V. Smith said he thought the inspector did know his business that he was going by the plot plan which was filed in the Zoning Office.

Mr. Gasson represented Mr. Hall who opposed this application. Mr. Hall owns three lots in this subdivision. Mr. Gassan said that Mr. James who owns property across the street also objected.

This was a case of either sloppy building or deliberate violation of the Zoning Ordinance, Mr. Gasson said. The plot plan presented did not show the protrusion in front but rather did show the house properly located. If this is a mistake he thought the Board had no authority to grant such a variance. There was no topographic condition nor was there any extraordinary or exceptional condition involved. He thought it just a sloppy job and that the Board should make an example of this case. The property owners in the vicinity felt very strongly about this - this is a good subdivision and should not be depreciated by this violation. He urged the Board to deny the case.

Mr. James who owns lot 11 and is having other houses constructed in the area, objected and thought the area should not be depreciated that the buildings should conform to regulations.

Mr. Darne said this was not sloppy building - that he had worked on many of the houses in the area and they had all been approved by the building inspector.

Mr. V. Smith said that in view of the gross variance from the Ordinance; he would move that the application be denied because it appears to affect adversely adjoining lots and the neighborhood. Seconded, Judge Hamel. Mr. Mooreland asked if theBoard would place a time on this - when the violation should be corrected. No time was set - it was agreed that Mr. Mooreland's office should take care of this ~~[illegible]~~.

Mr. Darne said he would appeal this decision.

The motion carried - Mr. Brookfield voted No.

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3- Annandale Water Company, to erect a water standpipe 63 feet high on a parcel of land 10,000 sq. ft. adjoining Secion 1, Columbia Pines, Falls Church District. (Suburban Residence)

A letter was read from Mr. Douglas Adams asking that this case be deferred until January 11 as he could not be present at this meeting. Also, Mr. Turnbull sent a letter concurring in this requested deferment; Since the agenda for January 11th is filled Mr. Haar moved to defer this case until the January 25th meeting. Seconded. Judge Hamel. Carried. unanimously.

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4- John J. Stahl, Jr., to permit erection of garage and breezeway closer to side lot line than allowed b y the Ordinance, Lots 31 and 32 and 25 feet Lot 30, Section 2, Lee Forest, Providence District. (Agri.)

Mr. Stahl presented a letter from property owners in the area stating they did not object to this variance. Two of the signers live across the road and the property owner most affected signed. Also a letter from Mr. John Webb stated he had no objection. Mr. Webb owns property adjoining Mr. Stahl.

Mr. Stahl said this addition would not obstruct the view of anyonelse as the Stahl house is 70' back on his lot which is considerably farther back than the house on the joining lot. This neighbor's house is set about 30' from the side line. Mr. Stahl said there is a brook on the opposite side of this house which would preclude locating the addition there. There were no objections from the area. Mr. J. Smith suggested shortening the breezeway to give more setback. Mr. Stahl said he could not make up the difference anyhow unless he cut out the breezeway entirely and that because of the pitch of the roof it needed this low roof to balance the house. It would not look well to put the garage on to the house without the breezeway. Mr. V. Smith questioned which was more important the appearance of the house or the Zoning Ordinance.

It was suggested that 12 or 15 ft. setback might be granted.

Mr. Haar moved to grant the application provided the clearance from the side property line to the garage shall not be less than 14 feet because this would not appear to affect adjoining property adversely, and there appears to be no objections from adjoining property owners. Seconded, Judge Hamel. Carried, Mr. V. Smith voted No.

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5- Douglas A. Brooks and A. Bud Fention, to permit swimming pool and other recreational facilities on the west side of Sleepy Hollow Road, approx. 500 ft. north of Holmes Run, Falls Church District. (Rural Res.)

Mr. Harry Carrico represented the applicant. Mr. Carrico presented a letter which he asked to have read. The letter, from Mr. Carrico, stated that since the filing of this application the Circuit Court had ruled in the case of Joseph Young that a use permit is not required in an Agricultural District for "public and private parks, recreational areas and resorts, etc." and it was Mr. Carrico's opinion that this ruling applies directly to this case - he therefore on behalf of his clients withdrew this application.

Mr. Van Evera, who was in opposition to this case; asked where the opposers stood now - what could they do about this commercial venture.

Would the Board join in an appeal from this decision? Mr. Moreland said only the Board of Supervisors could decide that and that will be decided next month.

Mr. R. D. Smith said this land was covenanted - would the Board act on that. Mr. V. Smith said this Board had no jurisdiction over covenants.

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6- C. A. Briggs and Samuel V. Merrick, to permit carports closer to street and side lines than allowed by the Ordinance Lots 83 - 84, Section 5, Hollin Hills, Mt. Vernon District. (Suburban Residence).

This was deferred to view the property. Eight neighbors had stated they did not object to these applications and there were no objections from the area, including the joining property owners. Letters were presented stating no objections.

The applicants said they were asking this on a topographic condition as the lot slopes off about 7 feet directly from the road except in one place where the carports could be located. The Hollin Hills association has approved both of these additions.

Mr. JB Smith said he could not see that this would depreciate property in the area, that there is a big drop off on both lots and this is the onlyplace a carport could be located.

Mr. Brookfield agreed that the general appearance of the subdivision would not be affected either way by these garages - at least the sub - division would not be hurt.

The Merrick setback would be a 24.28 ft. from the right-of-way and the Briggs would be 30.5 ft.

Mr. JB Smith moved to grant the Briggs application because this would not depreciate the property nor would it depreciate adjoining property and it is understood that this is an open carport, granted in view of the fact that this subdivision is unusual in character with curved streets, steep grades and irregularly located houses. Seconded Judge Hamel. Carried. Mr. V. Smith not voting.

Mr. Haar made the same motion with regard to the Marrick case - granting it for the same reasons. Seconded, Judge Hamel. Carried. Mr. V. Smith not voting.

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7- Mary D. Miller, to permit an extension of a nonconforming building at the S. E. Corner of #211 and Shirley Gate Road, #650, Providence District. (Agriculture)

Mr. Miller said they had gotten a permit for the roof and Mrs. Miller thought it included this small extension. They changed the roof level then went on to put in this addition.

Mr. JB Smith wondered why the Board was always getting things of this kind after the work was done in definance of the regulations. Mr. Miller said it was only because Mrs. Miller had thought the permit included the little addition.

Mr. JB Smith moved to grant the application for a 32" extension as it does not appear to adversely affect adjoining property. Seconded, Mr. V. Smith. Carried, unanimously.

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8- Eleanor L. Francis, to permit an antique shop in the home on Leesburg Pike and Dale Drive, Providence District, (Suburban Res.).

This was deferred to view the property and for a report on the possibility of this area being considered a business area on the Master Plan.

Mr. Francis appeared before the Board. He reviewed his case saying this was planned as a hobby for his wife, it would all be carried on within the house and no outside display except the small sign as allowed by the Ordinance - that they did not plan to use the surrey as advertising. He called attention to the fact that if this became obnoxious the permit could be revoked at any time. There would be no trucks nor junk to cause an unsightly condition - nothing would be done to decrease property values. Mr. Francis said he too was greatly interested in maintaining the beauty of the neighborhood and certainly would not wish to do anything which would be a detriment to the area, that he had improved his own property which he thought in the interests of the neighborhood. He thought the antique shop could be a very pleasant addition to the area if the neighbors would just see it that way.

Mr. Scheid who has lived in this area for over 43 years and owns considerable property said he had seen antique shops operating in other areas similar to this and thought they were very appropriate in a residential area. He noted that Mr. Francis had put much time and money in his home - that he was proud to have Mr. Francis as a neighbor and he felt sure Mr. Francis would continue to keep his home as an addition to the neighborhood. He thought this request a reasonable one and asked the Board to grant it.

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Mr. Gordon Kincheloe represented opposition which was present en masse at the last hearing. Mr. Kincheloe referred to the petition filed with the Board which 28 persons had signed opposing this use. A letter was read from Dr. Bodolnick ~~oppositing~~ opposing. Mr. Kincheloe said people in the area were greatly opposed to any kind of business in this area of single family homes. Since this involves the buying and selling of furniture it is definitely a business and granting such a use would encourage other similar ventures. The opposers consider that this would adversely affect the neighborhood and would not be in the best interests of the community. There is apparently no need for an antique shop here as there are already two such businesses in Falls Church and one in Pimmit Hills. Four stood opposing. Mr. Kincheloe asked the Board to deny this case.

Mr. Allen said he had no ax to grind in this matter but he noted that rezonings in this area for business property had been denied by the Board of Supervisors - which he thought in keeping with the area He felt that this proposed use would certainly not tend to enhance values - that people in the area had worked hard to maintain the attractive residential character of their neighborhood and they were very proud of it. He did not wish to see these accomplishments destroyed.

Mr. Francis saidhe too wished to keep the area on a high level. He did not think the need of an antique shop was necessarily under consideration. But he noted that antique shops in the other areas were not objectionable As a matter of fact he thought the world could very well get along without antique shops any place - they they were not a need in any case. Mr. Francis said he had a permit for a nursery which is also a business and which he expects to operate.

The report from the Planning Commission was read stating that this area is not set up for business uses in the future master plan.

Judge Hamel moved to deny the case because it appears that a large proportion of the residents in the neighborhood opposed this use and believe it will adversely affect their property. This is also denied in view of the report of the Planning Commission. Seconded, Mr. V. Smith. Carried, unanimously.

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NEW CASES

1- Mrs. Marjorie Cooke, to permit operation of a day nursery at N. W. corner of Popkins Lane and Davis Street, on 1 acre of land Mt. Vernon District. (Sub. Res.)

Mrs. Cooke said she had been given a permit for her nursery school by the Board but the permit had run out because she had been waiting since February 1952 for-first the fire regulations then for the Fire Marshall to tell her what changes would be required in her building to make it conform. The permit has been extended twice. There were some question about what the regulations would require and just what would be necessary to be done on the building. Mr. Ellis had told Mrs. Cooke to wait until certin things in the regulations were settled. She has waited and now the permit has run out again. However all regulations have now been complied with - a fire alarum system has been installed. Mrs. Cooke presented a letter showing compliance with the code requirements and her permit for Health Department inspection. The school is now in operation - Mrs. Cooke said she has 20 pupils (for all day) and about 10 morning pupils.
There were no objections from the area.

Mr. Haar moved to grant the application as the applicant has the necessary permits and authorization from the affected agencies and it is understood she will comply with all future controls passed by the County affecting this type of use and this is granted to the applicant only; Seconded, Judge Hamel. Carried, unanimously.

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2- Century Construction Corp., to permit buildings to remain as built on Lots 7, 8, and 11, Section 1, Little River Hills. Providence District. (Agri).

Mr. Randolph Rouse represented the applicant. Mr. Rouse said a letter had been sent to the three owners of these three houses in question - 16 months after the houses were completed saying they were in violation. Since the builder was actually in error - the construction company has made this effort to clear up the mistake, for the owners. After this subdivision was planned an amendment to the Zoning Ordinance regarding carports was passed - which set the setback restriction for a carport to 20 ft. from the side line. His office did not know of this amendment. A variance has already been granted on these houses which clears their present setback - it is only the carports with are in violation. Since there was orignally no mention in the Ordinance of a carport. They did not realize this was in violation. These are all large lots, Mr. Rouse said many of them have an acre of ground. They have built 22 houses, Mr. Rouse said, and have 22 more under construction

all others conform to requirements. They took out a blanket permit on all these houses. Originally all the houses applied included a garage but they did not build the garages.

The setbacks requested are: Lot 7 -9.7'; Lot 8 -11'; and Lot 11 - 9'3" from the side lines. The carports have enclosed tool sheds facing the side lot lines.

Mr V. Smith moved to defer this case to view the property and to consult with the Planning Commission regarding future planned zoning for this area. Seconded, Mr. Haar. Carried, unanimously.

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3- Otis L. Williams, to permit operation of service station and to have pump islands closer to road right of way lines than allowed by the Ordinance, Lot 5, Section 5, Salona Village, Dranesville District. (Gen. Business).

Mr. A. W. Trueax represented the applicant. This is anaarea of about 18,000 square feet. The cost of the proposed filling station will be about $25,000. This is part of a 6 1/2 acre tract which has been zoned for business and ground has been sold to Safeway, and to other companies for a durg store and a furniture store on this tract.

Judge Hamel suggested that ingress and egress should be checked with the Highway Department. Mr. Trueax said Mr. Mooreland's office would see that that was done. That building will be well back on the propoerty and he did not think this would be anything of a traffic hazard. They would like the pump islands to be 25 ft. from the right of way.

Mr. Frolick appeared before the Board stating that he lives on Lot 22 across from the Baptist Church - he represented the Salona Village Citizens Association. Mr. Frolick said he was there for information to see how this area was to be handled - that they are interested in community planning - he would like to ask questions. First will the highway be widened? He thought this would be a greatly congested area with the present and future traffic. If the road is widened this business would be very near the right of way and would increase the hazard.

Mr. Mooreland thought the widening would not affect Rt. 123 at this point as they have a 50 ft. right of way here and on other parts of Rt. 123 they have only a 30 ft. right of way - this probably would not be made wider. Also he thought Rt. 1820 would not be widened.

Mr. Frolick asked if more land couldn't be devoted to this filling station.

It was brought out that a 25 ft. setback for pump islands has frequently been granted but the building itself will conform to setback requirements,

which is 35 ft.

Judge Hamel moved to grant the application subject to the approval of the Highway Department for ingress and egress and the pump islands be allowed a 25 ft. setback as indicated on the plats and it is recommended that cars shall be parked so as not to unreasonably obstruct vision since this is a stratigic corner. Seconded, Mr. Haar. Carried, unanimously.

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4- Robert L. Epps, to permit erection of motel, 16 units and to have building with less setback from Shields Avenue than allowed by the Ordinance, Lot 6, Section 1, Springbank, Mt. Vernon District. (Rural Busi.)

This is actually a request for extension of the use granted on Lot 5. It was found that it was necessary to use part of Lot 6, which is also zoned business, in order to take care of the Parking and to complete the 16 motel units.

Mr. Haar moved to grant the application subject to compliance with existing County Ordinances applicable to such installation and subject to approval of the Highway Department for ingress and egress and this permit will cover not more than 16 units. Granted because Shield Avenue is only two lots longer than this lot and this does not appear to adversaly affect adjoining property and will in fact be an improvement. Seconded, Judge Hamel Carried unanimously.

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5- Annandale Moose Club, to permit operation of a Lodge Hall approx500 feet north #236 opposite Wakefield Chapel Road, #650, Falls Church District. (Agri.)

Mr. Oliver Beasley represented the Club. There are no homes near this location, Mr. Beasley said it is off the highway and practically isolated. This is a non-profit fraternal Club operated for the community. This land is reasonable and such a club will fill a need in this area. The first building to be erected will be cinderblock - the second section will be brick. There were no objections.

Mr. V. Smith moved to grant the application to the applicant only as this does not appear to affect adversely adjoining property. Seconded, Mr. Haar. Carried, unanimoulsy.

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6- John S. Fitzsimons, to permit an apartment to be used as a medical office in apartment 10 a, Springfield, 6114 Backlick Road, Mason District. (Urban Res.)

Mr. Moreland said Mr. Fitzsimmons was ill and could not appear.

Mr. V. Smith moved to defer this case to January 25. Seconded Mr. Haar. carried, unanimously.

Harriet S. Riley, to permit piano and organ lessons to be taught in the home, Lots 17 and 18, Lee Manor, Providence Distirct. (Suburban Res.).

Mrs. Riley presented a letter from adjoining property owners saying they did not object to this use. There was no objection from the area. Mrs. Riley said she would give private lessons entirely. Mr. V. Smith moved to grant the application because this use does not appear to adversely affect adjoining property as evidenced by the signatures to the letter presented favoring this use and the application shall be granted to the applicant only for a period of three years. Seconded. JB Smith. Carried, unanimously.

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8- Arthur L. Pitman, to permit erection of dwelling closer to street lines than allowed by the Ordinance, Lot 1, Block 6, Section 1, Belle Haven, Mt. Vernon District. (Urban Res.)

Mr. Pitman presented a letter from the President of the Belle Haven Citizens Assn. stating that Mr. Pitman's house had been approved architecturally and that it conforms to requirements of the Community regarding setbacks. Also letters were read from Mr. Maloney one joining property owner and a letter from Co. McLean stating they did not object to the application.

Mr. Pitman said he could not setback the required distance as his house as planned would not then fit on the property. This is a corner lot.. The house on Lot 3 (second lot away) sets back 50 ft. from the Vernon Terrace. However not all of the houses on Vernon Terrace are set back 50 ft.

Mr. V. Smith noted that the setback here was 35 ft. from both streets. He asked If Mr. Pitman could not use these plans if he set back 35 ft. Mr. Pitman said his house was a long rambling type which could not be placed on the lot without a variance.

Mr. Jenkinson, the architect, said this was a long narrow lot and a long narrow house was the only type building which would fit on the lot. The house to the rear is on higher ground by 7 or 8 feet and would overlook the low garage wing of the proposed building. He thought this type of house was in keeping with the neighborhood.

Mr. Mooreland said there was a variety of setbacks in this Section, that there was no orighal setback requirement recorded on the plat. Under the old Urban zoning 30 ft. setback was required which was the established setback. He thought this house could be located closer to the line joining Lot 15 rather than encroach on the corner, as the applicant asks.

Mrs. Pitman said the owner of Lot 15, Mr. Maloney, thought it would be detrimental to his property to locate the Pitman house too close to that side line. The Maloneys have their driveway in and the house would be too close to their driveway.

Mr. Haar agreed that the house could go closer to Lot 15. Mr. Pitman said about 6 ft. closer would be all right. There is little traffic on Summit Place, Mr. Pitman said and practically no traffic on Vernon Terrace is only slightly traveled. Seconded Judge Hamel. Carried. Mr. V. Smith not voting.

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9- Warren Construction Corp., to permit erection of sewage pumping station, Lot 1, Block H, Warren Woods Subdivision, Providence District. (Urban Res.)

This pumping station is for the purpose of taking care of a few lots which cannot be sewered without a pumping station to carry the sewerage to the Town of Fairfax plant. Urban zoning was granted on these lots with the understanding that this station would be put in to take care of those lots which were above the grade line. These lots are 5 ft. above that line. This pumping station is near the Town of Fairfax line and will be donated to them and operated by them. The Town has approved the location and plans of the station. There are only 6 lots to be served by this pumping station; They will make no more connections to it. There were no objections. All agencies having any control over such an instalation have given approval of this site and the plans.

Mr. Haar moved to grant the application; the pumping station to be constructed as indicated on the plans and to be subject to existing County AND State regulations as may apply as this appears to be approved by the Planning Commission. (The site for this station was included on the subdivision plat approved by the Commission) Seconded Judge Hamel. Carried, unanimously.

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10- The George Everett Partridge Memorial Foundation, Inc., to permit a school for handicapped children, approx. 1/2 mile east of Shirley Highway on north side #644, Lee District. (Agri.)

The George Everett Partridge Memorial Foundation, Inc. Mrs. Meriam Speck represented the applicant. They will have 8 children, Mrs.

Speck said - there are no homes near - in fact the nearest building is a filling station. There were no objections from the area.

Dr. Erwin who is the owner of the property said he would rent his property to Mrs. Speck for this use. He told the Board that he had the greatest respect for the work Mrs. Speck has done along this line she has specialized training in child psychology and had done outstanding work in this field.

Mr. V. Smith moved to grant the application to the applicant only because it does not appear to affect adversely the use of other property in the area and this seems to be a worthy cause. Seconded, JB Smith. Carried, unanimously.

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11- Mary E. Lynch, to permit the erection and operation of a tea room and gift shop, approx. 500 feet south of #702 on the west side #7, Dranesville District. (Agri.)

Mrs. Lynch told the Board that she was withdrawing her case because of unforseen circumstances.

A letter from E. E. Lyons opposing this application was filed in the case and a petition signed by 25 opposers was filed for the record.

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12- Jack Coopersmith, to permit erection and operation of a service station and to have pump islands closer to Road right of way lines than allowed by the Ordinance, Lot 54, 2nd addition to Bryn Mawr, Dranesville District. (Rural Busi.)

Mr. Hobson represented the applicant. They are asking for the pump islands to be 25 feet from the right of way. The building will observe the required setback. There were no objections from the area. This is at the corner of Chain Bridge Road and Laughlin Avenue.

Mr. V. Smith suggested another 5 foot setback from Chain Bridge Road ~~point~~. This would allow for the 5 ft. widening and the islands could still be 25 ft. from the right of way. By granting the 25 ft. setback from 40' road it would be granting this station an advantage over other pump islands in the area, since the usual setback granted for pump islands is 25 ft. from the right of way.

Mr. Smith moved to grant the application except that the pump islands on Rt. 123 shall be located not less than 30 feet from the right of way, ~~instead of 25' as shown on the ingress and egress~~. Seconded, Judge Hamel. Carried, unanimously.

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13- Little Hunting Park, Inc., to permit erection and operation of a recreational area and a swimming pool, north of White Oaks Subdivision between Coventry Road and Kenilworth Road and east of Bucknell Elementary School, Mt. Vernon District. (Urban Res.)

Mr. Mullard represented the applicant. In view of the recent Court Decision regarding recreational areas, Mr. Mullard said he thought it was not necessary to present this case before the Board but he was willing to continue the hearing if the Board so desired. Mr. Mooreland thought it was necessary for the Board to hear this, but was not sure - therefore the case was presented.

Mr. Mullard said there would be nothing commercial in this set up except perhaps a coke machine. Mr. Mullard presented a petition with 46 names of abutting property owners favoring this project. Only two did not sign. This club will be on a membership basis and only members will be allowed to use the swimming pool. Parking space for about 100 cars was shown on the plat. They will have a membership of about 600. The pool is L shaped and will be 75 x 75 x 36 x 30 x 45 x40. Mr. B. L. Williams the engineer was also present. There will be a concrete slab around the pool which will be built to Olympic standards. The entire pool area will be fenced, to a height of 8 or 10 feet. This tract is heavily wooded which will well screen the area. There were no objections.

Judge Hamel moved to grant the application subject to the usual requirements of the Health Department and other authorities pertaining to this use. This is granted in view of the unusual size of the development and the desirability of such recreational facilities as this in the neighborhood and this does not appear to adversely affect adjoining property and the neighborhood. It is also understood that adequate fencing will be provided around the pool. Seconded, Mr. Haar. Carried unanimously.

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14- E. D. Mason to permit an addition to dwelling closer to side lot line than allowed by the Ordinance, Lot 215, Section 3, West Lawn Subdivision (915 Westfall Place), Falls Church District. (Urban Res.).

This is a rectangular shaped lot fanning out some toward the rear. The addition would violate more on the front of the house than at the rear. This addition would be 3 feet from the property line. The house on adjoining property is about 45 feet from the property line. Mr. Mason said this neighbor did not object. This addition will provide living and dining area for the house and Mr. Mason thought it would be a definite improvement to the neighborhood. The house is now 15 feet from

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this side line. This house is on a horse-shoe shpaed street. This is a development of asbestos shingled bungalows, Mr. Mason said, where many additions have been put on. A competent architect will design this addition to make sure it will be attractive. Mr. Brookfield said that was no particular concern of the Board.

Mr. Mooreland thought this - if granted - would be bordering on row houses which the County has tried to keep away from. He thought granting this would be amending the Ordinance.

Mr. V. Smith questioned whether or not more land could be acquired on this side. The answer was that it would be too expensive.
There were no objections

It was suggested that the rooms in the house could be changed around and the addition be put on the rear.

Mr. Mason said this was not practical.

Mr. V. Smith suggested that granting this would create a fire hazard and such a variance should not be considered. He therefore moved to deny the case because it does not conform to the minimum requirements of the Ordinance and this is Urban zoning with a 10 ft. setback requirement. Seconded, JB Smith. Carried, unanimously.

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Mr. A. L. Manville asked for a 90 day extension on his application which was granted by the Board as he has not been able to arrange financing within the required time.

Mr. Haar moved to grant the 90 day extension, seconded, Judge Hamel. Carried, unanimously.

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Mr. Mooreland presented plans of the Springfield Swimming Pool Club as requested in the motion granting this case.

Mr. Haar moved that approval of these plans be vested in Mr. Mooreland's office. Seconded, Mr. V. Smith. Carried. Uannimously.
The meeting adjourned.

John W. Brookfield,

John W. Brookfield, Chairman

January 11, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, January 11, 1955 at 10 a. m. in the Board Room of the Fairfax Courthouse with the following members present: Messrs Brookfield, V. Smith, JB Smith, Judge Hamel and Mr. Haar.

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

DEFERRED CASES:

1- W. T. Carrico, to permit erection and operation of a service station and to have pump islands closer to road right of way lines than allowed by the Ordinance, Lot 1, Section 1, Willow Run Subdivision, Mason District. (Rural Business).

Mr. Lytton Gibson represented the applicant. This was continued Mr. Gibson said, for the Board to view the property. Mr. Gibson said he would not present more evidence unless the Board so wished, except he would say that Mr. Carrico will put in a hedgrow down the property line between this use and neighboring residential property. Mr. Gibson recalled that Mr. Carrico still owns considerable property in this area which he will develop and he therefore will not do anything to depreciate his own or other peoples property.

Mr. Carrico noted that when this land was divided it was planned that this lot would be used for commercial purposes and was so zoned in 1947. Lots were sold with that knowledge. Mr. Carrico thought this would not only not depreciate property but it would be a service to the community. This lot could be used for many other commercial uses without a permit but they had wished to keep the control of what was to go in here and therefor had not sold it. It will now be leased (if granted) to a major oil company for this station.

Mason Hirst thought this should be granted that Mr. Carrico had paid high taxes on this business property for many years and now that he has a chance to lease it to a good operator he should not be obstructed.

Opposition: Lt. Col. Henderson representing Willow Run and adjacent property owners objected because they think this will not contribute to the best interests of the community. He presented a petition with 95 signatures opposing this use. The petition stated that they objected for the following reasons: The area is already adequately served; This would create an unnecessary safety hazard; and granting this would be contrary to the letter and spirit of the existing Zoning Ordinance that such filling stations should be located in compact groups (Section 12 and 16)

(of the Ordinance) and not scattered. This would be in between two groupings of filling stations, and would probably not be a financial success.

Also there is a blind hill about 140 yards from this property and the highway along there is marked no Passing. Many accidents have occurred here - he listed several. He noted previous rezoning denials in this area. The Col. made it clear that there was no animosity against Mr. Carrico but the people were speaking in the best interests of the community, Ten stood opposing.

Mr. Gibson thought the safety element did not figure because they could get a permit for a frozen custard stand which would create much more traffic than a filling station.

He thought a major oil company was well able to determine the possibility of financial success. Mr. Gibson said he did not believe in a plebecite for zonings when both sides were not fully represented.

Col. Henderson thought the zoning ordinance would not require a special use permit for filling stations if they did not think they were apt to be detrimental to the area involved.

Judge Hamel moved to grant the application in view of the fact that this property is already zoned Rural Business and with due respect to the people in the neighborhood who object, he could not see that a filling station is much different from other business enterprises and since this property is already zoned for business and the applicant will meet other requirements, assuming that this will have the approval of the Highway Department, and that the pump islands be allowed within 25 feet of the right of way. Seconded, Mr. Haar. Carried. All voting for except Mr. V. Smith who said he was not here at the first hearing on this case and therefore did not wish to vote.

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2- David Gerkel, to permit erection of dwelling and carport closer to street and rear linesthan allowed by the Ordinance, Lot 853, Section 9, Lake Barcroft, Mason District. (Suburban Res.)

This case was originally denied and was granted a re-hearing on the basis of new evidence. Mr. Gerkel said he had studied his plans and was submitting new plans which would request a 30 ft. setback from one side of the house and a 35 ft. setback from another corner. There were no objections. The plot plan showed the lot to be irregular in shape.

The carport is included in these plans.

Mr. Haar moved to grant the application in view of the irregular shaped lot and the extreme difficulty of locating a house on a lot of this particular shape and the house is in keeping with the buildings in the immediate area. Seconded, Judge Hamel Carried. Mr. V. Smith voted No.

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NEW CASES

E. Earl Atwood, to permit operation of a Riding Stable and erection of a Board Stable, 1300 feet east of Fort Hunt Road on south side of Cedar Street, Mt. Vernon District. (Rural Res.)

Mr. Atwood said he had kept his horses in a barn on joining property. Some of this property was sold and he lost the use of the barn. He therefore bought more land and moved his horses to another location. He intends to put up a new building for this business. This use permit would be on his 5 acre tract. Joining this property is an old brick Company who have a 99 year lease - therefore that property will not be developed for some years to come. They use the trails in Ft. Hunt Park which trails have been built by the Government. This use was discussed at the citizens association meeting and it was said that they would not oppose this. Mr. Atwood said he would have about 18 horses.

Opposition: Mr. Carl Spencer objected. They had bought the tract immediately adjacent to Mr. Atwood and Mr. Atwood was using their barn when they bought the property. It was agreed that his horses could stay there if the fences were maintained and there was no cash remuneration until a profit was shown. Also conditions were placed on this use that there should be no drinking at the stable, no loitering and no teen aged girls at the stable unattended when this business was operating and the girls coming to the stable should come properly attired - he did not think shorts and brassier suitable for riding. The conditions placed on Mr. Atwood have not been met, Mr. Spencer said. Therefore the tenancy of the barn was terminated.

There are three applications for rezoning in this general area coming before the Board of Supervisors soon, Mr. Spencer said, which might be affected by this use, and which indicated that this area is in the market for development.

Mr. Spencer said he was a member of the Citizens Assn. and was at the meeting referred to and the people did not object to the stable as such but they objected to the fact that the stable did not have proper supervision. Both the Atwoods are employed in Washington and in their absence supervision was not adequate. A teen aged boy had been in charge part of the time - which Mr. Spencer thought not good. He also spoke of the great amount of truancy which had started at these stables. He suggested that the Board investigate School attendance records, the County Welfare records, the Alexandria records for accidents occuring as a result of this stable, the Fairfax County Police for complaints against loose horses, a certain hayride

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where the farm wagon used was not properly lighted, and an accident to Jerry Wells - intoxicated when he rented a horse, also the National Park Service for loose horses, and the Society for Prevention of Cruelty to Animals. (Mr. Atwood filed a letter with the Board detailing these requested investigations.)

A letter was read from Mr. Cromartie opposing this use, stating that granting this use should carry investigation that this would not be a detriment to adjoining property owners and should show that the County will reap a benefit therefrom.

It was noted that the entrance to this stable would be 10 feet from Mrs. Dodson's home.

Mr. Atwood said he had not restricted his riders to 'riding habits' that many of them came in street clothes and he had thought that all right. Mr. Atwood thought this was a desirable use and he wished to assure the Board that this had not in any was contributed to delinquency of the young people.

Mr. Atwood said the boys were not allowed at the stable without the permission of their parents and if they were out of school the parents knew of it. He thought the parents of the young people who came there would have objected to this application had his stable contributed to truancy or delinquency in any way. The stable for the horses will be a good distance from homes.

Mr. Mooreland said a stable could operate here if the applicant could locate the stable 100 feet from all property lines but the fact that this is also for boarding horses brought this before the Board. He would like an interpretation from the Board regarding a boarding stable and the set back should be considered.

Mr. Atwood said he could meet the 100 ft. setback.

Mr. V. Smith moved to defer the case to first meeting in February - the 8th - to view the property and for further study. Seconded, Mr. JB Smith. Carried.

Mr. Atwood said he would withdraw the boarding part of his application and will meet the 100 ft. setback required. Mr. Mooreland said in that case there was nothing before the Board.

Mr. Henderson said this is purely a commercial venture - would the Board allow that without a hearing.

Judge Hamel thought that it was the intent of the Ordinance that a commercial project of this kind should come before the Board. He thought this should be considered in the light of the whole Ordinance.

Mr. V. Smith thought this should be studied before advising Mr. Atwood to withdraw his application, and also if riding is taught here this should be before the Board.

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2- Ebner R. Duncan, to permit erection of dwelling closer to side lot line than allowed by the Ordinance, Lot 10, Popkins Heights, Mt. Vernon District. (Rur al Res.)

This is a corner lot. Mr. Duncan said the board had granted practically this same request on the lot across the street. He asked a 15 ft. setback from the said line. Mr. Judd who owns the adjoining property does not object, Mr. Duncan said. He cannot locate the house with the proper setbacks and get this size house on the lot, Mr. Duncan said, as the lot has a sharp corner which cuts down the actual buildable area.

Both Mr. V. Smith and Mr. JB Smith thought the houseceuld be moved a short distance farther from Ross Street and get more setback from the side line and at the same time meet both street setbacks. This would be slightly more than 50 ft. from Ross Street. By scaling the plat it was found that the house could be located in this way and maintain a 23 ft. setback from the side line.

Mr. Duncan said this would put the back of the proposed house practi - cally facing the house on the joining lot and he thought a greater setback on this one house would not be good for the neighborhood.

The Board did not agree with this - they thought the difference in setback would scarcely be noticed and in fact the larger yard would be an improvement especially on a corner lot.

The house location was drawn-relocated to give about a 23 ft. setback from the side line.

Mr. V. Smith moved to grant the application as shown on the plat except that the setback from the side lot line adjoining Lot 11 shall be be not less than 20 ft.because this is an irregular shaped lot. Seconded, Mr. JB Smith. Carried, unanimously.

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3- David D. Squires, to permit location of building closer to rear property line and with less setback from Belfield Road than allowed by the Ordinance, S. E. Corner of U. S. #1 and Belfield Road, Mt. Vernon District.(General Business)

This is a very small lot containing .1560 square ft. which has been zoned to General Business, fronting on both Belfield Rd. and U.S. #1

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It is the entrance to the Belle Haven Country Club. Belefield Rd. serves only about 9 houses which face the golf course. There is a small stream on the property which restricts the location of a building, and actually narrows the lot. Since the houses on Belfield Rd. are very attractive and this being the entrance to the golf course, Mr. Squires said he wished to put up a first class building which will be in keeping with this area. He showed a drawing of the proposed building.

Mr. Squires presented letters from the President of the Belle Haven Citizens Assn. (Trumann Rumberger) President of the Belle Haven Country Club, Mrs. George Dixon representing Belfield Road residents, and from the Belle Haven's Women's Club , and President of the Garden Club all stating that they had no objection to this business and the variance requested. The building as requested would be located 35 ft. from U. S. #1, 25 feet from Belfield Rd, 10 ft. from the east property line and would come to the back property line. Mr. Squires said he was perfectly willing that the Board limit this granting to the construction of a building of the character of the one presented with his case. There will be 4 or 5 people employed here on the first floor. The second floor will probably be made into offices for Doctor or architect. This cleaning business will be for pick-up service only - there will be no dry cleaning operations on the premises. It was noted that Belfield Road is about 25 ft. wide.

Judge Hamel moved to grant the application due to the fact that to permit this variance would not affect adversely the use of adjoining property and the evidence shows that at a meeting between the applicant and people in the area it was shown that there is no objection from the neighborhood.

Mr. V. Smith suggested that this be added to the motion: that off street parking shall be provided as shown on the plat and that parking for all uses on the premises shall be provided, so this will not constitute a traffic hazard. Judge Hamel agreed to the addition. Seconded, Mr. Haar. Carried, unanimously.

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Judge Hamel complimented the applicant on his excellent presentation of this case - stating that it was most unusual.

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4 R. T. Beddoo, to permit less width at the building setback line than allowed by the Ordinance, Lot 5, proposed Beddoo's Heights, 340 feet east of #1 Highway south side of Dawn Street, Mt. Vernon District. (Sub. Res.)

The applicant asked a 6 ft. variance on the width of this lot at the building set back line. It has the required area. The width at the setback line would be 74 ft. instead of 80 ft. There were no objections from the area.

It was suggested that if this is granted the builder would probably come back to the Board for a variance for the carport or the garage. Therefore, Mr. Haar moved that this application be granted provided there is no further variance granted on Lot 5. Seconded, Judge Hamel. Carried unanimously.

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5- Robert E. Rodgers, to permit dwelling to remain closer to Rosemont Terrace than allowed by the Ordinance, Lot 65, Valley Brook Subdivision, Falls Church District. (Sub. Res.)

The setback asked is 32. 8 feet from Rosemont Terrace. The building is up to the first floor level. There is plenty of space in the rear of this lot, Mr. Rodgers said, but the ground has quite a slope toward the house from the rear of the lot, but since there are many curved streets in this subdivision he did not think this less setback would be noticeable. Mr. Rodgers said he thought no mischief had been done to the subdivision in any shape or form. Mr. Haar questioned whether or not the men working for himat the time this house was staked out were cettified engineers. Mr. Rodgers said some of them were not but they were all men of experience and should not havemade the error in locating this house. This is a split level house with no basement. The error actually occurred in the wrong location of the front stakes -in giving the site they got on to the wrong stakes. Mr. Brookfield said that some day the Board will make a herrible example of these cases - where houses are started with the wrong location.

Mr. Rodgers said this was also a topographic condition. He showed the location of the house with regard to the slope of the lot.

It was found that this comes well within the corner clearance requirements.

Mr. Rodgers said Rosemont Terrace ended in a clu-de-sac and that there had been a random location of houses to give variety and interest to the subdivision. There were no objections.

Mr. Haar moved to grant the application in viewof the topographic conditions and also due to the fact that Rosemont Terrsce is not a through street - it ending in a cul-de-sac and this meets the corner clearance required under Section Eleven. Seconded Judge Hamel Carried, unanimously.

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January 11, 1955

6- Gilbert Samonds, to permit carport closer to street line than allowed by the Ordinance, Lot 1, Block E, Section 2, Dranesville District. (Sub. Res.)

This is a terraced lot, Mr. Sammonds said and the carport could not be located behind the house. The request is for 29' 2-5/8" setback from Westmoreland Drive.

Mr. Sammonds said he had built a porch which was all right and they did not realize that the carport was in violation. Mr. Mooreland said this was picked up by the inspector some time after it was completed, when they were pulling out old permits.

Mr. Sammonds said he had built this addition himself over a years time. He did not think others in the area would ask the same thing as they all knew that this was in violation and that it would be a pretty rough time in getting this approved - if it is approved. They had talked with all the neighbors who knew of the violation - but did not object. This also provided extra storage for them.

It was noted that the carport had to be located in this manner in order to enter it. Mr. Sammonds said he had done considerable filling and in fact is still terracing on his lot back of the house. The lot drops off then levels than drops again. There were no objections.

Mr. Brookfield left the room to make a telephone call and asked Judge Hamel to take the chair - which he did.

Mr. Haar thought that he would like to see the property on both sides of this. Mr. Sammonds said he had talked with all his neighbors about this and they assured him they did not object. This is also an irregular shaped lot.

Mr. V. Smith moved to grant the application due to the topographic condition of the lot and because this does not appear to affect adversely the useof adjoining property. Seconded, Mr. Haar. Carried, unanimously.

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It was moved by Mr. V. Smith that since the February 22nd meeting day comes on a holiday that the second meeting in February be set for the 24 Seconded, Mr. Haar. Carried unanimously.

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Mr. V. Smith thought many things should be discussed with regard to amendments in the ordinance which would govern dog kennels, stables, water tanks etc. also the small variances 1" - 1-1/2" such as Mr. Holland had brought before the Board. Mr. Mooreland said he had hoped to discuss such things with Mr. Schumann before the new ordinance is written. Judge Hamel

January 11, 1955

thought these things could be taken up between Mr. Mooreland and the drafters of the new Ordinance as he handles these things constantly. It was agreed that the new ordinance should list outall the things to be granted under variances requested.

The meeting adjourned.

John W. Brookfield

JOHN W. BROOKFIELD, CHAIRMAN

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January 25, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held January 25, 1955 in the Board Room, Fairfax Courthouse at 10:00 am. with the following members present: Messrs Brookfield, V; Smith JB Smith, and Haar.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- John S. Fitzsimons, to permit an apartment to be used as a medical office in apartment 10A, Springfiled, 6114 Backlick Road, Mason District

Dr. Fitzsimmons said he had two apartments in this building 10A and 14A. He lives in Apartment 14A and would like to use Apartment 10A for his office. This is a new building - five apartments to each unit. His office would be on the first floor. There were no objections. There is plenty of parking area.

Mr. Haar moved that the application be granted to the applicant only as this appears to be a needed service in the area and there appears to be no objections. This is granted so long as Dr. Fitzimmons lives in the apartment house. Seconded, Mr. V. Smith. Carried, unanimously.

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2- Century Construction Corp., to permit buildings to remain as built on Lots 7, 8 and 11, Section 1, Little River Hills Providence District. (Agri.)

Mr. Randolph Rouse represented the applicant. A letter was read from Mr. Schumann stating that this area was planned for 1/2 acre development, as shown on the master plan.

Mr. Rouse said this is a new subdivision with 101 acres and the average lot size is about one lot to the acre. Some of the lots are large because

of the topography. The three houses in question are sold and this violation did not come to light until a few weeks ago, Mr. Rouse said. A letter from neighbors was printed saying they did not object to these variances.

It was recalled that these houses come up some time ago for variances on the setback on the houses themselves - and now they are asking the variance on the carports, which the Board did not like.

Mr. Rouse said he had asked very few variances in this large development. In this case the man on the job did not understand the technicalities involved. Mr. Rouse said the carports were on the plans submitted, and they were given approval. The originial plans were to have garages, Mr. Rouse said, but they changed to carports.

Mr. Mooreland said he did not know if the carports were shown on the original plot plans submitted and he did not think his office had the original plot plan. Mr. V. Smith thought the Board should know what the the original plot plan showed. Mr. Haar thought the carports could have been shifted back farther without changing the roof line to make the setback conform.

Mr. Rouse said if he attempted to make changes now he would certainly be subject to suit from the purchasers.

Mr. Mooreland agreed to try to find the original plot plans to determine if the carports were shown on the original plans.

Mr. V. Smith moved to defer the case until later in the day until Mr. Mooreland could look for the original plot plans. Seconded, JB Smith. Carried.

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3- Annandale Water Company, to erect a water standpipe 63 feet high on a Parcel of land 10,000 sq. feet, adjoining sectionl, Columbia Pines, FallsChurch District. (Suburban Res.)

Mr. Turnbull represented the company. Mr. McWhorter was also present. Mr. Turnbull noted that several who had previously been in opposition to this case had now withdrawn their opposition when they better understood the circumstances.

The reason for this hearing is because an emergency exists, Mr. Trunbull said. This is the highest point in the subdivision and most feasible for the tanks to be located where the area can be served economically and efficiently. There is only one other location which compares to this, Mr. Turnbull siad, and that is near the Methodist Church whichgroup objects. This site is within woods and no homes would

be seriously affected, as the tank would be mostly hidden by trees. A sketch was presented showing the location. Since their charter requires that people in this area be served by the Company they are trying to do it in the most efficent manner. The pipes now in are not adequate and this additional tankage is needed.

Mr. Turnbull said the people were unhappy about the landscaping of the other tanks. Both tank areas will be landscaped and proper fencing and a screening of tall fast growing evergrees will be planted inside the fence to give additional screening, on this proposed tank. A sketch was shown indicating how this could be done.

Mr. McWhorter, President of the Company, repeated the statements made by Mr. Turnbull, questioned by Mr. Turnbull. The water mains are in to this site, Mr. McWhorter said, and they would have to be put in to the other side where tanks are already located which has been suggested and the cost of locating this tank on that ground would be about an additional $15,000. The property near the presently located tanks could not be obtained.

Mr. McWhorter noted that this site was originally used for a pumping station and was so used when the subdivision was put on record. For that reason some of the mains are already in to this location. Mr. McWhorter said the tank would have to be at this elevation to adequately serve the whole area and the storage tank should be near the same elevation as the Falls Church storage tanks.

Mr. McWhorter said they now have plans to landscape both tank areas. This landscaping will include fencing and the planting of evergreens inside the fence. The tank area on the old tank site was not landscaped, Mr. McWhorter said, there was a shanty on that site which belonged to some other people. That shanty has now been removed and the small tank on the new site has now been moved therefore they can go ahead with landsdaping plans, which an architect has drawn up.

The elevation of the new site would be about 468 feet and the lowest area to be served is about 150 feet.

The tanks will be painted a slate blue to blend with the sky.

Mr. McWhorter presented a letter from Mr. Hurwitz stating that the owner of land joining the present tank site was not for sale. Therefore it was necessary to look for this new site.

Mr. Douglas Adams presented a Resolution from teh Citizens Association of Columbia Pines stating that they neither favor nor oppose the location of a water tank behind lots 3 and 4 but will leave the matter to the Board. Mr. Adams said however, that it was the wish of the Association that

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the tank areas be adequately landscaped. Mr. Adams showed a landscaping plan submitted by the Association.

Letters were read from six people withdrawing their names from the original petition opposing this use. These letters are on file with this case.

OPPOSITION: Mr. B. Frank Young, 937 Rose Lane. Mr. Young read a statement of opposition. He thought present tanks sufficient to serve the Columbia Pines area. Homes in that area are valued at from 18 to $30,000. He thought that homes in the immediate area would be depreciated by this tank in the amount of $5,000 and it would generally depreciate the area.

Many of the citizens believe that the area presently used for two tanks should be used if additional facilities are necessary. (This statement was read at the previous hearing and re-stated at this meeting)

Mr. Young noted that one home is within 75 feet of this proposed site. He thought this site unnecessarily close to residences, therefore causing an unnecessary depreciation. He thought a better solution could be found. Mr. Young noted that there was not full agreement among the citizens regarding the location. Some objected to the new site and others objected to an additional tank on the old site, that many of the people were more concerned with the lack of water than with the depreciation to the entire subdivision. He thought the Board should protect home owners.

Judge Hamel thought that lack of adequate water (and it is agreed that more facilities are necessary to have adequate water) would be more depreciating than the location of the tank. It was agreed that that was so but also Mr. Young thought the tank could be located so it would not have such a bad affect on homes.

Mr. Young said they had never had adequate service from this company and there had been misrepresentations and bad planning all along Larger tanks should have been erected some time ago and the pipe lines and the mains are not sufficient.

The shacks on the present site were removed a year ago, Mr. Young said, and no landscaping had been done and the old tank on the second site has also been removed-he thought there was no definite indication that this landscaping would ever be done. He thought if there was ever a municipal water system the tank would not be necessary.

Mr. Young presented an apprasisal from Mason Hirst regarding depreiation: On lots I through 6 the depreciation accruing would be from $1,500.

to $5,00 and from Reuth Robbins valuing his home at about $30,000. Both appraisals showed depreciation of from 10 to 20% would result from tank installation.

Mr. Joe Turner, of Ridge Road opposed the site at Ridge Road. He thought the decision should be made on a factual basis and the site selected should be the best to serve the entire area.

Col. E. L. Upson, owner of Lot 3 objected. He thanked the Board for coming to see the proposed site and the presently located tanks. He had canvassed the area with the petition and all the people to whom he talked read the petition and he thought thoroughly understood it. He thought the greatest good to the greatest number should be considered.

W. R. Bishop of Kenneth Drive and Ridge Road noted that the depreciation figures shown to the home owners would be less than the additional cost of the Company installing the additional tank on the present site- which was estimated at about $15,000. He thought there would be less harm done if the tank were put on the proposed site.

Mr. W. T. Mason, 841 Rose Lane said the petition was not misrepresented to him. He recalled that there was a water problem in 1947 and 1948 which problem had not yet been solved. More homes had been built and more homes served without adequate water supply and without adequate planning. He did not think this additional tank would solve their problem.

Mrs F. B. Young gave a woman's point of view. She objected to the view of the tanks from her home, that it was unsightly and destructive to their view, water had never been adequately supplied to the area, that the tanks often spilled over throwing out rusty and dirty water which had ruined the paint on their home. She thought this very depreciating and that the tanks should be grouped into one location to concentrate the devaluation into at least one area. She thought this dangerous and a mental hazard.

Nine stood opposing.

Mr. Turnbull said this location is on a loop originally arranged so the water can come in on a loop - several pipes can come in not just the 8" main.

Mr. V. Smith asked Col. Upson if he knew this tank site was used for the original tank site when he bought his property. Col Upson said he did but he thought it would be taken off very soon - at least they were told that.

Mr. Young said he did not know this lot was originally used for a water tank. Pictures were shown in Belle Haven of homes that were built before a similar tank was erected and homes which were erected after the tank installation.

Mr. Haar moved that in view of the fact that there is a limited water

supply especially during the summer which is rapidly extending into other areas and because of the growing population water is a vital necessity this application be granted provided the area around the tanks be landscaped in accordance with the plans submitted and that suitable facilities be provided to carry off spillage and drainage from the tank, so as not to hurt adjacent property. This is granted in the best interests of public welfare. Seconded, Judge Hamel. Mr. V. Smith not voting. Motion carried.

Century Construction Corp. The old files were found and the carports were not shown on the original plat submitted to the Zoning Office on Lots 7, 8 and 11.

Judge Hamel moved to grant the application. Since there was no second, Mr. Brookfield Mr. V. Smith to take the Chair - Mr. Brookfield seconded the motion. For the motion, Brookfield, Hamel. Against the motion, Mr. Haar, JB Smith, V. Smith. Motion lost.

NEW CASES:

1- Katheryn J. Wilson, to permit garage to remain as built closer to side lot line than allowed by the Ordinance, Lot 23, Section 2, Sleepy Hollow Subdivision, Falls Church District. (Suburban Residence).

Before this case came up Mr. Lynch asked if his case could be heard as the time had gone by his scheduled appearance and he was due at a funeral at 2 o'clock - and he could not very will wait for the intervening cases.

Mr. Haar moved to defer the Lynch case until February 8th. Seconded Judge Hamel. Carried unanimously.

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Katheryn J. Wilson. Mr. Moreland offered to explain the background of this case. He recalled to the Board that some time ago a garage-building outfit had come into the County, built a number of garages, many of them in violation, and had left. Most of these garages did not have inspection and the violations were not found until some time later. This is such a case. The garage is 4' 10" from the side line. The garage is located at the side of the house and is detached. It is frame construction. The house on the adjoining lot is about 15 feet from the side line. There were no objections.

It was noted that the house is set back a much longer distance from Helmes Run Road than is required and had the house been set back the required distance this garage could have been located where it is.

Mr. V. Smith stated that in view of the setback of the house (which is 72feet from the road right of way) and of the garage and since the garage could have been built on its present location if the house had

been built on the required setback line and since it would be a hardship to move the garage and in view of the circumstances surrounding the case and since there would be no detriment to the adjoining property he would move that this application be granted. Seconded, Mr. Haar. Carried, unan.

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2- Mr. B. A. Brooks and A. B. Fenton, appeal from the decision of the Zoning Administrator of Fairfax County, Virginia, made January 4, 1955, denying approval to appellants of a building permit for the construction of tennis courts, swimming pool and buildings accessory thereto, property located on west side of Sleepy Hollow Road at Holmes Run on 8.25 acres of land, Falls Church District. (Suburban Residence.)

Mr. Harry Carrico represented the applicant. An application for use permit on this case was filed for the November hearing and was deferred for improper posting. That case was later withdrawn in view of the Circuit Court decision on the Young case. Then the applicant applied for a building permit under Section IV-A-paragraph 10 and was refused by the Zoning Administrator. This application is made asking the Board to reverse the decision of the Zoning Administrator and that a building permit be issued under paragraph 10, Section IV,A.

This is an 8-1/4 acre tract on which a Cabana Club will be erected. (primarily a swimming club) They will have a pool 28x48x66 feet and a wading pool, both of which will be adequately manned with a life guard. They will construct a 20 x 62 ft. club house and offices and the seven cabana building will be 26 X 76 ft. and another building 16 x 76 ft. There will be 100 cabana units families and single. These cabanas will be used as bath houses. They plan two tennis courts and will provide off the highway parking for 272 cars. Construction will be brick, frame and transite. The club will operate from 10 a.m. until dark and perhaps to 10 p.m. on hot nights. This will be surrounded by an anchor fence. A corporation will be set up to operate this project, membership will be approved and an charge of $10 each will be made to residents of the Sleepy Hollow area. If membership can be filled in the immediate area - that will be it. The cabanas will be rented by the season, which cabanas will be rented to members only. This will be a high class development, Mr. Carrico said, it will provide facilities much needed in the area and will generally be an asset to the area. Since this comes under Section IV-A- Paragraph 10, Mr. Carrico said, in his opinion it does not require a use permit and therefore asked the Board to reverse the decision of the Zoning Administrator in view of the court decision in the Young case.

It was noted that the Board of Supervisors have agreed to appeal the Young case.

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Mr. Mooreland recalled to the Board that the Board of Supervisors had upheld their decision of not issuing a permit in the Young case and he did not see how the Board could reverse their own original decision. (The decision, however, was reversed by the Circuit Court).

OPPOSITION: Mr. Madden, Attorney for the Holmes Run Citizens Association spoke to the Board. He thought this should be a very good money-maker. He considered this to be a commercial enterprise asking to be located in a purely residential area - and he thought the key to this was - can a commercial enterprise move into a residential area and operate. He thought this was not comparable to the Young case and that the Board should act on the facts presented in this case. In the Young case a man had spent considerable money on his land for recreational purposes in an agricultural district. He contended that the Board of Supervisors had evidently concurred in the decision of the Board of Appeals as shown in their action to appeal the decision of the Court in the Young case. He noted that this Board had a history of denying commercial enterprises in residential areas - with which he agreed. He thought the night swimming, the parking of many cars, and the noise could well be a nuisance and the Board had the right ot prohibit nuisances.

Mr. Robert Sigafoos, President of the Holmes Park Citizens Association stated that he was representing that association and others in the neighborhood who objected. They have 165 signatures to a petition opposing this project - this representing 89 homes. Mr. Sigafoos said there had been several meetings in the neighborhood regarding this - 75 or more present at each meeting. This project was opposed because of the commercial aspects and the traffic which would result on Sleepy Hollow Road which is narrow, and the general distrubance to the area.

Col. Salzman said he had bought in this area in 1950 thinking it was well protected by covenants. He quoted from the Zoning Ordinance which states that the Board may grant variances provided such a granting shall be in harmony with the general intent of the Ordinance and will not adversely affect joining property, etc. The covenants state that these lots are residential and are to be used for residential purposes only. He thought it was not equitable to be required to comply with strict covenants and that a nuisance could be allowed which was of a commercial nature.

There were about 20 present objecting to this use.

Mr. Carrico said he was before the Board for interpretation of Section IV-A-paragraph 10 only - and the Board was not concerned at this time with covenants. Mr. Carrico stated that this is not a commercial enterprise - that it will make a profit, however, naturally, but that this will fill a definite need. He thought profit was not the determining factor in this case ; however, Mr. Carrico said a person can make a profit under the Ordinance - it is just one of those things that is allowed.

Judge Hamel stated that the Board is in the position of being in between the Court decision on the appeal could go either way - he would like to see what the decision on the appeal is before giving an answer on this. Mr. V. Smith agreed. Again the question of gain was discussed - Mr. Smith read from the Ordinance Section. IV-A-15-c where it says "not primarily for gain."

Mr. Carrico said that matter of timing was important to them - the decision on the appeal could well run into four months which would be too much of a delay for his client. He asked the Board to make its decision at this time.

Judge Hamel cautioned that if this case is given an adverse decision - it would put the County in line for more litigation - to which he objected.

Mr. Carrico recalled that people in the area had stated they did not think such a project as this could go into this area and they strenuously objected - he said there were plans in 1948 for a recreational project there where there would be swimming, horse show grounds and gradstands. The drawing of such an installation was in the office of Mallice and Brooks at the time the people bought in this subdivision.

Although Sleepy Hollow Road is narrow, Mr. Carrico said, most of the membership will be within the immediate area which would not greatly add to the traffic on Sleepy Hollow Road. Mr. Carrico said he thought this should come under Paragraph 10 even more surely than the Young case he therefore asked the Board to decide this case now.

Mr. Carrico asked what difference did it make if a profit is shown on this project - if the same benefits accrue from this use as would accrue if there were no profit.

Judge Hamel and Mr. Brookfield agreed that the case should not be decided at this meeting. Mr. Brookfield did not like the intrusion of a commercial activity in a residential area.

Judge Hamel said he would like to see this case put on a peg for a while - Mr. Brookfield said the Board should not put the County in for further litigation.

Judge Hamel moved to defer this case until such time as the question of law involved in this case and other similar applications is determined.

Mr. V. Smith said he would like to consult the Commonwealths attorney on this before making a decision. It was suggested that a 30 day deferment was satisfactory, because, if the court case is not settled for some time that could put decision on this off indefinitely.

Mr. Moorland noted that the Young case is not in the hands of the Commonwealths Attorney - that the County has employed legal counsel to handle that case.

Mr. V. Smith asked that it be added to the motion that the case be deferred for 30 days and that the Board consult with the Commonwealth Attorney.

Judge Hamel accepted that addition to the motion. Mr. V. Smith seconded, carried, unanimously.

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3- We, Alexander Hassan and Joseph Andelman, to permit the erection and operation of a sewage treatment plant, located approximately 250 feet south of Pohick Road and to the east of R. F. and P. Railroad right of way on 1.5428 acres of land, Lee District. (Agri.)

Mr. Armistead Boothe represented the applicant.

This proposed plant in on a 1.5428 acre piece of ground just east of the R.F. & P. RR. It would empty into Pohick Creek. The plans were approved by the Mr. Boothe said, in July, 1954. The letter from the Water Control Board ~~Water Control Board~~, however, stated that they must have assurance that the operation and maintenance of such a plant will be taken over by the County of Fairfax or some other public body to assure proper operation and continuance of operation.

The State Health Department has also approved the plans.

Mr. Boothe said they have been negotiating with the R.F. & P. Railroad to get a right of way under their tracks. Only the affluent will be carried under the tracks. Treatment will occur on the west side of the railroad. This is a Griffith plant, with about 89% treatment. The plant will furnish about 400 homes. It will be for domestic use only. About 146 acres will be sewered.

Mr. Moorland said that for some reason this application was not handed to the Planning Commission for recommendation - it is required by the Ordinance that such applications must have a recommendation from the Planning Commission before decision by the Board of Appeals.

The question of adequate inspection and continued maintenance of such a plant was discussed at length. Since there is no way the County can exercise any control over these things the Board questioned the propriety of granting such an application. Mr. V. Smith said

that if the Board could be assured that this plant would be built and operated properly and will continue to operate and will not become an economic ~~asset~~ detriment if the County should take it over they would be in a better position to grant it but he thought these obligations should be met. The County now has some authority - if that authority is asked by the Board of Supervisors - but it was not sufficient, Mr. Smith said.

Mr. Moreland said the Commonwealths Attorney had said the County had only inspection powers - if that is asked for by the County - he did not know if that authority had been asked for. It would be a matter of making inspections and reporting those findings to Richmond - which would be very limited control.

There were no objections.

Mr. V. Smith moved that the application be deferred to view the property and that this case be referred to the Planning Commission for recommendation. Seconded, Mr. Haar. Carried, unanimously.

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5- Joseph M. Patterson, Stella K. Patterson and Jennings Properties, Inc. to permit less setback from street and side lines than allowed by the Ordinance, Lots 1 thru 8, Woodcrest Subdv., Branesville District. (Suburban res.)

Mr. McGinnis represented the applicants. These lots are all on Crest Place which is a cul-de-sac. They are asking for a 30 ft. setback on lots 1 thru 8, on Crest Place and a 34 ft. setback from Great Falls Road, on lots 7 and 8. With the 30 ft. front setback, Mr. McGinnis said it would leave a good back yard space. There had been some objections to these setbacks Mr. McGinnis said, but objections had been resolved before the meeting, If they have this setback they will put in $22,000 houses but with a less setback the house would necessarily be smaller.

It was suggested that the houses on Great Falls Street could be turned around facing Great Falls Street and meet the required setback. That would face the back of the house toward the neighboring house, Mr. McGinnis said. It was noted that if 10 ft. more is taken on Great Falls Street the 34 ft. setback would conform to houses already built on that street.

When this property was bought it had already been subdivided (in 1951) The applicant is trying to make the best plan possible of this tract.

Mr. Haar suggested giving a variance on the rear instead of the front. He thought it would establish a precedent to grant such a

large setback on the front line.

Mr. Moorelend said that this subdivision was platted on the old Suburban zoning which is practically the same size lots as Urban zoning at the present time.

Mr. McGinnis said they had promised the people in the rear of lots 4 and 5 that they would maintain the required rear setbacks as those homes on joining property are set back far on the lots, which would reduce the back yard distance too much.

Mr. V. Smith thought granting this would be encouraging others to ask the same thing.

There were no objections.

Judge Hamel took the Chairmanship.

Mr. V. Smith moved that in view of the shape of the lots 4 and 5 and the fact that this is an old subdivision of record on the old suburban zoning which required 10,000 square foot lots he would moved to grant a variance on the rear setback line of 20 feet instead of the 25 feet required on lots 4 and 5 and that the other part of the application be deneid because there is no hardship involved and the houses can be placed on the lots to conform to requirements. Seconded, Mr. Haar. Carried, unanimously.

It was suggested that the driveways be put on the other side of the houses.

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6 Sitco, Inc., to permit amusements on approximately 2-1/2 acres of land on N. W. Side of U. S. #1, approximately 1200 feet West of #619, bordering Douge Creek, Lee District.

Mr. Joe Bennet represented the applicant.

This property is located contiguous to rural business zoning on both sides. The applicant plans two entrances which have been tentatively approved by the Highway Department for ingress and egress. (Mr. Moorelend noted that Mr.Bennet had been very cooperative with regard to entrances on to the highway and had volunteered the two entrances when the Highway Department had agreed to four).

This will be an amusement park for juveniles. They plan 55,000 square feet of parking. Douge Creek channel will be piped and covered and the area graded. The grading has been worked out with the Soil Conservation Department. To the rear of this business is residential ground owned by Nike, Inc. This property may later be developed into a private club with a lake - there will be no flow of traffic between

this amusement park and that property to the rear. They will have ample restroom facilities. The sewer line comes down the opposite side of U.S.#1 and will be tunneled under the highway. Water will be available. This will be a public park for children between the ages of 12 and 13 mostly with a few features to interest adults. There will be no alcholic beverages sold on the premises. They will fence the rear of the property and will have a fence between the parking area and the concessions. There were no objections from the area The adjoining property owner ~~has~~ states that he approved and thinks this will be a good use in this area. There will be adequate supervision of the grounds at all times. The equipment will be modern with all the best guards and safety features.

Mr. V. Smith asked if there was any County agency which would be responsible for safety of such an enterprise. Mr. Mooreland said no only the insurance carried by the Company. Mr. Smith asked if the lighting was discussed with the highway department to assure no hazard would accrue from strong lights on the highway. Mr. Bennet said they had not discussed that, but that the lights would be on the property only and would not shine toward the highway. This would be open from 10 A.M. until 10 P.M. (It was noted that there was no way of controlling the hours of operation) However, Mr. V. Smith thought the Board could put on conditions which they thought necessary in accordance with Section 16 - and that the permit could be revoked if these conditions were not met. It was suggested that the youth of the children who would come here would determine the early closing hour.

Mr. V. Smith moved to grant the application because it conforms to Section 16 but that it is incumbent upon the applicant to provide off-street parking for all users of the project and that the lights be set up in such a way not to endanger traffic on Bouge Run Drive or U.S.#1, and that adequate safety conditions be met and this is subject to any County or State controls now or which may become effective at a later date.

Seconded, JB Smith. Carried - ~~Mr. V. Smith not voting.~~ V. was d.

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On the Freedom Park application for swimming club, Mr. Whytock came before the Board stating that this application was granted with the the provision that all buildings be located within the fence line. There is a high ridge line next to the pool and about 15% drop which makes it impossible to put the bath house close t o the pool as they had shown on the original plat. They would like to locate the bath houses back about 45 feet from the pool instead of 20 feet as first

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planned. This, however, would also be enclosed by the fence. The bath house will be 22 X 36 ft. This will be dropped below the pool. He presented a plat showing the revised location and said he would bring to Mr. Moorland's office other similar plats to cover this change.

Mr. Haar moved to grant the modified plan as submitted. Seconded Judge Hamel. Carried. Mr. V. Smith not voting.

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Mrs C.L. Funkhouser Mr. Moorland said the applicant was not able to get started with construction within the time allowed on Lot 54 Pinecrest and would like an extension.

Judge Hamel moved to grant an extension of 6 months on this application to start construction. Seconded, Mr. Haar. Carried, unanimously.

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The meeting adjourned.

K. Lawson, Secretary

John W. Brookfield,

John W. Brookfield
Chairman

February 8, 1955

The regular meeting of the Board of Zoning Appeals was held Tuesday, February 8, 1955 at 10 a.m. in the Board Room of Fairfax County Courthouse with the following members present: Messrs Brookfield, Verlin Smith, and Herbert Haar. Mr. J.B. Smith and Judge Hamel absent.

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The meeting was opened with a pray by Mr. Haar.

DEFERRED CASES:

1- E. Earl Atwood to permit operation of a Riding Stable and erection of Boarding Stable 1300 feet east of Fort Hunt Road on south side of Cedar Street, Mt. Vernon District. Rural Residence.

Frank Swart represented the applicant. Mr. Swart said the applicant is asking a variance on the 100 ft. setback due to the lay of the land and because it is more economical to set back within 30 feet of the boundary line to keep out of the drainage area. Mr. Swart said the Board had the power to grant this variance. He noted that this is a permitted use under the Ordinance and this variance can be granted under 6-12 subsection G (hardship clause).

Mr. Brookfield noted that the required setback is 70 ft. This would be a 70 ft. variance.

Mr. Swart said a lesser variance would also be acceptable but it would be better for the applicant to locate his buildings with the requested setback and the buildings would be away from the property line of those who objected.

Mr. H aar thought the variance should not be over 50 feet if granted and it might be granted for a limited time.

Mr. V. Smith said that this is a growing neighboringhood and this should conform to the minimum requirements of the Ordinance and due to rapidly growing changes in the area this would result in a stable in the midst of a populated area, therefore the applicant should meet the required setbacks.

Mr. V. Smith moved to deny this application because it appears to be such a gross variance and will affect adversely the neighborhood in view of development that has taken place in the neighborhood. Seconded, Mr. Haar. Carried, unanimously.

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1- NEW CASES

Josephine Hinkle Carpenter, to permit duplex dwelling on 1.79992 acres of land, a portion of Lot 1, Divine's Subdivision (5402 Kirby Road, Dranesville District)

Mr. Ed. Gasson represented the applicant. He presented a petition from people living in the area, with 31 names, stating they did not object to this use. Mr. Gasson handed the Board a floor plan of the

~~of the~~ house and plot plan showing location on the property. This house was built in 1949, Mr. Gasson said, and it was thought that the builder got all the necessary permits for a duplex house, but the permit did not show that this was to house two families. Mrs. Carpenter went to the Zoning Office for permit to make an addition to her house and was told that the duplex was in violation. This second apartment will be rented. There are 1.8 acres in the tract and the house sets well back on the property - about 100 ft. from the roadway. She has the required amount of ground but not sufficient frontage. This has been operating as a duplex for a number of years without complaint from the neighbors.

Mrs. Carpenter said the addition was for a store room. Her property joins the Chesterbrook Swimming Club property on one side, which property will be fenced. This Club does not object to here duplex. (the construction is frame and asbestos shingle.)

Mr. V. Smith moved to grant the application to the applicant only because it does not appear to affect adversely the use of neighborhing property. Seconded, Mr. Haar. Carried, unanimously.

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2- Forest Haven Properties, Inc., to permit less setback from Neptune Drive than allowed by the Ordinance, Lots 1 thru 12, Block M, Yacht Haven Estates, Mt. Vernon District. (Rural Res.)

Mr. Green represented the applicant. These lots are all on a peninsula like peice of ground which is partly surround by Bouge Creek and the Lagoon. The lots back up to the water. Due to the steep bank which drops down to the stream it is not advisable to build the houses back from the road the required setback. If they could locate the houses about 20 feet from the street they would avoid coming too close to the bank in the rear. Mr. Green said he did not think it would be safe to put in footings too close to the bank. This is a lovely view over the stream, Mr. Green said, and they want to put in attractive houses. The developer has continued the road up the side of Lot 7 to tie in with the entrance of Neptune Drive which surrounds this piece of ground, at the request of the Planning Commission. This was done so as not to leave Neptune Drive a cul-de-sac.

Mr. Green said he thought all the houses along here should have the same setback and by having the less setback they could put in better houses - price range of about $25,000, which is in keeping with the subdivision.

Mr. Haar moved that the application be granted for a 30 ft. setback in view of the fact that this is an unusual layout where the property is somewhat in the shape of a pinensula with water surrounding it and it does not adversely affect any adjoining property.

Mr. V. Smith thought this too much of a variance. He thought this should be referred to the Planning Commission. There was no second to Mr. Haar's motion.

Mr. V. Smith moved to defer the case and refer it to the Planning Commission since they have suggested this layout and to get their views on this suggested variance and to study the Ordinance to see if the Board has the power to grant such a gross variance. Seconded, Mr. Haar. The case was deferred for 30 days.

3- Scull Properties, to permit erection and operation of a gasoline service station and to have pump islands closer to road right of way line than allowed by the Ordinance, parts of Lots 5 and 6 Hannah Subdivision, on south side #236, approximately 500 feet west of #649, Falls Church District (General Business).

Mr. Scull said they considered this the best use for this commercial property. They are considering a long lease with Sinclair Oil Company for a modern station which will be in keeping with the general development in the area. They wish to locate the pump islands 25 fts from the right of way and the building will be 62 feet from the right of way. They will have sewerage. They have just dedicated 16 feet for additional right of way for Rt. 236 for widening for the 4 lane highway which will be completed in the Spring. The width of Rt. 235 now is about 50 feet it was thought. Mr. Scull said, also, that the Highway people would reduce the hill near his property which would make the visibility much better The curbs and entrances have already been put in by the Highway Department along his frontage, Mr. Scull said.

Mr. V. Smith moved to grant the application as this is General Business property and it seems to be the most logical use for this property, granted subject to approval of the Highway Department for ingress and egress and the pump islands shall not be located closer than 25 feet from the right of way, the building 62 feet from the right of way of 236 and the building also to be located 35 feet from the easement shown on the plat. Seconded, Mr. Haar. Carried. It was noted that the Highway Dept. had already given their approval for ingress and egress.

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4- Everett L. Welker, to permit two dwellings on lot with less frontage than allowed by the Ordinance, Lot 3, Mt. Vernon Park, Mt. Vernon District. (Rural Res.)

This house was completed when he bought it, Mr. Welker said. There was a violdation at that time in the side setback of his house and he checked to see how much land he would need to buy in order to make the house conform to the Ordinance. It required 15 feet which he is purchasing from his neighbor. (A statement from this neighbor confirmed this purchase).

After this purchase Mr. Welker said he would have 283.7 feet x 180 feet which is 1.2 acres, sufficient ground for two dwellings but he does not have the required frontage for two dwellings. This is a stone ranch house with the smaller guest house attached on the side by a breezeway. The garage will be located within the ordinance requirements. The addition is to the guest house.

It was noted that the house does not sit parallel with the additional 15 feet of the ground being purchased. There were no objections.

Mr. Haar moved to grant the application with the 15 foot extension to LOt 3, providing for a total acreage of 1.189 acres. Seconded, Mr. V. Smith. Carried, unanimously.

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5- Teddy J. R. Taylor, to permit dwellings to remain asbuilt Lots 82 and 83, Section 2, Groveton Heights, Lee District. (Suburban Res.)

These houses were already built when Mr. Taylor bought them. These are two 50 ft. lots and one house is on Lot 82 the other on the line between Lots 82 and 83. This second house is set very far back on the property. The house on neighboring property is about 15 or 20 ft. from the side line. Mr. Taylor's house which is on Lot 82 is 11.55 ft. from the side line. The second houseis 31.70 feet from this same side line.

Mr. Romdahl who lives two houses away on West Lee Street said he does not object to these two houses.

This is an old subdivision of 50 ft. lots.

Mrs. Messick said these houses were built a long time ago. She lives a few blocks down the street and does not object to this. She said the houses were well kept and were not a detriment in any way to the neighborhood.

It was brought out that the granting of this would clear the title to this property in case the applicant wished to sell, and would in fact be necessary in order to sell.

Mr. V. Smith stated that in view of the fact that this is an old subdivision with 50 feet lots and the two houses are located on two lots that he would move to grant the application because this does not appear to affect adversely adjoining property and this situation existed prior to purchase of this property, and two people living in the immediate area have stated that they do not object to this. Seconded, Mr. Mear. Carried, unanimously.

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DEFERRED CASE:

Vernon M. Lynch, to permit operation of golf driving range and a miniature golf course on north side of #236, approximately 1000 feet west of #620, Braddock Road, Mason District. (Rural Res.)

This was deferred for recommendation from the Planning Commission and for the Board to view the property. Mr. Lynch located the property with relation to his home and the surrounding roads. The entrance to the driving range would be down the lane which leads to Mr. Lynch's home This is about a 25 acre cleared tract. Mr. Lynch said he had planned to subdivide this ground but some of the lots will not take a septic field so they are waiting to subdivide until sewage is available . In the meantime they wish to use the ground but do not wish to tie it up permanently - therefore have planned to lease this ground for the driving range for a limited time until such time as sewer is available. The lease will be so drawn that it can be cancelled within 90 days if it becomes objectionable. The parking area will be off Rt. 236 - along the Lane. Driving will be directed toward a hill and there would be no possibility of balls landing near homes. This proposed use is in Pinecrest. Mr. Lynch said he had paid considerable taxes on this ground and was attempting to get some revenue out of it temporarily.

There is one house across Rt. 226, Mr. Miner who probably was most affected.

Mr. Studman, the lessee, said they were planning the lights so they would shine into the hill which is about 75 feet above the point of driving where the lights will be installed. They will also have reflecting beaks on the lights so they will also be a Pitch & Put (miniature tees) range on one side of the driving range. There will be no loud music or talking, Mr. Studman said, no alcholic beverages sold - only cokes and candy will be sold. The ground will be landscaped attractively. This will be a planned recreation for young people as well as adults which appears to be badly needed in the area.

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Particular attention will be paid to the lighting, Mr. Studman said, so they will be concentrated and will not be objectionable.

The Pitch and Put course will have lights shining only on this course. The lights will be on poles and will shine directly on the course.

Mr. Klyn gave a long statment detailing surrounding roads and located homes which he contended would not be harmed by this use. He thought the use a very good one and that it would serve all the people of the area. He noted that there is a private swimming club now in Pinecrest - but that takes in only members. He thought this would serve a far greater need. He presented a petition signed by both teen agers and adults favoring this project.

Mr. Lynch and Mr. Moorhland discussed designation of Rt. 797 as Braddock Road. Mr. Moereland thought Rt. 620 was the Braddock Road. Mr. Lynch said Rt. 797 was called the New Braddock Road. Mr. Brookfield said there were actually three Braddock Roads.

OPPOSITION: Mr. Wm. Leoffler, President of the Pinecrest Citizens Association spoke opposing. Mr. Leoffler said at the January meeting of the Association a petition on the Klyn rezoning was presented with 180 names which petition was filed with the Board of Supervisors. This petition opposed business in this area.

Mr. Leoffler presented a statement from the Association regarding this use listing objections: 1. This does not adequately serve the area and does not adhere to a good pattern of zoning in a residential area. It would jeopardize future zoning. It would devaluate property. Since this would be the only Pitch & Put course this side of Washington there would naturally be greatly increase traffic on Rt. 236. It has been determined by the State Police that traffic is already hazardous on Rt. 236. The lights would be a nuisance to residents and a hazard to driving. The drilling of wells to adequately water this project would be detrimental and would deplete water supply. When the people in Pinecrest bought they knew of the commercial property which if developed would adequately serve the area. This project might encourage further commercial zoning in the area which is not needed.

The lights will be on 30 ft. poles which lights can be seen and would bother people.

Mr. Cox lived directly back of this project facing the course. He objected. Mr. Cox said he was not worried about the lights or golf balls but he was aprehensive about the affect on values

if this project goes in. He noted the present high property valuation in Pine Crest, the fact that this particular property is very beautiful and especially adapted for homes. He did not like a commercial enterprise within a residential area.

Mr. C. A. Peters objected. Mr. Peters thought he was the one most affected as his home lies directly in the path of the lights. Mr. Peters thought Rt. 236 could easily become another U.S.#1 if commercial enterprises kept crowding in. He objected to the noise and reduction in property values, and the resulting inability to sell his property. The reflection from the lights streaming into his bedroom windows would make it impossible to sleep and the noise would disturb the rural atmosphere of the area. He felt that he must sell and move if this project goes in.

Mr. Elmer Higgins objected for reasons given. He said they had approved the shopping center planned but which has not been built because it would concentrate business in one location and would do away with honky tonks along the highway.

Newton Edwards objected for reasons stated.

The Planning Commission report was read stating the Master Plan does not propose commercial use for this residential property since there is sufficient commercial ground in the area. If the Board should grant this, however, it was suggested that it be for a limited time not longer than 2 years.

Mr. Lynch said the commercial development on his business property has been held up because they could not find a spot which would take a septic field therefore they will wait for the sewers. (Discussion of the Braddock Road followed). This would not cause a traffic hazard, Mr. Lynch said as there would be only the one entrance from Rt. 236. Mr. Lynch thought a two year granting would be satisfactory.

Mr. Leoffler recalled that this is not in harmony with the Master Plan and he thought if this were granted for a two year period the lessee would not be inclined to put in a good development therefore this ~~would~~ certainly would not be an asset to the neighborhood.

Mr. V. Smith stated that this would come under Section IV-A-15-c except that this is obviously a project for gain, and the Board could act only under the hardship clause Secton 12-G - if there is a hardship. The hardship claimed by Mr. Lynch is the fact that he cannot develop this property for homes because he cannot get septic fields on much of this property. Mr. Smith asked - is this sufficient hardship for the Board to grant this.

Mr. V. Smith moved to defer the case until February 24th so the

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entire Board can be present before making a decision. It was suggested that a representative from each side be present to answer questions which the other members of the Board might wish to ask. Motion seconded, Mr. Haar. Carried, unanimously.

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Mr. Mooreland said the Backlick Sand & Gravel Co. got a years permit to operate - they now wish to extend this operation for a longer period - the question is now-do they come under the new Gravel pit amendment which was passed during the interim, and which will require a bond of $1000 per acre?

Mr. V. Smith thought this should be referred to the Commonwealth's Attorney for advice on the legality of this.

Mr. Mooreland said Gibson & Hix wanted to reopen the Little River Hills application - Century Construction Corp. Mr. Hansburger said they had additional evidence in that the people affected in this case - the people living in the homes - were not present at the hearing and did not know what it was all about. They have time within the law to ask for the rehearing.

Mr. Gibson said they did not wish to file suit but the fact that Mr. Rouse has no liability in this matter and the situation as it is will affect the title of these houses, has created a bad situation. The title will be tied up without relief from this Board. This is the situation they wish to bring before the Board, as new evidence.

Mr. Brookfield thought the full Board should be present to decide whether or not to rehear the case.

Mr. V. Smith moved that the Board listen to the new evidence at the next meeting. Seconded, Mr. Haar. Carried, unanimously.

John W. Brookfield

John W. Brookfield
Chairman

February 24, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Thursday, February 24, 1955 at 10 a.m. in the Board Room of the Fairfax County Courthouse with the following members present: Messrs Brookfield, W. Smith, J.B. Smith Herbert Haar, and Judge Hamel.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

We, B. G. Brooks and A. B. Fenton, appeal from the decision of the Zoning Administrator of Fairfax County, Virginia, made January 4, 1955, denying approval to appellants of a building permit for the construction of tennis courts, swimming pool and buildings accessory thereto, property located on west side of Sleepy Hollow Road at Holmes Run on 8.25 acres of land, Falls Church District, (Sub. Res.)

Mr. Harry Carrico and Edward Prichard represented the applicant. Mr. Carrico asked if the Board wished the re-presentation of evidence - that it had been fully presented at the January 25th meeting but if the Board so wished he would go into the details again. Judge Hamel thought no evidence was necessary that a question of law was to be decided.

Judge Fitzgerald gave the result of the Court action on the Writ of Mandamus filed in this case, for approval of the building permit. The basis for this suit was that the Board had acted arbitrarily in deferring this case as it appeared that this case might be continued from time to time for an indefinite period. However the case had been deferred for 30 days and there was no intention of the Board to continue this matter. The Court thought that deferment for 30 days was not arbitrary. The Court did think, however, that the Board should make a decision today.

Judge Hamel thought this case could logically be denied at this time because of the similar case now in court and the Board would like to know the decision on the case.

Mr. Fitzgerald said the Young case was on the way to an appeal now.

It was brought out that the amendment covering recreational areas was passed by the Board of Supervisors and becomes effective Febraury 16th, and that this case was filed before that date and Mr. Carrico said before the amendment was proposed to the Board of Supervisors.

It was decided that the entire case would not be reviewed but attorneys on both sides were present to answer any questions the Board might wish to ask.

Mr. Carrico said their purpose is to get a building permit under Paragraph 10. He thought this case comes even more strongly under that paragraph than the Young case.

Mr. Madden spoke for the opposition. Mr. Madden said that the Board is bound to apply the Ordinance as it reads today - that he had discussed this with Mr. Chamblin who agreed with this interpretation, and that rather than deny this case entirely on the basis of the Young case

which is not yet decided it should also be denied on the grounds of the law.

It was suggested that Mr. Chamblis be asked to come to the Board Room to give his opinion on this case. Mr. Mooreland agreed to find Mr. Chamblis.

Mr. Carrico said they had withdrawn their original application in this matter in view of the decision on the Young case then had filed the application for building permit and filed the appeal on that one day before the amendment was proposed to the Board of Supervisors and the day before the Young case was appealed, as at that time the Ordinance had not been amended.

Mr. Mooreland noted that the first amendment on this had been presented to the Board of Supervisors some time before this appeal was made but it had been re-written and re-presented in final form. Mr. Carrico said that was January 5th - the first draft of the amendment-and he had filed on January 4th, 1955.

Mr. Chamblis said the effective date of the amendment was important. He noted that Mr. Mooreland has the original jurisdiction and this Board is an appellante Board which can review his decision.

Mr. Madden said this was a question of whether or not the changed Ordinance should or should not be recognised that if the changed ordinance is not recognized this is an appeal from the original application.

Mr. Carrice said it was the function of this Board to decide whether the Zoning Administrator was right or wrong regarding issuing the building permit and in deciding that question the law as of January 4, 1955, the existing law at the time the request for building permit was made, should prevail. That was the only existing law at that time. The amendment was not proposed until the next day and the Young case was not voted to be appealed.

Mr. Chamblis said he had discussed this case briefly with Mr. Madden. He thought that if a change in the law had taken place after the filing of the appeal, this Board since it is an appellant body should apply the law as it existed at the time the decision was made. Mr. Chamblis said he did not understand the background of this entirely when talking with Mr. Madden, that the decision of the Zoning Administrator was before the amendment.

Mr. Carrico thought this was a question of jurisdiction now and before the Board takes action they should be advised by the Commonwealths Attorney what the law is - should the Ordinance as of January 4th hold or should the amendment beconsidered.

Mr. Madden said that would be considering that the filing of an application constitutes a vested right which he said was wrong. A municipality must protect the rights of its jurisdiction and the Board must not be bound by every applicant who might file an application quickly to beat an amendment. If that is held a municipality could NOT legislate nor could it protect the rights and welfare of its jurisdiction.

Mr. Madden referred to a case in the Alexandria courts explaining the theory of this power, showing that under an interim ordinance reasonable steps could be taken to protect the residents of a community and that is the basis for the power that this Board has. Had this permit been granted by Mr. Mooreland and had an appeal come from landowners in the area that permit could NOT be revoked unless it could be substantiated that work had been done on the property which would establish a vested right. Merely the getting of a permit is not a contract nor is it a vested right. This has been held by the Courts with regard to municipal corporations. The only one case Mr. Madden cited where the claim of such a case was granted was where it was substantiated that work had been done on the ground which created this vested right. Mr. Brooks does not have a vested right, Mr. Madden said simply because he filed this one day before the change in the law became effective. This Alexandria case goes even farther then the case at hand, Mr. Madden said, because it involves the revoking of a permit whereas in the Brooks case the law is now on the books and should be complied with. This case should be denied on two counts, Mr. Madden said, because of the Young case and because of the law.

Mr. Madden cited another case where an ordinance had long provided for a non-profit club. An application was filed on April 22, 1946. The portion of the ordinance covering this was repealed one day after this application was filed. The Board did not grant the application. The applicant went to court and in reviewing the case the Court ruled that the Board had the right to make this decision and the Ordinance held. Again it was stated that the making of an application did not constitute a vested right. In these cases, Mr. Madden said, the Court in revoking such a permit went into the amount of work that had been done.

Mr. Prichard noted that the Board cannot change the law - it can vary from and interpret the Ordinance, but that zoning is based on the health and welfare of the County and how it affects the County - which zoning is done by the Board of Supervisors.

Mr. Prichard said they did not claim vested rights in this case but claim there has been a wrong interpretation of the Ordinance. Mr. Prichard said he did not think the cases cited by Mr. Madden applied here as the cases were not in themselves the same. This case was to decide whether or not Mr. Mooreland had erred in his decision.

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Mr. Carrice said they were exhausting their administrative remedies after applying for a permit under paragraph 10.

Mr. Madden stated that in cases to which he referred earlier the Court had held that municipalities can deny conflicting permits while they are trying to make changes in their ordinances and are trying to work out something. They can deny things which would be in conflict with the proposed changes and would later become non-conforming uses. A case filed just one day before the wheels could be started for the change could certainly be denied in order to maintain the best interests of the County. Judge Hamel made the following motion: That the position of the Board in this case should be consistent with the Young case and deny this appeal from the action of the Zoning Administrator, and in view of the fact that the Ordinance has since been amended, this should be denied on that ground on the basis of the Ordinance, in other words, if the amendment in the Ordinance is in control here - then this should be denied on its merits. Seconded, Mr. V. Smith. Carried, unanimously.

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NEW CASES:

1- William D. Dillon and Reginald C. Vincent, to permit the operation of a country club type facility limited to private membership to permit swimming pool, tennis courts and school of horsemanship which would require approximately 50 horses property located on west side of #676, approx. 600 feet south of Brookside Drive, Providence District. (Agra.)

Mr. Alexander represented the applicant. The applicants are now operating a riding school at Hayfield, Mr. Alexander said, and this application is to continue that use at a new location, where they will have more room. This is not a livery stable type of thing, Mr. Alexander said it will be limited to the regular students only and their families and friends - riding instruction and club facilities - swimming pool, tennis courts.

Mrs. Dillon said students are enrolled after they present recommendation for entrance. Some of their pupils go to horse shows in various parts of the country and many of them are members of the Junior Hunt. She thought the addition of the swimming pool would be an asset to their facilities. This is actually a hobby, Mrs. Dillon said, for her, that her husband is otherwise employed. The profit element will be limited; however, it will naturally be expected that it will sustain itself.

Mr. Elgin whose people own considerable property joining this site questioned the number of horses Mrs. Dillon would have. He thought if there were too many it could cause a traffic hazard on the narrow road. It was suggested that the number of horses be limited - to which Mrs.

Dillon agreed. It was also suggested that a time limit be placed on the granting. Mr. Alexander said that was not too good as considerable money would be spent in installing the facilities and he thought the limited time might make it difficult to get financing. He thought limiting the the number of horses would take care of future expansion. Mrs. Dillon said she did not wish to be too restricted on the horses as sometimes it was possible to get a number of colts at a good price and a too rigid restriction might hamper her operations. Usually the total number of horeses included a number of ponies. It was agreed that a limit of 45 horses was satisfactory.

Mr. Haar moved that the application be granted to the applicant only and that the number of horses allowed on this project be limited to 45 and this shall be subject to existing and future county regulations regulating the facilities to be established. Seconded, Judge Hamel. Carried, unanimously.

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2- Tuckahoe Recreation Club, to permit swimming pool, recreation area and structure accessory thereto, on west side of #694 approx. 1 mile south of #650 Magarity Road, Dranesville District. (Sub. Res.)

Wise Kelly represented the application. If this is granted, Mr. Kelly said, a nonstock non-profit corporation will be formed, to take care of this installation on approximately 7 acres. People within one mile radius of this location will be entitled to membership which membership will be limited to 2000 applicants. Initiation feels will be $10 each and the charge will be $10 a year for each of the following four years. The membership will actually run for five years. Mr. Kelly showed the plot plan detailing the location of facilities and parking area - which he said could be expanded if necessary.

They have sent notification slips of what they propose on this property, Mr. Kelly said, to land owners within a onemile radius to see who is interested in this use. One did not sign as he thought the spring MAY BE contaminated. The water will be piped below the spring. Which will protect the stream. They will have water piped from Falls Church. This project will be an asset to the County and to the community, Mr. Kelly said. When one member leaves another will be taken in - in his place.

Mr. Charles Davis, who owns land in the immediate vicinity which land will be developed-thought this project a good thing and he would

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like to have membership openings for people in his development living on Great Falls Street who's homes would face this club ground.

Mr. Kelly said if Mr. Davis wished to pay for these memberships they would reserve them - otherwise they could not hold out memberships. There was no opposition. About 15 stood favoring the project.

Judge Hamel moved to grant the application - this ~~ix~~ to be granted with the understanding that it would be subject to the non-profit corporation being formed and that it be limited to that Corporation and the installation be subject to the usual County authorities - the Health Department. Seconded, Mr. Haar. It was noted that the trees shown on the plat will be left as shown on the plat.

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3- National Trust for Preservation of Woodlawn Plantation, to permit operation of a tea room in present building, on northwesterly side U. S. #1, adjacent to Fort Belvoir Prop., Woodlawn Plantation, Lee District. (Rural Res.)

Mr. Robert W. Brown represented the applicant. This will be a small tea room with just a few tables (6 or 7) to take care of the tourist trade especially in the summer. The winter months would naturally be very slow. They will serve light lunches and tea and coffee and soft drinks - actually this has been applied for as a result of tourist demands. It was noted that this property is partly owned by the State.

Mr. V. Smith moved to grant this application under Section 12-F-2 because it meets the requirements of that section. Seconded, Mr. Haar. Carried, unanimously.

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4- Harold Winje. No one was present to discuss this application. Mr. Haar moved and Judge Hamel seconded, that this application be put at the bottom of the list. Carried.

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5- Ardmore Corporation, to permit erection and operation of a service station and to have pump islands closer to road right of way line than allowed by the Ordinance, N.E. corner of U.S.#1 and East Oak Street, Mt. Vernon District. (Rural Bus.)

Mr. Lillard represented the applicant. Mr. Lillard said this was a logical use for this business property and would not work harm to anyone and he thought it would be an asset to the County. They are asking that the pump islands be allowed 27 feet from the right of way. There were no objections.

Mr. V. Smith moved that the application be granted because it conforms to Section 16 of the Ordinance and that this be subject to the requirements of Section 16. JB Smith seconded, Carried, unanimously.

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6- Mrs. William Harris, to permit use of part of dwelling for a tea room and antique shop, Lot 19, Swart Farm, 2-1/2 miles west of Centreville on south side #211, Centreville District.

The Planning Commission does not recommend a business area at this location, as reported by Mr. Mooreland.

The house on this property in which the tea room would be operated is about 330 feet back from the highway. There is plenty of room for off street parking, and a turn around. There will be no structural changes to the building. This will serve a need in the County, Mrs. Harris said, the place will be attractive - service by reservations only. This will be a limited service.

Mr. Haar moved that the application be granted to the applicant only for a period of three years and that this be subject to the usual requirements of County and State requirements. Seconded, Judge Hamel. Carried, unanimously.

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7- Barcroft Terrace, Inc. to permit dwelling to remain as built with less setback from street and side lines than allowed by the Ordinance, Lot 62, Section 2, Barcroft Terrace, Mason District. (Suburban Res.)

Mr. Calvin Burns represented the applicant. Only the carport encroaches, Mr. Burns said, the house is located to meet requirements This was simply a mistake in locating the house, Mr. Burns said. There is plenty of room on the lot and had the house been set properly there would be no need for a variance. This violation came to light while they were making the loan survey. The house of frame construction is completed. The carport is entirely open. It comes 4.6 feet from the side line. The other lots in this subdivision are all built upon. There were no objections.

Judge Hamel moved to grant the application because it appears to be an honest mistake and because this is a corner lot and the error is therefore minimized to some extent. Seconded, Mr. Haar. Carried. Mr. V. Smith voted no.

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8- L. Wesley Carter, to permit erection of multiple housing containing 241 units on 11.122 acres of land on south side #613, Mason Dis. (Urban Res.)

The Planning Commission recommended that this be granted. Mr. L. Carter showed a drawing of one unit of the project - of modern construction three story building. There will be approximately 210 units in the completed project. There were no objections.

Mr. V. Smith thought this a good location for apartments - he asked

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about recreational facilities. Mr. Carter said they wanted to put in a swimming pool later and he thought there would be room for the pool along with recreational grounds. They had originally drawn their plans with a swimming pool but had had to set back farther than they had expected which eliminated that area. However, he thought the plans could still include open spaces for recreation.

Judge Hamel moved to grant the application for approximately 210 units. Seconded, Mr. Haar. Carried, unanimously.

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9- Otis L. Williams, to permit erection and operation of a service station and to have pump islands closer to road right of way lines than allowed by the Ordinance, N.E. corner #236 and #713, Mason District. (Gen. Busi.)

Mr. Multog of the Texas Co. represented the applicant. They are asking for one pump island to be located 25 feet from the right of way. All other setbacks can be met as required, Mr. Multog siad. Route 236 has an 80' right of way here and Rt. 713 has 30' right of way. There were no objections.

Mr. V. Smith moved to grant the application subject to section 16 because it conforms to the requirements of the section. Seconded, JB Smith. Carried, unanimously.

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10- Goffman and McCaffery, to permit dedication of street within 15 feet of existing dwelling on the south side #7, extension of Patrick Henry Drive, Mason District. (Sub. Res.)

Mr. Goffman discussed this with the Board. This is a continuation of Patrick Henry Drive. Since making this application, Mr. Goffman said this had been studied further and now it is found that the road will be 24 feet from the dwelling instead of 18 feet as applied for. This property was bought with the understanding that a 50 foot street would be put through. There is only one place this road could go because of the grade. This would bring it very close to the house already on the property. (This house is now used for business purposes under BZA permit).

7 Mrs. Hellwig read letters - one from her father, Mr. Crewe, and one from herself approving this road within 24 ft. of the house.

Mr. Schumann said he had walked over this ground with Mrs. Crewe sometime ago and they had found that this is the only place the road could be located. It connects with Lake Barcroft property. The road has been moved to fit the topography and it is now acceptable to the State. There were no objections. Mr. V. Smith moved to grant the

application in view of the recommendation of the Planning Commission and granted also due to topographic conditions on the property. Seconded, Judge Hamel. Carried, unanimously.

DEFERRED:

Vernon M. Lynch , to permit operation of golf driving range and a miniature golf course on north side #236 approximately 1000 feet west of #620, Braddock Road, Mason District. (Rural Res.)
Vernon M. Lynch. This was deferred for futher study and for review by the full board.

The petition against commercial rezonings in this area was presented - it was borrowed from the Board of Supervisors where it had been presented in the Kline case. The petition contained 150 names. The Planning Commission had recommended against business uses on this residential ground.

The proper location of this property with regard to Braddock Road and Route 797 was discussed. A letter from Mr. John Geiger of the Master Plan Staff was read opposing commercial use here. Both recommendations from the Planning Commission and Mr. Geiger suggested that if this be granted it should be for a limited time - perhaps two years.

A statement of opposition from the Pinecrest Citizens Association was read.

Mr. Lynch said water would be piped to this area in about two months - which would meet the objections of lack of water. The entrance will be down the lane which leads to his home, Mr. Lynch said, which would cause no traffic hazard as this is not a through road. The nearest house is about 1600 feet from the tee off where the lights will be, Mr. Lynch said and he did not think the homes would be adversely affected. The home owner most affected - across the street -does not object. The lights will be adjusted so they will shine down and therefore could not be a nuisance. Mr. Lynch said he had paid $1700 taxes on this ground last year and since he cannot develop now for subdivision purposes because of the septic conditions (he is waiting for the sewers) he would like to get some revenue out of the land in the meantime.

Mr. Cox submitted a statement to each member of the Board detailing his opposition and that of the Pinecrest home owners.

The nuisance factor did not actually bother him, Mr. Cox, said but he was more concerned with devaluation of property. He thought it would be difficult to sell homes near this project. The lights will be seen by reflection and would be annoying. Also if this is opened on a temporary basis no one would care to put much money into it and it would naturally

result in drinking and a general nuisance. He thought the people in this area should have protection from this. Mr. Cox noted that development was not good around other driving ranges. They would like to see good houses on this ground - in keeping with the development Mr. Lynch has already started, as the ground and the location lends itself to that type of use. Letting down the bars just once is all that is necessary, Mr. Cox said, to encourage other business and other objectionable uses. The area is protected by building requirements now but one building or use below standard would hurt the whole area. The swimming pool granted to this area is a good thing, Mr. Cox said - it is limited to Pinecrest lot owners - but the driving range is public and could very well injure the entire area.

Mr. V. Smith said he thought this was a very close case, and although the homes are a long distance from the driving range this is a very desirable tract and the evidence appears to be that values in the area will be adversely affected - at least adversely affected in the minds of the people living nearby, and in view of the recommendation of the Planning Commission and the Master Plan Staff, Mr. Smith moved that the application be denied. Seconded, Judge Hamel. Carried. Mr. JB Smith voted No.

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Mr. Harold Vinje was not present therefore Mr. V. Smith moved that this case be deferred for 30 days. Seconded, JB Smith. Carried, unanimously.

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Hassen and Andelman - sewage disposal plant application. In view of the Planning Commission's recommendation that this be deferred for 90 days, Judge Hamel moved that this application be deferred until May 24, 1955, Seconded, Mr. V. Smith, Carried, unanimously.

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Century Construction Corp.

Mr. Hansbarger represented the applicant. This case was turned down by the Board and at the last meeting Mr. Hansbarger had asked that they re-consider their action. The Board had agreed to hear new evidence at this meeting for the full Board to hear.

Mr. Hansbarger said he had the owners of lots 7 and 8 present and would like for the Board to hear one of both of them - as they chose. The new evidence is that these owners are greatly penalized by the Board's refusal to grant this and it would be most difficult to re-finance or to sell their property with this cloud on the title.

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Mr. C. T. Mayo spoke to the Board. He owns Lot 8 in Little River Hills. Mr. Mayo said he bought this property October 5, 1953 and the carport was built at that time. Mr. Mayo said he bought the house partly because of the carport. The loan was placed on the house while the carport was attached.

Mr. V. Smith asked why the loan company did not question this violation. Mr. Hansbarger said the survey probably did not show the carport in violation. Mr. Hansbarger read a letter from the vice president of the Century Construction Co. stating that the carports were built at the same time the houses were built on lots 7,8, and 11; that the houses had no construction loans. The original loans were permanent loans placed by the buyers and made in consideration of the houses as completed, with the carports.

It was noted that on two of these lots an enclosed tool shed is on the outside - facing the side line of the carport.

Mr. Mayo said Simmons and Carr had searched his title and there was no statement made that the carport was in violation of the Ordinance.

Mr. V. Smith asked if the title companies did not know when anything with regard to the property was at variance with the Ordinance.

Mr. Hansbarger said no - that the title companies do not necessarily look into zoning regulations.

Mr. Mayo said his purpose was to get this cleared up as he bought the property OWNER innocent of any violation and he felt it was necessary to have the title clear in case he wished to sell or to place another loan.

Mr. Hansbarger said the policy of the title companies is to certify to a certificate of title search they pay no attention to the Zoning Ordinance, that that is not considered a part of the land records. The plats are received from the surveyor and they are assumed to be correct. However, if there appears to be a flagrant violation that would be called to the attention of the company. But in searching the title it is not necessarily determined whether or not it complies with the zoning ordinance.

Mr. Hansbarger said since this occurred over a year ago there is no way they can hold the builder responsible - he would be glad to force the builder to carry the burden of this if it were possible but as it is now - the innocent purchasers are holding the bag.

The Board could not understand why the loan company - who usually seem to be so particular in these matters-did not catch this violation. Mr. Hansbarger said that since this was a permanent loan placed when the house was first built - there was no further check. It was

brought out that the carports did not show on the original plats submitted - however the carports did appear and were completed when the purchase was made.

It was made clear that the only persons at fault were the builder and the surveyor. At some place along the way a correct survey should have been made showing this violation. Mr. Hansbarger said he was trying to get the purchasers out of a bad spot and asked the Board to clear the mistake by granting this. No permit would be granted for improvements as these properties now stand, and there would certainly be a financial loss in case of a re-sale. He thought it most unfortunate that innocent purchasers should be penalized to this extent.

Mr. V. Smith thought the loan companies should adhere to zoning laws.

Mr. Tymoff said they did if they knew of a violation but they take the certified plats as correct and do not make a further check. If the certified plats show the location of the house to be correct and do not violate the deed of dedication , they are accepted. They do catch setbacks - but otherwise the title companies have no knowledge of the zoning Ordinance.

It was generally agreed that the builder should be penalized - also the surveyor - but it was also agreed that there appeared to be no way to do that. Mr. Haar thought both the surveyor and the builder should be notified that this is a grave error which should not happen again and that the Board is not inclined to cover for mistakes of this kind.

It was suggested that a penalty clause similar to the clause now in the Ordinance should be drawn to apply in cases of this kind.

Mr. Moorelandgot the original plat submitted on one of these lots which did not show the carport. Mr. V. Smith said since the Century Construction Company had made this application they should have some responsibility for this gross misrepresentation. The original variance was granted on the houses without the carport yet in October, 1953 the plat showed the carport to be built. What happened between the original plats and the sale of the property is certainly the responsibility of the builder, Mr. Smith said. A carport is supposed to be open - merely supported by posts and here two of the carports are practically enclosed - with the entirely enclosed

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tool shed on one side. This is a flagrant violation of the regulations, Mr. Smith said, and the Board should not be asked to legalize such irregularities.

Mr. J.B. Smith moved to rescind the original action of the Board in denying the variance on these three lots and moved that the application on these three lots 7,8, and 11 be granted but that from this date on the Board will NOT approve any variance where this surveyor and this builder are implicated. Seconded, Judge Hamel. Carried. Voting for the motion: J.B. Smith, Judge Hamel, Mr. Brookfield. Mr. Haar not voting and Mr. V. Smith voted No.

Mr. V. Smith thought this was going too far and he did not wish to vote for the motion as stated. It was asked that the persons concerned in this be notified of this granting: Clement T. Mayo, Rt. 2, Box 992 BB, Fairfax; Mr. James Berry, Rt. 2, Little River Hills Subdivision, Fairfax; and W. Byron Chamberlain, Jr., Box 993, H, Route 2, Fairfax.

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With regard to the Backlick Sand and Gravel Co., whose permit ran out last fall, Mr. Mooreland said the Commonwealth Attorney's opinion was that if this permit is extended the applicant must comply with the new gravel pit amendment.

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Mr. Mooreland recalled to the Board the granting of a permit to Mr. Ray to operate a store in a residential area. Now Mr. Ray has sold this property to a contractor who is operating his business at this location. The contractor had bought assuming he could continue this as business use, until March 1956 - the date to which the original permit was granted. Mr. Mooreland said he had written the contractor saying that this would be presented to the Board - but it was his opinion that this business use could not be continued under the old permit. It was recalled that this permit was granted Mr. Ray only and was granted because of his ill health. Mr. Mooreland said that he thought this was a flagrant violation.

Mr. V. Smith thought there should be legislation which would put such cases under Section 16 and that it should be recommended to the Board of Supervisors that such a change should be made in the Ordinance.

It was suggested that the contractor might make an application for this use to the Board. Mr. Mooreland thought such an application should be discouraged when the Board actually has no authority to grant it.

The meeting adjourned.

John W. Brookfield

John W. Brookfield, Chairman

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March 8, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 8, 1955 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse, with all members present.

The meeting was opened with a prayer by Judge Hamel

DEFERRED CASES:

1 - Forest Haven properties, Inc., to permit less setback from Neptune Drive than allowed by the Ordinance, Lots 1 thru 12, Block M, Yacht Haven Estates, Mt. Vernon District. (Rural Res.).

This was deferred to discuss with the Planning Commission their requirement for a 50 foot street all the way around this peninsula rather than allowing a cul-de-sac in the area of Lot 1. By putting in the 50 foot street along the side of Lots 5 and 4 it throws the end lots back toward the stream another 50 ft. which has cut down the depth of these end lots to such an extent that it is difficult to get safe footings at the rear of these houses. For that reason the applicant wished to locate the houses closer to the right of way. They are asking the variance on all lots 1 through 12 to make the setback uniform. Not all the lots would be affected, however, but it was thought the uniform setback would result in better planning. Continuing Neptune Drive to encircle these lots was a requirement of the Planning Commission.

If they had to meet the required setbacks it would squeeze the size of the houses down and whatever is put up would not be in harmony with the $25,000 houses which are being constructed in this subdivision.

Mr. V. Smith said that since the stream is naturally eating into the banks and this is subject to high water - it might have been better to allow more depth on these end lots by allowing the cul-de-sac - thereby gaining more depth which would take care of stream conditions.

Mr. Baar moved to defer this case again for one week to discuss the layout of this area with the Planning Commission. Case to be heard at 10 o'clock March 22, 1955. Seconded, Judge Hamel. Carried.

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REGULAR CASES:

1- Chester Copeland, to permit extension of trailer court with 14 additional units, Lot 25, Evergreen Farms subdivision, (total 76 units. Lee District. (Gen. Business.)

This application is for the extension of an existing trailer park. They have public water and septic tanks. Mr. V. Smith asked if this had been approved by the Health Department. Mr. Copeland said it had not been, but he thought septic conditions were all right.

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They have mostly permanent tenants - about 70% of whom come from Ft. Belvoir.. They have a central bath room. It was noted on the plat that some of the trailers are located over the drain field. Mr. V. Smith thought the entire installation looked very crowded. Mr. Copeland said they would use the County sewers as soon as they are available - which will be about two years. There were no objections to this extension.

Mr. Coperland said he had allotted 50 square feet above the code requirements for each trailer. The code requires 1000 square feet and he has alloted 1500 square foot or more.

Mr. V. Smith moved to defer this case for a report from the Health Department and to view the property. Seconded, JB Smith. Carried.

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2- Clarence Vaugh, to permit operation of a gravel pit on 17.53 acres of land on S.W. side #635, approximately 1000 feet S.E. of #613, Lee District. (Agri.)

Mr. John Turnbull represented the applicant. This is located across the street from property which has also been used as a gravel pit. They have secured permission from the Highway Department Mr. Turnbull said, to lower the road (635) along this property. (There is a private gravel road leading off of Rt. 635 into this property). When the road is leveled as planned it will be even with this property which will be an improvement from the drainage standpoint. This will necessitate taking out the hill and will therefore get rid of the deep ditches on this joining property.

A letter from the Planning Commission with recommendations was read. This letter is made a part of the file in this case.

There were no objections from those present.

Mr. Jett told the Board he thought this would be an asset to the County as it will eliminate a bad curve and taking down the hill will be an improvement.

Mr. V. Smith moved to grant the application subject to conditions of Section 12-F of the Ordinance and other related sections of the Ordinance and subject to recommendations of the Planning Commission in their letter dated March 3, 1955, because this use seems to be an improvement to the community and will not adversely affect individuals or the community. (Mr. Turnbull noted that the Highway Department had recommended that the road be leveled rather than filling as recommended in the letter from the Planning Commission as the Highway Department thought it would be better to takeout the hump rather than to fill). This change was included in the granting of this application. Seconded,

Mr. Haar. It was added to the motion 'subject to the recommendations of the Highway Department.' The addition was accepted. Carried, unanimously.

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3- Sun Oil Company, to permit erection and operation of a service station and to have building closer to street line than allowed by the Ordinance, Lots 17, 18 and 19, Block 3, Hybla Valley Farms Subdivision, Mt. Vernon District. (Rural Business).

Sun Oil Company. Mr. John Simmons represented the applicant. The applicant is asking a 34 foot setback for the building instead of the 50 feet required from U.S.#1. The building will be set on an angle, Mr. Simmons said to give maximum visibility and maximum utility for the use of the property. Set at an angle the building also would not obstruct any building on neighboring property. They also want the pump islands to be located 25 feet from the right of way line. There is a house on the lot back of Lot 17 about 50 feet from the property line.

Mr. V. Smith noted that the application did not include a requested variance on the pump islands - only the building is mentioned.

There are several filling stations in the area, Mr. Simmons said - a Texas station across the street.

Judge Hamel asked if there is a house on property joining Lot 17 - Mr. Simmons did not know. Judge Hamel thought it was necessary to know that and to know the zoning on this joining property in order to determine the setback on this if it is joined by residential property.

There were no objections from the area.

Mr. V. Smith said the Board could not act on the pump islands because they were not included in the advertising and the Board must know the zoning on the joining property. He moved to defer this case for 30 days for readvertising to include the pump islands. Seconded, J. B. Smith. Carried unanimously.

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4- Arthur W. Gates, to permit carport to remain as built closer to side lot line than allowed by the Ordinance, Lot 6, Section 2, Beverly Forest, Mason District. (Agriculture).

Arthur W. Gates. Mr. Gates said he was out of town when this was being built and when he returned he found the carport located too close to the side lot line. He is the builder - but construction had continued while he was away, by his foreman. The carport was on the plans when they got the permit. The plans and the layout allowed room for the carport on one side of the building. Had the house

been located 25 feet from one side line there would have been sufficient room for the carport on the other side but the house was located so the carport could not be put on and meet required setbacks on this side. It is now 13.22 feet from the side line. The people on Lot 5 joining the carport side do not object.

Mr. Gates said he had sent in Certified plats when the building was almost finished. When the survey was made he did not know this was in violation. The stakes had probably been pulled up during construction work and put back in the wrong place.

Mr. J.B.Smith said he would like to see the original plat filed with the application for permit. Mr. Gates said the carport was built before he got the plat. Mr. V. Smith moved to defer this case for two weeks and to check with the original plat that was submitted when Mr. Gates got his permit.

Seconded, J.B.Smith. Carried, unanimously.

The Board asked that the Zoning Office, in making out these applications, get house numbers or a complete address, if possible, in order that these cases might more easily be located when they view the property.

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5- Robert S. Payne, to permit division of property with less area than allowed by the Ordinance, on northwesterly side #672, approx. 1 mile W. #123, Providence District. (Agric.).

Robert S. Payne. Mr. Frank Carpenter represented the applicant.

This property area was originally measured to the centerline of the street, Mr. Carpenter said, which would have given sufficient area for two lots but measured from the actual right of way of the Vienna-Vale Road it lacks a very small amount of reaching the 1/2 acre area for two lots. The rear lot is on a 16 foot outlet road. As the land is proposed to be devided it would allow 20,741.86 square feet for each lot. The applicant owns to the centerline of the street - according to the old way of reckoning. The 50 foot street as dedicated now puts the property line back to the street right of way. This is in accordance with the Byrd Act. Mr. V. Smith asked Mr. Carpenter if this was a certified plat. Mr. Carpenter said no - this was drawn from deed description and it had not been surveyed. The plat presented carried the statement "certified correct and signed Frank A. Carpenter". Mr. Carpenter said this was a mistake - he should not have signed the plat since the property was not surveyed.

Mr. V. Smith said since this was not a certified plat it was not certain whether or not the 16 foot outlet road exists. This property would be sold for two lots if this is passed, Mr. Carpenter said. They would put up houses about 24 x 30 feet. Each lot would sell for about 800 dollars.

Mr. V. Smith said the granting of this was a matter of helping a man to make an extra $800.00. It was brought out that most of the homes in this area are on tracts considerably larger than these lots.

Mr. V. Smith moved to deny the application in view of the outlet road conditions and the fact that most of the houses in the area have more than the minimum requirements of 1/2 acre.
Seconded JB Smith. Carried unanimously.

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6- Ralph D. Sours, to permit an addition to dwelling closer to side lot line than allowed by the Ordinance, Lot 206, Sec. 3, West Lawn, (933 Westfall Place), Falls Church District. (Urban Residence).
Ralph D. Sours. Mr. Sours said thi s addition would enable him to have a dining room with an archway into the kitchen and living room. If this were put on the back of the house it would necessitate re-arranging the whole kitchen and plumbing, which would be too expensive. The house on the joining lot - on the side where the addition would be located - is about 60 feet from the property line. The addition would come 7 feet from the side line. The man on the joining property is on a corner lot and his back door faces toward Mr. Sours. There were no objections.

Mr. Haar thought this was coming too close to the property line. He moved to deny the application.
~~Seconded~~ Judge Hamel. Seconded, Carried unanimously.

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7- Noel V. Poynter, Lessee, to permit erection and operation of a motel, 40 units on 4.35 acres of land on North side of Old U. S. #1, 158 feet S.W. of Hunting Creek, Mt. Vernon Dist. (Rural Business).

Noel V. Poynter. Mr. Andrew Clarke represented the applicant. This property has recently been rezoned, Mr. Clarke said, for this purpose. He thought this was a good location for a motel - visibility is good from the main highway, there is an existing restaurant across the street, and the Freeway will be put in on the other side of Hunting Creek. It will be necessary to fill and use piling to make this ground buildable. Mr. Clarke said he thought this was the best possible use for this area. They are asking no variance - just a use permit. There were no objections.

Mr. V. Smith moved to grant the application because the property is zoned for rural business uses and it seems to be a desirable use for this property. Seconded, Judge Hamel. Carried unanimously.

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8- Elmer Timberman Lodge No. 54, AF&AM, to permit erection of building to be used as Lodge Hall (40' x 80') on 1.657 acres of land on south side of Columbia Pike opposite entrance of Columbia Pines, Mason District. (Rural Residence).

Elmer Timberman Lodge No. 54 AF&AM. Mr. Walter Stanford represented the applicant.

The proposed building will be back about 100 feet from Columbia Pike. The Church property is two lots away and they do not object to this project. The Lodge is now using the Church basement for their meeting place. Mr. Stanford said he did not think there was any serious objection in the area, that Masonic Lodges were traditionally carried on in a dignified manner and he was sure there would be no roudiness nor rough gatherings here. The Eastern Star will also meet in the building. The second floor will be the meeting room and a kitchen and dining room on the first floor. Both organizations hold night meetings.

Opposition: Mr. Bun Bray, president of Columbia Pines Citizens Assn. was present, representing that organization. The Association had not held a meeting since the posting and advertising of this use, Mr. Bray said, and they therefore had not had an opportunity to discuss this and to know just what was planned, or what type of building. He had talked with the Attorneys and the zoning committee of the Association and they had felt that this project should be discussed in open meeting before this use is granted. They will hold a meeting on the 10th of March. They felt they should know more of the purposes and plans. There is a feeling, Mr. Bray said, that this could be an opening wedge for other things - non-residential uses. Mr. Bray said they were asking a continuance so this can be discussed in the Association meeting with Mr. Stanford. It may be that there will be no objection but the open discussion will assure that everyone is informed as to the intent.

Mr. Wm. Kelly said the land to the north of this is being developed in homes and there would be no thought of asking for a resoning on this property. The architecture will be colonial and the ground will be well landscaped, and he thought it would not be a detriment in any way to surrounding residential property. Mr. Kelly said they actually need to start on this immediately as the Church needs their assembly hall. Mr. Bray said he was a Deacon in the Church and he was sure the Lodge could continue to use their assembly hall.

Mr. Stanford said that since this was properly advertised and posted he had thought everyone knew of it, however, he had no objections to a deferrment for 30 days if the Board wished.

Mr. V. Smith said he did not think a deferrment necessary - since all requirements had been met, posting and advertising, but if it would make for a better feeling in the neighborhood and since Mr. Stanford did not object he would move to defer the case for two weeks to give opportunity for discussion with the Association. Seconded, Judge Hamel. Carried. Mr. Brookfield voted No.

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9- Herbert N. Budlong, to permit erection of one car garage with less setback from side lot line than allowed by the Ordinance, Lot 46, Section 3, Salona Village, Dranesville District. (Surban Residence). Herbert N. Budleng. Mr. Budlong said the land on his lot slopes sharply to the rear and on the right side of his property making it impractical to locate the garage any other place on the lot. The lot is below the street level. The driveway slope will be less than 10% in this location. The sewer line is higher than the house but Massey Engineers have told Mr. Budlong they will build the sewer 2 feet lower so he can tie in. This will, however, give a minimum slope for the sewer, but if this variance is allowed the applicant can have the sewer. The garage will be 8 feet from the side line. There were no objections.

MrV.Smith moved to grant the application because of topographic conditions and due to the desirable location of the house as shown on the plat, and this would be advantageous because of the sewer connections as it would be possible to have the sewer 2 feet lower and the applicant can therefore be sewered and this will not adversely affect adjoining property.
Seconded, Judge Hamel. Carried, unanimously.

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10- Garfield, Inc., to permit erection of pump island closer to Backlick Road than allowed by the Ordinance on west side of #617, approx. 405 feet north #644 at Springfield Subdivision, Mason District. (General Business).
Garfield, Inc. Mr. Hobson represented the applicant. This application was before the Board some time ago, Mr. Hobson said, and this pump island was denied at that time because of the uncertainty of the required dedication on Backlick Road. Now they have dedicated 11-1/2 feet on Backlick Road, Mr. Hobson said and they wish the pump island to be located 25 feet from the new dedication line.

Mr. V. Smith moved that in view of the dedication on Backlick Road this application be granted because it does not appear to adversely affect the use of joining property. Seconded, Judge Hamel.
Carried, unanimously.

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March 8, 1955

11- B. A. Powell and N. L. Bolling, to permit the operation of a stone quarry on west side of #609, Pleasant Valley Road, approx. 3200 feet south of #620, Centreville District. (Agric.).

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B. A. Powell and N. L. Bolling. Mr. Harry Carrico and Ed. Prichard represented the applicant. This is a Richmond firm, Mr. Carrico said, who have this land under lease from the owner (35.3acres) for development of a stone quarry. The actual quarry site will be about 5 acres. The Primary purpose for this request, Mr. Carrico said, is to take out the stone for use on Fairfax and Loudoun County roads. This is in fact a request to reopen a stone quarry as the Board of Appeals on May 24, 1943 granted to the State the right to quarry rock on this property and for incidental structures. The quarry operated for a short time and stopped because of the war - they could not get materials. Since 1946 some rock has been hauled from this site.

This is a hill about 300 feet high, Mr. Carrico said - which hill will be taken down. The quarry as shown on the plat is about 700 feet off of Rt. #609.

Mr. Carrico read a letter from joining and nearby property owners stating that they did not object to this use. This letter was signed by eight property owners. Mr. Carrico identified the location of the signers on the map with relation to the proposed quarry. All were in the immediate vicinity, Mr. Schneider being an adjacent owner.

This quarry has Class A rock, Mr. Carrice said, and the applicants plan to use it on highway contrcts which they are now negotiating. This rock meets the highest quality specifications as required by the State Highway Department.

Mr. Carrico read a letter from Mr. Burton Marye of the State Highway Dept. saying that a quarry in this location would be of material aid to the Department as it is necessary at this time to ship in large quantities of stone from West Virginia for ~~in~~ this County and Loudoun.

A letter from F. A. Davis, Purchasing Agent for the State Highway Dept. saying substantially the same thing was read.

Mr. Carrico said crusher bins 20' x 10' x 25' high would be erected.

There is a great need for this activity, Mr. Carrico said, and the fact that this use was granted in 1943 he thought put it on an entirely different basis from an entirely new quarry. There is little development in this general vicinity - in fact it is much the same as it was in 1943 when this Board granted this use.

The firm of Powell and Bolling has carried on this type of work for 25 or30 years, Mr. Carrico told the Board, and have done a great deal of work for the State in the Culpepper District. Their reputation is good, their work has met all requirements of inspection. In the jobs on which they are bidding at present this rock would be used. They have negotiated for $100,000 worth of equipment which would be used here if this is granted. They are financially responsible and thoroughly experienced in rock quarry operations.

Opposition: Mr. Antonio Micocci represented opposition. Mr. Micocci stated that he had understood that this quarry was originally abandoned because the stone was of an inferior quality - that it pulverized and was therefore unsatisfactory. He had thought the quarry was permanently abandoned.

Mr. Micocci said his property joins that of the quarry and that he is probably the one most adversely affected. He has spent something over $18,000 on his property and he thought his property would be materially affected adversely by this use. He did not know of this application until one day ago, and 30 other people in the area also did not know of this until that time - however, he assured the Board that he understood the case had been properly posted and advertised. He showed the Board a petition with 28 names of those opposing. Of the 30 people approached regarding this use, Mr. Micocci said, 28 expressed themselves against the quarry and thought their property would be substantially harmed and that it would affect values over a large area. These were all people living in the area - no absentee land owners.

Mr. Micocci said he would not oppose a mine or gravel pit or a building stone operation as they would injure only people in the immediate vicinity - but the blasting, drilling, the dust, and the transporting of materials over the gravel roads would make this operation unbearable and would affect people living a quarter of a mile away.

This area is not a wilderness, Mr. Micocci said, it is a rural area of property owners who have spent a good deal on their homes and who are unhappy at the prospect of this devaluating nuisance in their midst. He read the names of those opposing and showed the location of their homes.

Mr. Thomas Lee, whose name appears on the letter favoring this use - now opposes, Mr. Micocci said.

Some of the people fav[redacted] this project, Mr. Micocci noted, do not live in the County - and therefore are not personally affected.

It is a depressing situation for people in this area, Mr. Micocci said, people who have struggled long and hard through many difficulties, to now be faced with the possibility of this blight and consequent depreciation to their home values. Out of the 30 people approached only one refused to go along with the opposition. Mr. Micocci asked the Board to take time to see this property and also to give the people time to think this problem through. This quarry will blight the area, Mr. Micocci said, for a long time to come.

It was asked what contamination would be dumped into Elk Run. The answer was - none.

The site of this proposed quarry, Mr. Micocci said, is one of the most beautiful spots in the County. It is high and is covered with dogwood and redbud. If some means could be found to make some of this ground into a park he would be glad to dedicate some land to keep this a wild life area.

Mr. Carrico said Mr. Alves, the owner of this land, has a marketable product - a natural resource on his property and he should not be restrained from selling it. Mr. Micocci knew of the original quarry here when he came to this area, he knew that quarrys are a permitted use in the County, and that the rock was there. A quarry which has been so operated and where rock is available would appear to be a very logical place for a quarry. A business of this kind, Mr. Carrico said, would certainly create problems. He had realized that and had discussed this operation with many people in the area. Mr. Micocci was the last one to whom he had spoken. He recognized Mr. Micocci's problem and had tried to work it out with him. His client had tried to purchase or lease Mr. Micocci's property but had been unsuccessful.

Mr. Carrico said his client was a well qualified responsible firm who could operate here satisfactorily, he thought there had been no substantial change since this was granted in 1943 and that since there is now a public need for this product which can be filled - if this granted - that it is important that the Board grant this use.

Mrs. Micocci told the Board that this company had tried to buy their property but they did not offer enough - anyhow she did not think they should let the people down by selling to these people who would desecrate the whole country. She contended that the roads would be badly cut up with the heavy hauling.

Judge Hamel moved to defer this case for 30 days to view the property.

Mr. Carrico said his client had bid on highway work which must be in tomorrow - he asked if the Board could see the property today and make their decision. Mr. Micocci objected.

Judge Hamel thought the Board should have more time - he thought new bids could be offered. Motion seconded. Mr. Haar. Carried, unanimously.

Mr. Micotci said he would send photostatic copies of the petition, for the record.

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12- Robert L. Shipley, to permit less width and less setbacks than allowed by the Ordinance, 1 mile north of Lee Highway on west side of #645, Centreville District. (Agriculture).

Robert L. Shipley. Mr. Robert McCandlish represented the applicant. Mr. Pullen got a loan on this property, Mr. McCandlish said, defaulted on the loan and Mr. Shipley bought it in to protect the loan company. He is now trying to divide the land and sell it so he can get his money out of it.

Parcel A-3 conforms to requirements - having sufficient area and frontage but the other two parcels are both long narrow strips with sufficient area but less width than required by the Ordinance and with a house on each parcel with violating setbacks. This was originally all one tract with the three buildings on it. The buildings were there before the loans were made.

The house on Parcel A-1 was built before the Zoning Ordinance. The building on Parcel A-3 was supposed to be a garage only. It now has an apartment over the garage. This is a messy deal, Mr. McCandlish said, but the only thing to do with it is to try and divide it so each parcel can be sold - as it would be difficult to sell it all in one piece.

It was suggested buying land from the owner joining on the south of Parcel A-1. There is no dwelling there, Mr. McCandlish said, and they could not locate the owner. They had thought of doing that. This cannot be approved as a subdivision plat, Mr. McCandlish said, until this variance in lot frontage is ok'd by this Board. The lots will not meet subdivision requirements as they are. There were no objections from the area.

It will be necessary to dedicate for the widening of Rt. 645, Mr. McCandlish said, which they are willing to do.

Mr. Smith thought this should go before the Planning Commission before the Board of Appeals can legally act. Mr. McCandlish said the Planning Commission office had told him he must get approval of this Board first. A "chicken or egg" proposition, Judge Hamel said, which comes first.

The question of which approval comes first was discussed - Mr. McCandlish said it was almost impossible to sell this tract as a

whole - he was asking the Board to approve this for Mr. Shipley so he could subdivide and get out from under. The buildings are cinderblock. There are two septic fields - the third lot is without septic. Mr. McCandlish contended that this is a hardship case.

Mr. Brookfield thought this matter of wholesale variances.

Mr. V. Smith questioned the legal status of the application and moved to defer the case to get the opinion of the Commonwealths Attorney to know if the Board can legally act on this before it has gone to the Planning Commission. Seconded, JB Smith. Carried,unanimously.

Mr. V. Smith thought this was stretching "hardship" too far - he thought if one had made a mistake on a deal he should not come to this Board to be pulled out of a hole.

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Mr. Douglas Adams, representing a group of citizens in the Annandale area asked the Board to consider a re-hearing on the Annandale Water Company's application to erect a storage tank.

Mr. Adams said that since the County is now interested in buying the Annandale Water Company as a part of an integrated County Water system and the report of Engineers will be given to the County on March 16th on this, it was thought that this storage tank may not be necessary, if the County can avail themselves of water from Washington. If the tank is not necessary it would therefore be an unnecessary expense to the county to go ahead with construction of the tank.

Mr. Haar questioned that if they do not get the tank - can the people in this area be assured there will not be a lack of water this summer.

Mr. Adams thought the tank would not be ready anyhow until late summer and therefore would not be of material value this year.

Mr. Haar said the tank could be erected within 30 days after delivery of the steel. He thought there should be no interference with present plans.

Still, if it is shown that the tank is not needed, Mr. Adams said, the County would have an expensive white elephant on its hands.

Mr. Haar thought the same facilities will work with the County system as with a private water company.

Judge Hamel moved that the application for a re-hearing in this case be denied. Seconded, Mr. Haar. Carried. Mr. V. Smith not voting.

The meeting adjourned.

John W. Brookfield.

J. W. Brookfield, Chairman

March 22, 1955

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 22, 1955 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse, with all members present.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- Harold Vinje, to permit erection of dwelling with less side yard than allowed by the Ordinance, Lot 5, Section 1, Lincolnia Park, Lee District (Agriculture).

Harold Vinje. Mr. Vinje said he had at first planned an H shaped house then changed his plans for a T shaped 46 foot house. He is asking a 20 foot setback from one side. Mr. V. Smith noted that there is 30 feet on the opposite side yard. Mr. Vinje said the original house was wider - 54 feet and also that side of the yard is quite steep and he wished to move the house over as far as he could away from the slope. He is putting in a ramp to the front door and unless the house is moved over that 5 feet the ramp would be very steep. The ramp leads in from the side and runs across the front of the house, to the front door and to the basement. This would make a very convenient entrance, Mr. Vinje said, Mr. Haar asked if the lot was generally level. Mr. Vinje said yes, but this would be a 7 foot drop in 32 feet.

Mr. V. Smith suggested that the new amendment to the Ordinance would take care of this 20 foot setback. The amendment is now being advertised and will be heard before the Board of Supervisors April 13th.

Mr. V. Smith moved to defer the case until after the hearing before the Board of Supervisors on the amendment to the Ordinance permitting dwellings in an agricultural District to come within 20 feet of the side line. Seconded, Mr. Haar. Carried, unanimously.

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2- Forest Haven to permit less setback from Neptune Drive than allowed by the Ordinance, Yacht Haven Estates, Mt. Vernon District, Lots 1 through 12. Mr. Fraley appeared before the Board. Mr. Fraley said that since they were crowded for room on these lots he had just been discussing this with Mr. Schumann and Mr. Croy and it was thought that it was better to come closer to the road here in order to get good footings as the footings should be above the extreme high tide. It may be necessary to put in piling in order to assure safe foundations. Lots 6 to 12 are the lowest.

Mr. V. Smith said he understood that the original plat submitted to the Planning Commission did not show the complete circle on this peninsula but the plat as approved allows such shallow lots he questioned whether or not that was practical. He thought they were trying to squeeze in too many lots on this small piece of ground. He questioned the Board's right to grant this blanket variance, as it would certainly set a bad precedent.

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Mr. Schumann said they knew some of the houses would probably have to have a variance but it appeared to be a better plan to ask this variance and give uniformity to the area, and allow circulation in the subdivision. This would also be advantageous to the joining subdivided property. Even with the cul-de-sac, Mr. Schumann said, this condition would still exist.

Mr. V. Smith noted that much of the land on these lots is within the tide.

Mr. Schumann said the Commission could not deny approval of this plat when the developer had met the requirements of the Ordinance, and these lots meet the area and frontage requirements. Therefore the plat was approved.

Mr. V. Smith said the bank here was obviously being eaten away by the stream and the river takes up too much of these lots.

Mr. Schumann said the lots will be filled to high water - the Planning Commission can require that - but that this plat must be approved even though they foresee these conditions.

Mr. Fraley said he could not see where this would hurt the County in any way - Mr. Schumann thought granting this would improve conditions.

Mr. Fraley said a bulkhead would be put along the lagoon.

Mr. V. Smith thought the middle lots should be cut out and a cul-de-sac street should be put in.

Mr. V. Smith moved to deny this case because there appears to be alternate ways to develop this property and this would be a gross variance from the Ordinance and it would set a bad precedent. Seconded, Mr. Haar. Carried, unanimously.

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NEW CASES

1- Solange Binda, to permit operation of nursery school for not more than 12 children, Lot 195, Section 4, Woodley Subdivision, Falls Church District. (Surburban Residence).

Solange Binda. Mr. Strouse Campbell represented the applicant. Mr. Campbell said Mrs. Binda was well qualified to conduct this day nursery school and there were no objections from the area provided certain requests for restrictions are met and Mrs. Binda is willing to meet those restrictions. She would conduct the school in the existing building on the property.

Mr. Gammon, representing South Woodley Citizens Association, said he lived next door to this property. Mr. Gammon said the Association had stated that they are normally against a business use in this residential area but in this case if reasonable restrictions can be agreed upon they will go along with Mrs. Binda. They want the property

fenced, the school to be held in the mornings only and that the outward appearance of the building shall not be altered in any way to look like a school - there shall be no sign, and that this application be granted to the applicant only for 12 children.

Mr. Mooreland said the Board could lay only certain restrictions and anything outside of those restrictions should be taken care of by the Citizens Association themselves.

Mr. Gammon said they objected only to things which might hurt values - they do not want a business - as such - in their midst.

Mr. Campbell said they would be glad to write a letter to the Assocaition agreeing to the terms suggested, if the Association would withdraw their objections.

Mr. Haar moved to grant the application to the applicant only for a period of three years and that the school be conducted in the morning only and there shall be no change in the general structure of the building and this is subject to existing county and state regulations and any future regulations which may be adopted pertinent to such schools, the property will be fenced. Seconded, Judge Hamel. Mr. Smith voted No, as he thought this too small an area for such a school. Carried.

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2- Sinclair Refining Company . Mr. Popham represented the applicant. The applicant plans a modern two bay filling station, Mr. Popham said, porcelainized, to cost about $30,000. They would like to locate the pump islands 25 feet from the right of way of Gallows Road and also from Holly Street. This station property is surrounded by business property and therefore there would be no building setback on the side line. The entire Lot 17 is zoned for business - but they are using only a part of this lot.

It was noted that on the plat the building also violates the front setback - being located only 45 feet from the right of way of Gallows Road. Mr. Popham said they could meet the required setback here and could set the building back 55 feet as required. The plats were so changed.

Mr. Popham said they wished to locate here because it is not entirely settled and therefore would probably be less objectionable.

Mr. Mason Hirst, whose farm backs up to this property spoke favoring this use. He thought this would be an asset to the County both from the standpoint of its being a first class station and from the tax standpoint. He said the owner of this property is selling to the Sinclair people - she is a widow who needs the money. He urged the Board to grant this application.

Opposition - Mr. Frank Brittingham presented two petitions opposing this use. Mr. Brittingham said Mr. W. I. Robertson had applied for a filling station on this property in April, 1954, and was denied on the grounds that filling stations should not be granted except in compact groups. Mr. Brittingham thought a filling station would serve no practical purpose here as the area was already adequately served. He agreed that the station might be a very beautiful affair but he could forsee that the rear of the building which would face people in the area could very well be cluttered up with junk and refuse - a natural accumulation from such a business and would be a distressing eyesore. There is a bad blind curve at this intersection which would become dangerous with this added traffic. The school bus stops here and he thought this would be a safety hazard for the children. This is a residential area, Mr. Brittingham said, and this would be a spot business- the only business within seven square miles. This was zoned in 1946 and has never been used for business. This property has been sold several times since then. Mr. Brittingham thought this would depreciate values and be detrimental to home enjoyment.

Judge Hamel asked if the opposition would object to some other kind of business on this property. He noted that almost any kind of business could be put in here without a permit - he suggested that a hamburger stand could very well be erected - would they like that. That would also cause increased traffic.

Mr. Brittingham said it was not likely a hamburger stand would want to locate in this area, it would hardly be profitable.

Judge Hamel thought there were many businesses which might be more objectionable than a filling station and that a good station here might be very desirable. Mr. Brookfield did not agree - he thought such businesses usually accumulated junk,and refuse burning was unpleasant in a residential area. He also thought this intersection a hazardous one.

Mr. Brookfield thought this should be denied because filling stations should be located in compact groups in accordance with the Ordinance.

Mr. Armentrap,who owns property joining this lot opposed. He said the people in this area had wells and he thought the oil and gas fumes might contaminate their wells - this would decrease the value of property. He did not think this would be a profitable location for such a station. Mr. Armemtrap said he had bought here a year ago and did not know that this corner was zoned for business.

Mrs. Richmond, who owns property on Gallows Road, also opposed. She has a $20,000 investment in her property and thought it would be unpleasant to have a filling station here. She has four children and thought the safety hazard was very important.

Mr. Popham said 40,000 square feet are zoned for business here and they are using only about 18,000 square feet. A 60 foot strip will be between the station and residential property. Mr. Popham said it was the policy of his company to closely supervise their stations and he was sure this one would be kept clean - as that is the only way they can get business, and would be well conducted. He thought the possibility of having a good business in this location was a matter for the applicant to decide. He said the trees at the corner here did create a blind corner, but future development would remove those trees. There are very few homes within 200 yards of the rear of this property, Mr. Popham said.

Judge Hamel moved to grant this application in view of the fact that this is zoned Rural Business, and that it will in any event be developed into a business area, and if the Board is justified in denying this they would be justified in denying anything going on this corner and this will improve the tax base. There was no second.

Mr. JB Smith moved to defer the case for 30 days to view the property. Seconded, V.Smith. Carried, unanimously.

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3- Thomas R. Yanosky, to permit carport to remain enclosed closer to street line than allowed by the Ordinance, Lot 12, Block 2, Section 2, Holmes Run Acres, (2530 Hemlock Drive), Falls Church District. (Surburban Residence). Thomas R. Yanosky. This was built in 1951, Mr. Yanosky said, with the carport attached to the front of the house. This was simply a roof over the carport and the footings for supporting posts. When he planned to enclose the carport for a room he was told at the Courthouse that it was not necessary to have a permit. Therefore, he went ahead with the enclosure.

It was questioned in which office he got this permission to go ahead without a permit - and Mr. Yanosky thought it was in the building inspector's office. He did not inquire at the Zoning Office.

Mr. Mooreland recalled that at the time this was done there was nothing in the Ordinance about carports and they were granted on the front of dwellings under the same restrictions as porchs. When the Ordinance was amended no carports were allowed beyond the front setback line of the house. However, one or two subdivisions which had started on this old basis were allowed to go ahead with the front carports - Homes Run Acres and South Woodley were allowed to continue building under the "porch" regulations. Now it is stated in the Ordinance that no carport can project in front. It was noted, however, that many people did go ahead and enclose their carports without knowledge of the zoning office.

Mr. Yanosky said he had told the people from whom he bought that he wished to enclose this carport and had understood that it was all right. This is a room 12 x 20 feet, which Mr. Yanosky has used for a studio - he said he was a painter (artist) by avocation and used the room for this purpose. Now, he has sold the house and is trying to clear this up for the purchaser.

Mr. Mooreland said the man next door to this house had wanted to do the same thing - that was the way they discovered this enclosure. There were no objections from the area.

Judge Hamel moved to grant this application in view of the conditions that have been revealed here - that the carport itself was erected when it was not a violation and it was the honest belief of the applicant that it was not a violation when he enclosed it,since he came to the Courthouse and did everything reasonable he could to get a permit. Seconded, Mr. Haar. Carried, unanimously.

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4- Safeway Stores, Inc., to permit signs with larger area than allowed by the Ordinance at the intersection #29, #211 and #50 at Kamp Washington, Providence District. (Rural Bus.)

5- Safeway Stores, Inc., to permit signs with larger area than allowed by the Ordinance, Lots 7, 8, and 9, Salona Village, Dranesville District. (Providence District. (General Bus.)

Mr. Arthur Hanson representing the applicant said he would handle these cases together,if the Board wished,as they are similar in character. The Board agreed to take the two cases together.

Mr. Hanson showed artists sketches of the two stores and the signs. The McLean store is on a 4 acre tract and since the store is large a sign in keeping with the building would naturally be in violation. The towers on which each sign will be located are planned to be 60 feet high. At Kamp Washington especially the store will be located in a low spot and it would appear necessary to have the sign high and large in order to be seen when coming over the hills approaching. This is a new type of sign, Mr. Hanson said, which will not appear on many stores in the county, as it will cost about $20,000. The Kamp Washington store will be on a 130,685 ☐ acre tract - therefore, Mr. Hanson contended, a larger sign than allowed by the Ordinance would be in keeping with the area involved.

The illumination will be cold neon - green, which is less objectionable than a red sign. It will cast illumination on the sign only. The light actually is an integral part of the lettering and not a part of the wall. The wall will not be illuminated. These signs will be cut off at 9 p.m., store closing time.

Mr. Brookfield thought the height of the towers in each case could be cut to 40 feet. Mr. Hanson said they would agree to that.

Judge Hamel thought a 40 foot height would show consideration for the people in the area. There were no objections from the area in either case.

The letters will occupy about 225 square feet.

Judge Hamel moved that in the case of the Kamp Washington sign that the application be granted in view of the fact that the proposed sign is in keeping with the area, and there appears to be no objections, and the tower shall be restricted to 40 feet in height, and this is granted because the improvements and development consists of a reasonably large area - this is granted in accordance with the plans presented. Seconded, Mr. V. Smith. Carried, unanimously.

In the matter of the sign for the McLean store, Judge Hamel moved that the application be granted because the proposed sign is in keeping with the area and there appears to be no objection from the area and the tower shall be limited to 40 feet in height, granted because the improvements and development planned consists of a reasonably large area, granted in accordance with the plans presented. Seconded, Mr. Haar. Carried, unanimously.

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6- A. Glenn Bryan, to permit dwelling and carport closer to side lot line than allowed by the Ordinance, Lot 135, Section 2, Lake Barcroft, Mason District. (Surburban Residence)

A. Glenn Bryan. Mr. Calvin Burns represented theapplicant. This house was located incorrectly on the property, Mr. Burns said, and the builder did not realize it until the man next door suggested that the building appeared to be too close to his line. They checked the location again, and found that he was right. The building was very slightly in violation, about 4 inches. They have allowed 2 inches extra for masonry. There are homes already built on Lots 134 and 136 - joining lots.

This lot has a rough topography, Mr. Burns said - the sewer line has been put in on the lower part of the lot in order to give sufficient fall to tie in. There were no objections from the area.

Mr. Haar moved to grant the application because this is only a 6 inch violation and the topography of these lots is quite irregular and this appears to have been an honest mistake and does not affect joining property adversely. Seconded, Judge Hamel. Carried, unanimously.

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7- Backlick Sand and Gravel Corp., to permit operation of a gravel pit at the easterly end of Oak Street, Walhaven Sub., Lee District. (Agriculture).

Backlick Sand & Gravel Corp. Mr. Lane, represented the company. This property, about 5 acres, is at the end of Oak Street which leads through

Walhaven Subdivision, to Beulah Road and on to Franconia Road. This pit was operated for many years, Mr. Lane said - this actually is the extension of what has been in operation. Permit was granted on the original pit something over a year ago.

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Opposition: Mr. Frank Swart represented a group of citizens who live in the immediate area who are opposed. Mr. Swart presented petitions with about 45 names,all of whom live near this pit. The one farthest away, whose name is on the petition, Mr. Swart said, is about 8 or 10 houses away.

It was noted that the Board had received no report from the Planning Commission.

Mr. Swart said the people in the area object because there will necessarily be heavy trucking out Oak Street and Joyce Drive, which roads are not hard surfaced. Oak Street is only 30 feet wide and Beulah Road is also narrow. This heavy travel would be hazardous to children and the trucks would cause chuck holes and mud. The people also object to the grading that has been done. The present operations are within 250 feet of the backs of houses on Joyce Street and in some places they are working within 25 feet of property lines. Some of the holes created are about 20 feet deep, where stagnant water stands. In some places where they have graded close to the lines the dirt falls away. Septic fields are near this grading and it could result in raw sewage flowing on the ground. Also in the digging they have hit a large stream,which could deplete wells in the area. If these conditions are allowed to continue, offensive odors and mosquitos will result from the raw sewage. Also it would be hazardous to children in the area to have these deep pools with water in them, as a child could easily fall in. This has not been properly operated, Mr. Swart said, it has created a situation which will affect from 150 to 175 home owners adversely. He asked that this request be denied.

Pictures of conditions caused by the grading were shown.

Mr. Arthur Baker, who lives on Beulah Road, objected. Mr. Baker said development back of this gravel pit would be blocked by the operations. He objected to the heavy travel, which would ruin the roads, and for reasons before stated, hazardous to children going to school on roads where heavy trucks travel, and devaluation to property. Mr. Baker said he had not had time to sign the petition. This is a residential area and he did not like the intrusion of a commercial enterprise. The operations here have long been a great danger to children in the area, Mr. Baker said, and he thought it also a health hazard. This operation is not conducive to good development in the area.

Mr. Swart said this gravel pit had not operated continuously. It was in operation in 1947, then was idle until about one year ago.

Mr. Lane said the embankment shown in the pictures was there before they went in and they had tried to fix that, and the water holes also. He said they would drain them, and take care of the drainage situation. He noted that his trucks were not the only ones which used these roads. Mr. Lane said he would black top Oak Street, if the County will permit him to. This would help to keep down the dust and mud. He is now taking care of the embankment, Mr. Lane Said.

Judge Hamel moved to defer the case for 30 days, to view the property, and for the report from the Planning Commission.
Seconded, Mr. Haar. Carried

It was asked if Mr. Lane could continue for this 30 day period. Mr. Mooreland said this operation had been going on since the question of extension under the new Gravel Pit amendment had come up, and that he had no authority to stop Mr. Lane,since he had asked for an extension and had been held up for decision from the Commonwealths Attorney.

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8- Mrs. Mildred S. Duryee, to permit shed to remain as built closer to side and rear property lines than allowed by the Ordinance, Lot 16, Sherry Heights, Mason District. (Sub. Res.)

Mrs. Mildred S. Duryee. Mr. Duryee represented the applicant. This 14 x 10 tool shed had been built last summer, Mr. Duryee said, on the back of his lot. When it was partially completed the building inspector had told him it was too close to the line. He was advised to finish it, however, and when the inspector came out later he would tell him if it was necessary to get a permit. He never got final inspection. Then he had a letter from the Zoning Office saying the shed was in violation. This is a large lot, Mr. Duryee said,and there was plenty of room to locate the shed properly, but he did not know of the setback restrictions - there is an open field to the rear. His neighbors do not object. Mr. Duryee had simply told his builder to put up the shed on the back of the lot and did not check for setbacks. However, he said that Mr. Duryee had called the Courthouse for all information and told what they were doing but the inspector never came. Mr. Mooreland suggested that they probably had talked to the Building Inspector's office.

The permit which they got showed a 15 and 12 foot setback from side and rear lines. Mr. Buryee said he had seen other sheds close to the line so therefore had not questioned the location of his.

Mr. Mooreland said it would appear a little unfair because if this were a garage the location would not be questioned, that this was a part of the Ordinance which was not changed at the time the garage setback was changed . He thought that an oversite as a shed was actually in the same category. But since the Ordinance says the setback is 10feet it is necessary to require that.

J. B. Smith moved to grant the application because it does not adversely affect neighboring property, and since this appears to be an honest mistake. Seconded, V. Smith. Carried, unanimously.

Mr. V. Smith suggested that it be recommended to the Planning Commission that the Ordinance be changed to allow the same setbacks for an accessory building as a garage.

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9- Virginia Hills Club, to permit swimming pool and community recreational purposes and buildings accessory thereto, approx. 1000 feet south of Telegraph Road, west of Dorset Drive, a portion of Proposed Section 16, Virginia Hills Subdivision, abutting proposed lots facing Dorset Drive, Lee District. (Suburban Residence).

Virginia Hills Club. Mr. R. W. Brown represented the applicant, but he did not have proper plats on this, and the Board suggested deferring the case. Mr. Brown said the group is in the process of forming a non-profit Corporation for about 400 families. They plan parking space for 80 cars near Robinson Drive.

Mr. Brown said he probably could get the plats before the day is over, and would like to have the case heard today, as they want to get started to have the Club in operation before summer.

Mr. J. B. Smith moved to put this case at the bottom of the list. Seconded, Mr. V. Smith. Carried.

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10- Elmer Higgins and William E. Gilbreth, to determine whether an error has been made by the Zoning Administrator in permitting the erection of two antenna poles on Lot 138, Section 2, Pinecrest Subdivision, Mason District. (Rural Residence).

Elmer Higgins and William E. Gilbreth. Mr. Brown represented the applicants. Mr. Brown said two hudge antenna poles for radio were erected on Lot 138, which were very annoying to people nearby. The objectors have asked for relief - if something could be done about these poles, and had been denied that relief.

Mr. Mooreland asked to make a statement on the background of this case. In August, 1953 Mr. Thompson, owner of Lot 138 had come to his office for a permit to erect these poles for radio antenna. He had told Mr. Thompson that such installation was not covered in the Ordinance. Mr. Thompson came back later and asked that some one in the County advise him about the safety of the poles. Mr. Mooreland suggested that he go to the building inspector to see if he would give him a permit. Mr. Thompson did get that permit in August, 1953. Mr. Mooreland referred to Section 11, Par. 1, relative to height. He then talked with the Commonwealths Attorney, who said the Zoning Ordinance does not cover these poles. Now the situation is that the man has these two poles in his back yard, and the people don't like it. The building inspector took

the responsibility for erection of these poles - not the Zoning Office. The permit was renewed in March, 1954.

Mr. Brown quoted from the Building Code that "proposed structure complies with any ordinance of the county". Mr. Mooreland said this was not a structure, nor is it a building.

Mr. Brown said the owners of Lots to the rear of Lot 138 are greatly distressed over these poles - which are twice as high as a telephone pole. They can be seen for a mile. Across the top of the poles, and between the poles, is a network of wires and paraphanalia which reaches down to the garage. He thought this was a structure. However, in November 1954 these poles were put up without benefit of a permit. Mr. Thompson knew his neighbors objected. The neighbors have offered to pay for the removal of the poles, but Mr. Thompson would not allow that. Since they could get no action from the Zoning Office,in view of Mr. Beckner's ruling, their only recourse was to this Board.

The letter containing Mr. Beckner's opinion reads in part: ".....it is my opinion that the erection of the captioned antenna poles are not governed or regulated by the zoning laws..... it is further my opinion that the alleged erection of these poles in the month of November, 1954 as related to the renewed building permit of March, 1954, merely constitutes a technical variation which may be readily corrected by Mr. Thompson securing a further renewal..... I seriously doubt our ability to require Mr. Thompson to secure a building permit at all ..... In all fairness it would seem that even though an antenna pole is not specifically mentioned, it certainly follows in the same category as that of spires and towers...."

Mr. Brown quoted from Section 6-IV - (a), Par. 3, of the Zoning Ordinance which says a home occupation may be engaged in, provided there shall be no display that will indicate the building is used by anything other than a dwelling, and the Ordinance does offer the right of appeal to this Board in the matter of interpretation, under Section 6-12 - (d) 4. Mr. Brown quoted again from Section 6-XII-Par. 1 and Section 6-4-A. If Section 6-XII-1 applies, Mr. Brown said, Mr. Mooreland may be right, but then anyone could erect structures, spires, tanks, Silos, barns, etc. in a good subdivision, if that is the construction of the Board. But he did not think that applied, in this instance. Here an individual is using a residence for something other than a residential purpose - if one can do that it could ruin an entire area of good development. He asked the Board to interpret under which section these poles could be erected, and whether or not there has been an error in allowing them to remain.

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Mr. E. Higgins said he lives directly behind these poles, on Lot 140 Where there is injury, Mr. Higgins contended, certainly the law provides a remedy. The intrusion of these poles degrades the quality of this residential area, and the entire subdivision. They have a rear picture window facing Mr. Thompson's property, Mr. Higgins said, and these large unsightly structures are in their direct line of vision. Also these structures are noisy. There are two ropes used to raise a flag - or for some purpose - which ropes constantly hit against the poles, making a noise 24 hours a day. This is just outside their bedroom windows. This is no place for a short wave radio, Mr. Higgins said, it would injure the area financially, in case one wanted to sell, as the towers actually look like factory chimneys.

Mr. Gilbreth said he had bought here because this was a restricted neighborhood of good homes. The homes range in price from $26,000 to $30,000. He also has a rear picture window which faces these towers, and the outlook is most unpleasant. They have beautified their back yard, but feel that the poles have greatly detracted from the attractiveness and the use of their back yard. Guests have commented on the unsightly poles, and the resulting devaluation to their property. People buying in a neighborhood of this kind are choosy, and do not like poles looming up just outside their windows. Mr. Gilbreth thought this would depreciate the assessed value of his home, and therefore affect the County revenue from his property. These poles also interfere with their radio and television. He had heard from attorney friends that such complaints had often been made regarding 'Ham-operators'. Mr. Gilbreth said he probably would want to sell before many years, when he retires, and he felt sure he could not get the full value out of his home because of the noise, interference, and obstruction of his view - caused by these towers.

He felt that Mr. Thompson did not get the proper permit to put up these poles, and therefore should be required to take them down.

Mr. E. Jenkins owns Lot 139. He built this house to sell but purchasers had complained about these towers, and he had found it difficult to sell. He has a $32,000 house for sale. He bought the property before these poles were erected, but had his building commitments, so went ahead with the building.

Mr. Brown said in his opinion Section 6-4-2 Par 3 had been violated and it should be corrected. He referred to Mr. Schumann's letter of February 2, 1955 upholding Mr. Beckner's decision, and stating that the County has no plans to institute action in this matter. Mr. Brown said they had appealed to Mr. Lynch, who said he would go along, but he was not particularly interested.

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Mr. Mooreland said that since the Commonwealths Attorney has said the Zoning Ordinance does not cover this - whom does the Board have to go to - he thought the people in the area must do something themselves. If they feel they have been damaged they can take action against this as a nuisance.

Judge Hamel said he felt the Board's hands were tied, since the Commonwealth's Attorney has said they have no jurisdiction. This is merely an administrative body, and since the opinion of the Commonwealth's Attorney has been given, this Board is controlled by his decision.

Mr. Brown thought the Board could make an interpretation on whether or not this should come under Section 6-4-2-3-. Judge Hamel said he would have to give considerable study to the whole case, if he were to attempt to give a ruling contrary to the Commonwealth's Attorney.

Mr. Brown thought the language in this section to be perfectly clear and all it needs is to be enforced. Judge Hamel said the Courts might agree - but the question here is - does the Board have jurisdiction or does it not.

Mr. Brown said it was obvious this house was being used for something other than residential purposes, which certainly would come under paragraph 3 of this sections.

Mr. V. Smith thought that if this went to the Court, the Court would probably refer this back to the Board. Judge Hamel thought the opinion of the Commonwealth Attorney should prevail.

Mr. Gilbreth asked when the Commonwealth Attorney advised the Board - before a case came up or afterwards. He advised the Board, Mr. Gilbreth was told, when requested - and in this case it was before the case came to the Board.

Mr. Mooreland said he had asked the opinion of the Commonwealth Attorney when his ruling had been questioned.

Mr. Gilbreth thought the Commonwealth Attorney might wish to discuss this with the Board. Mr. Brown thought the Board was not excercising its authority by not making the requested interpretations. Judge Hamel said he would not say the Commonwealth Attorney was wrong in his opinion - the Courts could change his ruling, but not this Board.

Mr. V. Smith said that since this is the first time the Board has heard this case, he thought it should be referred to the Commonwealth Attorney - with particular reference to Section IV - A - Par. 3. He so moved.

Mr. Mooreland thought the Board was bound already by the Commonwealth Attorney's opinion.

Motion seconded, Judge Hamel. Carried, unanimously.

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11- Mrs. Lois Newton, to permit a day camp for youngsters - including games, handicraft, swimming and rides - property on east side of #672, approx. 1/2 mile from the Vienna Corporate Limits. Providence District. (Agri.) Lois E. Newton. Mr. John Rust represented the applicant. About a year ago the applicant got a use permit to operate a riding school and show ring, and she is now asking to extend this use into a day camp for children, Mr. Rust told the Board. They have 110 acres and wish to carry on riding, swimming, ice skating, roller skating, archery, tennis, and instruction in handicraft and riding. They have plans to erect a large building to house the children in bad weather. This is to be a replica of a western town,set up with a modern and well equipped interior - with the exterior carried out in western style. The day camp will operate 5 days a week for children up to 15 years of age. All activities will be closely supervised. Mr. Rust said his children had ridden there, and he had been on the premises many times and had been well impressed with the conduct of the place - that it was quiet, and well supervised. The children would be at the day camp for the day only. This is an isolated spot, Mr. Rust pointed out, and he did not think such an extension of the use would harm anyone.

Opposition: Mr. R. V. Hannah spoke representing the Greater Oakton Citizens Association at Oakton. He assured the Board that it was not the use as applied for that bothered them, but the way this project has been handled. This has been advertised as a riding stable, Mr. Hannah said, but they also keep wild bulls, which have become a nuisance - eating crops, trampling down shrubbery, and terrifying the neighborhood. Mr. Hannah said he had never been a person to carry a gun, but had been forced to take his rifle with him for protection. He had been bothered by this animal for many weeks. Then one day people from the Newton place had come riding through his property looking for the bull. He watched one night for the bull, Mr. Hannah said, and saw the animal loom up over the horizon, make a bee line for his garden - cleaning up his corn patch, and trampling down shrubs. Then, Mr. Hannah said, he "took the bull by the horns" and tried to get some action. He called the owners and the police. He told the owners that he would hereafter carry a gun. During one visit of the bull, Mr. Hannah said, the animal took up a position between the garden and the house and would not budge. He thought a good neighbor would not allow such things as this to continue, that they should have some respect for moral code of ethics beyond legal requirements, and try to carry out a good neighbor policy. Since these people have not operated under such a policy in the past, Mr. Hannah questioned what would come from this new enterprise. It sounds harmless on the surface, Mr. Hannah thought, and the use itself is probably all right, but if the Board is inclined to grant this, he would request that it be limited to a 2 year period, and that definite restrictions be laid upon the applicant.

Mr. H. C. Fall, who lives on Hunter Mill Road, to the west of this property, objected also. Mr. Fall said he didn't see the bull himself, but two men had come on to his property, armed with sticks, looking for the wild bull. They said the animal was ferocious. Now there are additional activities requested here - Mr. Fall wondered what might develop. The original granting was for a pony ring, Mr. Fall recalled, but many other things have already been added. The whole thing has expanded - he thought there should be some curb on continued expansion of activities. Also they apparently had a shooting gallery there too, as he had heard gun fire. He thought all allowed activities should be spelled out in the granting of this use, and that wild animals should not be allowed to run over the neighborhood.

Mr. Mooreland said the original application was for the granting of a show ring.

Mrs. Thomas also objected. One corner of her property joins the Newton land. She faces on Hunter Mill Road. She asked where would the center of activity of this day camp be on the Newton property.

Mr. Rust showed her on the plat - which would locate it about 1000 feet from Mrs. Thomas' house.

Mrs. Thomas asked how much use they intend to put the spot down near her property. Mr. Rust said none that he knew of.

Mrs. Thomas said a rodeo was operating here before the Newtons get their permit - they advertised out front with a stuffed horse.

Mr. Mooreland said his office did not know it if they were operating without a permit.

Mrs. Thomas told the Board that one day she saw a pack of 6 or 8 horses without riders, running up Hunter Mill Road at a terrific speed. They turned off on a side road, and ran full speed on to her property - running the full length of her land. Again, very late at night a pack of horses tore through her property, breaking down bushes and shrubs. She too had heard target shooting, especially over week ends. If the Newtons can't contain their animals, and if they have no consideration now for their neighbors, one would wonder what to expect from this additional use, Mr. Thomas said. If the animals are not restrained,and they don't care about the noise - their whole project can get completely out of bounds, if not restricted. They have put considerable money and work into their place, Mr. Thomas said, and they would like to live in peace, and reasonable quiet. She thought a purely commercial enterprise in this residential area should not be allowed.

It was noted that others opposing this use had found it necessary to leave - Mrs. Hutchinson, Mrs. Riordan, and Mrs. Carrico. Others had left earlier in the day, or were unable to get to the hearing.

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Capt. Backman said the citizens committee are concerned with this also, but had not had the time to study it.

Mr. Rust contended that the complaints had been on the Newton's farming operations, and not the camp operations. They have 60 head of stock, and they did have this wild bull who got loose now and then. They finally caught him. Some of the other stock broke loose, which the Newtons didn't like either. The horses are very gentle - all except one or two - so there is really no danger from them.

Mr. Rust said the Newtons had been on a rodeo circuit, and they had operated here two years ago - for two afternoons.

If the Board wishes to list ~~out~~ the permitted activities, that is quite all right, Mr. Rust said. The building contemplated is for daytime use only - in case of bad weather - they do not plan any residential facilities. The gun fire, Mr. Rust told the Board, was only Mr. Newton skeet shooting, but he has discontinued that because of complaints.

The two Braham bulls, which were dangerous, are now disposed of.

The day camp will be conducted within a defined area, if the Board wishes, Mr. Rust said, which location would not need to be near other property. They have Sunday School picnics, and childrens parties during the summer. He thought this a very worthy activity.

Mr. Rust was unable to estimate the number of children they would expect - it depended upon the response. The children will come from near areas, as they will have to have daily transportation.

Mr. V. Smith moved that in view of the use now on the property, and the size of the tract - which is 110 acres - that the application be granted, with the understanding that this use will be conducted in close proximity to the lake and southeasterly thereof, and no closer to the Thomas corner than 500 feet, and that this granting shall be strictly limited to the following uses: archery, tennis, roller skating, ice skating, training children in roping and handicrafts, swimming and riding - subject to the approval of all County and State regulations now in existence, or hereafter enacted, and limited to a period of three years to the applicant only, and there shall not be an excess of 150 children - said children shall be 15 years old or under. This day camp shall be operated five days a week, from 9 a.m. to 3 p.m., and Mr. Brookfield added that no dangerous animals shall be allowed on the place with so many children.

Mr. V. Smith said this is a residential area, and on a narrow road, and if all these projects were carried on the roads would become hazardous.

Judge Hamel said he always looked with favor upon such projects for children, and thought they should be encouraged, as they play a great part in reducing delinquency - but a residential area should be kept under sufficient control.

Mr. Rust thought this should be granted for as long as it is properly conducted.

Motion seconded, Judge Hamel. Carried, unanimously.

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DEFERRED CASES:

1- Arthur W. Gates, to permit carport to remain as built closer to side lot line than allowed by the Ordinance, Lot 6, Section 2, Beverly Forest, Mason District. (Agriculture).

Arthur W. Gates. Mr. Haar moved to grant this application, as it does not appear to adversely affect adjoining property. Seconded, Hudge Hamel. Carried, unanimously.

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2- Elmer Timberman Lodge No. 54, AF&AM, to permit erection of building to be used as Lodge Hall (40' x 80') on 1.657 acres of land on south side of Columbia Pike, opposite entrance of Columbia Pines, Mason District. (Rural Residence).

Timberman Lodge No. 54. Mr. Kelly told the Board that the Citizens Association had met and discussed this project, and had voted 100% favoring it.

Mr. V. Smith moved to grant the application, because it appears to be a logical use, and in keeping with the area, and does not affect adversely the use of adjoining property. Seconded, Mr. Haar. Carried, unanimously.

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Virginia Hills Club - had been deferred for proper plats. Mr. Brown presented the plats showing location of the planned activities of the Club, and the proposed parking space, which would be along Robinson Drive.

Mr. V. Smith moved to grant the application, provided the non-profit Corp. is formed to cover this use for residents primarily located in the vicinity of this use, for the purpose of operating this swimming pool and recreational area, and that off street parking be provided for all users of the project, and this is subject to all regulations now in existence or later enacted. It is also understood that adequate fencing shall be provided. Seconded, Judge Hamel. Carried, unanimously.

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Mr. Mooreland said that in March 1953 the Board granted a use permit to the Groveton Baptist Church to come within 6 feet of Daun Avenue (Church Street). The applicants were unable to get started within the time limit, and now the permit has run out. This is a 2 year old permit. They wish to extend the time on this so they can go ahead. Mr. Mooreland asked the Board would they extend the time, or should they come back with another application.

Judge Hamel moved to extend the permit for the usual time. Seconded. Mr. Haar

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Mr. V. Smith thought difficulties could arise from extending applications after such a long lapse.

Motion carried. Mr. V. Smith not voting.

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, April 12,1955 at 10 O'clock a.m. in the Board Room of the Fairfax Courthouse with all members present

The meeting opened with a prayer by Judge Hamel.

A letter from Armistead Boothe was read requesting hearing on April 12th of the Hassan and Andelman Sewage disposal plant case. Since the case could not be heard earlier, Mr. Haar moved to hear this case May 10,1955. Seconded, J. B. Smith. Carried, unanimously.

DEFERRED CASES:

1. Chester Copeland, to permit extension of trailer court with 14 additional units, Lot 25, Evergreen Farms Subdivision, (total 76 units), Lee District (General Business)

Chester Copeland. This was deferred for a report from the Health Dept. on septic conditions. A letter read from Dr. Kennedy stated that "there should be no further additions to this court until public sewerage is provided."

Mr. Copeland said he understood that public sewer would be brought to his place within about six months.

Mr. V. Smith said he had seen the property, and thought the opinion of Dr. Kennedy was correct. He moved to defer this case for six months, in view of the recommendation from the Health Department - letter dated March 18,1955. Seconded,Mr. Haar. Carried, unanimously.

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2. Harold Vinje, to permit erection of dwelling with less side yard than allowed by the Ordinance, Lot 5, Section 1, Lincolnia Park, Lee District. (Agriculture).

Harold Vinji. This case was deferred pending the amendment to the Zoning Ordinance allowing a 20 foot side setback in Rural and Agricultural Districts. If the amendment becomes effective, Mr. V. Smith brought out, it will not be necessary to act on this case, as the applicant is asking for a 20 foot side setback. Since this amendment is scheduled to come before the Board of Supervisors April the 13th, Judge Hamel moved that this application be granted because of the fact of the proposed amendment to be passed by the Board of Supervisors, which would allow this requested setback.

Seconded, Mr. Haar. Carried, Mr. V. Smith not voting.

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3- B. A. Powell and N. L. Bolling, to permit the operation of a stone quarry on west side of #609, Pleasant Valley Road, approximately 3200 feet south #620, Centreville District. (Agric.).

B. A. Powell and N. L. Bolling. This case had been deferred to view the property. Mr. Carrico again outlined the applicants arguments for the granting of this application.

This is a 40 acre tract, Mr. Carrico told the Board, which is under lease for the purpose of operating a rock quarry. Actually about 6 acres will be used for quarry purposes. This quarry was opened in 1943 by the State of Virginia under permit granted May 24, 1943 by the Board of Zoning Appeals. Due to the war-shortage of machinery and materials, the quarry was shut down.

The quarry operations here will take place about 700 feet from Route 609. This is a very desirable type stone, Mr. Carrico pointed out, it meets the State specifications,and considerable stone is available here. The State has expressed the wish that this quarry be opened in order to help fill the need for rock, as evidenced by two letters - one from Mr. Burton Marye, and the other from Mr. Davis, purchasing officer of the State Highway Dept., stating that it has been necessary to import rock from West Virginia because of lack of quarried stone in Virginia.

The character of the applicants is well known, Mr. Carrico told the Board. They have had many years of experience in quarry operations. They have efficient and modern equipment, which will produce a minimum of dust and noise.

This is a sparsely settled area, Mr. Carrico told the Board, which has changed little since 1943 - when this original quarry permit was unanimously granted. The same conditions hold true today as in 1943 - only the need for this stone is far greater for road paving, in view of the great development taking place in the County.

Mr. Carrico presented a letter addressed to the Board from all the people living and owning property immediately surrounding the quarry, except Mr. Micocci, stating they do not object to this quarry. It was noted that Mr. Lee had removed his name from the original petition presented at the last meeting. A memorandum was also presented , signed by 29 or 30 people who live a short distance farther from the quarry, but all of whom are very near, and who do not object. Ten, who had originally signed Mr. Micocci's petition, have changed their minds, and do not object now. Mr. Schneider, whose property is very close (Joining this tract) now does not object, however, he would not sign any petition. Mr. Schneider stated that he did not care which way this case was decided but he did not oppose it. Mr. Carrico said they had been careful to contact only people who border this quarry property, or who lived or owned property very near, as he considered them the only ones really concerned.

Mr. Alves, owner of this ground, identified the homes or property of each of the signers of the petitions, with relation to the quarry site.

Mr. Carrico listed those who had requested their names removed from the opposing petition. These petitions are on file with the records of this case. Mr. Carrico also noted that each name on his petition represented

3-Ctd. from three to four persons. Many of the signers of his petition, Mr. Carrico told the Board, were living on their same property when the quarry was operating in 1943 - they did not find it objectionable at that time, and do not feel that it would be objectionable now. They will use the road which was used previously - running in from Route #609.

This lease runs for five years, with the right of renewal for another five years, but the applicants hope they can complete operations by five - or at the most - seven years.

Mr. Carrico explained to the Board that this quarry operation was not to be compared with the quarry operations on Route #211 - where great caverns and holes are visible. This quarry site is a dome-like hill. The dome will be removed, no holes will be left in the ground - in fact they intend to put this ground in shape for pasture, when operations are finished.

It was brought out that they intend to remove about 1/2 million tons.

This stone is a valuable natural resource, Mr. Carrico told the Board, a resource which is readily marketable, and which is badly needed, and that if his client is prevented from selling this material he will be greatly damaged. Also this is definitely in the public interest - the need for the stone is evident. Since this is a desirable area for such an operation, since the Zoning Ordinance gives this Board the authority to grant a permit for a stone quarry, and since there is probably no other place in the County as desirable for a quarry, and since there has been no substantial change in this neighborhood - since the original quarry permit was granted - Mr. Carrico asked the Board to grant this requested use.

Mr. Keys, who owns ground joining this proposed quarry, said he lived about as close as anyone to this quarry site, and had lived there during the 1943 operations, and he did not object to this. He noted that he did not feel the concussion from the dynamite during the 1943 operations. The State operated about three or four months at that time. He had stock during that time, Mr. Keys said, and they were not disturbed. Also his well was not affected. Mr. Keys thought this rock would help to fill a need in the County. Mrs.Keys agreed with Mr. Keys' statements

It was stated that between 500 and 1000 tons of rock a day would be taken out of this quarry.

Mr. Brophy represented the opposition. Mr. Brookfield announced that there are many letters from objectors to this application, which had been received and read by the Board - all papers are on file in the records of this case.

Mr. Brophy called Mr. Caldwell a "geophysicist" before the Board. Mr. Caldwell told the Board that the amount of reflection from a blast would be governed by the amount of dynamite used, and also that the structure and formation of the ground affects the reflection, that heavy rock and density transmit shock waves. Through this area there is trap rock, Mr. Caldwell explained, a hard granite-like quality of rock through which very little water will flow. Wells in this area are bored into these traps where there is actually a limited water supply, as the water does not flow - it is trapped into a pool. By heavy blasting, these surrounding cracks would be increased, and the water table would be lowered. This would not affect an underground water-flow, but in this area it could greatly impair wells, because of the "trap rock" formation. Also the transmission of shock and sound waves would carry to a much greater distance in this type of rock formation.

Mrs. Mullen, who lives about one mile from the quarry site, objected. She explained that Route #609 was black topped about two years ago, but was not widened, that the road is satisfactory now for the limited traffic, but stressed the danger to children walking to school, or on the busses, in meeting heavy trucks. Mrs. Mullen figured there would be about 50 or 60 trucks a day. She explained that this road has many abrupt curves. It is narrow, and the many bridges were not designed to carry continuous heavy traffic with heavy tonnage. Mrs. Mullen went into her personal past history, and related how they had come to this area from a comfortable home with all conveniences, and started from practically nothing. They lived in a simple style, and had struggled over a period of years to gain for themselves a home and peaceful living. She felt that all that they had worked and suffered for was now being destroyed by the intrusion of this devastating and destructive use. They hesitate now to negotiate a loan to further improve their home, as they have been advised not to go through with their contemplated improvements if this quarry is granted.

Mr. Shorter objected, stating that he lives about one mile from the quarry site. Mr. Shorter thought there actually was no shortage of rock in the County, as he had seen great stock piles of rock at a quarry out on Rt. 15, and they were not operating to capacity. He had been told that the State was buying rock from West Virginia because it was cheaper. He thought there was no difficulty in getting rock from local quarries, that it was not the lack of stone, but labor troubles which had caused delays in delivery of stone.

Mr. V. Smith recalled the letters from the State saying they found it difficult to get rock, and hoped that this quarry would be allowed.

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Mr. Shorter said he was told in Loudoun County, at a rock quarry, that they had operated only one week last month, and had more stone above ground than they needed.

Mr. Micocci, who lives joining the quarry site, told the Board that since 1947 this area has been developing into an estate area, that many people in the vicinity are planning to build good homes, and to remodel their present dwellings. These homes will make little demands on the County facilities, but will be profitable to the County. This is a low grade enterprise, Mr. Micocci said, which will put a damper on this developing trend, and will retard the whole area.

Fourteen miles of road will be used in this operation, Mr. Micocci said, and the cost of rebuilding and maintaining the damaged roads, as well as rebuilding bridges, would be excessive. The damage to his own property is great, Mr. Micocci said, animals cannot graze near this dust, according to the man who has leased his pasture, and the water in Elk Lick will be made unpotable for animals, by the residue from the quarry.

Mr. LaFollette, who lives about two miles from the quarry site, figured that there would be about 100,000 loads hauled, if the quarry operated for seven years - or 14,265 trips a year, which would probably be from 50 to 80 loads a day. There are 12 bridges between the quarry site and Route #211, none of which have a capacity of over eight ton. Mr. LaFollette pictured the untendable conditions resulting from 50 or 60 truck loads a day running over these narrow roads, with blind curves, some of these roads are gravelled, with only a little skiff of oil on them, the dust, the danger to normal traffic, and the overloading of the bridges. He told the Board it would be a serious thing to grant this use for - surely if this is granted - within a year someone would be killed, as these roads are not designed to carry this type of trucks and traffic, and the constant danger to human lives was frightening. This use is proposed solely for the profit of this Company, with a resulting of great danger to those living in the area.

About 43 stood opposing this use.

Mr. Brophy said about 250 or 300 homes in the area would be affected.

Mrs. Frank Lucas presented a statement from the Centreville Citizens Association objecting to this use.

Mr. A. Daniels, who lives on Braddock Road south of Cub Run, referred to the Master Plan, which has set this area up for recreational purposes, and for five acre minimum lots, and the Government dispersal area - which the Plan has located toward Centreville. When sewer and water become available, Mr. Daniels pointed out, Centreville will become the hub of development in this area. It would be an economic loss to this area to allow an industry of this kind. This actually would in the long run be depreciating to Mr. Alves himself, Mr. Daniels pointed out, and would retard his own residential development.

3-Ctd.

Mr. Daniels stated that he also was contemplating remodelling his home, but now would discontinue those plans, if the quarry is allowed. He, too, discussed the road and bridge situation - the fact that the roads in this area would be ruined, and it would probably be impossible to get the State to put them back in good shape.

Mr. Brophy pointed out to the Board that this is growing into an estate area, where property is advancing in value. This proposed use is heavy industry - with its blasting, noise, dust, danger to children, impact upon the roads, heavy trucks on inadequate bridges - this is heavy industry in the midst of large estates - and unharmonious with existing uses. The County wants industry, Mr. Brophy continued, but that industry should benefit the County - not tear it down.

Mr. Butkiewicz, who lives on the Virginia Adams property, asked the Board to consider these people who want a country living, and who have put unlimited time, hard work and all their money into their homes - now faced with destruction of everything they have. Only two people will benefit from this operation - the rich firm from Richmond and Mr. Alves, as against a large community of fine earnest people. "I call this commercial vandalism" were Mr. Butkiewicz' last words.

Mr. Mullen re-stated objections given, and agreed with them.

Mr. Brophy presented a petition signed by people living from one to three miles from the quarry site, and he said all those present who stood opposing this use, lived within five miles of the quarry.

Mr. Carrico said he did not wish to wear the Board down with a long rebuttal, but he felt that his strongest answer to the opposition was Mr. Keys' statements - who lives near the quarry site, and was living there during the 1943 operations, and he does not object. He thought that was the answer to every word that had been said - objecting. This is a logical use in this area, Mr. Carrico contended, a rock quarry can be permitted under the Zoning Ordinance, and there is no other place in the County, where stone is available, which is better situated for a quarry than here. There is a need for this rock, and the character of the applicants is shown to be reputable - he would therefore leave this case with the Board.

Judge Hamel moved to deny the application for a stone quarry, because - the Judge stated - he would hesitate in this to place his own judgment against the judgment of the people in this area, because he felt that the people's judgment is of much more importance, and the people in this area feel that this will be depreciating; also this vicinity is developing into a fine country estate area, and, the Judge continued, he is greatly in favor of encouraging that kind of development, as it makes for finer homes and finer family development.

At Mr. V. Smith's suggestion, it was added to the motion that this is denied with specific reference to Section 12-F-2 and Section 12-F-2-a-b.

Motion seconded, Mr. V. Smith. Carried, unanimously.

NEW CASES:

1- Sun Oil Company, to permit erection and operation of a service station closer to street line than allowed by the Ordinance, and also to have pump islands closer to street lines, Lots 17, 18 and 19, Block 3, Section 1, Hybla Valley Farms, Mt. Vernon District. (Rural Business).

Sun Oil Company, Mr. Paul Brittingham represented the applicant. The building on this property is located on one side of the lot, and is set at an angle so the sign on the building will have better visibility from the highway. One corner of the building comes to within 34 feet of the right of way line of U. S. #1. The nearest building on joining property would be about 48 feet from the proposed filling station building.

A tourist court is on this adjoining business property. Mr. Brittingham said he did not know how far back the tourist court is located. Those with whom they checked in the neighborhood do not object to this setback, Mr. Brittingham told the Board.

Mr. Mooreland noted that there is a sweeping curve in the highway, as it leads away from this building site.

Mr. V. Smith moved to grant the application as shown on the plat presented, plat dated Feb. 9, 1955, made by Cecil J. Cross, certified Surveyor, Alexandria, Va., except that the proposed building shall be located not less than 50 feet from the right of way line of U. S. #1, because this is a Rural Business zoning and this appears to be a logical use for this property. Seconded, Mr. Haar. Carried, unanimously.

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2- Barcroft Terrace Development, Inc., to permit dwellings closer to side lot lines than allowed by the Ordinance, Lots 7, 8, 22, 23, 24, 25, 29, 30, 31, 32, 33, 46 thru 53 inclusive, 57 and 58, Section 1 and 2, McLean Manor, Dranesville District. (Sub. Res.)

Barcroft Terrace Development Inc. No one was present to discuss this case, therefore Mr. Haar moved to put this at the bottom of the list. Seconded, Mr. V. Smith. Carried, unanimously.

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3- Malcolm Matheson, Jr., Inc., to permit dwelling to remain as erected, closer to street line than allowed by the Ordinance, Lot 21A, Block D, Mt. Vernon Terrace, Mt. Vernon District. (Suburban Residence).

Malcolm Matheson. This is a large lot on which the house could have been properly located, Mr. Matheson said, but the mistake in location was made either by his engineer or his superintendent. Just one tip of the house violates the setback. It comes 48.48 feet from the right of way of Marshall Drive, instead of the required 50 feet. There were no objections.

3-Ctd. Mr. Haar moved to grant the application permitting a 48.48 foot setback from Marshall Drive, as this is a slight variance and appears to be an honest error. Seconded, Judge Hamel. Carried, Unaminously.

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5- Malcolm Matheson, Jr., Inc., to permit erection of dwelling with less setback from side lot line than allowed by the Ordinance, Lot 35, Block F, Mt. Vernon Terrace, Mt. Vernon District. (Rural Residence)

Malcolm Matheson. This is a water front lot, which they have sold to an individual who wants to build his own house, Mr. Matheson said, and the house for which he has had plans drawn, is longer than this lot will take, and meet required setbacks. He is asking a 13 foot setback on the west side of the house. The property joining on this side belongs to Fairfax County - disposal plant - which will never be developed for residential purposes.

There were no objections.

Judge Hamel moved to grant the application in view of the fact that this variance will not adversely affect adjoining property, and that joining property is owned by Fairfax County and is used for public purposes, and this lot fronts on the water.

Seconded, Mr. Haar. Carried. Mr. V. Smith not voting.

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4- Fairfax School, Inc., to permit a private school, approximately 321 feet, Northeast #7, approximately 2000 feet north of Bailey's Cross Roads a part of the C. F. Miller Property, Mason District. (Suburban Residence).

Fairfax School, Inc. Mr. Stewart Reiss represented the applicant. They will operate the school in the existing building, which is a Georgian type, two story brick with four baths and six bedrooms. They plan to have about 100 children, ranging from kindergarten to 4th grade. If they take in more children, or expand their grades, they will add another wing to the building. This will be primarily a day school - perhaps a few resident pupils during the summertime. They will meet all requirements of the State and County. Mr. Reiss showed photographs of the building. The premises will be well landscaped and well kept up. There were no objections from the area.

It was asked - who is this corporation? The answer was that they are Fairfax County residents who live near the property - all of whom will also be working members of the corporation. There are five interested. They propose to give the children a first class educational background, as well as to conduct a financially successful enterprise. They wish to have the best possible facilities, and plan to operate on a sound basis. This is not sponsored by any organization - just the working corporation.

4-Ctd.

A paved outlet road runs into this property from Leesburg Pike. This road goes into Glen Forest subdivision, which is developing around this proposed school property. The entrance road has been dedicated on the Glen Forest plat, and accepted by the State.

Judge Hamel moved to grant the application as it seems to be in keeping with the character of the neighborhood, and this shall be subject to the usual examinations as to the school authorities - and other authorities as may be applicable - and this shall be subject to complying with all fire and health regulations. This shall be granted to the applicant only for a period of 5 years.

Seconded, Mr. Haar.

It was noted that this property will be surrounded by subdivision development, and is about three blocks from St. Anthony's school.

Mr. V. Smith said he did not wish to vote on this, as he did not know the area.

For the motion, Judge Hamel, Mr. Haar, J. B. Smith. Not voting, Mr. V. Smith and Mr. Brookfield. Motion carried.

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6- James F. Bonner, to permit division of lot with less frontage than allowed by the Ordinance, Lot 7, Annandale Acres, Falls Church District. (Agric.)

James E. Bonner . There is a dwelling on the corner of Beverly Street, and Backlick Road. Since this is a large lot Mr. Bonner requested that he be allowed to divide this lot, making two lots facing on Backlick Road, both lots having less frontage than required. They will have sewer, water, and gas. Mr. Bonner said he would like to build another dwelling on the second Backlick Road lot. Actually the lot could be divided across the other way - making the two lots face on Beverly Street - but the topography does not lend itself to a good location for the second lot from the corner. The ground slopes down along Beverly Street, which would not allow good drainage, and he probably could not have a basement. If the lots are divided in the manner proposed, he could build a better home - perhaps 18 or $19,000 - and could have a walk-in basement, which the slope in the ground would allow. (It was noted that if the lots were divided - both facing on Beverly Street - the division could be made without a variance).

Mr. Bonner said he also would like to put an addition on the presently located dwelling - a wing which would not be in violation, but which would increase the value of the house.

Mr. V. Smith moved that in view of the size of this tract, which is about 1-1/4 acres - which is ample square footage from which to make two lots - and due to topographic conditions (the ground is low on the westerly side of the tract) and due to the fact that this does not appear to adversely affect the use of neighboring property, this shall be granted, subject to the applicant moving the house on the smaller lot back from Blacklick Road

-Ctd. to a distance of 60 feet.

Seconded, Mr. J. B. Smith. Carried, unanimously.

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7- Mr. Mooreland told the Board that both the Niko, Inc., and the opposers to their application had agreed to request postponement of this hearing for 30 days. Mr. Haar moved that the Niko, Inc. application be deferred for 30 days.

Seconded, Mr. J. B. Smith. Carried, unanimously.

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7- Jeanette F. Whisler, to permit operation of a dog kennel on 24.0909 acres of land, 7 miles West of #28 on N. W. side #658 Centreville District. (Agriculture).

The proposed building for the dogs will be 124 feet by 14 feet, graduating to a wider building at one end. This will be located 160 feet from the highway, and will have the required setbacks from property lines. They will have from 50 to 75 dogs. They will breed, sell and board dogs.

There were no objections from the area.

This is a large tract of land, which is mostly wooded. It is practically isolated.

Judge Hamel moved to grant the application to the applicant, only as this is an isolated, wooded area, and this would not adversely affect adjoining property. This to be granted for a period of three years.

Mr. Whistler objected to the three year period, as he said they would put in improvements amounting to about $10,000 and that would be impractical on only a three year basis. (He noted that the property would be fenced - where the dogs are kept.)

A five year period was suggested, but that also was not satisfactory to the applicant. Judge Hamel was agreeable to striking out the period of time - therefore the motion was to grant the application to the applicant only.

Seconded, Mr. Haar. Mr. V. Smith asked that it be added to the motion that the application be granted subject to the plat presented.

Judge Hamel and Mr. Haar agreed. The motion carried, unanimously.

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8- Charles E. Detwiler, to permit an addition to dwelling closer to side lot line than allowed by the Ordinance, approx. 500 feet East of #28, opposite Parson Brothers Store. Centreville District. (Agriculture).

Charles E. Detwiler. No one was present to discuss this case.

Mr. V. Smith moved to put this at the bottom of the list.

Seconded, J. B. Smith. Carried.

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2- Barcroft Terrace Development. The Board took this case up, since Mr. Calvin Burns, representing the applicant, was in the room.

Mr. Burns said Mr. Wlaters, the developer in this subdivision, had been building a very attractive house on the other lots in this development, and wished to put that same house on these lots, but had found that the house was a little too large to meet the required setbacks. The houses are in the $25,000 class, and have sold well. Most of the lots in the subdivision have the required width at the building setback line, and most of the lots will take this particular house - but on those lots listed, the house is too wide to fit, and they do not wish to cut down the house size. Mr. Walters does not wish to put in a cheaper house, as it will not conform to the subdivision as already started.

Mr. Burns said that out of 50 or 60 lots, they will need a variance on 21 lots. The variances are all about 2 feet, or slightly more.

Mr. Mooreland said, permits showing the proper setbacks had been applied for in his office on more than half of these lots on which these variances are requested. Mr. Burns said he knew nothing of that - that he was simply representing the applicant as their engineer. He thought there must be some mix up in the office, that they probably didn't know this condition existed, but he had found these variances necessary in making his surveys. They are asking variances on about 35% of the lots.

Mr. Brookfield noted that this was a request to amend the Zoning Ordinance.

Mr. Burns thought granting these variances would not impair the subdivision, in fact it would improve conditions, as they could put in the better type houses, and there was no objection from the area.

Mr. V. Smith thought the property either should be rezoned, or the plat should be re-drawn. Mr. Burns said the houses were staked out, that they could re-draw the plat but they would lose 5 or 6 lots. He thought the developer would not do that - that he would rather put in the smaller house, which tax-wise would not be as good for the County.

Mr. Haar moved to defer the case for 30 days, to see what could be done. Seconded, Mr. J. B. Smith. Carried, unanimously.

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9- Joseph William Cio, to permit tool shed closer to side lot line than allowed by the Ordinance, Lot 2, Block 5, Section 1, Fair Haven Subdivision (23 Fairhaven Ave.), Mt. Vernon District. (Urban Residence).

This tool shed is located about 6-1/2 feet from the side line. Mr. Cio said it could not very well be moved back farther as there is a rather steep hill on the rear of his lot, and all the water from above him drains down on his property. There is also a 4 lane clothes line just back of the tool shed.

Mr. V. Smith moved to defer the case for 30 days to view the property. Seconded, Mr. J. B. Smith. Carried, unanimously.

10- Harold E. Gates, to permit reopening restaurant in dwelling, N. W. side #1 Highway, approx. 1000 feet south #611 (Colchester Inn), Lee District (Agric.)

Mr. Gates said a restaurant had been conducted here in 1948. This is on a large tract of land high above the highway, which,Mr. Gates contended, lent itself very well to a high class family restaurant. Mr. Gates said he had had considerable experience in conducting this type of business - he would carry out the Country Inn type of family restaurant, featuring traditional dishes. Since this is more or less inexcessible, he would cater to a restricted trade. The price of meals will range from $1.75 to $3.00. They will remodel and redecorate, with the Peter Hunt type of decoration. The dining room will be of the Lazy Susan kind. This building is located about 100 feet from the highway, and is 50 or 60 feet above the highway level. There is adequate parking space in the rear. Mr. Gates made it plain that this will not be the roadside type of business. He and his family will live in the building. There were no objections from the area.

Mr. Haar thought this an appropriate use for this site and moved to approve the application - granting to the applicant only as this appears to be in harmony with the character of the community, and would probably be a good business location for this type of enterprise, and this shall be subject to all existing Ordinances of the County governing such a restaurant. Seconded, Judge Hamel. Carried, unanimously.

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11- Trustees Calvary Presbyterian Church, to permit an addition to the church, closer to street and side lot lines than allowed by the Ordinance, Lots 2 and 3, Section 1, Penn Daw Village, at the corner of School Street and N. Kings Highway, Lee District. (Urban Residence).

Mr. John McPherson, pastor of the Church, represented the applicant. The need for this addition has resulted from a tremendous growth in the Church, Mr. McPherson said, and he felt this would be a great benefit to the community. They are asking the 25 foot setback from School Street, in order to get in the size building they require. The back line will conform to requirements, being 10 feet from the line. The joining property belongs to Fairfax County, and is used for the Mt. Eagle School. The building in front was finished about two years ago, Mr. McPherson said, they plan now to enlarge the sanctuary, and use the balance of the building for educational purposes in connection with the Church.

Mr. V. Smith asked about parking space. Mr. McPherson said they actually had little parking space of their own, but they use the street and an area at the Mt. Eagle School, and the lot across the street has been available. They have not found parking a problem, as the school property is not in use when the Church is in session. They will probably have parking on Church property for about 38 cars.

Mr. Fonce, one of the Trustees, and Sunday School Superintendent, told the Board that the present Sunday School enrollment is over 700, with 500 to 600 present each Sunday. They are now using the facilities of Mt. Eagle School to take care of their overflow, and are holding two sessions. The entire Church has grown tremendously - the children bring their parents - and the result is a very large Church, growing completely out of their quarters. He thought this addition would not only be a benefit to their Church but a benefit to the community.

Mr. McPherson said their needs had been studied, and they find they will need about 15,000 square feet of school space. This addition will provide that, and furnish a study for the Minister.

Mr. Tyser objected. He lives at 107 School Street - the nearest lot to this addition. He thought the setbacks should be kept within the requirements, as his house is set back of the proposed 25 feet which is asked for the Church building. This projection would be at least 10 feet beyond houses on this street, and he did not like living next door to a two story building which would set out so far. He thought it would detract from the neighborhood, and devaluate property. He has lived at this location for five years, and he was aware when he bought here that he joined Church property.

Mr. McPherson thought this new building would not be detracting, since it would be architecturally attractive, and in keeping with the present building. He thought it actually would be an improvement to the neighborhood. Mr. McPherson said he did appreciate Mr. Tyser's position, but he thought the interests of the general public would be served by having this addition.

It was noted that School street dead ends a short distance away.

Mr. Haar suggested that the building might be moved closer to the rear property line, which - being school property - would not affect that property adversely, thus giving more front setback. He therefore moved to grant the addition, as per plats presented, except that the proposed Sunday School building shall be moved back to a 35 foot setback from School Street, which would bring the building to the rear line - which is the Mt. Eagle School property - and the variance granted will be in the rear, instead of from the front setback. This is granted because it does not appear to affect adversely the owner on Lot #4, who bought here five years ago, and was on notice that this was Church property.

Seconded, Mr. J. B. Smith. Carried, unanimously.

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April 12,1955

12- Dowden Terrace Recreation Association, Inc., to permit operation of swimming pool, recreation area and buildings accessory thereto, at the N. E. end of Holmes Run Parkway, bounded on the north of Lot 30 and onwest of Lots 25, 26 and 29, Block 17, Dowden Terrace, Mason District. (Suburban Residence).

Mr. Sullivan represented the applicant. The applicant has an option on this ground, a non-profit corp. has been approved and now is in the process of being recorded, Mr. Sullivan told the Board, they will fence the area around the pool, parking space is provided along the Holmes Run where there is a sewer easement.

Mr. V. Smith asked what about the Holmes Run Parkway, which runs to this property and stops - if this were continued it would run through this property. He thought that the Parkway should not be blocked.

Mr. Sullivan said the development plans for this area were submitted to thePlanning Commission, and they were told that this is a flood plain area in which no homes could be built. They had thought therefore that no road would go through this area, so they had left this tract out of the subdivision plans. They thought the continuance of this Parkway was not planned. They had purposely left this flood plain area for parking. Mr. Sullivan said he had also understood that Alexandria had no funds now, nor in the immediate future, for this Parkway.

There were no objections from the area.

Judge Hamel moved to grand the application, according to the plat presented with the case, and that this shall be subject to the usual examination and approval of the Health Department and other authorities in the County. It is understood that adequate fencing around the pool area will be provided.

Seconded, Mr. Haar. Mr. V. Smith not voting. Motion carried.

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13- Leneale Gallegos, to permit operation of a nursery school in present building, property located approx. 1000 feet south of Centreville on west side #28, Centreville District. (Rural Residence).

Mrs. Gallegos said she would use the lower level of her house for the nursery school - that while this would appear to be a basement, it is actually above the street level - well ventilated. They will live in the house. She plans to have about 24 children - day pupils only. As soon as this is approved, she will apply for State approval. She has already talked with Mrs. Miller and the State License Bureau, who have said they will approve this when the use permit is granted. The house is of stone construction, located on about one acre of ground. There were no objections from the area.

13-Ctd. Mr. V. Smith moved to grant the application to the applicant only so long as the applicant occupies part of the residence and the number of children shall be limited to 24, and this shall be subject to control of the Health Department, and all State and County regulations now in effect or which may later be enacted, because this does not appear to affect adversely the use of joining property, and appears to be a logical use in this area. Seconded, Mr. J. B. Smith. Carried, unanimously.

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14- James Monroe, to permit sign to be erected on residential property not occupied by the use, and sign with larger area than allowed by the Ordinance, Lot #2, J. G. Bennett Subdivision, Falls Church District. (Suburban Residence).

Mr. Shield McCandlish represented the applicant. This is a school located to the rear of a business on an outlet road, Mr. McCandlish said. This property is practically surrounded by business zoning, Mr. McCandlish pointed out, and is joined on one side by Pine Springs Apartments. Since this property is practically concealed from the Highway, there is no way to adequately advertise it unless a sign is located on the property not occupied by the use. The sign as proposed would be on the Waters property, and would be located about four inches off the property line, across the little right of way leading to the school. The sign would contain 27 square feet. The sign is now on business property, and if it is moved to this residential property the square footage would exceed the Ordinance requirements. Since this is actually a business area, Mr. McCandlish said, he did not think it was out of keeping with surrounding development. The sign now is on the 20 foot right of way which leads to the school property.

This property was originally used for a tourist home - and the sign was put up to advertise that business. Mr. Monroe bought the property in 1947. In 1949 he put in the Humpty Dumpty School and changed the sign to advertise that. He had bought this property with the idea that the sign could be located on Lee Highway, and the sign is very necessary to his business. The tenant on Lot 1 thinks the sign as presently located damages her property, and would like it removed. No one else has complained about the sign. Mr. Monroe has checked with the people coming to his school, and has found that the great majority of them were led there by this sign. If this sign were put back on Mr. Monroe's property it would not be seen by anyone passing and it would actually be damaging to the Pine Spring Subdivision.

There was no objections from the area.

14-Ctd. Mr. McCandlish contended that this could be granted by the Board under the Hardship Clause in the Ordinance (Sect. 12-G). He quoted this paragraph. Mr. McCandlish said Mr. More had an agreement with Mr. Waters to keep the sign on his property for two years. He noted that other signs in the County were advertising off the property used. Mr. Mooreland said those were non-conforming signs, so located before the Ordinance. He recalled that the Board had held to the policy of not granting signs off the property used, and thought it would be out of line to reverse themselves. He thought once signs are granted off the property used - it would put the Board in a very vulnerable place for other similar applications. Mr. V. Smith moved to defer this case for 30 days to study the matter and to see the sign, which is in place at present. Seconded, Mr. Haar. Carried, unanimously.

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15- Dorothy M. Gubser, to permit operation of a nursery school and kindergarten, Lot 1, Block 4, Section 3, Holmes Run Acres (2000 Sycamore Drive), Falls Church. (Suburban Residence).

Mrs. Gubser said she had conducted a nursery school at 2000 Gallows Road - the house was sold and they bought this place for their home, and a new school location. This is just one block from the old location. She had 31 children, ages from three to five years. This age group does not come under State control. She will meet the proposed County Ordinance governing such schools. The building is masonry and frame construction. There will be no structural changes in the building. If there are more children she will have one teacher to each nine to eleven children. This is a service for people in the community - there will be no sign. Children will be within walking distance. Mrs. Gubser contended that this is a needed facility in the area, as there are no other such schools near.

Mrs. Browning, who lives three doors away from Mrs. Gubser's, presented a petition with forty names favoring this school. The signers all live near and felt the school was of great value to the neighborhood, and that it had been well conducted and was a needed facility.

Letters were presented favoring this project from: Mrs. A. M. Simon, Mrs. Nesbitt, Mrs. Patrick, Mrs. Kushner, and a petition from neighbors living near the former location.

Opposition: The Gordon Sullivans, who live 36 feet from the applicant, opposed. They moved to their home in 1950. A petition with six names was presented opposing - also a letter from Mr. and Mrs. Telford. It was brought out that people living a short distance away did not object, but those same people have indicated that they would object to living next door to such a school. The back door neighbor had stated that this would be depreciating to their property, and therefore objected. Also the two other joining neighbors objected, and the neighbor across the street. It was brought out that there is a water shortage now in this area - which the installation of this use would greatly add to. At her other location

15-Ctd. it was noted Mrs. Gubser had erected a high board fence, which was an eyesore. Since there are other nursery schools in the area, and the Grange Hall is available for a cooperative school, Mr. Sullivan thought this school unnecessary.

Mrs. Knoertzer objected. She lives directly across the road. Their picture windows face Mrs. Gubser's house, and the noise, cars honking, the garbage pails in the yard - are all depreciating to property values. It was brought out that Mrs. Gubser has been operating her school at this new location for about two months.

Mrs. Gubser said she had operated the school at the other location for several years; they had put up fencing to seclude the property,and they now have a two level house which they hope to improve,and landscape the yard.

Mrs. Knoertzer also mentioned the water shortage.

Mrs. Gubser told the Board that her school would probably grow into a cooperative venture. She said the only school presently in the area is at Annandale, which means transportation problems. She noted that the house across the street from her had sold, and one had rented,since she had been conducting her school. She did not think it had hurt the community. She indicated that she would not conduct this school for long - but she thought the school was serving a present need in the community.

Mrs. Kushner said a great many children in the neighborhood had played in the Gubser's yard, and one of the houses in the area was sold on the strength of the fact that there is a nursery school in the area.

Mrs. Dorrns noted that there are other schools perhaps in the area, but they are too expensive.

Mr. V. Smith suggested granting a permit for a year. Mr. Sullivan said that was not satisfactory to the objectors.

Mr. V. Smith said he had been opposed to these schools in a residential area on small lots - he thought they should have more ground so they would not be detrimental to people in the area - that people should have protection under the Ordinance. The question in his mind was - is this a service or not?

Judge Hamel thought this appeared to be a good thing for the community and he was willing to move that the application be granted to the applicant only for a period of one year, subject to the usual inspections and approval of the Fire, Health and whatever other supervision there is or might be over such schools. It was asked that this time be extended to the end of the school year in 1956 - Judge Hamel changed the time limit to a period of 14 months. Seconded, Mr. Haar. Carried, Mr. V. Smith voted No.

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April 12,1955

6- Thomas N. White, to enclose carport closer to side lot line than allowed by the Ordinance, 2/10 mile west of #686 on south side #193, Dranesville District.

Mr. White said he wished to enclose this carport as he needed more room. This would bring the house 6.56 feet from the side line. There are woods all around his place, Mr. White pointed out to the Board, the nearest house that can be seen is about 1000 feet away. This carport was on the house in 1947. The joining neighbor owns 40 acres of woods. Mr. White said he could not contact him to ask if he objected.

Mr. V. Smith said he knew this property and he thought this coming entirely too close to the line, he therefore moved to deny the application, because it does not meet the minimum requirements of the Ordinance. Seconded, Mr. Haar. Carried. Judge Hamel and Mr. Brookfield both voted No.

It was noted that the house itself violates the Ordinance.

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18- Dowden and Farnum, to permit dwelling as erected to remain closer to side lot line than allowed by the Ordinance, Lot 14, Block 16, Dowden Terrace, Mason District. (Suburban Residence).

Mr. Sullivan represented the applicant. Mr. Sullivan stated that they had planned a certain type of house to be put on this lot, but found it would not fit - they changed the style of the house but used the location which was first staked out - thus creating a violation. This lot has a steep slope to the rear, making it necessary to have a shallow house. The building would be 13.9 feet from the side line - it should be 15 feet. Only one corner of the house is in violation.

There were no objections from the area.

Mr. V. Smith said that since this house could have been properly placed on the lot without a variance, and the error is only 1.1 feet on one corner, he would move to grant the application - because it does not appear to affect adversely neighboring property - but this is granted subject to the applicant submitting to the Board plans for a garage or carport on the south side of the residence, without variance.

Seconded, Mr. J. B. Smith. Carried, unanimously.

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19- C. H. Fugate, to permit erection of pump island closer to road right of way line than allowed by the Ordinance, Lot 500, Division of Original Lot 1, Hugo Maters Subdivision, Lee District. (Rural Business).

Mr. Fugate said he had operated a filling station here for several years, and he now wants pump islands parallel to Route #789, which would be located 25 feet from the right of way.

19-Ctd. Mr. V. Smith noted that Route #789 is only 30 feet wide - he thought Mr. Fugate should go back 10 feet farther to allow for future widening. He therefore moved to grant the application provided the pump islands shown on the plat made by Merle McLaughlin, C. S., dated March 1955, shall be located 35 feet from the present right of way of Route #789, because this does not appear to affect adversely the use of adjoining property.
Seconded, Mr. J. B. Smith. Carried, unanimously.

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20- Woodward and Lothrop, to permit two temporary signs larger than allowed by the Ordinance on the Foote Tract at Seven Corners on #7 and #50, Mason District. (General Business).
Mr. H. L. Whalen represented the applicant. This will be a temporary sign, Mr. Whalen said, to be used only until the store is opened in approximately August 1956. There are 128 square feet in the sign - back to back. There will be one sign on Route #7 and one on Lee Blvd. These signs are attractively designed, Mr. Whalen said, and will be an asset to his company for advertising purposes. The signs will be well set back on the property.
Mr. Mooreland thought granting this was all right.
Judge Hamel moved that the application be granted for a period not to exceed more than two years, the signs granted in accordance with the dimensions as shown on the plats.
Seconded, Mr. Haar. Carried, unanimously.

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21- Julius Garfinckle and Co., to permit two temporary signs larger than allowed by the Ordinance, on the Foote Tract at Seven Corners on #7 and #50, Mason District. (General Business).
Mr. Enders represented the applicant. This is the same type sign, and will be used for the same purpose. The sign is 8 x 16 feet.
Judge Hamel moved to grant the application for a period not to exceed two years - the sign to be like the sketch presented with this case.
Seconded, Mr. Haar. Carried, unanmiously.

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22- Kass Berger, Inc., to permit erection of waiting room with an 80 foot Pylon advertising Seven Corners Shopping Center, on the Foote Tract on south side of Arlington Boulevard, 145 feet Northwest of Peyton Randolph Drive, Mason District. (General Business).
Mr. Groff represented the applicant. This will be the final sign to advertise the large shopping center at Seven Corners. The area advertised here is about 25 acres, and Mr. Groff thought this an appropriate size sign for that area. They would like to have this in place during construction - for the advantage of advertising. The tower is 80 feet tall.
(Mr. Mooreland said there were no height restrictions on this type of structure-according to the Ordinance. He quoted from the Ordinance 6-11).

22-Ctd. However, it will necessarily meet the required 35 foot setback. Mr. Groff said that was satisfactory to them.

There were no objections from the area.

Mr. Mooreland said he had not checked on the topography to see if this high sign is necessary in order to be properly seen.

Mr. V. Smith moved to defer this care for 30 days, to look into the need for this height.

Mr. Groff said there was about a 40 foot drop from the location of the sign to the top of the hill at Seven Corners. Mr. Groff said he had gotten the final locations of both Leesburg Pike and Arlington Bovd. insofar as the Highway Department could give them to him, and the requested sign would take care of good visibility.

Mr. V. Smith asked if the other signs on individual stores were worked out yet. Mr. Groff said - no, they would be controlled by theCounty and by Kass Berger. Woodward & Lothrop and Garfinkles will have signs on their own buildings.

The letters in this proposed sign will be back lighted and the "7" will be illuminated.

Mr. V. Smith moved to defer this case for two weeks, for further study. Seconded, Mr. J. B. Smith. Carried, unanimously.

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23- Helen H. Walker, to permit operation of a nursery school in present building, Lot 184, Section 3, Woodley (1413 Westmoreland Road) Falls Church District. (Suburban Residence).

Mrs. Walker said she would operate a full day under State and County regulations. This school will fill a need in this area, Mr. Walker said, as there is no place where small children can be left for the full day. She expects to have about 15 children. The building to be used is shingle and frame construction. While she has not conducted such a school, Mrs. Walker said she considered her education and background of teaching has fit her well to conduct such a school.

Opposition: A copy of an agreement with Mrs. Walker was presented to the Board. It was stated that Mrs. Walker had agreed to the terms of the agreement. Terms: No sign display advertising the school; School shall not operate on Saturday and Sunday; 35 square feet per child shall be allotted School shall operate within the house and the fenced yard; to be carried on for a period of three years by the applicant only.

Mrs. Tolley presented a resolution from the Executive Committee of the South Woodley Civic Association, unanimously opposing this use. They object to any commercial encroachment in this area, the houses here are not big enough for such a school. A permit was granted to Mrs. Binda, whose school is not filled, and she was limited to half-day sessions for 12 children for a period of three years. Mrs. Tolly thought there was no need for further granting of similar applications. There were 12 present

23-Ctd. at the Executive meeting, she said.

Mrs. Walker said she would increase the house, if she had 15 children. She stressed her need to help out financially. She thought this a service to the neighborhood, and for child supervision in the neighborhood. She said her school would be quiet and well regulated.

Mrs. Tolley also pointed out the danger of the traffic hazard. She thought there should be educational requirements governing such schools.

Mr. Haar thought this should be investigated further - he moved to defer this case for 30 days to view the property and to get more definite information.

Seconded, Judge Hamel. Carried, unanimously.

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8- The Board took up the Detweiler case. This property slopes abruptly to Bull Run. Mr. Detweiler said his nearest neighbor, the Breedens, have no objections. The addition will be 10 feet from the line.

Mr. Haar moved that the application for extension be allowed to come 10 feet from the property line, abutting Bull Run, as this is an unusual topographic condition - where the neighboring property owner has no objection - and the land could not be used for building purposes in the immediate vicinity. This is a 40 to 50 foot drop to Bull Run.

Seconded, Mr. V. Smith. Carried, unanimously.

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The meeting adjourned.

John W. Brookfield,

J. W. Brookfield, Chairman

Blank

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April 26, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held April 26,1955 at 10 o'clock A.M., in the Board Room, Fairfax Courthouse, with all members present

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- Elmer Higgins and William E. Gilbreth, to determine whether an error has been made by the Zoning Administrator in permitting the erection of two antenna poles on Lot 138, Sec. 2, Pinecrest Subdivision, Mason District. (Rural Residence).

Mr. Robert Brown represented the applicants. This case had been deferred for discussion with the Commonwealth Attorney's office. Mr. Mooreland read the following letter from Mr. Fitzgerald: (quoted in part. This letter is on file in the records of this case) ".....I have reviewed this opinion and agree that Section 6-11, Par. 1 would seem to exempt an antenna pole from any height restriction.

"Mr. Brown points out that in Section 6-4, Par. 3, one of the permitted uses is that of customary home occupations, provided that there shall be no display that will indicate from the exterior that the building is being utilized ..... for any purposes other than a dwelling, other than as permitted in Par. 14 of this Section, which deals with the erection of signs .... it would appear that you would have to first conclude that such amateur radio transmission is an occupation.

"..... Opinions on zoning matters rendered by this office are usually given from a prosecution stand point..... I do not believe that an opinion from this office would be binding on your Board. However, since the problem of enforcement is closely related to the matter of interpretation, I believe that consideration should be given to such opinions.

.....

Robert C. Fitzgerald, C. A. "

Mr. Brown re-stated his clients reasons for objecting to these poles: The poles are offensive because the appearance of such installation is depreciating to the neighborhood, the ropes flapping in the wind are noisy and they believe the intent of the Ordinance is being violated. Mr. Brown showed slides and photographs of the poles, indicating the height of the poles as compared with telephone poles and buildings. He quoted from Section 6-4, Par. 3, of the Ordinance that home occupations may be carried on "provided there shall be no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling..."

Mr. Brown said these poles are about 250 feet apart and about 25 feet from side lines and they are very high. He thought the same purpose could be

-Ctd.

accomplished with much less display. Since the Commonwealth Attorney's opinion is based upon the possibility of prosecution, Mr. Brown contended that the Board had the authority to interpret the Ordinance in the light of their own thinking, and that they should make their own interpretation independently.

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Judge Hamel suggested that the Board was in the position of either taking the opinion of their attorney - hired for the purpose of advising them - or what? If the Board disagreed with the Commonwealth Attorney, they were in a rather bad position for defending their opinion.

Mr. Brookfield agreed - however, he thought the Board should interpret the Ordinance, and under any circumstances the Commonwealth Attorney was bound to defend that decision.

Mr. Mooreland called attention to Section 6-11 of the Ordinance, Sub-section 1 - "Barnes, silos, chimneys, etc..... not used for human habitation, may extend above height regulations...." If these things are allowed - how should a pole be considered, Mr. Mooreland asked. He thought there were no limitations.

Mr. Brown pointed out that this section has no application to uses.

Mr. V. Smith questioned whether or not this is a "home occupation". It was considered only a hobby.

Mr. Brookfield suggested that this particular installation may not be objectionable - but what would happen if there were a half dozen such poles in the neighborhood.

Judge Hamel thought if a hobby became objectionable the neighbors might have a point for action against whomever caused that condition.

It was agreed that the Ordinance has no provision for granting a permit to this type of installation.

Mr. Mooreland noted that there is no limitation on height regulations on farm uses - whatever zone they may be in.

Mr. Brown thought the poles could actually be a danger, as they are only about 25 feet from the side line, and could fall on a neighboring house.

Mr. Mooreland thought the people might have an action against this property owner, and the neighbors were trying to get the Board to take action when the action should be individuals against individuals.

Mr. Brookfield said the Board was merely trying to make a correction, and protect the people - if the neighborhood was being damaged. He thought the Board had the right to take action.

Judge Hamel moved that in his judgement the Zoning Administrator did not commit an error in permitting the erection of the two antenna poles in question. (The Judge noted that if these poles are a nuisance, and they may be, if so, this is in the nature of judicial preceeding. In the light of the opinion of the Commonwealth Attorney, this Board should not determine whether or not this is a nuisance.) Motion seconded, Mr. Haar.

For the Motion: Judge Hamel, Mr. Haar and J. B. Smith
V. Smith voted No, and Mr. Brookfield did not vote. Motion carried.

2- Backlick Sand and Gravel Corp., to permit operation of a gravel pit at the Easterly end of Oak Street, Walhaven Subdivision, Lee District (Agriculture).

Mr. Lane represented the applicant. Mr. Lane said he would surface Oak Street, if this is granted, which he thought would help greatly and the banks would be cared for. He can drain the old pit better now ~~that~~ it he has the adjoining property, Mr. Lane said. He will bulldoze off the ground and put it in good shape. Mr. Lane thought the wells in this area would not be depleted because the ground has been lowered in front of the embankment and they are building the banks back with clay. They are working below the present water level ~~and which~~ would not affect the wells. The water would be held in by the clay embankment.

Mr. Martin Bostetter represented opposition. He filed an additional petition with the Board opposing this use. Mr. Bostetter listed their reasons for opposition: The trucks causing dust, hazard to children on Oak Street, which is too narrow to carry the large trucks when children are on the road, it would depreciate property, cause erosion, the faults giving away would be hazardous and these operations would create an "attractive nuisance" to children in that they are likely to fall in the deep pits created. Mr. Bostetter noted that the Board can grant such a use if it will not adversely affect property in the neighborhood - under Section 12, Paragraph F.

Mr. Bostetter noted that the digging had come very close to homes, and to property lines - too close to be safe. He noted also that the clay fill which Mr. Lane mentioned had already begun to erode, and he did not think such a fill would safeguard the water supply, which is critical in this area. This outfit operates for six days a week, Mr. Boestetter said, there is no relief from the dust and noise. This is an expanding use, and will change the character of the area and damage property owners.

It was brought out that this pit was originally established by Mr. Smith, who used it at first for his own use - then gravel was sold. The original pit was closed for a long time, Mr. Boestetter said - the road to it was blocked. He thought the use should have died during that time. The pit was not operating when the homes in this area were built.

Mr. Arthur Shaffer, representing neighbors and friends in the area, opposed this continued use. He thought this created a health hazard because of the water situation, and was a danger to children. The wells in the area are low, and the clay banks are not adequate to

2-Ctd.

protect depletion of water, and there is a drainage problem which is hazardous. Mr. Shaffer told the Board that there are 23 homes adjacent to the pit, and with tanks as high as 25 to 50 feet, the deep pot holes, the large trucks tearing up the roads, and the shifting gravel, are not in harmony with the character of the neighborhood. These people bought in the area when the pit was closed. Some gravel was being taken out, however, to use in Walhaven Subdivision. Mr. Brookfield suggested that the owners were probably acting on their own vested rights in taking gravel to be used on their own land.

Mr. Shaffer said the people thought this was not a commercial venture and that it would be operating for only a limited time. This is not an agricultural district, Mr. Shaffer pointed out, it is residential and the people in the area should have protection from further development of this use. He asked the Board to deny the request.

It was brought out that the old pit did not figure in this application as the applicant is asking to operate on five acres. Mr. Shaffer said he realized that - that this was actually an extension.

Mr. Jett spoke vehemently against this use. He represented his constituants. There are residences within 20 feet of this pit, and they are operating very near the line. This is a health hazard and dangerous. He asked the Board to give consideration to the plight of people in the area. About fifteen stood opposing this use.

Mrs. Dawson opposed for reasons stated, and stressed the unpleasant situation for people living near these operations.

Mr. Steward, who lives within 20 feet of the old pit, objected. He noted that the water level in his well had dropped appreciably since these operations had been going on. He noted that green stagnant water was standing in the pools created by the operations.

Mr. V. Smith noted that in accordance with the new amendment regarding gravel pits, the ground would have to be sloped properly when operations are completed.

Mr. Baker objected to this expansion, and its devaluating affect on property - that this extension would cut off property at the back of the five acre tract.

Mr. Frank Swart represented some of the property owners in the area. He listed their objections; the trucks tearing up the roads, the mud, dust, hazard to children - in all these things, he stated, the people had no legal redress. He noted the traffic hazard, the encroachment on a purely residential area, sewage seepage into stangnant pools, mosquitos, the loss of water from wells by seepage into the gravel pit, danger of children falling into the pits.

Mr. Brookfield noted that the Board had no control over traffic hazards.

Mrs. C. Allen noted that the PTA in this area had asked for a 15 mile per hour speed limit on the narrow roads, indicating the danger which would accrue from big trucks.

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2-Ctd. Mr. Lane informed the Board that the State had dug in this old pit, and had left the high banks but that they were trying to remedy that by the clay filling into the banks. He said there would be no erosion when the clay had settled. He recalled that he would black top Oak Street. He noted that the old pit was being used for Walhaven Subdivision, when the people bought in this area. Mr. Lane said they would level up the holes, and push the top soil back on the ground - when weather permits. This would then take grass.

Mr. V. Smith noted that under Section 6-12-F-2-b of the Ordinance this could be granted, if it will not ultimately affect adversely the use, or development, of neighboring property. He felt that this would affect neighboring property adversely, he therefore moved to deny this case - because it appears it will affect adversely the use and development of neighboring property, in accordance with Section 6-12-F-2-b of the Ordinance.

Seconded, Judge Hamel. Carried, unanimously.

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3- Sinclair Refining Company, to permit erection and operation of a service station, and to have pump islands closer to street line than allowed by the Ordinance, Part of Lot 17, Holly Road Subdivision, Falls Church District. (Rural Business)

Mr. Popham represented the applicant. This was deferred to view the property. Mr. Popham said they would put in a modern filling station on this 40,185 square foot piece of ground. He noted that Mrs. Schmachel had put in the footings for a small grocery store on her property, but had changed her mind, and is leasing this to the oil company. He contended that this installation would be profitable to the County and an asset to the community. The grocery store would have cost about $10,000 whereas this filling station will cost in the neighborhood of $30,000. Also the State taxes on gas would be considerable.

Mrs. Lucas, a friend of Mrs. Schmachel, told the Board that Mrs. Schmachel had bought this property to establish a business for income to take care of her handicapped child, and another child who is now in the hospital. She thought such a filling station far better for the area than a grocery store or hamburger joint - which could be put in without permit from this Board.

Mr. V. Smith asked if Mrs. Schmachel knew that this use had been denied before - when she bought this property. Mrs. Lucas said she did, but she had thought that case was ill-handled at the time it was presented. She thought the objection to children meeting the school bus at a filling station corner unfounded.

Since Mrs. Lucas is in the Real Estate business, Mr. V. Smith asked her if she thought a home next to a filling station would sell. Mrs. Lucas said the nearest house was about two or three lots away. She thought it

would sell.

Mr. Popham noted that only a part of this business property is being used - that there is a small tract between the station and the next residential property.

Mr. Mason Hirst approved this use. His farm is about one mile away, and he thought such a station - well managed and inspected - would be an asset. He recalled his position in the community, and the fact that he stands for the welfare of the community. There will be no auto grave yard here, it will be a tax asset to the County, it is needed in the area, and would not be a detriment to homes. This is business property and the use requested is a reasonable one, according to Mr. Hirst.

Opposition: Mr. V. Smith asked that only new evidence be submitted, as this case was thoroughly heard at the previous meeting.

Mr. Frank Brittingham said that was what they had expected - that the opposition was not prepared to go into past testimony. He noted that the footings were still in place for the store,at the other end of this property. They would prefer the store. Since this application had been denied in April, 1954, and there has been no significant change in the area, he asked the Board to deny it again.

A petition was read opposing this because it would change the character of the residential area, depreciation of values, traffic hazard, noxious fumes, collection of refuse.

Mr. V. Smith said he was sympathetic with Mrs. Schmachel, but since she was fully aware of the history of this case, he thought the case should be denied.

Judge Hamel thought that since this is business property, other businesses far more objectionable could go in here. He, therefore, moved to grant the application with a 25 foot setback from the rights of way for the pump islands, and that the corner of the building not to come closer than 55 feet from Gallows Road.

Seconded, Mr. Haar. Carried.

Mr. V. Smith voted No.

Mr. V. Smith said he would like the record to show that he voted"No" on this, because he did not think it in harmony with the neighborhood, and that it will adversely affect neighboring property.

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NEW CASES:

1- Guy C. Ballard, to permit shed to remain closer to side and rear lot lines than allowed by the Ordinance, Lots 16 and 17, Section 2, Chesterbrook Woods, (4006 Forest Lane), Dranesville District. (Suburban Residence).
Judge Hamel moved, and Mr. Harr seconded, that this be deferred for 30 days - at the request of the applicant.
Carried.

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2- Bruce M. Barackman, to permit carport to remain as erected closer to side lot line than allowed by the Ordinance, Lot 18, McHenry Heights, Providence District. (Rural Residence).
Mr. Barackman said this was his mistake in making the addition 18 inches wider than it should have been. The neighbors do not object, in fact this was worked out with his neighbors - one of whom is a commercial artist - the other neighbor helped him built it. They all thought it would be a great improvement to the dwelling and to the neighborhood, and would be an asset to the community.
Mr. V. Smith noted that this would be allowed now, in view of the amendment to the Ordinance regarding setbacks in Rural and Agricultural districts.
Mr. Mooreland said this case was filed before that amendment became effective.
Mr. Haar moved to grant the application, seconded, Judge Hamel. Carried.
Mr. V. Smith not voting.

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3- Max P. Reid, to permit carport and storage closer to side lot line than allowed by the Ordinance, part of Lot 71, Devonshire Gardens, (146 E. Rosemary Lane), Falls Church District. (Suburban Residence).
Lot 71 was divided some time ago, and a house is on the front of this property. Mr. Reid's house is located back of the first house with a right of way entrance to Rosemary Lane. The ground slopes sharply to his side property line, and he has put in a retaining wall along the side of his driveway, and to take care of the carport. While the carport is not attached, it is less than 5 feet from the house, and in accordance with the Board's policy, is therefore determined to be attached. This carport will be 2 feet 4 inches from the side line.
Mr. Reid noted that he could build such a structure 2 feet from the line, if it were detached, but the house is 240 feet back from Rosemary Lane, and he did not want to put it back of the house.
It was suggested that with such a deep setback from the road it probably was not possible to force the carport back of the house.
This will be a brick structure, with two sides open. There were no objections.

3-Ctd. Mr. Haar moved to grant the application, because of topographic conditions, and it does not appear to adversely affect adjoining property, and this is an unusually large lot.

Seconded, Judge Hamel. Carried. Mr. V.Smith not voting.

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4- Paul R. Keller, to permit an addition to dwelling closer to rear lot line than allowed by the Ordinance, Lot 44, Section 1, Broyhill Park, (1622 Hickory Hill Road), Falls Church District. (Suburban Residence).

Mr. Keller said he needed additional room for his growing family. The people on Lot 42, joining on this side, do not object. This is an irregular shaped lot, which cuts in close to the house at this one corner. The addition would come within 10 feet of the line. This could not go on the front of the house because the living room is there - this is actually the only place an addition could satisfactorily be located.

Mr. Mooreland thought this would not hurt anyone, as there is considerable distance between the house on Lot 43 and this addition, and this is a peculiar shaped lot.

Judge Hamel moved to grant the application, because it does not appear to adversely affect adjoining property, and this is an irregular shaped lot.

Seconded, Mr. Haar. Carried, unanimously.

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5- Burgundy Recreation Association, Inc., to permit operation of a community swimming pool and recreation area with buildings accessory thereto, on the South side of Burgundy Road, at junction of Burgundy Road and East Drive, Lee District. (Suburban Residence).

Mr. MacLeay represented the Association. This is about 1-1/3 acres of ground. A non-profit non-stock Corporation, with limited and controlled membership, is being formed. Mr. MacLeay showed a model design of what they intend to build. They will have an 8 foot fence around the pool area, and parking space for 42 cars. They plan to have a total of 250 members.

Mr. Shaffer told the Board that this project is near his community, where he has a similar project on his property. He thought this a very desirable project, and essential for the children in the area. The parking space will be under the high tension wires, on which ground there will be no buildings. Mr. Schaffer thought this would not damage anyones property, as there are practically no houses in the immediate area.

Mr. Brookfield said he had noticed little children, whose families were not members of these private pools, standing around the fences looking longingly at the swimmers, and wondered if it could not be arranged for these children to use the pool one or two afternoons a week.

Mr. Shaffer said that had been discussed with Mrs. Osborne, head of the

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5-Ctd. Recreational Department, and it had been thought that many of these recreational groups might arrange to have other children use the facilities one or two mornings a week. He thought that could be worked out for a very small fee.

There were no objections to the application.

Mr. V. Smith thought the building was located a little too close to the property line. Mr. MacLeay said they could not move it within the ground farther because of the easement which VEPCO holds - the 100 foot right of way on which no buildings can be located. A smaller building would not serve their purpose. However, they do not plan to have the community building immediately.

Mr. Haar moved to grant the application to the Burgandy Recreation Association, Inc., to permit operation of a community swimming pool, and recreation area, with buildings accessory thereto on the South side of Burgandy Road, at junction of Burgandy Road and East Drive - provided all County and State regulations are complied with, and that the future community building be not considered as a part of this application at this time.

Seconded, Judge Hamel. Carried, unanimously.

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6- William H. Kleindienst, to permit erection of carport with less setback from side lot line than allowed by the Ordinance, Lot 8, Block 33, Section 8, Springfield, (7305 Bath Street), Mason District. (Suburban Residence).

Mr. Kleindienst said his neighbors had no objection to this addition. The carport would come within 7 feet of the side line. That would leave about 41 feet between houses.

Mr. Brookfield thought this would be setting a precedent in Crestwood - a large and growing development.

A letter was read showing approval of the Architectural Committee and a letter from neighbors, who stated they did not object.

Mr. Kleindienst suggested to the Board that this addition would be an asset to the neighborhood, and he needed the protection for his car.

Mr. Haar thought that with 21 feet between the house and the lot line, and the extension of the roof line to 3 feet from the house, that would give sufficient protection with a less setback. Mr. Kleindienst said he could not use his driveway unless the carport was located as he requested.

It was suggested that this might go to the rear, but his dogs are there, Mr. Kleindienst said, and this would cause too many alterations.

Mr. J. B. Smith moved to grant this with a 9 foot setback from the side property.

Seconded, Mr. Haar. Mr. V. Smith voted "No". Mr. Brookfield did not vote. Carried.

Mr. V. Smith noted that this could be built within the Ordinance by moving the driveway, or by locating the carport in the back - he thought there were plenty of alternatives. Mr. Kleindienst said 9 ft would do him no good

7- Henry Harper, to permit erection of carport and storage room closer to front property line than allowed by the Ordinance, Lot 186, Section 8, Hollin Hills (305 Beechwood Road), Mt. Vernon District. (Suburban Res.)

This is a topographic condition, Mr. Harper said, and he therefore could not set the carport back farther. The lot slopes away from the road with a sudden drop, just back of the carport location. The house is on two levels. The house on the adjoining lot is set far over on the lot, giving extra space between houses. He also has considerable landscaping in, and a walkway.

Mr. V. Smith suggested moving the carport back farther, and excavating under it for the storage area. Mr. Harper said this would be too expensive.

The neighbors do not object - in fact they like the plan.

This is a cul-de-sac, which would not generate traffic along this road.

The architectural committee has approved this plan. The carport would come within 27 feet of the road, and 13 feet from the side line.

Judge Hamel moved to grant the application for a setback of 30 feet from the right of way of Beechwood Road, and 13 feet from the side line, in view of the fact that this would not adversely affect adjoining property, and due to topographic conditions.

Seconded, Mr. Haar. Mr. V. Smith voted "no". Carried.

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8- Lillian Driver, to permit operation of a dog kennel and to have less setback from side lot lines than allowed by the Ordinance, on South side #236, approximately 305 feet West of #712, Mason District. (Rural Res.)

Mr. Harry Smith represented the applicant. This kennel is mostly for the purpose of breeding and selling dogs. The applicant may board a few dogs. There is a barn now on the property, which will be used for housing the animals.

Mr. Smith said they knew of no objections in the area. He noted that there is already some business in the area - Campbell's nursery, and a filling station is going in soon. Mr. Smith did not know how many dogs Mrs. Driver expects to have.

Jim White, who lives across Route #236 - just one house away from this property - asked how far back the barn is where the dogs will be kept. It was thought about 300 feet from Route #236. Mr. White asked if this is granted, would it be to this applicant only, or was this permit transferrable? It was agreed that this could be granted to the applicant only.

Mr. Smith said they would raise English Bull Dogs. They would probably have no more than 5 dogs.

Mr. White objected, as he thought this use would depreciate his property.

Mr. Haar suggested that this might be granted to the applicant only, and for a limited number of dogs, and for a limited time. Mr. White thought that might be all right.

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8-Ctd. Mr. V. Smith noted that this barn which will be used is very far back on the property, and probably would not be seen from Mr. White's property.
Mr. Haar moved to defer the case to view the property, and for a report from the Planning Commission.
Seconded, J. B. Smith. Carried.
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9- Mrs. Victor M. Cutter, to permit garage as erected to remain closer to side lot line than allowed by the Ordinance, part of Tract 1, Ruby B. Harrison property, on East side of Birch Avenue, approx. 310 feet South of Kirby Road, Dranesville District. (Suburban Residence) 5525 Birch Ave. This garage is located 5 feet 4 inches from the side line. The house was built in 1950.
Mr. Mooreland said this was built when the 'honor system' was in effect - his office did not have personnel for adequate inspections, and the builders were supposed to call in when they started building. This evidently was not done - they do not know who did the building and therefore do not know who to prosecute for this violation. As it is, nothing else can be granted on this property until this violation is legalized by this Board. Property in this area is almost all built upon.
Mrs. Cutter said they had this surveyed after they had bought the house. There were no objections from the area.
Judge Hamel moved to grant the application in the light of statements made by the Assistant Zoning Administrator, and in view of the fact that the original application was made in 1949, under conditions which would be a hardship to deny, and this does not appear to adversely affect adjoining property.
Mr. V. Smith thought the Board should know who the builder was, and if he is still operating in the County. He did not think it should be construed that this Board was upholding that builder in any way, and he should be put on notice of the Boards objection to his methods.
Judge Hamel thought it would be difficult to run down all violators.
Mr. V. Smith suggested that the Commonwealth's Attorney should write a letter and find out why this was done. Mr. Mooreland thought there was nothing anyone could do now. This would be a misdemeanor.
Mr. Haar seconded the motion. Carried.
Mr. Brookfield suggested that Mr. Mooreland, or the Commonwealth's Attorney, write to the builder on this matter.
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John O'Flaherty, to permit operation of an auto repair garage at the Southwest corner of Lee Highway and Blake Lane, Providence District.

This is General Business zoning. In 1941 this property was zoned to Rural Business for a depth of 200 feet, Mr. Mooreland said. Later it was zoned to General Business for a depth of 175 feet plus on one side and 199 feet plus on the other side (along Blake Lane). The rear of this Rural Business property is joined by residential property, but there is a small strip of Rural Business zoning (the difference between 175 feet plus and 200 feet) which is still in Rural Business classification. Thus according to the Ordinance the rear of this proposed building, which is only 10 feet from the General Business line could not meet the required setback from the residential property. The Ordinance says buildings used for a repair garage business property must set back 50 feet from this residential property, which this cannot meet. Technically this general business parcel is joined by rural business - yet the building cannot meet the required setback from residential property which joins the rural business property.

Mr. Ade,who owns property joining on the 175 plus foot line, and has a motel very near this line, objected to Mr. O'Flaherty coming so close to his line, as he has an old tourist court with windows facing this line. A tall masonry building built up to his line would seriously affect his property adversely. Mr. Ade did not object to the rear setback, but asked that Mr. O'Flaherty locate his building farther from the side line - at least another foot. Mr. O'Flaherty, having business property, could come to the line. He proposes to locate his building 1.6 feet from the side line. Mr. Ade said this would not give sufficient light and air for his cabins.

Mr. V. Smith noted that the Board could not force a greater setback here, as the Ordinance would allow a building up to the line.

Mr. Ade said his cabins were 30 inches from this line. He thought the water would all drain on his property and damage him greatly.

Judge Hamel moved to grant the application.

Mr. O'Flaherty said he would need this extra space to take care of cars coming in and out - that he had put the building as far back to the line as he could practically. He would have an entrance from Blake Lane and Lee Highway, and the cars could circulate in through his property. The other businesses on this property have leases, and he could not use any more of this ground for his garage. Therefore, he found it necessary to come as close as possible to the side line.

Mr. V. Smith noted that Blake Lane and Lee Highway is a very bad intersection, and the circulation of cars through this property would create a serious traffic condition here. Mr. O'Flaherty said it was very practical for his business to have this Blake Lane entrance, because of many of his customers coming from that area.

There was no second to the motion.

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10-Ctd. Mr. O'Flaherty contended that the entrance from Blake Lane would be less hazardous than requiring his customers to make a left turn on Lee Highway. Mr. Haar moved to defer this case for 30 days, to view the property, and to give the applicant time to work out ingress and egress.
Seconded, J. B. Smith. Carried, unanimously.
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11- Dorothy J. Flemming, to permit operation of a beauty shop in an apartment, Jefferson Village Apartments, (1718 Arlington Blvd.), Falls Church Dist., (Suburban Residence).
No one was present to discuss this case. Mr. Haar moved that it be put at the bottom of the list.
Seconded, Judge Hamel. Carried.
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12- Jack Coppersmith, to permit erection and operation of a service station, and to have pump islands closer to front property line than allowed by the Ordinance, 1860 feet East of intersection of Bailey's Cross Roads, on North side of Columbia Pike, Mason District. (General Business).
Mr. Lewis Leigh represented the applicant. This was granted some time ago, but the applicant did not get the project started within the time limit - therefore, this new application was filed.
Mr. V. Smith said the Board had held to the 25 foot setback on pump islands and he saw no reason to reduce the setback on this. This had been deferred before, for recommendation from the Planning Commission, and Mr. Schumann had questioned this because of scattering filling stations rather than locating them in compact groups.
The applicant is asking for an 18 foot setback from the right of way on the pump islands. Mr. Leigh said they would compromise on a 20 foot setback. Mr. Leigh said they could not push the building back farther and therefore put the pump islands back the 25 feet, because the ground slopes up immediately back of the presently located building, which would be difficult to excavate. As the station is planned now, it gives good access for cars between the islands, and the building - and between the islands and the road. If they are required to meet the 25 foot setback this would be a distance hardship for the owner.
Mr. Leigh recalled that the 18 foot setback was granted in February 1953 - he saw no reason to reverse that earlier decision.
There were no objections from the area.
Judge Hamel moved to grant the application subject to the restrictions and limitations on the original application, which was granted an 18 foot setback for the pump islands from the right of way line.
Seconded, Mr. Haar. Carried.
Mr. V. Smith voted "No", and Mr. Brookfield did not vote.
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13- M. E. Kettler, to permit erection and operation of a service station and to have pump islands closer to front property line than allowed by the Ordinance on North side of Old Dominion Drive, approx. 300 feet East of Route #695, Dranesville District. (General Business).

Mr. Hobson represented the applicant. This joins an existing Esso station. They are filling the ground on this now, Mr. Hobson said, and will also take care of a large culvert for proper drainage.

The applicant asks a 20 foot setback for the pump islands. This building will set back farther than the building on the joining filling station, and the pump islands at 20 feet would be the same as that on joining property.

There were no objections.

Mr. Brookfield thought there were too many variances being asked for less than the 25 foot setback.

Mr. Hobson said they were trying to plan a sensible layout for this business, with the septic field to the rear, and they find this is the best arrangement they can make. They will get the approval of the Health Dept. when this is granted, and when the permit is requested they will know just what area is required for the septic field. There is about 17,000 square feet in the tract.

Mr. V. Smith moved to defer the case to view the property.

Seconded, J. B. Smith. Carried.

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14- Henry F. Pacholec, to permit erection of carport closer to front property line than allowed by the Ordinance, Lot 139, Section 3, Burgundy Village, (500 Hill Court), Mt. Vernon District, (Urban Residence).

Mr. Pacholec Said this would be an attractive addition to his house - the addition is on the kitchen side where they get very strong winds and considerable amount of water standing around his kitchen door. If he builds this structure, it will take care of the drainage and protect this side of his house. He presented a letter from the neighbor most affected, who stated that he did not object. There are two sump holes to the rear of his house which are there to take care of the water when it rains. He often has several feet of water standing - but he thought by adding this addition he could better control the water. This is a low spot, and difficult to drain. The two streets dead end at his corner.

It was noted that the house could have been set at an angle, and would have met requirements. If this were put at the rear, the terra cotta would run under the driveway. There were no objections.

Mr. V. Smith moved to defer the case to view the property.

Seconded, Mr. J.B. Smith. Carried, unanimously.

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15- Howard D. Thornett, to permit an addition to dwelling closer to side lot line than allowed by the Ordinance, Lots 14, 15, and 16, Block 12, West McLean, (31 Pinecrest Avenue), Dranesville District. (Suburban Residence). 213

Mr. Thornett said his family had outgrown his house. This will be a dining room and bedroom. This is an old subdivision of 25 foot lots. Mr. Thornett has built on three lots.

Mr. Mooreland said many houses in the subdivision are built upon two lots, and are located 7 feet from the side line. Mr. Thornett has the three lots and is therefore penalized. Many houses in this subdivision have come before the Board, and been granted variances. Mr. Mooreland thought this all right. The addition will come 10 feet from the side line.

Judge Hamel moved to grant the application in view of the fact that in this area many houses have variances already existing, and this will not adversely affect the use of adjoining property.

Seconded, Mr. Haar. Carried, unanimously.

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11- Dorothy J. Fleming. Mrs. Fleming said she would like to conduct this beauty shop in her own apartment, until such time as she can open her own shop in a business area. She has spoken to the owners of the apartment project, and they do not object as long as there is no advertising. Her neighbors do not object.

Mr. Haar moved to grant the application, as it does not appear to be in conflict with the apartment owners - this to be granted to the applicant only, and there shall be no signs nor advertising requested.

Seconded, Judge Hamel. Carried. Mr. V. Smith not voting.

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Mr. Mooreland brought the Sitko case before the Board for decision on the size of the building they are proposing to put up. The Board had granted this, as per plat presented, but the plat presented did not show complete specifications with regard to the building to be put up.

The plat actually showed a building 9 x 10 foot. Now, the applicant is asking for a permit to erect a building 80 x 32 feet. Mr. Mooreland said he did not wish to issue permit for so large a building without a recommendation from this Board.

Mr. Bennet, representing the applicant, said this was a building with arcades attached on two sides. The building will be back at least 100 feet from the property line on one side.

Mr. Mooreland noted that any more requests for buildings will have to come before the Board.

Mr. V. Smith said the Board should have certified plats showing location of all buildings on the property. He would like to see the buildings located properly on the plat.

Mr. Bennet said they would like to get going on the concessions to be ready for the season. This building will be 10 feet from the rear line and 14 feet from the parking area, and 80 feet from Dogue Drive - if that street is dedicated.

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Mr. Bennet said this building was required by the Health Department, so they will have dressing rooms and toilet facilities for the employees. Therefore, they found it necessary to increase the size of the original building. The septic field will be on property joining, which is owned by the applicant. This will meet Health Department requirements. They moved the location of the septic field from a filled area to ground that was solid, and which would take a percolation test.

Judge Hamel moved to approve the building 32' x 80' with no variances, and this subject to Mr. Mooreland's approval of a certified plat, to be presented by applicant. Seconded, J. B. Smith. Carried, unanimously.

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Kass Berger, Inc. This was deferred to view the property. Mr. Groff was present representing the applicant. He noted that the sign would be located at an elevation of 346 feet, and Route #7 elevation is 398 feet - a difference of 52 feet in elevation. He thought it necessary to have the sign this high in order to be seen.

Mr. Mooreland thought the low elevation justified the height of this sign. He compared this to the Giant sign which was granted so it could be seen coming up the road. This is a considerably lower elevation than the Giant Market, and therefore a taller sign would be necessary here. He said the Board was requested only to determine if the height requested was satisfactory.

Mr. V. Smith moved that the application of Kass Berger, Inc., to permit erection of a waiting room with an 80 foot pilon, advertising Seven Corners Shopping Center, located as shown on sketch submitted with the application - by J. & G. Daverman Company, Architects and Engineers, dated March 23,1955 - be approved, except the pilon shall be located not less than 35 feet from the right of way line of Arlington Boulevard, because this will serve a large shopping center area rather than a single store unit, and because of the topography of the property in question - where the pilon and sign is located the property is considerably lower than surrounding territory. Seconded, Mr. Haar. Carried, unanimously.

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A letter was read from Mr. Fugate asking that his case be reopened and reconsidered. This is on the setback of pump islands from Service Road #6 on the Hugo Maters property, Lot #500. Original decision on this given by the Board April 12, 1955 - for a 35 foot setback.

Mr. C. E. Multog represented Mr. Fugate. Mr. Multog said if they observed the 35 foot setback, it would bring the island too close to the building.

Mr. V. Smith thought Road #6 would become heavily traveled because of the Parr Warehouse near, and the road would no doubt have to be widened. Therefore, the islands should be set back the 35 feet.

Mr. Multog contended the widening of this road was probably far in the future. If they go back that distance, it would give only 16 feet between the isaldn and the building, which is not enough.

Mr. Haar moved that the action of the Board on April 25th, approving a 35 foot setback from Road #6, be changed to read 25 feet, andit is understood that adjustment will be made in the location of these islands if a change is made in the width of this road.

Seconded, J. B. Smith. Carried. Mr. V. Smith voted "No".

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The Board passed a resolution authorizing the continuance of Mr. Hardee Chamblis to represent the Board in the matter of Joseph Young.

Motion, Mr. V. Smith. Seconded, J. B. Smith. Carried, unanimously.

MOTION: "There is now pending in the Supreme Court of Appeals of the State of Virginia a petition for appeal filed by Hardy Chamblis, Jr., as council for the Board of Supervisors of Fairfax County in which the Board of Zoning Appeals is named as a party defendant and party petitioner or appellant;

WHEREAS, the Board of Zoning Appeals is of the opinion that said appeal should be presented in its behalf by said Attorney and all acts done by him in the case of Joseph S. Young, vs William T. Mooreland,lately pending in the Circuit Court of the State of Virginia in Fairfax County, are approved and ratified;

BE IT THEREFORE RESOLVED THAT, all acts of the said Hardie Chamblis, Jr. as Council for the Board of Zoning Appeals in said litigation be in the same manner now hereby are ratified; and

BE IT FURTHER RESOLVED THAT the said Hardie Chamblis, Jr. be instructed to proceed with the petition for an appeal filed by him in the Supreme Court of the State of Virginia on behalf of the Board of Zoning Appeals, and in the event said appeal is granted, to take all such further steps in said cause as in his discression may be necessary."

The Meeting adjourned

John W. Brookfield

J. W. Brookfield, Chairman

May 10, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held May 10, 1955 at 10 o'clock a.m., in the Board Room, Fairfax Courthouse, with all members present.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- Joseph W. Cio, to permit tool shed closer to side lot line than allowed by the Ordinance, Lot 2, Block 5, Section 1, Fairhaven Subdivision (23 Fairhaven Avenue), Mt. Vernon District. (Urban Residence).

This was deferred to view the property. Mr. V. Smith had seen the property. Mr. Cio said he built this shed thinking he could do whatever he pleased with his own property. He thought the zoning laws applied only to commercial or public buildings. Mr. Cio said he would use this building for a hobby shop and for a small business. He sells vending machines and would do his repair work on these machines in this shop.

Mr. Mooreland told the applicant that he could not carry on repair work or any business in this shop - it was purely for a tool shed or hobby shop. Business in this area is in violation of the Ordinance.

This is a frame building about 10 x 12 feet, and is located about 8 feet from the corner of the house, and 6-1/2 feet from the side line.

Mr. V. Smith said he had noted that there is a bank immediately back of this structure, which would present a problem in earth moving. He moved that the application be granted for a tool shed only, because of topographic conditions; the shed to be not closer than 4 feet from the side property line, and 8 feet from the rear line of the residence.

Seconded, Mr. Haar. Carried, unanimously.

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2- Barcroft Terrace, Development Inc., to permit dwellings closer to side lot line than allowed by the Ordinance, Lots 7, 8, 22, 23, 24, 25, 29, 30, 31, 32, 33, 46 through 53, inclusive 57 and 58, Sections 1 and 2, McLean Manor, Dranesville District. (Suburban Residence).

A letter was read from Mr. Harry Carrico, attorney for the applicant, withdrawing this case.

Judge Hamel moved to allow the withdrawal.

Seconded, Mr. V. Smith. Carried, unanimously.

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3- James Monroe, to permit sign to be erected on residential property not occupied by the use and sign with larger area than allowed by the Ordinance, Lot 2, J. G. Bennett Subdivision, Falls Church District. (Suburban Residence).

Mr. Shield McCandlish represented the applicant. This was deferred for decision whether or not the Board has authority to grant this sign off the property. Mr. McCandlish suggested that the Board should have the

(DEFERRED CASES - Ctd.)

3-Ctd. advice of the Commonwealth Attorney.

Mr. V. Smith said this could be granted only under the hardship clause, but he thought that would be establishing a precedent opposed to the Ordinance, that the sign must be on the property occupied by the use.

Mr. McCandlish said that was a matter of interpretation. He thought Section 6-15-b-1 refers to the limits of the sign itself, not that the sign itself must be on the property occupied by the use.

The sign is now on the 20 foot easement leading to the building, Mr. McCandlish said, and it would be a distinct hardship not to have a sign on the highway, as the buildings are set back so far from Lee Highway. The business depends greatly upon the sign. The sign cost about $500 and is vital to his business - this is the only place they can locate the sign, except on the property where it would be depreciating to the homes in Pine Spring Subdivision. On the highway it is in keeping with other signs, and would not affect other property adversely.

There were no objections.

Mr. Mooreland said there had been discussion of the clause in the Ordinance "occupied by the use" but it had always been interpreted by the Zoning Office to mean locating the sign on the property used.

Mr. McCandlish referred to the State Highway's interpretation - which would allow a sign 350 feet from the property advertised. If this interpretation holds, Mr. V. Smith said, the highway would be cluttered with signs - a condition the Board is trying to alleviate.

Mr. Mooreland said they have constant requests for advertising off the property used. He thought a policy should be established on this.

Mr. V. Smith moved to defer this case for 30 days, and that this matter of a sign being located on the property "occupied by the use" be referred to the Commonwealth Attorney and, if necessary, to the Planning Commission. Case deferred to June 28th.

Seconded, J. B. Smith

Carried, unanimously.

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4- Helen H. Walker, to permit operation of a Nursery School in present building, Lot 184, Section 3, Woodley, (1413 Westmoreland Road), Falls Church District. (Suburban Residence).

Mrs. Walker said the original objections in the Citizens Association in her area had been over-ruled, and the former resolution to prohibit further business uses was rescinded, and a new resolution submitted and passed in it's place. She did not know if any individuals were still opposing her. There was no one present opposing.

4-Ctd. Mrs. Walker said she would like to have as many as 15 children, but will have 10 at present. As she expands she will increase the area to be used for school purposes, by enclosing the carport, opening the storage area, and using a small area off of the dining room. She has three children of her own, who are included in the count of children to be taken in the school.

These lots are long and narrow, Mrs. Walker said, and she did not think anyone would be concerned except the people in the immediate area to the east and west of her.

Mr. Haar moved to grant the application to the applicant, only for a period not to exceed three years, and the number of children not to exceed 10 - this to be subject to existing and proposed County and State regulations.

Seconded, Judge Hamel

Carried - Mr. V. Smith voted "no".

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5- Niko, Inc., to permit club and grounds for games or sports and recreational areas including swimming pool, together with structures accessory thereto, on north side #1 Highway,east side of Dogue Run Drive, Mt. Vernon Dist. (Rural Residence.)

Mr. Joe Bennet represented the applicant. Mr. Bennet said he had met with a committee from Woodlawn Plantation Association, and explained this project, showing their sketches and plans. As a result of that meeting, they had passed a resolution stating they would not oppose this installation, and had agreed to be present today to state their withdrawl of opposition. However, they were not present. (The committee consisted of Col. Scott, Mr. Johnson, Mrs. Burgess and Mr. Brown).

Mr. Bennet showed the sketches of proposed installations, which included a 250 x 350 foot swimming pool separated by a board walk, with part of the pool for children. The children's pool will be all concrete. The adult's pool will have gravel floor and the sides concrete. There will be a bath house, and a 30 foot beach. Picnic tables and fireplaces will be installed. The pools will have a filtration plant - approved by the U. S. Dept. of Agriculture, and the Local Health Department. Water from Dogue Creek will flow constantly into the pool and out. The water will be changed every three days. No chlorination will be necessary.

They will also have a narrow gauge railroad, which Mr. Wheatly, a qualified locomotive machinist, will operate. Mr. Wheatly said he had had many years of experience in his line, and a 100% safety record. He will run the train about 10 m.p.h. on a circular track about 1-1/2 miles long.

DEFERRED CASES - Ctd.

5-Ctd. This property is owned by Niko, Inc., and will be leased to a non-profit Club which is being formed under the name of Meadowbrook Club. The Club will pay rent to Niko. Membership will be restricted, charging $100.00 a year fee. At present they hope to have about 300 members, but have a potential for 1000 members. Qualifications for membership specify that this is primarily to serve families in the area, to furnish recreational facilities to the area. A large parking area is provided within the property.

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There will be two entrances to this property from U. S. #1 . Dogue Drive has not been dedicated, and therefore will not go through the property - it will be essentially an entrance to this property. The other entrance will be at Old Mill Road at the other end of the property. This road also runs to Telegraph Road, where people can enter. It was noted that the Woodlawn Plantation entrance has been changed so they will not enter at the same point as this project. This will have no connection with the Sitco project, which joins this property, and which was granted by the Board.

There were no objections from the area.

A letter was read from Mrs. Mamie Parker objecting to the traffic hazard which would be caused by this project. Also a letter was read from the Woodlawn Businessmen's Association, stating they had no objection.

Mr. Bennet said Mrs. Parker was present at the meeting he had had with theCommittee, and her objections had actually been to the Sitco project. However, he thought the traffic situation would be taken care of by having a man stationed at the entrance. They will have approval from the Highway Department on their two entrances. They have approval now from the Highway Department for a 24 inch pipe under the driveway-entrance.

Mr. Dodd, a member of the Woodlawn Board of Directors, was present.

Mr. V. Smith thought this has the potential of a sizable business set up. He suggested that this be deferred for approval from the Highway Department for ingress and egress, and that this should be referred to the Planning Commission and also that this should be studied further.

Mr. Bennet asked that the case not be deferred, as the season is coming on, and delay would seriously affect his client.

Mr. V. Smith moved to defer the case for approval of ingress and egress from the Highway Department, and for recommendation from the Planning Commission. No second.

Mr. Haar said he realized the traffic situation on U. S. #1 is bad, but if this is not a commercial venture, and if a limit is put upon the membership number, it may not be objectionable.

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DEFERRED CASES - Ctd.

5-Ctd. Judge Hamel moved to grant the application to the applicant only - or in the name of the leessee, who has been referred to here as Meadowbrook Park - for three years, with the understanding that no commercial activities shall be connected with this project, and the membership shall be limited to 750, and this shall be subject to the State Highway approval of entrances and subject to the Health Department and any other authorities having jurisdiction.

Seconded, Mr. Harr

Carried. All voting for the application except Mr. V. Smith, who voted "no". Mr. Smith said he thought this a commercial enterprise - a non-profit club, set up to pay rent to the owners, but actually operating on a commercial basis.

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NEW CASES:

1- Alexander Hassan and Joseph Andelman, to permit the erection and operation of a sewage treatment plant, located approximately 250 feet south of Pohick Road, and to the east of the R. F. and P. Railroad right of way,on 1.5428 acres of land, Lee District. (Agriculture).

Mr. Armisted Boothe represented the applicant. The Planning Commission asked that this be deferred until June 14th.

Mr. V. Smith moved to defer this case until June 14th.

Seconded, Judge Hamel.

Carried, unanimously.

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2- Luxury Homes, Inc., to permit erection of dwellings closer to rear and side lines than allowed by the Ordinance, Lot 9, Blk. E, Lots 22 and 29, Block F, Section 4, Burgundy Farms, Lee District. (Suburban Residence).

Mr. Bernard Fagelson represented the applicant. No building has taken place on this property. These are small variances from the side and rear lines, which are necessary to maintain the required front setback, if they use the same pattern house throughout the subdivision. Variances requested are on Lot 29 - 6"; Lot 22 - 3 feet; Lot 9 - 3 feet; 3 inches.

Judge Hamel moved to grant the application for variances requested, in view of the fact that this does not affect adversely any adjoining property, and these variances are on the side and rear, and there are no front variances asked; Granted on Lot 29 - 6 inches; Lot 22 - 3 feet; Lot 9 - 3 feet 3 inches, and it is noted that the garages or carports are already provided for, and will not require variances.

Seconded, Mr. Haar.

Carried, unanimously.

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NEW CASES - Ctd.

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3- Bragg and Johnson, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 41, Section 1A, Mill Creek Park, Falls Church District. (Agriculture).

Mr. Leon Johnson represented the applicant. This is requested for a two car garage. Mr. Johnson noted that there is about a 40 foot drop from one side of the lot to the other - the only level place being where the house is located, and this is the only possible place for the garage. The septic field is on the opposite side of the house. It was thought better to meet the front setback, and ask the variance on this one side. The request is to come 11 feet from the side line. The owner on this side does not object.

Mr. Haar moved to grant the application for a carport to come within 11 feet of the side property line, because of the unusual topographic condition of the lot, and it does not appear to affect adversely the use of joining property.

Seconded, Judge Hamel.

Carried, unanimously.

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4- S. L. and Doris E. Troobnick, to permit operation of an antique shop, used furniture and farm produce, at the Northwest corner of Braddock Road, #620 and Woodland Way, adjoining Woodside Subdivision, Section 1, Falls Church District. (Agriculture).

The applicant said he would build this shop in front of his home. It would be constructed of hand hewn logs to match his dwelling. He now has a license to sell antiques in his home, but wishes to expand into the separate building, and would also sell produce raised in the area.

Mr. Brookfield left the room, and Judge Hamel took the Chair.

Mr. Mooreland called to the attention of the Board the fact that they cannot grant a use permit on this, but can grant a special exception - this therefore would not be granted under the hardship clause.

Mr. Mooreland also recalled to Mr. Troobnick's attention that if he is selling antiques in his home now, he is in violation of the Ordinance - since no permit has ever been issued for this.

The recommendation of the Master Plan office stated that the widening of Braddock Road, as planned, would push the right of way line back to the existing dwelling. They did not recommend business here.

Mr. V. Smith thought this in the nature of spot zoning. He moved to defer this case for 30 days, to further study the Master Plan report.

Seconded, J. B. Smith.

Carried, unanimously.

May 10,1955

NEW CASES - Ctd.

5- Walter L. Mozingo, to permit dwelling to remain as erected closer to side property line than allowed by the Ordinance, Lot 3, Section 2, Dixie Hill Subdivision (Agriculture).

Mr. Calvin Van Dyke represented the applicant. Mr. Van Dyke said his client had bought three lots (1,2,3) some time ago, and when he started to locate the house on this lot the stakes were gone. The other houses are properly located - but this is off to one side. They had the stakes at the end of the lot to go by - but nothing in front. They could not get a surveyor to make a proper survey so they worked from the references they had. It would be a great hardship to move the house - if a garage or carport is built, there is sufficient room on the opposite side of the house without a variance. There is no topographic condition. This is a wooded lot. The house is located 17.4 feet from the violating side. There were no objections from the area or joining neighbors. The house on joining property on this side is 31.4 feet from the line.

Mr. V. Smith moved to grant the application, because this does not appear to affect adversely neighboring property and there is ample spacebetween this house and the joining line for a carport, and it would appear to be an honest mistake, and the house on joining lot is 31.4 feet from the property line.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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6- Sol Deutch, to permit extension of use permit for motel of 262 units and facilities as shown on plat, at the Northeast corner of Shirley Highway and Edsall Road, Lee District. (Agriculture).

No one was present to discuss this case.

Mr. Harr moved to put this case at the bottom of the list.

Seconded, Mr. J. B. Smith

Carried.

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7- Amherst Homes, Inc., to permit erection of dwelling with less setback from front property line than allowed by the Ordinance, Lot 8, Block 11, Section 4A, Lynbrook, Mason District. (Suburban Residence.)

No one was present. Mr. J. B. Smith moved to put this at the bottom of the list. Seconded, Mr. V. Smith.

Carried.

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May 10, 1955

NEW CASES - Ctd.

8 - Owens Construction Co., to permit dwelling to remain as erected closer to front property line than allowed by the Ordinance, Lot 85, Section 2, Lincolnia Park, Lee District. (Agriculture).

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Mr. Adolph Owens represented the company. This is a very small variance, Mr. Owens said, about 3 inches. This was a mistake caused due to the curve in the road, and contour of the ground. There were no objections.

Mr. J. B. Smith moved to grant the application because it does not appear to affect adversely joining property, and this appears to be an honest mistake, and the variance is less than 4 inches.

Seconded, Mr. V. Smith. Carried, unanimously.

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9- W. B. Halterman, to permit dwelling to remain as erected closer to front property line than allowed by the Ordinance, Lot 77, Fairfax Acres, Providence District. (Rural Residence).

Mr. Halterman told the Board that he had had the house located properly with stakes in place, but little boys had been playing around the place and must have pulled up the stakes, and they were not put back properly. The house on the joining lot is set back farther than is required. This is a masonry house and would be difficult to move. This is the first mistake of this kind he has made, Mr. Halterman said. He is asking a 5 foot 7 inch variance. He noted that the owner of Lot 76 - joining him - did not object.

Mr. Haar did not like this house jutting out in front of the neighboring building on a straight street like this.

The house is 26 x 40 feet, Mr. Halterman said, and would be almost impossible to move - it has a full basement. The house is ready to plaster now. He noted that there are other houses on this street much closer to the front line than this.

Mr. Brookfield moved to grant the application, as there are some other houses on this same side of the street which do not meet the setback requirements.

Seconded, Mr. Haar. Carried. Mr. V. Smith not voting.

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10- Violet Ruth Meehan, to permit teaching of piano lessons in the home, Lot 200, Section 4, Woodley, (1410 Westmoreland Road), Falls Church Dist. (Suburban Residence).

Mr. John Rust represented the applicant. Mr. Rust presented three petitions to the Board; one with 32 names of people in the same block as Mrs. Meehan, a petition signed by 23 people who are residents of Woodley, and a petition signed by 6 parents of Mrs. Meehan's pupils - all stating they did not object to this application, and favoring the granting.

Most of the pupils are in South Woodley, Mr. Rust said, and the Citizens' Association have given their okay.

May 10, 1955

NEW CASES - Ctd.

10-Ctd. A letter was read from Mrs. Johnson, stating that Mrs. Meehan's work as a teacher is very valuable to the community, and asking the Board to grant her application.

Mr. Rust noted that Mrs. Meehan's pupils had taken part in the Spring Music Festival, and had been given special mention.

Mrs. Meehan stated that all her work was private - that she would have only one pupil at a time.

There were no objections from the area.

Mr. V. Smith moved to grant the application because it conforms to the conditions under which private schools are granted - under Section 6-12F-2, Subsection (a) and (b) of the Ordinance, and this is granted to the applicant only.

Seconded, Mr. J. B. Smith. Carried, unanimously.

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11- Howard P. Horton, to permit operation of a kiddieland, Lots 43 thru 52, Rock Terrace Subdivision, Mason District. (General Business).

This is located in a General Business district. Across the road from this property is the Drive-In Theatre, part of this installation is already in operation - a snack bar, miniature golf, and shuffle board. The applicant wishes to expand facilities and make a better development of this, and provide a more desirable recreation center for young people. There is ample parking sapce for 174 cars off the Pike. They can meet the required setbacks.

Mr. V. Smith noted that when Seminary Road is widened it would probably cut down the parking space considerably. Mr. Horton said they would clear this with the Highway Department.

Mr. V. Smith moved to grant the application, under Section 6-12F-2, and shall meet the requirements of Subsection (a) and (b), but this is contingent upon the applicant clearing with the Highway Department for ingress and egress, and that all users of the use shall be provided with sufficient space for off-street parking.

Seconded, Mr. J. B. Smith. Carried, unanimously.

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12- Vernon M. Lynch, to permit erection and operation of a service station and to have pump islands closer to front property line than allowed by the Ordinance, approximately 300 feet East of Mitchell Street on North side of Edsall Road, #648, opposite Northern Virginia Gravel Plant, Mason District. (Agriculture).

This property is across from the Northern Virginia Gravel Pit property, Mr. Lynch said, and is therefore not fit for residential use. Such a use will also raise the tax level of this property considerably, as has been shown with another of his filling stations. This will be needed in this

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12-Ctd. area, especially when the Carr and Mace houses are built. He would like to locate the pump islands 25 feet back from the right of way of Route #648. Mrs. John Christy objected to this use. She lives on Clifton Street, less than 1/2 mile from this property. She thought this would be depreciating to her property, and to the neighborhood - which is already in a bad condition with the gravel pit, and an unsightly welding shop in the area. She also spoke of some very run down little houses which Mr. Lynch owns near this property - which area she said has been referred to as - "Tobacco Road".

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Mr. Lynch said these little houses were put up for tenant use during the time he was operating his hog farm. They are temporary, he will not sell them, and they will all be taken down in time. He said the welding shop was also temporary. Mr. Lynch said he had 93 acres here, and in time he would develop this ground in homes, and perhaps apartments, which would ultimately clear up the neighborhood.

Mrs. Reddell was present, and also opposed. She lives next door to Mrs. Christy.

Mr. Lynch said he would lease this to one of the big oil companies - perhaps Standard, and a modern well kept station would be put up. He would retain ownership of the ground. He felt that the neighborhood would not be depreciated, and in fact that this was the beginning of bettering conditions.

The Master Plan report on this stated that they would not recommend granting this - there is already sufficient business property unused in the area and that the widening of Edsall Road would necessitate moving the pumps. The nearest business property now used is 1200 feet away. Mr. Lynch said there was business across the road.

Mr. V. Smith moved to defer the application, and refer this to the Planning Commission for recommendation, and to inquire as to the zoning in the neighborhood.

Deferred for 30 days. Seconded, Mr. Haar. Carried, unanimously.

It was noted that the welding shop was granted by this Board for a 3 year period to that applicant only.

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6- Sol Deutch - no one was present. This was deferred for 30 days.

Motion, Mr. J. B. Smith. Seconded, Mr. V. Smith. Carried.

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7- Amherst Homes - no one was present. This was deferred for 30 days.

Motion, Mr. J. B. Smith. Seconded, Mr. V. Smith. Carried.

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The Meeting adjourned.

John W. Brookfield

J. W. Brookfield, Chairman

May 24, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, at 10 a. m. in the Board Room of the Fairfax Courthouse, with all the members present.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- Guy C. Ballard, to permit shed to remain closer to side and rear lot lines than allowed by the Ordinance, Lots 16 & 17, Section 2, Chesterbrook Woods (4006 Forest Lane), Dranesville District. (Suburban Residence).

Mr. Ballard said he had bulit this tool shed 15 x 7' on the concrete slab which he had originally put in for his dog. When it was completed he had a letter from the County saying the shed was in violation - therefore he made this application. (Mr. Ballard noted that the location of his house on his plat was on the wrong end of the lot).

Mr. V. Smith asked if his permit showed the house location. Mr. Ballard thought it did not - he wasn't sure. He did know that the people in the neighborhood did not object to this violation - he had checked with all of them.

Mr. Ballard said four people in his neighborhood had been called to come to this meeting - he did not know who called them, nor why. He thought this a very small violation and it did not detract from the attractiveness of his property. This is 4 feet 8 inches from the side and rear lines. There were no objections from the area.

Mr. William Ball noted that there are other buildings closer to the line than this in the area; one pump house, which was not so used, and another building 13 x 14 feet which is practically on the line. This joins Mr. Ballard.

Judge Hamel moved to grant the application in view of the fact that it does not appear to affect adversely the use of adjoining property and the lot next to the applicant appears to have a frontage of 246 feet on Forest Lane, which gives a wide setback between buildings.

Seconded Mr. Haar.

Carried - Mr. Brookfield not voting.

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2- Henry F. Pacholec, to permit erection of carport closer to front property line than allowed by the Ordinance, Lot 139, Section 3, Burgundy Village, (500 Hill Court), Mt. Vernon District. (Urban Residence).

This was deferred to view the property. The joining neighbor and people across the street told Mr. Pacholec they do not object to this violation. He has a drainage problem here which will have to be worked out, Mr. Pacholec said, but the construction of the carport on this side will break the severe winds which blow rains and concentrate the water at the side of the house. This will be an attractive addition to the house, according to Mr. Pacholec.

Mr. Jett said he had seen the property hurridly, and could not see where

DEFERRED CASES - Ctd.

2-Ctd. it would harm anyone. If other people ask for this same concession he thought this should not necessarily act as a precedent, but each case should be decided upon its own merits. He thought this would enhance the value of the applicants house.

Mr. Pacholec noted that his house is set far to one side of the lot,which with the addition would actually look as though the house is more nearly centered on the lot - the lot is large and would not appear to be crowded. There would be no infringement on neighboring property.

There were no objections from the area.

Mr. V. Smith thought this a question of the Board's authority. He saw no actual hardship, there is room on the lot for a carport or garage which would meet requirements. He felt this would set a precedent, and therefore should not be granted. A porch could be put on here which would conform and which would be a better protection to this side of the house than a carport.

It was suggested cutting down the size of the carport. Mr. Pacholec said there was a step down on this side which made it necessary to clear that before he could figure the width of his carport to get the car in. As to the precedent - Mr. Pacholec said he knew of no one else in the neighborhood who had his same problem. He could use this carport for a summer terrace,and a garage would be too expensive. Since this is only a violation of six feet, approximately, he asked the Board to grant the application.

Mr. V. Smith moved to deny the case, because it does not meet the minimum requirements of the Ordinance, and there appears to be no hardship in this case.

There was no second - motion lost.

Mr. V. Smith also objected to granting this because it is a corner lot.

Mr. J. B. Smith suggested putting the steps to the side of the house - outside the carport - and thereby reducing the width of the carport. Mr. Pacholec said he has intended to do that anyhow. This would give about two feet more within the carport.

Mr. J. B. Smith moved to grant the application, provided the dimensions of the carport are cut down to 11 feet 8 inches - which would allow about a 3 foot variance.

Seconded, Judge Hamel.

Carried. Mr. Brookfield and Mr. V. Smith voted "no".

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May 24,1955

DEFERRED CASES - Ctd.

3- M. E. Kettler, to permit erection and operation of a service station and to have pump islands closer to front property line than allowed by the Ordinance, on north side of Old Dominion Drive, approximately 300 feet east of #695, Dranesville District. (General Business).

Mr. Hobson represented the applicant, requesting a 20 foot setback for the pump island on Old Dominion Drive. If the pump island and the building are pushed back farther it would crowd the septic field area, Mr. Hobson said.

Mr. Brookfield recalled that the Board had held to the policy of not granting pump islands closer than 25 feet. He thought a 20 foot setback here would create a precedent.

Mr. Hobson said Old Dominion Drive is 40 feet at this point, and he did not know on which side right of way would be taken to widen it. However, he believed that this could be worked out with a 25 foot setback, if the Board so desired.

Mr. J. B. Smith suggested a 30 foot setback, since there will necessarily be widening of the road. Mr. Hobson said that would cause trouble - that it is necessary to stay 40 feet from the rear line, because this property joins residential property. They are filling in the rear for the septic field.

Mr. V. Smith agreed that the setback should be 30 feet, in view of the 40 foot right of way of Old Dominion Drive, and that the 25 foot setback for pump islands had been granted on a 50 foot right of way basis. He thought there was plenty of other ground available if this property could not meet reasonable requirements.

Mr. Hobson withdrew the 20 foot setback request in favor of a 25 foot setback. Mr. Hobson said he had never asked for anything unreasonable before this Board, He had hoped to line up with the pump island with the islands on property near his location - which islands are located 20 feet from the right of way. They have only so much ground to work with, this is a logical place for a filling station, there is business across the road and there are no objections in the area.

It was recalled that this was granted about three years ago for a 20 foot setback. Mr. V. Smith noted that conditions had changed considerably in those three years.

Mr. Haar moved to grant the application, provided the pump island shall be back not less than 25 feet from Old Dominion Drive.

Seconded, Judge Hamel.

Carried. Mr. V. Smith voted "no". Mr. Brookfield did not vote.

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DEFERRED CASES - Ctd.

4- John O'Flaherty, to permit operation of an auto repair garage at Southwest corner of Lee Highway and Blake Lane, Providence District. (General Business) 229

Mr. O'Flaherty said he had written the State Highway Department asking if they had objections to the entrance on Blake's Lane, and had been told by phone that they did not object. Since it is necessary for him to get a permit from the State for the entrance, Mr. O'Flaherty thought this was not a matter of concern to the Board of Appeals.

Mr. V. Smith told Mr. O'Flaherty that the Board is greatly concerned with safety on or off the highway, and he thought they were rightly concerned. There were no objections. (It was noted that the objection at the previous hearing was from the tourist court who objected to this building coming so close to the side line).

It was recalled that the original zoning here was Rural Business for a depth of 200 feet. This property is zoned General Business for a depth of 175.56 feet, which leaves a strip of Rural Business zoning 24.44 feet wide between Mr. O'Flaherty's rear line and residential property which joins the Rural Business zoning. The Ordinance would require this building to be located an extra 25 feet from residential property. While in General Business zoning joining business property the building can come to the line. There is still not sufficient distance between the General Business property and the Residential property to meet requirements. This should be 45 feet from the Residential property, Mr. Mooreland said.

Judge Hamel thought it a reasonable interpretation that the building be back 25 feet from the residential property, and that would meet the intent of the Ordinance.

Mr. V. Smith thought the use made of the joining lot should be a determining factor. Mr. O'Flaherty said that property was not suitable for residential use.

Mr. V. Smith moved that since this is an application for an automobile repair garage, as submitted on the plat dated March 17,1955 - plat made by Frank A. Carpenter, Certified Land Surveyor - the application be approved as presented except that the proposed building shown on the plat be not closer to the west boundary line than 20 feet, a variance from the strict application of the Ordinance of 20 feet, because a strip of land approximately 20+ feet wide on the adjoining tract is zoned Rural Bsuiness, as it appears this will not affect adversely the use of neighboring property.

There was no second. Motion lost.

Mr. Mooreland thought this was imposing more than the Ordinance requires.

Mr. O'Flaherty said this would preclude him from building, as he cannot connect this building with his presently located building because of the burden of extra insurance.

May 24,1955

DEFERRED CASES - Ctd.

4-Ctd. Mr. J. B. Smith said a 12 inch firewall could be put up between the buildings, which would take care of the high insurance.

Judge Hamel moved to grant the application provided the building is set back 35 feet from the line of the property that is now zoned Residential.

Seconded, Mr. Haar.

Carried. Mr. V. Smith and Mr. J. B. Smith voted "no".

Hamel, Haar, Brookfield voted "yes".

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5- Lillian Driver, to permit operation of a dog kennel and to have less setback from side lot lines than allowed by the Ordinance, on south side of #236, approximately 305 feet west of #712, Mason District. (Rural Res.).

Mr. Harry Smith represented the applicant. The applicant will raise English Bulls, Mr. Smith said. The Master Plan report on this recommended against this use.

Mr. Smith recalled to the Board that there are several business enterprises in the area. He noted that there is a 20 foot outlet road to the barn, situated back on the property, which they will use for the dogs.

Mr. Walter, owner of the property, thought the commercial uses in the area had changed the residential character of this area.

~~Mr. Walter, owner of the property, thought the commercial uses in the area had changed the residential character of this area.~~

There were no objections.

Mr. V. Smith thought this a precedent and that the approach from Route #236 would create a traffic hazard. He moved to deny the case because this is predominately a residential neighborhood and because of the dangerous approach from Route #236.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES

1- John C. Payne, to permit erection and operation of a filling station and an auto repair shop, on south side #50, 1.2 miles west of Kamp Washington and 100 feet west of Difficult Run, Centreville District. (Agriculture).

Mr. Lytton Gibson represented the applicant. He presented a petition signed by five people in the immediate area, stating they did not object to this. One person in the area they were unable to contact. Mr. Gibson noted that the plat shows a 50 foot setback from the Pike but that this should have a 90 foot setback, which they were willing to observe. (This in accordance with requirements for setback in an Agricultural District). There is another filling station about 1/2 or 1/4 miles away - Arbogast.

Mr. Gibson called to the attention of the Board that there are other obnoxious uses which could go in here without a permit - for example a saw mill, auction building for live stock, or a pig pen. He considered a

NEW CASES - Ctd.

1-ctd. filling station less objectionable. He noted that Mr. Payne runs a business now which is well conducted, he will not have cars he is working on parked around the premises - they will all be inside. The business will be well kept and well conducted. Mr. Gibson said the road which the Master Plan proposes will come across the edge of this property, therefore making this use very desirable at this proposed intersection.

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The Master Plan report recommended against this use as this is predominately an agricultural area, and this property would be affected by the widening of Route #50 plus two Freeways which border this property on the east and south.

Judge Hamel moved to grant the application except that the setback shall be 90 feet from the right of way, instead of 50 feet as shown on the plat. Seconded, Mr. Haar.

Mr. V. Smith cautioned the Board that this was a serious step to locate a garage at this point - that no need was established and the Ordinance states that filling stations should be located in compact groups on the highway. This is in the middle of an agricultural zoning, which is already spotted with business.

For the motion: Messrs. Haar and Brookfield, and Judge Hamel.

Against the motion: Messrs. V. Smith, J. B. Smith.

Motion carried.

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2- Gene P. Moritz, to permit an addition to dwelling closer to right of way line of Hayden Lane than allowed by the Ordinance, Lot 2, Gaines' Addition #2, Strathmeade Springs Subdivision, Falls Church District. (Rural Residence).

This is a two bedroom house which they bought about a year ago, Mr. Moritz said, with the intention of adding to it. Having a boy and a girl they need another bedroom. There is no other possible location for the addition, as there is a breezeway and garage to the rear - the only large yard space. The screen porch and shubbery now on this side of the house is actually equal to the size of the proposed wing, Mrs. Moritz said. This addition would face a minor dirt road, on which two families live. This will be a flat roofed brick addition.

There were no objections from the area.

The addition would make a 36 foot setback from the road. The lot is large and level - about 2/3 acre. The new wing will be 14 x 18 feet.

Mr. J. B. Smith moved to defer this case for 30 days to view the property. Seconded, Mr. V. Smith

Carried, unanimously.

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NEW CASES - Ctd.

3- Malcolm Morrow, to permit erection of and operation of a Regional Juvenile Detention Home by Political Subdivisions of Arlington County, Alexandria, Falls Church and Fairfax County jointly on west side of Hummer Road, approximately 1000 feet south from Royce Lane on approximately 7.5 acres of land Falls Church District. (Rural Residence).

Mr. Mooreland said he had had a letter from the applicant withdrawing this case.

Mr. Mooreland presented a petition opposing this use.

Mr. V. Smith moved to dismiss this case.

Seconded, Mr. J. B. Smith

Carried, unanimously.

This motion was withdrawn and the Board agreed that the letter of withdrawl as received be accepted.

Carried.

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4- P. R. Rupert, to permit dwellings as erected to remain closer to side property lines than allowed by the Ordinance, Lots 89, 90, 91 and 92, Section 4, Chesterbrook Gardens, Providence District. (Suburban Residence).

Mr. Cecil Jackson represented the applicant. These houses were originally staked out with a six foot off set, but the stakes were torn out in the construction work and were put back with a nine foot setback on one side and 27 foot on the other. There is the required distance between houses, but not the proper setbacks from property lines. They cannot move the lot lines without affecting other houses already built, making illegal lots. If these houses were centered properly there would be a 16 foot setback instead of the required 15 feet. There were no objections from the area.

Mr. Haar moved to grant the application as it appears to be an honest mistake, and does not affect adversely the use of adjoining property and the distance between the houses is somewhat greater than would be if the houses were centered on the lots.

Seconded, Judge Hamel.

Carried, unanimously.

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5- Vera N. Jones, to permit operation of a restaurant on north side of Lee Highway, approximately 1000 feet west of Mary Street, Falls Church Dist. (Suburban Residence).

Mr. Andrew W. Clarke represented the applicant. Mrs. Ross, the renter, had originally suggested a rezoning here, Mr. Clarke said, but he thought it more in keeping with the area to ask for this variance which would restrict the use. This is the old Shockey property, Mr. Clarke recalled, joining the property upon which was recently granted a golf driving range. There is business a very short distance down Lee Highway. This is a heavily

NEW CASES - Ctd.

5-Ctd. traveled highway, Mr. Clarke said, and better suited to business uses than residential.

Mr. V. Smith recalled that a private school had been granted here a few months ago.

The Master Plan report was against this use, stating that this is spot business in a residential area, a shopping center is proposed at the existing business center to the east of Mary Street, approximately 1200 feet east, and there are no sewers available in this immediate area.

Mr. Clarke thought there was very little difference between granting a school here and a restaurant. The existing building will not be changed structurally - he thought a restricted use was in keeping with the area. There were no objections.

Mr. Haar stated that since it will be some time before the Master Plan is in operation, and since this is an existing building, not requiring a great outlay in establishing this business, and there are no objections, he moved to grant the application to the applicant only for a period of three years, and this shall be subject to all existing County and State regulations pertaining to restaurants.

Seconded, Judge Hamel.

Carried. Mr. V. Smith did not vote.

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6- Merrifield Church of God, to permit church to remain as erected closer to side lot line than allowed by the Ordinance, Lot 65, Fairlee Subdivision, Providence District. (Rural Residence).

Mr. Chester Thompson represented the applicant. Mr. Aldrich, pastor of the Church, was also present.

Mr. Mooreland recalled that this building was given a 20 foot side setback sometime ago - which setback is now allowed by the change in the Ordinance. The building is located 16.3 feet from the side line. They are asking a 3.7 foot variance.

Mr. Aldrich said they had planned to have parking on the side of the Church within the property, but are now planning to use the street as they have been told by the police that that is all right, as long as they leave a traffic lane open.

They cut down the planned size of the Church, Mr. Aldrich said, in order to meet the setback, but how the mistake in observing the side line came about, he did not know. They had originally planned for a 15 foot setback. Mr. Aldrich said they were very slow in the building as they have a congregation of from 20 to 60 people, and have not had the money to complete the building.

Mr. F. N. Lee, a resident of the subdivision, said he was not exactly objecting, and he was representing only himself. He was not opposed to the Church nor the religion, but that there had been strong opposition to

NEW CASES - Ctd.

6-Ctd. this in the beginning, because this did not seem to be economically sound. The investment would appear too large, parking facilities are not adequate. While he did not think the congregation could support the required investment here - they were now in so far he saw no alternative but to go ahead. During the completion of construction, which will necessarily be a long time, this structure would certainly not be an asset to the community,and since the Board had encouraged this construction by granting the original request for variance - unfortunately the only thing they could do was to go ahead.

Mr. P. W. Allen, a resident of the subdivision, said he agreed with Mr. Lee's statements, however, he considered it very unfortunate - this building is practically at the entrance to their subdivision. Since this structure has been under construction since 1953, Mr. Allen said there was a strong feeling in the community that this church would never be completed because of the inability of the congregation to finance it.

Mr. V. Smith informed the opposition that the Board had not encouraged this building, as a Church can be located in any area - the Board had simply granted the 5 foot variance. They could have built the Church without the variance, without a permit from the Board.

Mr. Aldrich said they hoped to finish the building by Fall (the cinderblock walls are partially up now). They will stucco or brick veneer the outside.

Mr. V. Smith moved to defer the case for 30 days to view the property and to study the case further.

Seconded, Judge Hamel.

Carried.

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7- F. W. McLaughlin, to permit erection and operation of a sewage treatment plant on north side of #644, adjacent to Pohick Creek on west side, approx. 1 mile west of #638, Falls Church District. (Agriculture).

The Planning Commission requested that this case be continued to June 14th, in order that further study might be given to sewage disposal plants at a joint meeting between the Board of Appeals and the Planning Commission.

Judge Hamel so moved.

Seconded, Mr. Haar.

Carried.

Mr. Roy Swayze asked to be heard on this case. He was distressed at the deferrment, and asked the Board to vacate their motion to defer.

Judge Hamel stated that the Board could not hear the case on its merits in view of the request from the Planning Commission.

Mr. Swayze thought this could properly be heard and should be heard at this time. He thought from a legal standpoint the Board could not deny a hearing.

NEW CASES - Ctd.

7-Ctd. Mr. Mooreland recalled that according to the Ordinance the Board cannot act without recommendation from the Commission.

Mr. Swayze insisted that the Board was duty bound to hear him - he asked the Board to allow him to proceed. If the Planning Commission fails to make a recommendation that is not the concern of this Board, and it can act and grant, defer, or refuse the application. This is on the Agenda and should not be removed.

Judge Hamel said the Board had followed the procedure of deferring cases at the request of the Commission. He felt that was not only proper but in accordance with the Ordinance.

It was noted that Mr. Swayze had been notified of this requested deferrment. Mr. McLaughlin also had been notified and also the opposition.

In view of Mr. Swayze's statements, Judge Hamel moved that the motion to defer be recinded.

Seconded, Mr. Haar.

Carried.

Mr. Swayze related a discussion held with Mr. Armistead Boothe, the Commonwealth's Attorney, Sanitary Engineer, and Mr. Massey regarding sewage disposal plants. Mr. Fitzgerald, Commonwealth's Attorney, had stated at that meeting that with regard to granting sewage disposal plants only the location of the site was to be considered by this Board, and whether or not such a plant was detrimental to people in the area; the matter of pollution, design, construction and operation of the plant was not a case in point and should not be discussed, nor passed upon.

There was no opposition at the Planning Commission meeting and therefore was no reason for the deferrment. This is a big question in the County, Mr. Swayze said, and the people are crying for an answer.

Mr. V. Smith said the Board had had no word from the Commonwealth's Attorney on this, Mr. Swayze thought the Board should be advised by the Commonwealth's Attorney and suggested that he be asked to appear at this time before the Board, to advise the Board whether or not this case should be heard.

Mr. Mooreland said since all had been notified that the case would not be heard - opponents as well as preponents - and since the Ordinance says the Board must have a recommendation from the Planning Commission, this case cannot be heard. Also, Mr. Mooreland stated, it is the obligation of this Board to interpret the Ordinance - not the Commonwealth's Attorney; that the Commonwealth's Attorney has told him repeatedly that he does not interpret the Ordinance, but will at any time give his opinion on a contemplated decision of the Board regarding the ability of his office to sustain such decision in court.

If this case is deferred, Mr. Swayze continued, he would like the Board to solicit the opinion of the Commonwealth's Attorney on what should be considered in making their decision.

7-Ctd.

Judge Hamel moved to defer this case until June 14th.

Seconded, Mr. Haar.

Carried, unanimously.

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8- M. T. Broyhill and Sons, to permit excavation in access of 18 inches of gravel, according to grading plans, plat to be recorded, on 125.193 acres of land formerly Edna B. Hunter property, entrance by the way of Oak Street near Walhaven Subdivision, Lee District. (Agriculture).

Mr. Mooreland said the applicant did not get his plats in in time for inspection and report to be made from the Planning Commission - Subdivision Design Division. Therefore, there is no report and this case would necessarily be deferred.

Mr. Mooreland said there was a possibility that this case would be withdrawn, as the applicant has been grading according to approved grading plans of his subdivision. This being done before the subdivision plat was put on record. This application may be a stop gap so the applicant can go ahead and take out gravel before putting the subdivision plat on record. The Ordinance allows grading in accordance with these approved grading plans pending approval of his plat.

In view of the statement of Mr. Mooreland that this application was not complete in time for report from Subdivision Control and Design, Judge Hamel moved to defer this case to June 14th.

Seconded, Mr. Haar.

Mr. V. Smith and Mr. Brookfield did not vote. Judge Hamel, Mr. Haar and J. B. Smith voted for the motion.

Carried. Mr. Brookfield thought a legal question was involved.

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Mr. Mooreland said there is nothing in the Ordinance governing private swimming pools. A motel recently granted by the Board now has a pool installed - originally for use of guests. They are now considering charging for swimming lessons to the public. He asked the Board if these pools should be open to the public for a charge for lessons. He felt that the ultimate result would be opening these pools to the general public.

He asked, is a swimming pool incidental to a motel, and can it be used for transient trade? Should the motel people come before the Board for the purpose of operating a motel beyond the limits of their clients?

Judge Hamel thought this was a matter of the opinion of the Commonwealth's Attorney.

Mr. Mooreland repeated his former statement that the Commonwealth's Attorney believes that interpretation of the Ordinance is the function of this Board, and has asked him not to come to his office for interpretations. He will give an opinion on how a decision of the Board will stand up in court.

May 24,1955

The Board discussed the possibility of employing Mr. Hardie Chamblis in the matter of sewage disposal plants, in view of his special knowledge of the Zoning Ordinance. Mr. Brookfield said Mr. Massey had sent him a letter stating that this Board may employ Mr. Chamblis when necessary.

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The meeting adjourned.

John W. Brookfield.

J. W. Brookfield, Chairman

June 14,1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, June 14, 1955 at 10 a.m. in the Board Room of the Fairfax Courthouse,Fairfax,Virginia, with all members present.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED:

1- ALEXANDER HASSAN AND JOSEPH ANDELMAN, to permit the erection and operation of a sewage treatment plant located approximately 250 feet south of Pohick Road and to the east of the R. F. and P. Railroad right of way on 1.5428 acres of land, Lee District. (Agriculture)

Mr. Boothe was not in the room - the Board took up the following case.

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2- JAMES MONROE, to permit sign to be erected on residential property not occupied by the use and sign with larger area than allowed by the Ordinance, Lot 2, J. G. Bennett Subdivision, Falls Church District. (Suburban Res.)

Mr. Shield McCandlish represented the applicant.

Mr. Mooreland recalled that this was deferred to contact the Commonwealth's Attorney for an opinion. The Commonwealth's Attorney had stated that in his opinion the Board could authorize a special exception and variance to the Ordinance - and they have the power to grant a variance to the strict application of the Ordinance - that each case should be decided on it's own merits and because one decision is made, that should not set a precedent. In this case, Mr. Mooreland said, Mr. Monroe had a legal sign until this property was sold. Now he wishes to move the sign a few feet off the property not being used for the purpose advertised, and he considered the Board had the jurisdiction to grant this under the strict application of the Ordinance.

Mr. McCandlish told the Board that he also had held that this was not setting a precident - the case stood on it's merits. The strict application of the Ordinance would create a great hardship for his client, and therefore the Board could grant it. He felt that this is far more in harmony with the Ordinance than locating the sign back on the property so used - which would be joining a residential area and facing residential development. This sign cost over $500 to erect, Mr. McCandlish continued, his client had put it up in good faith when it was a legal sign - it had remained there for 5 or 6 years - it would therefore be an extreme hardship to remove the sign from the spot where it would do his business good, to a location where it would not only not help his business, but would be a detriment to people on joining property.

There were no objections from the area.

Judge Hamel stated that in the light of the circumstances and the history of this situation, he moved that the application be granted.

Seconded, Mr. J. B. Smith

Motion carried - Mr. V. Smith not voting.

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June 14,1955

DEFERRED CASES - Ctd.

1- Hassan & Andelman - Mr. Armistead Booth represented the applicant. 239

Mr. Hardie Chamblis spoke as advisor to the Board.

Under Section 6-4-f of the Ordinance the Planning Commission must recommend on the granting of sewage disposal plants to the Board of Appeals, Mr. Chamblis said, and under Section 6-12 this Board is permitted to grant such plants, provided it can be established that such granting will not adversely affect the health or safety of persons living or working in the area or will not adversely affect development and welfare of the community. It, therefore, must be established that the location of a plant will come within these provisions regarding the ultimate affect on the neighborhood. Since this places broad responsibilities on the Board it is the duty of the Board to see that conditions must be met to make guarantees of future protection for the County, and approval must carry the evidence that conditions have been met but that also the Board should not apply such strict conditions that the applicant cannot meet the conditions imposed.

Mr. Boothe stated that discussions were held at the joint meeting of the Planning Commission and this Board regarding assurances of these guarantees - the assurance of proper construction and operation and the following of specifications. The letter from the Commonwealth's Attorney to the Commission has stated the position of the State Water Control Board and the Commonwealth's Attorney on this. (This letter was read later in the Meeting). The Water Control Coard has suggested that a contract be negotiated between the County and the developer whereby upon default of the Company or the plant, the County will take over the facility and operate it, or they have made the suggestion that a public utility corporation be formed under the State to supervise installation and any other agreements which will assure proper maintenance and operation of the plant. This applicant has formed a public utility company which will install and operate the plant, Mr. Boothe informed the Board.

Mr. Chamblis thought this did not necessarily assure proper construction and operation. He referred to unfortunate experiences with these plants. It is realized, Mr. Chamblis said, that by not allowing these plants a large portion of the County, which cannot be served by County sewers, will have development held up and if the applicant can give the Board reasonable assurances that a nuisance nor adverse conditions will not result,such plants should be granted.

Mr. Chamblis noted thatthe Commonwealth's Attorney was of the opinion that a bond requirement would be unreasonable and the amount prohibitive. Mr. Chamblis considered that a contract would be sufficient and if the plant failed to meet the terms of the agreement the title to the plant should be vested in the County and the County take over operation.

Mr. Griffin, whose plant will be used in this case, stated that it costs

DEFERRED CASES - Ctd.

1-Ctd. $150 a month to operate the Vienna plant - which would indicate that this would not result in a great financial burden to the County in case it became necessary to take over the plant.

Mr. V. Smith asked when this assurance to the County should be submitted.

Mr. Chamblis said if the Board grants an application they should tell the applicant of the necessity of this agreement which must satisfy the County and the applicant could come back to the Board, when such conditions are agreed upon and the Board could grant the application.

Mr. Chamblis felt that the Board did not have the power to impose conditions on applicants in the granting of these plants. If the Board has the guarantee that conditions will be met, the Board can grant such applicantions.

Mr. V. Smith said - then it is up to the applicant to show that this use will not adversely affect the County. Mr. Chamblis agreed, but it should be kept in mind that too strict conditions should not be imposed - conditions which could not be met. Mr. Chamblis noted that he was not suggesting to the Board that it either grant or deny such applications.

Judge Hamel asked if an application could be granted contingent upon an agreement to be entered into. Mr. Chamblis said no, the Board cannot tie conditions to the granting.

Mr. Mooreland read the following letter from the Commonwealth's Attorney:

June 9, 1955

Planning Commission and
Board of Zoning Appeals
Fairfax, Virginia

Members of the Planning Commission and the
Board of Zoning Appeals:

At your joint meeting on May 31st, 1955, I was requested to give my opinion on what this Board could do in the way of getting assurance that a sewage disposal plant would be constructed and operated properly once having obtained a use permit for same.

As was discussed at your meeting, a similar situation exists upon the application to the Water Control Board and the State Health Department for a permit to locate a sewage disposal plant. These State agencies require the submission of plans and specifications of the plant and if the plan itself is inadequate, it will be disapproved by them. The question arises, what can be done to assure that once the plans have been approved that the facility will be built in accordance therewith. As was discussed, both State agencies state that they do not have the personnel to inspect the construction, but are willing to delegate their authority to local agencies. This I believe can and will be done. As a further check on the construction, the Code requires anyone who intends to construct a sewage disposal facility to, within no less than sixty days prior thereto, notify the Board of Supervisors, and the Board of Supervisors has the authority to disapprove any system which is not capable of serving the proposed number of connections by reason of inadequate pipes,conduits,

pumping stations, force mains, or sewage treatment plants, or is otherwise inadequateto render the proposed service. Any extension of the system must have like approval. There is penalty provided for non-compliance as well as injunctive relief. Under this section, it is my opinion that the County would have the right to inspect the construction to ascertain ifit were in accordance with the plans.

There remains the problem of assurance of continuity of and proper operation. The Water Control Board, which is confronted by the same problem, has approached the same in a recent granting of its approval by conditioning its approval upon the furnishing by the applicant of satisfactory assurance as to the continuity of operation of the facility and suggesting that this may be done in one of several ways:

1. An agreement with a political subdivision to take over the facilities and operate them. (This I am advised by their legal adviser, was intended to mean either upon completion of the facility or upon the occasion of improper operation).

2. Evidence that the facility will be owned and operated by a public service corporation, holding a certificate of convenience and necessity from the State Corporation Commission. (I am advised by their legal adviser that this problem has been discussed with the State Corporation Commission, which understands the problem and is willing to cooperate to the fullest extent of their authority, which means that if, as a public service corporation the facility is not operated properly due to the lack of personnel or maintenance, that the State Corporation Commission would require income from the facility to be placed in an escrow fund for the purpose of bringing the facility up to proper service and operation, and in the event that this was not complied with or not practical, would withdraw the franchise, which, in my opinion, would leave two alternatives for the County:

(a) Condemnation and operation by the County, or

(b) A suit for abatement of a nuisance, which would allow the County, in case the operation did not abate the nuisance, to step in an do so.

3. Other assurance satisfactory to the Board. (This I am advised left leeway for the applicant to produce any other assurance that might be acceptable including a bond).

The Water Control Board's legal adviser, whi is on the staff of the Attorney General's office, agrees with my opinion that it would not be reasonable to require an applicant to furnish any one certain assurance whether it be a bond, agreement or otherwise and he had the same opinion as to the bond, as was discussed at your meeting. He also agreed with me that our local Health Department could make inspections of the operation at regular intervals and it was his opinion, and that of the Water Control Board, that if these inspections are made no more than six months apart that any deficiency in the operation could be easily corrected.

It is my opinion that if the Water Control Board has required assurance as above set out, that it might well be unnecessary to duplicate the same before the Board of Zoning Appeals. That having obtained a permit from the Water Control Board and the State Health Department requiring assurance and having obtained approval of the system by the Board of Supervisors, with the inspections as to construction and operation, all possible assurance as to continuity and proper operation of would be had under existing law.

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1-Ctd. Commonwealth's Attorney's letter - ctd.

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That should the Water Control Board not have required such assurance I believe the Planning Commission, were it so disposed, could recommend the granting of the use permit provided such assurance is furnished, and therefore, I believe the Board of Zoning Appeals could, were it so disposed, condition the granting of a use permit upon such assurance. I believe there should be pointed out that should the applicant elect to enter into an agreement with the County as to the operation, either upon its completion or upon mal-functioning, that this would be a matter for the Board of Supervisors to consider and in the event the Board of Supervisors did enter into such an agreement, the Board of Zoning Appeals could consider same as to assurance. Although I was requested to outline an agreement, I decline to do so inasmuch as I believe such agreement should originate from the applicant. It would be up to the Board of Supervisors to accept or reject same and each situation may very well differ.

With the sincere hope that this may serve to, in some measure, solve the difficult problem you face, I remain,

Very truly yours,

Robert C. Fitzgerald
Commonwealth's Attorney"

Mr. V. Smith asked if the State approved the lines, pipes, conduits, etc. It was stated that they did.

Mr. Boothe said he agreed with Mr. Chamblis' statement of the sections of the Ordinance under which this application can be granted. He suggested that conditions could not be attached to a granting. In this case the granting is contingent upon things to be done. As the Code now reads the applicant must also go to the Board of Supervisors and notify them of their intentions to put in the plant. If this Board wishes that the applicant go to the Board of Supervisors for agreement to certain assuring conditions with regard to the plant, they will do so.

Mr. Boothe noted that the land adjoining this plant has already been rezoned to suburban residence. The applicant has dedicated for the highway right of way on this tract. Water can be furnished to the tract.

Mr. Griffith discussed his plant,which will be used,and the type of treatment. Mr. Boothe explained first that this plant has a high record of efficiency and economy of operation, and has filled an important place in the development of land where small plants are needed. The affluent has 90% treatment and will perform efficiently, if not exposed to shock loads. He pointed to places where this plant has proved highly satisfactory.

Mr. Boothe recalled that he had gone to the Commonwealth's Attorney and Mr. Massey to discuss these plants and their installation and operation, and had suggested that regardless of the Water Control Board's inspections that the County should have some local control, that entire dependence upon the State might not be sufficient and that Mr. Hassas will be glad to enter into an agreement with the County to guarantee proper operation of the plant and to permit the County to take over the plant if operation is not satisfactory.

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DEFERRED CASES - Ctd.

1-Ctd. Mr. Hassan will also operate the Par Warehouse plant which, Mr. Boothe said, was an indication that this is a financially responsible corporation. This plant will cost $90,000 or $200 per house, approximately - therefore the cost of the plant divided by the number of houses would reveal the charge. The cost per lot would compare favorably with the cost of a septic field.

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This plant will eliminate approximately 90% of the B.O.D. by treatment, Mr. Boothe said, and the Water Control Board has agreed that Mr. Hassan must show all his lines to the plant and he must also present all final drawings to the Board of Supervisors. He felt that this granting should be contingent upon conditions making it necessary to go to the Board of Supervisors before this is granted.

Mr. Boothe noted that the County had authorized a plant with 30% treatment of B.O.D. and this affluent will be pumped into Dogue Bay. This proposed plant will produce a treatment three times greater than that.

Mr. Griffith discussed his plant. He went into the history of the development of these plants - how they were started in Texas where water must be conserved. He recalled that treatment as such goes on continuously in stream life. Mr. Griffith explained that by addition of chlorination which they use in these plants, everything is cleaned. These plants are based on the process which goes on in nature, streams are purified by running over miles of rocks and earth - these plants use the same process and it becomes effective within twenty feet. He recalled the use of recreational areas where unsanitary toilet facilities allow seepage to flow into the streams which streams are used for swimming. He thought this conducive to disease and epidemics as there is no chance for purification of the stream.

Swimming pools of this kind are much more dangerous than streams that are chlorinated, Mr. Griffith said.

These plants turn out more pure water than a normal stream, Mr. Griffith told the Board, and his plant has been approved from the pollution standpoint by the Water Control Board but the plant must be operated properly and not over-loaded to perform satisfactorily. He recalled the Hollin Hall Village plant which was overloaded. The County, the State Water Control Board, and he himself had approved that overloading temporarily because of the need to continue development in that area before this plant could be tied in with the County system. Therefore, it was thought that the plant did not operate satisfactorily - but that was the fault of those who approved such overloading - which criticism had come back on Mr. Griffith.

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DEFERRED CASES - CTD.

1-Ctd. This plant will average 90% treatment and will take out 100% of the sewage and will allow about 10% flow into the stream which will provide food for fish. At the Vienna plant the stream below the plant has been an excellent breeding place for minnows which have been sold profitably.

Mr. Chamblis asked how far below the stream would it be satisfactory for swimming. Mr. Griffith said immediately below the plant, if the plant is chlorinated and this plant will be chlorinated.

Mr. Griffin said it was not necessary to ever have ordors if a burner device is added which serves to reduce orors. Also, Mr. Griffith said, his plants could be increased as the area served is increased. The cost of operation of this plant would be about $150 a month.

Mr. Chamblis asked if Mr. Hassan would be willing to include the burner device in the construction of this plant. Mr. Boothe said he would,definitely.

Mr. Chamblis asked if the chlorination would kill fish life. Mr. Griffith said "no, not at all".

Dr. Bartsch asked how far below the plant does this action cease to function. He thought that down stream where the chlorination ceases to act the stream would become a sludge. He thought chlorination disappeared within about 100 feet, and the sludge accrues.

Mr. Griffith said that was partly true, that the chlorination kills all the pathogenic bacteria at the time of chlorination and when this gets into the stream on farther down it results in a by-product of sewage, but normal life will purify the stream.

Dr. Bartsch told the Board that sewage pollution in a stream will permit only certain fish, and probably very few specimen of fish would feed in the Pohick if it is polluted with sewage - thus destroying the great variety of fish now in this stream.

Mr. Griffith recalled the fact that the Water Control Board engineers have agreed that the stream will not be polluted and will not endanger stream life below the plant. Mr. Griffith thought that the fish which are living in the stream today will not be affected by the slight pollution.

Dr. Bartsch disagreed with this last statement.

Mr. and Mrs. Hamilton were present favoring this plant.

Mr. Baker said many people in his area were in favor of anything that would encourage development in their area. They have no water and no sewerage - both of which are needed. He recalled a petition with 52 names which was presented to the Board of Supervisors stating the need of water and sewage in this area.

Mr. Haar asked Mr. Baker if he thought granting this would adversely affect this area. Mr. Baker said "no".

Mr. Davis Squires, who owns about 100 acres below this plant, told Mr. Boothe that he favored this use - that he felt that the stream was not safe as it is now.

1-Ctd.

Mr. Baker said the Pohick Church Vestry had taken no action on this application but they were in favor of anything which would tend to build up the community.

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Opposition:

Captain Karns lead the opposition, as president of the Mason Neck Citizens' Association - area south of the Pohick and north of the Occoquan. The people in this area are opposed to this - fearing pollution of the stream. This stream is now free from pollution, Mr. Karnssaid, and serves as a recreational area for swimming, fishing and boating. It is used by many in the County, including the Girl and Boy Scouts, also the Issac Walton League takes great pride in this area. He also noted that Fort Belvior is vitally interested in a pure affluent. Gunston Hall is concerned with the welfare of this community which would be adversely affected by pollution of the stream. They all consider this plant on the Pohick a loaded pistol at their heads, and a potential threat to their happiness. This is the feeling of a great body of consciencious citizenry of the County. Mr. Karns thought a check only once in six months not sufficient to guarantee satisfactory operation of this plant, that this was a matter of gambling with fate and children's lives, from the standpoint of diseases, and would jeopardize the County. He thought this should be postponed until the County can establish safeguards in advance, rather than to allow the possibility of these dangerous results. He asked that this application be deferred until such time as regulations can be adopted.

Mr. Hugh Young from Springfield read a statement from the Star regarding the Bobby plant on Scotts Run, where the District and the Army Engineers had opposed the installation. This would have been primary and secondary treatment with chlorination. The objection was because the affluent would enter the river above the intake of the District water supply.

Mr. Griffis (F. J.) Director of Gunston Hall, recalled to the Board the George Mason Memorial home, lying on the Pohick Bay which they are trying to preserve and to which they want to attract visitors. He thought pollution of the stream would adversely affect their plans.

Mrs. McDonald, from the Girl Scout Board, opposed for reasons given. She asked the preservation of wild life and hoped the County would help to maintain the present status of this area, and not injure the sanctuary which is now established in this area. She said the latrines were well located so as not to pollute the stream. She asked that since the Master Plan will come up before the Board of Supervisors in July, that this not be acted upon at this time, as it would appear hostile to go ahead before the adverse affect on this area is considered, and the Master Plan thoroughly discussed.

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DEFERRED CASES - Ctd.

1-Ctd. Mr. Raymond Clifton read a letter from Mr. Parker, who has a motel near this proposed site, showing the appraisal of his property and forecasting a 30% depreciation in case this plant is constructed. Mr. Clifton also presented a petition signed by many members of Pohick Church, who were in opposition. Mr. J. H. Hoope, from Fort Belvois, stated that they were satisfied with 85% to 95% treatment, and would not oppose this plant if it reached that percentage.

Dr. Bartsch spoke opposing this plant in the name of the Boy Scouts - as the oldest living Boy Scout. He went in to the background of the Boy Scouts locating in this area - first at Burnt Mills where they had very satisfactory recreational facilities. A filtration plant was located above their holdings and affluent was dumped into the Creek. They therefore abandoned their swimming pool. They then located at Camp Woodrow Wilson, neighboring Lebanon, where they now have about 200 acres. They also use the Bartsch 480 acres where they have instruction and can observe wild life. Dr. Bartsch asked that this area should have the highest possible degree of protection.

Dr. Bartsch then went in to his own background and reasons for purchasing Lebanon. It is one of the finest wild life santuarys in Virginia, he told the Board, having as many as 3000 visitors a year. Fern Valley, where every known fern this side of the Mississippi is grown, is a dream place of the naturalist. Garden Clubs, Churches, teachers, school children, and other interested groups from all over the State come there for observation and instruction. This is all free, and it is the dream of the Doctor that this will some day become a public sanctuary. The home itself is historic - being older than Mt. Vernon or Gunston Hall. The first Pohick Church was established here at Washington Landing and he pictured vividly the days when George Washington and George Mason were members of this parish - recapturing with sentimental appeal the historic importance of this area. If the Pohick is polluted, Dr. Bartsch pointed out that this area can be turned into an open sewer, the 10% flow would only serve as fertilizer to bring in undesirable matter.

Mr. Loren Thompson objected, stating that while he might personally benefit by this, he felt that adequate controls are necessary before the granting of such a plant, and called attention to the fact of setting a precedent in this for anyone who has approval of the Water Control Board. Mr. Thompson said he had been told by members of the Water Control Board that cooperation with operators of these plants had not been successful. He asked for a postponement of this until the County could enact adequate controls. He pointed to the plant on Mill Run, which has 50% treatment, it has odors and is unsatisfactory. Since the Water Control Board does not have sufficient personnel for inspection purposes, and the State Act itself is not sufficient to control pollution (Mr. Thompson questioned the constitutionality of the State Act) he therefore thought it entirely unsatisfactory to rely on the

DEFERRED CASES - Ctd.

1-Ctd. State to keep the stream clear. He recalled the lawsuit over the Triangle plant (a Griffith plant) where foam has been disturbing and also to the inefficiency of other plants.

Mr. Griffith said the Pimmit Hills and Hollin Hall Village plants were mal-operated for a time, as he had explained before, but conditions were corrected.

Mr. Boothe said he would like the record to show that a letter dated May 31, 1955 from the State Water Control Board, address to Mr. Griffith, approved the Bobby plant - which was objected to by the Army Engineers.

"May 31,1955

Mr. L. B. Griffith, Consulting Engineer
22 South Edison Street
Arlington, Virginia

Dear Mr. Griffith:

On March 30 we received a letter from the State Departmentof Health, a photocopy of which is enclosed herewith, commenting on your plans and report for a new sewage treatment plant to serve proposed McLean Heights Development in Fairfax County. At its meeting on March 30-31, the Board ruled that in view of the suggestion made by the State Department of Health the Water Supply Division of the District of Columbia be requested to comment on this plan before considering it further.

On April 5 the Water Supply Division of the Corps of Engineers was requested to comment on this proposal. The comments were forthcoming in letters dated April 25, 1955 from the Corps of Engineers and May 24,1955 from the Government of the District of Columbia. All of this was considered again by the Board at its meeting on May 26-27.

The Board approved the plans for a population not to exceed 1270,with effluent discharge to Scott's Run, ruling that this discharge by itself will not be inimical to the water supply of the District of Columbia. However, possible future expansion of the area may result in applications for additional discharges of sewage which probably will make it necessary for the Board to require that this and other discharges be disposed of outside of the watershed of the Potomac River which lies above the proposed District of Columbia water supply intake.

The approval of the Plans and Specifications is on the condition that the owner furnish the Board with satisfactory assurance as to the continuity of operation of the facilities. This may be done by submitting to the Board (1) an agreement with a political subdivision to take over the facilities and operate them, (2) evidence that the facilities will be owned and operated by a public service corporation holding a certificate of convenience and necessity from the State Corporation Commission or (3) other assurance satisfactory to the Board.

Yours very truly,

A. H. Poenler
Executive Secretary"

DEFERRED CASES - Ctd.

1-Ctd. Mr. Griffith said the Triangle law suit was thrown out - that he was representing the owner in this. The Sanitary District had not operated the plant properly. At Chesterfield, there was individual negligence. Regarding the Bobby plant, Mr. Griffith said the canal water had been used to some extent for drinking (this was not generally known). He also stated that the Corps of Engineers had been misquoted regarding this plant,and their disapproval of it.

In rebuttal, Mr. Boothe summed up the opposition as being to lack of inspection of construction and operation. He re-stated that an agreement will be drawn to guarantee proper operation and construction. Mr. Boothe stated that the surest proof of the constitutionality of the State Act is the fact that the State Board required Alexandria and Fairfax to expend $8,000,000 for treatment plant. He recalled that the State Water Control Board had approved this plant and expressed confidence in the State Act and in the ability of his client to satisfy the County of proper operation. He asked that the application be granted.

Mr. Hugh Young angrily asked to refute the statement of Mr. Griffith that he had misquoted the Army Engineers. Mr. Brookfield announced that the evidence was completed and the case was in the hands of the Board. Mr. Young accused the Board of arbitrarily not allowing him to speak at a public hearing, and assailed the Board for its mis-handling of this case.

Judge Hamel firmly told Mr. Young that he resented such a statement, that this Board gives its time largely as a civic duty - that there was no attempt to stifle anyone - that the Board makes every effort to be just and fair. He felt Mr. Young's statements unfounded. He asked that this appear in the record.

It was agreed by those present that Mr. Young did not express the general opinion of those present.

The Board adjourned for lunch on motion of Mr. V. Smith.

Seconded, Mr. Haar.

Carried.

Upon re-convening Mr. V. Smith expressed the opinion that in view of the recommendation of Mr. Chamblis and the wording of the Ordinance, the Board should not vote to grant a disposal plant until those conditions agreed to are put in form and presented to this Board. Now, since the County has some control, it is a matter of operation - and if assurance is given to the Board that it will be operated properly - this could be granted.

Judge Hamel questioned if the Board of Supervisors is in a position to enter into an agreement before this Board has approved the application, which should come first - the granting or the agreement.

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DEFERRED CASES - Ctd.

1-Ctd. Mr. V. Smith asked - since this application would not be granted under Section 16 - could the Board put conditions upon the granting.

Mr. Moorland said this was not a reservation, it would be subject to something.

Mr. Haar stated that in view of the facts that have been brought out, that the Board of Supervisors can enter in to an agreement with the applicant for a sewage disposal plant; He therefore moved that this case be granted subject to the approval of the State Water Control Board, the State Health Department and the Board of Supervisors.

Seconded, Judge Hamel.

Carried - Mr. V. Smith voted "no", because,he said, of advice contained in statements made by counsel.

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3- S. L. and Doris E. Troobnick, to permit operation of an antique shop, used furniture and farm produce, at the Northeast corner of Braddock Road, #620 and Woodland Way adjoining Woodside Subdivision, Section 1, Falls Church District. (Agriculture).

The recommendation of the Master Plan was read - which stated that Arterial Highway No. 3 would take a 100 foot right of way here which would bring the right of way very close to the buildings. The recommendation was not to grant a business use here.

There were no objections from the area.

Mrs. Troobnick represented the applicants. Because of the planned widening of the highway, Mrs. Troobnick said she would withdraw the 'fruit stand' part of her application and would ask only for the antique shop, and would use the existing barn for the shop instead of building a new building as proposed. Mrs. Troobnick said they had operated an antique shop for about three years and the zoning Board had said there was no need to get an occupancy permit.

Mr. Mooreland said this had been discussed with Mr. Schumann - whether or not the Board had the authority to grant an antique shop. Such shops have been granted under an established policy, but that the Courts say that this Board cannot say this is similar to other businesses listed in the Ordinance, that actually the Board can grant only those uses set up in the Ordinance. This use is not mentioned in the Ordinance. Mr. Mooreland said he had also talked with the Commonwealth's Attorney along this line. One can sell anything from his home but the Ordinance prohibits going out and buying articles and selling them. This creates a business.

Mrs. Troobnick said they would also use this shop for overflow outlet for their Swap Shop at Bailey's Crossroads. At this shop they sell everything.

June 14,1955

DEFERRED CASES - Ctd.

3-Ctd. Judge Hamel moved to grant the application (eliminating the fruit produce stand) to the applicant only for a period of three years.

Seconded, Mr. Haar

Carried - Mr. V. Smith not voting.

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4- Sol Deutsh, to permit extension of use permit for motel of 262 units and facilities as shown on the plat, at the Northeast corner of Shirley Highway and Edsall Road, Lee District. (Agriculture).

A use permit on this property originally the Basiliko property) for a motel was approved at one time and the time limit extended but construction did not start within the required time - therefore the present owner is requesting this permit.

Mr. Reissinger represented the applicant. The present owner would like a permit along the lines of the original granting, Mr. Reissinger said.

Mr. Brookfield disqualified himself to vote on this as he is financially interested in the project.

There were no objections from the area.

Mr. V. Smith said he saw no change in the picture and therefore would move that the extension be granted, according to the plans submitted at the time of the original application.

Seconded Mr. J. B. Smith.

Mr. Mooreland recalled that an amendment to the Ordinance passed after the original application was approved has changed the required setback to 140 feet - 100 feet from the right of way plus 40 feet.

Mr. V. Smith amended his motion to include this 140 foot setback, instead of the required setback at the time of the original application.

Amendment was accepted by J. B. Smith and the motion carried.

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5- Amherst Homes, Inc., to permit erection of dwelling with less setback from front property line than allowed by the Ordinance, Lot 8, Block 11, Section 4A, Lynbrook, Mason District. (Suburban Residence).

No one was present to discuss this case.

Mr. V. Smith moved to defer this for 30 days and that the applicant be advised that if he does not appear at that time to present his case it will be dropped.

Seconded, Judge Hamel.

Carried, unanimously.

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June 14,1955

DEFERRED CASES - Ctd.

6- Vernon M. Lynch, to permit erection and operation of a service station and to have pump islands closer to front property line than allowed by the Ordinance, approximately 300 feet east of Mitchell Street on north side of Edsall Road, #648 opposite Northern Virginia Gravel Plant, Mason District. (Agriculture).

Upon recommendation from the Planning Commission to defer this case, Mr. Haar moved that this be deferred.

Seconded, Judge Hamel.

Carried, unanimously.

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7- F. W. McLaughlin, to permit erection and operation of a sewage treatment plant on north side #644, adjacent to Pohick Creek on west side, approximately 1 mile west of #638, Falls Church District. (Agriculture).

Roy Swayze represented the applicant. Mr. Swayze recalled the history of this case which has been hanging fire for something over three years. This is a renewed effort to get permit for this plant. Mr. McLaughlin will develop on the Pohick water shed, Mr. Swayze said, and has formed a sanitary corporation to erect the plant to treat disposal. The State Water Control Board has approved the plans and specifications. They have added an oxidation pond to assure no pollution.

Since this application was filed prior to the date the statute became effective regarding the newly acquired rights of the Board of Supervisors, Mr. Swayze recalled to the Board that the Board of Supervisors had taken no action on this application. Otherwise, this is an application made in the same way and for the same purpose as Hassan and Andleman only they do not have Suburban zoning. However, they will probably apply for Suburban zoning. The question is whether or not this would make an economically feasible development on 1/2 acre lots - the present zoning, Mr. Swayze said. Mr. McLaughlin has considered this a marginal case, but if 1/2 acre lot size is feasible - development will probably go ahead on that basis. Mr. Swayze assured the Board that there is no opposition to this site from down stream land owners - who do not fear pollution. All clearance has been obtained - the State Water Control Board and the State Health Dept. and Mr. McLaughlin will cooperate with the County in any way to assure proper maintenance and operation of this plant.

Judge Hamel asked Mr. Swayze if it would be agreeable to his client to present an agreement to the Board of Supervisors which will assure proper operation of the plant.

Mr. Swayze answered - "yes".

The recommendation from the Planning Commission recommending granting this use was read.

Mr. Mooreland said there might be some question of the posting of this case -

DEFERRED CASES - Ctd.

7-Ctd.

but that his inspectors have said that the property was posted and the owner has also stated that it was posted properly. The fact that certain individuals may not have seen the posting signs does not constitute a fact of improper posting.

Opposition came from Mrs. Karns, representing the Upper Pohick Citizens' League. They own a large frontage on the Pohick, Mrs. Karns said, and are fighting for ~~[illegible]~~ and adequate control of sewage disposal plants by the County. She thought a check every six months, which is all the Water Control Board would do, not sufficient control. Mrs. Karns recalled the opposing petition which is on file in the records of this case, with 178 signatures of people who use the Creek and own property on it.

Mr. Loren Thompson, opposed this use. He thought this a different situation from the Hassan and Andleman case - the Creek is smaller here, he noted. Mr. Thompson recalled that they had appeared before the State Water Control Board regarding this case, and the State had ruled against this plant. Later they reversed themselves, saying they had been here and made an inspection of the Creek and had talked with Mr. Griffith. They had evidently come to see the property, Mr. Thompson said, without notifying the people in the area. He felt that was unfair, as people in the area are users of the Creek and are vitally interested parties. He thought that poor public relations on the part of the State.

They also object to this site because of the recreational uses of the stream, which in the absence of controls will be greatly disturbed, Mr. Thompson said.

Mr. Thompson stated that he did not see the posting of this property, that he had been by it every day - he thought it was not posted for the required time. He suggested that posting should be located where it could be seen without trespassing illegally. He therefore thought this should be deferred for proper posting.

Mr. Edward Gibbons, civic leader, objected. Mr. Gibbons said he was greatly in favor of a County integrated sewer system andhad voted for that. He thought these small plants would handicap the ultimate acquiring of the unified system. The County would necessarily take over the small plants and would in time be the owners of a second hand sewer system, which would not fit into the unified system. He thought every effort should be made to avoid pollution of the Pohick and to guard the health and recreational facilities. He asked that this be deferred and that it be determined whether or not this would work in with the planned County system.

June 14,1955

DEFERRED CASES - Ctd.

7-Ctd. Mrs. Helen Johnson objected, representing the Upper Community League in her area. Mrs. Johnson recalled that in view of the many statements made by Mr. McLaughlin, it was not clear to those in her area if Mr. McLaughlin would be willing to comply with future controls which might be put on these plants by the County. She thought Mr. McLaughlin hedged on the matter of future controls. Mrs. Johnson thought this would raise taxes without resulting benefits and would be expensive to serve with facilities.

Col. Kelsey, who owns 300 acres to the south of Mr. McLaughlin,favored this development. He assured the Board that his land has value only as residential development, as it is not good for agriculture. Development is bound to come to this area, the Colonel said, and rather than try to stop it - the best development possible should go in. He thought the stream would suffer more from people locating on it without septic control than if the area were developed with a disposal plant - well operated, which would care ~~for~~ of the Creek.

Mr. Swayze told the Board that the State Water Control Board had acted entirely within their rights in viewing and approving this plant, that as to the proper posting it was held by the courts that the word of a deputy - who says a property is posted - is accepted as a fact. As to economic feasibility - this is a matter for Mr. McLaughlin - who will foot the bills, Mr. Swayze said, and there is no reason for this development to be a drain economically on the County. Mr. McLaughlin must meet all obligations of the laws governing these plants and he assured the Board that his client intends to do just that.

It was asked what assurance the County had that this plant will be operated permanently and effectively, and will not become a nuisance to the County. Mr. Swayze said his client will cooperate with any reasonable demands of the County.

Time was given for Mr. Swayze and Mr. McLaughlin to study the letter from the Commonwealth's Attorney regarding these plants. In the meantime the Board went on with the next case. (Copy of The Commonwealth's Atty's letter is on file with the records of this case.)

8- M. T. Broyhill and Sons, to permit excavation in excess of 18 inches of gravel, according to grading plans, plat to be recorded, on 125.193 acres of land formerly Edna B. Hunter property, entrance by the way of Oak Street near Walhaven Subdivision, Lee District. (Agriculture).

Mr. Mooreland said he felt there was some misunderstanding of just why this application was filed. The application is to grant excavation in excess of 18 inches - in accordance with approved grading plans - while the County is approving those plans. Now the plans are approved and the applicant has therefore withdrawn this application. They are now operating according to the approved plans.

Judge Hamel moved to grant the withdrawl. Seconded, Mr. Haar

Carried unanimously.

NEW CASES:

1- Shell Oil Company, to permit an addition to service station closer to side property line than allowed by the Ordinance, at the Northeast corner of Arlington Blvd. and Falls Church-Annandale Road, Falls Church District. (General Business)

Mr. W. B. Himes represented the applicant. This addition will be a third bay, Mr. Himes told the Board. They would like a 29 foot setback instead of the 40 feet required. There is a residence zoning immediately joining this property on the one side, Mr. Himes said, and business property on the other. However, they cannot buy this small residential tract as the price is prohibitive and the Ordinance requires an additional 25 feet setback from this residential property. There were no objections from the area.

Mr. V. Smith moved to grant the application, because it appears not to affect neighboring property adversely and in view of the property to the east of this being business zoning, except for a small tract immediately joining, which is residential.

Seconded, J. B. Smith

Carried, unanimously.

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McLaughlin Case Resumed

Mr. Swayze said he and his client had read and studied the Commonwealth's Attorney's letter and his client would be willing to comply with the terms of the letter.

Mr. V. Smith thought that that being agreed to, the only question now was the assurance of proper operation.

Mr. Chamblis asked if the applicant would be willing to defer this case until assurance is established between the Water Control Board and the Board of Supervisors, as to proper operation. Mr. Swayze said - "no" - that would involve too much delay.

Mr. Chamblis noted that Mr. McLaughlin could not operate anyhow until conditions are complied with, guaranteeing proper operation. Mr. Swayze said someone must take the first plunge - this would take time to negotiate with the Board and would serve no purpose. It was suggested conditions be worked out first with the Board of Supervisors before granting this.

Mr. Swayze said he could not negotiate with the Board until this is granted. A tentative agreement was suggested by Mr. Chamblis. Mr. Swayze recalled the long history of this case - he asked that they be given a contingent use permit in order to negotiate with the Board of Supervisors.

Mr. Chamblis asked Mr. Swayze that if this is granted contingent upon conditions being attached, would he agree to the validity of those conditions. Mr. Swayze said "yes".

June 14,1955

McLaughlin Case - Ctd.

The cost of this plant as against individual septic fields was discussed - it being agreed that they were about the same. Mr. V. Smith noted that individual septics would not present a problem, nor an expense to the County.

Judge Hamel expressed confidence in the Agreement the Board of Supervisors would make in this - he felt sure that proper maintenance and operation would be taken care of.

Mr. V. Smith recalled that it had been shown that this plant will cost about $90,000 but that it would make X number of dollars, which must be added to the cost of purchase if and when this should go over to the County. He questioned if this situation would put the Board in a bad negotiating position.

Mr. Chamblis said if this contingency should arise, the Board of Supervisors will have made a proper contract to take care of that.

Mr. Swayze said he would agree to an attachment in the Contract with the Board of Supervisors, that if the plant does not operate properly the County will take it over. He again expressed willingness to cooperate with the County in conditions of the Agreement.

Judge Hamel stated that in view of the statements which have been made by the applicant, agreeing that he will enter into an agreement subject to approval of the Board of Supervisors which will assure this Board and the County of proper operation of this plant, he would move that this application be approved, subject to such an agreement with the Board of Supervisors, and the approval of the State Health Department and the Water Control Board. This is granted under Section 6-12-2-a-b of the Zoning Ordinance.

Seconded, Mr. V. Smith

Carried, unanimously.

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NEW CASES - Ctd.

2- Capital Fleet Club, to permit erection and operation of a private club and recreational activities, approximately 1500 feet south #644 on south side of #635 and east of R. F. and P. Railroad, Lee District. (Suburban Res. and Agriculture).

Mr. Frank Swart represented the applicant. This club was chartered in 1946, Mr. Swart told the Board, as a social and recreational group. It has operated for 8-1/2 years at another location. The lease on this property expired as the property was sold for development. They now have a purchase contract on this site. The history of this Club has been that they have operated satisfactorily, Mr. Swart told the Board.

NEW CASES - Ctd.

2-Ctd. Mr. Swart told the Board Captain Mahoney had sent a letter to him stating that he had had very few complaints on this, and he considered that this Club had been operated very well.

This Club has a 550 membership. They operate twice weekly with about 200 people coming to their parties. These affairs are for members and their guests only. There are two houses now on the property,which is zoned Agricultural and Suburban Residential, The nearest residence is about 1500 feet away. The Club is forced to move soon. They will build about a $50,000 Club house. This is a non-profit organization, the Board was told. There were no objections from the area.

Mr. V. Smith moved to grant the application in view of the letter from Captain Mahoney, dated March 23rd,1955 to Mr. Frank Swart, and the location of the property which joins the Railroad and Highway No. 635. Granted because this conforms to Section 6-12 Paragraph 2-a and b of the Ordinance.

Mr. Haar suggested that it be added to the motion that safe entrance be provided at the junction with the highway, as he felt this could become a hazard.

Mr. Smith added to the motion that vision should not be obstructed for a distance of 50 feet on either side of the entrance from the highway.

Seconded, Mr. Haar.

Carried, unanimously

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3- Virginia Electric and Power Company, to permit erection of an electric distribution substation on approximately 28,912.5 square feet of land on the west side of #617, 90 feet north of Southern Railroad, Mason District. (Suburban Residence).

Mr. Henry Anderson represented the applicant. This station is needed, Mr. Anderson said, to take care of'growing pains' in this area. The Carr development will make a great impact when it gets into operation. The additional load on present facilities will have to be distributed. They will have an outlet to Backlick Road - this is about 400 feet back from the road.

Landscaping was discussed. Mr. Anderson said they could not have high trees when they have wires coming into the plant, and it was difficult to do much landscaping on these stations - however, he thought they could very wellput in some low shrubs.

There were no objections from the area.

Mr. Haar moved to grant the application, as this appears to be a necessity for this growing area, and it appears not to adversely affect adjoining property.

Seconded, Judge Hamel.

Carried, unanimously.

NEW CASES - Ctd.

4- Jerrell Myrick, to permit erection and operation of a motel (18 units) on the north side of Lee Highway, approximately 500 feet east of #656, Centreville District. (Agriculture).

The applicant was represented by Lytton Gibson. The plats presented showed certified location of egress and ingress but not certified location of the proposed buildings.

Mr. V. Smith said the Board had passed resolutions many times requesting applicants, under Section 16, to present certified plats showing locations of proposed and existing buildings. It had been difficult to get such plats, but he felt,in compliance with the Ordinance, they should be made a part of each application.

Mr. Gibson thought it difficult to show buildings that have not been built. It was suggested that the case be continued for proper plats. Mr. Gibson requested such a continuance - that he might present certified plats showing location of the proposed buildings.

Mr. J. B. Smith so moved.

Seconded, Mr. V. Smith.

Carried unanimously.

Also it was noted that this should be referred to the Planning Commission for statement of recommendation regarding creation of a business area here. It was noted that the Master Plan recommended against this granting.

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5- Joseph M. Patterson, to permit dwelling to remain as erected closer to rear lot line, Lot 4, Woodcrest Subdivision, Dranesville District. (Suburban Residence).

Several objectors in this case, who could not wait for the hearing, had asked for a postponement.

Mr. Brookfield said he had granted it thinking those requesting the postponement were the applicants.

It was agreed to hear the case - with a possibility of deferrment.

Mr. Patterson said the engineers had laid this out wrong, with one corner of the house violating. This is a cul-de-sac. A 5 foot variance was granted on this lot before, but that variance has been violated. This was laid out by a certified engineer.

Mr. Herb, whose property joins this, and also Mr. Snead, objected to this infringement. Mr. Herb told the Board that his property has been badly flooded by the filling on this property.

Mr. Patterson insisted that after the street is in most of the water will flow to the front of the lot, and be carried off by the street - that now the water goes to the back of his lot and on to Mr. Herb - as it always has done naturally, but when he is through with filling and construction the whole situation will be better for those in the rear.

5-Ctd. Mr. Haar asked Mr. Herb if it would be satisfactory to him if the drainage is taken care of. Mr. Herb thought there was no assurance of that. He told the Board the drainage flow had caused washes and gulleys on his lot. Mr. Patterson agreed that the situation was bad now, that the land had originally sloped toward these rear lots, and all the water drained in that direction when he began his construction, which he admitted was not good at present. However, he said, when he had finished grading and put in curb and gutter and taken the water toward the street he was sure conditions would be better for those in the rear. He said he would sod the slopes, all of which he thought would help to control the water flow. When this is completed he thought the water would not rush down on these people.

Mr. Herb noted that there are others in this neighborhood who objected who had had to leave and would possibly like to be heard.

Mr. Mooreland recalled to the Board that they could not consider a drainage problem - that they could consider only if this affects this man adversely.

Mr. V. Smith noted that there is a difference in the grading of 18 inches - he thought the consideration should involve what the affect of the difference of 18 inches might make in the increased flow. Mr. Mooreland noted that the drainage plans showed that 80% of the water will flow the other way - toward the street.

Mr. V. Smith moved to defer the case for 30 days, to view the property.

Seconded, Mr. J. B. Smith.

Carried, unanimously.

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6- Edna B. Hunter, to permit a sign 6' x 8' - advertising Hunter Motel - on the east side of Shirley Highway, approximately 150 feet south of Belvoir Interchange, Lee District. (Agriculture).

Mr. Mooreland asked to make a statement regarding the background of this case. Mrs. Hunter owns considerable property in the area - a portion of this tract was cut off when the Shirley Highway interchange was put in. This sign advertising the motel was probably put here before the property was cut - now, however, since the cut was made the sign is not on the property occupied by the use, although it is still on Mrs. Hunter's property. Mrs. Hunter said this sign was originally applied for on this entire parcel which was cut by the Shirley interchange. At that time it was located on the use.

There were no objections.

Mr. Mooreland asked that if this is granted it be stated in the motion the exact location. He noted that there is a sign farther down the Shirley Highway, advertising the Hunter Motel - he does not know the exact location.

NEW CASES - Ctd.

6-ctd. He told the Board there is also a request in his office where a man wants to buy land from the State and advertise the Hunter Motel - off the premises so used. If Mrs. Hunter is granted this application, this second request just referred to will certainly come in. He thought this granting would be setting a precedent.

Mrs. Hunter said her agreement with the Highway Department was that they would stay 4 feet above their approach. Last year they graded to 8 feet under her approach - therefore in coming from the Shirley Highway you can see only her roof. For this reason, she needs this sign - to advertise far enough ahead so people will have time to slow down and recognize her entrance. As it is the way the service road is cut, and the elevation - her place is practically not seen from the highway. She considered this a hardship, especially when she had thought she would be 4 feet above the road. Actually she now is 8 feet below. She thought if the sign were located about 1000 feet from the motel, it would be effective. She felt she had no recourse from the Highway Department - only to sue - the building can't be raised. Mrs. Hunter said she had given dirt to the Highway Dept. for filling, with the understanding that the road would be located at the 4 foot elevation.

It was not established whether or not Mrs. Hunter had an agreement with the Highway Department regarding the grade - or if it was just an understanding.

Mr. J. B. Smith moved to grant the application for this permit, in view of the fact that recent Highway Departments have changed the elevation by 12 feet and this property was formerly contiguous property, and this condition is caused by the change in the elevation in grade. It is understood that the sign is to be located 1000 feet south of the Fort Belvoir interchange, granted to the applicant as long as she owns the two parcels of ground.

Seconded, Judge Hamel.

Carried, unanimously.

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7- Barcroft Realty Company, to permit erection of dwelling with carport with less setback from street property line than allowed by the Ordinance, Lot 119, Section 2, Lake Barcroft, Falls Church District. (Suburban Residence).

Mr. Reissinger represented the applicant. This is a corner lot, Mr. Reissinger said and in order to meet County requirements,and at the same time meet approval of the house size and architectural design required by Lake Barcroft - they have been unable to meet the setback requirements. The lot has a marked drop at the back. To get approval of the plan, Mr. Reissinger said, they must include the carport and because of the contour of the ground they cannot move the house farther to the rear of the lot.

7-Ctd. There were no objections from the area.

Mr. Haar thought this might be all right because of topographic conditions. Mr. V. Smith thought the house could be set back farther on the lot toward the lake, and the carport could be put below the living area of the house, at the basement level - and entry off of Lake View Drive. It was brought out that that there is a gully on Lakeview Drive - which Mr. V. Smith thought could be taken care of with a culvert.

Mr. Reissinger said the drop was too fast, and it was not practical to enter through Lakewood Drive. The house is arranged with the entrance hall off the carport, which makes it necessary with this plan to have the carport on the living level.

Mr. Haar moved that in view of the difficult totographic conditions and since this would not appear to adversely affect the neighboring property adversely this application be granted.

Seconded, Judge Hamel

Carried - Mr. V. Smith voted "no".

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8- John C. Dodson, to permit patio with roof to remain as erected closer to street property line than allowed by the Ordinance, Lot 205, Section 4, Tyler Park, Falls Church District. (Urban Residence).

The applicant presented a petition from 11 neighbors favoring the granting of this application. Mr. Dodson said he had violated the law unintentionally. He recalled that the inspectors and assessors had seen the concerete slab and they had thought a permit was not necessary. He noted that this would not obstruct traffic or the view of anyone as the nearest house is back some distance from his residence. The people most affected have signed the petition stating they do not object.

There were no objections from the area.

Judge Hamel moved to grant the application, in view of the fact that the neighbors seem to approve of this, or do not object, and it does not appear to be detrimental to adjoining property.

Seconded, Mr. Haar

Carried - Mr. V. Smith voted "no".

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9- H. L. Southerly, to permit garage closer to street property line than allowed by the Ordinance, Lot 57, Section 1, Guilford Subdivision, Lee District. (Suburban Residence).

The applicant asked for a 16 foot setback from the front line on a corner lot. He owns the joining lot. This side street is not built and it is a dead end. Lots at the end of this side street are built upon.

June 14,1955

NEW CASES - Ctd.

9-Ctd. Mr. Southerly thought it would affect the joining neighbor if he located this garage close to his neighbor - but it would harm no one if it goes in nearest the street side, as it would not affect the view and it is facing toward a street that will never be traveled greatly.

Mr. V. Smith said he saw no hardship in this case - the applicant owns the adjoining lot, he moved to deny the case.

Seconded, Mr. Haar

Carried, unanimously.

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10- Gilbert G. Sherfey, to permit an addition to Florist Shop closer to Maple Street than allowed by the Ordinance, Lots 38 and 29, Annandale Subdivision, Falls Church District. (General Business).

Mr. Lytton Gibson represented the applicant. In the beginning Mr. Gibson said they reserved any rights they may have to build this building on the setback line of the existing building, without reference to a variance - he asked that this be made a part of the record.

This is all commercial property, Mr. Gibson told the Board, the existing buildings have been here for many years with a 9 foot setback from Maple Street and 23 plue foot setback from Columbia Turnpike. Mr. Gibson said he thought this actually was the established setback line. There was no setback requirement on this building when it was put up. This building is used for an office proposed in connection with the nursery. The garage will be torn down. They will extend the building back 65 feet - rather than to build up to the property line they are asking for a setback of 31.5 feet from Maple Street.

Mr. Mooreland said the Ordinance says a building may be set back, etc..... it does not say it must be set back in accordance with an established set back line. Mr. Mooreland noted that there is a business back of this lot proposed to be located 35 feet back. If this building is located according to his present setback it would be necessary to grant the next man the same thing. A graduated plan may be all right, Mr. Mooreland thought - a reasonable graduation.

Mr. J. B. Smith moved to grant the application with a 31.5 setback from Maple Street, because it does not appear to affect adjoining property adversely.

Seconded, Mr. Haar

Carried, unanimously.

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June 14,1955

NEW CASES - Ctd.

11- George F. Dodd, to permit operation of a gravel pit on east side of #613 .25 miles south of #635, Hayfield Road, Lee District. (Agriculture).

A letter from Mr. Dodd asking to defer this case for 30 days, was read.

Mr. Haar moved to grant the deferral to July 12th.

Seconded, V. Smith

Carried, unanimously.

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The Meeting adjourned

John W. Brookfield,

J. W. Brookfield, Chairman Read 9/26

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June 28, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, June 28, 1955 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse, with all members present.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- Gene P. Moritz, to permit an addition to dwelling closer to right of way line of Hayden Lane than allowed by the Ordinance, Lot 2, Gaines Addition #2, Strathmeade Springs Subdivision, Falls Church District.(Rural Residence) This case was deferred to view the property. Mr. Moritz showed a sketch of the proposed wing which he said would add to the architectural beauty of the house and which he was needing for more living space. He said he had checked with the neighbors affected,all of whom did not object to the addition. The setbacks as proposed will be 50 feet from Woodburn Road and 23 feet from Hayden Lane.

The status of Hayden Lane was discussed - whether or not it is dedicated. Mr. Moritz thought it was a County road privately maintained. However, Mr. Mooreland said it must be a state road not yet taken into the State system. Hayden Lane runs back to serve only six houses, Mr. Moritz said, it is about 18 feet wide. This is an old subdivision where many houses are on large acreage. There were no objections from the area.

Mr. Moritz said he would tear down the present porch and the addition would be only about 2 or 2-1/2 feet extension. Back of the house is a breezeway and garage. It was noted that the roads meeting at the lot form a wide angle - giving good visibility. Hayden Lane is some higher than Woodburn Road.

Mr. V. Smith moved to grant the application due to the totpgraphy of Woodburn Road and Hayden Lane at the intersection as this would not appear to create a traffic hazard.

Seconded, Judge Hamel

Carried, unanimously.

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2- Merrifield Church of God, to permit church to remain as erected closer to side lot line than allowed by the Ordinance, Lot 65, Fairlee Subdivision, Providence District. (Rural Residence).

Mr. J. C. Aldrich represented the applicant. Mr. Aldrich went into the history of this case - saying they had first applied for a 15 foot setback - a variance was granted and the plat came back approved for a 20 foot setback. They put in the footings and no inspection was made. When the Church was well up they heard that the building was too close to the line. This was about one year later. (The building is now located 16 feet plus from the side line).

June 28, 1955

DEFERRED CASES - Ctd.

2-Ctd. Mr. Mooreland said the people getting this permit had evidently been told to call for footing inspection - which they did not do. When his office later pulled out many of the old applications which had never called in for inspection and which had never been checked out - they found this violation. He objected to the reflection on his office - insinuating they had been lax in making inspections. These discrepancies could be avoided if the applicants would read their instructions - plainly written on their papers, Mr. Mooreland said. Mr. Mooreland noted that now since the change in the Ordinance a 20 foot setback would be allowed on this.

Mr. Aldrich said they had no contractor - that the work was mostly volunteer and the permit had been taken out by the Clerk, who did not realize what was expected of him. He had probably filed the permit papers away - he himself had never seen the approved plats. He did not mean to criticize the County but this was just a mistake.

Rev. Smith (district Pastor) and Rev. Cain were present. However, they did not speak.

Mr. Bingham Price, Clerk to the Church Board, told the Board he did not realize what was expected of him - that he did not read instructions on the permit and had filed it away with other papers. He thought the 15 foot setback was all right. He stated that they could not contact the joining property owner as he does not live in the area. Mr. Haar suggested that they try to buy an extra five feet on this side.

The Board was at a loss to understand why the granted setback was ignored.

Mr. Mooreland noted that some of these lots have a 75 foot frontage and it may create an illegal lot if 5 feet were taken from another lot.

Mr. Aldridge said they had tried to buy Lot 66, but were not sure yet if this could be accomplished.

Mr. J.B. Smith moved to defer the case for 60 days to give the applicant time to try to purchase the joining lot.

Seconded Judge Hamel.

Carried, unanimously.

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NEW CASES

1- Francis J. Long, to permit erection of dwelling with less setback from side property line than allowed by the Ordinance, Lot 183, Section 2, Lake Barcroft, Falls Church District, (Suburban Residence).

Mr. Long asked this variance on the grounds of the odd shaped lot and to meet the requirements the front of the house will be 72 feet from the street, leaving a very small back yard, 10 feet of which is taken in a sanitary sewer easement. The granting of this variance would increase the rear yard about 15 feet.

NEW CASES - Ctd.

1-Ctd. Also the re-designing of the house, which was done by an architect, and which would necessarily have to meet requirements of Lake Barcroft would be expensive. The land slopes to the east and the south. The lot is narrow in front, widening toward the rear. The house must be at least 58 feet from the front line in order to meet the width requirement. This is on high ground which would give an excellent view of the lake. He would like as long a house as possible to take advantage of that view.
Mr. V. Smith thought location of a proposed garage or carport should be shown on the plat to guard against coming in later for that variance. He recalled the great number of such variances requested in Barcroft.
Mr. Long thought a carport in the rear would be satisfactory.
Mr.V. Smith moved to defer this case to give the applicant time to show the location of the garage or carport on the plat within the Ordinance.
Seconded, Mr. Haar (deferrment to be for 30 days).
Mr. Long said this would preclude his getting his loan - that he has commitments and must start his building now.
Mr. V. Smith withdrew his motion, agreed to by Mr. Haar.
Mr. Smith moved to grant the application, subject to the applicant showing the garage or carport on the plat plan within requirements of the Ordinance.
Seconded, Mr. Haar.
Carried, unanimously.
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2- Larry Smolins, to permit erection of 4 additional units to Alexandria Motel, on east side of #1 Highway, 200 feet south of Ragin Street, Mt. Vernon Dist. (General Business.)
Mr. Smolins said he now has a 15 unit motel. He asked for four additional units. He would like to equip the four additional units with refrigeration and stoves, to take care of winter guests.
Mr. Mooreland called attention to the fact that this constitutes apartments.
Mr. V. Smith recalled that such a contingency had often been discussed by the Board. He thought the resulting affect from such installations would present serious problems for the County - and apartments in this area are definitely opposed to the Ordinance.
Mr. Mooreland cautioned the Board to consider this case carefully - as this is an application for four additional motel units only.
Mr. V. Smith read the Ordinance requirements for apartments - for which Mr. Smolins had never had a permit. Mr. Smolins said many others on U. S. #1 were operating in this manner.
Mr. V. Smith thought a study should be made to see how many motels are operating as apartments - he suggested that Mr. Mooreland go into this study.

June 28,1955

NEW CASES - Ctd.

2-Ctd. Mr. Mooreland agreed that that would be a good thing, but stated he did not have the personnel to handle it.

There were no objections from the area.

Mr. V. Smith moved to grant the application because this is a general business district and a motel is already established on the property and it appears to be a logical use. But he stated that Mr. Smolins should be warned that this does not cover cooking and refrigeration units - this is for a motel use only.

Seconded, Judge Hamel

Carried - Mr. Haar not voting.

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3- Robert L. Epps, to permit operation of a trailer park, 133 units as per plat, on east side #1 Highway on both sides of Shields Avenue, Mt. Vernon District. (General Business).

Sewer and water are available, Mr. Epps said - the sewer put in by him and donated to the County. This adjoins the Springbank Trailer Court, which is operating on one side of him. Colored property on the other side.

The streets will be black topped and he will put in curb and gutter, Mr. Epps told the Board.

Mr. Mooreland recalled to the Board his attempt to get Trailer Court regulations in the County and the inability to do so. In this case the streets leading to the trailers are all within the property, there will be off the highway parking and the lots will range in size from 1500 to 2000 square feet. (The State requires only 1000 square feet per trailer). With the lack of control now, trailers can be bunched on one part of the property and no one can tell how many trailers are there. This, however, has the lots designated with complete plans for development.

Mr. Epps said he would also provide a recreational area - by dropping two or three lots. These lots are for all guest trailers.

Mr. Mooreland said he had seen statistics showing that there are very few children living in trailer courts.

Mr. V. Smith questioned that.

Mr. Epps said this would be a modern Court in every way - the people will park on their own lots. He will have 6 x 8 foot patios on each lot and a 9 x 18 foot black top parking area for each trailer.

Mr. Frank Swart was present, representing Mr. Fenton who owns property joining Mr. Epps. Mr. Swart pointed out that Shields Avenue is a 50 foot dedicated street - part of which Mr. Epps will be using for parking area. (Shields Ave. leads into the trailer court) Mr. Fenton has stores on his property.

Mr. V. Smith noted that the plat shows Shields Avenue dedicated to 24 feet.

3-Ctd. Mr. Epps said his attorney, Mr. Richards, is working on the abandonment of the extra width on Shields Avenue, which fronts his property, and he thought the abandonment would be accomplished by today. That would make the street fronting on the Epps property 24 feet.

Mr. V. Smith thought the area should be shown on the plat for each trailer, and that this should be referred to the Fire Commission for study, to see if fire engines can turn on a 24 foot street.

Mr. Smith moved to defer the case for plats which would show off-street parking, and that this application should be referred to the Fire Commission for street layout - that recreational area should be shown, and that this be referred to the Planning Commission for recommendation - deferrment for 60 days. (Referred to Planning Commission because of abandonment of the extra width on Shields Avenue).

Seconded Mr. J.B. Smith

Carried, unanimously.

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1- Mr. Francis Long returned showing the garage location on his plats, location to the rear of his house.

Mr. V. Smith moved to grant the application as shown on plat dated March 30, 1955 by George B. Korte, the house location shown by Mr. Long (in pencil) house to be located 57 feet from the front property line, 14 feet on the east side at the front of the house and 13 feet on the east side of the house on the offset going to the rear of the residence, granted because of topographic conditions, and this is such a small variance - which does not appear to adversely affect joining property.

Seconded, Mr. Haar

Carried, unanimously.

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4- Donna Lee Corporation, to permit installation and operation of a swimming and wading pool, Sections 15 and 17 Donna Lee Apartments, on Vista Drive, Mason District. (Suburban Residence).

Mr. Lytton Gibson represented the applicant. Mr. Gibson explained to the Board that apartment projects are now suffering from many vacancies and severe competition - therefore, both apartments and motels are putting in swimming pools to attract guests. This is the case with Donna Lee. Since this is not a business zoning, this case is brought to the Board of Appeals. This pool area is surrounded by apartments, Mr. Gibson said, and he thought this a logical place for such a use. The pool will be for apartment dwellers and their guests, and he thought it possible that arrangements might be made with joining apartment projects to use the pool also. Mr. Brookfield suggested that others on the outside might also use the pool, at a fee.

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4-Ctd. This is not planned for a public pool, Mr. Gibson assured the Board, at this time - and if there is any change contemplated in the use of the pool that should be controlled by the Board.

Mr. Frank Dieter, who lives in Donna Lee Apartments, favored the project. There were no objections from the area.

Mr. Mooreland said because this is a suburban area this should not become a public pool. He suggested that some restrictions might be laid upon the granting of this. Mr. Gibson said he did not object to private pool restrictions. They could issue membership cards.

Mr. Mooreland noted the cashier's gate on the plat. He wondered why a cashier... He recalled that the Commonwealth's Attorney had ruled that a a swimming pool in a business area can charge, but since this is a residential area the charge question has come up. He therefore thought the Board could place restrictions, by limiting the users to Donna Lee Apartment dwellers and their guests, and if this became a commercial project the Board would have some control.

Mr. Gibson thought it practical to limit this to Donna Lee and Apartments joining the pool.

Mr. V. Smith moved to grant the application as per plat submitted with the application shewing location of the swimming pool, plat made by Basil DeLashmutt, certified Land Surveyor, plat undated but marked by V. W. Smith June 28,1955, subject to the applicant providing off-street parking for all users of the pool and that the users be limited to the occupants of the Donna Lee Apartments and their unpaid guests, and subject to all County and State regulations now in affect or later to be adopted.

Seconded, Mr. Haar

Carried, unanimously.

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5- Mrs. Kathryn L. McCoach, to permit dwelling closer to street line than allowed by the Ordinance, Lot 3, Section 1, Rokeby Farms Subdivision, Dranesville District. (Rural Residence.

The front of the lot is almost level, Mrs. McCoach told the Board, and in locating the setback for the house a line was stretched from the two side stakes. It was not realized that there is a slight curve in the street which varies enough to throw the setback for the house off by several feet. While there is no house on the joining lot - the houses on Lots 5 and 6 appear to have about the same setback as the McCoach house because of the curve and slope in the ground.

There were no objections from the area.

5-Ctd. The setback requested is 46.4 feet instead of the required 50 feet.
Mr. Haar moved to grant the application as there is a curve in the street on which this house faces, and the houses on other lots do not line up with this, and the difference in setback is not noticeable. There is only a projection of 14.9 feet of the house which violates, and this does not appear to adversely affect adjoining property.
Seconded, Judge Hamel
Carried, unanimously.
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6- Nightingale Trailer Park, Inc., to permit extension of present park to have 163 trailer lots on 9 acres of land in rear of the Nightingale Restaurant, Mt. Vernon District. (Rural Business).
Mr. Baughnight represented the applicant. There is an existing trailer Court, Mr. Baughnight told the Board, with 120 trailers authorized. The applicant wishes to add 44 more spaces. He will cooperate fully in the development of this project by having black top streets and black top trailer locations. Sewer and water are available. The trailers on the property at present comply with the State law, but they will be alloted more square footage than the State requires. They will cooperate with Mr. Mooreland's office so the plats will show identification of each lot in the project. The plan when carried out in accordance with the plat will make a much better set up for those in the court at present.
Mr. Baughnight said they now have many more applicants for locations in this project than they will be able to take care of - that a well planned and first class trailer court is much needed in the County. Even though the County has no trailer park Ordinance, his client will work with the County to make a good development and meet all requirements which might later be incorporated in an Ordinance. There will be 163 lots and each trailer will park on it's own lot, the existing trailers will be re-arranged so they will have more room and good access to the road. This land was rezoned to Rural Business in order to apply for this extension. This will be one of the few decent trailer courts in the County, it was brought out.
There were no objections from the area.
Mr. V. Smith thought this might be deferred for plats showing the same things required in the Epps case - except it would not be necessary to defer this to the Planning Commission - but off street parking should be shown, recreational area, parking facilities on each lot for off-street parking, and that this should be referred to the Fire Commission.
Mr. Mooreland noted that according to the plat there would be no parking on the road. He said a small storage area would be included on each lot.

6-Ctd. Mr. V. Smith thought the proposed location of each trailer should be shown to be sure that requirements of the Ordinance are met.

Mr. J.B. Smith thought the actual location of each trailer need not be shown as there would be only one trailer to a lot.

Mr. V. Smith moved to defer the application for 30 days pending the applicant showing ingress and egress to U. S. #1, and ingress and egress to each lot, and the applicant shall show the proposed streets and the plan presented shall conform to the Ordinance under Section 16 and this layout shall be submitted to the Fire Commission for recommendation.

Seconded, J.B. Smith

Mr. Bauknight asked for clarification of ingress and egress to each lot. He thought it not practical to show that. Mr. V. Smith referred to Par. 4 under Section 16. He thought entrance from U. S. #1 should be shown in detail.

Mr. V. Smith, therefore, withdrew the ingress and egress part of his motion relating to each trailer, (Mr. J. B. Smith acquiesed) but thought the intersection with U. S. #1 should be shown.

Mr. Mooreland said this entrance is a right of way over the Nightingale property, and the owners of that property could very well refuse a survey of the entrance. On a new easement for entrance here - a survey could be made without question, but this is an old use and it is not known if the owners of that property will allow such a survey to be made.

If there is to be a storage area on each lot, Mr. V. Smith thought, the area should be shown on the plat - that the Zoning Office should know the size of the building planned to go on the lot, and where each trailer would go.

Mr. Bauknight agreed that this could be done, but he thought it unreasonable to locate each trailer on it's lot.

Mr. V. Smith thought the maximum size of the trailer to be put on the lot should be shown - to assure control over coverage of the lot. It was agreed that the size of trailers was practically standard and that they must comply with the State Health Department requirements and the County Code. Mr. V. Smith thought two or three unit trailers would cause a coverage on these lots which was undesirable.

Judge Hamel thought a typical layout would be sufficient.

The motion carried unanimously.

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7- Mabel V. Wagner, to permit erection of Medical and Dental Clinic on 8.66 acres of land on south side of #123, approximately 350 feet west of Kirby Road (Wagner Lane), Dranesville Dist. (Suburban Residence).

Doctor J. Messner represented the applicant. The Doctor noted that this is not a clinic, in the true sense. The building would actually be used for offices. He asked that this be noted in the record.

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7-Ctd. Mr. Mooreland said that did not affect the advertising or posting of the case, as that is requesting a lesser use.

The difference between a clinic and offices was discussed. Dr. Messner said there would be two doctors and one dentist in the building. They will, however, have provision for another doctor or dentist when and if needed in the future. They will have a common waiting room.

Doctor Leigh sent a letter, which was read, stating that he wished to extend his offices into this area, and would like to locate in this proposed building. Dr. Leigh's property is in the immediate vicinity. They would probably have living quarters in the building for a resident nurse.

It was noted that ingress and egress, parking, and the size of the lot to be used for this building were not shown on the plat. Mr. Mooreland thought that could be designated by the Board - that the required setbacks of 100 feet from all property lines could be met.

Judge Hamel thought the parking area should be shown and it should be definitely indicated on the plat what is proposed.

Both Mr. and Mrs. Wagner spoke favoring this use. The building proposed will be of brick and stone - 45 x 65 feet - and will be in keeping with the buildings in the area. It will not look like a commercial building. There were no objections from the area.

Mr. Haar thought this a reasonable use for this land, and that a building of this type would be desirable. He therefore moved to grant a clinic or an office building subject to the applicant submitting to the Zoning Office a plat showing distances from property lines and access road, and the parking area.

Seconded, Judge Hamel.

Carried - Mr. V. Smith not voting, as he questioned the advertising of this as a clinic instead of an office. He said he did not favor a clinic.

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8- Maurice R. Coombs, to permit open porch within 5 feet of side property line, Lot 14, resubdivision of Parcels A,B, and C, Fairfax Terrace, Providence District. (Suburban Residence).

Mr. Coombs said there is a concrete slab on this side of the house, which he wishes to enclose for a porch. He thought there would still be adequate space between his house and the joining property. He noted that many of the houses in this area have the concrete slab which was intended to be used for a carport or a porch. Kennedy Street, which is in front of this house, dead ends at it's intersection with Swell Avenue, which is just beyond Mr. Coombs' house. Therefore, there would be little traffic on Kennedy Street. There are houses on both sides of Kennedy Street, and Mr. Coombs thought others in the neighborhood would ask the same variance from the Board. His lot drops off from 18" to 2 feet toward the rear. There were no objections from the area.

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NEW CASES - Ctd.

8-Ctd. Mr. Mooreland stated that if this is granted there should be an exceptional hardship.

Mr. Coombs said there was a hardship - the sun beats down very hard on this side of the house. He noted that he could put up an awning without a permit. This would come 5 feet from the side line.

It was noted that these concrete slabs often grow into carports or porches

Judge Hamel thought this came very close to being a hardship - this is an old Subdivision, he would therefore move to grant the application, because this does not appear to affect adversely the use of joining property, and this is granted for an open porch to be allowed 5 feet from the side property line.

Seconded, Mr. Haar

Mr. V. Smith voted "no"

Motion carried.

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9- Carson V. Carlisle, to permit dwelling to remain as erected closer to side property line than allowed by the Ordinance, Lot 137, Section 4, Sleepy Hollow Manor, Mason District. (Suburban Residence.)

Mr. Carlisle stated this was merely an unintentional error in the location of the house, which is 12 feet from the side line. The building is off center, having a setback on the opposite side of 21.3 feet. There is sufficient area in the lot, but it could not be re-subdivided to give more set back here because the joining lot is sold. The lot slopes up toward the rear - it faces a cul-de-sac. There are houses on both sides of this lot. The house in question is completed. There is no garage planned, and no driveway has been put in. Ingress and egress is not shown on the subdivision plat.

There were no objections from the area.

Mr. V. Smith moved to grant the application with a setback on the north side of the house to be 12 feet from the property line, provided that the driveway on the lot shall be on the south side of the residence. This is granted because it does not appear to affect adversely the use of adjoining property.

Seconded, J. B. Smith

Carried, unanimously.

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10- Eastern Outdoor Advertising Company, to permit replacement of a billboard apparently damaged by wind on west side of #1 Highway, opposite Herring Lumber Yard, Lee District. (Surburban Residence).

The permit on this was revoked because the sign was more than 50% destroyed. The original sign had been in this location for about 20 years, the Board was told, it was damaged by wind storm. Pictures were shown of the area indicating that there are many similar signs in the area.

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NEW CASES - Ctd.

10-Ctd. There were no objections from the area.

Judge Hamel moved to grant the replacement of this sign, provided it does not exceed in size the present sign.

Seconded, Mr. Haar

Carried - Mr. V. Smith voted "no"

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11- E. W. Nordland, to permit dwelling to be erected within 32 feet of Street property line, Lot 863, Section 9, Lake Barcroft, Mason District. (Suburban Residence).

This is a pie shaped lot, Mr. Nordland told the Board, and he planned a 52 foot house with a 14 foot carport. If he sets the house back the required 40 feet, it will cut down the back yard to a very small area. Only one corner of the house would violate the Ordinance. The requested setback on this corner would be 32 feet. Also, Mr. Nordland pointed out, there is a gully where the property drops down about 25 feet. If the house is pushed back farther it would be into the gully - also they wish to preserve the view of the lake, which is especially attractive from the proposed location of the house.

There were no objections from the area.

Judge Hamel moved to grant the application, in view of the shape of the lot and in view of the fact that only a small portion of the house is in violation, and because of the topography of the lot. This is granted because the house cannot be easily located back farther because of the presence of a gully on the lot.

Seconded, Mr. Haar

Carried - Messrs. J. B. Smith and Verlin Smith voted "no".

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12- Keota Corporation, to permit dwellings to remain as erected with less setbacks from street property lines than allowed by the Ordinance, Lots 23 and 24, Block B, Section 1, Burgundy Manor, Lee District.(Urban Res.)

Mr. Willard Hall, secretary of the corporation, represented the applicant. These houses were located by measuring from the side lines, instead of from the front line, Mr. Hall said. The violation was discovered when the loan survey was made, which was not made until the houses were under roof. These houses are located on a tangent and ~~xxx~~ therefore the other houses are not parallel with them. Because of the curve in Keota Street this variance in front setback is not noticeable. The other houses in the subdivision conform to the Ordinance, Mr. Hall said.

Mr. V. Smith suggested moving the street. This could not be done, Mr. Hall thought, as the curb and gutters are in and it would involve resubdividing.

12-Ctd. On Lot 23 he is asking a 33.4 foot setback from the street, and on Lot 24 a 33.1 foot setback. Both violate on one corner only.

There were no objections from the area.

Mr. Haar moved to grant the application as only a portion of each house is in violation, and there is a curve in the street which does not permit the houses to line up with adjoining houses, and this does not appear to affect adversely the use of adjoining property.

Seconded, Judge Hamel.

Carried, unanimously.

Mr. Haar added that the setbacks be granted as shown on the plat presented with this case.

Amendment accepted by Judge Hamel.

Carried.

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13- Walton C. Thompson, to permit present dwelling to be used as a duplex dwelling, Lot 35, and north 1/2 of Lot 36, Section 2, Greenway Downs Subdivision, (106 E. Marshall Street), Falls Church District. (Suburban Residence).

Walton C. Thompson. Mr. Mooreland said he had a letter from the applicant asking that this be deferred until July 14th, as he could not be present today.

Judge Hamel so moved.

Seconded, Mr. V. Smith

Carried, unanimously.

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14- Wallace B. Bowman, to permit dwelling to remain 14.8 feet to side property line, Lot 2, Section 4, Salona Village, Dranesville District. (Suburban Residence).

No one was present to discuss this case.

Mr. Haar moved that it be put at the bottom of the list.

Seconded Judge Hamel

Carried, unanimously.

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15- Tusico, Inc., to permit variance from side and rear line setbacks located on north side of Arlington Boulevard, 600 feet east of Fairfax Circle, Providence District. (Rural Residence).

Mr. Joe Bennet represented the applicant. Mr. Bennet told the Board that they wish to locate a business building 72 x 100 feet along the line dividing the existing Rural Residence zoning from Business zoning. The building would be on Rural Business ground.

According to the Ordinance they should stay 20 feet from this line because the property to the rear is residential. They are now making application for business zoning on this rear property - which will, if and when the rezoning is granted, conform to the Ordinance.

15-Ctd. This is merely an expedient, Mr. Bennet said, to get started with the proposed building, rather than wait for the rezoning to be accomplished. When this property is rezoned these proposed stores will be hooked on to other stores on the Business property. Parking space will be provided between the building and the property line, and a sleeper lane so the public can turn in easily to the property and have easy access to Lee Boulevard. Since this Residential land is completely surrounded by Business zoning, the requested Business zoning is almost sure of passing the Board of Supervisors.

There were no objections from the area.

Mr. V. Smith stated that since the applicant owns the adjoining property and will be the only person affected adversely, if anyone is so affected, he therefore moved that the application be granted, according to the plat presented.

Seconded, Judge Hamel.

Carried, unanimously.

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16- Albert W. Loughrie, to permit division of lots with less frontage than allowed by the Ordinance, on the north side of Pine Drive, 400 feet west of #649, Falls Church District. (Suburban Residence).

The tract involved contains 69,000+ square feet - sufficient area to divide it into three lots with Suburban zoning, but the frontage lacks a small amount from meeting the required width. Each lot would be about 76+ feet in width. They have tried to buy more property to widen the lots but the joining owner will not sell. However, he does not object to this division. Across the street is the Davian Place Subdivision, which has Suburban and Agricultural zoning. In that Subdivision there are many lots as small as 72 feet in width.

Mr. Loughrie said he expects to put up $16,000 houses which are a more expensive house than is now found in the area. They do not plan to have a garage or carport.

There were no objections from the area.

Mr. Loughrie said the ground slopes slightly up toward the street (Pine Drive). If the occupants of the houses wish later to have a carport it could very well be located to the rear - in back of the houses.

Mr. Schumann said approval by this Board would have to be given before this plat can be approved by the Planning Commission.

Mr. V. Smith moved to grant the application because the three lots shown on the plat have an area in excess of the minimum area requirements, and this is in close proximity to an old subdivision with many lots and many street frontages of less than 76 feet, and this does not appear to affect adversely neighboring property. The frontages and areas granted as shown

16 Ctd.

on the plat are 76.72 feet with 22,929 square feet; frontage 76.73 feet with 23,212 square feet; and 76.73 frontage with 23,624 square feet.

Seconded Mr. Haar

Carried unanimously.

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17- Coffman-McCaffrey, Inc., to permit dwellings to be erected closer to Street property lines than allowed by the Ordinance. (28 feet), Lots 30, 31 and 32, Section 1, Ravenwood Park, Mason District. (Suburban Residence).

Mr. Coffman represented the applicant. A letter was read from Mr. Coffman stating his reasons for this request. The three lots in question slope down from the curb to the rear lot line with an average difference in elevation of 21 feet. This is the very best layout he could get on this property, Mr. Coffman said, and with this variance he will be able to put in $23,000 houses. However, if he has to locate the houses back farther it would necessitate retaining walls, which would be expensive and he would have to reduce the price of the house. The topography is such that he cannot build these houses and meet the Ordinance. What he has planned is in keeping with the balance of the subdivision and would be an asset to the neighborhood. The side setbacks would not be impaired. He is requesting a 28 foot setback on all three lots.

Mr. Schumann said Coffman had been working with his office for the past three weeks trying to figure a way to get these houses on this land and this is the result they came up with. Mr. Schumann noted the the zoning law states that in a case of difficult topography this Board has the right to grant a variance. He thought this would work a definite hardship on the owner if he were not allowed this variance, and it would not be economically possible to build on these lots without the variance.

Mr. Mooreland called attention to the Board that the Courts have stated that aesthetics may be considered a part of zoning.

There were no objections from the area.

Mr. V. Smith moved to defer the case to view the property.

Seconded, J. B. Smith

Carried, unanimously.

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14- Wallace B. Bowman. The house is completed and is located 14.8 feet from the side line instead of the required 15 feet. This was simply a mistake, Mr. Bowman said - unintentional.

There were no objections from the area .

Mr. V. Smith moved to grant the application as this is a slight variance and does not appear to affect adversely neighboring property.

Seconded, Mr. Haar - Carried, unanimously.

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June 28, 1955

DEFERRED CASES

VERNON LYNCH
The Planning Commission does not recommend that a business area be set up here.

Mr. Lynch stated that this would be on a 60 foot right of way, that this property is across from the Northern Virginia Construction property, which has a business use. He therefore thought this was not a logical residential area. He noted that thick woods would screen this property from the residential development at Indian Springs. He thought dwellings were too far away to be adversely affected. This will be a $25,000 - probably a Gulf - station, and it would be a tax asset to the County. Mr. Lynch considered this would be a hardship if he could not use this property as he has paid taxes on it for 23 years without revenue. He noted that there are at least four large developments planned in the area, and this road will be well travelled, making it a good location for a filling station. He suggested that the tax revenue on this would increase about 100 percent. Mr. Lynch noted that the Board of Supervisors had rezoned about 45 acres across the Shirley for non-residents. He therefore thought a business use for him was not out of line.

Mr. Mooreland called attention to the fact that this is a special exception request and therefore the only things to be taken into consideration are the need and the impact upon the community. This case has no reference to hardship - which is one of the bases in granting a variance.

Mrs. Tierney spoke opposing this use. She lives about 1/2 mile from the site. She noted that there are business areas near this property, and filling stations which would take care of the need here. Mrs. Tierney also memtioned the traffic hazard this would cause - as there is a blind entrance into Edsall Road. She thought homes in the area would be greatly depreciated by this approach. Since there appears to be no need for this filling station, Mrs. Tierney suggested the lack of support would in time result in a run down station - ill kept and depreciating. She recalled the existing development in the area, the welding shop and the gravel pit - this would be adding one more cause for lowering values in the area.

Mr. V. Smith thought the type of person who would build across from a gravel pit and the type of home put up, would also be depreciating to the area. He questioned if homes put in here would be any better than a filling station.

Mrs. Tierney said they preferred the homes, but more than that, she would like to see the area cleaned up. Mrs. Tierney thought granting this would encourage other business to squeeze into the area.

June 28,1955

DEFERRED CASES

Vernon Lynch - Ctd.

Mr. Brookfield called attention to the fact that Edsall Road was planned for a four lane highway, which would necessitate taking considerable more right of way on this side of the road. When that is done, Mr. Brookfield thought, many of the buildings now close to the road would be wiped out, and the area generally would be improved.

Mrs. Boone, who lives closer to this property than Mrs. Tierney, objected for reasons stated. Also Mrs. Runyan and Mr. R. J. Yow objected. They thought the run down area would probably keep people from stopping at the filling station, and the adverse impact upon the area was sufficient reason not to grant this. They felt that they had established effective opposition in that the station was not needed, and it would have an adverse affect. It was also recalled that 100 people had opposed a rezoning in this area before the Board of Supervisors. Those same people are opposed to this. The traffic flow was discussed, and the probable hazard which would result from additional load. The opposition thought business should be concentrated on the south side of Edsall Road - the road acting as a buffer.

Mr. Lynch's hog farm renters were discussed. These houses, Mr. Lynch had stated, he would not sell - they were merely being rented until such time as he could improve the area.

Mr. Yow thought a filling station would be a 'hang-out' place for an undesirable class of people. He thought apartments would be more satisfactory here than the filling station.

Mrs. Crosby suggested making this a park area.

Mr. V. Smith said he would like to read the minutes of the Board of Supervisors on the rezoning that was turned down in this area.

Mr. Brookfield recalled that a strip of property on the north side of Edsall Road from the Harris plumbing shop to the Shirley Highway would probably be requested for rezoning - which would settle the status of this area.

Judge Hamel stated that in the light of the position of the Planning Commission he would move that this permit be denied. He thought the Board did not have jurisdiction to grant this permit since this is zoned Agricultural and since the need and the impact upon the area must be considered here, and not a hardship.

Mr. Mooreland said the Board did have the right to grant this if they felt the need was established, and the Board did not feel it would have an adverse affect upon the neighborhood.

Mr. Smith moved to defer the case for 30 days to study the case.

Seconded, Mr. J.B. Smith - Carried, unanimously.

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June 28,1955

DEFERRED CASES

JERRELL H. MYRICK - Mr. Gibson represented the applicant. He showed plats which detailed the character of the neighborhood for about 2000 feet around this property. Mr. Jenkenson, the immediate neighbor, whose property is residential, does not object - Mr. Gibson said. Otherwise there are motels and stores in the immediate area. They will set back 90 feet from the right of way, Mr. Gibson said. The cost of the motel will be about $75,000 - tax revenue of about $1000. The buildings will be modern in every way, brick construction, and attractive.

There were no objections from the area.

Mr. Myrick said he had contacted Mr. Jenkenson and discussed their plans with him and he did not object.

Mr. V. Smith noted that the plats presented did not have metes and bounds, he thought the case should be deferred for proper plats. Also theplats do not show how much land is involved.

Mr. Gibson said the use would include a depth of about 300 feet. He thought the cost of having certified plats made which would show the location of proposed buildings would be prohibitive.

Mr. V. Smith recalled that the Board had passed many resolutions requesting certified plats on business uses coming under Section 16 - and the Board has required and received such plats on many other cases. He thought this case should conform to those requirements.

Mr. Gibson thought that since all the information actually was on the plats, the Board might grant this for a depth of 300 feet, and with a 90 foot set-back.

Mr. V. Smith still thought all applicants should be treated alike, and the Board should have the required information on a certified plat. Mr. Gibson asked if the Board could act subject to these plats being presented showing all requirements, ingress and egress, location of all structures and the property involved.

Judge Hamel moved that the application be granted subject to the applicant furnishing certified plats which will be satisfactory to the Zoning Administrators office.

Seconded, J. B. Smith

Carried - Mr. V. Smith voted "no".

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The Meeting adjourned

John W. Brookfield

J.W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Thursday, July 14,1955 at 10 a.m. in the Board Room of the Fairfax County Courthouse, with all members present.

The meeting was opened with a prayer by Judge Hamel.

Mr. Brookfield being delayed, Judge Hamel took the Chair.

DEFERRED CASES:

1- Amherst Homes, Inc., to permit erection of dwelling with less setback from front property line than allowed by the Ordinance, Lot 8, Block 11, Section 4A, Lynbrook, Mason District. (Suburban Residence)

Mr. Robert Kurch represented the applicant. Section 4 of this subdivision was held up for some time for plans on the Circumferential highway (Cabin John Road). After considerable negotiation the right of way was determined and in the process some of the lots in Section 4 were squeezed. There is a sanitary sewer easement across the back of this lot, from which the builder is maintaining a 10 foot setback. This pushes the house toward the front right of way line. It will allow a 35 foot front setback. Actually this squeeze affects only the one lot, as they were able to adjust the others which might be affected by the final highway plans.

There were no objections from the area.

Mr. V. Smith moved that in view of the cooperation of the applicant on the proposed highway plans, and the resulting necessity of changing their plans and that this is a small variance which does not affect adversely other property in the area, and because of the existance of a sewer easement across the lot, this application be granted for a 35 foot front setback.

Seconded, J. B. Smith

Carried, unanimously.

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2- Joseph M. Patterson, to permit dwelling to remain as erected closer to rear lot line, Lot 4, Woodcrest Subdivision, Dranesville District.(Suburban Res.)

Mr. Robert Maginnis represented the applicant. Originally, Mr. Maginnis stated, the applicant was granted a variance on the rear setback allowing location within 20 feet of the rear line instead of the required 25 feet setback. In laying out the house the surveyor located the house on an angle, which causes the house to violate the 20 foot setback granted by about 2.4 feet on the rear of the lot. In the grading of the lot they changed the grade so that about 70 or 75% less water would run toward the rear on to the rear lots, and the greater part of the water flows toward the street. Actually, Mr. Maginnis said, when this is completed there will be much less water flow to the rear and the houses located in that area will have far better protection. During the building and construction there will be inconvenience, Mr. Maginnis agreed. This was simply a mistake in location of the house - which he thought would be well taken care of.

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2-Ctd. Mr. Maginnis noted that there are trees between this house and the house on the next lot which would act as an effective screen. This house also is about 75 feet away. The house in question as located comes about 17.65 feet from the rear lot line.

The Chairman asked for objections.

Mr. O. C. Snead objected and presented a petition with 8 names, all opposing this variance. They objected because of the change in grade, which they claim has increased the water flow to such an extent that joining property is deluged with surface water which creates trenches and standing water on their property. They consider that a steep slope immediately toward their property line is the cause of this flow. They would have opposed the original 20 foot setback granted had they known of it, Mr. Snead said. This is a suburban area, Mr. Snead continued, but with this house located so close to the rear line it gives the impression of a house in his back yard. Lots 4 and 5 are especially affected. He likened his property to a ski-run. Because the house is located so close to the property line, Mr. Snead said, it was necessary to make the steep bank too close to the rear property line, and therefore the flow of surface water is swift and detrimental to property.

Mr. Herb objected for reasons stated. Mr. Herb noted that since the last meeting on this the contractor had put in a ditch to carry off the water - but he did not think any purchaser would want that ditch on his property and would naturally fill it in. His back yard is converted into a gully.

Mr. Morsch objected for reasons given.

Mr. Major, who owns land joining on the south side objected. He noted that this grading was done because the sewer line is higher, and in order to get the proper flow the elevation on this lot was increased. He claimed the surface water flow had been increased.

Mr. V. Smith had seen the property, and recalled that the applicant had sodded the bank and built a small spillway along the lower part of the property, which he thought might do considerable good.

There was a difference of opinion as to whether the run-off was worse now or would be worse when this is completed than before construction started. The objectors contended that the pitch from the location of the house to the back of the lot caused the extra run-off.

Mr. Maginnis could not think that the 2.4 foot variance would make much difference in the water flow - however, he did agree that there was an extra flow now - but he was sure that would be taken care of in the final plan - after the sodding was put in. He also noted that 10 or 11 trees had been purposely saved, which would also help to hold back the flow.

It was agreed that the run-off would be greater until the ground is sodded, and it has time to settle.

DEFERRED CASES - Ctd.

2-Ctd. Mr. V. Smith moved to grant the application because there is sufficient square footage in the lot to locate the house without a variance. This is granted subject to the applicant placing a sodded spillway against the property line of Mr. Snead, 610 Greenwich Street, and Mr. Herb, 612 Greenwich Street, which spillway will carry off the normal run-off of surface water.
Seconded, J. B. Smith
Carried, unanimously.

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Mr. Brookfield took the Chair

3- George F. Dodd, to permit operation of a gravel pit on east side #613, .25 miles south of #635, Hayfield Road, Lee District. (Agriculture).
Mr. Moncure represented the applicant. A letter was read from Mr. Rasmussen, Subdivision Design Engineer - quoted in part; "(2) The area between Beulah Road and the natural ridge shown on the topographic map should not be used for gravel excavation because it will be very difficult to conform to the grading requirements of the Zoning Ordinance on such flat land.
(3) No excavation should be allowed within 50 feet of the three telephone poles and an electric transmission tower on the property until these structures have been relocated or provisions have been made for their relocation.
(4)Access to Beulah Road can be had at the location of the existing driveway without developing a hazardous condition."
The Master Plan recommended against any business use on this property.
They also noted that an 11 acre school site is proposed on this property.
One of the plats was marked in red to show the area the County recommends to exclude in these operations.
Mr. Moncure said Mr. Dodd would conform to the County requirements. Mr. Moncure called to the attention of the Board the fact that there is a gravel pit across the road from this proposed pit, and also a gravel pit along the side. Also the Northern Virginia Construction Company is operating on the other side of this property. This property is actually surrounded by gravel pits. Mr. Moncure noted that the subdivider could grade his property and take out gravel when preparing for subdivision development: It was noted that Mr. Dodd had taken off the gravel on the Windsor Estates - a subdivision across the street. In this case he would have to put up a bond in the amount of $1000 per acre to assure leaving the property properly drained. He thot it discriminating to allow gravel pits all around this property and to deny this. Mr. Dodd's operations across the road are practically finished - his operations will be transferred to this location if this is granted. This, therefore, will not make any substantial change in granting this.

July 14,1955

DEFERRED CASES - Ctd.

3-Ctd.

Opposition:

Mr. Martin Bostetter represented the opposition. He presented a petition with 99 names opposing this use. The people on the petition live across from this property, Mr. Bostetter said. They are particularly afraid this use will further reduce their wells, which were very low last summer. They agree that gravel pits are practically surrounding them - but Mr. Boestetter asked - when will such a use stop? There must be a time when the County refuses gravel pits to expand and absorb the area. He asked that property owners in this area be protected. This operation will be 300 feet from a good subdivision development - Windsor Estates. They thot this would create a traffic hazard and would create nuisance from dust and dirt. A serious drainage problem could arise from ponds, and mosquitos, and odors would be obnoxious.

Mr. V. Smith called attention to the amendment to the Ordinance requiring a bond of $1000 per acre, which would require proper drainage and the slopes left on the property.

The fact that this can be granted for three years, during which time work will be in progress, an attractive nuisance could be created, especially in the light of the proposed new school. He thought this would decrease property values at least until the property is developed for subdivision purposes which could be a long time off. He recalled that Mr. Dodd left the roads in Windsor Estates in a very bad condition - he put a little oil on the roads, but they did not stand up. He noted many other gravel pits were operating on a non-conforming use - which uses should be allowed to die, rather than to encourage more such uses.

About 13 were present opposing this application.

Mrs. Knight opposed - she lives in Windsor Estates - she restated other objections and noted that across the road there is practically a junk pile and an unhealthful condition exists. She also noted that the heavy fast going trucks were a hazard on the roads, and children were in danger from the constant going and coming. She asked the Board to deny an added nuisance and hazard to their community.

Mr. Wm. J. Cash who is putting in a subdivision about 250 feet from this property, said his property is about the same level as this gravel pit site, and he thought it would be detrimental to his development. They expect homes from $18,000 to $20,000 to be put in here, but he thought with the possibility of the drain from this pit and the depletion of wells it would be detrimental to his development. He asked protection for these home owners.

Mr. Moncure thought this property was not as close as Mr. Cash had stated, and he also noted the operations of the Northern Virginia Construction Co. are very close to this property.

July 14,1955

DEFERRED CASES - Ctd.

3-Ctd. Mr. Flammer opposed, representing the Franconia Citizens' Association - he read a letter from them opposing this use and concurring in the petition which was presented. The Association had passed a resolution opposing this use because of devaluation of property.

Leonard Goff represented opposition of the planning committee of the Franconia Citizens Association and himself. This committee is opposed to continued use of gravel pits in the area, and against granting any new pit, as it tends to retard growth in the nearby subdivisions, and devaluates property. He asked what protection people in the area had against abuses from these pits.

Mr. Mooreland thought the gravel pit amendment was sufficient guarantee for future handling of the ground.

Mr. Moncure thought the fact that they will not operate within 400 feet of Buelah Road and that these people are in the midst of other gravel pits, which are actually closer than this operation, were pertinent facts to be considered.

Mr. Rueger, owner of this property, suggested that this would bring increased employment to the area.

Mr. Dodd thought operating under the new regulations would protect nearby property owners. He felt he should be allowed to take a natural resource from his property (gravel would be worth about $5,000 per acre) as it is a good quality and greatly needed in the County.

Mr. Bostetter disagreed with the increase in employment. He read from the County Code where this use could be granted if it did not affect adversely the use of neighboring property, etc. He asked the Board to deny this case.

Mr. V. Smith said he would like to see the property and therefore moved to defer the application for 30 days to study the case and to view the property.

Seconded, Mr. Haar

Carried, unanimously.

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4- Walton Thompson, to permit present dwelling to be used as a duplex dwelling, Lot 35, and north 1/2 of Lot 36, Section 2, Greenway Downs Subdivision, (106 E. Marshall Street), Falls Church District. (Suburban Residence).

Mr. Hiss represented the applicant. Before making a decision on this, Mr. Hiss suggested that the Board see the property, if they wished to do so.

This is an attractive home, Mr. Hiss said, which does not appear to be a duplex in any way. However, it has been so used for about 10 years. He did not know how it became a duplex as the house was built under County inspection. He understood that there is opposition which probably has come from some one in the neighborhood thinking that the

4-Ctd.

occupants of the duplex were offensive. He noted that the house next door is used for purposes other than a single family dwelling - they rent rooms. (Mr. Mooreland noted that such a use is allowed under the Ordinance).

Mr. Mooreland said he first heard of this duplex use about two years ago. The owner at that time was in Paris and the Arfax Realty had charge of the renting. Arfax were notified that the duplex use was not allowed. The property was sold to Mr. Bland, whose contract was contingent upon this use being allowed. Mr. Thompson then bought the property. He was notified about two years ago that the duplex use must be discontinued.

Mr. Mooreland noted that this Board has no authority to grant this use, as the Ordinance requires twice the area and twice the frontage. This property does not meet these requirements. Mr. Mooreland noted that the original permit was issued for a single family dwelling. The County had no building inspectors at that time, and the two family dwelling was no doubt put in without knowledge of the County.

A petition with about 108 names was presented opposing this use.

Mr. Frank Martinelli, who lives next door to this dwelling, told the Board that he had bought part of the lot next to him to assure that no buildings would be too close. They have lived here since 1946. At that time Mr. Martinelli said the duplex was occupied by the owner, who was ill, and his daughter and son-in-law. He understood they were using the house as a one family dwelling. Mr. Martinelli said he did not resent any of the people living in this house - they had always been friendly. He did tell prospective purchasers of the house that the building had not been granted as a duplex. One purchaser had had a contract to purchase and had requested the return of his down payment when he learned it was not a duplex. Mr. Martinelli said they had spent two years trying to get assurance that this house would be used as a one family dwelling and had had the very best cooperation from Mr. Mooreland in this.

Mrs. Martinelli recalled that one family had moved when they learned this was not a granted duplex. She said their relations with the owners and renters in this house had been friendly and there was nothing personal in their desire to continue this as a one family dwelling.

Mr. John Hurl who lives in the next block objected.

Mr. Mooreland said that he had come with the County in 1950, at which time they were able to give only periodic inspections of footings, people called in for inspections - they had only one inspector to cover the County, and only about 30% of the people called in for inspections. Now the County has the Building Inspectors office and more inspectors in his office to take care of inspections. Mr. Mooreland recalled that Arfax had sold this house as a duplex, after they had been informed that that was not so.

July 14,1955

4-Ctd. Mrs. Martinelli said she did not think it was the intention of the original owners to use this as a duplex - but later when there were two families in the house the electrical company noted the fact, and charged the owner accordingly.

Mr. Mooreland said the Bland contract on this house was contingent upon it being a duplex, and when Mr. Bland did not purchase when he discovered the duplex was not legal, the house was re-sold immediately - he thought to keep Mr. Bland still.

Since this house has apparently been used as a duplex for eight years, Mr. Hiss thought that the Board should grant it and that any court would uphold such action.

Mr. Mooreland cited the Section under which the Board can grant such a duplex - 6-12-6-a.

Judge Hamel moved to deny this case because it does not appear that the use of this property as a duplex dwelling is in harmony with the general purposes and intent of the regulations.

Seconded, Mr. Haar

Carried, unanimously. - Mr. Hiss noted that he would appeal this case to the Courts

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NEW CASES:

1- R. W. Fitzpatrick, to permit closed porch to remain as built, Lot 398, Mason Terrace, (120 Winchester Way), Falls Church Dist.)Suburban Res.

Col. Fitzpatrick told the Board that he had contracted with the Tri State Home Improvement Company to construct a 12 x 16 enclosed porch. He had expected the Company to get the required permits. When the addition was well up they were told by the Zoning Office that the setback had been violated - the addition being 21 feet from Bolling Road, and 37 feet from the curb. This road goes only a short distance beyond his property, Col. Fitzpatrick said - there are probably no other houses facing on it. Six property owners living in the immediate area do not object to this - all of whom had sent letters so stating. They thought the porch enhanced the value of the property, with no depreciating affects to others. The house on the corner is 30 feet from the right of way.

Mr. Mooreland said no one called in for inspection.

Mr. Haar moved to grant the application to permit the enclosed porch to remain as built on Lot 398, in view of the fact that the existing house close by is closer to Bolling Road than this addition - Bolling Road dead ends close to this house,and this does not appear to affect adversely neighboring property as evidenced by the letters filed with this case.

Seconded, Judge Hamel

Carried, unanimously.

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2- Walter L. Garver, to permit tool shed to remain as built, Lot 20, Block J, Ellison Heights, (401 Grove Avenue), Dranesville District, (Suburban Res.)
Mr. Garver said he had not thought a permit on this was necessary, however, he did get one but did not look at the papers too closely. He did not realize the building was located wrong until the inspector caught it, and notified him. The building is about 4-1/2 feet from the property line.
Mr. Mooreland noted that there are other houses in this subdivision closer than this and the Board had granted buildings closer to the line than this. This is an old subdivision - he thought this was an honest mistake.
Mr. V. Smith moved to grant the application because this does not appear to adversely affect neighboring property, and Mr. Mooreland has stated that there are houses in this subdivision much closer than this.
Seconded, Judge Hamel.
Carried, unanimously.
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3- John Bobby, to permit installation and operation of a sewage disposal plant on 5 acres of land in the extreme S. E. corner, located on south side of #694 east of Springhill Road,Dranesville District.(Rural Residence).
Mr. Mooreland told the Board that the applicant asked for deferrment on this.
Judge Hamel moved that a 30 day deferrment be granted.
Seconded, Mr. Harr.
Carried, unanimously.
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4- Lawrence G. Gibson, to permit an addition to dwelling closer to street property line than allowed by the Ordinance, Lot 6, Section 2, Grays Subdivision, Providence District. (Rural Residence).
The applicant asked for a 44.8 foot setback from Hibbard Street.
Mr. Mooreland told the Board that the Zoning office had thought that this section of this subdivision was rezoned to Suburban Residence classification and had allowed a 40 foot setback. Other houses on this street are set back 40 feet. It was discovered that the zoning was marked incorrectly on the zoning map, Mr. Mooreland said. He thought no harm would be done in granting this.
Mr. V. Smith moved that in view of the other houses in the neighborhood being closer to the line than the 44.8 feet requested, and at one time the Zoning office had permitted additions in this subdivision based on suburban zoning, and this does not appear to adversely affect neighboring property, the application be granted.
Seconded, Mr. Haar.
Carried, unanimously.
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July 24,1955

NEW CASES - Ctd.

5- William Robertson, to permit location of building on side property line, on north side of Arlington Boulevard, approximately 400 feet east of #649, Falls Church District. (General Business).

Mr. John Taylor represented the applicant. This property is joined on the west by Suburban Residential zoning, which would require a setback conforming to Suburban Residential classification. There is a house on this residential lot, but joining that property the ground is zoned General Business, and a filling station is operating. Joining this property on the east is Business zoning. The residential property which joins on the west is therefore joined by business zoning on two sides and is therefore logically business property, although it has not yet been rezoned. They have tried to purchase this lot, Mr. Taylor said, but the price is out of reason. This property will certainly be business sometime, Mr. Taylor pointed out, as it is too expensive and not logical for residential development. He therefore thought he should not be penalized by a required residential setback. If he is allowed to locate a building on the line - it will still be 90 feet from the house on this joining property. However, if the 40 feet required setback is observed he will be penalized to such an extent that his lot will be almost unusable. The 40 foot setback would take 4,000 Sq. feet.

They plan to put in a filling station on this property, Mr. Taylor said, however, this is not an application for a use permit. They cannot negotiate with the Oil Company until this setback is cleared up, as no company will consider locating a station observing this required setback. If the 40 ft. setback is observed they could not meet the required front setback.

Mr. V. Smith thought it would be better planning not to locate the building at an angle - along the property line - but that it should be squared with the right of way of Lee Blvd. He thought this would be granting a blanket variance and suggested that negotiations could go ahead contingent upon this variance. If this were granted it would be a variance for any building.

Mr. Brookfield thought this establishing a bad precedent and that obnoxious uses could go in here on the property line.

Mr. Taylor said the oil company had definitely refused to deal on the present basis of setback requirement.

It was suggested that the courts might not uphold the Board granting a blanket variance. Judge Hamel thought that since this residential lot is potential business property the Board had the right to grant this, that if this were obviously residential property - the case would be different.

Judge Hamel moved that the application be granted subject to the building in question complying with all other zoning regulations and the regulations of the Building Inspectors office, and this is granted provided the building to be erected is to be used for gas station purposes.

Seconded Mr. Haar - Carried. Mr. V. Smith & Mr. Brookfield voted "no".

July 14,1955

NEW CASES - Ctd.

6- Floyd W. Gorham, to permit operation of a general repair garage, on the west side of Oliver Street, Approximately 110 feet north of #7, (Amanda Payne Property), Falls Church District. (General Business).

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This is an application for a repair garage and Mr. Mooreland said the Board - if they grant this - would also have to grant a 27.2 foot setback from the present residential zoning line - as the building is located that close.

Mr. Gorham said he had thought this use was granted - but was informed by Mr. Mooreland's office that that was not so. It was brought out that this property to the rear will probably not be used for residential purposes, because of the great amount of business in the area.

Mr. V. Smith thought the granting of the setback was not within the jurisdiction of the Board as the setback was not advertised. Mr. Mooreland said the Board could grant this closer to the rear line than allowed by the Ordinance. Other than this rear property, this tract is entirely surrounded by business zoning.

Mr. Haar moved to grant the application to operate a general repair garage within 27.2 feet of the residential zoning line.

Seconded, Judge Hamel

Carried. Mr. V. Smith not voting.

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Mr. Mooreland told the Board he had talked with the Commonwealth's Attorney regarding Section 6-4-15-f of the Ordinance after having received a letter from the Federal Association for Epilepsy, Inc., requesting to locate a sanitarium in the County. It was Mr. Mooreland's contention, and concurred in by the Commonwealth's Attorney, that the use being requested is for a sanitarium which would treat epileptics - which use is not allowed in the County except in an Industrial zone. Mr. Mooreland read the letter from the Federal Association for Epilepsy, Inc. The Board agreed that this would be classed as a Sanitarium.

It was suggested that this be taken up with the Board of Supervisors.

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The meeting adjourned

John W. Brookfield.

J. W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, July 26, 1955 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse - with all members present.

The meeting was opened with a prayer by Judge Hamel.

Mr. V. Smith presented a gavel to Mr. Brookfield on behalf of the community of Centreville, in appreciation of the fair and courteous manner in which the recent controversial gravel pit case was handled. Mr. Jenkins had asked Mr. Smith to make the presentation.

// DEFERRED CASES

2- Nightingale Trailer Park, Inc., to permit extension of present park to have 163 trailer lots on 9 acres of land in rear of the Nightingale Restaurant, Mt. Vernon District. (Rural Business).

Mr. Jack Wood had sent word asking that the Nightingale Trailer Park case be deferred for plats requested by the Board. However, Mr. Beard was present and showed a plat of a typical lot in his trailer park, locating the storage shed area. He said they would be able to hook on to the sewer line within 48 hours.

Mr. V. Smith thought the Board should also have a report from the Fire Commission to assure the roads were properly designed to be served in case of fire. Mr. Mooreland said the Fire Marshall had nothing to do with that and in fact there was no agency in the County which could make such a report.

Mr. V. Smith thought that any area where 135 families were living should have an okay on the layout which would guarantee this protection.

Mr. Beard agreed to get a statement from the Fire Department saying that they could get in here satisfactorily. This was considered sufficient.

Judge Hamel moved to defer this case until August 9th.

Seconded, Mr. Haar

Carried, unanimously.

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1- Coffman-McCaffrey - to permit dwellings to be erected closer to street property line than allowed by the Ordinance, (28 feet), Lots 30, 31 and 32, Section 1, Ravenwood Park, Mason District. (Suburban Residence).

Mr. V. Smith had seen the property and because of the contour of the ground (the sharp drop in elevation) and because FHA requires a 15 foot level area in the rear, that this is a logical request and he could not see where it would be detrimental to other property in the area.

Mr. Coffman called attention to the fact that this street circles around this group of lots and ends with the circle. He noted that they had located this street at this point particularly to save a grouping of trees across the road. He thought the trees compensated for the less setback requested.

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Mr. V. Smith moved to grant the application with a 30 foot setback from the right of way, instead of the 25 feet requested by the applicant, because of a topographic condition, granted in accordance with the plat by P. R. Rupert surveyor, dated March 14, 1955, because this does not appear to affect adversely the use of adjoining property.

Seconded, J. B. Smith

Carried, unanimously.

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3- VERNON M. LYNCH, to permit erection and operation of a service station and to have pump islands closer to front property line than allowed by the Ordinance, approximately 300 feet east of Mitchell Street on north side of Edsall Road, #648, opposite Northern Virginia Gravel Plant, Mason District. (Agricultural)

Mr. Lynch displayed a map of property surrounding his property indicating the wooded area between the filling station site and Indian Springs, the location of Lincolnia Park (which is something over 1/2 mile away), the location of the Northern Virginia Construction Company, and the welding shop - from which area objections have come. He also pointed out the planned housing development in the area - the Carr tract and the Bristow property, both of which will create the need for this business when they are completed. Mr. Lynch said he had done a great deal of subdividing in the area, and this is the only business use he has asked. This station will be set well back from the right of way.

Mr. Lynch said he thought the great objection to this was actually not to the filling station itself, but to the condition of the area generally. He agreed to take out the welding shop when its permit expires next April, and clean up the area generally, if he gets this use. He is negotiating for a Standard two bay station, which will be porcelain on the front - no garage work will be done on the property, and he thought this would be an added improvement to the area. He felt the need was established, and the fact that this would not depreciate the area.

Opposition:

Mrs. Runyan stated in opposition that they had thought this application was to include a garage - to which they objected. It was shown on the application that this is a request for filling station only. Mrs. Runyan thought a filling station only would not be entirely objectionable, and that the people in the area were more disturbed over the area as it now stands than the possible development of a good filling station. If the area is cleaned up, and the welding shop discontinued, Mrs. Runyan thought the opposition would be greatly lessened.

July 26,1955

DEFERRED CASES - Ctd.

3-Ctd. Mrs. Boone, who lives only two blocks from this proposed station, objected because she thought there was no need for this at this time. She noted the ill kept development in the area which Mr. Lynch had allowed, and was fearful of an extension of the same thing.

A petition opposing this permit was presented with 53 names - signers living in Indian Springs.

Mrs. John Christy objected because of the additional traffic which would result on Edsall Road - they have objected to small businesses along Edsall Road in the past, and still object. She thought this might be a place for undesirable people to congregate.

It was restated by Mr. Lynch that no garage activities were planned here. Mr. Lynch again stated his agreement to do away with the welding shop next April, when the permit runs out, and clean up the area - if he is granted this permit. He felt that he had established the need for this station and had shown that the area actually would be improved with this station - which will cost in the neighborhood of $25,000.

Mr. V. Smith thought this a logical use for this property, in view of the circumstances, however, he thought sufficient setbacks should be required, and that this could be granted - if the Board wished to grant it - under Section 6-12-f-2 and 6-16.

Mr. V. Smith made the following motion: That the application be granted under Section 6-12 and 6-16 because this substantially conforms to the requirements of these two sections, but that the pump islands shall not be allowed closer to the right of way of Edsall Road than 40 feet, and that the building shall maintain a setback of at least 90 feet from the right of way line - or 120 feet from the center line - of Route #648 (Edsall Road) and the application shall be granted subject to the Highway Department's approval for ingress and egress and that the applicant shall construct a decelerating lane on the north side of Route #648, so that the approach to the service station will not be a traffic hazard, and the welding shop shall be removed and the existing building removed when the welding shop permit expires in April, 1956.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES

1- Jesse Johnson, to permit erection and maintenance of sewage treatment plant on 190 acres of land, on north side of #236, approximately 4000 feet east of Scherman Road, #655, Providence District. (Agriculture).

Mr. Chamblis told the Board that this would probably withdrawn, since they have discovered that a sewage disposal plant cannot be constructed at the location requested. However, since he was the associate attorney on this, he did not yet have authority to withdraw it. He asked for deferment.

P.M.

NEW CASES - Ctd.

1-Ctd. Judge Hamel moved that this case be deferred for 30 days.

Seconded, Mr. Haar

Carried.

Mr. Chamblis said he would notify Mr. Krasnow - who is especially interested in this.

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2- James W. Johnstone, to permit erection of garage closer to side property line than allowed by the Ordinance, Lots 35, 36, 37 and 38, Speer Subdivision, Falls Church District. (Suburban Residence).

Mr. J. P. Edgerly represented the applicant. Locating the garage at this point would give a much better use of the back yard, it would save a peach tree which is farther back on the property, and would not be as injurious to the neighboring property as locating the garage nearer the back line, Mr. Edgerly said.

There were no objections from the neighbor most affected, nor from any other neighbors.

High Street, which runs down the side of this property, ends a short distance beyond this property.

Mr. Mooreland called attention to the fact that this is an 8 foot variance for a peach tree. He questioned the hardship.

Mr. Edgerly said a location back farther would necessitate more paving to the garage, and he thought it would almost block the view and favorable use of the adjoining property. Mr. Arundell, the neighbor affected, agreed to this.

Judge Hamel moved to grant the application, because it does not appear to adversely affect the use of adjoining property, and the owner of the adjacent property does not object to this, and he might object if the garage were located farther back. This is also granted in view of the fact that this garage is masonry construction.

Seconded, Mr. Haar

Carried - Mr. V. Smith and Mr. Brookfield not voting.

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3- Lois I. McElwain, to permit operation of a dog kennel in present building closer to road right of way line than allowed by the Ordinance, located on the northerly side of Lawyers Road, #673, approximately 1/2 mile west of the Town of Vienna, Providence. (Rural Residence)

The existing building to be used is only 94 feet from the property line - it should be 100 feet, Mrs. McElwain said. Property joining this is acreage which at present is not used. Mrs. McElwain had the signatures of the neighbors who do not object to this use. This is a five acre tract with the barn, which will be used for the dogs, and two houses. A letter from Mr. Marshall, a close neighbor, was presented - stating he did not object,

E.M.

3-Ctd. and a petition from five neighbors most affected was handed to the Board, stating they did not object.

The outlet road shown on the plat is simply a right of way for outlet to property in the rear, Mrs. McElwain said. This will be a kennel for poodles and schnausers.

Mr. V. Smith moved that in view of the petition signed by the neighbors most affected by this use, who do not object, that the application be granted to the applicant only, for not more than 20 dogs, granted for a period of three years, because this does not appear to affect adversely the use of adjoining property,and the existing barn on the westerly side of the property as shown on the plat is to be used for the kennel.

Seconded, J.B. Smith

Carried, unanimously.

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4- Harold Peterson, to permit carport to remain as erected closer to side property line than allowed by the Ordinance, Lot 248, Section 4, Barcroft Hills, (901 Oakwood Drive), Falls Church District. (Suburban Residence)

The contract was let on the garage after the house was built, Mr. Peterson said, and the permit obtained by the contractor. He did not see the papers. This is a violation of one foot four inches. The neighbor most affected has stated that he does not object. This is a completely fire proof structure. The distance to the side property line is eight foot six inches - it should be 10 feet. There were no objections from the area.

Mr. Haar moved to grant the application as the variance is slight and the structure is fully fire proof, and this does not appear to affect adversely the use of adjoing property or the neighborhood.

Seconded, Judge Hamel

Carried - Mr. V. Smith not voting.

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5- Johnson and Williams, to permit dwelling to remain as erected closer to front line property than allowed by the Ordinance, Lot 210, Section 10B, Columbia Pines, Falls Church District. (Suburban Residence)

Mr. Leo Andrews represented the applicant. The field crew made a mistake in this location, making an error of 1.24 feet. They discovered this when the house was about 40% completed. Construction is entirely completed now. Mr. Andrews noted that the violation is on one corner only. There were no objections from the area.

Mr. Haar moved to grant the application in view of the slight variance, because the house is placed on the lot so that only one corner violates and the location actually gives better vision around the corner than it would if the house were located to comply with the Ordinance and was placed parallel with the property line.

Seconded, Judge Hamel. Carried, unanimously.

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NEW CASES - Ctd.

6- Leonard O. Hilder, to permit operation of a private school on 10.208 acres of land on East side of #123, approximately one mile north of #50, #29 and #211, Providence District. (Rural Residence)

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Mr. Hilder said he had operated a private school in Washington, D. C. for 23 years. His lease ran out and he has looked for several years for a suitable location. This will be a boys boarding and day school, and preparatory for West Point and the Naval Academy. This property is very well suited, and will give opportunity for future expansion.

There will be very few boarding pupils - perhaps 18 - the classes for preparatory work for the Academy and West Point will have about 25 or 30 students. The school will be conducted with the same standards as that of the Landon School in Maryland. It is Mr. Hilder's plan to add to the day school and have a junior and senior high school. This would start in Sept. 1956 - the school will be open this September. He also plans a summer day camp. In adding to the school they will have the 6th, 7th and 8th grades at the 1956 opening, then add one grade each year until they have the full senior high school.

Judge Hamel moved to grant the application to the applicant only subject to supervision and inspection for regulations of Educational, Fire and Health authorities - conforming to Ordinances now in affect or hereafter to be adopted. This is granted for the use of the existing buildings only.

Seconded, Mr. Haar

Carried, unanimously.

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7- James H. Wheeler, to permit division of land with less areas than allowed by the Ordinance, on S. E. side of Shirley Highway just west of the City of Alexandria Line, near Lincolnia, Lee District. (Agriculture)

Mr. Hoy represented the applicant, as his attorney. This piece of ground has been developed as a family proposition, Mr. Hoy told the Board. The son and daughter each have a home and it is the wish of the applicant to construct another home for another daughter. The property is just a little short of the amount of area required to make three conforming lots in this zone. The reason for this shortage is that additional right of way was taken by the State when the Shirley Highway was constructed.

Mr. Mooreland said the houses are located so they will conform to proper layout and the lines will be set up by a surveyor so the subdivision can be controlled. The lots are only computed now. Mr. Mooreland recommended the granting of this, subject to a final survey. There were no objections from the area.

Mr. V. Smith moved to grant the application subject to the applicant submitting a metes and bounds description on the proposed lots - as shown on the plat by Merlin McLaughlin, dated June 28,1955 and this shall be approved by the Zoning office - granted because this does not appear to

7-Ctd. affect adversely neighboring property and this condition was created by the construction of the Shirley Highway.

Seconded, J. B. Smith

Carried, unanimously.

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8- George O. Bookout, to permit erection and operation of a public repair garage at the southeast corner of #236 and #652, Providence District. (Rural Business)

Jack Wood represented the applicant. There is a filling station now on the property. This garage will maintain a good 117 foot setback from Route #236, and will allow sufficient room for parking. This will also serve as an inspection station. Commercial property joins this - the garage therefore can be built up to the line. This will be a masonry building - no disabled cars will be parked on the property. No variance is asked - only the permit.

Mr. Haar moved to grant the application as provided in Section 6-16, as it seems to be a logical use in this area.

Seconded, Judge Hamel.

Carried, unanimously.

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The meeting adjourned

John W. Brookfield

J. W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, August 9, 1955 at 10 o'clock in the Board Room, with a full Board present.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES

1- JOHN BOBBY - to permit installation and operation of a sewage disposal plant on five acres of land in the extreme Southeast corner, located on the south side of Route #694, east of Springhill Road, Dranesville District. (Rural Residence) .

Neither Mr. Bobby nor Mr. Armistead Boothe were present to discuss this case. The recommendation from the Planning Commission denying this case was read.

Mr. V. Smith moved to put the case at the bottom of the lise.

Seconded, Mr. J. B. Smith

Carried

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2- GEORGE F. DODD - to permit operation of a gravel pit on the east side of Route #613, .25 miles south of Route #635, Hayfield Road, Lee District. (Agriculture).

Mr. Moncure represented the applicant. This is an area of gravel pits, Mr. Moncure said, the people living in the area are practically surrounded by operating pits, some of which are closer to the populated area than this proposed site. Therefore, it would be inequitable and unjust to disapprove operation of this pit, Mr. Moncure contended.

Mr. Martin Boestetter represented the opposition. Contrary to Mr. Moncure's statement, Mr. Boestetter said there was no other gravel pit so close to homes as this proposed site. If gravel pits are continued just because certain pits have been started, there could be no end to such operations, and the whole County could be dug up, Mr. Boestetter contended. The people in this area, in a building subdivision, object strenuously and ask that this application be denied so their property will not be further affected adversely by such use.

Mr. Flammer recalled the objection voiced at the last hearing. He thought they now had the maximum of gravel pits in this area, which were depreciating the property values.

Mr. William Case, whose property joins that of Mr. Young, said this pit would come within 250 feet of his subdivision - the other pits are farther from him than this. Mr. Case considered that this will lower the value of his houses because of the operations and the dangerous holes and banks which will be a hazard to the area.

2-Ctd. Mr. V. Smith recalled the new requirement of the $1000 bond and the manner in which slopes must be left when operations are completed.

Mr. Case said there was a VEPCO easement across this property, on which there were several very tall poles with high tension wires. In the digging operations, which would naturally come up close to these poles, it would be very possible that a pole could fall and cause unlimited damage and fire. Since these wires are very heavy and there is great strain on the poles, it would not take a great deal of digging to reduce the ability of the poles to stand. He noted that poles isolated on a bank of loose gravel by close digging might be left for many months and the danger would be always present.

Mr. Young stated that his property joins that of Col. Rueger, and the digging in this pit would be practically at his back door. He thought the noise, digging, and dust would devaluate his property. It would lower the water table to a dangerous degree. This pit would damage him more than anyone else.

Mr. Moncure noted that gravel is being taken from Mr. Young's land. Mr. Young said that was so - that Modern Sand and Gravel Company had been operating on ground joining him - that Northern Virginia bought this Company and Mr. Young's strip of land lies just between the two operations of the Northern Virginia Company - he therefore leased this small strip of land for digging, as he did not wish to give a right of way through his ground to Beulah Road. This particular strip of ground is not good for subdivision development.

Mrs. Wilkins said they do not object to the pits already digging in the area when they came there, as they actually did not know what they were, nor what their operations entailed - but now that they have lived with gravel pits, they do object to any extension.

Mr. Boestetter quoted the Ordinance, Section 6-12-f, which states that exceptions may be granted if they are found to be in harmony with the general purpose and intent of the Ordinance, etc. He thought this entirely out of harmony and that it would adversely affect nearby property. He asked the Board to protect property owners in the area and not to grant a use which was in conflict with present uses.

Mr. Moncure agreed that one person was perhaps adversely affected by this use - Mr. Young, whose property is very close and who is not already in the immediate vicinity of operating pits. The others, he said, have operating pits near them and this was not in conflict with present uses in their area. However, since Mr. Young is at present operating a gravel pit, he thought it unfair to deny this case.

DEFERRED CASES - Ctd.

2-Ctd. Mr. Brookfield noted that there are holes and banks in the gravel pit Mr. Dodd is now operating, which he thought dangerous and about the worst in the County. Mr. Moncure said those places had been left by another company but that they would grade off the area and leave it in good condition.

Mr. Case again discussed the transmission towers and the danger of digging around them - the nearness of homes to this proposed operation (about 200 feet) and the damage and devaluation to property in the area.

Mr. J. B. Smith suggested that the digging operations must stay 50 feet from the towers. Mr. Case thought that by staying even that far away the loose gravel would weaken the foundations. Mr. Dodd noted that in the Franconia area where digging operations are going on there are perhaps 1/2 dozen poles within the gravel pits.

Mr. V. Smith said he had seen the property and the area, and in view of the surrounding uses in the area, he would move to grant this application for two years, in accordance with conditions outlined in the letter from the Department of Public Works, dated June 9, 1955, and that a 50 foot approach road shall be provided on the easterly side of the property - north of Col. Rueger's house, and where the approach road intersects with Beulah Road it shall be maintained free of bushes or other obstacles to vision, and that no gravel shall be taken from the area in the vicinity of Mr. Young's house closer than 100 feet, and that a strip be maintained along the southeasterly boundary - 50 feet from the property line - where no gravel is to be removed,and that particular attention shall be paid by the Department of Public Works to any danger in connection with the removal of gravel in the vicinity of the transmission lines of VEPCO. This shall be subject to conformation with Section 6-12-f and 6-12-7. This to be granted in view of the uses of neighboring property.

There was no second.

Judge Hamel moved to deny this case, because under the circumstances it does not appear to be in harmony with the general purpose and intend of the Zoning Ordinance.

Seconded, Mr. Haar

Carried. Mr. V. Smith not voting.

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JOHN BOBBY - Since it was apparent that no one was to be present to discuss the Bobby case, and there were several persons present opposing this case, it was suggested that this be disposed of at this time. Mr. Brookfield thought the sewage disposal plant application should not be handled until after the rezoning is disposed of by the Board of Supervisors.

Judge Hamel moved to defer this case for 30 days.

Seconded, Mr. Haar.

Carried, unanimously.

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August 9, 1955

NEW CASES

300

1- GERALD KEELING - to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 30, Forest Heights Subdivision, Falls Church District. (Suburban Residence).

There is now a 16 foot clearance on this side of the house - this proposed carport, which would be in line with the presently built driveway, would come within 3 feet of the side line. It will be of wood construction with plastic roof, fire resistent. The neighbor on this side, who is most affected, does not object. The land slopes up at the rear of his house, Mr. Keeling said, and is covered with woods, which would be expensive to clear and excavate. It is about an 18 or 20 percent grade, starting about four feet from the edge of the driveway apron. There is also a 16 foot clearance on the opposite side of the house.

Mrs. Cockey, owner of joining property, stated she did not object to this addition.

Mr. Haar moved to grant the application for a carport, in view of the topographic condition of the lot - it would be impractical to build a garage farther back,and the joining property owner does not object, and this does not appear to affect joining property adversely.

Seconded, Judge Hamel.

For the motion: Mr. Haar, Judge Hamel, Mr. Brookfield

Mr. V. Smith and Mr. J. B. Smith did not vote. Mr. V. Smith said he would liked to have seen the property.

Motion carried.

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2- LEE DUCKETT - to permit tool shed to remain as erected closer to side property line than allowed by the Ordinance, Lot 18, Section 1, Woodley, (1308 Oak Ridge Road) Falls Church District. (Suburban Residence).

This shed is in violation only on the front corner, which is 8 feet 5 inches from the side line. In setting the location, this shed was measured from the rear corner, both to the side and rear lines, which were within the requirements. Mr. Duckett said he did not realize the slightly pie shape of the lot would put the front corner in violation. This little building is constructed of stone and furr siding, the same as the dwelling. It is about 12 x 20 feet. There are no objections from the affected neighbor. A patio is built joining the building - which makes it an attractive addition to his property, Mr. Duckett said. There is plenty of room on the lot - this building being about 70 feet back of the house.

Mr. V. Smith moved that the tool shed, which is 8 feet 5 inches from the side line on one corner, be granted because the lot line nearest the tool shed is irregular and this does not appear to affect adversely adjoining property.

Seconded, Mr. J. B. Smith - Carried, unanimously.

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NEW CASES - Ctd.

3- JOSEPH MASSIELLO, to permit garage to remain as erected closer to side and front property lines than allowed by the Ordinance, Lot 71 through 74, Block F, Weyanoke, Mason District. (Agriculture).

Mr. Massiello said he had relied upon his builder to get the permit. He thought everything was satisfactory but found this violation, after the building was up. There are woods joining on this side - no buildings.

Mr. Mooreland called attention to the fact that this would come two feet from the side line.

Mr. V. Smith suggested buying a small strip of land here to give the proper setback. The front setback is 47 feet.

The Board looked at the original plot plan, which was entirely incorrect in that there was no violation shown. The Board thought the builder, who had assured Mr. Massiello that everything was all right, should explain his discrepancy.

Mr. J. B. Smith moved to defer this case for 30 days, and that the builder shall be brought to the meeting to answer questions the Board might wish to ask on this, and that some definite plan for correction of the error - possibly the purchase of additional ground - shall be presented to the Board in an attempt to make some plan which would not require moving the building.

Seconded, Mr. Haar

Carried, unanimously.

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4- CITY AND SUBURBAN HOMES CORP. - to permit erection of carport and open porch closer to side property line than allowed by the Ordinance, Lot 277, Barcroft Hills, Falls Church District. (Suburban Residence).

Mr. Bronninger represented the applicant. This house is under contract for sale contingent upon the success of this application. The retaining wall, which is now at the front of the house, would be moved to the rear of the house and a carport constructed on the ground level with a porch over the carport. The carport would be six feet from the adjoining property line. This would use the area over the carport to good advantage, making the porch extend on out from the kitchen.

Mr. Ballard, from City & Suburban Homes, Salesmanager, asked that this be granted as the sale is contingent upon this and he thought it would not be objectionable.

Mr. Tracey, the joining property owner, said they had made a substantial payment on their property and they did not object to this addition. Mr. Tracey recalled that these lots were subdivided under the old lot sizes, which is considerably smaller than the present requirements, and with this addition the houses would be badly crowded. Mr. Tracey noted that the retaining wall as presently located is partly on their property. If this is built it would

4-Ctd. probably be screened. Such an addition would cause an infringement on their privacy, as it would be eye level with their second floor, looking directly into their kitchen. This is the most desirable side of their home to use during the summer, a further invasion of their privacy. Mr. Tracey thought the builders, who are asking for this variance, so they can make a sale, should have foreseen this and could have put the driveway on the other side. Also the severe pitch of the roof here would probably cause a drainage problem on his property. Mr. Tracey thought this would be detrimental to public interests and to him in particular.

Mrs. Rherig, the contingent purchaser, said she did not wish to buy this property if the neighbors objected.

Mr. Mooreland suggested that a contract to sell property did not constitute a hardship - the basis on which this may be granted.

Mr. Ballard said the driveway was put in under Veterans requirements. This does infringe on the Tracey's land by about 18 inches - which they would take care of. They will provide additional guttering for drainage, which he thought would take care of the additional water flow, by discharging the water to the front.

Mr. Tracey thought the Board in granting this would be defeating the purpose of the Ordinance, especially since this could be put on the back of the house where it would not be objectionable to anyone. They have six children, Mr. Tracey said, which with this extra crowding and lack of privacy could cause an unpleasant situation.

Mr. Haar moved to deny this case, as it would appear to adversely affect neighboring property.

Seconded, Mr. V. Smith

Carried, unanimously.

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5- FREDERICK T. MOORE - to permit an addition to dwelling and enclose carport as an addition closer to side property line than allowed by the Ordinance, Lot 154, Section 3, Woodley-South, (1408 Alger Road) Falls Church Dist. (Suburban Residence).

Mr. Moore told the Board that this extra room is badly needed as they have no basement and with this extension they can have a recreation room. The neighbors have built louvres on their carport and a hedge has been planted down the property line which will give privacy to both homes. Mr. Moore's carport is in now - this will be 13 feet from the side line. The carport will be enclosed at the rear for the room extension along the side of the house. There will be no carport when this is completed; the present carport and the addition making the new room . There were no objections.

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NEW CASES - Ctd.

5-Ctd. This could not very well be put at the rear as it would disrupt a small room which is now at the rear of the house. This could be pushed back farther to allow for a carport in front. The entire construction is cedar shingle,

Mr. V. Smith said he could not see any real hardship - he therefore moved to deny the case as it does not conform to the minimum requirements of the Ordinance, and this would set a bad precedent.

Seconded, J. B. Smith

Carried, unanimously.

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6- NATALE D'ORIA, to permit dwelling to remain as erected closer to front property line than allowed by the Ordinance, Lot 98, Section 2, Springfield Forest, Lee District. (Agriculture).

This was a mistake in location - some of the stakes were pulled up and others were not found until too late. The violation was found when inspection was made of the walls which were up to grade. At that time a survey was made and the violation discovered by digging down and finding the original highway stakes. The house is up to joist level.

There are no objections, either from Mr. Lynch or from the neighbors.

The setback from Forsythia Street is considerably more than required - being 55 feet at one corner and 62+ feet at the other corner. This mistake was entirely unintentional, Mr. D'Oria said, and he did not think it visible to the naked eye. Forsythia Street dead ends within another block - there would be very little traffic in that direction. The corner here is wider than a 90° angle.

Judge Hamel moved to grant the application - a variance of 4-1/2 feet, as this appears to be an honest mistake and this corner will not affect adversely joining property, and since this is a corner which does not make an exact right angle and the setback from Forsythia Street is greater than required.

Seconded, Mr. Haar

Carried, unanimously.

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7- ANDREW L. DARNE, to permit dwelling to remain as erected closer to street line and allow an open porch closer to street line, Lot 27, Block 3, McHenry Heights, Providence District (Rural Residence).

Mr. Robert Lowe represented the applicant. Mr. Lowe said he had actually brought this case before the Board for reconsideration. (This was refused by the Board more than six months ago).

Mr. Lowe went into the history of this case - how the permit was issued in accordance with the law and after the permit was granted, apparently as being correct, it was found that the house was in violation. Mr. Darne has stated that he had discussed this with the inspector who admitted to

NEW CASES - Ctd.

7-Ctd. him that there was some misunderstanding with regard to just what was the major part of the house. After objections from some of the neighbors, this case was brought before this Board and was denied. Mr. Lowe said he owns lots directly back of this property, and does not object to the violation. Also Mr. Baughman, who lives across the street from Mr. Darne, does not object.

Mr. Lowe told the Board that Mr. Darne now has a construction loan on this property, which loan is overdue and probably will be foreclosed soon unless something can be done about this. Mr. Lowe said he considered this an emergency and he felt that this was not a wilful violation on the part of the applicant.

In the actual location, Mr. Lowe said, it was difficult to find the stakes and they had only one point to go by. They have spent money on the basis of the permit which was issued - as the result of a mutual mistake on the part of the builder and the inspector, and he felt that the Board was in a position to clear up this mistake without impairing the intent of the Ordinance. He asked the Board to rescind their former action.

Mr. Baugham across the street, and Mr. Kuhlman, who owns two lots - one of which adjoins this property - stated they did not object to this violation.

Mr. Mooreland stated that he had thought this application was for a variance on the location of the building itself, and that the projection - about which this controversy centers - would be remodeled into an open porch, by tearing out the walls. Mr. Mooreland recalled that Mr. Darne did not show this projection from the living room of his house on his original plot plan, that when the inspector went to see the property the footings were in for what he considered the house proper. The inspector noticed that a projection was staked out to a depth of about 9 feet in front of the house. It was considered that this was an open porch, which would have been allowed. The inspector had therefore approved the house location as shown on the plat. Later they went back and this projected area had become part of the living room. It was then this case was brought to the Board and denied.

Mr. Lowe said an appeal had been filed on this case - to meet the 30 day requirement. Mr. Lowe contended that the construction of the foundation showed that there was no division between the main body of the house and this projection, and had the projection been intended for a porch the heavy supports between the house and the porch would have been seen. There were no heavy supports there. He, therefore, thought the mistake was also in the lap of the inspector. They were not notified of this error until the house was practically completed, and it would work a great hardship on the applicant now to tear out part of the building.

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NEW CASES - Ctd.

7-Ctd. Mr. Lowe said he thought this case was not property explained to the Board at the former hearing. If Mr. Darne can get this variance now he will be able to get proper financing and save himself from a foreclosure.

There were no objections from the area.

This building will have a 37.8 foot setback from the street right of way.

Mr. Kuhleman, who owns the two lots joining on one side, will use both lots for his home, and therefore will not be affected by this variance - the house on Lot 25 sets at an angle, and there are woods in between - this property would not be adversely affected.

Mr. Mooreland noted that this is an 11.4 foot variance, which if the Board grants will have the affect of throwing out the Ordinance, and that such a large variance is hardly justifiable. The house was not built in accordance with the original proposed plot plan - the porch or the front projection grew on to the house after construction had started, and was not at any time considered a part of the original building. Mr. Mooreland thought this could be cleared up by considering the projection to be a porch - tear out the solid walls and the Board consider a variance on the main building. It was Mr. Mooreland's understanding that this was the request to be presented at this hearing.

Mr. Lowe did not want this - since this is a short street and there are no objections from the neighborhood, he thought the Board would not be granting too great a variance to allow the building to remain as built, and it would relieve a great hardship for his client.

Mr. V. Smith said he would like to defer this for three weeks to see the house and the foundation walls, and to talk with the inspector. He recalled that the house does not conform with the original plats showing construction without the projection. If this were for a variance on the house itself, and if the applicant would tear out the porch walls - he would be willing to vote on this at this time. Mr. V. Smith moved to defer this case for two weeks to talk with the inspector and to see the house. Defer to the 23rd. It was suggested also that the inspector be present at this hearing.

Seconded, Judge Hamel

Carried, unanimously.

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8- LOIS E. NEWTON, to permit a camp for boys and girls with structures necessary thereto, on Vienn-Vale Road, #672, approximately 1/2 mile from the Vienna Corporate Limits, Providence District. (Rural Residence).

Mr. Mooreland reported that Mrs. Newton is ill, and would like this to be deferred.

Mr. Haar moved to defer this case for 30 days.

Seconded, Judge Hamel

Carried

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NEW CASES - Ctd.

9- STANLEY PERKINS, to permit carport closer to side property line than allowed by the Ordinance, Lot 15, Section 1, Westmoreland Heights - (6818 Orland Street), Providence District. (Suburban Residence).

The request is for a 5 foot setback instead of 10 feet, Mr. Perkins said he had put in a concrete slab along this side of the house with a roof which has been used as a play yard. They now wish to convert this to a carport. The neighboring house on this side is 15 feet from the side line - they do not object to this.

Judge Hamel moved to grant the application because it does not appear to affect adversely the use of adjoining property and there are no objections from the neighbors.

Seconded, Mr. Haar

Carried - Mr. Smith voted "no" and Mr. J. B. Smith did not vote.

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10- V. M. LONGORIA, to permit extension of permit for operation of a dog kennel in connection with a veterinary hospital on Leesburg Pike, approximately 250 feet east of Shreve Road, Providence District. (Rural Business).

Mrs. Longoria appeared before the Board. The animal hospital is allowed without special hearing on this business property, but the permit for a dog kennel was granted a year ago and the applicant was not able to start within the time limit. Therefore this is a request for extension of that permit. They have their plans now to go ahead, Mrs. Longoria said.

Mr. L. B. Field objected to this use. Mr. Field said he lives at 101 Shreve Road, and objected strenuously to the dog kennels and the boarding of dogs. When this came up a year ago he did not object, Mr. Field said, because he knew nothing of the hearing or the plans. He did not think anyone in the neighborhood knew of that hearing. His home is within 300 feet of this proposed use, Mr. Field said, and he thought the noise of barking dogs would be very unpleasant in the neighborhood.

Mr. Charles Bolen, living at 112 Shreve Road, also objected. This use would be about 60 feet from his home. He too did not know of the original hearing - or he would have objected then also.

Mr. V. Smith noted that the plot plan showed Mr. Bolen's home to be about 200 feet from the dog runs.

Mrs. C. J. Nolls, 109 Shreve Road (next door to the Longoria property) objected. They are elderly people, Mrs. Nolls said, and she thought the noise would be disturbing. They have lived at this location for 23 years.

Mr. F. G. Draper, representing the Hancock Road Citizens Association, said he had talked with many people in the area, all of whom objected to the kennels in connection with the veterinary hospital, as a noisy and disturbing nuisance in the neighborhood. He thought dog kennels should be located in a more rural area. Mr. Draper thought with the presently operating beer parlor near this property and the howling dogs - the neighborhood would be unbearable.

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NEW CASES * Ctd.

10-Ctd. Mr. J. A. F. Thomas, property owner across the street objected for reasons stated and thought kennels would be depreciating to all property in the area. He thought a better type of business should go in here.

Mrs. L. Adcock objected for reasons stated, and offensive odors.

Mr. V. Smith noted that this application is for the boarding of dogs only.

Mrs. Longoria said the dogs would not be noisy, as they would be outside only a short time each day, and the dog runs would be washed down twice daily, which would eliminate odors. An attractive modern building and a small operation is planned.

Judge Hamel moved to extend this permit for a period of one year, subject to the limitations which were put on the granting of this permit a year ago, granted in view of the fact that this is already zoned for business uses, and this would not appear to affect adversely the use of adjoining property and would appear to be a logical use of the property.

Seconded, Mr. V. Smith

Carried, unanimously.

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11- Basil De Lashmutt, to permit dwelling to remain as erected 37.2 feet of Nevius Street, Lot 918, Section 10, Lake Barcroft, Mason District. (Suburban Residence).

Mr. Tom Chamberlain represented the applicant. There was a mistake in the turning of the angle when this house was located, Mr. Chamberlain said. The house could very well have been properly placed on the lot - and only one corner is violating. It would not appear to be improperly placed as the street curves across the front of the property.

Mr. V. Smith moved to grant the application because only one small portion of one corner encroaches on the setback line, and this does not appear to adversely affect adjoining property and there is a curve in the street here so this house does not line up with other houses.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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12- GEORGE L. ABENSCHEIN, to permit dwelling to remain as erected closer to front property line and closing of open porch closer to side property line than allowed by the Ordinance, Lot 5, Section 1, Barcroft Terrace, Mason District (Suburban Residence)

Mrs. Abenschein appeared before the Board. Her husband has a serious heart condition, Mrs. Abenschein said, and he had used this open porch a great deal. Now that a subdivision is under construction on nearby property the noise and dirt have made this porch practically unusable for him. They have put up jalousie windows which they did not realize had the same affect as enclosing the porch.

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NEW CASES - Ctd.

12-Ctd. Mr. Mooreland said he had been trying to get in touch with the builder to bring this before the Board, but Mrs. Abenschein had found out about the violation and made this application on her own. Thiw would bring the house 38.8 feet from the Fairfax Parkway. There were no objections from the area. It was noted that a garage could not be located on the property.

Mr. Haar moved to grant the application as the variance is only on the corner of the house, and in view of the fact that the house is set on an angle which permits a better view around the corner than if the house were set square with the street line.

Seconded, Judge Hamel

Carried, unanimously.

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13- William D. McIntyre, to permit extension of permit granted to teach dancing in basement of dwelling, Lot 20, Darwin Heights, (1105 Darwin Drive) Falls Church District. (Urban Residence).

Willim D. McIntyre. This is a request to extend the permit granted one year ago and which has expired. There have been no objections, Mr. McIntyre said, as far as he knew to his school - it has been a very small operation - about five pupils to a class.

Mr. V. Smith moved to grant the extension of this permit for dancing classes provided the students be limited to five per class, for a period of one year, as this appears not to affect adversely the use of adjoining property and this is granted to the applicant only.

Seconded, Mr. Haar

Carried, unanimously.

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14- GENE P. MORITZ, to permit an addition to dwelling to remain closer to street line than allowed by the Ordinance, Lot 2, Gaines Section Addition to Strathmeade Springs Subdivision, Falls Church District.(Rural Res.)

Mr. Caperton represented the applicant. This was granted in May of this year, Mr. Mooreland said, after inspection by Mr. V. Smith and upon his recommendation. However, the certified location plat showed the addition to the dwelling to come closer to the street line than allowed - therefore, this application was brought back to the Board. It was found that the original plat, showing the addition to be 36 feet from the line, was wrong and the building was actually 30 feet from the line. While the Board granted a 36 foot setback - the building is 30 feet back - there is actually no change in the physical conditions on the ground. The original difficulty was in the location of Hayden Lane right of way. They have now found the exact right of way line and this error resulted.

August 9, 1955

NEW CASES - Ctd.

14-Ctd. Mr. V. Smith recalled that whatever conditions on the ground, the Board had granted a 36 foot setback, and now they are asked to grant a 30 foot setback.

Mr. Mooreland said there is actually no change - the house is in the same spot - it was just a matter of properly locating the road. The relation of the building and the right of way line is the same.

Judge Hamel moved to grant the application as it appears to be an honest mistake, this is a corner lot and while the original application said 36 feet from the line, and this is 30 feet, it is due to an honest mistake in the location of the right of way line, and this is a sparsely built up area.

Seconded, Mr. Haar

Carried - Mr. V. Smith voted "no".

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15- STAFFORD BUILDERS,INC., to permit dwelling to remain as erected closer to side property line than allowed by the Ordinance, Lot 111, Section 3, Country Club Hills, Providence District. (Suburban Residence).

Mr. William Kelly represented the applicant. While this dwelling is located 11 feet from the side line, there are 31 feet between this house and the house on the joining lot - which is more than required, if the houses were placed properly. They had realized this violation, Mr. Kelly said, and had planned to re-subdivide, but the joining owner would not sell any of his land. They have built over 200 houses in this subdivision, Mr. Kelly noted, and this is the first variance they have asked.

Judge Hamel moved to grant the application in view of the fact that this is a corner lot and it does not appear to adversely affect adjoining property and the joining neighbor does not object and the house on joining property is located 31 feet from the house in question.

Seconded, Mr. Haar

Carried, unanimously

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16- J. H. EARNEST, to permit carport to remain as erected closer to side property line than allowed by the Ordinance, Lot 10, Section 2, Homewood Subdivision, Falls Church District. (Agriculture).

This carport is located 12 feet from a dedicated walkway. Only one corner of the building violates. There were no objections.

Mr. Haar moved to grant the application for a 3 foot variance on one corner of the carport, as this does not appear to affect adversely adjoining property.

Seconded, Judge Hamel

Carried, unanimously

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August 9, 1955

NIGHTINGALE TRAILER PARK, INC. A letter was read from the President of the Penn-Daw Fire Department, stating that the roads in this proposed trailer park have been found to be adequate for fire service.

Mr. V. Smith thought the percentage of coverage on each lot should be shown in view of the 163 families here, and that the percentage of coverage should be controlled. Two large trailer truck units could now be moved on these lots, which would be most undesirable.

Mr. Mooreland said the State requires only one trailer per 1000 square feet of lot area exclusive of the trailer coverage. He noted that this appears to be a very good set up, lot sizes are 1500 square feet, and the applicant has been most cooperative - he recalled that the County has no requirements now - and if this is granted in accordance with the plats it would give the County a good trailer park, which would have a tendency to raise the standard of these courts.

The writing of a new Trailer Amendment was discussed - Mr. Mooreland stating that he would like to have the ideas and suggestions of the Board in this. At this time there are only the State regulations to go by.

Mr. V. Smith thought this most necessary as - here the Board is granting a small town on wheels with no regulations. He thought recreational areas should be set up also.

The lack of control of such concentrated areas was realised by the Board to be a serious thing - as there is no means of handling the natural problems accrueing from such installations.

It was brought out that the Fire Commission is set up only to advise the Board of Supervisors on the dispersal of funds and there is no control over fire conditions.

It was suggested that a committee be appointed to meet with Mr. Mooreland to formulate an amendment to the Ordinance which would control trailers.

It was also suggested that a few trailer men be asked to discuss requirements with the committee and Mr. Mooreland.

Mr. Brookfield appointed, Messrs. J. B. and Verlin Smith and Mr. Haar to meet with Mr. Mooreland for the purpose of working out the amendment, and that some trailer men be included with this group.

With regard to the Nightingale case, Judge Hamel moved that the application be granted, but that not more than one trailer be allowed on one lot, this granted as per plat dated February 7,1955, consisting of 163 lots and it is understood that certain of these lots are eliminated and have been stricken from the original plat. Seconded, Mr. Haar. Carried, unanimously.

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The meeting adjourned.

John W. Brookfield,

J. W. Brookfield, Chairman

August 23,1955

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, August 23, 1955 at 10 o'clock a.m., in the Board Room, of the Fairfax County Courthouse, with the full Board present

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- MERRIFIELD CHURCH OF GOD, to permit church to remain as erected closer to side lot line than allowed by the Ordinance, Lot 65, Fairlee Subdivision, Providence District. (Rural Residence).

Mr. Aldrich, Pastor of the Church, told the Board that he had tried in every way to contact Mr. Stanley Farrell, owner of the two lots joining the church property. In the first place, Mr. Stanley Farrell had said he did not think he would care to sell the lots at this time, as he may come back (he is in Florida now) some day and build on the lots. Later they wrote to Mr. Farrell and had no answer. They then sent him a registered letter and called him - they were unable to get a response. Therefore, no progress has been made on the lot purchase.

Mrs. Doris Brown opposed this application as representative of the Fairlee Citizens Association. She stated that the parking situation was very annoying to the neighborhood, as the church cars were all over the area, in people's driveways and in their yards - trampling down the grass. The church itself is unsightly; it is unpainted, the yard is muddy, and there had been no attempt to landscape the yard - no grass nor shrubs. She thought no group should come into a neighborhood and depreciate property in such a manner.

Mrs. McDermott objected for reasons stated. She also noted that there are evidently no toilet facilities - that the children use the area in the back, which was not only embarrassing, but she considered a health problem. She stated that last summer Mr. Farrell had offered the two lots joining the church property for sale at $2000 each. She questioned why a church named "Merrifield Church" was located in Fairlee.

Mrs. Louise Henson, who lives across the street from this church, objected to the noise. She works at night and necessarily sleeps during the morning hours. She finds the Church very disturbing. They have three meetings a week. She also objected to the indiscriminate parking, which blocks their driveways and messes up yards in the neighborhood. She thought it objectionable that those living in the area who take such pains with their homes to have their property depreciated with this unsightly building and grounds.

Mr. Mooreland stated that the building does not meet the building code. He asked what was being done to rectify that - however, he noted that the Board was actually concerned only with the variance.

Mr. Aldrich said they would bring the building to the proper standards and they will grade the rear yard for parking area and gravel the driveway.

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August 23, 1955

DEFERRED CASES:

1-Ctd. He said he had asked the people to park on the church side, and in the church driveway. He noted that the street right of way was 50 feet but that only about 25 feet of the road is being used. He thought the people were actually parking on the right of way and not in yards. He said they hoped to stucco and brick the building after this is granted and after they get their $8000 loan, which has been approved for improvements to the building. He also said they would see the Health Department and have pits located for outside toilets. They have held up the work on this because of this variance. Mr. Aldrich noted that the church name would be changed to perhaps "Fairlee". He thought it would take about three or four months to put the property in good shape after they get their loan.

At the rate of $4000 for the two lots, Mr. Aldrich said the Church could not afford that. They could buy one lot.

Mr. Haar thought this should not be granted unless the Board could have some assurance that the necessary improvements would be made to the building and that the parking be taken care of.

Mr. Mooreland called attention to the fact that a Church could locate in any district if they meet requirements. In this case the Board is concerned only with this variance.

It was suggested deferring this to give Mr. Aldrich time to make a definite contract with Mr. Farrell - either by sending someone to his home or in some way getting a statement from Mr. Farrell whether or not he would sell to the Church.

Mr. V. Smith thought it unfortunate for a Church to attempt to locate in an area where it was not welcome. He didn't understand why the health problem had not been taken up with the Health Department.

Mr. Mooreland noted that the Board had granted a 5 foot variance on this before the setback requirements were reduced, and it would be a little strange not to grant a 3 foot variance under the present requirements.

Mr. V. Smith moved to defer this case for 60 days to give Mr. Aldrich a chance to contact Mr. Farrell either in person or otherwise, regarding purchase of one or both of the lots.

Seconded, Judge Hamel

Carried unanimously.

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2- ROBERT L. EPPS, to permit operation of a trailer park, 133 units as per plat, on east side #1 Highway on both sides of Shields Avenue, Mr. Vernon District. (General Business).

Mr. Mooreland said the applicant would like to have this deferred for completion of the plats.

Mr. Haar moved that the case be deferred until September 27th.

Seconded, Judge Hamel

Carried unanimously.

August 23, 1955

NEW CASES:

1- IVERSON CAMERON, JR., to permit an addition to dwelling closer to side property line than allowed by the Ordinance, Lot 11, Woodlawn Acres, Lee District. (Rural Residence).

Mr. Mensch represented the applicant. This is a request for a 5 foot variance. The applicant is needing a recreation room and a garage, Mr. Mensch said, the house on the lot joining (Lot 12) is located 30 feet from the line. To put this addition on the rear of his house would ruin the house architecturally. There is no topographic condition - the lot is level. The recreation room will be at the back of the addition and the double garage to the side. There were no objections from the area.

Mr. Mooreland considered that the Board had no authority to grant such a large variance.

Judge Hamel moved to defer this case for 30 days to see if the applicant could work over his plans so he would not need this variance.

Seconded, Mr. Haar

Carried unanimously.

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2- BARCROFT REALTY COMPANY, to permit dwelling and carport as erected closer to side property line than allowed by the Ordinance, Lot 90, Section 1, Lake Barcroft Estates, Mason District. (Suburban Residence).

Mr. Frank Swart represented the applicant. This house is located on the lake front, Mr. Swart said - it would sell for about $39,000. They had originally planned to locate the house 10 feet to the west, but the lot is crossed by two sewer easements, which they were trying to avoid. The result was a location too close to the side line. Mr. Swart said the mistake was not detected because of the slant line on this side. On this side (where the variance is requested) there is a stretch of four lots which have been reserved for beach lots, and willnever be built upon as those lots are covenanted for beach purposes for the people in the subdivision. Therefore, there could be no fire hazard. It is ~~id~~ necessary to cut 10 feet off the side of the house it would change the character of the building and depreciate its value, Mr. Swart contended. The owner of Lot 91, joining on the opposite side, does not object. This variance would bring the addition within 2 feet of the side line.

Judge Hamel moved to grant the application in view of the fact that the joining lots, Nos. 89, 88, 87 and 86, have been dedicated for beach purposes, and no building may be constructed thereon and this will not adversely affect adjoining property and the shape of the lot is such that it will minimize the variance and there is a sewer easement near the middle of the lot, which restricts the location of the house.

Seconded, Mr. Haar

Carried unanimously.

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NEW CASES - CTD.

3- MELPAR, INC., to permit location of parking area closer to rear line, on north side of Arlington Boulevard just west of Pine Spring Subdivision, Falls Church District, (Rural Residence).

Mr. Broome represented the applicant. Because of the increase in their personnel from about 900 to 1200 people, Mr. Broome said, it had become necessary to enlarge their parking facilities. They now have space for 550 cars. This addition will allow space for a total of 800 cars. The original granting of this use restricted parking to 100 feet from all property lines. They are asking to come within 20 feet of the rear line.

Mr. Shield McCandlish was present to see the plats. He offered no objection. This particular location for the parking was chosen as the most advantageous for them and the least objectionable to Pine Spring Subdivision. It will connect immediately with their present parking lots, and will exit out the west drive. They plan to have a traffic control officer at the intersection of this lot exit and the present lot. There were no objections.

Mr. Haar moved that the application be granted for a parking lot in the rear of the Melpar lot, as indicated on plat submitted with this case and there shall be no parking closer than the 20 foot wooded strip from the rear property line,as this appears to be a logical use and is necessary to the applicant.

Seconded, Judge Hamel

Carried - Mr. V. Smith not voting, as he stated he would like to study this further, since it is the first case the Board has had for variance on this.

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4- GADDY & GADDY CONSTRUCTION CO., to permit dwelling to remain as erected closer to Street property line than allowed by the Ordinance, Lot 8, Sec. 11, Holmes Run Acres, Falls Church District. (Suburban Residence)

Since the applicant was late, and had asked for a hearing a little later, Mr. J. B. Smith moved to put this aside until he arrived.

Seconded, Mr. V. Smith

Carried, unanimously.

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5- MILTON G. SMITH, to permit dwelling to remain as erected closer to side property line than allowed by the Ordinance, Lot 47, Forest Heights, Providence District. (Suburban Residence).

The architect drew up the plans and marked on them that the variance was applied for, Mr. Smith said - but that application was never made. The building was erected and this mistake showed up in the house location survey. It is located 11.9 feet from the side line. However, there are 32 feet between this house and the house on the lot adjoining. Since the lot lines all slant and the street is slightly curved, Mr. Smith said he did not think this variance was noticeable. The neighbor on Lot 46, who is Mr. Smith himself, does not object....

NEW CASES - Ctd.

5-Ctd. The driveway is on the other side of the house and the garage could be built in the back of the house; if the owner wished to put in a garage.

Judge Hamel moved to grant the application because the lot is irregular in shape and the street curves, this will not affect adversely adjoining property and the house on Lot 46 is approximately 32 feet away and this affects only a portion of the back corner of the house.

Seconded, J. B. Smith.

Carried, unanimously.

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6- WALTER O. HARRISON, to permit extension of garage, located on north side of #7 (Dranesville Auto Service), Dranesville District. (Agriculture)

The garage now located on the property is 65 x 25. They wish to add a 30 foot room on the end of this garage. The addition will not come closer to the highway than the original building.

Mr. Mooreland recalled that this was granted in 1946. Mr. Harrison noted that the Texaco oil people have operated at this location for over 20 years. There were no objections from the area.

Mr. V. Smith moved to grant this application, because it does not appear to adversely affect neighborhing property and in view of the existing use; it is understood that the addition will not come any closer to Route #7 than the existing building.

Seconded, J. B. Smith

Carried, unanimously.

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7- ANNA LEE HUMMER, to permit erection of duplex dwelling with less frontage than allowed by the Ordinance, on east side #617, adjacent to south end of Merriam'sStore, Mason District. (Agriculture).

Mrs. Hummer's plats showed that she had almost 1-1/2 acres of ground, but less than the required frontage. She will occupy the one apartment but wishes to have someone living in the house with her. She will tear down the old house now on the property, when this new building is constructed. It was agreed that this would be an improvement to the property. The house on the joining property has an acre of ground and the neighbors on both sides have not objected.

Mr. V. Smith moved to grant the application as shown on the plat by Joseph Berry, dated August 3, 1955, because it does not appear to affect adversely the use of neighboring property, and this would in fact be an improvement to the area and the lot containing 1.43 acres is irregular in shape.

Seconded, J. B. Smith

Carried, unanimously

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8- BARCROFT TERRACE, INC., to permit dwellings to remain as erected closer to Street and side lines than allowed by the Ordinance, Lots 16, 17, 19, 25, 26 and 30, Section 1, Barcroft Terrace, Mason District. (Sub. Res.)

Mr. Rutledge represented the applicant. No one will take the blame for these mistakes, Mr. Rutledge said, the engineer and the contractor each say it was the others fault. These buildings were completed during 1954 or 1955 and are sold and occupied.

The variances requested on Lots 16, 17, 25, 26 and 30, the Board noted are very small - however, on Lot 19 a 2.2 foot variance is asked.

Mr. Mooreland recalled that the applicants originally got a variance for a 35 foot setback from the street, but they located it closer to the street than the granted setback.

Since the houses are sold it would be a great hardship to have to move them if this is not granted, Mr. Rutledge contended.

On Lot 19 the error occurred because a planting box was added on the side of the carport, and measurement was made from the end of the planting box to the side line. The planting box is 18 inches wide - which accounts for the difference in distance. However, the Board thought one variance on this should be enough.

Mr. Mooreland said this had been dragging along for three months. People in these houses were greatly distrubed over these variances. He had found it necessary to threaten a warrant to get the applicant to come in for this application.

Mr. V. Smith recalled that the Board had passed a resolution that no application presented with a plat drawn by the surveyor who made these plats would be passed without first viewing the property.

It was asked if these were all open carports. Mr. Rutledge did not know.

Mr. V. Smith moved to defer this case for 30 days to inspect the property and if there is a discrepancy on the flower box in the carport that should be corrected.

Seconded, J. B. Smith

Carried, unanimously.

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9- ARTHUR KELLER AND GEORGE E. OLESON, to permit erection of a Radio Transmission Tower at the north end of Spring Street adjoining East Fairfax Park, Providence District. (Rural Business).

Mr. Paul Henbusch represented the applicant. The tower will be 200 feet high, and will be located about 175 feet from property lines. The application for this station has been approved by the Federal Communications Commission.

NEW CASES - Ctd.

9-Ctd. Mr. Brookfield thought the tower should be located a distance of its height from all property lines. This is not possible on this ground, Mr. Henbusch said. There are no houses on neighborhing property. It was noted that this rezoning, requested for the location of this tower, was approved by both the Planning Commission and the Board of Supervisors. There were no objections from the area. Mr. Mooreland stated that no special permit is required for the building to be located on this property, since this is business zoned.

In answer to Mr. V. Smith's question, Mr. Henbusch said there was absolutely no interference with radio and television from these towers. The towers are so well anchored that there was no possibility of their blowing down, even in a very heavy wind.

Mr. V. Smith moved that the application for radio transmission tower only as shown on the plat by Walter L. Phillips, dated October 25, 1946, and revised June 8, 1955, be granted under sections 6-4 and 6-7 of the Ordinance because it conforms to the requirements of these sections, provided the applicant conformsto the requirements of all other authorities having jurisdiction over such towers and that the towers be located notcloser than 175 feet from any property lines.

Seconded, Mr. J. B. Smith

The Board discussed at some length whether or not the buildings shown on the plat should be included in the request. Mr. Mooreland said it was not necessary unless this were in a residential district, which would necessarily require a special permit for both the buildingand the tower. He noted that often the building and the towers were located in entirely different areas. In this case, since this is business zoning, the building permit can be issued without a special permit.

The motion was carried unanimously.

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4- GADDY & GADDY. Mr. Meyer was present to represent this applicant. The carport shown on the plat projects 9 feet beyond the restriction line , it was noted. They have different style carports for these houses, Mr. Meyer said, and the type planned for this house would not go on the south side of the house as it would necessitate taking out a large tree just in front of the proposed carport location.

Mr. Haar asked about the location of houses and proposed carports on other lots. Mr. Meyer thought if this is granted the neighbor on the abutting lot would ask the same thing, and perhaps others in the subdivision.

Mr. Mooreland recalled that Holmes Run Acres had started development with carports on the frnnt of their houses. Later when this practice was stopped by change in the Ordinance, it was agreed that Holmes Run Acres could go ahead with carports so located on the first four sections.

August 23, 1955

NEW CASES - Ctd.

4-Ctd. This would come about 32 feet from the right of way of Surrey Lane. Mr. V. Smith considered this a gross variance and suggested viewing the property. He moved to defer the case for 30 days to view the property.

Seconded, J. B. Smith

Carried, unanimously.

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10- ALBERT DOUB, JR., to permit erection of an addition to dwelling closer to side property line than allowed by the Ordinance, Lot 69, Walnut Hill, (1506 Pinewood Street), Falls Church District, (Suburban Residence).

Mr. Doub presented a letter to the Board from his neighbor most affected stating that he did not object to this addition. This would come 12 feet from the side line. Mr. Doub stated that there was no room for a carport on the opposite side of the house, although the driveway is in on that side. The ground has quite a slope at the back.

There were no objections from the area.

There is a ten foot porch on this side now, Mr. Doub said, which would be widened to make the 12 foot addition. The addition will be set back about 6 inches from the front line of the house.

Mr. Haar moved to grant the application to permit erection of an addition to the dwelling not closer than 12 feet from the side property line and not closer than 40 feet from the front property line, as this does not appear to affect neighboring property adversely.

Seconded, Judge Hamel

Carried, unanimously.

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11- ALFRED J. SURACI, to permit extension of permit granted September 21,1954 for erection of a clinic having offices for 4 to 8 doctors which will be expanded as conditions permit, and permit side line setbacks of not more than 40 feet on south side #236, approximately 0.66 mile west of Annandale, Falls Church District. (Suburban Residence).

This was granted in September 1954, but they were not able to get started during the year. Now they have preliminary plans. Dr. Suraci showed a rendering of the proposed building. One reason they have been held up, Dr. Suraci said, is that there are additional Doctors wishing to participate in this project, and they will need a larger building than planned in the beginning. The original motion granting this was checked and found that it included from 4 to 8 Doctors.

Mr. Haar moved to grant the application for one additional year to the applicant, provided off-street parking is provided for all users of the facilities.

Seconded, Judge Hamel

Carried, unanimously.

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August 23, 1955

DEFERRED

ANDREW L. DARNE. Mr. Lowe represented the applicant. The case reviewed - recalling that the original plot plan (which was presented to the Board) showed a straight front to the dwelling and a setback of 50 feet from the right of way. Mr. Lowe contended that this situation goes deeper than that that the house was built on the basis of the foundation which was in the ground which showed a 9 foot projection on the front, which he stated was part of the main house, and which was not considered in violation by the inspector. This is a hardship case, Mr. Lowe said, as Mr. Darne is in no position to correct this error, which he claims is only partly his, and if this is not granted, Mr. Darne cannot get his loan and therefore the foreclosure procedure will go ahead and he will lose his entire investment. There were no objections from the area, Mr. Lowe said, as evidenced by the letter from Mr. Baughman across the street, and Mr. Kuhlmenan who owns the joining lots and who has stated he does not object. Although this is a big variance, Mr. Lowe thought it was a special case and would not set a precedent for granting of other variances. The addition on the front adds greatly to the value of the house, and is an improvement to the neighborhood - the mistake was certainly not wilful. The houses on joining property do not line up with the required setback, and this variance is in no way objectionable. Mr. Lowe asked the Board to take into consideration the mutual mistake by Mr. Darne and the inspector, the hardship for the applicant, and the fact that this is not objectionable to the neighborhood. The fact that Mr. Darne did not conform to the original plot plan was discussed. Mr. Lowe said that was understandable - as in his own experience these plot plans were in the old days put in very informally and there was no thought that they were entirely accurate. He cited his own experience in this - having presented an informal sketch which was acceptable - and he assumed Mr. Darne had done about the same thing. He recalled that when the inspector saw the projection in front - which Mr. Lowe contended was part of the house and was on the original plans in the building inspectors office - he did not call Mr. Darne's attention to the fact of the violation for many weeks (Mr. Darne said the inspection was made in June and he had no knowledge of the violation until September) and Mr. Darne therefore went ahead with his building - an error of which he was entirely ignorant. Had he been told of the error at once, the correction could have been made - now it would be a major operation and very detrimental to Mr. Darne. In the location of the original house, Mr. Lowe said, they were wrong, that the street was graveled and they found only one stake from which to measure. He recalled that there were no heavy supports indicating a porch was contemplated. Mr. Lowe recalled that Mr. Mooreland had said he and the inspector discussed this projection and considered it a porch. Mr. Lowe thought the question in their minds should have been resolved before allowing Mr. Darne to go ahead.

August 23, 1955

DEFERRED

Andrew L. Darne - Ctd.

Mr. Mooreland thought Mr. Darne had been notified within 3 or 4 weeks.

Mr. Lowe said that was not soon enough.

Mr. Lowe said this was not a criticism of Mr. Mooreland's office - he was only trying to bring out the facts and save Mr. Darne's home from foreclosure. The loan cannot be obtained without this part of the house remaining.

Mr. Brookfield thought this could be considered from the hardship standpoint and disregard who made the mistake. If the Board grants this, Mr. Mooreland stated, they would be faced with almost exactly the same thing at their next meeting.

Mr. Brookfield suggested that it is the obligation of the Board to make every attempt to mete out justice which is tempered with mercy, and at the same time uphold the intent of the Ordinance, and he thought the Board was willing to accept that responsibility.

Judge Hamel was of the opinion that this is a hardship case, and that sometimes in considering the hardship - bad law might result, but after listening to this case he felt that there could have been a mutual mistake and therefore he would move that the application be granted as there are apparently no objections at this time, and this does not appear to be detrimental to the people in the community. This to be granted under Section 6-12-7-g of the Ordinance and to change the house it would actually be detrimental to the neighborhood.

Seconded - Mr. V. Smith

Mr. V. Smith said after viewing the property he felt that the addition was an improvement, and to destroy it would reduce the value of the building to the neighborhood.

Motion carried unanimously.

It was questioned whether or not this failure to notify Mr. Darne sooner was the result of lack of help. Mr. Mooreland said it was not.

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The meeting adjourned.

John W. Brookfield,

J. W. Brookfield, Chairman

September 13, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 13, 1955 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse, with all members present.

The meeting was opened with a prayer by Judge Hamel

DEFERRED CASES:

1- JOSEPH MASSIELLO, to permit garage to remain as erected closer to side and front property lines than allowed by the Ordinance, Lot 71 through 74, Block F, Weyanoke, Mason District. (Agricultural)

Mr. Massiello said he had tried to buy a strip of land from the neighbor on the side of this violation, but the neighbor did not wish to sell but stated (and also sent a letter confirming this statement) that he did not object to the garage coming within two feet of his line.

Plats were shown indicating that the original application met all required setbacks. The Zoning inspector had found the violation and sketched the locations as found on the ground. The plat presented with this application was - Mr. Massiello said - correct.

The builder took care of getting the building permit, Mr. Massiello said, and outlined his plans to Mr. Massiello, who did not go over the proposed location of the garage carefully. He indicated to the builder in a general way where he wanted the garage located and let the builder go ahead. This violation resulted. This is a masonry building with concrete floor, which would be most difficult and expensive to move, Mr. Massiello pointed out.

Mr. V. Smith moved to defer the case until October 11th for Mr. Massiello to bring the builder to the meeting to explain how this violation came about.

Seconded, Mr. Haar

Carried, unanimously.

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2- LOIS E. NEWTON, to permit a camp for boys and girls, with structures necessary thereto, on Vienna-Vale Road, #672, approximately 1/2 mile from the Vienna Corporate Limits, Providence District. (Rural Residence).

Mr. John Rust represented the applicant. Mrs. Newton is ill, Mr. Rust said, and called him to represent her. He was not entirely familiar with complete plans for this development, but recalled that in the original granting of this use the number of children was limited to 150. This addition to the use will increase the number of children to 200. This will not be a permanent camp - it will operate during the summer only. Mr. Rust also noted that in the original granting the center of operations was limited to the vicinity of the lake, which they are observing. Whatever buildings are necessary will be located within the lake area.

The plats presented showed sketches of many buildings with no indication of which buildings are already on the property and which proposed - there was no definite location for any of the buildings, nor was there any statement as to the amount of the entire tract of 110 acres to be used for this

September 13,1955

DEFERRED CASES - Ctd.

2-Ctd. purpose. However, Mr. Rust thought this was to be limited to the 15 acres near the lake.

The Board thought the information on the plat was not sufficiently complete to act on the case. The Board was of the opinion that the buildings should be tied down to locations, the area shown for scope of operations on a scale map.

Mr. Rust noted that there was no opposition present and recalled that the original opposition had been to the bad bulls which had finally been caught and sold. He also thought the people had feared a miniature Glenn Echo - which they had no intention of developing.

Mr. V. Smith said he would like to know something of the type of structures planned. Mr. Mooreland asked if the Board wanted a certified plat.

Mr. Rust said it would be expensive to go into too much surveying, and final plans before this is granted.

Mr. Haar moved that this case be deferred to October 11th, for the applicant to prepare a plat with more definite information (a sketch drawn to scale) indicating the location of the structures, sanitary facilities,and the acreage involved, and type of structures, and if this is granted a certified plat will be presented.

Seconded, Judge Hamel.

Carried, unanimously.

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3- JOHN BOBBY, to permit installation and operation of a sewage disposal plant on five acres of land in the extreme S. E. corner, located on south side #694, east of Springhill Road, Dranesville District. (Rural Res.)

Mr. Armistead Boothe asked the Board to defer this case for 30 days, as there is to be another hearing before the Water Control Board in Richmond and he thought it unnecessary to hear the case until after that meeting.

Mr. V. Smith moved to defer the case for 30 days.

Seconded, Judge Hamel

Carried, unanimously

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NEW CASES

1- JACK ISICSON, to permit dwelling closer to side lot line than allowed by the Ordinance, Lot 608, Section 6, Lake Barcroft, Mason District. (Suburban Residence).

Mr. Mooreland told the Board that the applicant had withdrawn this case.

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NEW CASES - Ctd.

2- CARL ZIEGLER, to permit carport closer to side property line than allowed by the Ordinance, Lot 81, Brilyn Park, Falls Church District. (Suburban Residence).

Mr. Hansbarger, representing the applicant, said there was a mistake in the plats presented. He would like this case continued for presentation of proper plats.

Mr. Haar moved to defer the case for 30 days.

Seconded, Judge Hamel

Carried, unanimously.

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3- LEE AND REICH POST #9382,VETERANS OF FOREIGN WARS, to permit erection of building for use as V. F. W. Post Home and Hall, Lot 13, part of Lot 19, Block 1, Fairview Subdivision, Lee District. (Suburban Residence).

Mr. Andrew Clarke represented the applicant. The members of this Groveton Post have spent a great deal of time locating this property, Mr. Clarke told the Board, and have agreed that this property across from the Fire Department, and joining the Southern Pig on one side (which is business property) is a logical location for this use. They are not asking for a rezoning on this property, Mr. Clarke said, as they wish to control the use - which this Board can do by approving a use permit - restricted especially for this post. They will have parking to the rear of the building, which will not cause street congestion.

This building will also be used for civic organizations, boy and girl scouts and general meeting place for civic purposes - a much needed facility in this area, Mr. Clarke said. About 90% of the members of the Post also belong to the local Fire Department. They are permanent residents of the community.

Mr. Brookfield thought this would add to the already congested area. Mr. Clarke noted that the rear-off-street parking would reduce that hazard and also the fact that this will not be operated during the day when the traffic is at its height.

Mrs. Duraci called attention to the fact that this would not interfere with the Fire Department entrance, which was on Route #1. She noted that the Auxiliary to the Fire Department had no place to meet and since they are a very active group this would be a benefit to them and to the community.

Mr. Eric Oikkonen, who has been a member of this Post since 1947, re-stated the need of a community building in the area, and said he had talked with members of several other organizations who would be glad of the opportunity to use the building.

Mr. Joseph Baker, Post Advocate, a member since 1947, stressed the need for a Post home where members of veterans organizations can meet socially and the need for a community building.

3-Ctd. It was noted that the Fire House is open for public meetings under rigid restrictions, and for a fee.

Opposition:

Colonel Thompson appeared in protest,as a member of the Zoning Committee of the Groveton Citizens Association. He noted that there are about 21 residents on Franklin Street - most of whom objected to this use, because of the traffic hazard, the parking space - which is limited - and the generally congested area. There is also a shopping center near this property, and Colonel Thompson recalled that there had been many minor traffic accidents resulting from the congestion. He did not think the Groveton Citizens Association would meet in this building, as they already have satisfactory arrangements for the school auditorium. Colonel Thompson made it clear that they had no objection to these people having a meeting place, but they did object to the location, since this is generally a residential area and this type of building should not be located here.

Mrs. Harry Johnson, living on West Franklin Street, objected because of the narrow street (Franklin Street is 30 feet wide), the heavy trucks traveling on Franklin Street, and the Fire trucks, would cause too much hazard to people living in the area. She agreed that a home for this Post was needed, but not here.

Mr. Clarks recalled that there is always a certain amount of opposition to these installations - but that from every standpoint the location was logical - being next to the Dixie Pig, business property, across from the Fire Department, and this is not property which would naturally be developed for residence. The major portion of the traffic comes to the Fire Dept. from U. S. #1, and with the parking in the rear of this lot it could not be an added hazard. He thought this was a good location for a restricted use, and that it would be a source of pride to the community.

Mr. Baker noted that the Fire Department has lights out on U. S. #1 which control the traffic.

Mrs. Johnson noted that because of the narrowness of Franklin Street it was almost impossible to make a right turn when coming out of that street.

Mr Oikkonen stated that this location is about the center of membership population of the Post.

Mr. Haar moved to grant the application, as it appears to be a logical use of the land and it will in the long run be an asset to the community.

Seconded, Judge Hamel

Carried.

For the motion: Haar, Hamel, J. B. Smith,
Mr. Brookfield voted "no", and Mr. V. Smith did not vote.

Mr. Brookfield said he would like to have seen the property, as he still thought the traffic situation could be hazardous, and Mr. V. Smith thought there should be some recreational facilities in connection with this building. He thought such buildings should be located off the main travelled highways.

NEW CASES - Ctd.

4- D. J. LATHEN, to permit dwelling closer to Street line than allowed by the Ordinance, Lot 18, Section 2, Bruin Heights, Providence District. (Rural Business).

Mr. J. W. Waller represented the applicant. It was noted that Mr. Lathen was the builder on this, and Mr. Barney is the owner.

This house is located 10' 6" too close to the front property line. The building is practically completed. Mr. Waller told the Board that all the preliminary inspections had been made by the County, the plumbing septic and drain field, and the building inspector - yet this violation was not caught.

This was an honest mistake, Mr. Waller said; in locating the house they measured from the center line of the road, but the right of way was inside a ditch which was along the side of the road and the road was considerably wider than that covered by the used portion. This house was sold under contract before the error was discovered. The purchaser wants the house as it is. This purchaser also owns Lot 17. Mr. Waller noted that this lot is on the arc of a curve, and would therefore not line up with other houses on the street, and would not be objectionable. There are no objections from anyone in the neighborhood, Mr. Waller said. This is a brick house, and moving it would be prohibitive.

Mr. Mooreland noted that no preliminary inspection was made by the Zoning Office on this. He also recalled to the Board that Lot 19 was resubdivided in order to make it conform.

It was discovered that Carroll Street is 50 feet wide, instead of 30 feet, Mr. Waller said - that actually caused the difficulty.

Mrs. Miller was present, representing Mr. Lathen. She said Mr. Lathen, the builder, had depended upon his foreman to check the setbacks - the foreman was later discharged, because of this error. Mr. Lathen had thought this was properly located because of the various approved inspections.

Mr. Waller told the Board that Mr. Barney had built many houses in the County, and this is his first violation. He assured the Board that this was not intentional.

There were no objections from the area.

Mr. J. B. Smith moved to defer this case for 30 days for inspection,and it be requested that the foreman be present at the next hearing.

Seconded, Judge Hamel.

Carried, unanimously.

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5- GILBERT & RACHEL MYERS, to permit carport closer to side lot line than allowed by the Ordinance, Lot 155, Section 2, City Park Homes, Falls Church District. (Urban Residence).

Mr. Bloxton, attorney for this applicant, had sent a letter asking that this be deferred until October 25th.

Judge Hamel moved to defer the case for 30 days.

Seconded, J. B. Smith - Carried, unanimously

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NEW CASES - Ctd.

6- CLARENCE R. GOODE, to permit erection and operation of a repair garage and service station and to allow pump islands closer to Road Right of Way line than allowed by the Ordinance, Lot A, Forestville Heights, Dranesville District. (Rural Business).

Mr. Goode re-stated his request.

Opposition:

Mr. Singel called attention to the fact that a special use permit is required for this type of business, which must indicate that the Board has some concern regarding the location of such a business - whether or not it would be a detriment to the area.

Mr. Singel said that in view of the attitude of Mr. Goode, who thinks that he should be allowed to do as he pleases with his property, he did not think his desire to locate this business in a residential area was a good indication. He thought this business would encourage other similar developments which they did not want, nor need, in this residential district.

This is a deep lot on which old used hulks could be stored. Route #681, on which this business would face, is narrow - 30 foot right of way - and only about 15-1/2 feet are used for traffic, and there are no shoulders. This additional business would create a serious traffic hazard.

The new school is located about 500 feet to the northwest of this property. The old school is across the street. The telephone exchange is in the area - otherwise the area is developed in homes or farms.

Mr. John Locke objected because this is too close to the school, the road is narrow and with the school busses, large trucks, the banks on either side of the road, it would be dangerous for children walking to and from school. A repair garage would be a source of attraction for the children and not safe.

Mr. George Wise agreed with Mr. Locke. He thought this an undesirable type of business, and would be detrimental to the neighborhood. Route #681 is basically residential, or bordered by farms, and such a development on this property would be out of keeping with the area. He thought it would reduce property values. He also objected to the pump islands being so close to the right of way. Mr. Wise pointed out that there are repair facilities within the area, which serve adequately.

Mrs. Stevenson objected, noting that the busses in this area do double duty - carrying the children to both the high school and the elementary. There is naturally much switching and turning of the busses, which already creates a hazard on this narrow road. In winter the roads are not quickly cleared, and walking can be very hazardous to the children.

Mrs. Custer objected for reasons stated.

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NEW CASES - Ctd.

6-Ctd. Mrs. Wade Dawson objected to the change in character this would cause in the area, and to the traffic and danger on the narrow road. She thought this type of business should logically be located on Route #193.

Twenty-seven people stood who opposed this use.

Mr. Mooreland recalled to those present that this property is zoned for business use and read from the Ordinance the types of business which could be established here. He also noted Mr. Goode's reservation of 10 feet for widening of the road. Mr. Goode had dedicated 15 feet and reserved the 10 feet to bring the road to 60 feet in width.

Mrs. Pickard objected for reasons stated.

Mr. Frank Delp was of the opinion that a business here - perhaps a store - would not be objectionable, but he thought this type of business was as near an industrial use as one could get. Mr. Delp also suggested that in view of the crowded school conditions the old school across the street could very well be used - this would present even a greater traffic hazard.

Five letters were filed from residents in the area who could not be present, and who objected to this use.

Mr. Woodson was present, and stated that the School Board was greatly concerned over the safety of the children. He recalled the narrow road with steep banks on either side, which increased the hazard. He stated that it was not unlikely that this old school would be used, in view of the growing community. Since there would be no cafateria in this old building, there would be considerable traffic of the children back and forth between the schools. If the filling station should be granted here, Mr. Woodson suggested the requirement of sufficient setback for safe walking space for the children.

Mr. Goode restated his position, which he said he had made known to those in the area - that if the people do not want this business in their area, he would not have it. He, therefore, withdrew his application for the repair garage. Mr. Goode was heartily congratulated by those present.

It was suggested that a withdrawal of this application without a flat denial might allow Mr. Goode to bring this back to the Board.

Mr. Mooreland said that was true, he could bring the application back at the next hearing - under a withdrawal - under a denial he could bring it back in six months.

Judge Hamel moved to accept the withdrawal.

Mr. Haar seconded.

Carried.

Mr. V. Smith not voting, as he thought the Board should have a ruling from the Commonwealth's Attorney on the necessity of accepting a withdrawal - he questioned what the applicants rights would be in the event he does withdraw an application.

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7- THOMAS TURNER, to permit erection of a screened porch closer to side lot line than allowed by the Ordinance, Lot 13, Section 1A, Mill Creek Park, Falls Church District. (Agric.)

Mr. Leon Johnson represented the applicant. This house was sold last Spring, Mr. Johnson said. The house had been located on the property to best suit topographic conditions, which shifted the house to one side of the lot. On this side the applicant has a concrete slab, which they wish to screen for a porch. This will encroach two feet on the side setback area, bringing the porch within 13 feet of the side line. The neighbor on this side (Lot 14) does not object to this encroachment. The house on this joining lot is set 35 feet from the property line. Mr. Johnson thought this would not be detrimental to anyone and would actually add to the character of the house and the neighborhood. The garage is on the opposite side of the house, and is under the house, as the lot slopes considerably on the opposite side of the house. In fact this concrete slab is located on the only level part of the lot.

There were no objections from the area.

Mr. V. Smith noted that the Ordinance had just been amended to allow a 20 foot setback in this area, and he did not think this request was justified. He suggested a 12 foot porch.

It was noted by Mr. Mooreland, that this case actually did not need to come before the Board, since the amendment to the Ordinance - that it might project 10 feet into the prohibited area, and would be allowed within 10 feet of the side line. This will come 13 feet from the line.

Mr. J. B. Smith moved to grant the application.

Seconded, Mr. Haar.

Carried.

Mr. V. Smith voted "no". He thought the applicant should have his money returned if this did not need to come before the Board.

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8- B. F. WEAVER, to permit dwellings to remain as erected closer to front property lines than allowed by the Ordinance, Lots 2, 4 and 5, Section 1, B. F. Weaver Subdivision, Providence District. (Rural Residence.)

They had given 15 feet for the widening of Sutton Road, Mr. Weaver said, and when these houses were located these small variations were discovered.

Mr. Mooreland told the Board that the road was not built from the center line of the right of way - which threw the engineers off in their measurements.

There were no objections from the area.

Judge Hamel moved that the application be granted as the variances are minor and on Lot 5, where the greatest variance is requested, there is only one corner of the house in violation, and this appears to be an honest mistake and does not affect adversely anyone in the area.

Seconded, Mr. V. Smith - Carried, unanimously.

September 13,1955

NEW CASES - Ctd.

9- VIRGINIA MORTGAGE EXCHANGE, INC., to permit dwellings to remain as erected closer to Street line and side line than allowed by the Ordinance, Lots 820 and 827, Section 8, Lake Barcroft, Mason District. (Suburban Residence).

Mr. Warfield represented the applicant. This is a .4 violation on one end of the house, and a .5 violation on the other. This mistake occurred in making a re-survey of the location. The original location was correct, Mr. Warfield said.

Mr. V. Smith moved to grant the variance of .4 of a foot on the front of the house on Lot 820, and .5 of a foot on the side of the house on Lot 827, as shown on plats by Basil M. DeLashmutt, dated January 1955, because these variances do not appear to affect adversely the use of adjoining property.

Seconded, J. B. Smith

Carried, unanimously.

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10- MARTIN AND GASS, INC., to permit erection and operation of a Radio Communication Tower and equipment at the southeast corner of Route #744 and #699 Providence District. (General Business).

Mr. J. T. Backus represented the applicant. This structure will be 80 feet from the ground - 60 feet for the antenna and about 20 feet for the building. This is to be a two way radio between the office and cars on the road. They have a permit from Federal Communications Commission. There are no buildings near this location. The antenna weighs about 150 pounds, Mr. Backus said.

There were no objections from the area.

Judge Hamel moved to grant the application, because this appears not to be detrimental to any of the adjoining property owners, and this is already zoned for general business, and this is granted with the condition that all regulations of the County and State be complied with. It was added to the motion that the structure not exceed 65 feet above the roof of the building.

Seconded, Mr. Haar

Carried - Mr. V. Smith not voting.

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11- HARRY C. SCHOENEMAN, JR., to permit enclosed porch closer to side property line than allowed by the Ordinance, Lot 120, Section 4, Sleepy Hollow Manor, (200 Creswell Drive), Falls Church District. (Suburban Residence)

No one was present to discuss this application.

Mr. Haar moved to put the application at the bottom of the list.

Seconded, Judge Hamel

Carried.

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12- WINTERS & PEELE, to permit dwelling to remain as erected closer to side line than allowed by the Ordinance, Lot 7, Block 1, part 1, Section 2, Marlan Forest, Mt. Vernon District. (Suburban Residence).

Mr. Peele represented the applicant. This is only a 3 inch variance. There is more than enough room on the opposite side of the house for the house to have been located without a variance, Mr. Peele said.

There was no objection from the area.

Mr. V. Smith moved to grant the application because this does not appear to affect adversely adjoining property, and it is only a .32 variance on the front and .11 variance at the back corner of the house.

Seconded, Mr. Haar

Carried, unanimously.

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13- JACK COOPERSMITH, to permit erection and operation of a service station and to allow pump islands closer to Street property lines than allowed by the Ordinance, Lot 5A, Franconia Hills Subdivision, Lee District. (Rural Bus.)

There is an existing filling station on this property, Mr. Coopersmith said which he will remove and put up a modern station - which will probably be operated by one of the major oil companies. The plat shows the location of the pump islands to be 30 feet from the street right of way. The presently located pump islands are considerably closer. This is an old store with pump islands.

The Board questioned the present width of Franconia Road, and the proposed widening. It was thought that the present width of Franconia is 30 feet and the Highway Department is planning a 50 foot right of way. The Master Plan, however, proposes an 80 foot right of way.

Since this is an important intersection, Mr. V. Smith thought the Board should know definitely the width of the present right of way of Franconia Road, and the future plans of widening. Mr. Mullen said he had a plan from the State, which he showed, indicating a 50 foot future right of way.

Mr. Mooreland agreed to get definite information regarding future plans. The case was set aside until this information was received.

Mr. Mullen suggested that if the pump islands are set back 65 feet from the centerline of the road it would take care of widening to an 80 foot right of way.

It was also uncertain on what width basis the present plat was figured - a 30 foot right of way or a 50 foot right of way. Mr. Mullen thought the plat was made on the basis of a 30 foot right of way.

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September 13,1955

NEW CASES - Ctd.

14- JOSEPH MATTERA, to permit erection and operation of a service station and allow building closer to side lot line and allow pump islands closer to road right of way line than allowed by the Ordinance, on east side #617, approx. 1-1/2 miles south #236 (Merriam's Store Property), Mason District (Rural Business).

While waiting for Mr. Mooreland the Board considered the Mattera case. Mr. Mattera requests the pump islands 31 feet from Backlick Road, and the building 25 feet from the side property line. This business property joins Agricultural zoning, and would therefore require a 45 foot side setback from the side line. Mr. Mooreland noted that the pump islands presently located on this property are 37 feet from the right of way.

It was noted that the Master Plan has set up an 80 foot right of way for Backlick Road.

The Board was of the opinion that granting permanent establishments on roads which are planned for widening should be considered carefully. It was noted that the business zoning on this property has a depth of about 500 feet on one side and over 400 feet on the other, which would allow the building to be set back farther if necessary.

Mr. Mullen noted that the centerline on Springfield Road has not yet been established - whereas the centerline on Franconia Road has been definitely established. However, he noted that setbacks have been established on Franconia Road on the basis of a 50 foot right of way.

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13-Ctd. With regard to the Coopersmith case, Mr. Mullen told the Commission that the pump islands are located on the plat on the basis of 50 foot from the centerline of Franconia Road.

Mr. Mooreland said the proposed future width of Franconia Road is 80 feet.

Mr. V. Smith moved to grant the Coopersmith filling station as shown on plat dated August 29th, 1955 by Herman L. Courson, Certified Land Surveyor, except that the pump islands as shown near Franconia Road shall be located not less than 65 feet from the centerline of Franconia Road, this granted in accordance with Section 6-16 of the Zoning Ordinance,

Seconded, Mr. J. B. Smith

Carried, unanimously.

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14-Ctd. MATTERA - Mr. Mattera stated that there was only one house near this property, and that owner does not object to this application.

Mr. V. Smith thought the Board had no right to permit permanent structures along highways which were scheduled for widening and create a situation where the State will have to move buildings and purchase expensive land.

It was noted that there is already a store on this property and a storage building just back of it. Mr. V. Smith questioned the parking for the store and filling station. Mr. Mattera said he could use more land if necessary for parking, since he has a large area zoned for business.

14-Ctd. Mr. V. Smith thought this might be all right if the pump islands were set back 65 feet from the centerline of the road, but that the granting should include the entire property. He suggested deferring this for two weeks for plats showing these changes.

Mrs. Thornton, who lives across from this property, called attention to the fact that they are now using non-commercial land for entrance to the store- they are using about 50 feet, which is not included in the presently considered property. She asked if that use would be abandoned by moving the driveway to the store over on to the commercial property. She stated that the workmen coming in to the store to buy lunches, left papers and debris along the entrance driveway, which made a messy appearance, and often she picked up after them. She had no objection to the store, nor to the filling station - she thought Mr. Mattera's plans would improve the area - but she would like to be assured that something would be done about the entrance.

Mr. Mattera said he would put in a curb along his property line, and the driveway would be moved over on to his commercial property.

It was questioned whether or not the store is non-conforming. Mr. Mattera said he did not know - but would check on it.

Mr. V. Smith moved that the application be deferred for two weeks, pending the applicant's submitting additional plats showing the filling station 65 feet from the centerline of Backlick Road and that the entire business property be included in the granting.

Seconded, J. B. Smith

Carried, unanimously.

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15- BEULAH BOTHELL, to permit swimming pool, bath house, snack bar, picnic area, and buildings accessory thereto, on the northeast corner of Route #7 and #684, Dranesville District. (Rural Residence)

Mrs. Bothell said they had not decided whether this will be a public pool or if it will be handled by membership. This is a needed facility in this area, Mrs. Bothell said, and she thought the land lent itself very well to an attractive recreational area.

Mr. Norman Simms objected to this use. He owns a 15 acre tract just near the property. Mr. Simms presented a petition with 15 names of those living in the area objecting. He gave the names of Mr. Bell, Mr. Bles - who owns 85 acres - Mr. Baker, Dr. Darden - who owns 55 acres - all of whom object. Mr. Simms thought this park area with little shacks would be a detriment to the area. There is a filling station, a garage, and a store,all of long standing in the area, to which they do not object - but this development which is of a commercial nature, they do not want. This is a good residential area, which they want to retain, Mr. Simms said. He noted that the Freedom Hill recreation area and the McLean Citizens Association

NEW CASES - Ctd.

15-Ctd. swimming pools have adequately served the area, also another similar area near Falls Church. He asked the Board to deny this use.

Mr. V. Smith moved to defer the case for 30 days to view the property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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16- WARREN CONSTRUCTION COMPANY, to permit dwellings to remain as erected closer to front lines than allowed by the Ordinance, Lots 7 and 9, Block 4 Section 3, Warren Woods Subdivision, Providence District.(Urban Residence)

Mr. Hirshman represented the Company. These small variances would not adversely affect anyone, Mr. Hirshman said - Lot 7 faces on a cul-de-sac and it is on the curve of the street, which would not be noticed, and the house is located 113 feet from the centerline of the street. On Lot 9 the variance is only one inch. This also is on a slight arc of the curve and will not be noticeable.

There were no objections from the area.

Judge Hamel moved to grant the application in view of the fact that the variance on Lot 9 is only .1 of a foot and the variance on Lot 7 is a minimum variance, and the lots are located on a curved street and this does not appear to adversely affect adjoining property, nor the neighborhood.

Seconded, Mr. V. Smith

Carried, unanimously.

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11-Ctd. HARRY C. SCHOENEMAN,JR. No one was present

Mr. V. Smith moved to defer the case for 30 days.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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The meeting adjourned

John W. Brookfield.

J. W. Brookfield, Chairman Ralph Jones for

The Regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 27th,1955 in the Board Room of the Fairfax County Courthouse at 10 a.m. with all members present.

The meeting was opened with a prayer by Judge Hamel

DEFERRED CASES

1- GADDY & GADDY CONSTRUCTION COMPANY, to permit dwelling to remain as erected closer to Street property line than allowed by the Ordinance, Lot 8, Section II, Holmes Run Acres, Falls Church District. (Suburban Residence).

Mr. Meyer represented the applicant. This was deferred to view the property.

Mr. Mooreland recalled that in the old sections of Holmes Run Acres garages were built in front of the dwellings and when the Ordinance was changed to eliminate that, it was agreed that this practice would be allowed to continue on the old sections but not on the newer development.

Mr. Meyer said this carport was planned for the north side of the house, but was switched to the front when they realized it would necessitate taking out a large tree. This was simply a matter of negligence - the zoning regulations were not checked. The street curves slightly and that was not taken into consideration.

Mr. V. Smith moved to grant the application with the carport allowed 33 ft. from the front setback line because this does not appear to affect adversely neighboring property and this is granted due to the building being located on a curve, granted as per plat of house location on Lot 8, Holmes Run Acres, by J. D. Payne, dated April 14,1955.

Seconded, J. B. Smith

Carried, unanimously.

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2- IVERSON CAMERON, JR., to permit an addition to dwelling closer to side property line than allowed by the Ordinance, Lot 11, Woodlawn Acres, Lee District. (Rural Residence).

This case was deferred to give the applicant time to re-study location of this addition. Mr. Cameron said he could cut off about two feet, which would make this seven feet from the side line. He showed drawings of his house and the proposed addition. Mr. Cameron said he would put a fire-wall between the garage and the house and the furnace room will be moved behind the fire-wall. He will employ an architect on the final drawings. He needs the width on the addition to make a two car garage. The lot is level, no topographic condition.

Mr. V. Smith suggested a tandem garage - thereby narrowing down the addition. This Mr. Cameron did not think practical, and it would not make the attractive addition to his house. He is requesting to come within five feet of the side line.

There were no objections from the area.

DEFERRED CASES

2-ctd. Mr. Haar moved to deny the application because this is a level lot, and it is a gross variance from the zoning regulations.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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3- BARCROFT TERRACE, INC., to permit dwellings to remain as erected closer to street side lines than allowed by the Ordinance, Lots 16, 17, 19, 25, 26 and 30, Mason District. (Suburban Residence).

Mr. Harry Carrico represented the applicant. In rechecking these lots, Mr. Carrico said, and by re-survey by Mr. Calvin Burns, they found violations on only four of these lots; Lots 16, 17, 30 and 19. Mr. Carrico handed the Board new plats by Mr. Burns. On Lot 16 the setback violates by .02 of a foot; on Lot 17 the violation is .08 of a foot; on Lot 19 - .04 of a foot; on Lot 30 - .01 of a foot.

Originally the Board granted a less setback on the east side of Lot 19 - 33.5 feet. Mr. Burns' plat shows the carport to be 32.8 feet from the street right of way. This is measured from the outside edge of the flower box, which is about 18" wide. It was agreed that the setback distance should be measured from the structure itself, and not from the flower box - which is removable, and not a part of the structure.

Mr. Mooreland noted that since the Board had granted a 33.5 foot setback on this side - if the measurement is made from the structure itself, and not from the flower box - there is no violation.

Mr. Burns discussed the remaking of these plats showing that there is no violation, except on the four lots in question. He noted that there are actually about 12 feet of right of way here, which is not used, which gives good visibility on this corner lot. Mr. Burns said he had picked up a one foot violation on the opposite side of this house, on Lot 19.

Mr. Carrico called attention of the Board to the fact that this is an extreme harship case - the house is sold, and is being lived in, and to remove part of the carport would take away the utility of the addition. He said this mistake was entirely unintentional, that Mr. Walters, the developer, had fallen into this mistake through a chain of circumstances.

Mr.V. Smith objected to this request for a second variance on this one lot. He noted that the setback on the opposite side of the house was supposed to be 15 feet, and it was found in the Burns survey to be 14 feet. He thought such mistakes unnecessary.

Mr. Carrico referred to Mr. Walters' reliability as a developer, and the fact that he had naturally relied upon the work of others - the mistake was made honestly with no intent to violate or disregard the Ordinance. He assured the Board that such a thing would not happen again, that removing this portion of the carport would be expensive and a great hardship to Mr. Walters.

DEFERRED CASES - Ctd.

3- ctd. Mr. Mooreland thought the Zoning Office should have accurate plats showing the setback distance from the structure, rather than the flower box, which Mr. Carrico said would be furnished.

Mr. V. Smith moved to grant the application, because it does not appear to adversely affect adjoining property or the neighborhood, and the applicant has stated that the previous engineer had made two errors on the location of this house. This is granted based on the plats showing house location on Lot 19, Section 1, Barcroft Terrace, dated August 25, 1955 by B. Calvin Burns, Certified Surveyor and also the variances on Lot 16 and Lot 17 and Lot 30, Section 1, Barcroft Terrace, (Lot 16 with a .02 foot variance; Lot 17 with a .08 foot variance, and Lot 30 with a .01 foot variance) are granted as per plats by B. Calvin Burns, dated August 25, 1955. This is granted subject to the applicant submitting plats showing reference to the flower box on Lot 19 as it extends into the prohibited area, which distance will be added to the setback of the carport, as shown on the plat.

Seconded, Judge Hamel.

Carried, unanimously.

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NEW CASES

1- WILLIAM OLDHAM, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 102, Section 2, Westhampton, (1008 E. Greenwich Street), Dranesville District. (Suburban Residence).

No one was present to discuss this case.

Mr. Haar moved to put this at the bottom of the list.

Seconded, Judge Hamel.

Carried.

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2- CLAUD H. SHEAR, to permit an addition to service station with less setback from Road Right of Way line than allowed by the Ordinance, on east side #1 Highway, approximately 2400 feet south of Pohick Church, Mr. Vernon District. (Rural Business).

This is a request for an additional bay. Mr. Haar suggested that the addition be set back parallel with the highway, which would give a slightly greater distance from the right of way of Route #1. This was agreeable to the applicant.

There were no objections.

Mr. V. Smith moved that the application to construct a 17 x 30 foot addition to the existing building as shown on plat by O. A. Patermaster, Certified Engineer, dated August 19,1955, be granted provided the addition does not extend any closer to the right of way of Route No. 1 than the nearest corner of the existing building, as this is a logical use because of the existing filling station.

Seconded, Judge Hamel. Carried, unanimously.

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NEW CASES - Ctd.

3- AUGUSTUS WEDDERBURN, to permit garage as erected closer to Street property line than allowed by the Ordinance, Lot 6, Section 2, Oak Ridge, Providence District. (Rural Residence).

This was his error, Mr. Wedderburn said. The house is set back 51 feet from the street, and they located the garage 6 inches back of the front line of the house, thinking this would allow ample front setback. They did not realize the road makes a sharp turn at this point, creating a violation of 4 feet. The building is of brick construction.

There were no objections from the area.

This is the last lot in the Subdivision, Mr. Wedderburn said, the road runs into a cul-de-sac within a short distance of his lot.

Mr. Haar moved to grant the application as the error is slight, and it appears to be an honest mistake from all indications, and the property is close to a cul-de-sac and this does not appear to affect adversely adjoining property.

Seconded, Judge Hamel

Mr. V. Smith recalled the motion the Board had made regarding the engineer on this case.

It was added to the motion that the action taken by the Board regarding this engineer be suspended as far as this case is concerned. Both Mr. Haar and Judge Hamel accepted the addition to the motion.

It was noted that the setback of 46 feet on the addition was written in on the plat, and initialed by Mr. Wright, the engineer. Mr. Wedderburn said these plats were made for the Board for house location only. He had noticed that the garage setback was not shown - therefore, Mr. Wright had put it in and initialed the figure.

It was added to the motion that the addition shall not be closer than 46 feet from the street right of way. This addition was accepted.

Motion carried, unanimously.

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4- THORNWELL H. YOUNG, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 504, Block 4, 1st Addition to Temple View, (1959 Oak Drive), Mt. Vernon District. (Suburban Residence).

The applicant requests a 4 foot setback from his side line. The ground immediately back of the house is low - it dips then rises to a bank. It is not suitable for a garage, Mr. Young said.

The house is masonry construction.

Mr. Young presented a petition signed by nine neighbors stating they do not object to this variance. There were no objections from the area.

Mr. Haar noted that the carport could have a 3 foot overhang, which would not be figured into the setback distance. Mr. Young said the chimney projects into the carport area about 2 feet - he therefore would need this width in order to clear the chimney. The driveway is in on this side of the house. Mr. Young noted that the house on the adjoining lot is about

4-Ctd. the same distance from the line as his home and his driveway is on the opposite side of his house.

Judge Hamel moved to grant this application for a setback not less than 5 feet from the side line in view of the topography of the rear of the lot which is very low at the back of the house.

Seconded, Mr. Haar

Carried, unanimously.

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5- CITY AND SUBURBAN HOMES CORPORATION, INC., to permit dwellings to remain as erected closer to Street property lines than allowed by the Ordinance, Lots 230 and 243, Barcroft Hills, Falls Church District. (Suburban Res.)

A new survey showed a variance is not needed on Lot 243. On Lot 230 the structure is 37.3 feet from the Service Drive right of way, a 2.37 foot variance. The house itself is 49.3 feet from the line. This is a built-up area.

Judge Hamel expressed the opinion that there are too many requests for variances coming from this area, especially for variances on houses that are already built. He suggested that the Board might consider it is being imposed upon by these requests.

There were no objections from the area.

Judge Hamel moved to grant the variance on Lot 230, as it affects only the addition, the house being sufficiently far back from the property line.

Seconded, Mr. Haar

Carried, unanimously.

It was noted that the floor of the porch is about 4 feet above the ground level, thus creating the need for a variance, as the porch itself would be allowed.

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6- LEROY C. KOCH, to permit erection and operation of a service station closer to side property line and allow pump islands closer to street right of way line than allowed by the Ordinance, at S. W. corner of #236 and #712, Mason District (Rural Business).

Mr. A. W. Trueax represented the applicant. Two sets of plats were before the Board - showing a difference in setback - one showing the pump islands located 75 feet from the right of way of Route #236, this allowing an extra 50 feet for widening, and 25 foot setback for the pump islands. This would be set back 50 feet farther than the Carrico filling station, which is across from this property. The second plat showed a 25 foot setback from the present right of way of Route #236. The Board questioned which plat was supposed to go with the case. Mr. Trueax did not know, but volunteered to make a telephone call to find out. It was questioned what the existing right of way is on Route #236 at this point - no one knew.

Mr. V. Smith suggested that the Board should be informed of this, and also on which side of the highway additional right of way would be taken.

Mr. Trueax to telephone.

NEW CASES - Ctd.

7- AMHERST HOMES, INC., apply for interpretation of Section 6-11, last paragraph of Subsection 7 of the Zoning Ordinance, Lynbrook Subdivision, Mason District. (Suburban Residence).

No one was present to discuss this case, but Mr. Mooreland volunteered to explain what was requested. Mr. Mooreland quoted from the Ordinance the requirement that all buildings be located at least 100 feet from the Shirley Highway right of way, Section 6-11-7.

In acquiring right of way for the Shirley, Mr. Mooreland said, there were certain small pieces of ground which extend the actual line of right of way which the State bought for one reason or another. These small areas form a hump area, jutting into bordering property and making an irregular boundary line for the highway. Mr. Mooreland asked - shall homes be required to set back the 100 feet from the border of this irregular piece of additional land, or shall they be allowed to set back 100 feet from the normal right of way line - which would exclude the small hump area. Permits have been requested on buildings in Amherst homes and since observing the 100 foot setback from the hump area would make an irregular setback line and would actually serve no purpose. Mr. Mooreland asked the Board for a ruling on determination of the line from which setbacks shall be required.

Mr. Haar moved that variances shall be determined from the normal center line of the Shirley Highway, rather than from boundaries of land acquired by the State when the Highway was built, because this gives continuity of setback line and gives a uniform alignment of the houses.

Seconded, Judge Hamel

Carried, unanimously.

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6- LEROY C. KOCH - Mr. Trueax said the plats on this case had been revised and his client wants the pump island set back 25 feet from the existing right of way of Route #236 - the side setback for the building 40 feet. However, he suggested that the building could be moved over about 2 feet making a less variance on that - but they need the space this location would allow for operating purposes.

It was noted that Columbia Road is only 30 feet wide and that Mr. Carrico had dedicated 10 feet for widening.

There were no objections from the area.

Mr. V. Smith said he would like to see the property, and also the plats on the Carrico case - across Columbia Road.

Judge Hamel moved to defer the case for 30 days to view the property.

Seconded, Mr. V. Smith Carried, unanimously

Mr. V. Smith suggested that an attempt be made to get the right of way here on Route #236 - he moved that the Board of Supervisors be requested

6-Ctd. to inquire from the State Highway Department if they have any information regarding the width of Little River Turnpike, and where additional right of way will be acquired.

Seconded, J. B. Smith

Carried, unanimously.

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8- JOHN MARSHALL, to permit dwelling 34.6 feet of Otley Drive, Lot 43A, Section 2, Marl-Pat Subdivision, Lee District. (Suburban Residence).

This lot is being re-subdivided to give 15 feet more side setback. The drainage easement will be vacated and will be moved to the other side of the side lot line. This will give a 22 foot side yard. Mr. Marshall showed his plan to re-subdivide four lots, including Lot 43A.

The error in locating this building too close to the front line was not discovered until after it was constructed. The lot slopes into a sharp grade and the topography of the entire area is such that the street could not be moved, because of the slopes. Mr. Marshall showed a plat of the lots on this street, indicating how it will look when all the houses are built. This is the only house so far constructed. The driveway comes off of Marl-Pat Drive where there is room for a garage to be constructed within the Ordinance requirements.

Mr. Haar moved to grant the application, as the house in question is set back considerably farther from Marl-Pat Drive than required by the Ordinance and the visibility around the corner is actually better than it would be if the house were located with the proper setback from both streets, and this is granted in view of the fact that there is only a short straight stretch before joining another curve on Otley Drive, which would prevent projection of another building which could become unsightly.

Seconded, Judge Hamel.

Carried. All voting for the motion except Mr. V. Smith, who did not vote.

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9- RUFUS W. WRIGHT, to permit erection of an addition to dwelling closer to rear property line than allowed by the Ordinance, Lot 50, Section 3, Tauxemont, (5 Bolling Road), Mt. Vernon District. (Rural Residence).

This is a request to bring one corner of the rear portion of the addition to within 18-1/2 feet of the rear property line. The other corner will come 22-1/2 feet from the rear line. The house on the lot joining to the rear is 45 feet from this projecting corner of Mr. Wright's addition.

There was no objection from the area.

A letter was read from Mr. Blum, the rear property owner, stating he did not object to this violation.

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9-Ctd. Mr. V. Smith moved to grant the application for the proposed addition to the rear portion of the house to come within 18.6 feet of the rear property line, because the adjoining property owner who might be affected adversely does not object and this does not appear to affect adversely adjoining property.

Seconded, J. B. Smith

Carried, unanimously.

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11- V. M. LYNCH, to permit a welding shop, located approximately 2500 feet south of Route #644, westerly side of Hunter Tract in the gravel pit, Lee District. (Agriculture).

The Board agreed to take this case at this time, putting the Banks and Lee case until after lunch.

Mr. Lynch said he wished to re-locate the welding shop on his Edsall Road property - which permit will run out soon, and he thought this a most unobjectionable location. It is 2500 feet off of Franconia Road, down in a gravel pit on 27 acres of land. The nearest house is five or 600 feet away. There is a bank and wooded area between this shop location and the homes which would provide a good screen, Mr. Lynch said. He did not consider putting this on his industrial land, Mr. Lynch pointed out, as that would be nearer homes and he thought would be more objectionable. This will be a temporary affair, and little work will be done on the premises as much of the welding is done on farms, where it is more practical to take the welding apparatus to the job rather than bring equipment in to be worked on.

There were no objections from the area.

Mr. Mooreland brought up the question of jurisdiction of the Board in this matter. He asked the Board, if they grant this, under what part of the Ordinance would they do so, and asked that the granting be definitely related in the motion to a specific section of the Ordinance. He noted that it was not stated any place in the Ordinance that a welding shop could be granted in an agricultural district. He read the list of uses that may be granted in an agricultural district. Mr. Mooreland stated that this particular location may be all right for a welding shop - but suppose it were asked to be located out on the road - and how would the Board defend themselves if comparable but objectionable locations were requested. He felt that granting this would be amending the Ordinance, and asked the Board to include an Ordinance reference in their motion, if granted, in order that that may be referred to in future cases.

11-Ctd. Mr. Lynch noted that welding was now a common practice on farms, and he thought logically an agricultural use. Mr. Lynch was of the opinion that this Board is set up to take care of instances such as this - cases which the Zoning Administrator could not grant, but that the Board could grant by a special modification of the law, when in their judgement that is necessary. Mr. Lynch pointed out that this is practically a roving portable shop - carrying the equipment around to perform work on farms.

Mr. Brookfield agreed that this Board is an appeal board from the decisions of the Zoning Administrator, and could grant variances not permitted by law.

Mr. Mooreland pointed out the difference between variances and special exceptions. A special acception can be granted only in case of hardship and need. This is a special acception. He asked only that the Board tie their granting of this to the Ordinance - for future defense.

It was suggested that this might be granted under the filling station clause, as a lesser use, and tie it to Section 6-3-a - 3 - d.

Mr. Haar moved to defer the case for 30 days for study.

Seconded, Judge Hamel.

Carried, unanimously.

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THE BOARD ADJOURNED FOR LUNCH

10- BANKS & LEE, INC., to permit erection of dwellings closer to Street property lines than allowed by the Ordinance, Lots 44A, 45A, 51, 52, 53, 54, 55, 56A, Block 1, Section 17, Virginia Hills and Lots 18, 19, 20, 21, 22, 23, 24, 25, and 26, Block 7, Section 17, Virginia Hills, Lee District. (Suburban Res.)

Mr. Victor Ghent represented the applicant. This is the last part of the Virginia Hills subdivision, Mr. Ghent said. Considerable land in this subdivision has been dedicated for recreational uses, which will not be a burden to the County for maintenance.

This last strip of ground has a very rugged topography, and they have put in a great deal of effort to get the best possible lay-out - comparable to the balance of the subdivision, and economically feasible to develop. The street has been dedicated and the losts are approved by the Planning Commission, and they are now ready to apply for loans. It is necessary that these setbacks be approved before getting those loans. Mr. Ghent said he thought the arrangement presented was not only the most attractive, and in keeping with the subdivision, but it is practical because of the ground conditions. Mr. Ghent showed two plats - one with the houses located with the required setback, on which a great many retaining walls were required, and the other plat with houses located with the variances as requested - which would largely eliminate retaining walls. Some of these retaining

NEW CASES - Ctd.

10-Ctd. walls would necessarily be high and therefore expensive to install. They wish to retain as much of the back yard as possible, and leave the trees in order to reduce erosion. By bringing the house closer to the street this could be done. They wish to submit this plat with the revised setbacks to V. A. as soon as possible, Mr. Ghent said, as after September 30th there will be no more 30 year loans.

The possible location of future requests for garages was discussed.

Mr. V. Smith thought these houses should be designed for garages in the basement. He could foresee many requests for variances on garages, if this is allowed. Mr. Ghent thought garages could be put in within the Ordinance with a reasonable amount of grading, but under any circumstances - the setback requested would not affect future garages.

This topographic condition does not exist on any other part of the subdivision, Mr. Ghent said, and since this is the last portion to be developed, such variances will not be asked again.

There were no objections from the area.

Mr. V. Smith suggested referring this to the Planning Commission subdivision control, and ask their recommendation on these two layouts. He thought it undesirable that houses should be built upon such steep lots, where it can be foreseen that many requests will come in for variances on garages and carports, as people will not want to dig into a bank or do a great deal of grading for a carport. Therefore, they will ask relief from this Board.

The Board generally agreed that a road located in a ravine with the lots running up the banks was not feasible, and would invite other troubles.

Mr. Ghent said the Planning Commission had given approval to the layout and they therefore had nothing further to say.

Mr. Haar stated that in his opinion approval of the plat presented for variances would be a gross variance from the zoning regulations, and he believed the job could be accomplished with additonal grading and with less retaining walls, therefore, he moved to deny the case.

Seconded, Judge Hamel

Carried. For the motion; Haar, Hamel, J. B. Smith

Mr. Brookfield and Mr. V. Smith not voting

Motion carried.

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12- KEOTA CORPORATION, to permit dwelling to remain as erected closer to side property line than allowed by the Ordinance, Lot 8, Block A, Section 2, Burgundy Manor, Lee District. (Urban Residence).

Mr. Lester Lewis, President of the Corporation, represented the applicant. This building is under roof. The applicant asks a 7.7 foot setback from the side line - Urban zoning. This portion of the house which violates the Ordinance is only 13 feet deep, Mr. Lewis said. The street at this point makes a 90% curve, which they did not realize in laying out the

12-Ctd. house. If they have to re-subdivide these lots to make this conform they will have to get new financing, Mr. Lewis said, as it would change the other lot lines. The house on the joining lot is considerably farther from the side in violation than required by the Ordinance, and it was noted that this house could have been located without a variance. The carport is located on the opposite side of the house. The houses on both adjoining lots are sold.

There were no objections from the area.

Mr. Lewis said any changes in the lot lines would vitiate his loans, which are pending - his present financing expires next month, and the bank will not extend the loans.

Mr. V. Smith moved to grant this application so the house may be located within 7.7 feet of the side line, as this does not appear to affect adversely neighboring property, this appears to be an honest mistake and the carport is already constructed on the opposite side of the house.

Seconded, Mr. Haar

Carried, unanimously.

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13- MRS. BEN S. LEE, to permit enclosing of carport closer to side property line than allowed by the Ordinance, Lot 31, Block 4, Section 3, Holmes Run Acres, (2405 Holmes Run Drive) Falls Church District. (Suburban Residence).

When they bought this house, Mr. Lee said, they had intended to enclose the carport - thinking this addition would come within the regulations. However, they discovered that the carport itself was not in violation but enclosing it as a room would not meet zoning requirements. They would have a violation of 2 feet. The neighbor on this side does not object, as evidenced by a letter presented and read. There were no objections from the area,

The carport roof is an extension of the house roof, Mr. Lee said, which would make the room less expensive and an attractive addition to the house. The carport is about 10 feet wide. This will provide an extra bedroom, which they need badly, having four children. Mr. Lee said they would not have bought the house had they not thought this additional space could be added. This will bring the house 13 feet from the side line. Reducing the room would be impractical from the standpoint of utility. There is a retaining wall around the concrete floor, which they wish to take advantage of. The carport is the same distance from the street as the house.

It was noted that the plat presented did not scale indicating a 12 foot carport instead of the 10 foot as stated.

Judge Hamel moved that the application be granted as the house sets well back from the street, and the neighbor most affected does not seem to object, and this does not appear to adversely affect any adjoining property.

Seconded, Mr. Haar

Carried. Mr. V. Smith voted "no".

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NEW CASES - Ctd.

14- MORGAN R. HARRISON, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 21, Section 12, Holmes Run Acres, Falls Church District. (Suburban Residence).

A letter was read from the neighbor most affected, who stated he had no objection to this addition. Mr. Harrison said he was asking for a 14 foot carport as they have five children and need the extra space in the carport for storage of bicycles and toys, and he thought the wider carport would be an attractive addition to his house. This would come within 7 feet of the side line.

There were no objections from the area.

There are about 45 feet between houses, Mr. Harrison said, and the driveway on the property adjoining his proposed carport is on the opposite side of the house.

Since the house is well set back from the street, and the applicant could put the carport on the front, Mr. V. Smith thought this a superior location, however, he did not like the violation.

Mr. Harrison said it was necessary to have a small retaining wall along the side of the carport because of the slope of the lot.

It was suggested that the posts for the carport could be located 10 feet from the side line and the applicant could take advantage of the 3 foot roof overhang which would give extra shelter. The retaining wall could be put out to the edge of the overhang roof - up to the level of the carport floor - which would not require a variance. This would give an 11 foot carport and the 3 foot overhang. This was not satisfactory to the applicant.

Judge Hamel moved that the application be granted for a maximum distance from the side line of 9 feet as this does not appear to adversely affect adjoining property and the neighbor most affected has approved of this.

Seconded, Mr. Haar

Carried.

For the motion: Judge Hamel, Mr. Haar, and Mr. J. B. Smith

Mr. Brookfield not voting. Mr. V. Smith voted "no".

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15- KASS-BERGER, to permit erection of two signs with larger area than allowed by the Ordinance, on the Foote Tract, between #7 and #50, at Seven Corners, Falls Church District. (General Business).

Mr. Groff represented the applicant. Mr. Groff recalled that the Board had granted the two large temporary signs for this development. As the shopping center progressed, Mr. Groff said, it was recognized that the large number of stores to be erected should also be advertised. They now

NEW CASES - Ctd.

15-Ctd. wish to remove the two signs (Garfinckels and Woodward and Lothrop's) and erect one large sign, which will list all the participating stores. This will naturally be temporary - until the shopping center is ready for operation. Mr. Groff listed some of the stores which have been signed for leases; Franklin Simon, Bond Clothes, Chester Shoes, Edward Shoes, Lerners, Russell Stover Candy, Fannie May Candy, Singer Sewing Machine, etc.
This sign will be 100 feet from both Route #7 and Route #50.
Mr. Keith Price, Chairman of the Planning Commission, was present and suggested that in his opinion this was a good thing - to inform thepublic which stores were planning to come into the County.
Mr. V. Smith moved to grant the application for a temporary sign to be erected and allowed to remain until January 1, 1957 - and it is understood that this sign will replace the signs already on the property.
Seconded, J. B. Smith
Carried, unanimously.
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1- William Oldham was not present.
Judge Hamel moved that this case be deferred for 30 days.
Seconded, Mr. Haar
Carried, unanimously.
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JOSEPH MATTERA - DEFERRED CASE

This was deferred for new plats, which would include the entire area.
Also it was to be checked whether or not a permit was granted on the store.
Mr. Mattera said that Mr. Merriman had stated that he did get a permit - although Mr. Mooreland said his office had not been able to find a permit for the second store on this property. Also the Board wanted the parking space to be shown, which would be to the rear of the buildings. The plats showed this.
Mr. V. Smith moved to grant the application as shown on the plat by Walter Ralph, dated September 19,1955, titled"Plat Showing Variances Required on the Henry W. Merriman Property" containing 1.342 acres - this showing the service station to be 25 feet from the north boundary line, which a variance of 20 feet due to the property being residential zoning on the adjoining tract. This is granted subject to the applicant furnishing off-street parking for all users of the stores and filling station and obtaining approval from the Highway Department for ingress and egress, and subject to other County authorities pertaining.
Seconded, Judge Hamel
Carried, unanimously.
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ANDREW L. DARNE

Mr. Mooreland read the following telegram:

BOARD OF ZONING APPEALS September 13,1955

Request Board reopen Darne Case, Lot 27, McHenry Heights and set for rehearing - stop - Believe Board's decision without legal foundation and possible based upon incomplete and inaccurate information and testimony.

(Signed) Maury Hull

Mr. Mooreland said this was received on the day of the last Board of Appeals meeting, but not until too late to be brought before the Board. He read from the Ordinance showing that if the Board so desires it is within their legal right to reopen the case. However, the reopening must be based upon the presentation of new evidence which could not logically have been presented at the regular hearing. The Board had denied this case at the first hearing, and granted it at the second hearing. Judge Hamel moved that the request that the case be reopened be denied on the grounds that a showing has not been made in accordance with requirements showing new or additional evidence - which evidence is not before the Board and the provisions for a reopening have not been complied with. Seconded, Mr. V. Smith

Carried, unanimously.

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Mr. Mooreland told the Board that he had discussed with Mr. Schumann the right of the Board to handle cases requesting certain uses in Agricultural Districts, which are not mentioned in the Ordinance - such as beauty shops, antique shops, dog kennels znd other uses. Mr. Schumann had stated that since these uses are not mentioned in the Ordinance the Board has no jurisdiction to handle them and had requested Mr. Mooreland not to take more cases making requests for uses not listed. Mr. Mooreland then discussed this with the Commonwealth's Attorney's office, who had advised him that the only way to straighten this out is to amend the Ordinance so such uses will be either allowed by the Board or not; but, since the Board has in the past handled many of these cases and granted them, it has established a precedent which must be, in his opinion, continued until such time as the Ordinance is amended. The Commonwealth's Attorney says the right to come before the Board cannot be denied an individual. Mr. Mooreland asked the Board to set a policy in this matter - should he continue to put such cases on the agenda or not.

Judge Hamel thought that it was not the function of this Board to set policy - that those responsible for creating the Ordinance should decide if it is the meaning in the Ordinance that the Board have jurisdiction to handle such cases not listed in the Ordinance, or if the Board does not have that jurisdiction. He thought the Board should not take a position on this.

Mr. Keith Price thought this was a matter to be taken before the Planning Commission for policy statement, or for the drafting of an amendment to the Ordinance.

It was stated that the Board handles cases which are brought before it - it is not the function of the Board to make up the agenda, and therefore it is not the function of the Board to determine what goes on the agenda.

The Board took no action.

Mr. Price said he would bring this before the Commission at it's next meeting.

The meeting adjourned.

John W. Brookfield,

J. W. Brookfield, Chairman

October 11,1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, October 11, 1955 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse, with all members of the Board present.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

JOSEPH MASSIELLO, to permit garage to remain as erected closer to side and front property lines than allowed by the Ordinance, Lots 71 through 74, Block F, Weyanoke, Mason District. (Agriculture).

Mr. Small, the foreman on this job, was present - as requested by the Board in order to explain how this discrepancy occurred. Mr. Small said he got the permit on this. The owner of this property did not have a plat of the ground, Mr. Small said, so when he came to the Zoning Office someone in the office drew up the plot plan. This plot plan showed the garage detached. There was a discussion about whether or not 5th Street bordered the side of this lot. Mr. Small said he was told that he was all right if he stayed 50 feet from Chowan Avenue, and 35 feet from the side line. However, when he started to build he found the garage could not be located as the plot plan showed, so he went ahead on the basis of the location as shown on the second plot plan presented with this case. The adjoining neighbor sent a letter stating he did not object to this violation. Mr. Small said he had called the Zoning Office, and was told that it was all right for him to go ahead.

It was questioned just who Mr. Small called - the Zoning Office or the Building Inspector. Mr. Small was not sure, but he thought his okay was from the Zoning Office.

On November 13th, Mr. Mooreland said, Mr. Small was notified that this was located in violation. He said they had never made an inspection before that date, and had never received a call from Mr. Small, and had never said it was all right for him to go ahead on the basis of the attached garage plan.

Mr. Massiello insisted that someone had come to his house and said everything was okay - that inspection should be made before and after the building was completed. They then called the Zoning Office - or someone - who also said to go ahead. They did not call back for an inspection later as they thought it was all right. He had tried to buy adjoining land, but the owner adjoining would not sell.

Mr. Mooreland said there was no question about Fifth Street - it is dedicated and is on the plat. His office could not possibly have said there was no Fifth Street, nor could they have given approval to such a setback as shown on the plat.

Mr. Massiello said this had cost him about $1200 and a great deal of worry. Since there was no objection, he asked the Board to grant his application.

October 11,1955

DEFERRED CASES - Ctd.

1-Ctd. Mr. V. Smith moved to grant the application because it appears that the builder who obtained the permit did not give adequate information to the Zoning Office, and the adjoining property owner who would be affected most adversely, does not object, and because to require the applicant, who is the owner of the property, to move the garage would be a hardship.

Seconded, Mr. J. B. Smith

Carried

For the motion: Judge Hamel, V. Smith, and J. B. Smith

Mr. Brookfield and Mr. Haar not voting.

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CHESTER COPELAND - Trailer Court

A letter was read from Mr. Chester Copeland asking for another six months deferral of his application, as the County sewer line is not yet in.

Mr. Haar moved to defer for another six months.

Seconded, Judge Hamel

Carried, unanimously.

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2- GILBERT AND RACHEL MYERS, to permit carport closer to side lot line than allowed by the Ordinance, Lot 155, Section 2, City Park Homes, Falls Church District. (Urban Residence).

Mr. Bloxton appeared for the applicant. The applicant purchased this property from Doctor Arthur Fishman, Mr. Bloxton said. The carport was already constructed, and there was no indication that it was in violation. The title was searched by Jesse, Kling, and Phillips and apparently everything was clear. After they had been living in the house for some time, the Myers were notified by the Zoning Office that the carport was violating the side line by eight inches. Mr. Bloxton thought it very unfair that the sins of the seller should rest upon an innocent purchaser, simply because this violation was not picked up by the Zoning Office (because of lack of inspection help). The dwelling is brick and the carport frame. The lot is 60 x 127 feet. There are between 10 and 15 feet between this carport and the house on the adjoining lot.

Mr. Bloxton suggested that the original seller was actually responsible and should be prosecuted in accordance with the regulations - the original owner was Doctor Arthur Fishman, Veterinary, Animal Hospital - Seven Corners Falls Church.

Mr. Haar thought that since the side measurements were made from the supporting columns of the carport, perhaps alterations could be made so the setback would be not less than 17" from the property line. He moved to grant the application with the condition that the supporting posts of the carport be located 17" from the side line.

Mr. Bloxton said they could not cut the carport down in size as it would carry over into the driveway, and would destroy the value of the carport.

DEFERRED CASES - Ctd.

2-Ctd. Motion seconded by Judge Hamel.

Both Mr. J. B. and Mr. Verlin Smith thought they should see the property before voting on this.

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For the motion: Mr. Haar, Judge Hamel.

Against: J. B. Smith, Verlin Smith.

Mr. Brookfield voted to deny the case in order that it might be deferred to view.

Mr. V. Smith moved to defer the case for 30 days to view the property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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8- LOIS E. NEWTON, to permit a camp for boys and girls with structures necessary thereto, on Vienna-Vale Road, #672, approximately 1/2 mile from the Vienna Corporate Limits, Providence District. (Rural Residence).

Mr. John H. Rust asked the Board to defer the Lois Newton case, as the plats requested by the Board are not yet complete. The Board agreed to acknowledge this at the scheduled time of the hearing.

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3- CARL ZIEGLER, to permit carport closer to side property line than allowed by the Ordinance, Lot 81, Brilyn Park, Falls Church District. (Sub. Res.)

Mr. Hansbarger represented the applicant. They originally asked for a 3.6 foot setback, but can reduce that to a 3 foot setback. Mr. Hansbarger presented a statement from ten people living in the immediate vicinity of this lot, all stating they did not object to this violation. (The two adjoining lots and the lots across the street are included in the list).

Mr. Hansbarger noted that there are many carports and porches in this area within two or three feet of the side line. He, therefore, did not think this out of line. The building is masonry construction - the carport frame with steel pillars encased in brick, which would eliminate a fire hazard. The applicant tried to purchase an additional four feet from Mr. Spaulding, the adjoining property owner, but Mr. Spaulding was unwilling to sell.

There were no objections from the area.

Judge Hamel moved to grant the application, as it does not appear to affect adversely the adjoining property nor the neighborhood, and there are no objections from the area and people on joining property, behind the property, and across the street have approved this application.

Seconded, Mr. Haar

Carried.

All voting for, except Mr. V. Smith, who voted "no".

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DEFERRED CASES - Ctd.

4- D. J. LATHEN, to permit dwelling closer to Street line than allowed by the Ordinance, Lot 18, Section 2, Bruin Heights, Providence District. (Rural Residence).

Mrs. Lois Miller represented the applicant who, as shown by Doctor's statement, was ill and unable to be present. Mr. Butler, the foreman on this job was,not present. The Board had asked for him to explain how this violation occurred. Mrs. Miller said Mr. Butler had agreed to come to the hearing.

Mr. Ray Barney, who owned this lot, said Mr. Lathen had built the house and Mr. Lathen does not know how the discrepancy occurred. He stated that Mr. Lathen is unable financially or physically to do anything about it - so any further expense would fall back on Mr. Barney. The purchaser of this lot, Mr. Bird, also owns Lot 17 and Mr. Barney owns Lot 19. The loans on the houses on these lots are due, Mr. Barney said, and work had been stopped during the summer - until this is settled.

Mrs. Miller said that Mr. Lathen became ill at the beginning of this construction and therefore left all arrangements to others - he has no idea how the violation occurred.

Mr. V. Smith thought inquiry should be made to see if the road could be re-located - he moved to defer the application for the applicant to investigate the possibility of re-location of the street - deferred for 30 days.

Seconded, Mr. Haar

Carried, unanimously.

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8- Complying with Mr. John Rust's request, Mr. Haar moved to defer the Lois E. Newton case for 30 days.

Seconded, Judge Hamel.

Carried, unanimously.

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5- HARRY C. SCHOENEMAN, JR., to permit enclosed porch closer to side property line than allowed by the Ordinance, Lot 120, Section 4, Sleepy Hollow Manor (200 Creswell Drive), Falls Church District. (Suburban Residence).

The applicant said he had explained this to his neighbors, and there was no objection from the neighbor most affected - nor from the area. This will give a 12 foot side setback instead of the required 15 feet. There are 39 feet between this dwelling and the dwelling on the adjoining lot. This is located on a deep curve in the street.

Judge Hamel moved to grant the application, as it does not appear to affect adversely surrounding property and is on a curved street.

Seconded, Mr. Haar.

Mr. V. Smith voted "no".

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6- BEULAH BOTHELL, to permit swimming pool, bath house, snack bar, picnic area

DEFERRED CASES - Ctd.

6- ctd. and buildings accessory thereto, on the N. E. corner of #7 and #684, Dranesville District. (Rural Residence).

Mrs. Bothell informed the Board that the posting sign was not on her property. Mr. Mooreland thought that not a case in point, that the posting sign was near enough that people in the area were not confused as to the location.

Mr. Brookfield questioned going ahead with a hearing when the posting was not proper.

Mr. Simms, one of the objectors, said they all knew where the project was located and it was satisfactory as far as the objectors were concerned to go on with the hearing.

Mrs. Bothell agreed that she would not contest the location of the posting.

Judge Hamel moved that the Board waive the wrong posting and go ahead with the hearing.

Seconded, Mr. Haar.

Carried, unanimously.

Mrs. Bothell said she understood that the main objection to her project was to the snack bar - the thought had been expressed that she would get a beer license - which she flatly denied.

A petition with 15 names was read opposing this use.

Mr. Mooreland said a rumor had also been around that he had said he would get this application through the Board. That, Mr. Mooreland said this is entirely untrue. Mrs. Bothell also denied ever making such a statement.

Mr. J. H. Jarrett opposed this use, as it would create additional traffic on an already crowded highway, a string of little businesses along Rt. #7 would depreciate values - granting this would encourage other similar requests for businesses uses. He thought such a project would cost about $50,000. He requested the applicant's ability to finance it. There is no sewage here, and the project could be served only by a well. The stream which would have to be used for drainage is dry much of the year.

Mr. Howard Lowe stated that while he questioned the reasonableness of a swimming pool here - he thought property along this area was not adaptable to residential development - and could perhaps be developed into some kind of business uses.

Doctor Dardin, who was ill and unable to be present, telephoned his disapproval of this application.

Mrs. Bothell agreed with Mr. Lowe that this was logically a business area, rather than residential.. She suggested that the cost of this project was her worry. She would have septic field and two wells. The pool would have a filtering system, which would not use a great deal of water. She did not state how the area would be operated - entrance fee or by membership.

Mr. V. Smith moved to deny the case because it does not seem to be in keeping with other uses in the community and it appears that this will affect adversely the use of neighboring property and because there is no sewer or water in this location. Seconded, Judge Hamel. Carried, unanimously.

October 11,1955

DEFERRED CASES - Ctd.

JOHN BOBBY, to permit installation and operation of a sewage disposal plant on five acres of land in the extreme Southeast corner, located on south side of Rt. #694 east of Springhill Road, Dranesville District (Rural Res.)

No one was present to discuss this case. Mr. Armistead Boothe had asked the deferrment until after the re-hearing in this case before the Water Control Board. Mr. Bobby had telephoned the Planning Commission office saying his attorney had advised him that it was not worth while for him to appear at this meeting.

Mr. Brookfield said that since this case had been deferred twice, he thought it proper to make a decision at this time, especially as several were present in opposition.

Mr. Roger Fisher spoke in opposition to this permit, representing himself only. Mr. Fisher lives on the Potomac some distance from this property. He felt that since the District of Columbia, Corps of Engineers, Arlington, and Alexandria were all opposing further pollution of the Potomac, it was inappropriate for this Board to grant this plant, and that since the Water Control Board had passed this case back to the County it was proper for the Board to deny this application.

Mr. Blow opposed, representing Mr. E. Burling, who owns property where Scotts Run flows into the Potomac River. Mr. Blow recalled that the Bobby application for rezoning had already been denied by the Board of Supervisors he saw no point in granting this. He thought this development would be detrimental to the area.

Mr. W. R. Rollin opposed. He thought the fact that no one had appeared to support this case showed that they felt the pulse of feeling in the area. Mr. Rollin said he represented also three families in the area who were opposed. Mr. Rollin said he lives about 500 yards above Scotts Run and thought the liquid and the vapors from this plant would be objectionable.

Mr. Lowe, who lives about 1/3 of a mile from this site, said he saw no objection to a subdivision on this property, and the sewage disposal plant. He recalled that permits have been given for dumping into Difficult Run, which is not treated at all, and that this plant with a high percentage of treatment would do less harm than present conditions with highly polluted streams.

Three telegrams were read opposing this use: From H. W. T. Elgin, George and Eugenia Ostermayer, and Ansel F. Luxvord.

Mr. W. S. Anderson, living about two miles north of McLean, objected to this as not being in keeping with progress in the County, as he thought other means of disposing of sewage should be used. He thought granting this would set a precedent for other like requests.

7-Ctd. Mrs. T. L. Squire who lives above this site objected for reasons stated. Judge Hamel recalled to the Board that this area has very few subdivisions and is largely developing on large tracts, and will ultimately grow into an area of better than average homes. This, Judge Hamel considered, is a matter of policy. He noted that the County has an overall sewage system and had not approved these plats - if it is at all possible to tie in with the County system. Since Scott's Run flows into the Potomac above the area, where the District of Columbia is planning a dam to increase their water supply, Judge Hamel said he thought it would be a slap at the District to grant this plant - which would add affluent to the stream. He thought these plants in the proper place were all right, but in the case of a break down and raw sewage emptying into streams used for water supply was a dangerous thing, he therefore moved the application be denied, because it will be detrimental to the public welfare and would be injurious to property in the neighborhood and particularly as it will affect the new water supply plans as contemplated by the District of Columbia.
Seconded, Mr. Haar
Carried, unanimously.
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9- ROBERT L. EPPS, to permit operation of a trailer park, 133 units as per plat, on east side #1 Highway on both sides of Shields Avenue, Mt. Vernon District. (General Business).
Mr. Glenn Richard represented the applicant, who was also present. This was deferred for revised plats and a typical lot plot plan showing off-street parking and recreational areas,all of which were presented to the Board.
Mr. Mooreland noted that the original application as advertised showed 133 lots - while the revised plan lays out 147 lots.
Mr. Richard suggested taking out some of the lots, and enlarging the recreational area and taking in more area for the administration building, which would reduce the number of lots and therefore preclude the necessity of readvertising by keeping to a total of 133 lots.
Mr. Epps, the applicant, agreed that this could be done.
Mr. V. Smith thought it very important that the Board have a statement from the Fire Department saying this Trailer Court could be serviced with their equipment - to assure the fact that the streets are wide enough. Under Section 16, Mr. Smith felt that the Board could place certain conditions upon a granting. He questioned how the large trucks could turn around on the dead-end streets. Mr. Epps said they would use only small apparatus in a place like this, and they could turn by backing into the driveway. He thought the two fire plugs which he proposes to have, and by use of the small equipment, the place could be well served.
Mr. Smith thought it necessary to have the Fire Department's statement in order that the Board be assured of complete protection to the large

DEFERRED CASES - Ctd.

9-Ctd. number of families in this court. He considered the danger of fire in a wind too great a hazard to take any kind of a chance.

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Mr. Epps said he could get that statement within a few days, and suggested that this be granted subject to that statement.

Mr. Haar moved to grant the application as per plat presented with the case, plat dated September 9,1955 except that lots 1 - 6 inclusive, 19, 51, 52, 63, 64, 65, 66, and 50 be eliminated and that the play area be enlarged to include the lots 50, 51, 52, 63, 64, 65, 66 leaving 133 lots available to trailer sites, as indicated in the application, and this shall comply with all sanitary and other applicable regulations of the County.

Seconded, Judge Hamel

Carried.

All voted for the motion except Mr. V. Smith, who did not vote.

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NEW CASES:

1- C. AND J., INC., to permit dwellings closer to Street lines than allowed by the Ordinance, Lots 14, 17 and 21, Block 2, Section 2, and Lot 25, Block 3, Section 2, North Springfield, Mason District. (Suburban Res.)

Mr. Andrew Clarke represented the applicant. Three of these lots are on a cul-de-sac, Mr. Clarke pointed out. The original plan on these houses showed the location within the requirements, but in the final location these small discrepancies showed up. It was an administrative oversite, Mr. Clarke said, entirely unintentional. Also on the original plan the carports were not included. The houses were sold from the plan - before construction was started and the carports were added without notifying the main office. These variances were not noticed until the Zoning Inspector picked them up and advised the applicant. The variances are all small, Mr. Clarke pointed out, and he thought were not in any way detrimental to other property.

Mr. Hellwig, who made the final survey, said the trouble was caused entirely by the addition of the carports. For some reason things got fouled up during the change in plans.

On other lots, Mr. Clarke said, they moved the houses back when they realized the carports were to be added, but on these four lots construction was under way before anything could be done.

Mr. Hellwig assured the Board that all houses to be built in this development will be properly located to take care of the carport - the lots are sufficiently large and the houses can be located sufficiently far back to take care of all setbacks. The carport cannot be pushed back farther on the side because of a window just back of the carport structure - but by moving the house location back, this will be taken care of.

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1-Ctd. Judge Hamel moved to grant the application for variances shown on plats: Lot 14, plat dated 9/7/55; Lot 21, plat dated 9/7/55; Lot 25, plat dated 8/31/55; Lot 17, plat dated 9/7/55 - because these variances are not great and three of the lots are located on a curved street (cul-de-sac) - granted because this does not appear to adversely affect any of the adjoining property.

Seconded, Mr. J. B. Smith

Carried.

Mr. V. Smith voted "no" - stating that he favored the cul-de-sac lots, but not the other.

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2- LEWIS D. MORRIS, to permit erection of dwelling closer to side property lines than allowed by the Ordinance, Lot 8, Block 3, Section 1, Belle Haven, Mt. Vernon District. (Urban Residence).

Mr. Ha rry Carrico represented the applicant. This is a small lot, Mr. Carrico pointed out, with a 60 foot frontage. This is an old subdivision dedicated in 1925, with restrictive covenants that no dwelling shall come closer to the side line than 5 feet. This structure will come 7 feet from the line - however, Mr. Carrico noted the County restriction is 10 feet. In checking, Mr. Carrico said, they had found that about 60% of the homes in Belle Haven are located closer to the side line than required by the Ordinance, and in many cases they are built up to the original 5 foot restriction line.

This lot slopes up from the street - necessitating street parking. There will be no garage asked. The applicant is building for a permanent home and he wishes to construct an attractive rambler type house in keeping with the neighborhood

Mr. Carrico recalled that Mr. Marsh, when he was Commonwealth's Attorney, had ruled that old building restriction setback lines must be observed. However, Mr. Mooreland pointed out that has not been observed.

Mr. Carrico noted that an objection had come from one living in a house which is closer to the line than 10 feet.

Mr. John Vorhees, living on Lot 7, immediately adjoining this property objected. He said his home was built in 1940 - before the 10 foot restriction was passed. Mr. Vorhees stated that his house sets about at a 20° angle, facing this property, and farther back from the street. He thought this 3 foot difference in setback would be detrimental to his property. He has a porch on his house facing the applicant's property, which they use a great deal, and he did not like the infringement on his privacy which this would cause. He thought the house planned by Mr. Morris was too wide for his lot - and noted that most of the houses in Bell Haven are

2-Ctd. 35 or 37 feet wide, which was more in keeping with the small frontage of these lots. He felt that the Zoning Ordinance should protect property owners and that purchasers should accommodate their structures to lot restrictions.

While the Belle Haven Citizens Association approves the architectural plans for homes - they do not approve any exceptions to the Ordinance. Mr. Vorhees read a letter from the Association stating that the association does not approve houses out of proportion to the size of lots and that their approval is only on the plans. Mr. Vorhees said he had tried to buy Mr. Morris' lot but Mr. Morris would not sell, therefore, he appealed to the Board for protection.

A letter was read from W. S. Stone stating his disapproval of this house which he thought out of keeping with other residences in the area, and that it would destroy the atmosphere of separation between homes and detract from the value of his property.

Mrs. Lyons, who lives directly opposite this property, objected, as she thought it not in keeping with a well planned community and stating that she had bought an extra half lot for side yard protection. She considered this house out of proportion to the lot and that it would depreciate values. She vigorously protested the disregarding of the zoning laws.

Mr. Carrico said Mr. Morris had no wish to harm the neighborhood - in fact his thought was just the opposite. He felt that Mr. Morris was asking no more than had been allowed in the area in many instances.

Mr. V. Smith moved to defer the case for two weeks (October 25th) to view the property.

Seconded, Judge Hamel

Carried, unanimously.

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Since the Board was behind in their schedule, Mr. Carrico asked to be heard on the McCue case because of the illness of his wife. Since the other applicants were willing the Board considered this case.

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8- T. S. McCUE, to permit erection and operation of a service station and to have pump islands 25 feet of Road Right of Way line at the northwest corner of Routes#7 and #717, Dranesville District.(Agriculture).

This building will be located 90 feet from the rightof way of Route #7 and 60 feet from Route #717, and 235 feet from the intersection point of these roads, Mr. Carrico said, and the pump islands are requested to be 25 feet from the right of way. Mr. Carrico called attention to the large grass plot at the intersection shown on the plat. The station will be a two bey porcelain building to cost about $39,000 -above the land cost.

Mr. Carrico pointed out that this area is already blighted to some extent

8-Ctd. with the Nike station and the gas distributing plant - he thought this would therefore not depreciate the area. One of the large oil companies is discussing this site.

Mr. V. Smith recalled that the Ordinance states that filling stations should be located in compact groups - it was noted that the nearest station is about a mile away.

Mr. McCue said the service drive would be constructed on his subdivision only as far as this property.

Mr. James Donn opposed this use. His home is directly across the road. He thought the undesirable developments in the neighborhood were sufficient without adding this and that there is no need in the neighborhood.

Mr. V. Smith again referred to the Ordinance regarding these stations being located in compact groups - he saw no difference in this location which would justify granting - he thought it important that the natural beauty be preserved along Route #7, and that every effort should be made to retain attractive highways in the County.

Mr. V. Smith moved to deny this case because it does not conform to Section 6-12-F-1-c, and Section 16-4-d-1. There was no second.

Judge Hamel moved to grant the application, as per plat, and with pump islands located as shown on plat dated July, 1955 by Harry Otis Wright.

Seconded, Mr. Haar

Carried.

Hamel, Haar and J. B. Smith voting for the motion, and Mr. V. Smith and Mr. Brookfield voting "no". Mr. Smith voting "no" because of the objection of the man across the street, and because he considered this not in the interests of the welfare of the community.

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3- ANNANDALE BUSINESS CENTER CORP., to permit erection of two signs with larger area than allowed by the Ordinance, on Columbia Pike at Annandale, Falls Church District. (General Business).

Mr. Gasson represented the applicant. Mr. Gasson showed a drawing of the proposed business center with the Giant Food Store as the leader store - located within the development - and the farthest store from the point of entry to the shopping center, about 510 feet from the Giant store to the property line. This is an application for two large signs - one a free-standing pile-on, which will be located 50 feet from Columbia Pike in the parking lot; the other sign will be attached to the store. Since this leader store is so far back, it will be necessary to have this means of notifying people of its location and because of the other two stores in the development this particular store should be pointed out in an unmistakable manner, Mr. Gasson said. This sign is actually the same size as the Giant sign at Seven Corners - except in this case the background is solid, and therefore computed in the sign area. The letters are the same. Mr. Gasson pointed out other locations where this same

3-Ctd. method of advertising was used. This store has 170 feet of frontage which naturally calls for more than the allowed sign space. Mr. Gasson predicted that the sign Ordinance would be amended in time to allow larger sign areas in such cases.

The sign to be located on the store will be 33 x 4 feet - 132 square feet.

The pile-on will be 18 x 14 feet - 252 square feet.

There will be no other like signs requested for this center - as all other signs will be on the buildings.

The Giant Store's locating here is contingent upon this being granted, Mr. Gasson told the Board.

It was stated that the right of way on Columbia Pike has been definitely determined at this point.

There were no objections from the area.

Mr. V. Smith stated that in view of the applicant stating that this is the leader store in this shopping center, and the only major sign to be erected in the parking lot, he moved to grant the application because it does not appear to adversely affect any property in the area, and it appears to be a necessity in a shopping center of this kind and the shopping center has a long frontage on Route #236 and Route #244, and this is in architectural harmony with the general development; this is granted subject to the applicant furnishing certified plats showing the outline of the property and the proposed location of the signs, drawn to scale, in accordance with the plats by Corning and Moore presented with this case.

Seconded, Mr. Haar

Carried, unanimously.

Mr. Mooreland called attention to the fact that a certified location plat could be made only after the sign is located.

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4- J. HARRY POLADIAN, JR., to permit dwellings to remain as erected closer to side property lines than allowed by the Ordinance, Lots 40, 43 and 44, Section 2, Penn Daw Village, Lee District. (Urban Residence).

Mr. Poladian said he laid these houses out and would take the full responsibility for the error. It probably happened because of the curve in the street. They ran across on these lots, Mr. Poladian said - the violation on one lot is 5 inches and on the other less than 2 inches,and only one corner of each house encroaches. No garages are planned on these lots.

Mr. V. Smith suggested that while Mr. Poladian does not plan garages, the purchasers of these houses could very well come in for variances on garages or carports. Mr. Poladian said they had sold about 50 houses and so far there have been no such requests.

4-Ctd. These are hilly lots, but there is a level stretch for about 25 feet back of the houses where a garage could be located within the Ordinance. The driveway comes in on the side and could lead back to the level area. There were no objections from the area.

Mr. Haar moved to grant the application because the houses concerned are on a curved street, and the variance in each case is less than 6 inches, and this appears to be an honest mistake.

Seconded, Judge Hamel

Carried, unanimously.

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5- JAMES V. LEWIS, to permit an addition to dwelling closer to side property line than allowed by the Ordinance, Lot 8, Block 1, Parcel 1, Section 4, Bucknell Manor, Mt. Vernon District. (955 Swarthmore Drive), (Urban Res.)

This addition will provide a dining room and the width is needed to adequately handle the dining room furniture. The driveway is on the right side of the house - there is no room for a carport in front of this addition, Mr. Lewis told the Board. This addition will come within 8 feet of the side line. A letter was read from the joining neighbor - most affected - who stated he did not object to this. Mr. Lewis noted that the lot slopes gradually to the rear of the lot, and there would be no practical place for a garage - and the driveway coming in on the 8 foot/set-back side - it would not be practical to have a garage. His neighbor is asking for an addition on the other side of his house.

Mr. V. Smith moved to grant the application as shown on the plat dated October 10,1950, with the proposed addition sketched - the addition not to be closer to the property line than 8 feet, because this does not appear to affect adversely the use of adjoining property.

Seconded, Judge Hamel

Carried, unanimously.

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6- ROLAND L. VAN ALLEN, to permit erection of an addition to dwelling closer to side property line than allowed by the Ordinance, Lot 9, Block 1, Parcel 1, Section 4, Bucknell Manor, (957 Swarthmore Drive), Mt. Vernon District. (Urban Residence).

This is a request for a room, carport and porch - which will come 6.1 feet from the side line - (workshop and utility room). Since this addition will be almost entirely back of this house, and his neighbor's home is set back the same distance from the street as Mr. Van Allen's - this addition will not adversely affect that neighbor. This was also evidenced by a letter from that neighbor, saying he had no objection to the addition.

Judge Hamel moved to grant the application as per plat dated Oct. 26,1950 with the proposed addition sketched and the addition not to come closer to the side line than 6.1 feet, because this does not appear to affect adversely the use of adjoining property. Second, V.Smith - Carried,unanimously.

October 11, 1955

NEW CASES - Ctd.

7- SPRINGFIELD ESTATES COMPANY, to permit dwellings to remain as erected closer to front property line and side property line than allowed by the Ordinance, Lots 1 and 2, Block 6, Section 1, Springfield Estates, Lee District. (Urban Residence).

Mr. E. A. Ralston represented the applicant. The violation on Lot 2 is three inches, and in locating the building on Lot 1 there was a misinterpretation of the Ordinance. They located the house on a knoll and did not figure on the 60 foot right of way on Pioneer Drive. There is a 12 foot easement on Franconia Road which also confused the locating of the building. However, there is good visibility from both streets, Mr. Ralston said. These errors were entirely unintentional.

There were no objections from the area.

Mr. Haar moved to grant the application as the errors are slight and this appears to be an honest mistake and does not appear to adversely affect adjoining property.

Seconded, Judge Hamel.

Carried, unanimously.

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9- H. O. JOHNSON, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 153, Section 3, City Park Homes - (720 Woodlawn Avenue), Falls Church District. (Urban Residence).

This addition could not be located farther back on the lot, Mr. Johnson said, as there is a steep slope to the lot as shown on elevation drawing on his plat. It is necessary to have a retaining wall immediately back of the carport. The lot has about a 5% grade from the street. The footings of the carport will be 2 feet 6 inches from the side line, and the eaves will extend over two feet. Drainage flows to the rear. The house is brick in front with shingle siding on the other sides - fire resistent.

Judge Hamel moved to grant the application, in view of the fact that the proposed carport is to be put back to the rear of the house and this does not appear to affect adversely adjoining property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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10- HUNTER VALLEY ASSOCIATION,INC., to permit installation and operation of a community swimming pool and structures accessory thereto, north side of Hunter Valley Road, approx. 2000 feet west of #674, Providence District. (Agriculture).

Mrs. Beatty and Mr. Nold represented the applicant. This is a non-profit corporation, Mr. Nold told the Board. The property in question is located

NEW CASES - Ctd.

10-Ctd. about 1/2 mile off of Hunter Mill Road. This is an association formed by the residents of this subdivision (owned by Mr. and Mrs. Wickens). This association is formed to preserve the natural resources in this subdivision to maintain bridle paths and hiking trails and to provide swimming, tennis and other recreational facilities for the Wickens + other families of area family who have donated the land for this purpose, and who are making every effort to conserve the residential character of the area. There are no objections from the area, Mr. Nold said, as evidenced by a petition presented and signed by six families.

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Water will be furnished from a spring and a supplemental well and disposal will be taken care of by septic field and through a rock bed and into the stream (Difficult Run). The pool will be constructed of concrete gunnite or pre-cast concrete and will be equipped with a filtering system. They plan a membership of 35 families.

Mrs. Wickens told the Board that this is part of their long planned recreational program for this community. They have set aside the bridle paths and sufficient parking space. It is their plan to have a series of small park areas which will be under community control, and these areas will be dedicated to the community. They have been selling large tracts to individual owners and this is an organization of those property owners. They, the Wickens', own all the land adjoining this recreational area, except to the south. The pool area will be fenced.

Mr. V. Smith moved to grant the application because it conforms to the requirements of Section IV and Paragraph 15-c and because this is a desirable addition to this subdivision, granted provided the applicant fences the swimming pool area, and complies with all other regulations of the County.

Seconded, Mr. Haar.

Carried, unanimously.

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The meeting adjourned.

John W. Brookfield,

J. W. Brookfield, Chairman

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October 25,1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, October 25, 1955 at 10 o'clock a.m.,with all members present except Mr. J. B. Smith

The meeting was opened with a prayer by Judge Hamel. A letter was read from the Washington Board of Trade commending the Board on their decision re: the Bobby Sewage Disposal Plant case.

DEFERRED CASES:

1- MERRIFIELD CHURCH OF GOD, to permit church to remain as erected closer to side lot line than allowed by the Ordinance, Lot 65, Fairlee Subdivision, Providence District. (Rural Residence).

Mr. Aldrich, representing the Church, presented three letters showing that the Church had tried to contact Mr. Stanley Farrow with an offer to purchase his lot which adjoins the Church property - but Mr. Farrow was not interested. (These letters are on file in the records of this case.)

Mr. Aldrich said he felt they had done all they could - they were deeply sorry for the mistake in location of their building, that they are improving the building and grounds as fast as they can, and he thought the Church would in time be an addition to the community.

Mr. Phillip Allen spoke in opposition to this variance. Mr. Allen said his interest was in upholding the Zoning Code. He felt that if a mistake was made it should be rectified and made to conform to County requirements. Mr. Allen, who lives five lots away from the Church, said the congregation was very noisy, and especially annoying in the summer. Sometimes the street was so crowded with cars that only one car could get through, Mr. Allen said. Mr. Allen said he did not think people in the neighborhood objected to a church in their area, but they did want the County Ordinance upheld.

Judge Hamel thought the noise would not be reduced by moving the Church back three feet or by purchase of the additional lot - he saw no particular objection to people outside a Church hearing their services.

Mrs. Cole, a member of the congregation, told the Board of the good work of the Church - the great number of children who attend and the Christian teaching they receive. She questioned why anyone should object to a Church, and invited the neighborhood to attend their services. They were sorry for their mistake, but were making every effort to complete their building and make it an addition to the community.

Mrs. Beavers, a member of the Church, asked the Board not to place the hardship of moving the building on their small congregation.

Mr. V. Smith called attention to the fact that the Church could locate here without a permit from the Board if they met the Ordinance requirements.

October 25,1955

DEFERRED CASES - Ctd.

1-Ctd. Mrs. Harboll said she could not sleep because of the noise during their services.

Mrs. Louise Heuson objected to the children swarming all over the neighborhood, and crying in cars day and night. The hammering until one and two in the morning kept her awake. She also asked that the Church be required to comply with the Ordinance.

Judge Hamel agreed that this was an unfortunate situation, but that it would be a great hardship to move the building - that this is a mistake which the applicant has made every effort to correct by trying to buying the joining lot, but he felt that the objections here could be made to any Church - he therefore moved to grant the application. He noted that the 3' 9" variance, if it were erased, would not correct any objections. He asked, however, that continued efforts be made to try to purchase the adjoining property in order that this building might comply with the Zoning Ordinance.

Seconded, Mr. Haar

Carried, unanimously.

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2- WILLIAM OLDHAM, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 102, Section 2, Westhampton, (1008 E. Greenwich Street), Dranesville District. (Suburban Residence).

The building on the lot adjoining him, Mr. Oldham said, is about 15 feet from the side property line. This property has a garage on the opposite side - away from Mr. Oldham - and his neighbor does not object to this variance. The lot is comparatively level, sloping slightly to the left. The addition would come within five feet of the side line. He did not wish to put the carport back of his house as the storage space is there and by attaching it to the house he can take advantage of the one wall and the driveway would not have to be so long.

Mr. V. Smith thought the Board had no authority to grant this as there was no actual hardship involved, and the lot being level the carport could be located in the rear within the ordinance. He, therefore, moved to deny the case.

Seconded, Mr. Haar

Carried, unanimously.

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3- V. M. LYNCH, to permit a welding shop, located approximately 2500 feet south of #644, westerly side of Hunter Tract in the gravel pit, Lee District. (Agriculture).

This was deferred to view the property. Mr. Mooreland thought the Board had no authority to grant this.

3-Ctd. Mr. Lynch said he had thought of locating this on his industrial property where he would need no permit from the Board, but since the shop would then be very close to homes he thought this location less objectionable, as there are no homes within several hundred feet. He thought there was a need for a welder in the area. Mr. Lynch called attention to the fact that this would be shielded by the woods and it is below a bank. There were no objections from the area.

Mr. V. Smith stated that while there is a question of the authority of the Board to grant this in view of the industrial property near, where this could be located, being near homes which are already constructed and the industrial site would be more objectionable, and this is back of a hill and surrounded by woods, this location would appear to be better for the area, he moved to grant the application for one year, as he believed considerable criticism would come from granting this for a long time.

Mr. Lynch asked Mr. Smith to extend the time limit, as the one year period would not be time enough, andthey will be taking out gravel for several years.

Mr. V. Smith changed his motion to grant for a period of two years.

Seconded, Judge Hamel

Carried, unanimously.

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4- LEROY C. KOCH, to permit erection and operation of a service station closer to side property line and allow pump islands closer to street right of way line than allowed by the Ordinance, at the southwest corner of #236 and #712, Mason District. (Rural Business).

Mr. Smoot represented the applicant. Mr. Mooreland told the Board that at the last hearing on this he did not know that the Board of Supervisors had granted this rezoning to business excluding a 50 foot strip along Little River Pike, and that no structures could be built within this 50 foot area. The 50 feet are reserved for widening purposes.

Mr. Smoot noted that the pump islands on adjoining Carrico property are not set back to observe the 50 foot reservation strip. That property was evidently zoned to the right of way of Route #236, however it was brought out that Mr. Carrico did dedicate a service road.

Mr. V. Smith recalled that he had seen the posting sign for this property on the Carrico property. Both Mr. Smoot and a woman in the room during this hearing were very certain that the property was properly posted for the September hearing.

DEFERRED CASES - Ctd.

4-Ctd. There was a discussion of which of the two sets of plats should be used. Mr. Smoot asked to withdraw the plats made by the owner of the property - and stated that he was asking only a 5 foot variance as shown on plat by Mr. Calvin Burns, dated August 27,1955.

Mr. Lynch asked about a dedication for widening of Columbia Road, stating that he and Mr. Carrico had both dedicated 10 feet and thought there should be a similar dedication on this property. Columbia Road is now 30 feet wide. Mr. Smoot said that would bring the filling station too close to the right of way. The Board agreed they would rather give a variance on the side opposite Columbia Road and have either a dedication or a greater setback on Columbia Road.

Mr. Mooreland suggested requiring a 75 foot setback from the center line of Columbia Road.

It was questioned whether or not it would be practical to require the 10 foot dedication on Columbia Road, if homes were built so close to the road to make it impractical to attempt to get reservations to widen to the 50 foot right of way.

Mr. Haar moved that the application be granted provided the filling station be set back 75 feet from the centerline of Columbia Road, but that the set back on Little River Pike shall be maintained as indicated on the plat dated August 27, 1955 by Calvin Burns.

Seconded, Judge Hamel

Mr. V. Smith voted "no"; Judge Hamel, Mr. Haar and Mr. Brookfield voted "yes"

Motion carried.

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NEW CASES

1- MRS. JACK KING, to permit erection and operation of a dog kennel, on the south side of #29 and #211, 1/4 mile west of Cub Run, Centreville Dist. (Agriculture).

This will be a breeding kennel, Mr. King told the Board, they are not interested in boarding dogs. They will raise dachshunds. The kennels and runs will be modern and will be set back of the house - within the wooded area. The property on both sides of them is unimproved, the nearest house is about 800 feet away. The building will be 14 x 24 feet and the area used by the dogs will be double fenced. They will keep from 12 to 20 grown dogs - selling the pups. This is not a commercial enterprise in the true sense, Mr. King said, they want a home for their own dogs, which they show, and this use will merely defray expenses. They will also have a solid board fence across the front where the dogs are kept, which will act as a screen and a sound barrier.

NEW CASES - Ctd.

1-Ctd. Judge Hamel moved to grant the application for a period of three years, to the applicant only, and that a screen of trees be maintained around a reasonable distance of the kennels.

Seconded, Mr. Haar

Mr. King said that since the building and runs and fencing will be expensive, he did not think three years time enough to make this worth their while.

Judge Hamel withdrew moved the time limitation from his motion and added that the kennel be maintained in such a manner that it would not be objectionable to the neighboring property and also added that this application is granted as per plat presented with the case, which shows the proposed kennel located back of the house and 100 feet or more from all property lines.

Mr. Haar accepted the additions.

Motion carried, unanimously.

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2- JOSEPH B. DEMING AND C. S. SHILLINGBURG, to permit erection and operation of an auto repair shop (paint and body shop) 120 feet south #236 on east side of Stonewall Avenue, Fair Oaks Subdivision, Providence Dist. (Rural Business).

Mr. Deming represented the applicants. There are already operating on this business property a filling station and a septic tank shop. This requested auto repair shop will go on the adjoining lot. It will be located 40 feet from the side line and 50 feet from the rear, and in accordance with the Health Department regulations. There is a need for this type of shop in this area, Mr. Deming said, as the nearest similar business servicing the area is in Annandale. The building will be of brick construction, approximately 65 x 25 feet, colonial front, to cost from $12,000 to $15,000.

Mr. Deming presented a letter from Mr. Russell, who owns property on Route #236, immediately across Stonewall Avenue, bordering this property, who stated he did not object and thought it would not adversely affect the area. Also a letter from Mrs. James, owning Lot 12, adjoining this commercial property, stating she had no objection, was filed.

Mr. Deming thought the noise resulting from this shop would be no worse than the traffic on Route #236. He stated that there would be no wrecks parked on this property - that cars brought in for repair would be kept within the garage building. They will have a clause in their lease that no old battered cars or wrecks will be parked on the property.

A letter was read from Schaefer Auto Supply Company highly recommending Mr. Beauchamp, who is to lease the shop, also a letter was filed from the Fire Marshall stating their requirements, and indicating that these requirements were being complied with.

October 25,1955

NEW CASES - Ctd.

2-Ctd. Mr. John Rogers stated that at a meeting of neighboring property owners it had been decided that there would be no opposition to this if they could be certain that the shop would be located on the eastern half of the lot in accordance with the plat presented with the case. He also asked if this area was to be fenced.

Mr. Deming said there would be an enclosure where dismantled fenders,etc. will be kept temporarily.

Mr. Beebe, who lived 1/2 block away from this property, thought the stipulation regarding the parking of old car parts should be made permenent so they could be sure for all time that there would be no accumulation of old cars or old car parts.

Mrs. Beauchamp said there would be no wrecked cars on the grounds as her husband would not have a wrecking service for pick-up of cars - that if a car is torn down to be worked on it would be only one car or so at a time.

Mr. V. Smith moved to grant the application under Section 6-16 of the Ordinance, subject to conditions as outlined in that Section, because this conforms to this section and that the applicant shall plant and maintain an evergreen hedge along the property line of Section 3, Fair Oaks Subdivision, granted as per plat by Walter Ralph, dated Oct. 4,1955, the building to be located as shown on the plat and there shall be no storage of wrecked vehicles nor parts of wrecked vehicles on the premises OUTSIDE THE BUILDING.

Seconded, Judge Hamel

Carried, unanimously.

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3- WALTER SPONSELLER, to permit carport within three feet of side lot line, Lot 108, Section 2, City Park Homes, (706 Jackson Avenue), Falls Church District. (Urban Residence).

A statement was read from the Board of Supervisors indicating that the easement on the east side of this lot has been vacated.

Mr. Sponseller explained the topographic condition of his lot. There is a four foot bank at the back of his house, which would preclude locating the carport there. Along the side of his house, between the carport location and the house, is another bank - where he has built a retaining wall to control erosion - this was done to meet building inspectors requirement. This will necessitate locating the carport two feet from the house. The carport will be three feet from the side line. The house on the adjoining lot is 15 feet from the side line, and is four feet lower than Mr. Sponseller's house. Mr. Sponseller filed a statement signed by the adjoining neighbors saying they did not object to this variance.

3-Ctd. Mr. V. Smith moved to defer this case until November 7th, to view the property.
Seconded, Mr. Haar
Carried, unanimously.
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4- THOMAS B. PRINGLE, to permit erection of tool house with less setback from street property line than allowed by the Ordinance, Lot 36, Section 4, Woodside Estates, Dranesville District. (Agriculture).
Mr. Pringle filed a statement from Doctor Podmiers, the adjoining neighbor, saying he had no objections to the proposed location of this tool shed.
Mr. Mooreland noted that the accessory building should be located 100 feet from the street right of way line. The plat showed it to be 88 feet from Overlook Road.
This is a building primarily for the purpose of storing their tractor, Mr. Pringle said. They already have a garage. He thought this would be an improvement to his property. Mr. and Mrs. Ash, who live across the street have also stated they have no objections.
Judge Hamel moved to grant the application as it does not appear that it would be detrimental to adjoining property.
Seconded, Mr. Haar
Carried, unanimously.
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5- EDMUND D. DWYER, to permit resubdivision of lots with less area than allowed by the Ordinance, Lots 109 and 110, Brilyn Park, Dranesville District. (Suburban Residence).
Mr. Mooreland informed the Board that this case had been withdrawn by the applicant.
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6- SPRINGFIELD ESTATES COMPANY, to permit erection of a sign with larger area than allowed by the Ordinance, Lot 5, Block 17, Springfield Estates, Lee District. (Urban Residence).
Mr. Ralston represented the applicant. This will be one large sign to advertise the entire development, which borders the Shirley Highway. It will be temporary - to be used during lot sales. While they have over 4000 feet on Shirley Highway and could put up seven smaller signs, with a total of 420 square foot area, Mr. Ralston said rather than cut the trees and clutter up the highway with many signs, they wish to locate this on a small knoll at the edge of their property where it will be visible for only about 700 feet on the highway. This is a natural clearing backed by trees - suitable for such a sign. The sign will be 150 feet from the Shirley right of way. It will not be lighted. This sign will contain 375 square feet, and Mr. Ralston thought he could have more area

NEW CASES - Ctd.

6-Ctd. by figuring on a lineal foot basis.

Mr. Mooreland said, however, that no sign can be of greater area than 60 square feet, or a total of 120 square feet.

There were no objections from the area.

While this one large sign is better than seven smaller signs, Mr. V. Smith said this is a tremendous area, and he thought it should be referred to the Planning Commission, and that some agreement should be reached regarding the size of signs on the Shirley Highway.

Mr. Ralston said they would need to have the sign up by November 18th - in time for their sales campaign.

Judge Hamel moved to grant the application for a period of one year to the applicant only, provided it be maintained in an attractive manner, and will not be illuminated.

Seconded, Mr. Haar

Mr. V. Smith not voting.

Carried to grant.

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7- GEORGE EVERETT PARTRIDGE MEMORIAL FOUNDATION,INC., to permit a school for handicapped children, located 1-1/2 miles southeast of U. S. #1 on south side #600, Gunston Hall Road, Mt. Vernon District. (Agriculture).

Mrs. Speck represented the applicant. This school will take care of the overflow from the presently operating school at Gainesville, Mrs. Speck said. They will have from seven to ten children. They have an option for one year to buy 80 acres, after which time if the location is suitable they wish to buy. However, the owner of the property has indicated that if the location is satisfactory, he will give 50 acres to the Foundation. The entrance to the building to be used for the school is back about 1/4 mile from the road, it is a modern building (about ten years old) with nine rooms and 3-1/2 baths. It has been approved by the Fire Marshall and the Health Department. There are several out buildings and a large area for farming and training, which they need. The Boy Scout property and bird sanctuary are near the property.

Mr. V. Smith moved to grant the application to the applicant, only, provided that any new buildings constructed shall not be closer than 100 feet from all property lines, and this shall be subject to the approval of all agencies or ordinances pertaining,now in existence or which may later be enacted by the State or County.

Seconded, Mr. Haar

Carried, unanimously.

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October 25,1955

DEFERRED CASE:

LEWIS MORRIS - Mr. Carrico represented the applicant.

The Board had seen the property. Mr. Mooreland noted that the houses on Lots 11 and 12 - three lots away from this property - are located with a five foot side setback. These setbacks were granted without the applicants going before the Board. Mr. Mooreland said he did not remember just how or why these permits were granted - this was probably a part of the old Subdivision which had the five foot side setback restriction, and this was probably done at the time when the Commonwealth's Attorney had ruled that recorded restrictions in old Subdivisions, recorded before the Ordinance, must be observed. However, that ruling is not now observed.

Mr. Vorhees, in opposition, said he had checked about two dozen frontages on houses, as against frontages on lots in this immediate area, and he found no house as wide as 46 feet on a 60 foot lot - that the average width of the houses is 42.4 feet on 84.5 foot lots - leaving better than 20 feet on either side of the house.

Mr. Vorhees recalled that this addition would be 17.5 feet from his living room. The house on the other side of him is 12.5 feet from the line. He presented a petition, which he read, from people in the neighborhood asking protection of the Zoning Ordinance. In his opinion, Mr. Vorhees said, it is a mistake to allow large houses on small lots. He recalled that Mr. Morris had bought his lot after the subdivision ordinance became effective and certainly knew the restrictions - he therefore thought such restrictions should be observed.

Mr. Wm. Highberger objected to this variance for reasons stated - he thought the Ordinance should be followed.

Mr. Carrico recalled that Belle Haven was set up before the Ordinance, planned by the developers to be one of the most beautiful developments in the County, and the area has been carried out in this manner. The original developers had laid a five foot side restriction line, which they thought would not be detrimental to development and time has shown they were right. In this case there are two homes within the same block as Mr. Morris with a five foot side setback. Mr. Morris is asking only what 60 percent of the people in this subdivision have already been granted - which he thought a reasonable request. He noted that Mr. Vorhees' own home is eleven feet from the adjoining dwelling. If this were a new subdivision, Mr. Carrico said, he would not be before the Board asking to break the regulations, but as it appears here, Mr. Morris is asking only what has already been granted over and over again. Mr. Carrico presented a letter from Mr. Bob Duncan, real estate operator, who stated that in his opinion this would not in any way depreciate property in the area.

October 25, 1955

Lewis Morris - Ctd.

Judge Hamel stated that in view of the history of this subdivision and the development so far it would not appear that this variance is out of keeping with a large part of the houses within the subdivision; therefore, he moved to grant the application.

Seconded, Mr. Haar

Granted, unanimously.

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TRUSTEES-CALVARY PRESBYTERIAN CHURCH, to permit an addition to Church to street and side lot line closer than allowed by the Ordinance, Penn Daw Village, Lee District. (Urban Residence.)

Mr. Mooreland said the applicant had asked for an extension on this variance, which was granted by the Board last March 1955, as they were not able to get started within the allotted time.

Judge Hamel moved to extend this permit for a period of 90 days.

Seconded, Mr. V. Smith

Granted, unanimously.

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Meeting adjourned.

John W. Brookfield,

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Monday, November 7, 1955, at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse - with all members present except Mr. J. B. Smith

The meeting was opened with a prayer by Judge Hamel

DEFERRED CASES:

1- GILBERT & RACHEL MYERS, to permit carport closer to side lot line than allowed by the Ordinance, Lot 155, Section 2, City Park Homes, Falls Church District. (Urban Residence).

Mr. Bloxton represented the applicant. Mr. V. Smith and Mr. Brookfield had viewed the property. Mr. V. Smith said the carport appeared to be practically on the line with only a five inch setback, and since there is no topographic condition which would prevent moving this addition to the back of the house, and in view of the small lots in this subdivision and the small number of buildings in the subdivision, which are this close to the line, he would move to deny the case because this is a gross variance from the Zoning ordinance and because there is an alternate location for this carport; this is particularly denied under Section 6-11, paragraph 4 of the Zoning Ordinance.

Seconded, Judge Hamel

Carried, unanimously.

Mr. Bloxton noted that he would appeal this decision to the Circuit Court.

Mr. Bloxton said that if the error had been the result of the petitioner the Board would undoubtedly be justified in denying this application - but this was no fault of the petitioner and since the Board had taken no action against the original builder he thought this was entirely unjustified.

Mr. V. Smith called attention to the fact that no permit was requested for this addition and he thought the petitioner should have discovered this violation during the purchase and search of title.

Mr. Bloxton said everything was done to accomplish any normal purchase - the title was searched by a title company, the title guaranteed and there was no evidence of any violation. He noted that the title company would not guarantee anything that was not of record and there was no evidence of this violation or that anything had ever been done about this encroachment.

Mr. Bloxton noted that the Board had no record of ever having taken action in regard to fines under such circumstances.

Mr. Mooreland recalled that the Board had required other violators to move additions or change road locations.

Mr. Bloxton said that may be the case - but not in a case where an innocent purchaser was shouldering the mistake of an original builder. He thought inadequate facilities for enforcement was at fault.

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DEFERRED CASES

2- WALTER SPONSELLER, to permit carport within three feet of side lot line, Lot 108, Section 2, City Park Homes, Falls Church District. (Urban Res.)
Mr. V. Smith and Mr. Brookfield had seen the property and found conditions as stated at the last hearing. Since there is a three foot embankment at the rear of the house, and it would be impossible to put the carport at the rear of the lot, Mr. Smith said he would favor granting this. There were no objections from the area.
Mr. V. Smith moved to grant the application because of topographic conditions of the lot and because there has been an abandonment of the sewer easement on the side lot line and because this does not appear to adversely affect neighboring property.
Seconded, Judge Hamel
Carried, unanimously.
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3- D. J. LATHEN, to permit dwelling closer to street line than allowed by the Ordinance, Lot 18, Section 2, Bruin Heights, Providence District. (Rural Res.)
No one was present to inform the Board what progress had been made regarding relocation of the road. Mr. V. Smith moved to defer the case to Nov. 22nd and that the applicant be contacted to see what progress has been made.
Seconded, Mr. Haar
Carried, unanimously.
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4- LOIS E. NEWTON, to permit a camp for boys and girls with structures necessary thereto, on Vienna-Vale Road, #672, approximately 1/2 mile from the Vienna Corporate Limits. Providence District. (Rural Residence).
Mr. John Rust represented the applicant. Mr. Rust said he had contacted Mrs. Newton asking her to furnish the information the Board had requested. He did not have the information and therefore asked a continuance of this case for 60 to 90 days.
Mr. Haar moved to defer the case for 90 days.
Seconded, Judge Hamel
Carried, unanimously.
Mr. V. Smith suggested that the opposition be advised of this - he recalled a Mr. Hanna who had objected.
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NEW CASES:

1- J. W. McFARLAND, to permit carport to be located on side property line, Lot 214, Barcroft Hills Subdivision, (821 Larchwood Road), Mason District. (Suburban Residence).
Mrs. McFarland told the Board that there was a hole in the bank just to the

1-Ctd. rear of their house - along the side line - and they had paved a place here for their car. This is practically on the property line. Now they wish to build an open carport over the concrete slab. They will have a lattice and vines on the sides of the port. The hole was in the bank when they bought the place, Mrs. McFarland said, and it appeared to be a natural place for the carport. They have built a retaining wall on the side of the slab.

There were no objections from the area.

Mr. V. Smith moved to defer the case for 30 days to view the property - Mr. Brookfield also suggested that the applicant bring in better plats which show what is actually on the ground.

Motion seconded by Mr. Haar.

Carried, unanimously.

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DEFERRED CASE

3- D. J. Lathen - Since Mrs. Lois Miller, attorney for Mr. Lathen, and Mr. Ray Barney were in the room, Mr. V. Smith moved to reopen the Lathen case for hearing.

Seconded, Mr. Haar.

Carried.

Mrs. Miller reviewed this case, recalling that Mr. Barney, the owner of this lot, had hired Mr. Lathen to build this house. Mr. Lathen had become seriously ill and had relied almost completely on his foreman to handle the permits and carry on the job. Neither Mr. Barney nor Mrs. Miller could say how the mistake occurred. Mr. Barney said in discussing this with Mr. Lathen - Mr. Lathen blamed his foreman - but the foreman had stated that Mr. Lathen had told him where to locate the house. Since there is apparently trouble between the two of them and the foreman would not come to the Board meeting to explain the cause of the mistake - they were unable to give the Board any further information.

It was suggested that Mr. Barney discuss relocating the street with the owner of property across the street. Mr. Barney said Mr. Bruin, owner of this property, has already subdivided the land across the street, and changing the location of the road by taking another 10 feet would jeopardize his lots - therefore it was impossible to do anything there. Mr. Barney said he knew nothing of this encroachment until the purchaser told him it was to come before this Board. He then had Mr. Walter Ralph make a re-survey. They found the house on the joining lot was also in violation - that lot was re-subdivided and made to conform. Under any circumstances, Mr. Barney said, he would stand to lose about $2500 as it was now necessary for him to take the house over and complete work on it - if he had to move the building it would be a terrific loss.

November 7,1955

DEFERRED CASES - Ctd.

3-Ctd. It was recalled that Mr. Lathen had objected strenuously to the Darne structure which violated the Ordinance.

It was brought out that the nearest suburban zoning is about 6 or 8 blocks away.

Mr. V. Smith said in view of the circumstances surrounding this case, namely, that the contractor is ill and it would be a hardship on the builder to relocate the house, and since the house is located on a lot with more than the minimum requirements of the zoning ordinance and it is located on a curved street and does not appear to adversely affect adjoining property, he would move that the application be granted.

Seconded, Judge Hamel

Carried. (For the motion; V. Smith, Judge Hamel, Mr. Haar - Mr. Brookfield voted "no"). Mr. Haar said he voted for the motion reluctantly, as he thought there was a careless lack of responsibility for zoning requirements.

It was added to the motion that the application is granted as per plat, presented with the case by Walter L. Ralph, dated August 8,1955. This was agreed to by those voting for the motion.

It was agreed by the Board that it should be brought home to people that when a plat is presented for locations - the dimensions on the plat must be adheared to.

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NEW CASES - Ctd.

2- RAYMOND R. WAPLE, to permit operation of a Trailer Court with 247 trailer sites, on south side of #29 and #211 intersection of Rust Road, Providence District. (Rural Business).

Mr. Hansbarger represented the applicant. Mr. Hansbarger said he did not have the proper plats with this case as - since the application was filed they had received F.H.A. requirements and this trailer park will conform to those requirements - for lot sizes, viz. that 80% of the lots will include 3000 square feet and the remaining 20% will contain 2400 square feet. The plat shown does not meet those lot sizes. The State requires only 1000 square feet exclusive of the area used for the trailer. Since the State Health Department will necessarily approve the trailer park for sewage and drainage, Mr. Hansbarger requested that this be granted subject to that approval. He called attention to the recreational area of 1.2 acres which would be reduced to 1 acre on the revised plat. Instead of the 247 lots as shown on the plat, the revision will show approximately 175 lots, Mr. Hansbarger said.

A statement was read from Mr. Willis Burton, County Fire Marshall, stating that the plan as shown on the plat was satisfactory from the standpoint of servicing with fire protection.

2-Ctd. The water lines are near, Mr. Waple said and as soon as the Water Control Board approves the new sewage disposal plant for the Town of Fairfax, this could be sewered.

Mr. Hansbarger said he realized the Town sewering facilities were overtaxed at present, but those facilities must be expanded, and at any rate, he thought that was not the concern of this Board - he assured the Board that this could be sewered.

Mr. Brookfield said the Board could not give approval on erroneous plats.

Mr. Mooreland stated that he was not indicating approval or disapproval of this application but since the Court has decreed that a trailer is not a dwelling, according to definition of the Zoning Ordinance, therefore those trailers now in the County on lots, and used as dwellings, will have to be moved to trailer parks.

Mr. Hansbarger suggested that the Board defer this for 30 days for presentation of revised plats.

Mr. Waple said he would rent these sites to people with their own trailers- he would pay all utilities except the lights.

Mr. Stanley spoke in opposition, presenting a petition with about 40 names opposing this use. They believe this will depreciate their property and will be a nuisance. Mr. Stanley said he did not object to a business use, but did object to trailers joining his property.

Mr. Haar moved to defer the application for 30 days (December 13th) for revised plats.

Seconded, Judge Hamel

Carried, unanimously.

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3- C. AND J. INC., to permit dwellings and carports to remain as built closer to street lines than allowed by the Ordinance, Lot 9, Block 40, Section 2, Lot 19, Block 42, Section 2, Lot 22, Block 42, Section 2, Lot 34, Block 42, Section 3, and Lot 3, Block 41, Section 3, Monticello Forest, Mason Dist. (Suburban Residence).

On lot 34, Mr. Holland said the house could have been shoved to one side in order to get the 40 foot setback from Monticello Blvd. (which is a 200 foot Parkway running at the rear of this property). However, that was not done but since there is a steep drop to Monticello Blvd. the house cannot be seen and this violation of locating the house 31.42 feet from the Boulevard would not adversely affect anyone. There is about a 30 foot difference between the elevation of the house and the road level. They did squeeze this house in order to get the 200 foot boulevard through here, according to Mr. Holland - but he stated that Mr. Schumann understood the situation when the plat was approved. However, this should have been brought to the Board at the time the house was built.

Lot 3 is a corner lot, Mr. Holland said, the street ending in a cul-de-sac.

3-Ctd. This carport would never be enclosed, Mr. Holland said as the only entrance to it is through the utility room. The basic house is located more than the required 40 feet from the right of way, Mr. Holland pointed out - it is only the carport that violates. These carports which are in violation were not in the original plans, but they sprung up during the sales campaign when some of the purchasers wanted carports. Actually, some of these carports were added without knowledge of the engineer or the developer. It was a mistake which never should have occurred - but they are in the position where these houses have been sold and are occupied and it would be most difficult to remove the carports.

In this case the house is well back from the corner on a curved street, with only the open carport projecting and there would be no obstruction to visibility and therefore would not affect anyone adversely, Mr. Holland contended.

On Lot 22 the house is set at the end of a cul-de-sac street - just across from the Lot 3 case. The basic house is located within the ordinance requirements and again the carport was added during the sales program and the carport violates. Since the house is located 25.35 feet from the side line this violation is hardly noticeable, Mr. Holland said.

Lot 19; This house fronts on Monticello Blvd.(which has a 160 foot right of way), the carport 32.28 feet from the right of way. There is no service road to be built here, Mr. Holland pointed out, as there is only one house which will have access to that boulevard. Therefore, the house was located 40 feet from the right of way and the carport, which was put on later, is 32.28 feet from the right of way. However, since the service road will not be built along this block, the actual unused area between the used right of way and the house is 80 feet and 72 feet between the carport and the used right of way. The service road was discontinued in front of this house because it is not needed and there is slight possibility that it will ever be built, Mr. Holland said.

On Lot 9 the basic house is located 45 feet from the right of way of Monticello Blvd., the carport projects a little more than 5 feet. This house has been sold and occupied for several months. This encroachment was not noticed until the final wall check was made.

It was brought out that these carports were on the houses before final settlement was made.

Mr. McQuarrie, the purchaser of Lot 34 asked if the highway would affect his property. Mr. Holland explained that it would be graded to the right of way and would take none of his property.

3-Ctd. It was recalled that the C. & J. Company had very recently been granted similar variances.

Mr. V. Smith moved to grant Lot 34 because there is a ravine on this at the west side of the lot and because the street shown as Monticello Blvd. is approximately 30 feet below the level of Lot 34, and this does not appear to adversely affect adjoining property.

Seconded, Judge Hamel.

Carried, unanimously.

Mr. V. Smith moved that the variance as shown on plat by Edward S. Holland, dated May 26,1955, on Lot 3, Block 31, Section 3, be granted because this is a corner lot and this location will not interfere with the intersection of Julian Street and Hastings Street and this does not appear to affect adversely the use of adjoining property.

Seconded, Judge Hamel

Carried, unanimously.

Mr. V. Smith said he was opposed to granting the variance on Lots 19 and 22, as the houses on these lots are set as close to the street line as possible and the carport is projecting too far into the front setback area.

Mr. V. Smith moved to grant the variance on Lot 9, Block 40, Section 2, as per plat by Edward S. Holland, dated January 19, 1955, because this does not appear to affect adversely the use of adjoining property.

Seconded, Mr. Haar

Carried, unanimously.

Mr. V. Smith moved to deny the applications on Lot 19 and 22, Block 42 Section 2 as shown on plats by Edward S. Holland - Lot 19 plat dated February 8, 1955, and Lot 22 plat dated February 9, 1955 - because there is a serious variance from the Ordinance, and the houses are located closer than the minimum setback from the property line which would allow a carport, and this is denied because it would establish a bad precedent in a new subdivision.

Seconded, Judge Hamel

Carried, unanimously.

Mr. Holland pointed out that the house on Lot 19 has a 72 foot yard in the front - almost double the size yard required - he asked the Board to reconsider this in view of the circumstances.

The eventuality of a future service drive here was discussed - Mr. Holland stating that if the service drive ever is built it will not be heavily traveled and he noted the median strip between the road right of way and the service drive itself.

Mr. Reid noted that Lot 19 is the only entrance to this block facing on a 160 foot right of way and that the service drive would never be necessary.

NEW CASES - Ctd.

3-Ctd. Mr. V. Smith thought the inter-travel service drive should eventually be continuous and the service drive should not be cut off for this one block, necessitating cars turning out into the main traveled roadway for this short distance.

Mr. Holland suggested asking the Board of Supervisors to vacate 7 or 8 feet of right of way here to make this comply.

Mr. Reid also suggested that Lot 22 be reconsidered as that is a short curved street, the main building is property located, and the building would not block the view. He recalled the conditions under which this carport was put on and assured the Board this would not happen again.

The Board was still of the opinion that this could and should have been handled within the Ordinance.

Mr. V. Smith recalled that the Board had handled this same situation in four cases for C. & J. a short time ago.

The motions stood as passed without reconsideration.

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4- THERMAN M. LLOYD, to permit erection and operation of a service station with pump islands closer to Street property line than allowed by the Ordinance, on north side of Wilson Boulevard opposite Peyton Randolph Drive Falls Church District. (General Business)

Mr. Moncure represented the applicant, and Mr. Multag from the Texas Company was present. As shown on the plats, this is a little isolated triangle across from the Wilston Apartments on Wilson Blvd. The property to the west is in the City of Falls Church, and a filling station located on that property has pump islands located 25 feet from the right of way on Wilson Blvd. This is all business zoning from this property to Seven Corners. There were no objections from the area.

Mr. Moncure thought this location would be just outside the proposed Seven Corners underpass. They will obtain a permit from the Highway Department for ingress and egress.

It was noted that the plats presented did not have the signature of the engineer - certifying to the plats.

Mr. V. Smith questioned the necessity of a service drive here. Mr. Moncure thought that would not be necessary as this is only a two lane highway and a service drive would serve no purpose.

Mr. Haar moved to grant the application as shown on plat by Merlin F. McLaughlin, dated October 25,1955, subject to the approval of the Highway Department for egress and ingress to the station and it was noted that a certified plat had not been presented.

Seconded, Judge Hamel

For the motion: Judge Hamel, Mr. Haar, Mr. Brookfield. Mr. V. Smith not voting.

Motion carried.

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NEW CASES - Ctd.

5- ABBOTT M. BLANK, to permit enclosure of carport as recreation room closer to side property line than allowed by the Ordinance, Lot 6, Block K, Section 1, Rose Hill Farms, Lee District. (Suburban Residence)

This was started, Mr. Blank told the Board, not knowing it was in violation. The applicant is now asking for permission to complete the job. There will be no increase in the original permit - this will allow enclosure of the carport as existing, and will bring the house proper to within about 13 feet 2 inches of the side line. The plat shows this to be 12 feet from the side line, however, Mr. Blank said he thought the 13 feet 2 inches to be the correct setback. Mr. Blank said he does not plan to have a carport.

There were no objections from the area.

Judge Hamel moved to grant the application so the distance will not be less than 13 feet 2 inches from the outside wall of the enclosure.

Seconded, Mr. Haar.

Mr. Mooreland said in that case he would have to have certified plats because there are no certified plats on the carport - the distance was merely computed - it is possible, Mr. Mooreland said that 13 feet 2 inches is not right.

Judge Hamel changed his motion to read that this is granted with the understanding that the addition will not be less than 12 feet from the side line and that if possible it shall be 13 feet 2 inches from the side line.

Mr. Haar accepted the change in the motion.

Judge Hamel, Mr. Haar and Mr. Brookfield voted for the motion.

Mr. V. Smith voted "no".

Motion carried.

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6- MAURICE J. KOSSOW, to permit erection and operation of a service station and to have pump islands closer to street property lines than allowed by the Ordinance, at the southwest corner of Lee Highway and Lawrence Street, Parcel C. Fenwick Park, Falls Church District. (General Business).

The applicant and Mr. Carroll from Cities Service, presented the case.

A use permit was granted on this in November 1952, Mr. Carroll said, but they were unable to get started because of lack of water. Now they have water and have entered into a contract to go ahead - contingent upon the granting of this.

Mr. Rimkus, as a member of the Executive Board of the Fenwick Park Citizens Association, and representing 202 homes, spoke in opposition. Since 1952, Mr. Rimkus said, the traffic situation has become a serious problem. There are two new schools in the area which bring the school busses into the highway from Fenwick Park and through this area. They are greatly alarmed over the fact that children will be getting off and on busses at this intersection and with no sidewalks and the fast traffic flow already on the highway this service station will greatly increase the danger. This is a three lane highway which is especially dangerous with heavy trucks. This is a

NEW CASES - Ctd.

6-Ctd. 55 mile an hour zone and has been subject to a great number of accidents. Mr. Rimkus recalled that no variance was granted on the pump islands on the former application. He also recalled that Parcels A and B are not set up for business in the Master Plan. He thought the existing business in this area was already adequate to take care of the needs and an additional business here would be detrimental to property values in a residential area. The Association recommends that this case be denied, pending approval of the Master Plan and that these parcels be handled as a package deal in conformance with the Master Plan, that piecemeal zoning and scattered businesses should not be allowed. Business should be controlled so people will have a guide as to future development.

Mr. Rimkus presented a petition with 18 names (people living on Lawrence Drive) stating their objections - traffic hazard and danger to the children in the area.

Mrs. Williams, who drives the school bus in this area, confirmed the contention that a great traffic hazard exists, and that this filling station would be a serious danger to the children - with cars cutting in and out of this filling station into the high speed highway.

Mr. Marlow, Vice President of the National Memorial Park Cemetery, objected because he considered the necessity for this use had not been established, and because it would detract from the aesthetic value of the entrance to the Memorial Park. He recalled the national reputation of the National Memorial Park for its art treasures and beauty and the religious sentiment and shrines which he thought should not be detracted from by businesses of this type, which bring traffic and general depreciation to the area.

Mr. Haar pointed out that since this tract is zoned for business many other - perhaps more objectional - things could go in here without a permit from this Board.

Mr. Carroll said they would have an attractive building and called attention to the additional 40 feet dedication fro the highway which he thought would give sufficient protection for ingress and egress to the highway. Mr. Kossow said they would bring in the sewer from Falls Church. It was agreed that traffic should be slowed up - which is the responsibility of the Highway Department.

Mr. V. Smith thought the applicant had had sufficient time to establish this station under the old permit - he recalled that the Ordinance says filling stations should be located in compact groups, which this would violate. He thought the objections reasonable. Therefore, Mr. V. Smith moved to deny the application. There was no second.

Mr. V. Smith recalled that the original granting required a 5 foot evergreen hedge along the property line between the station and the joining

6-Ctd. residential lot. He also thought if this is granted there should be a decellerating lane for entrance, because of the dangerous traffic conditions.

Judge Hamel moved to grant the application subject to the same conditions under the original permit which was approved November 1952 and that screening be provided - this is granted in view of the fact that this is general business zoning and a much more objectionable operation could go in here without a special permit.

Seconded, Mr. Haar

Judge Hamel and Mr. Haar voted for the motion - Mr. Brookfield and Mr. V. Smith voted against.

Tie vote

Mr. Rimkus suggested that before breaking the tie - the Board view the property.

Mr. V. Smith moved to defer the case for 30 days to view the property and if there is no decision then - that the answer on this case be deferred until such time as there is a five man Board.

Seconded, Mr. Haar

Carried, unanimously.

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7 A. J. SAUNDERS, to permit erection of screened porch closer to side property line than allowed by the Ordinance, adjoins Lot 1, Alola Subdivision on Annandale Road, Falls Church District. (Suburban Residence).

Mr. Saunders said he owns the adjoining property on which he has a rental house. He uses the large side yard as the renters do not need that extra ground. However, the lot line is near his own house and therefore creates the necessity for this variance. There is a little outlet road on one side of the property 20 feet from the house.

There were no objections from the area. There is an already established business across the street from this property.

Mr. V. Smith moved to grant the application for a screened porch to come within 6 feet of the side property line because the applicant owns the adjoining lot and his house is 80 feet from the house on this adjoining lot and there is a business established across the street. This is granted as it does not appear to adversely affect adjoining property.

Seconded, Mr. Haar

Carried, unanimously.

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NEW CASES - Ctd.

8- MARY LOU MANN, to permit breeding kennel on 5.156 acres on southwest side of Leesburg Pike, approximately 1/2 mile west of Tyson's Corner, Providence District. (Rural Residence).

Mrs. Mann said she had been conducting her dog kennel for some time on a license basis - not knowing it was necessary to have a use permit. She had read all the County Ordinances and found nothing relating to dogs, therefore she thought she was entitled to operate a dog kennel. She is raising pug dogs, Mrs. Mann said, and now has 14 dogs for breeding purposes. She usually has about two litters a year. This will not be a boarding kennel.

There were no objections from the area.

Mr. V. Smith moved to grant the application as shown on the plat by Joseph Berry, dated September 30, 1955, granted to the applicant only and the number of dogs shall not exceed 20 mature dogs.

Seconded, Mr. Haar

Carried, unanimously.

The meeting adjourned

John W. Brookfield.

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, November 22, 1955, at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, with all members present except Mr. J. Bryant Smith.

The meeting was opened with a prayer by Judge Hamel.

1- John K. Shelton, Jr., to permit enclosure of carport as an additional room closer to side property line than allowed by the Ordinance, Lot 16, Section 6A, Columbia Pines, (9521 Kenneth Drive), Falls Church District.(Sub. Res.)

Mr. Shelton stated that when he signed the contract on this house the original plat showed a distance of 27 feet from the corner of the house to the side line. With an 11+ foot carport it would leave the required setback. He therefore made arrangements to convert the carport into a room. However, the re-survey showed that this room would be 14.4 feet from the side line, creating a very small encroachment into the prohibited area as the required setback is 15 feet.

This side on which the violation occurrs joins the side yard of the house on adjoining property and the house itself is located about 50 or 60 feet from Mr. Sheldon's dwelling. This joining lot has about one acre in area and with the house located as it is no other building would be put on the property.

Mr. Shelton presented letters from three neighbors most affected who stated they did not object to this variance.

Mr. Sheldon said he had no plans for a future carport, but if any future owner should want a garage or carport it could be located without variance back on the property since the ground is generally level.

There were no objections from the area.

Mr. Haar stated that he did not generally favor enclosing carports, but this carport is a considerable distance from the side property line and when enclosed it would be a variance of only nine or ten inches and since the adjoining property owners have stated they do not object to this and it does not appear to adversely affect adjoining property owners, he would move to grant the application.

It was added to the motion that this is granted as indicated on plat of Lot 16, Section 6A, Columbia Pines by Johnson and Williams as revised October 31, 1955.

Seconded, Judge Hamel

Carried, unanimously.

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2- Leon F. Waldron, to permit operation of an auto body and fender shop on north side #29 and #211, approximately 400 feet west of #620, Centreville District. (General Business)

Mr. Waldron said he has a lease to operate a garage in the rear of the building on this property, but he has no paint room. He will therefore build a small addition filling in the corner of the present building and moving no further into the side yard than the present building. He will not have an accumulation of cars on the property, Mr. Waldron said, the only cars on the property will be those being worked on or those waiting for insurance clearance. (It is sometimes necessary to wait 10 days or two weeks for okay to go ahead on work when insurance is involved.)

This is a 1.5 acre tract - all zoned for business use.

The plats did not show the addition to the building but since the application requests only the garage use - that was not thought necessary.

Mr. Waldron said he was first asking for the use - he will present his plats with the building addition after this use is granted.

Judge Hamel moved to grant the application as the area is zoned general business and the operation is located on a tract which is in excess of 1-1/2 acres and this is granted under Section 6-16 of the Zoning Ordinance.

Seconded, Mr. V. Smith

Carried, unanimously.

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3- Mrs. Lloyd Wallingford, to permit erection and operation of a private school on south side of #649, approximately 200 feet west of Putnam Hill Subdivision, Falls Church District. (Rural Residence)

Mr. Lytton Gibson represented the applicant - who was present also. Mrs. Wallingford has contracted to purchase Parcel A - .86 acres of the Sherfey tract - on which to re-locate her presently operating school in Falls Church, Mr. Gibson said. There are no near neighbors, except one house which is located on Parcel B adjoining this property, and this is owned by the seller of Parcel A. He, therefore, does not object to this use.

Mrs. Wallingford said she was granted a school permit by this Board some time ago, but the lot she had in mind was too small, and she did not go ahead with it. The school will be carried on in the lower level which will be a walk-out level and she will have rooms over the school which she will use temporarily for living quarters - probably using those rooms also for school at a later date. At present the three basement rooms will take care of the school. However, she will have adequate facilities for use of the entire building.

It was recalled that this building must meet the fire code, which Mrs. Wallingford said she realized and would see that all necessary inspections were made and the building approved.

Mrs. Wallingford said she now has about 75 pupils (ranging in age up to eight years) - on staggered hours so they would not all be on the grounds

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3-ctd. at one time. She noted that the Educational Department requires 35 square feet of play yard per child - which this property will provide.

Mrs. Wallingford said she now has a waiting list of about 10 and she considered that there is a great need for this type of school in the County. Her school reaches a high standard of instruction, using the Calvert system and her children go immediately to the advanced grade without difficulty.

The outlet road on the side of Parcel A was discussed. This was put in by Mr. Sherfey, Mr. Gibson said, to serve Parcel C - when this property was made into a subdivision, and Mr. Sherfey planned to sell off these parcels. Since it would be necessary to set back 75 feet from the centerline of the outlet road, Mr. Smith questioned if there was enough property here for play yard. Mrs. Wallingford indicated that they would probably need four station wagons and one of the class rooms could be made into a garage to allow more yard space. It was agreed that it would be satisfactory to set back 75 feet from the centerline of Falls Church-Annandale Road. Sewer and water are available to the site.

Mr. V. Smith still thought that by meeting setbacks this would be crowded. Mr. Gibson said they really wanted more ground and had been trying for two years to get a two acre tract - but this property was the best they could find.

Mr. V. Smith moved to grant the application provided there is no variance from the setback requirements on any road and that the applicant adhere to all regulations, Ordinances, etc. (State or local) pertaining to the operation of such a school now in affect or later adopted. This is granted because it does not appear to affect adversely neighboring property and there seems to be a need for this type of school. This is granted on Parcel A containing 37,742 square feet as shown on plat by Mr. A. C. Moran, dated September 24, 1946 and approved by the Planning Commission and the Zoning Administrator on September 30, 1946.

Seconded, Judge Hamel

Carried, unanimously.

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4- R. B. Draper, to permit operation of a tea room and a gift shop in present home on 2.708 acres of land at the southwest corner of Arlington Boulevard and Prosperity Avenue, #699, Providence District. (Rural Residence).

A letter was read from Mr. Draper asking that this case be deferred for 60 days. Mr. Haar moved to defer the case for 60 days (Jan. 24th meeting).

Seconded, Judge Hamel. Carried, unanimously.

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The meeting adjourned

John W. Brookfield.

John W. Brookfield, Chairman

December 13, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, December 13, 1955, at 10 o'clock in the Fairfax County Board Room with the following members present: Messrs. Brookfield, V. Smith, Haar, and Judge Hamel. J. B. Smith was absent.

Mr. Andrew Clarke asked the Board informally to grant a rehearing on the C. & J. variance case, part of which had been denied. Mr. Clarke said if the Board held to their denial vote they would ask the Planning Commission for approval to vacate 7-1/2 feet of Monticello Blvd., giving back an easement for this strip to the County. He indicated that he had been advised by Mr. Schumann that this could be done.

The Board agreed to discuss reopening of this case later in the day.

The Meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- J. W. McFARLAND, to permit carport to be located on side property line, Lot 214, Barcroft Hills Subdivision (821 Larchwood Road), Mason District. (Suburban Residence).

Mr. McFarland said they realized that there was a drainage problem on this lot when they bought - therefore the people from whom they purchased bulldozed into the bank on one side of their house, preparatory to constructing a carport and a concave concrete driveway was put in to carry off the water. Mr. McFarland has since put a wall along the carport side of his property - graduating it by steps from seven feet to two feet - which wall is just inside his property line and which forms the side of the carport. While the drainage is taken care of, the excavated area is at present a hazard from the standpoint of children. If the carport (this excavated area) is covered with a top, it would give complete protection from falling into the opening and serve his purpose as a carport. Also, his neighbor on this side does not object - in fact he would be happy to have the opening covered. This property is irregular in terrain, having a 21% slope in the rear and a 12% slope at the house elevation.

There were no objections from the area.

Mr. V. Smith said he had seen the property and thought Mr. McFarland could move the carport supports over within his property far enough to comply with requirements - two feet from the line. He thought it very impractical to have one carport on the line as this was planned. Mr. Smith recalled that a common driveway and carports or garages built joining had been granted by the Board and had proved satisfactory - but that it had been considered by the Board that a space between a structure and the property line would give room for maintenance and should be required, where garages or carports are on opposite side. He suggested placing the supports for the carport two feet from the property line.

December 13, 1955

DEFERRED CASES - Ctd.

1-Ctd. Mr. Smith moved to deny the case as there was no hardship shown and there are alternate ways to have the carport even in this location.

Seconded, Mr. Haar

Carried - For the motion: Smith,Brookfield,Haar - Judge Hamel not voting.

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2- RAYMOND R. WAPLE, to permit operation of a Trailer Court with 247 trailer sites, on south side of #29 and #211 intersection of Rust Road, Providence District. (Rural Business).

Mr. Hansbarger represented the applicant. Mr. Hansbarger noted that this case had been deferred for plats to show the change from 247 lots to 150.

The following letter was read:

"December 12,1955

Chairman, Board of Zoning Appeals
Fairfax County, Virginia

Dear Sir:

I have been directed by the Town Council of Fairfax to inform you that because of restrictions imposed upon us by the State Water Control Board, we cannot authorize the connection to the sanitary sewer system of the Poltz, Kielsgard property consisting of approximately 14.867 acres.

Very truly yours,

Glenn W. Saunders, Jr.
Town Engineer"

The Chairman suggested that since this tract could not be sewered by the Town at the present time, it was appropriate to defer this case until a later date. Mr. Hansbarger was perfectly willing, however, he suggested the Board might grant this subject to the ultimate approval of the State Water Control Board for sewer connection.

Judge Hamel also recalled that regulations are supposedly in the making to control Trailer Courts in the County, and thought this should be deferred for presentation of these regulations. He moved to defer the case for 60 days.

This was agreeable to Mr. Hansbarger - but there was considerable opposition present who wished to talk. Mr. Brookfield therefore asked for opposition.

Mr. Stanley, a joining property owner, presented an opposing petition with 47 names. Mr. Stanley stated that he considered that this use would depreciate his property.

Mrs. D. E. Rogers who lives on Westmore Drive, opposed. Her home is across the road from this property in question.

Mrs. L. Worster objected - asking for explanation of the change from 247 lots to 150, and what would be their protection if adequate water and sewer are not made available.

DEFERRED CASES - Ctd.

2-Ctd. Mr. Hansbarger explained that the change in the number of lots was brought about by their revised plan to follow FHA requirements, which calls for 3000 square foot lots per trailer - thus cutting down the number of lots. He assured those present that no sewer connections will be made without proper approval of the Water Control Board.

Mrs. Ethel Dennis objected to this use because of depreciation of property values; this would be an unsightly entrance to the Town of Fairfax; and she disliked the sight of 150 washings on the lines and 150 garbage pails exposed to the highway and to homes in the neighborhood. Mrs. Dennis thought any trailer court - no matter how well planned - was depreciating. She brought to the attention of the Board that the temporary sewer now being laid for use in this area was restricted to only 34 connections, and they were all taking their turn waiting for connection.

Mrs. Irvin Mason told the Board of the crowded condition of the Westmore school at present - with two shifts - the children resulting from this trailer court would further aggravate this situation.

Mrs. W. Shiltie objected, saying they had necessarily built a high fence to protect them from the present trailer court on the highway. She felt that trailer court dwellers were not especially civic minded people, they being mostly transient, and that these courts should not be encouraged.

Mrs. Worster agreed that it was difficult to include trailer court dwellers in the pattern of civic life - they were not interested in local activities, people in the area did not know them - they generally live in a group apart, which she thought not good in any community.

Mrs. Cormier asked why the Board would encourage trailer courts. She asked - didn't they prefer homes with substantial people?

Mrs. Stevens thought it would be very difficult to sell property located near any trailer court. She noted that in granting this case many of the homes in this area would be almost surrounded with trailer parks.

Mrs. Mason called attention to the fact that the Master Plan makes no provision for trailer parks.

Mr. Walbeck objected for reasons stated, the lack of taxes from such a project, drain on schools, depreciation of property and the unprofitable results of this development. He thought a group of good stores in this area would encourage other good stores to locate here, while a trailer park would encourage small unprofitable and unstable shops.

At this point Mr. Hansbarger asked if the Board would hear this case? If so - and since the opposition is presenting itself - he would like to make his presentation of the case.

December 13,1955

DEFERRED CASES - Ctd.

2-Ctd. Judge Hamel said he would like to see the new regulations on trailer parks before making any decision on this case.

Mr. Mooreland said the new regulations were not even started. He called attention to the trailer park problem, stating that there are now some 300 trailers in the County (and probably many more) located on lots and used as private dwellings in violation of regulations. These people are now being warned that they must move from private property to trailer parks - and there are no parks for them to go to.

Mr. V. Smith seconded Judge Hamel's motion to defer this case for 60 days and suggested that the Board view the property before that hearing.

Carried, unanimously.

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3- MAURICE J. KOSSOW, to permit erection and operation of a service station and to have pump islands closer to Street property lines than allowed by the Ordinance, at the S. W. corner of Lee Highway and Lawrence Drive, Parcel C, Fenwick Park, Falls Church District. (General Business)

Mr. Cregger appeared as attorney for the applicant. Since this was deferred to view the property and if none of the members chose to change their vote (which was a tie) this hearing would be postponed until there is a five man Board - which Mr. V. Smith thought would be at the next meeting.

Mr. Haar moved to defer the case for 30 days.

Seconded, Judge Hamel

Carried, unanimously.

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NEW CASES

1- WILLIAM J. TATE, JR., to permit dwellings to remain as erected closer to Street property lines than allowed by the Ordinance, Lots 1, 3 and 4, Block 1, Lot 1, Block 5, Catalina Subdivision, Mt. Vernon District. (Sub. Res.)

Lot 1, Block 1 will require a 2-1/3 foot variance; Lot 3, Block 1, a five foot plus variance, and Lot 4, BlocK 1, a 1.96 foot variance; and Lot 1, Block 5, a two foot eight inch variance, Mr. Tate told the Board. These houses were about 90% completed when these errors were discovered.

Lot 3, which requires the largest variance, the property slopes considerably to the rear and it is located on a curved street where the difference in setback will not be noticeable, Mr. Tate said. In fact the house location is better as it is rather than if it conformed. There is a drainage easement at the rear of this lot.

Judge Hamel moved that the application be approved as requested - on Lots 1 and 4, in Block 1, and Lot 1 in Block 5, because these are minimum variances; and on Lot 3, Block 1 the house is located on a curved street and the houses do not line up and this does not interefere with joining property and these variances do not appear to affect adversely any property in the area.

December 13,1955

NEW CASES - Ctd.

1-Ctd. Seconded, Mr. Haar

For the motion: Judge Hamel, Mr. Haar and Mr. Brookfield.

Mr. V. Smith voted "yes" on all lots except Lot 3 in Block 1, on which he voted "no".

The motion to grant carried.

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2- WILLIAM K. ASHBY, to permit carport to remain as erected closer to Street property line than allowed by the Ordinance, Lot 13, Section 1, Sleepy Hollow Manor, (600 Eppard Circle), Mason District. (Suburban Residence).

Mr. Ashby said he had bought this house with the intention of putting on a porch. At the time of purchase, since he did not have the money to complete the porch, the contractor poured a concrete slab in the location for a porch. This he wishes to convert into a carport for winter use and will screen it with removable screens to be used as a porch in the summer. The error was originally made in locating the house from the curb line instead of the right of way.

Mr. Ashby noted that Lomar Street is only two lots long, and it runs into Eppard Circle which ends in a cul-de-sac, pointing out that there would be little traffic on this corner and his addition would not in any way create a hazard. The carport would be 28.5 feet from Lomar Drive.

Mr. Haar moved to grant the application, as the carport requested is set back a considerable distance from the corner, and apparently does not obstruct the line of vision in rounding the corner,and Lomar Drive is a very short street on which there are only two houses and this does not appear to affect adversely neighboring property.

Seconded, Judge Hamel.

Carried - Mr. V. Smith voted "no".

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3- WILLIAM F. DOERING, to permit use of an open porch as a carport closer to Street property line than allowed by the Ordinance, Lot 148, Section 6, Sleepy Hollow Manor, (422 Carolyn Drive), Mason District.(Suburban Res.)

When he purchased this house, Mr. Doering told the Board, the developer was displaying a model house with a combination screened porch and carport - the screens removable to allow an open carport in winter and a semi-enclosed porch for summer. However, the builder has stopped showing this house and has re-designed a building which will conform to requirements. Mr. Doering has enclosed his porch with screening which he can remove. Using this as a carport it would cause a violation of 2 feet 8 inches. Mr. Doering pointed out that Shadeland Drive (the carport side of his house) dead ends at Carolyn Drive. There will be no heavy traffic on these roads as they serve only as an exit connection with Route #7.

NEW CASES - Ctd.

3-Ctd. There were no objections from the area.

Judge Hamel moved that the application be approved as the variance is only approximately two feet and Shadeland Drive and Carolyn Drive are not through streets (Shadeland Drive dead ends at Carolyn Drive) and this does not appear to affect adversely any joining property and it does not obstruct vision at the corner.

Seconded, Mr. Haar

Carried, unanimously

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Mr. V. Smith suggested that this combination use of carport and porch was very logical and suggested that it be called to the attention of the Planning Commission that the Ordinance might be revised to allow this double use.

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4- C. V. CARLISLE, to permit dwelling closer to side lot line than allowed by the Ordinance, (13.7 feet), Lot 163, Section 6, Sleepy Hollow Manor, Mason District. (Suburban Residence).

This was an unintentional error, Mr. Carlisle said, and he would have considered re-subdivision of the lots but the joining lot is built upon and has the required 80 foot frontage. The driveway on this joining lot is on the side away from this violation. He asked for a 13.7 foot setback.

Mr. V. Smith moved to grant the application because the variance is 1.3 feet and there is ample room on the lot for the location of the house and suggested that the approach to the driveway be located off of Nicholson St., this is granted because it does not appear to affect adversely neighboring property.

Seconded, Mr. Haar

Carried, unanimously.

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5- CAROLINE M. MATTHEWS, to permit operation of a dance studio, Lot 8, Block 11, Section 5A, Springfield, (7018 Essex Avenue), Mason Dist. (Urban Res.)

This is planned as a small dancing group for the neighborhood and the community, Mrs. Matthews told the Board. The dance classes will be conducted by Betty Cannon of Alexandria on Friday afternoons from two to six - one hour classes with about 10 children in each class. The mothers in the area had found it very difficult to take their children to Alexandria for dancing lessons, Mrs. Matthews said, and she had therefore opened her basement-recreation room for the free use of Miss Cannon for these classes. She has two outside exits from the basement, which would no doubt meet fire regulations.

Mrs. E. H. Niece, whose child will attend these classes, favored the requested use and thought it a good thing for the community and a great convenience to the mothers.

For the motion: Mr. Smith, Mr. Haar and Mr. Brookfield. Judge Hamel not voting. Motion carried.

5-Ctd. Mrs. R. B. Clift agreed - also Mrs. Ford.

Two Mr. Bernhardts and their mother objected. They objected both for civic and personal reasons. They did not like commercializing the area as they thought granting this business use would encourage other business enterprises to locate in the vicinity. They also objected because of the fact that the mother's driveway which joins that of Mrs. Matthews would become a place for children to congregate and accidents might occur. It would therefore be necessary for the mother to carry additional insurance covering such accidents. There would be many cars coming and going, noise and general confusion. They thought it would be unpleasant to live next door to a school of this kind. It was suggested that this could well be located in the shopping center.

Mr. Barnhardt made it clear that he had no objection to the children - it was only to the fact of the possibility of accidents and the additional insurance and the commercializing of the neighborhood to which he objected.

Mr. Robert Empey also objected to commercializing the neighborhood.

It was stated that there was nothing in the covenants on these homes to prevent such a use.

Mrs. Matthews said she would not want a sign - that they had advertised the dance classes with a pamphlet but a permanent sign would not be necessary. She considered this a social asset to the community and pointed out that it was not a commercial venture on her part, as she is receiving no money for the rent of her basement. Mrs. Matthews stated that Miss Cannon had tried to rent a place in the shopping center - but found the rents too high, nothing less than $200.00 a month. She thought there was very little possibility of a suit resulting from accidents. She stated she would not allow cars to park in her neighbors driveway.

Judge Hamel moved to grant the application to the applicant only for a period of one year, subject to prior approval of the fire authorities or any other agencies applicable and also with the understanding that there will be no identifying sign of any kind nor any parking on other adjacent property.

Seconded, Mr. Haar

Carried - For the motion: Judge Hamel, Mr. Haar, Mr. Brookfield.
Mr. V. Smith voted "no".

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Mr. V. Smith said he was of the opinion that the residents in a subdivision should have full protection from encroachments in a situation of this nature.

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NEW CASES - Ctd.

6- GILBERT V. GULLASKSEN, to permit carport to remain as erected closer to Street property line than allowed by the Ordinance, Lot 7, Section 2, Westmore Gardens, (3308 N. Westmoreland St.) Dranesville Dist. (Suburban Res.)

The applicant said he followed the regular procedure getting the building permit and asked for inspection of the footings. That was approved. He then poured the footings - they were inspected and approved. After construction he was notified he was in violation. The two post supports of the carport are located 34 feet from the front property line instead of the required 40 feet.

Mr. Mooreland said he did not prosecute this case because the building location was inadvertently approved by the inspector - but he had suggested that Mr. Gullasksen bring this before the Board in order to clear it in case of a future sale. Actually as it stands, Mr. Gullasksen was not required to come before the Board. The carport is three feet beyond the required setback with a three foot overhang.

There were no objections from the area.

Mr. V. Smith moved to grant the application because it would be a hardship to move the carport and this appears to have been an honest mistake and the structure as located does not appear to adversely affect neighboring property.

Seconded, Mr. Haar

Carried, unanimously.

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7- ROBERT L. EPPS, to permit erection of a building closer to Street property line than allowed by the Ordinance, Lot 5, Springbank, Section 1, Mt. Vernon District. (Rural Business).

Mr. Epps said he planned to build a 98 foot four inch building on this property which he would like to bring six or eight feet from the right of way in order to allow immediate access to his building and to continue the sidewalk on to connect with U. S. #1.

There were no objections from the area.

Since the property to the rear is not zoned for business it will be necessary to set back a required distance to comply with that zoning and also he wished to maintain sufficient yard in the rear for play area, Mr. Epps told the Board.

The setback here now is 35 feet from the dedicated street. Mr. Mooreland noted that this street will never be continued on further and it is not in the State system - Mr. Epps will be responsible for its upkeep. The street is dedicated to public use however.

Mr. V. Smith moved to deny the case because this is a gross variance from the Ordinance and he considered this would set a bad precedent and there has been no hardship shown in this case.

Seconded, Mr. Haar.

For the motion: Mr. Smith, Mr. Haar and Mr. Brookfield. Judge Hamel not voting. Motion carried.

NEW CASES - Ctd.

8- A. P. QUALLS, to permit garage closer to side lot line than allowed by the Ordinance, Lot 30, Windsor Estates, Lee District. (Agriculture).

Mr. Qualls said this was something of the same proposition as presented by Mr. Gullaksen - that he had gotten approvals on his permits and found later that the carport was in violation. Mr. Qualls said he himself had given the inspector the wrong point from which to measure the setback. This structure is mostly underground, Mr. Qualls said, and it would in no way obstruct vision.

There were no objections from the area.

Judge Hamel moved to grant the application in view of the fact that it seems to be an honest mistake on the part of the inspector and the structure does not appear to affect adversely adjoining property owners and only a small part of the garage projects above the ground and this would not appear to obstruct vision in any way.

Seconded, Mr. Haar

Carried, unanimously.

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9- E. MORTON FRELIGH, JR., to permit operation of a day camp, north side #683 Belleview Road, approximately 3/4 mile west of #738, Dranesville District. (Agriculture).

This day camp is planned mostly for girls aged six to twelve, to be carried on five days a week from 9:30 a.m. to 4:30 p.m. They have heard of no opposition from the area, Mr. Freligh said. They plan such activities as swimming, riding, hiking, gardening, crafts and perhaps later an air-rifle range. Because of the rugged contour of the ground, Mr. Freligh thought there would be no objection to noise. The Fire Marshall has approved the buildings and they will meet all sanitation regulations, and all standards of the American Camp Association. They plan to serve about 200 people. Facilities will be taken care of with septic fields and wells.

It was noted that the plat did not show certified location of the buildings to be placed on the property nor was it a certified boundary survey.

Mr. Freligh said the map he had presented was made by Mr. Ralph based on a previous survey by Mr. Holland - he realized it was not a certified plat, but stated that he would have a certified plat made.

Mr. V. Smith said he also thought the uses should be listed. This Mr. Freligh said would be a little difficult as the uses might increase. In that case, it was brought out, the additional uses would necessarily come before this Board. A 60 day delay would not be objectionable, Mr. Freligh said, as he did not expect to open the camp until June of 1956, however, it would be necessary to start earlier on advance advertising and on certain buildings.

December 13,1955

NEW CASES - Ctd.

9-Ctd. Mr. V. Smith moved to defer the application until the January 10th meeting to give the owner time to list the uses which he plans to conduct on the property in connection with his day camp, and to furnish certified plats on which the surveyor has shown certified locations of the buildings and also to furnish certified plats of the area to be used.

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Seconded, Judge Hamel

Carried, unanimously.

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The C. & J. Case on which Mr. Andrew Clarke asked a rehearing was discussed. The alternative presented by Mr. Clarke was that the developer would ask to vacate a part of the street and grant back to the County an easement - this in case the Board did not reverse its decision on this. Mr. V. Smith said the Board had had a great many variances in this area and he thought if the Planning Commission wished to allow this vacation - it was up to them. He felt the decision of the Board should stand.

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10- SHANNON AND LUCHS COMPANY, to permit erection of a sign with larger area than allowed by the Ordinance, on west side #1 Highway, approximately 300 feet south of junction #628, Mt. Vernon District. (General Business).

Mr. Moore, Vice-President of Shannon and Luchs Company, appeared for the applicant. This sign is requested for the Hybla Valley Shopping Center. They wish to have one large sign 10 feet by 20 feet erected during the time of construction, to advertise the stores which will ultimately be located on the property.

There were no objections from the area.

It was recalled that this same type of thing was granted at the Seven Corners shopping center.

Mr. V. Smith moved to grant this application for a sign 10 feet by 20 feet to be located not closer than 50 feet from the right of way of U. S. #1, and not less than 200 feet from the south property line, and that this be the only sign of a similar character (which specifically excludes any sign which is on a building that is completed) to be located on the property - granted for a period of three years.

Seconded, Mr. Haar

Carried, unanimously.

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11- DONALD R. KEEBAUGH, to permit enclosure of an open porch closer to side lot line than allowed by the Ordinance, Lot 68, Walnut Hill (1504 Pinewood Dr.) Providence District. (Suburban Residence).

December 13,1955

NEW CASES - Ctd.

11-Ctd. The porch which Mr. Keebaugh asked to enclose is over his garage. It would be located 12 feet from the side property line.

There were no objections from the area.

Mr. V. Smith moved to grant the application with a setback of 12 feet from the side property line instead of 15 feet, because this does not appear to adversely affect neighboring property and the garage and the building are both located within the requirements.

Seconded, Judge Hamel

Carried, unanimously.

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12- GLENN D. RIERSON, to permit enclosure of an open porch closer to side lot line than allowed by the Ordinance, Lot 6, Section 1, Bellehaven Terrace, (409 Fort Hunt Road), Mt. Vernon District. (Suburban Residence.)

Mr. Kugelman represented the applicant. The applicant plans to build the sides of this porch up to about 32 inches, with siding and about 50 inches of windows.

Mr. Mooreland suggested that in granting this to within 10 feet of the side line the Board would be amending the Ordinance - which authority the Board does not have. No hardship has been shown, Mr. Mooreland said.

Mr. Kugelman said the front of the lot is about 15 feet above the road - then the lot smooths off comparatively level. The house is about 35 feet back of the bank.

Mr. Haar stated that since this is too great a variance from the Ordinance and there appears to be no hardship in this matter he would move to deny the case.

Seconded, Mr. V. Smith

Carried, unanimously.

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13- HARVEY HENSON, to permit carport to remain as erected closer to side lot line than allowed by the Ordinance, Lot 28A, Section 4, Mt. Vernon Woods Subdivision, Lee District. (Suburban Residence).

Mrs. Henson appeared for the applicant. The house was built to sell, Mrs. Henson said, and this violation was not noticed until the loan was requested. The front of the carport is 1.5 feet in violation and the rear 1.6 foot violation. There were no objections from the area.

Mr. Mooreland noted that Mr. Henson has been building in this County for some time and this is the first variance he has asked.

Mr. V. Smith moved to grant the application for a 1.5 foot variance from the side property line because this is a small variance and it does not appear to affect adversely neighboring property.

Seconded, Judge Hamel.

Carried, unanimously.

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400

December 13, 1955

NEW CASES - Ctd.

14- WALTER R. LEE, to permit an addition to dwelling closer to Old Dominion Dr. than allowed by the Ordinance, Lots 29, 30, 31 and 32, Block 11, West McLean Subdivision, Dranesville District. (Suburban Residence).

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The building is constructed on three 25 foot lots plus 10 feet of a fourth lot, Mr. Lee said. They wish to convert an existing 10 x 16 foot porch into a permanent room and above the porch they plan a storage room. The room will be extended to the entire length of the house which will make a room 12 x 24 feet. The road here (old Dominion Drive) has a used right of way of 30 feet plus an additional 30 feet on Mr. Lee's frontage which is at present unused by the County and is kept in lawn by Mr. Lee. Mr. Lee said his addition would actually come to within 36-1/2 feet of the right of way of Old Dominion Drive. (The plat showed a 37 foot setback). The house faces Old Dominion Boulevard.

Mr. V. Smith noted that according to the plat there is also a violation on the front of the house - one corner projecting and the end of the house coming 39 feet from the right of way of Old Dominion Blvd. No variance was asked on this. Mr. Lee said he had not yet applied for his second addition. It was brought out that the extra 30 foot right of way on Old Dominion Dr. probably ends at Old Dominion Boulevard.

Judge Hamel moved to grant the application in view of the fact that Old Dominion Drive has a right of way of 60 feet so that the variance is comparatively small, and does not seem to affect adversely adjoining property. This is granting a 36 foot setback from Old Dominion Drive, and the addition shall not extend beyond the existing building on Old Dominion Boulevard. It was suggested that the second addition could be located farther to the rear to avoid encroachment on Old Dominion Boulevard. Mr. Lee said this presented a problem as he could not very well do that - it would involve too many changes.

Judge Hamel withdrew his motion and moved to defer the case until December 27th, to allow time for Mr. Lee to submit a new plan revising the second addition on his house.

Seconded, Mr. Haar

Carried, unanimously.

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15- CITIES SERVICE OIL COMPANY, to permit erection and operation of a service station and to allow pump islands closer to Street right of way line than allowed by the Ordinance, part of Lot 1, Section 5, Boulevard Courts, Providence District. (Rural Business).

Mr. Joe Bennet represented the applicant. Mr. Beall from Cities Service was also present.

15-Ctd. They would like to locate the pump islands 25 feet from the right of way Mr. Bennet said - this will be in line with other pump islands at and near Fairfax Circle. This joins residential property to the west and to the north. It is located at the crest of a hill.

Mr. Bennet presented a strip map showing business locations between this property and the Circle.

Mr. Harrison objected, stating that he had necessarily moved the entrance to his 38 acre residential tract to the rear of this property from Draper Street, to the proposed street just one lot west of this property as he did not like the idea of a filling station at the entrance of his proposed subdivision. Mr. Harrison suggested that filling stations, according to the Ordinance, should be located in compact groups. This station would be entirely by itself. The location of this property at the crest of the hill would create a hazard, especially when the land to the rear is developed. He thought the pump islands set back only 25 feet would jeopardize traffic. Mr. Harrison noted the fact that this is a fast traffic area and the pulling in and out of a filling station into the fast lanes and the lack of visibility because of the hill would create an unnecessary hazard. He had not yet dedicated the street leading in to his property, Mr. Harrison said, as he wanted to know what was going in here to be sure the entrance to his subdivision would not be cluttered up with a filling station which would destroy the entrance.

Mr. Beall said their stations were designed according to the highest safety standards. He thought filling stations had a tendency to slow down traffic rather than to increase any hazard. He noted that this is a business area and any potential business would create something of a hazard, according to Mr. Harrison's statements. He noted that the building would be well set back from the right of way.

Mr. Harrison noted also that the Stafford subdivision would use this entrance - which would further increase the traffic flow into the highway. It was noted that there is a continuous strip of business zoning on the north side of the highway from the Circle to this property - all capable of taking businesses and it was therefore not illogical to use this spot for a filling station.

Judge Hamel moved to grant the application for the operation of a filling station and that the variance be allowed for the pump islands to be located not less than 25 feet from the right of way of the Highway and this is granted subject to approval by the Highway Department of ingress and egress. Seconded, Mr. V. Smith - Carried, unanimously.

Mr. V. Smith recalled the policy of the Board to view property on cases whose plats were made by the engineer on this property.

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December 13, 1955

With regard to the C. & J. Case, Judge Hamel moved that this case be reopened. It was suggested that this case should be discussed with Mr. Schumann and that the Board have before it a plat of the subdivision if the case is reopened.

Judge Hamel withdrew his motion.

Mr. Haar moved to deny the rehearing.

Seconded, Judge Hamel.

For the motion: Judge Hamel, Mr. Haar, Mr. V. Smith

Mr. Brookfield voted "no"

Motion to deny rehearing carried.

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The meeting adjourned.

John W. Brookfield

J. W. Brookfield, Chairman

December 27, 1955

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, December 27, 1955 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse, with a full Board present.

The meeting was opened with a prayer by Judge Hamel.

1- CHARLES H. HUGHES, to permit enclosure of porch closer to Street property line than allowed by the Ordinance, on north side of Babcock Lane, approx. 500 feet west of #123, Lot 16, Five Oaks Subdivision, Providence District. (Rural Residence).

They obtained a permit for this addition, Mr. Hughes said, and the house location was approved by the inspector. After the job was started Mr. Hughes said he was notified that it was in violation. They then stopped work until this could be handled by the Board of Appeals.

There was some discussion about the plat attached to the permit, which showed the house to be located 70 feet back from the right of way, which would make it conform to requirements. The plats presented with this case however showed a 40 foot setback from the road.

Mr. Hughes and his contractor explained the discrepancy in the plats by stating they did not know the location of the house and simply guessed at it when asked for distances on the plat. The plat was drawn up in the Zoning Office. This was a mistake all the way around, Mr. Hughes said, unintentional on the part of everyone. Mr. Hughes noted that another house near him is located about 12 ft. from the line. This is an old subdivision with many variations in setbacks. There were no objections from the area.

Mr. V. Smith moved to grant the application because this is an old subdivision and other houses in the subdivision are closer to the roadway than allowed by the Ordinance, and this does not appear to affect adversely adjoining property and it is understood that this addition will not come closer to the front property line than the existing projection of the house.

Seconded, Judge Hamel

Carried, unanimously.

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It was suggested that the Zoning Office require all plats to be drawn by the applicant

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2- JOE S. KENDALL, to permit erection of carport closer to Street property line than allowed by the Ordinance, Lot 46B, Section 4, Huntington, Mt. Vernon District. (Suburban Residence).

This is a request for a double garage on the side of his house, Mr. Kendall said. He has a wide side yard. The garage will be 18 feet wide and 21 feet deep, and will come 26 feet from the front property line. This is a

2-Ctd. corner lot. The house is located 40 feet from one street and 29.33 feet from the side on which the garage would be built. This was built under the old Ordinance, Mr. Mooreland said. There is a party wall between this house and the house on the adjoining lot. The garage will be 2 feet from the rear line. He had put in a retaining wall, Mr. Kendall said, to take care of the drainage. The retaining wall will be built up about 3 feet more and reinforcing piers put in.

There were no objections from the area.

Mr. Kendall noted that there are irregular setbacks in the area.

Mr. V. Smith moved to defer the case to view the property and see other houses in the area. Defer for 30 days.

Seconded, Mr. Haar

Carried, unanimously.

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3- ROBERT J. TEST, to permit an addition to dwelling closer to side property line than allowed by the Ordinance, Lot 209, Section 4, Tyler Park, (406 Irvington Road), Falls Church District. (Urban Residence).

This is a small house, Mr. Test told the Board, to which he wishes to add a kitchen - using kitchen for the dining area. In order to make a usable kitchen they need about 10 feet in width which will bring the house to within 7 feet 4 inches of the side line. Since the house is set at an angle on the property, only one corner of the addition will violate the setback, and in this location it will not adversely affect the house on adjoining property.

It was asked where a garage could be located on the property. Mr. Test said the ground slopes gradually toward the back of the lot and a garage could be put on the other side of the house - away from the street - or it could be placed back of the house - within the Ordinance - however, he has no plans at present for a garage. Locating this addition on any other part of the house would disrupt the plan to such an extent that it would not be practical, Mr. Test said.

There were no objections from the area.

Mr. Haar moved to grant the application as the variance requested is on only one corner of the house and the topography of the lot is not level and this does not appear to adversely affect adjoining property.

Seconded, Judge Hamel

Carried

Mr. V. Smith voted "no" - all other Board members voting for the motion.

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4- ROSE HILL DEVELOPMENT CORP., to permit carports to remain as erected closer to street property lines than allowed by the Ordinance, Lot 20, Block K, Section 1, Lots 4 and 8, Block L, Section 1, Rose Hill Farms, Lee District. (Suburban Residence).

Mr. Andrew Clarke represented the applicant. Mr. Morrell and Mr. Walter Philips were also present.

Mr. Clarke showed the plats of the area surrounding these lots, pointing out the fact that these houses are all set back farther than required by the Ordinance. The violation is on the carports only and actually will not affect adjoining property. These lots are all on a cul-de-sac, Lot 8 having only a .6 foot violation; Lot 4 a 7' 8" violation; and on Lot 20 the carport will come 16 feet from the cul-de-sac right of way.

In explaining the discrepancies, Mr. Phillips said that the original plat was drawn up showing all houses well back from the lines and this plat was sent to F.H.A. who turned it over to their land planner. It often happens, Mr. Phillips said, that small changes are made by the land planner - and sometimes the changes resulted in violations - which was the case here. The cul-de-sac,which causes these violations, was put in to do away with a through street. Mr. Phillips pointed out that these lots have more width than required and with the houses set back the extra distance the violations will not adversely affect other property. When the plat came back from F.H.A. Mr. Phillips had the new plat drawn and the discrepancies were discovered.

Mr. Morrell also discussed the changes made by the F.H.A. land planner. These changes were made to give a better affect to the subdivision, in the opinion of F.H.A., Mr. Morrell said. Sometimes these changes give a greater setback but whatever changes - they are sent back to the developer who makes the final plat. At that time these discrepancies showed up. These variations come about because F.H.A. and V.A. are often not familiar with County regulations. However, Mr. Morrell brought out that the original plat was drawn in conformance with County regulations, that he had not tried to skimp and in fact his locating the houses back farther than required was expensive.

Mr. V. Smith brought out that the cul-de-sac was actually on the original plat.

Mr. Phillips called attention to the fact that very few variances had been asked on this development, that 300 houses have been completed and by Spring 500 would be completed. They have asked only five variances.

Mr. Morrell stated that from now on they are putting the County building restrictions line on their plats - so there will be no mistake on the part of F.H.A. in making any changes.

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4-Ctd. These houses have been sold and occupied for almost a year. There is no topographic condition here.

Mr. V. Smith moved to approve the variance requested on Lots 4 and 8, Block K, Section One as shown on plats by Walter L. Phillips both dated November 26, 1954 - because these variances do not appear to affect adversely neighboring property and it appears to have been an honest mistake and affects only the corner on a cul-de-sac.

Seconded, Mr. Haar

Carried, unanimously

Mr. V. Smith moved to deny the requested variance on Lot 20 because this is a gross variance from the Ordinance.

Mr. Clarke re-stated the case - recalling the 500 houses either built or under construction with only five violations; the wide lots; the deep setback for the house proper and the fact that Mr. Morrell has done everything he can to correct an honest mistake. He thought these variations on a cul-de-sac would not affect traffic nor vision. Mr. Clarke said it would be possible to vacate a portion of the cul-de-sac granting an easement to the County and have that vacation approved by the Planning Commission, if the Board did not grant this. He thought it much more reasonable to grant this variance on the basis of hardship.

Mr. V. Smith said he was in sympathy with Mr. Morrell's good intentions, but he felt continuous granting of gross variances to builders was not in keeping with his oath as a Board member.

His only alternative, Mr. Clarke stated, would be to request the vacation on the cul-de-sac width and grant the easement to the County in order to make this setback conform. He thought that since this was not a deliberate attempt to avoid the Ordinance - the variance was a better way of handling it.

There was no second to Mr. V. Smith's motion to deny.

Judge Hamel moved that on Lot 20, Block K, Section One, the variance be granted because under the circumstances presented it is not a serious violation and the lot is on a cul-de-sac so it does not adversely affect adjoining property.

Seconded, Mr. Haar

Carried - Mr. V. Smith voted "no"

Judge Hamel, Mr. Haar, J. B. Smith and Mr. Brookfield voted for the motion.

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5- ETHEL M. DEAN, to permit an addition to service station closer to side property line and relocate pump islands closer to street property line than allowed by the Ordinance, at the N. E. corner of #620 and #617, Mason Dist. (Rural Business).

Mr. Hink told the Board that he had just this morning been asked to handle this for Mrs. Dean and would like time to go over the plats and familiarize himself with the case. He asked that this be brought up later in the day.

5-Ctd. Mr. V. Smith moved to put this case at the bottom of the list.
Seconded, J. B. Smith
Carried, unanimously.
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6- RONALD D. SINGER, to permit dwelling to remain as built closer to side property line than allowed by the Ordinance and allow an addition thereto, west end of Ridgeway Drive, Mason District. (Agriculture).
Mr. Singer had asked that his case be deferred to January 10th.
Judge Hamel so moved
Seconded, Mr. Haar
Carried, unanimously.
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7- HARRY A. DODSON, to permit lot with less area than allowed by the Ordinance Proposed Lot 15, Olive Park Subdivision, on east side of Lea Lane off #624, Mt. Vernon District. (Rural Residence).
In planning his lots, Mr. Dodson said, he did not have sufficient area for this one lot. It has 119.51 foot frontage, which is more than required. He had tried to purchase adjoining land to create more area, but the owner of that property cannot sell because of the mortgage situation on his property. They will have water and sewer on this property by June 1956 - the County sewer is a short distance away, down Lea Lane. They will connect when this is available. They will also have curb and gutter and a black top street. This lot will have 17,926 square feet area. No topographic condition exists.
Mr. Mooreland thought this was definitely a hardship case and well within the jurisdiction of the Board to handle.
There were no objections from the area.
Mr. V. Smith moved to grant the application because this is part of a subdivision which has been laid out in a satisfactory manner, many of the lots are in excess of the minimum requirements and the lot in question has more than the required frontage and every effort has been made to meet the requirements and the person most affected does not object and this does not appear to affect other property adversely. This is subject to the applicant designing a house and carport which can be erected on this lot without a variance.
Seconded, Mr. Haar
Carried, unanimously.
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8- VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection and operation of an electric substation on N. E. side of North Powhatan Street, approximately 100 feet east of Overlook Street, Dranesville District. (Suburban Res.)

Mr. Anderson represented the applicant. This substation is set back 150 ft. from Powhatan Street within a wooded area which will not adversely affect anyone, Mr. Anderson said. They will use 38,291 square feet for the substation. This is a needed facility, Mr. Anderson said, to take care of the added load in this area. While there will be no building, the steel structure will be screened by the woods, and will therefore not be objectionable to anyone, Mr. Anderson thought.

Mr. and Mrs. John Collier and Mr. Moore were present in opposition.

Mr. Collier said he represented Sigmona Park Citizens' Association, who objected to this case. They thought this station would be detrimental to their homes and property values, and believed that such a station could be located on unused ground which was not so near residential developed areas. The Collier home is across from this on Powhatan Street. There are homes all along Powhatan Street, Mr. Collier said, the owners of which all object. Their home is on high ground, which would force them to look down on this substation - a situation which a screening of trees would not change. There are radio transmission towers near here and Mr. Collier also thought this would adversely affect the radio transmission pattern. The citizens association would like to see a subdivision development in the area ~~here~~ and suggested the applicant buying land from one of the farms which are near and from which land is available. He thought they would necessarily have to cut many of the trees and the wooded shield would be very slight.

Mr. Moore objected to the limited protection for children in the area as this station will have only a fence around it. However, Mr. Anderson thought the fence would be ~~very~~ adequate.

Mr. Anderson recalled the difficulties in locating these substations - he noted that they had purposely selected this site because it is not within a subdivision, the land is low, a stream runs through it and it is not particularly good for subdivision purposes.

Mr. Collier again pointed to other available land which might be purchased, and the unsightly structure which would be built. He questioned if the applicant had actually tried to buy other property which might be less objectionable, and not adjacent to existing development.

Mrs. Collier recalled that the Master Plan called for Powhatan to be developed into a four-lane highway.

Mr. Field - right-of-way engineer for the applicant - told of his attempts to buy other property, from Crescent Hills, Broyhill, Arlington County School Board, Mr. S. Payne, Mr. Ware and others - all of whom would not sell.

8-Ctd. Mr. Field thought the place could be well screened with a curved entrance which would not make this immediately visible from the street and with low evergreen shrubs - all of which would make it unobjectionable. The structure will be about 28 feet high.

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Judge Hamel moved that a permit for this use be granted as this is a public utility, necessary to locate someplace, and the evidence shows that every effort has been made to get a less objectionable location. This is granted provided screening of natural growth be provided and that the place be maintained attractively.

Seconded, Mr. Haar

For the motion: Judge Hamel, Mr. Haar, J. B. Smith, Mr. Brookfield

Mr. V. Smith did not vote as he stated he would prefer to view the property before voting.

Motion carried.

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9- CHARLES ASSOCIATES, INC., to permit carports to remain as erected closer to side property lines than allowed by the Ordinance, Lots 5, 8 and 13, Block 1, Section 1, Belle Haven Terrace, Mt. Vernon District. (Suburban Res.)

A telegram was read from the applicant asking a deferrment because of illness.

Mr. V. Smith moved to defer the case for 30 days.

Seconded, Mr. Haar

Carried, unanimously.

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10- JOHN R. McDONALD, to permit dwelling to remain as erected closer to side property line than allowed by the Ordinance, Lot 73, Section 4, Pimmit Hills (412 Pimmit Drive) Dranesville District. (Suburban Residence).

Mr. Hansbarger represented the applicant. His office had handled the settlement on this property when Mr. McDonald bought the property in 1951. The plats furnished at that time (drawn by Mr. H. O. Wright) were assumed to be correct. Recently when Mr. McDonald wished to build a fence - in order to be sure of his lines, the property was surveyed again by Mr. Frank Carpenter and it was found that this house is located 10.6 feet at one corner and 11.3 feet at the other on this side line.

Mr. Lillard was present representing Mr. Wright. He stated that Mr. Wright did not contest the new survey.

Mr. Millsap, from Mr. Hansbarger's office, stated that in case of a sale when new financing is involved they cannot give title until the house location is established on the property. All loan companies require this location and they necessarily take the word of the certified surveyor who makes the plat. This case was brought before the Board to clear up this violation. This was a matter of a human error - however, it places the

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10-Ctd. burden in the lap of the present owner - who was in no way at fault.
Mr. Hansbarger noted that the applicant has fences, hedges and a driveway in here and the Real Title people will guarantee the title if this is granted by this Board. He considered this a hardship case and a reasonable request. There were no objections from the area.
The lot is level and a carport and garage could be located without a variance, it was noted.
Judge Hamel moved to grant the application because this appears to be an honest mistake in connection with the survey and which has created a hardship on the owner.
Seconded, Mr. V. Smith
Carried, unanimously.
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11- JAMES A. McCONNELL, to permit an addition to dwelling closer to street line than allowed by the Ordinance, east portion of south 1/2 Lot 28, Section 1, Langley Forest, Dranesville District. (Rural Residence).
They need more room in their house and this is the only direction in which the extension could be made without causing too great an expense, Mr. McConnell said. This addition will bring the house about 8 feet closer to the side line than already exists.
Mr. McConnell read a statement signed by nine people in the immediate area indicating they did not object to this addition.
This is a small variance and it is the only direction in which the addition could extend, and the addition will not be unsightly or out of keeping with other residences in the neighborhood, as all other houses are well away from him. Deed restrictions allow a 30 foot set back.
Mr. Parr, who lives across the street from this property thought this would be an addition to the neighborhood.
Judge Hamel moved to grant the application because there does not appear to be any opposition and many of the neighbors have approved this addition and it does not appear that this will adversely affect adjoining property, and the addition will not interfere with vision around the corner as it is well back of the street line.
Seconded, Mr. Haar
Carried, unanimously.
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12- WILLIAM W. PASCOE, to permit dwelling to remain 13.57 feet to side property line, Lot 137, Section 2, Lake Barcroft, (725 Lakeview Drive), Mason Dist. (Suburban Residence). Mr. E. D. White represented the applicant who is out of the country. Mr. White said his company had contracted to reconstruct a portion of Mr. Pascoe's house after a fire which had destroyed a porch

12-Ctd. and the sun room. This could be accomplished within the Ordinance. When a survey was run to locate the reconstructed area it was found that a violation existed on the opposite side of the house. He contacted the neighbor on this side of the property and found he did not object to the violation. No one knew how the original violation occurred.

There were no objections from the area.

Mr. V. Smith moved to grant the application because the residence was built some time ago and the error was discovered when a re-survey was made after the fire and this does not appear to affect adversely neighboring property.

Seconded, Mr. Haar

Carried, unanimously.

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13- DILLON LAND COMPANY, INC., to permit dwelling to remain as built 13.7 feet from side property line, Lot 7, Block 2, Section 1, Retlaw Terrace, Dranesville District. (Suburban Residence). This was a cash deal therefore no loan survey was made. The violation was discovered by the Zoning Office and reported, after the building was up. Only one corner of the house violates.

There were no objections from the area.

Mr. Haar moved to grant the application as the variance is slight and the violation is on one corner only - at the rear of the house.

Seconded, Judge Hamel

Carried, unanimously.

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DEFERRED:

1- WALTER R. LEE, to permit an addition to dwelling closer to Old Dominion Drive than allowed by the Ordinance, Lots 29, 30, 31 and 32, Block 11, West McLean Subdivision, Dranesville District. (Suburban Residence).

If he is required to stay within the Ordinance, Mr. Lee said it would take 25 inches off the addition which would make the room very narrow and practically unusable. Mr. Lee also noted that one house in his block is 6 feet closer to Old Dominion Blvd. than this addition would be. Other houses in the area are closer to the right of way than required by the Ordinance, Mr. Lee pointed out.

There were no objections from the area.

Mr. V. Smith moved to grant the application showing a setback from Old Dominion Blvd. of 36 feet because this is an old subdivision and there is only one other house in the block which the applicant thinks is approximately 6 feet closer to Old Dominion Blvd. than this, and this is granted because it does not appear to affect adversely neighboring property, and the variance on Old Dominion Drive be granted because Old Dominion Dr. is not 70 feet wide and other houses in close proximity to this area are closer to the right of way than this addition.

Seconded, Judge Hamel

Carried, unanimously.

5-Ctd. ETHEL M. DEAN

Mr. Hink represented the applicant. The increase in business has made it necessary to put an addition on to the present building, Mr. Hink said,and in so doing the presently located pump island would be too close to the building for easy access of traffic between the pump islands and the building. He therefore asked that the pump island be moved to within 37 feet of Springfield Road. The new addition on the building will come within 10 feet of the side line. Since Mrs. Dean owns all the property surrounding this business (this adjacent property of about 12 acres is zoned Agricultural) and has no objection to the 10 foot setback for the business, Mr. Hink asked that be granted. The pump island is at present located 55 feet from Springfield Road - which road has a 30 foot right of way.

There were no objections from the area.

Judge Hamel moved to grant the application as requested as the property is zoned Rural Business and the owner of this property is also the owner of the surrounding property and has no objection to this setback of the building,and the requested setback for the pump island is somewhat greater than several others which have been approved by the Board in the past. The pump island is granted a 37 foot setback from Springfield Road.

Seconded, Mr. Haar

Carried, unanimously.

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Mr. Barnhardt appeared before the Board asking a reopening of the Caroline M. Matthews case, granted for one year for a dancing school.

Mr. Barnhardt recalled that at the last hearing on this case Mrs. Matthews had stated that this project was more in the nature of a social enterprise rather than commercial - stating that there would be about 40 pupils on Friday and one private pupil on Thursday. Mr. Barnhardt thought these classes would naturally grow into a large scale business. He showed various advertisements in the newspapers and handbills which were designed to bring in more pupils. Mr. Barnhardt presented a petition with 40 names which were opposing this project. He also stated that the covenants do definitely prohibit commercial operations in this area - restricting it to residential use. It had been stated at the previous hearing that the covenants did not preclude this type of enterprise.

Mr. Barnhardt said they had been under the impression that this use would be refused if there were objections in the neighborhood - therefore they had not prepared a detailed case and many others in the area had not come to the hearing because they thought it unnecessary.

There is now a dancing school at Springfield which would fill the need for this type of thing for the area, he pointed out.

December 27,1955

Mr. Mooreland asked what new evidence was being presented.
Mr. Barnhardt said the fact that they came to the previous hearing in ignorance - thinking the objections they presented were sufficient, and the fact that this is an enterprise with wide commercial potentiality, and because it had been claimed that this was not a commercial project, and the restrictive covenants, which were not known at the last meeting.
Mr. Empy thought the question of the covenants the most important reason to ask for a rehearing. He also questioned if fire regulations could be met. He stated that the people in the area thought the restrictive covenants would protect them.
Mrs. Mains, who lives next door to Mrs. Matthews, thought it would be difficult to sell her home, into which she had put a considerable amount of money. She thought this was setting a very bad precedent.
Mr. Barnhardt mentioned a beauty shop which is operating in the area - an indication that business would crop up in the area if this were allowed. He stated that he would get the location of the beauty shop for information of the Zoning Office. All of these things, Mr. Barnhardt said, they did not know at the original hearing and therefore asked a rehearing.
Mr. V. Smith said he had voted against this at the original hearing and he was still of the same opinion - he thought home owners in any area were entitled to maximum protection. However, he did not think covenants were a matter for consideration by this Board - that the people in the area have the right to appeal to the courts if their covenants are being violated.
Judge Hamel said he was not impressed by the evidence produced asking for the rehearing - he too agreed that the Board had nothing to do with covenants.
It was noted that the names on the petition submitted were people living within a block of this property.
Mr. Haar thought it might be left that after a few months if this activity becomes a nuisance - a rehearing might be considered. Mr. Mooreland asked how that could be handled and by whom - who would decide if this becomes a nuisance? Mr. Mooreland said the Board had the right to grant and a right to revoke the permit granted, according to law. He thought granting this on the basis suggested would place the Board in a vulnerable position. He suggested the Board making its decision at this time on the rehearing.
Judge Hamel took the Chairmanship, and Mr. Brookfield made the motion that since insufficient additional evidence had been presented to justify a rehearing - that a rehearing be denied.
Seconded, Mr. Haar. Carried. For the motion; Judge Hamel, Mr. Haar, Mr. Brookfield, Mr. J. B. Smith and Verlin Smith not voting. Rehearing denied.
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The meeting adjourned.

J. W. Brookfield.
J. W. Brookfield, Chairman

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January 10, 1956

The Regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, January 10, 1956 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse, with three members present; Messrs. Brookfield, Verlin Smith and Herbert Haar. Judge Hamel and J. B. Smith being absent.

The meeting was opened with a prayer by Mr. Haar

DEFERRED CASES:

1- MAURICE J. KOSSOW, to permit erection and operation of a service station and to have pump islands closer to street property lines than allowed by the Ordinance, at the southwest corner of Lee Highway and Lawrence Drive, Parcel C, Fenwick Park, Falls Church District. (General Business).

Mr. Cregger represented the applicant. They have additional evidence which they wish to present, Mr. Cregger said: first the use requested. Mr. Cregger recalled that this use was granted in November 1952 and a permit issued but they could not go ahead with plans as they had no assurance of water supply. Water is now available from Falls Church through a bigger line which the applicant will install - Falls Church bearing part of the cost.

It was agreed by the Board that if new evidence is heard the opposition should be present.

Mr. Haar, therefore, moved to defer this case for two weeks (Jan. 24th). It was also thought that if Mr. J. B. Smith were to vote on this he should hear the facts from both sides.

Seconded, Mr. V. Smith

Carried, unanimously.

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E. MORTON FRELIGH, JR., to permit operation of a day camp, north side of #683, Belleview Road, approximately 3/4 mile west of #738, Dranesville District. (Agriculture).

This was deferred for additional information: Certified plats and a listing of the proposed uses. The uses, Mr. Freligh listed as follows: Riding, swimming, tennis, crafts, remedial reading, volley ball, badminton, horse shoes, archery, riflery, boating, folk dancing.

Attention was called to the fact that the plat of the Freligh property was drawn by Walter Ralph "from information by others". However, a certified plat made by Mr. Ed Holland of the entire Freligh parcels conveyed to one R. J. Smith and a parcel conveyed to C. D. Soresi. These plats, together with the original certified plat by Mr. Holland tied down the area proposed to be used by Mr. Freligh for his day camp. It was agreed, after some discussion, that these plats were sufficient to show the boundary lines without requiring another complete survey.

2-Ctd. In answer to Mr. V. Smith's question about the location of a lake, Mr. Freligh said it would be on the stream which runs pretty well through the center of the property - however, he stated that the lake was not an immediate proposal and he did not have the exact location.

While the Ordinance would not require the addition of a lake to come before this Board, Mr. V. Smith thought it should as he thought the Board should be assured that the lake would be located an appropriate distance from neighboring property. Also Mr. Smith considered it important that no group activity should be carried on near property lines.

Mr. Freligh said his land is now fenced.

There were no objections from the area.

Mr. V. Smith moved to grant the application for a day camp which would include the following uses; riding, swimming, tennis, crafts, remedial reading, volley ball, baseball, badminton, horse shoes, archery, riflery, boating and folk dancing. This to be granted as shown on plat dated October 10, 1955 by Walter L. Ralph, Certified Land Surveyor, containing 101.31 acres and also showing proposed and existing buildings, the Board being aware of the fact of this plat not being a true certified plat, but that it is based on a certified plat by Mr. Edward H. Holland, dated January 21, 1948 and plats of two parcels conveyed from the certified plat by Mr. Holland, one plat made by Walter L. Ralph, dated December 15, 1950 containing 6.974 acres, Parcel I and the second plat showing property conveyed to C. D. Soresi containing 26.25 acres, plat dated May 21, 1951 - all of which plats are presented with this case, and due to these plats it appears that this is an accurate plat showing the proposed buildings and the boundaries. This permit is subject to no building being located closer than 200 feet to any property line and that no group activity, except for riding and hiking, shall be conducted closer than 100 feet to any property line. This is granted because it does not appear to adversely affect neighboring property and it appears to be a logical use for the property in question. This, however, is subject to all regulations concerned with this type of operation - both State and local, now or later in effect.

Motion seconded by Mr. Haar

Carried, unanimously.

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3- RONALD D. SINGER, to permit dwelling to remain as built closer to side property line than allowed by the Ordinance and allow an addition thereto, west end of Ridgeway Drive, Mason District. (Agriculture). This application was deferred at the request of the applicant.

This violation resulted from a series of surveying errors, Mr. Singer told the Board. The original survey on this side line where the violation occurs, was in error, Mr. Singer said. They had located the house well within the property but found they could not get a satisfactory percolation

DEFERRED CASES - Ctd.

3-Ctd. test at that location - therefore the house location was changed where they could get proper percolation. They placed it where it would conform - according to the survey at that time. A re-survey was made and they found the side line too close to the house. The house sets back 13 feet at one corner and 23.4 feet from the other corner from the side line. There is a steep drop in the ground to the Creek at the rear and also a steep slope immediately to the north of his property line, which would prevent another house being located near this line where the violation occurs. A considerable portion of the rear of the lot is inundated during storms, because of the rising stream. The entire property is filled with gullys and hills. There is also a steep slope at the front of the house toward the street. The adjoining property owner has no objection to this violation.

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Mr. Haar moved to grant the application showing the building to be 13 feet to one corner and 80.7 feet from the front property line, granted in accordance with Certified plat by Darrell E. Rodgers, dated July 22, 1955 - the parcel containing 1.632 acres, as this appears that there has been difficulty in locating the house elsewhere and this does not appear to affect adversely other property and there is a deep gully just north of the residence which would make it almost impossible to build a house close to the existing dwelling.

Seconded, Mr. V. Smith

Carried, unanimously

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NEW CASES:

1- JOSEPH S. GORDIN, to permit erection of building closer to side lot lines than allowed by the Ordinance, on west side #617, 563 feet south of #644, Mason District. (Rural Business).

Mr. Bernard Fagelson represented the applicant.

Mr. Gordin applied for business zoning on four lots on Backlick Road, Mr. Fagelson said - the Board of Supervisors deferred it for study , then rezoned all four lots with the statement that in their opinion Route #617 might well be developed as a business street. The Board did consider rezoning this entire block on their own motion but decided that it would be better for the individual property owners to ask rezonings on their own. On one side of Mr. Gordin's property is business zoning, on the other it is still residential - that owner not yet having asked for business zoning. He does not object to this application. Of the four lots which were rezoned, two would have to have a variance in order to get a building on the property and to allow sufficient parking space.

On this lot, Mr. Fagelson said, the setback on the residential side is 10 feet plus a 10 foot easement on the joining property, which would actually give a 20 foot clearance on this side. On the other side of the lot - there being business zoning - the building can come to the line.

January 10,1956

NEW CASES:

1-Ctd. Mr. Fagelson thought this was not actually a variance, as this joining property would no doubt in time be rezoned to business - when and if that happens the building could come to the property line.

Mr. Gordin said he planned to put a sheet metal business here, which Mr. Mooreland said was not allowed in a rural business district. Mr. Gordin said he could change the type of business.

Mr. Fagelson suggested that the building be moved farther back in order to allow more parking space in front. It was noted that the plats show parking for only 12 cars, whereas three to one parking at least is advisable.

Mr. V. Smith said he was not familiar with the area but would like some expression of opinion from the Planning Commission. Since this is only a 70 foot lot and if the building is set back a long distance to allow parking - what would happen to the joining lot - would all buildings in this area have to set back the same distance or would we end up with a hodge podge of setbacks and a badly developed area? If the owner on an adjoining lot did not wish to set back so far - and he could not be compelled to do so it would not be sensible to have buildings jutting out in front of each other. Mr. Smith thought an overall plan of development should be considered by the Commission.

Since the lot is level Mr. Fagelson suggested parking in the rear, which could be accomplished with the 20 foot strip along the side of this property, for access to the rear. It was questioned what would happen to a service drive and widening of the road.

Mr. Gordin said he had agreed to a 25 foot widening dedication.

Mr. Mooreland said he would not give a permit for this size building without adequate parking facilities shown on the plat.

The Board was generally of the opinion that an expression of opinion should be had from the Planning Commission before handling this.

Mr. Fagelson stated that Mr. Gordin was ready to go ahead with his building and called attention to the fact that he could put up a long narrow building which would meet requirements as long as he provided adequate parking. Mr. Gordin was willing for a deferrment.

Mr. Mooreland suggested that a 19-1/4 foot variance would in effect be amending the Ordinance which the Board had no jurisdiction to do.

Mr. V. Smith moved to defer the case for 30 days and refer it to the Planning Commission with the request that they give a report within the 30 days showing plans for parking in the area, additional right of way on Route 617 and a service Road.

Seconded, Mr. Haar

Carried, unanimously.

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NEW CASES - Ctd.

2- PRINCE WILLIAM ELECTRIC COOPERATIVE, to permit erection and operation of an electric substation on 0.992 acres of land on north side of #658, Bull Run Clifton Road, 696.5 feet west of #28, Centreville District. (Agric.)

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Mr. R. B. Hicks, Manager of the Company, and H. Bowman, Engineer, represented the applicant.

This substation is requested to take care of additional facilities and capacity to serve the area. This property is adjacent to a VEPCo 25 foot right of way. They will buy power from VEPCo.

This property is surrounded by land of Mr. Harrison from whom they are purchasing for this use. Mr. Harrison does not object to the substation. There are no houses close to this property, Mr. Hicks said - the nearest being about 500 feet. This house is owned by Mr. Harrison. Mr. Bowman pointed out the area they serve, lying mostly in Centreville District.

Mr. Haar moved to grant the application as indicated on plat dated December 12, 1955 by Walter L. Ralph, Certified Land Surveyor, on parcel containing 0.992 acres with the understanding that construction shall conform to the standards proscribed by the Federal Power Commission and all safety precautions be adhered to and that an evergreen hedge be maintained between the substation and the road.

Seconded, Mr. V. Smith

Carried, unanimously.

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3- CARL J. TALIFF, to permit dwelling to remain closer to side property line than allowed by the Ordinance, Lot 72, Section 4, Pimmit Hills (414 Pimmit Drive), Dranesville District. (Sub. Res.)

This property was partially fenced - in the rear, Mr. Taliff informed the Board. He now wishes to fence the entire lot. He, therefore, had a survey made which showed the house to be closer to the side line than the original survey had shown.

It was recalled that the Board had granted a similar variance on adjoining property because of a mistake in the original survey. The lot is level, Mr. Taliff said, and a garage could be located on the property without a variance. However, he is not planning a garage at present, nor any other addition.

There were no objections from the area.

It was agreed that the purchaser was the innocent bystander.

The house would come within 9.7 feet from the side line.

Mr. Haar moved to grant the application because it appears that there was an error made by the previous surveyor which indicated the proper setback from the side line and this does not appear to adversely affect neighboring property.

Seconded, Mr. V. Smith - with the suggestion that wholesale mistakes of this kind should be looked into and someone should bring pressure to bear on surveyors. Motion carried, unanimously.

January 10, 1956

NEW CASES - Ctd.

4- M. T. BROYHILL & SONS, to permit dwelling to remain as erected closer to side property line than allowed by the Ordinance, Lot 6, Section 9, Broyhill Park, Falls Church District. (Sub. Res.)

Mr. Carl Gardner represented the applicant. This building was extended to a 45 foot length, at the request of the purchaser, when the standard length of these dwellings is 38 feet, Mr. Gardner told the Board.

The building location was moved to take care of the larger dwelling but it was moved the wrong way on the property - therefore creating this violation.

The average distance on this violating side is actually more than 15 feet., Mr. Gardner said, as the house is set a little askew. The lot slopes from one corner to the other and to the rear of the lot - the house sits on a small knoll. The house is located 14.5 feet from the side line.

Mr. V. Smith called attention to the fact that a garage could be located on the property within the Ordinance.

There were no objections from the area.

Mr. V. Smith stated that since the variance is only 6 inches he would move to grant the application for a variance on the rear corner of the dwelling as shown on plat of Lot 6, Broyhill Park, Section 9, plat made by Carl Gardner, dated November 24, 1955 - this granted because this is a slight variance and does not appear to adversely affect neighboring property.

Seconded, Mr. Haar

Carried, unanimously.

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5- BEN MAR CONSTRUCTION COMPANY, to permit carports as erected closer to street property lines than allowed by the Ordinance, Section 2, Sunset Manor, Lot 57, and Lots 75, 118 and 119, Section 3, Sunset Manor, Mason District. (Suburban Residence).

Mr. Abramson represented the applicant. A letter to the Board from Mr. H. F. Schumann, Jr., Director of Planning was read stating that the Commission will recommend to the Board of Supervisors that they advertise for public hearing an amendment to the Zoning Ordinance which will permit a carport to extend into the minimum front yard a distance of not more than 10 feet, the same distance that open porches are now allowed.

It was noted that only lots 75, 118 and 119 are being considered - the other variance having been resolved.

Mr. Abramson told the Board that carports are sometimes constructed after the houses are built - they had thought that carports had the same preference in setback as a screen porch - however they were informed by Mr. Mooreland that this was not so, and had therefore made this application.

January 10, 1956

NEW CASES - Ctd.

5- Ctd. Mr. Abramson called attention to the fact that this is the only variance they have asked in the construction of over 100 houses. He noted that there is no variance requested on the house itself.

There were no objections from the area.

Mr. Mooreland noted also that this variance would be wiped out by the newly proposed amendment if it is adopted.

Mr. V. Smith thought the Board should hold this up until the action of the Board of Supervisors on the amendment is known. However, Mr. Abramson said these two houses are occupied and it had caused considerable disturbance to these people - that they would very much like to know the answer from the Board. This is the last of his development, Mr. Abramson said.

Mr. Haar moved to grant the application for a variance on the carports as indicated on plats by E. A. Krahmer, dated December 5, 6, and 7, 1955- on Lots 75, 118 and 119, as these variances do not appear to adversely affect adjoining property.

Seconded, Mr. V. Smith

Carried, unanimously.

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6- MARY L. BOWMAN, to permit operation of a beauty shop on east side of Madison Lane, 400 feet south of Columbia Pike, (1113 Madison Lane), Mason District. (Suburban Residence).

This shop would be conducted in one room of her home, Mrs.Bowman said. She will have no additional employees.

There were no objections from the area. Mrs. Bowman said she had discussed her proposed shop with people across the street and those living on both sides of her, and several living in the area, all of whom did not object.

Mr. Haar moved to grant the application as this is an operation which does not require a sign, this is granted to the applicant only for a period not to exceed two years and there shall be no additional employees for the use, granted because this does not appear to affect adversely neighboring property.

Seconded, Mr. V. Smith

Carried, unanimously.

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January 10, 1956

NEW CASES - Ctd.

7- JACK STONE COMPANY, INC., to permit erection of a sign with larger area than allowed by the Ordinance, southeast corner of Patrick Henry Drive and Arlington Boulevard, Falls Church District. (General Business).

This sign is for the Hot Shoppes at Willston. The sign as proposed will have overall dimensions of 27 feet 8 inches high by 13 feet 7 inches wide, having a square footage of 373 square feet. However, the actual letter area will have 99+ square feet - double faced sign.

This will be mounted behind the service drive right of way on Arlington Boulevard at the corner with Patrick Henry Drive.

There were no objections from the area.

They plan to make this type of sign their Hot Shoppes trademark - it has already been used in several other locations in the metropolitan area.

Mr. V. Smith said he would like to see a plat locating the sign on the ground with relation to the streets and the building on the property.

It was stated that this would be located at the corner, about 10 feet from the right of way of Arlington Blvd., and approximately 15 feet from Patrick Henry Drive.

Mr. V. Smith moved to grant the application as shown on sketch by K. C. Johnson, dated May 2, 1955 - the actual letters on the structure containing 99-1/2 square feet, because this does not appear to affect adversely neighboring property, and subject to the applicant furnishing a plat plan with location of the sign shown and that it be located in such a way not to obstruct vision on Patrick Henry Drive and Arlington Blvd.

Seconded, Mr. Haar

Carried, unanimously.

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A letter was read from the Sigmona Park Citizens' Association protesting the granting on December 27th of a VEPCo substation on Powhatan Street - near Overbrook Street, for the following reasons: Reduction in value of homes, adversely affect electronic equipment within homes and this would constitute a hazard to children. This is not a remote area and many homes will be affected. The letter asked that the Board protect homeowners in this suburban community by refusing VEPCo to erect this substation. The letter was signed by Mr. C. J. Cowgill, President of the Association.

Col. Cowgill stated that they had in the beginning contacted the County Federation of Citizens' Associations for guidance in opposing this use, but had been informed by that Association that it would be useless to protest as such cases were practically always granted. They later learned that this advice was in error - and therefore wish to make a protest and ask that the case be reopened.

While the property was no doubt properly posted and advertised, Col. Cowgill said, the great majority of the people in the area did not know of the hearing - some were away, it was Christmas week, and therefore nothing was done to present organized objections. They now have a petition opposing this, with 117 names.

A plat was presented to the Board indicating the location of the property to be used by VEPCo with relation to homes in the area. The two home owners most affected - both of whom join the VEPCo site - are the Osborns and the Lewitz - both of whom were present and objecting strenuously.

Mrs. Osborn called attention to the fact that this site is the only open ground in the area, it has been used for recreational purposes - a little island of woods in a closely developed area. There are probably 500 children within a short radius of this tract.

It was brought out that this substation is actually for the purpose of serving Arlington County where VEPCo had tried to buy property but had failed - therefore they came to Fairfax County, Mr. Osborne thought it difficult to shield a 28 foot tower with shrubs.

Mrs. Collier - who lives across from the proposed substation, said they had been informed that VEPCo had a blanket easement on the side of their property and that they intended to put up a pole at the corner of their property with guy wires into their back yard.

Mr. Crimmins told the Board that VEPCo had tried to buy ground from him but he had refused to sell as he did not wish to see this type of use move into a purely residential area.

Mr. Osborn spoke opposing - for reasons stated.

Mrs. Collier thought that by the time VEPCo had taken a 50 foot clearance for the road and 50 feet for the wires - the clearing would necessarily be so extensive - there would be little or no screening.

Those present did not know what position WEAM radio station was taking.

Mr. Mooreland told those present that in order to grant a new hearing, the Board must have new evidence which could not logically have been presented at the original hearing.

Mrs. Lewitz stated that she had bought a house and lot from Mr. Maddox (the original owner of this VEPCo site) last year and had contracted to buy two more lots joining the VEPCo site. She was away at the time of this hearing and did not know Mr. Maddox had any intention of selling this site to VEPCo. She had understood that it was to be left undeveloped.

Mr. Brookfield read the regulations re: granting a new hearing and questioned whether or not new evidence had been presented.

Mr. V. Smith recalled that he had not voted at the original hearing as he was not familiar with the vicinity. He thought the people in the area should be given another hearing if it is possible - however, he thought the Commonwealth's Attorney should be consulted as to whether or not a new

hearing could be granted. If the case is reopened, Mr. Smith cautioned, without sound reasons for doing so, the County would be open to suit by VEPCo as having reopened a case without justification. This is a position into which the Board would not like to place the County.

Mrs. Osborn thought there was misrepresentation on the part of Mr. Maddox at the original hearing when it was understood that Mr. Maddox owned all the ground around the VEPCo site - when actually Mr. Maddox had sold the house and two lots to Mrs. Lewitz. (Mr. Mooreland said the transfer of title into Mr. Lewitz' name had not yet been put upon the record books and technically Mr. Maddox was probably right).

It was agreed that the Board adjourn for lunch and that they talk with the Commonwealths' Attorney before reconvening.

After reconvening the minutes of the last meeting were read and it was the opinion of the Board that no new evidence had been presented justifying a reopening of the case.

Mrs. Osborn noted that Mr. Anderson (representing VEPCo at the last hearing) had stated that they had thought this land especially desirable since it was not in a subdivision - that they did not like to locate in a subdivision. Mrs. Osborn said the records show that this site is in a subdivision - which subdivision was recorded in the 1930's. She considered that new evidence.

It was stated that Mr. Maddox has put a preliminary plat on record showing the division of this three acre tract from which he is selling the VEPCo site and the Lewitz lots.

The fact of this site being located in a subdivision is evidence which the Board considered could have been brought out at the last hearing, and the Ordinance does not prohibit locating these substations in subdivisions.

Mr. V. Smith said the Commonwealths' Attorney had pointed out the pit-falls in reopening this case and had stressed the necessity of having new evidence. The misrepresentations to Mrs. Lewitz were discussed - but not considered new evidence.

Col. Cowgill thanked the Board for their courtesy and for taking time to hear their complaints. They realized the position of the Board, Col. Cowgill said, and felt that every consideration had been given them.

Mr. V. Smith said he had the greatest sympathy with the people in the area but in view of the advice of the Commonwealth's Attorney and the lack of new evidence and the possibility of suit which reopening the case would probably result in, he could not agree to a reopening. The other Board members agreed.

Mr. Haar moved to deny the request for a rehearing of this case. Seconded, Mr. V. Smith. Carried, unanimously.

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The meeting adjourned

John W. Brookfield

J. W. Brookfield, Chairman

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday January 24, 1956 at 10 a.m. in the Board Room of the Fairfax County Courthouse - with all members present

The meeting was opened with a prayer by Judge Hamel

DEFERRED CASES:

1- CHARLES ASSOCIATES, INC., to permit carports to remain as erected closer to side property lines than allowed by the Ordinance, Lots 5, 8 and 13, Block 1, Section 1, Belle Haven Terrace, Mt. Vernon District. (Sub. Res.)

Mr. Dan Maher, surveyor, represented the applicant who had asked for this deferrment as he could not be present on the last hearing date.

Mr. Mahr said he did not locate these houses and the applicant does not know how the violation occurred. The violations were discovered in making the final location survey. The houses set high - about six feet above the street level, Mr. Maher said, with a high bank at the rear. (One of the violations is on a carport and the other two are open porches - contrary to the reading of the application.) Mr. Maher said they had heard of no complaints on this from the neighborhood, and there was no one present objecting.

On Lots 5 and 8, since the variance is not great, Mr. Haar moved to grant the variance as requested as there is only a .2 foot violation and these do not appear to adversely affect joining property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

On Lot 13, Mr. V. Smith moved to grant the location of the carport which is 8 feet from the side line as shown on plat dated December 1, 1955 by D. M. Maher, because the house sets back from the front property line in excess of the required distance and because of the steep bank in the rear of the house and this does not appear to adversely affect neighboring property.

Seconded, Judge Hamel

Carried, unanimously.

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2- JOE S. KENDALL, to permit erection of carport closer to street property line than allowed by the Ordinance, Lot 46B, Section 4, Huntington, Mt. Vernon District. (Suburban Residence).

This was deferred to view the property. This is a semi-detached house.

Mr. V. Smith, who had seen the property, asked how the house became located 29 feet from the line. Mr. Kendall said he bought this under a G. I. loan and he did not know.

Mr. Mooreland volunteered the information that there are six sections in Huntington Subdivision which went in under the old multiple housing Ordinance - this building was put in at that time. His office has had a great deal of trouble with this subdivision - many variances and all kinds of setbacks.

2-Ctd. DEFERRED CASES - Ctd.

Mr. Kendall said the neighbor in the other half of this house knows of the variance requested and he does not object.

Mr. V. Smith suggested that a 20 foot width would be sufficient. (The applicant asked for an 18 x 22 foot carport - however he wants a garage).

Mr. Kendall said if he carried this to a party wall he could have more room, but he does not want that and by leaving one foot between his garage and the line - if the adjoining lot should have a garage one foot from the line this would give two feet for maintenance. The reason for wanting the large garage, Mr. Kendall said, is to house his car and the truck which he uses in his bricklaying business. Sometimes he brings home tools or small equipment which he uses in his work, and he would like to be able to put them in the garage also, rather than leave them in the yard. Most people in the area park on the street or in their driveways. He will fill in the yard to keep the water from running into the neighbors yard, Mr. Kendall assured the Board.

Mr. V. Smith suggested leaving the sides open but Mr. Kendall said he would prefer to enclose this as he will also store some things now kept in the basement and the carport would not be sufficient.

Mr. Brookfield thought the addition of garages would spoil this area which has developed rather well. Mr. Kendall thought it would actually improve his house - he will build the garage to match his dwelling. He plans a dock deck above the garage.

Mr. V. Smith moved to grant the application for an 18 x 22 foot garage not to extend closer to the street than three feet from the exterior wall of the house as this appears to be the only location for a garage and it does not appear to adversely affect neighboring property.

Seconded, Mr. Haar

Carried - All voted for the motion except Mr. Brookfield, who voted "no".

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NEW CASES

1- HUGH MUNRO, to permit operation of a trailer court with 466 trailer sites on north side of Southern Railroad on east side #638, Rolling Road, Falls Church Dist. (Industrial.

A letter was read from Mr. Lytton Gibson asking that this case be deferred for one month as Mr. Gibson, representing the applicant, could not be present at this time.

Mr. Mason Hirst came before the Board with maps and information with which he wished to oppose this case. Since the Board was inclined to grant Mr. Gibson's request for deferral it was suggested that any opposition would have to be heard at the final hearing and there would be no point in repetition. Therefore, Mr. J. B. Smith moved to defer this case for 30 days- until February 28th.

Seconded, Judge Hamel

Carried, unanimously. This case will probably be set at 10 a.m., Mr. Mooreland said.

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NEW CASES - Ctd.

2- NORTHERN VIRGINIA ASSOCIATION, INC., to permit carports to remain as erected closer to Street property lines than allowed by the Ordinance, Lot 76, Section 2, Sleepy Hollow Manor and Lot 142, Section 4, Sleepy Hollow Manor, Mason District. (Suburban Residence). 427

The applicant also asked for deferral on this case to February 14th.

Mr. Mooreland called attention to the fact that if the amendment on carports is passed by the Board, there will be no need to handle this application as it will comply with the new amendment.

Judge Hamel moved to defer the case to February 14th.

Seconded, Mr. Haar

Carried, unanimously.

//DEFERRED CASE:

Since the above two cases were deferred, the Board agreed to take up the MAURICE J. KOSSOW case - which had been deferred after a tie vote, for a full five man Board.

Mr. Cregger, representing the applicant, was present and the opposition had been notified but no one opposing was present.

Mr. Cregger presented a letter from Mr. and Mrs. Howard Stipe, who own the motor court joining this property - both of whom stated they did not object to this filling station, in fact they believe it would be an asset to their business.

Mr. Cregger recalled that this property has been zoned for business for about ten years, and the Board granted a filling station permit in November 1952. At that time the applicant was not able to go ahead with the filling station because of lack of sewer and water. They can now be furnished with water by Falls Church and the sewer line will be available.

Mr. Bell, from Cities Service, the company who will construct and operate this business, discussed the traffic pattern here and the type of station they would put in - which he thought would not depreciate the area. He showed an aerial photograph of the area they would serve. There are two filling stations in the general area, Mr. Bell said, one to the east and the other to the west of this property, both of which are old stations. This will be a modern structure in every way. The company plans this to be a neighborhood type station, serving mostly the immediate area and they are therefore particularly interested in creating good public relations. They are also greatly concerned with the safety factor. This station would not affect visibility and he considered that it would be easy of ingress and egress since they have sufficient width on Lee Highway. Mr. Bell gave statistics from a study made by the Highway Department of the State of Ohio wherein out of 44,000 accidents only 11 were connected with a filling station at an intersection.

January 24,1956

DEFERRED CASE - Ctd.

Maurice J. Kossow - Ctd.

Mr. Holmes who had made an appraisal of this property, and arranged the loan, said the value of the property after improvements would be between $56,000 and $62,000 - which will be reflected on the County tax rolls. Mr. Holmes pointed out that they are using only about 130 foot depth on this lot and the balance of the property will be screened from the filling station . That area approximately 50 feet x 125 feet joining the residential property will at present be left unused. However, this has business zoning and may at some future time be built upon. For the present the screening and the unused strip will form a barrier between the filling station and residential property.

Mr. Cregger also pointed out that they would put in screening along Lawrence Drive - perhaps with a white fence. Mr. Cregger pointed out that since this is business property and has been lying idle for some years and many other types of business could go in here without a special permit, he thought it unreasonable that a man not be allowed to use his ground within the Ordinance regulations. He saw no indication that this use would adversely affect the health, morals, or safety of the County.

Mr. Cregger said he really thought the safety factor was the main consideration here, and he could see no hazard as the road is straight and level - the only questionable element is that this is a 55 mile speed zone. In view of the fact that other businesses could go in here which might be a far greater hazard from the traffic standpoint, he asked the Board to approve this use. He was of the opinion that a filling station would actually slow down traffic.

The petition opposing this was read - opposition because of safety to the children. Also the minutes of the original hearing were read in order that Mr. J. B. Smith might have the benefit of full expression of the opposition. Mr. Cregger discounted the nearness of the National Memorial Cemetery, stating they were not actually immediately across from them, but that the adjoining tourist court was opposite the Cemetery and the tourist court, in his opinion, was not exactly an asset. Mr. Cregger questioned that the 18 people signing the petition represented the entire civic association. He noted that this station would be a good starting place for the school bus. Mr. Cregger suggested that it might be worked out to have a common driveway with the adjoining motel - which would decrease the outlets to the highway, that they could pave the area up to the motel driveway. The Board agreed that might help.

Mr. J. B. Smith also thought there should be a decelleration entrance put in by the applicant, which would reduce speed in entrance to both the tourist court and the filling station. Mr. Cregger said the cost of that

DEFERRED CASE - Ctd.

Maurice J. Kossow - Ctd.

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would be almost prohibitive. Lee Highway will no doubt be widened to four lanes, Mr. Cregger said, which will reduce speeding hazards. They have had approval from the Highway Department for ingress and egress, which would appear that that department feels this would not create a traffic hazard. Mr. Brookfield thought no action should be taken on this without the opposition being present. It was suggested that the Board consult the Commonwealth's Attorney as to whether or not final action should be taken without the opposition present.

Mr. V. Smith moved to defer this case until later in the day to give the Board a chance to contact the Commonwealth's Attorney

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES

3- AVIS RUNION, to permit operation of a beauty shop in the home and also a sign 18" x 30", Lot 202, Section 2, Bel Air, (819 Annandale Road), Falls Church District. (Suburban Residence).

Mrs. Runion said she had operated a beauty shop in Southern Virginia. When they looked for a home in this area she told the Real Estate Agent, Arfax Realty Company, that she would like to be able to operate her shop in her home, and she thought some contact should be made with the County to assure her that permission. The Agent said he would take care of that and would have everything ironed out and this permission granted within two weeks. They therefore signed a contract in which it was stated that it was permissible to operate this beauty shop. However, the Agent said she would not be allowed to have a sign unless it was inside the house. That didn't do her much good, Mrs. Runion said, so she put the sign in her window. It developed that the neighbors objected to this sign, but Mrs. Runion said she could not operate without it. This shop will not bring added traffic on the Falls Church - Annandale Road, Mrs. Runion thought, as people were travelling that road anyhow and would continue to do so - merely stopping off at her home.

The Board was of the opinion that Mrs. Runion had a case against the Arfax Realty Company, as they had apparently taken full responsibility for getting permission to operate the shop and they had done nothing, and since they had even incorporated this permitted use in the contract.

Opposition: Mr. Richard Bray, President of the Bel Air Citizens' Assn., appeared for the association opposing - upon unanimous vote of the Executive Committee. The association objected because this is a residential community of over 400 homes, there are adequate shopping centers near where business

NEW CASES - Ctd.

3-Ctd. and space for this operation is available, they have consistently opposed all business in this area - the intrusion of which they believe would devaluate property, and they believe the intrusion of this business would encourage others to ask the same thing, also it would add to traffic on the Annandale Road. About 75% of the 168 names on the petition live within a 500 foot radius of the applicant.

It was also brought out that convenants run with all lots in Section 2, saying that this must be developed in single family detached dwellings and that no noxious or offensive trade may be carried on. While this would not necessarily be a noxious business - the opposition consider the sign depreciating to the area. They do object to the beauty shop even without the sign.

Mr. Palmer, President of Westlawn Civic Association read their opposing resolution and agreed with the statements made by Mr. Bray.

Mrs. Runion suggested that she had noticed an ad for baby sitting in the local news sheet, and thought that was doubtless for profit.

Mr. V. Smith stated that he was fully in sympathy with Mrs. Runion's problem and thought she had a legitimate case against the Real Estate Agent, but because of the covenants he did not think the Board could grant this. He, therefore, moved to deny the case because it appears to adversely affect neighboring property and this would not be in keeping with the residential character of the neighborhood.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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4- GARFIELD, INC., to permit erection of a sign larger than allowed by the Ordinance at the N. W. corner of Springfield Road, #617 and Franconia Road, #644, Mason District. (Agricultural)

Mr. F. C. Mann represented the applicant. This sign would be temporary - set up merely to advertise and promote the proposed 20 or 30 acre shopping center which will be developed to the north of this tract. The sign would be 10 x 20 feet, single faced, listing the various businesses which would be carried on at the shopping center. It would be located 30 feet back from the rights of way of Franconia Road and Backlick Road - or farther back if the Board Wished.

Mr. V. Smith thought a plat should be submitted showing the area to be served by this sign. There were no objections from the area.

Judge Hamel moved to grant a permit to the applicant only for a period not to exceed two years with the understanding that when the sign has served its purpose it will be removed and that no other sign shall be placed on this property without making proper application and the sign shall be located back 50 feet from the rights of way instead of 30 feet, as shown on the plat. Seconded, Mr. Haar. Carried - Mr. V. Smith not voting. Judge Hamel, Haar, J. B. Smith and Brookfield voting for the motion.

NEW CASES - Ctd.

5- CLARENCE W. GOSNELL, INC., to permit an attached garage to remain as erected 9.60 feet from side property line, Lot 49, Block 5, West Grove, (411 West Grove Boulevard). Mt. Vernon District. (Suburban Residence).

Mr. Harnett represented the applicant.

This is about 4 inches short of requirements, Mr. Harnett said, only one corner of the house violates as the side lot line graduates out and the back corner of the house is located more than 13 feet from the line. The street curves here, Mr. Harnett pointed out and they did not notice this violation until it was too late to correct it. They have built a great many houses in the County with very few violations, Mr. Harnett stated - and to which Mr. Mooreland agreed.

There were no objections from the area.

Mr. V. Smith moved to grant the variance as shown on plat of Lot 49, Block 5, Westgrove Subdivision, plat made by Richard E. Hardy, certified land surveyor and dated October 17, 1955, because this is a slight error and only one corner is affected and this does not appear to affect adversely neighboring property and this is on a curved street.

Seconded, Mr. Haar

Carried, unanimously.

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6- OVILA H. PANNETON, to permit operation of an open air theater on east side of #608, approximately 1000 feet north of #29 and #211 back of Hunter's Lodge, Centreville District. (General Business).

This property was rezoned some time ago for this purpose, Mr. Panneton told the Board. It is located about 1000 feet from Route #211. He thought it would be an asset to people in the community for summer recreation. The ground slopes up in such a way that it would be very well suited to this type of development.

It was brought out that part of the State prison camp property is across the street from this property. Mr. Panneton said he was sure he could meet any requirements of the Fire Marshall or any State regulations.

There were no objections from the area.

Mr. V. Smith thought this was perhaps a logical location for this use but he questioned it being located on this small narrow road which would probably present a traffic problem - especially at the entrance from Rt. #211 where Hunter's lodge is located. The Lodge is closer to the road and could create a blind entrance. Also there is a hill to the west about 300 feet on Route #211 which could affect a heavily traveled entrance.

Mr. Smith thought it would be well if the entrance from Route #211 on to Route #608 could be widened, and that the Board should hear from the State Highway Department and the Police Department and that possibly some changes in the highway could be made.

NEW CASES - Ctd.

6-Ctd. It was noted that this would also affect the entrance from Route #608 to Route #50, which is very hazardous but about which the Board could do nothing.

Doctor Adkerson said he had talked with the Police Department, who agreed that this would be all right and stated that they would take it up with the Highway Department regarding a light at this intersection.

Mr. V. Smith moved to defer the application for reference to the State Highway Department and the Fairfax County Police Department, and request that they express their views on this use and the entrance at the junction of Route #608 and Route 29-211 from the standpoint of safety and the possibility of widening Route #608,and deferred to view the property. Deferrment for 30 days.

Seconded, J. B. Smith

Carried, unanimously.

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7- ROBERT E. HOBSON, to permit carport to remain as erected closer to Crossman Street than allowed by the Ordinance, (20.2 feet), Lot 20, Columbia Oaks (20 Oak Hill Drive), Mason District. (Suburban Residence).

Mr. Hobson said he had contracted with a builder for a carport and the builder agreed to take care of all the details - getting the permit, etc. After the carport was constructed, Mr. Hobson said, he was told the setback was in violation. He checked and found that a permit had never been issued by the County. The carport could have set back in line with the house, Mr. Hobson said, but he did not know the regulations and the builder apparently didn't either. Mr. B. Henderson of Arlington County was the builder.

Mr. Hobson noted that Crossman Street on which this violation occurs, dead ends with the back line of his lot.

There were no objections from the area.

Mr. V. Smith moved to defer the case for 30 days to view the property, and for the applicant to talk with Mr. Henderson and see if he will move the carport back.

Seconded, Mr. J. B. Smith

Carried, unanimously

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8- JACK COPPERSMITH, to permit erection and operation of a service station and to allow building closer to side property line and to allow pump islands closer to front property line, on east side of #617, 300 feet north of #644, Mason District. (General Business).

Mr. Mullen and Mr. Coppersmith were both present.

Mr. Mullen said that while the Master Plan recommends a right of way here of from 60 to 80 feet, he thought the 80 foot right of way impractical as stores which have already been located on Backlick Road are set back on the basis of a 50 or 60 foot right of way. If, however, more right of way

8-Ctd.

is taken, Mr. Mullen said there is sufficient property across from him which is unused and from which more right of way can be obtained. That is a 58 acre tract.

Mr. Mullen called attention to the fact that Amherst Drive, which parallels Backlick has an 80 foot right of way which stops at the entrance to the 58 acre business area across from him and there is no determination yet as to where Amherst will go.

Mr. V. Smith stated that if Amherst is continued on south and joins Backlick before reaching the intersection, it would need a maximum of right of way on Backlick to take care of the traffic.

Mr. Mooreland noted that the filling station on the other side of Backlick is set back 36-1/2 feet from the property line, and it was granted a 25-1/2 foot setback for the pump islands after they had given 11 feet for widening purposes. Mr. Mooreland thought that the setback should be based on 60 feet, from the centerline, or 35 feet from the property line. This would be 45 feet from the present line.

Mr. Mullen said the filling station across from him is less than 25 feet from the curb - he would like the same setback. Mr. Coopersmith said he could not operate unless he had the same setback - it would not be feasible. However, Mr. Coopersmith said he would dedicate 11-1/2 feet without cost to the State for additional widening of Backlick Road, if he can get his requested setback. The pump islands can easily be moved when the need arises.

Mr. Mooreland stated that the Director of Planning had requested that there be no variance from the required setback in this area.

The fusion of traffic between Backlick Road and Amherst Drive was again discussed. Mr. Mullen said that it had not yet been determined how the interchange here would be handled, but sufficient land had been reserved at the intersection to take care of whatever handling might be decided upon. This property is 300 feet north of the interchange area.

Mr. V. Smith felt that the Board did not have enough information on the plans here and thought they should have a recommendation from Mr. Schumann on this intersection.

Mr. Mullen said Mr. Stuart Mott is doing the planning on the intersection but no one will know what the State will do until the last minute. It will be the State who has the last word. When they come to work on this, Mr. Mullen said, the State will plan the route of Amherst Drive into the 58 acre business property and the intersection will be worked out in conformance with the States plans.

Mr. Coppersmith called attention to his exchange of ground with Mr. Lynch to get a broader entrance into his property.

NEW CASES - Ctd.

8-Ctd. Mr. Haar moved to grant the application provided the pump islands are set back from the centerline of Backlick Road 51-1/2 feet, which is consistent with the previous application which was granted and that provision be made for the possible widening of Backlick Road when the State Highway deems it necessary. That a dedication up to 15 feet will be made when required.

Seconded, Judge Hamel.

Carried - all voting for the motion except Mr. V. Smith who voted "no".

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9- JOHN E. GRAY, to permit carport to remain as erected closer to side property line than allowed by the Ordinance, Lot 4, Block B, Keys and Russell Subdivision, Mt. Vernon District. (Rural Residence).

Mr. C. C. Hamilton represented the applicant. Some time ago, Mr. Hamilton told the Board, a carport contractor approached Mr. Gray suggesting that he would put up an aluminum carport for him taking care of all necessary plans and permits. Mr. Gray agreed and while Mr. Gray was out of the Country the carport was put up. Later Mr. Gray was asked for his permit - which the contractor had not obtained. Also Mr. Gray was advised that the carport was located too close to the side line, and the building was so badly constructed it would not meet the requirements of the Building Code. Mr. Gray has contracted with Mr. Hamilton to work over the structure so it will conform to requirements, but he cannot go ahead with this until the violation of setback is cleared up. The garage on adjoining property on this violating side is located 17 feet from the line. There is a link fence between the two properties.

Mr. Hamilton said there were many other such violations caused by this same contractor - he (Mr. Hamilton) has been following the contractor around remodeling these structures to make them conform to the Building Code. They have been unable to locate the contractor as he is in Maryland now and they can't get him out as he knows if he comes into Fairfax County he will be served with warrants.

Mr. V. Smith suggested moving the garage back and detach it - making it conform to setbacks.

That would be too expensive, Mr. Hamilton said, as the garage was already costing Mr. Gray too much. Actually he thought it would be impossible to move the structure anyhow and ever use it again.

Mr. Haar moved to grant the application for a garage as indicated on the sketch presented with the case, with a setback of 7-1/2 feet from the side property line as this appears not to adversely affect joining property.

Seconded, Judge Hamel

Carried, unanimously.

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NEW CASES - Ctd.

11- CLAUDE LIVINGSTON, to permit erection of dwelling closer to street property line than allowed by the Ordinance, Lots 9 and 10, Block 42, New Alexandria, Mt. Vernon District. (Urban Residence). 435

Mr. G. R. Ernest represented the applicant. This is an old 25 foot lot subdivision recorded in 1892, Mr. Ernest told the Board. The applicant is asking to use all the lots involved for one development, bringing the dwelling within 18.4 feet of Mt. Vernon Memorial Highway.

A letter was read from the Interior Department, National Park Service, which stated that according to their understanding there are no applicable Federal zoning restrictions affecting the location of this property and therefore the local zoning laws would prevail.

When the Memorial Boulevard came through they cut into these lots, Mr. Ernest said, leaving this sharp angle which is practically unusable.

There were no objections from the area.

Mr. V. Smith suggested that it might be better to move the dwelling closer to 10th Street thereby leaving a little more setback on the Memorial Blvd. This was agreeable to the applicant.

Mr. V. Smith moved to grant the requested variance on Lots 9 through 14, Block 42, New Alexandria, as shown on plat by Ed. S. Holland, Certified Land Surveyor, dated January 6, 1956 - provided the house shown shall not be closer to 10th Street or Mt. Vernon Memorial Blvd. than 25 feet. (It was noted that there is a total setback from 10th Street and Mt. Vernon Blvd. of 53.6 feet). Granted because this is a triangular shaped piece of property caused by construction of the Mt. Vernon Memorial Highway and this variance does not appear to affect adversely neighboring property.

Seconded, J. B. Smith

Carried, unanimously.

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DEFERRED CASE:

MAURICE J. KOSSOW

The Maurice J. Kossow case came up again, after discussion with the Commonwealth's Attorney, who had stated that the Board was in the clear and could properly handle this case because it was fully heard at an earlier hearing and the opposition was notified of today's hearing - although not present.

Mr. J. B. Smith stated that he could not see where the evidence had changed since the original hearing of this case, at which time he had voted for the application. He would therefore vote for this application to be granted.

This broke the tie,making a decision of three to two.

Judge Hamel, Mr. Haar and J. B. Smith voting for the application and Mr. Brookfield and Mr. V. Smith voting against it.

Motion carried.

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January 24,1956

NEW CASES - Ctd.

10- MRS. IVORY P. ROSE, to permit division of lot with less width than allowed by the Ordinance, Lot 39, Annandale Acres, Mason District. (Agriculture). This is a request to divide one lot which is in excess of an acre into two lots, which would have more than the required area for two one-half acre lots but would not have the required frontage. Each lot would have 21,871 square feet of area and a 78.11 foot frontage. The applicant stated that he has owned these lots for about one year and is now wanting to build his home - but cannot unless he is allowed to sell one of the lots. He has sewer and water. This is an old subdivision - recorded in 1940.

Mr. V. Smith suggested that it be understood that a house will be designed to fit this lot which will not require a variance. Mr. Rose said he could do that.

Mr. Haar moved that the application be granted as it does not appear to adversely affect adjoining property and the sewer being available it should clear up the situation regarding utilities and services and when plans are drawn for the house they should be so drawn as to show location of a garage which will conform to setback requirements, plans shall show location of the building and driveway for the garage, which garage could be located five feet back of the house and two feet from the side property line.

Seconded, J. B. Smith

Carried, unanimously.

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The meeting was 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, February 14, 1956 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse with the entire Board present.

The meeting was opened with a prayer by Judge Hamel

DEFERRED CASES

1- LOIS E. NEWTON, to permit a camp for boys and girls with structures accessory thereto, on Vienna-Vale Road, #672, approximately 1/2 mile from the Vienna Corporate Limits, Providence District. (Rural Residence.)

No one was present to discuss this case, therefore, Mr. Haar moved that this application be put at the bottom of the list.

Seconded, Judge Hamel

Carried, unanimously.

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2- RAYMOND R. WAPLE, to permit operation of a Trailer Court with 157 trailer sites, on south side of #29 and #211 intersection of Rust Road, Providence District. (Rural Business).

Mr. Hansbarger represented the applicant. Mr. Hansbarger pointed out that Trailer Parks are having the same history as motels in the County. At first they were frowned upon but when attractive motels - granted under restrictions - were built, and people got used to them they were accepted. We now have several uncontrolled trailer parks in the County - and people do not want an extension of that type of development. However, FHA is now lending money up to $300.000 on trailer parks, provided FHA requirements are met. Their requirements are high - 300 square foot lots for the first 80% of the development and 2400 square feet for the balance, black top streets, sewer and water, recreation areas, etc. - all of which restrictions the applicant is willing to meet on this project. The State Code on trailer parks requires only 1000 square feet per trailer, exclusive of the parking area. They will more than meet this and will conform to State Health and County fire regulations. All utilities will be available. Mr. Hansbarger suggested that any use permit granted his client could be conditioned upon his meeting all these requirements. They will have garbage collection, no dogs and cats, and they will screen the trailers from the road with a hedge. Mr. Hansbarger also pointed out that Mr. Waple is an experienced trailer park operator with a good record. He had understood, Mr. Hansbarger said, that there are many trailers now in the County parking on single lots because there is no place for them to go. He thought granting this would help to clear up those violations. He did not think this development would adversely affect property in the area.

Judge Hamel recalled that the Planning Commission is in the act of considering regulations to govern trailer parks. He thought this should be deferred until those regulations are formulated.

DEFERRED CASES - Ctd.

2-Ctd. Mr. Hansbarger noted that at the present time the Board could grant a trailer park on this property. He was afraid that the adoption of the amendment proposed by the Board of Supervisors incorporating the McHugh plan into the Zoning Ordinance might cause this property to revert to residential zoning which would preclude the Board from granting this use. Mr. Schumann said that the County regulations will not require lots sizes larger than FHA. He thought the regulations could be adopted within 120 days.

Mr. Mooreland recalled his trailer survey in which he found more than 300 trailers parked on single lots - in direct violation of County regulations. The Courts have upheld the County in determining these trailers to be in violation. He thought delay in granting trailer parks - which would give these people a place to locate - might jeopardize the County's position in Court. He suggested that this might be granted with the reservations that it conform to future regulations.

Mr. Hansbarger said there was no question but what they could meet any County requirements - he urged the Board to grant the application with restrictions and the only reason for pushing it at this time was his fear of what might develop zoning-wise.

Mr. Waple also made the statement that he would comply with restrictions of the proposed County Ordinance. The time element was satisfactory to him as he would have to wait until the Town disposal plant is enlarged in order to be sewered. The plant and the new Ordinance would be ready about the same time.

The Chairman asked for opposition.

Mrs. Mason thought the County did not plan to have trailer parks since they were not shown on the Master Plan. If this is to be considered she thought it should wait for County regulations.

Mrs. Worchester objected as she thought trailer parks should be located in groups or in a certain area, and not scattered and joining residential areas.

Mr. Mooreland noted that this is a zone where certain types of business is allowed - trailer parks among those uses.

Mrs. Conner objected - she asked about the time limit for occupants living in trailer parks - she thought permanent residents would overload the schools.

Mr. Mooreland said the County had no means of policing time of occupancy. It was brought out that these trailers are well taxed and Mr. Waple stated it was possible the occupants of trailers often paid more taxes than home owners.

In answer to Mr. V. Smith's question about setback from Rust Road, Mr. Waple said he would meet the required setback and would not put trailers within that setback line. The building setback line was indicated on his plat.

February 14,1956

DEFERRED CASES - Ctd.

2-Ctd. Mr. Verlin Smith stated that in view of the statement by Mr. Mooreland regarding the need for trailer parks in the County, he would move that the application be granted subject to the applicant conforming to existing FHA requirements and to any trailer park ordinance adopted by the County in the future, and subject to ingress and egress being approved by the State Highway Department and approval of the State Health Department or any other regulatory bodies concerned. This is approved on the basis of the plat by Walter L. Ralph, certified Land Surveyor, plat dated November 12,1955.

Seconded, Judge Hamel

Carried - For the motion; J. B. Smith, Verlin Smith, Judge Hamel.

Mr. Brookfield voted "no". Mr. Haar did not vote.

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3- R. B. DRAPER, to permit operation of a tea room and a gift shop in present home on 2.708 acres of land at the S. W. corner of Arlington Boulevard and Prosperity Avenue, #699, Providence District. (Rural Residence)

Mrs. Draper said she was asking this use in order to help with their family expenses since her husband had become ill. She did not realize there would be any objection to this - she has 2-3/4 acres and has lived here for seven years. This property joins Pine Ridge Subdivision. The house is set well back and is partially screened by trees - she did not think it would be objectionable. She plans a quiet restaurant - serving people mostly by appointment, perhaps serving groups from her Church. The house will not be changed in any way to make it look like business. With regard to traffic and the dangerous entrance into Prosperity Avenue - Mrs. Draper said she had talked with the Highway Department who stated that they would grade the banks on Prosperity Avenue and lower the hill this Spring, which she thought would make a safe entrance to her home. The property owner joining her does not object to this use - nor do people living next door to him. However, Mrs. Draper said if the people in Pine Ridge do not want this use - she would not wish to have it.

The house is large, Mrs. Draper said - a split level. The gift shop would be in the basement and she would use her dining room and the large living room for the restaurant. Before thinking of the restaurant, Mrs. Draper told the Board they had planned to build a larger garage with a sun deck on top - this would give them more room for the house. Any addition she put on would not interfere with the beauty of the house. They have adequate water and septic field.

Mr. Hockman, sho owns the property joining and property across the road, stated he did not object.

Mr. Brault, representing Pine Ridge Citizens Association - which includes 150 families - stated that he was not actually appearing in opposition but the association had taken action in November opposing this use. Later association members called on Mrs. Draper to discuss their objections.

Step 13 March

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DEFERRED CASES - Ctd.

3-Ctd. Mrs. Draper then appeared at the Association meeting. After that the Executive Committee agreed this would not be objectionable to the community if certain conditions were met. They asked that the permit be limited to the present property owner; that the permit be limited to use within the existing structure. They had no objection to the addition of a garage on the west, to be used as a garage; and they asked that the entrance on Prosperity Avenue be placed at the closest possible point to Arlington Blvd. and that the present driveway be closed. They questioned the desirability of a large business establishment here, Mr. Brault said - at the entrance to Prosperity Avenue - because of the steep knoll on Prosperity Avenue just beyond the Draper's present driveway. Mr. Brault thought it would be a traffic hazard, especially for school busses which would not be able to see cars coming and going from the Draper home. However, since the Drapers will change the entrance to the point nearest Arlington Blvd. as the Highway Department will allow - if the present structure only is to be used Mr. Brault thought there was very little opposition. He did recall that the Highway Department were very slow in moving, which might delay the entrance change.

Mr. Sherman Johnson who lives near this property also stated he had no objections to this use.

Mr. Mooreland recalled that the Planning Commission had jealously guarded Arlington Boulevard from business encroachment.

Mr. Schumann recalled that large business areas have developed from first granting a small business use such as this. He felt that adjacent property owners might very well ask for business if this were granted.

Mrs. Mullen from Pine Ridge thought granting this might lead to requests for business on the other corners. If this is a precedent, she objected, but if each case is handled on its merits this might not be so objectionable. She also thought too much expansion in the building would be out of keeping with residential development.

Mrs. Draper said she did not like the restriction regarding use of the present structure only. The addition she spoke of was planned long before she thought of the tea room - she thought it would be a better arrangement to have her garage on the opposite side of the house.

Judge Hamel moved that the application for a permit be granted for this in view of the fact that the Pine Ridge Citizens Association have no objections except the suggested restrictions which they have presented at this meeting. Those restrictions seem to be in accord with the views of the applicant and that the permit be limited to the applicant only and this shall be granted subject to the approval of the State Highway Dept. as to ingress and egress from the Highway.

Mrs. Draper thought this would restrict her too much.

DEFERRED CASES - Ctd.

3-Ctd. Mr. Verlin Smith offered the addition to the motion that any addition to the dwelling be restricted in size not to exceed a two car garage constructed so that without much expenditure it could be converted to a garage and that it be added that the applicant furnish off street parking for all users of the use.

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Judge Hamel accepted the addition to his motion.

Mr. Haar seconded the motion.

It was added to the motion that safe ingress and egress be provided.

Mr. Bault stated that he would like to see the driveway changed to the point closest to Arlington Blvd. as the Highway Department would allow before this is used as a restaurant. Mrs. Draper said that by cutting down the hill and grading the banks she thought it would be satisfactory, as she did not wish to change her driveway.

The motion was carried - all voting for the motion except Mr. J. B. Smith who voted "no".

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4- JOSEPH S. GORDIN, to permit erection of a building closer to side lot lines than allowed by the Ordinance, on west side #617, 563 feet south #644, Mason District. (Rural Business).

The motion passed by the Planning Commission regarding their reference to them of this case was read: That an 80 foot right of way be provided along Backlick Road and that the entrance road, on the side of the building in to the property, shall be 15 feet wide and that adequate parking shall be provided either at the front or the rear of the building.

"What is adequate parking?" was asked.

Mr. Schumann said the Commission did not determine that.

Mr. Fagelson, representing the applicant, said they plan to put in an electrical center which type of business would not generate much traffic, however, he was sure his client could comply with these conditions. Mr. Gordin recalled that he had already dedicated 25 feet for highway widening. The Planning Commission wanted to assure, Mr. Schumann said, that plenty of space is provided on one side of the building - therefore they suggested the 15 foot setback instead of the 10 feet as shown on the plat.

There were no objections from the area.

Mr. Verlin Smith moved that the application be granted subject to there being, before construction begins, a dedication of 40 feet from the centerline of Backlick Road and subject to the approval of the Planning Commission who is familiar with requirements as to the amount of parking space to be provided and the driveway as shown on the south side of the property shall be increased to 15 feet in place of 10 feet as shown on the plat. This is granted as per plat by George Hellwig, Certified Land Surveyor, dated Dec. 15,1955. (Plat amended by recommendation of Planning Commission).

Seconded, J. B. Smith

Carried, unanimously

DEFERRED CASES - Ctd.

5- NORTHERN VIRGINIA ASSOCIATION, INC., to permit carports to remain as erected closer to Street property line than allowed by the Ordinance, Lot 76, Section 2, Sleepy Hollow Manor and Lot 142, Section 4, Sleepy Hollow Manor, Mason District. (Suburban Residence).

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The applicant had asked that this be deferred until February 28th.

Mr. Haar moved that the application be deferred until February 28th.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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NEW CASES

1- MARY L. CRAIGHILL, to permit operation of a dancing school, Lot 4, Section 1, Langley Farms, Dranesville District. (Suburban Residence).

Mr. Craighill appeared before the Board. Mr. Craighill showed a map drawing of his neighborhood, indicating the people whom they had contacted regarding this use - all of whom did not object except one. They have built a room on the back of their home - a glassed in recreation room - which will be used for the dancing classes. The house sets in a 5-1/2 acre tract. At the present time, Mr. Craighill told the Board there are two car pools of people taking their children to Arlington for dancing lessons. These people and many others in the area are very eager to have this school as it will be a great convenience to them and they feel it will be a cultural asset to the community. Since the house is set well back from the roadway, surrounded by trees, and the school will be carried on a very limited basis and it is wanted in the neighborhood, Mr. Craighill contended it would not in any way be objectionable. He read a statement signed by Mrs. Craighill stating that this was a request simply to teach dancing in her home - actually not a dancing school. She further requested that the permit not be transferable, and that there be no signed, no parking or stopping of cars by students or parents on Waverly Way and that the permit be limited to the teaching of an average of ten students per class and an average of eight hours per week.

Also Mrs. Craighill presented a statement signed by 21 neighbors saying they would favor a permit to the applicant only, that the classes shall be conducted in the studio-recreation room only, no signs will be displayed and that this be carried on as a part time paying hobby consisting of eight one hour dance classes per week.

Mr. Craighill also pointed out that Waverly Way is a short street running only from Route 123 to Route #193. He also went into Mrs. Craighill's background as a creator of dances and her outstanding work along this line with various groups and organizations.

Mrs. Woods, the adjoining property owner, expressed her approval of this use. There were no objections from the area.

NEW CASES - Ctd.

1-Ctd. Mr. Verlin Smith moved that the application be granted to the applicant only for the teaching of dancing in her home with an average of ten students to a class not to exceed 8 hours per week, classes to be conducted in the existing dwelling on the 5-1/2 acre tract and that there be no sign indicating the use and the applicant provide off street parking for all users of the use, and that the letter dated February 14, 1956 and signed by Mary L. Craighill is to be a part of the conditions of this granting. This is granted as it does not appear to adversely affect neighboring property as evidenced by the petition presented with this case.

Seconded, Judge Hamel

Carried, unanimously.

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2- MORTON P. ADKERSON, to permit enclosed porch to remain as erected closer to Street property line than allowed by the Ordinance, at N. W. corner of #29 - #211 and #608, (Hunter's Lodge), Centreville District.(Gen.Bus.)

Dr. Adkerson said they had simply repaired the existing porch, not coming any closer to the right of way line of Route #608. Dr. Adkerson noted that a recent survey by Walter Ralph showed that the present road is actually on his property.

There were no objections.

Mr. Haar moved to grant the application as it does not appear to adversely affect neighboring property nor does it appear to obstruct vision at the intersection.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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3- SAMUEL V. MERRICK, to permit erection of carport closer to Street property line than allowed by the Ordinance, Lot 83, Section 5, Hollin Hills, (1305 Popkins Lane), Mt. Vernon District. (Suburban Residence).

Mr. Merrick said he had brought this application to the Board in November 1954 and the Board had granted it but he had had employment troubles and was not able to get started within the time limit. Therefore, he came back with this application. There is no change except that this will be one foot less variance. The property is on a slightly curved street, it is located on a hill which slopes away from the street. There is no other logical place to locate the carport. The neighbors do not object.

Mr. Haar moved to grant the application as it is understood that the Board took similar action some time ago but the applicant was unable to complete his construction.

Seconded, Mr. J. B. Smith

Carried - Judge Hamel, Mr. Haar and Mr. J. B. Smith for the motion

Mr. Verlin Smith and Mr. Brookfield not voting.

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NEW CASES - Ctd.

4- The C. and P. Telephone Company of Virginia, to permit erection and operation of a telephone exchange on south side #123, 500 feet East #694 on 2.949 acres of land, Dranesville District. (Suburban Residence).

Mr. Robert McCandlish represented the applicant. Mr. McCandlish introduced Mr. Robert Kautz, Staff Engineer for the applicant. The location of this dial center at this point, Mr. Kautz said, is part of the overall plan to serve the County and its future development in the most economical and efficient manner. Similar stations are located at Groveton, Fairfax and on Little River Turn Pike, and a small station at Forestville. This center will be completed by 1957. It will particularly serve the Elmwood exchange but will also take some of the load from Falls Church and Fairfax.

Mr. Kautz displayed a plat of the area to be served and a rendering of the type building to be constructed. It will be 77' x 62.5' by 35' high, two stories with basement. The building will be set well back from the highway to take care of future road widening and will not obstruct vision or traffic. The reason for locating here, Mr. Kautz pointed out, is that this site is as near the wire center as possible. They have been searching for a location for a year - and this appeared to be most satisfactory from every standpoint. They will have from 8 to 10 employees in the building who will take care of the equipment and maintenance. This is not planned for operators nor a switchboard. The parking space is adequate. Such a use will not in any way affect the neighborhood adversely, Mr. McCandlish contended, as there will be no fire hazard, no resulting noise, smoke or fumes, and no storage yard. The building will cost about $315,000 with a total expenditure of $1,420,000 - including equipment.

Mr. Schumann asked why the Company could not locate in McLean.

This is a matter of economics, Mr. Kautz answered - being located at the wire center the cost is equalized whereas if the site were off center - which it would be at McLean, the cost would be greater by 75¢ a foot as the cable lines increase.

Mr. Carl Nickmeyer, public relations officer for the Company, said he had interviewed people in the immediate area and explained their plans to them and he felt that the company would be welcomed as a neighbor. He did find objections to the architecture of the building. Therefore they had made certain modifications in the structure and he thought most of the objections had been resolved. He had also spoken to the McLean Business Men's Assn. and had been told that in their opinion this would be a satisfactory addition to the area.

Mr. Chatelain, Architect for the Company, told the Board that the type of equipment used had more or less dictated the type of building to be erected in that the floor heights must be 13 feet minimum and the width and depth sufficient to take care of the equipment. The building is similar to the

NEW CASES - Ctd.

4-Ctd. one located on Little River Turnpike except they have made certain detail changes to make it more attractive, trying to conform to the local architecture, which they always do when these buildings are located in a residential area. The corners, windows and the front door have been specially treated, limestone trim and front steps have been added. The rear of the property will be screened with planting.

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Mr. McKay, realtor from McLean where he has operated for over 10 years, answered Mr. McCandlish' questions - will this location and use adversely affect the neighborhood - by saying he thought not - in fact he had known instances where such an installation had actually increased property values - Melpar for instance. He thought this would affect the area even less adversely than Melpar because of the few employees and therefore there would be no addition of traffic and its hazards. He had talked with many property owners in the area, Mr. McKay said, all of whom did not oppose it. Most of the people thought that by attractive planting the place would be an addition. Mr. McKay recalled that the Forestville center had not affected the sale of homes. He had been told by purchasers that they did not object to the telephone company's building adjoining residential property. Mr. Schumann asked Mr. McKay if he thought this site would be good for business development. Mr. McKay thought not - but he considered that there is considerable difference between this use and a normal business because of the few employees.

The Chairman asked for opposition.

Miss Louise Mack who lives on Great Falls Road stated that from her living room windows she would see the rear of this building, which she did not like. Miss Mack said there were other objectors in the area who were unable to be present. She was of the opinion that this was just a beginning of this installation - that it could and would expand. She thought the cost element was negligible, and the business zoned land not too far from this location should be used. She thought a company with the financial background of American Telephone and Telegraph could well afford to put up a building which was in keeping with the area. She thought land in the area near this site which is potential business property might well rise in value - but not residential property. In conclusion Miss Mack said she objected both to the site and to the building - she suggested that a pitched roof might be an improvement. She recalled that Mr. Nickmeyer had told her that this could be located any place in the County, therefore she thought the architecture should be controlled to conform with residential areas.

Mrs. Clark Warburton objected for reasons stated by Miss Mack. She thought the Board should not make decisions which were open wedges.

The Board adjourned for lunch.

NEW CASES - Ctd.

4-Ctd. Upon reconvening Mrs. Prothro expressed her opposition to this application. In rebuttal, Mr. McCandlish called Mr. Bayrd Evans, who owns considerable property across from this proposed site. Mr. Evans said a representative of the Telephone Company had come to him and discussed their plans showing him a picture of the building. There was opposition to this case and a petition was circulated on the basis of the building shown. It developed later that the picture originally shown was not the one the company planned to use here. The Telephone Company presented three drawings of a building, the last of which Mr. Evans talked to his own architect about, who thought a roof on the building would not improve it - in fact he thought it would give it a barn appearance. The company then made some modifications in the last plan which Mr. Evans thought had greatly improved it. However, he still thought a pitched roof would be more in keeping with the architecture in the area. He considered that the company had been very cooperative in trying to please people in the area. Mr. Evans thought also that this project would be better than a small house development. He would not oppose this use but would prefer control of the architecture to be more in keeping with the area. It was brought out that the applicant has not asked for a rezoning - merely a use permit which is allowed in this zoning and which would not change the land classification.

Mr. Schumann pointed out the location of this site on the map - surrounded by suburban zoning and recalled that the installation of the telephone building on Route #236 had been the occasion for requests for business zoning in the immediate area of the building because people believed their property was no longer suitable for residential purposes. He recalled that there are 32 acres of unused business zoning at McLean available for this use. He also called attention to the sharp curve in the road at this point.

On Route #236, Mr. McCandlish recalled that there was already an established store across from the telephone building.

Mr. Schumann said in his opinion if it is absolutely necessary for this to go in here for best possible service then it was probably all right, but if not he could see no reason for not using a business area.

Mr. Verlin Smith was of the opinion that the Board had no control over the type of architecture used.

Mr. Haar suggested putting a roof on the building similar to Pohick Church-pitched. Mr. Evans agreed to that as being a great improvement and he was sure the others who were willing to go along with this project would be better satisfied with the pitched roof.

Mr. Haar moved that the application be granted provided consideration be given by the Telephone Company to re-design of the roof similar to that on Pohick Church.

Seconded, Judge Hamel

For the motion: Judge Hamel, Mr. Brookfield, Mr. Haar, Mr. J. B. Smith
Mr. Verlin Smith not voting. Motion carried.

NEW CASES - Ctd.

4-Ctd. Mr. Mooreland asked where he stood now. He had no jurisdiction to insist upon the pitched roof if the company considered it and found it was not practical.

Mr. Haar then changed his motion to state that "that the company put a roof on the building similar in appearance to that of Pohick Church"."This was done in order to satsify the neighbors." This addition was accepted by the members of the Board voting for the motion. Mr. Verlin Smith still not voting.

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5- WILLIAM J. WEAVER, JR., to permit apartment A-2 to be used as Physician's Office as non-resident, Building 19, Block 10, Section 4, Belle View Apartments, (612 Belle View Boulevard), Mt. Vernon District. (Sub. Res.)

Mr. George Landrith, owner of Belle View, told the Board that he was perfectly in accord with Doctor Weaver, that they did not want to lose him in the neighborhood, that this apartment building is directly across from the shopping center, and the only change necessary to take care of Doctor Weaver was to build steps for him to give him a private entrance. There is ample parking space, Mr. Landrith pointed out. The tenants do not object.

Doctor Weaver said his business was now being carried on in the Bell View shopping center but there was no room there for him to expand and there is no place in the shopping center where he can get larger quarters. He would therefore like to use this apartment which will give him the added space and will allow him to remain in the neighborhood. He will not be living in the apartment.

Judge Hamel moved that the application be granted as it seems to be a desirable asset to the neighborhood and it is agreeable to those living in the apartment and community and it does not appear in any way to adversely affect anyone. This is granted to the applicant only.

Seconded, Mr. Haar

Carried, unanimously.

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6- MRS. BARBARA R. O'NEIL, to permit enclosure of carport to remain as erected closer to side property line than allowed by the Ordinance, Lot 6, Block 45, Section 9, Springfield (7409 Exmore Street) Mason District. (Suburban Residence). This carport area was bricked in for living quarters, Mrs. O'Neil told the Board - without getting a permit. The building is 10.34 feet from the side line. It should be 15 feet. The lot is level in front but slopes up steeply toward the rear. It would be difficult to have a garage in the rear. They park in the driveway now.

Mr. Haar moved to grant the application as it does not appear to adversely affect neighboring property. Seconded, Judge Hamel

Judge Hamel, Mr. Haar, J. B. Smith and Mr. Brookfield voted "yes".

Mr. Verlin Smith voted "no". The motion carried.

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February 14,1956

NEW CASES - Ctd.

7- SIDNEY A. WELLS, to permit dwelling as erected to remain closer to street property lines than allowed by the Ordinance, Lot 1, Pohick River Pines, at the intersection #642 and Pohick River Drive, Lee District. (Agriculture).

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This house was built last year, Mr. Wells said, laid out from apparently the proper stakes. However, when he had a new survey made for mortgage purposes, it was found that the building was 47.6 feet from one street line and 47.7 feet from the other. The road was unimproved at the time of the original layout which probably accounts for discrepancy in location of the building.

It was brought out that this is a wooded area and the houses do not line up and this is back from the corner point far enough that it will not obstruct vision.

Mr. Haar moved to grant the application as the street at this point is curved and the variance is only on the corners of the house and this does not appear to adversely affect neighboring property and Pohick River Drive is a short street tying in with Telegraph Road.

Seconded, Judge Hamel

Carried, unanimously.

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8- SAFEWAY STORES,INC., to permit erection of two signs in excess of square footage allowed by the Ordinance, at the intersections #50 and #29-#211 at Kamp Washington, Providence District. (Rural Business.)

Mr. Arthur Hanson, Attorney, represented the applicant. Mr. Hanson recalled that the Board had granted a large sign for the Safeway store last March - at which time the company reduced the height of the sign from 60 to 40 feet. The store is now nearing completion and this request is for two signs to indicate the parking area. The 5 foot signs will be mounted on 10 foot poles - each marking the entrance to the parking lot. Each sign has a total of 45 square feet. Mr. Hanson showed the proposed locations on the map and displayed a drawing of the sign. In many jurisdictions, Mr. Hanson said, the ordinances do not require a special permit for parking purposes. By making this application he is complying with the Fairfax Ordinance. In his opinion, Mr. Hanson said, these signs will facilitate getting to the parking lot.

Mr. Spurr, from McLean, asked how many stores would be in the development. Mr. Hanson did not know. Mr. Mooreland said so far his office had issued two permits.

Mrs. Warburton of McLean asked the Board to consider the depreciating "Coney Island" affect of granting these large signs in the County. She thought the Ordinance restrictions should be met.

NEW CASES - Ctd.

8-Ctd. Mr. Hanson explained that the illumination on these signs would not be thrown on homes nor would they affect traffic. They would be turned off at 9 P.M. Mr. Mooreland said he had interpreted the Ordinance that since these signs carry the Safeway name along with free parking - they are therefore advertising. Had they simply been a parking sign he would have granted them without this hearing. He thought the advertising required this hearing. Mr. Spurr recalled the total aggragate of sign here as being far in excess of the Ordinance. Mr. Mooreland agreed - saying however that our Ordinance is admittedly out of date and unreasonable in that it does not allow sufficient sign area. He thought if the Ordinance on signs were taken into court it might not stand up.

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Judge Hamel moved to grant the application for the erection of two signs at the interesection of Routes #50 and #211-#29 at Kamp Washington as it would seem the signs will facilitate traffic and indicate the parking entrance to the store itself. This is granted provided illumination shall not be detrimental or in any way adversely affect traffic.

Seconded, Mr. Haar

Mr. Verlin Smith said when the Board granted the former variance for sign on this property he had thought that would be the only sign advertising the Safeway. He was opposed to this as the total sign area already granted would be sufficiant for a large shopping center.

Judge Hamel, Mr. Haar, Mr. Brookfield and Mr. J. B. Smith voted for the motion. Mr. Verlin Smith voting "no".

Motion carried.

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9- SAFEWAY STORES, INC., to permit erection of three signs in excess of square footage allowed by the Ordinance, Lots 7, 8 and 9, Section 5, Salona Village, Dranesville District. (General Business).

Mr. Hanson again represented the applicant. This is the same situation, Mr. Hanson said, only here they want three signs - this because this is a very large parking area and there will be one entrance on Old Chain Bridge Road and two on the New Chain Bridge Road. Mr. Hanson recalled that they had reduced the height of the large sign granted last Spring at the request of people in the area. He thought people in this area would probably object to any sign.

Mr. Spurr spoke in opposition. He objected to the infringement in a residential area of such large and glaring signs. He thought the total sign area granted to Safeway at the previous hearing should be sufficient. Mr. Spurr called attention to the property owners living above this property who were forced to look down on this large brilliantly illuminated area - which he thought extremely objectionable. Mr. Spurr indicated that they actually objected to the present sign - however, that was allowed and not a case in point.

February 14, 1956

NEW CASES - Ctd.

Mr. Dick Smith objected saying - if these signs are there for advertising purposes he thought the property was already taken care of. He asked why such large signs merely to indicate parking. He thought such large signs standing 15 feet in the air were cluttering to the area and unnecessary.

Mrs. Cecil Reeves objected for reasons stated. She lives just back of this development - and would constantly look down upon it.

Mrs. Clark Warburton objected. She also lives just above the Safeway property with her 14 windows facing the signs. She thought such glaring advertising bad taste, and insulting to a residential area. She suggested that the Safeway people might have put up a more attractive building in keeping with the area - which they have done particularly in Georgetown.

Mrs. Hazel Thompson objected. She lives back of the store property only 200 feet away. She thought the parking lot was perfectly obvious and did not need to be so glaringly pointed out.

Mrs. Stuart Robinson objected for reasons stated. Eight people stood opposing the application.

Statements were read re-stating the opposition already presented - from Richard Heckel and John Oliver. Also a letter was read from A. Claiborne Leigh opposing. (These statements are made a part of the file in this case).

Mr. Hanson told the Board that these signs would cost in excess of $25,000 to erect. These are standard signs generally used and accepted in the area, Mr. Hanson said, and were considered very desirable by the police. He also called attention to the fact that with such a large parking lot a great number of people would leave their cars for the day and go on to Washington - if this were not clearly indicated that it is a Safeway lot. This use as a public parking lot would take extra policing. They encourage people shopping in the area to park there, Mr. Hanson said, but not for those traveling to the District. That is the real reason the sign carries more than just the parking notice. However, Mr. Hanson said, they have modified these signs in various places.

Judge Hamel thought that should be done here. He suggested deferring for a re-design of the signs.

Mr. Hanson said there would be illumination only on the Safeway property merely calling attention to the shopping area. He recalled that on the original application there was no objection to the type of building they put up - therefore there was no consideration to any change from their standard building.

Judge Hamel moved in view of the remarks of the applicant's attorney that the application be deferred to March 13th in order that the sign may be re-designed to minimize objections.

Seconded, Mr. Haar

Mr. Hanson said he would be glad to talk with the people in the area regarding the re-design. The motion carried.

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Mr. V. Smith moved to reopen the Kamp Washington Safeway case just heard and that the same consideration be given to that sign as given to this. There was no second.

10- FRANK J. HALPIN, to permit division of lot with less width than allowed by the Ordinance, Lot 183, Section 3, Springvale Subdivision, Mason District. (Agriculture).

This division will enable two brothers each to build their homes, Mr. Halpin said, each lot containing slightly under one acre. They would dedicate for a road into the back lot. This will divide into lots comparable to those in the area, Mr. Halpin said, and they will meet all required setbacks.

Col. Williams opposed this division, representing the people on Oriole Ave. He presented a signed statement from nine property owners stating their objections: this would devaluate property, it is against the intent of the Zoning Ordinance, which requires a 100 foot frontage on a public road for lots in this area, the lots in the area are all large and the proposed 25 foot road could conflict with future subdivision of the large tract adjoining Lot 183 to the south - and there is no guaranteed maintenance of this dedicated road. This is an area of good homes, Col. Williams said, which should not be depreciated in this manner.

Mr. Halpin said he would dedicate this road to his brother - not to the County. It would be for entrance purposes only. It was noted that 22,000 square foot lots are across the street from this acreage.

Mrs. Mohn opposed stating they had four large picture windows facing this property which they had hoped would remain undeveloped to assure their privacy. To get a septic field she thought many trees would have to be destroyed which would devaluate their property.

Mr. Halpin thought his lot sizes were actually in conformance with the area. He stated that they intended to put up good homes which would fit into the area.

Mr. Haar suggested that this might be deferred to view the property.

Mr. Verlin Smith thought the objections of the people in the area who were vitally affected were important and were perhaps reasons to deny this case.

Mr. Haar moved to defer the case to the next regular meeting date, Feb. 28th, to permit members of the Board to view the property.

Seconded, Judge Hamel

Carried, unanimously.

Read to here

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11- MAURICE O. PEED, to permit two dwellings as erected to remain with less frontage than allowed by the Ordinance, Lot 17, Glen Alden, on east side of Holly Avenue, approximately 1100 feet south of Lee Highway, Centreville District. (Agriculture).

February 14,1956

NEW CASES - Ctd.

11-Ctd. Mr. Ed Gasson represented the applicant. Mr. Mooreland said they did not know when this house was built - therefore could not determine whether or not it is non-conforming. The first tax record they have is 1946.

Mr. Gasson said the present owner was advised that the house was built in 1940. However, it has been occupied for many years. Mr. Gasson said he considered this a hardship case as the owner cannot divide the land into two lots since it is so long and narrow. They have the required area for two houses but not the frontage.

There were no objections from the area.

Mr. Peed has owned the property since 1952 - he did not know these two houses were in violation when he bought.

Mr. J. B. Smith moved to grant the application because it does not appear to affect adversely property in the area and this is granted in accordance with plat presented with the case - drawn by D. M. Maher, dated Dec. 27, 1955.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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12- HARRY E. RODENBAUGH, to permit erection of a carport closer to street property line than allowed by the Ordinance, Lot 820, Section 5, Vienna Woods, (206 Tapawingo Road,)Providence District. (Suburban Residence)

This is located on a corner with curved streets, Mr. Rodenbaugh stated, where the houses are not all lined up with the same setback. This would not protrude noticeably. The house is turned on the lot in such a way that the carport would not obstruct vision. It would be architecturally impossible to locate a carport at any other point, and it gives a better styling to the house as planned. In placing the house on the lot the developer inadvertently flopped the plan over and therefore credited the applicant with a certain amount extra because of his mistake. Had the house been properly located the carport could have been put on without this variance.

There were no objections.

Mr. Haar moved to grant the application in accordance with plat submitted with the case, plat dated August 5,1955 drawn by Lester V. Johnson, Engineer, as this does not appear to adversely affect neighboring property. It is located on a curved lane and apparently does not affect vision on the corner.

Seconded, Judge Hamel

Carried - Mr. Verlin Smith voting "no".

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NEW CASES - Ctd.

13- GREATER ANNANDALE RECREATION ASSOCIATION, to permit operation of a nursery school and to permit dance classes, acreage, undivided portion Section 2, Russell C. Wood Subdivision, north side #236, 4/10 mile west of Annandale, Falls Church District. (Suburban Residence).

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Mrs. McNamara represented the applicant. This activity will be carried on in the "Teenspot" building shown on the map. They can meet all fire and health regulations. Mrs. McNamara pointed out that the old wood building on this property is being torn down. She showed the plans for future development of the Center.

They will have less than 20 children.

There were no objections.

Mr. Verlin Smith moved to grant the application to the applicant only as shown on plat dated Nov. 1, 1954 by Merlin McLaughlin, Certified Surveyor. This use will be conducted in the building shown as "Teen Spot". Granted because this does not appear to adversely affect neighboring property and is an asset to the community.

Seconded, Mr. Haar

Carried, unanimously.

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14- WALTER C. SHUPE, to permit enclosure of carport as a room closer to side property line than allowed by the Ordinance, Lot 5, Block K, Section 1, Rose Hill Farms, (2308 Cottonwood Drive), Lee District. (Suburban Res.)

This is planned for a recreation room Mr. Shupe said. They had thought their house was 50 feet long, including the carport, Mr. Shupe told the Board, which would have allowed this enclosure, but discovered that the carport comes within 13 feet of the side line. Mr. Shupe noted that a similar request was granted by the Board on Lot 6. The neighbor on Lot 4 does not object to this variance. There were no objections from the area.

Mr. Verlin Smith moved that a two foot variance be granted on this lot so the carport can be enclosed and come within 13 feet of the side property line. Granted because this is a small variance and the adjoining lot has been permitted to do the same thing.

Seconded, Judge Hamel

Carried, unanimously.

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The meeting adjourned

John W. Brookfield

J. W. Brookfield, Chairman

February 28, 1956

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, February 28, 1956 at 10 O'clock a.m. in the Board Room of the Fairfax County Court House with all members present.

Before the meeting was formally opened the following letter was read from Robert C. Fitzgerald, Commonwealth's Attorney:

"February 23,1956

Judge Charles D. Hamel
Chain Bridge Road
McLean, Virginia

Dear Judge Hamel:

In response to your inquiry this date I advise as follows:

In my opinion the Board of Zoning Appeals, in granting a use permit under Section 6-4, (a), 15, (i), does not have the authority to impose an architectural condition to such permit. It should be pointed out that the conditions and restrictions that appear on page 77 of Volume II of the County Code actually apply only to paragraph (m) of said Section, such conditions and restrictions being misplaced when the Ordinance was codified. It appears that the granting of such use permits would be controlled only by Section 6-12, (f), 2, (a, b, c, d).

Very truly yours,

(Signed) Robert C. Fitzgerald
Commonwealth's Attorney"

Judge Hamel was still of the opinion that an effort should be made on the part of the Telephone Company to dress up the roof of the building.

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The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- ROBERT HOBSON, to permit carport to remain as erected closer to Crossman Street than allowed by the Ordinance, (20.2 feet), Lot 20, Columbia Oaks, (20 Oak Hill Drive), Mason District. (Suburban Residence).

Several members of the Board had seen the property and were of the opinion that this was too great a variance to grant.

Mr. Hobson said he had contacted his builder, Mr. John Henderson, who had stated that he would do nothing about this situation. Mr. Henderson had told Mr. Hobson specifically that he, Mr. Henderson, would get the permit on this - then when it was discovered that no permit was obtained, Mr. Henderson blamed his foreman, who was fired.

Mr. Mooreland called attention to the fact that the Board of Supervisors had amended the Zoning Ordinance last week to allow a carport to extend 10 feet into a prohibited area. This projects 20 feet into the prohibited area, which brings the building within 20.2 feet of the right of way of Crossman Street.

February 28, 1956

DEFERRED CASES:

1-Ctd. Mr. Hobson noted that this would not obstruct vision on Crossman Street. Mrs. Hobson recalled their difficulties with the builder - the expense of the carport and the impossibility of moving the carport, both because of the cost - many trees would have to be removed, and because it would cover their windows.

There were no objections from the area as evidenced by a petition signed by sixteen property owners who stated this carport would not in any way obstruct view on Crossman Street.

Mr. Brookfield thought this would be setting a precedent encouraging the property owners on the other three corners of this intersection to ask the same thing.

It was suggested that moving the carport back so it would project only 10 feet into the prohibited area could be done without too much cost and without disrupting the plan of the house, and that perhaps legal steps might be taken against the builder.

Mr. Haar moved to defer the case for 60 days to give the applicant an opportunity to correct the situation.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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2- OVILA H. PANNETON, to permit operation of an open air theater on east side of #608, approximately 1000 feet north of #29 and #211 back of Hunter's Lodge, Centreville District. (General Business).

Mr. Panneton said he had discussed the entrance here with both the State Highway Department and the police. Mr. Burroughs from the Highway Dept. had said that he could not be present at this meeting but that his department had no objections to this entrance.

Lt. Shumate, from the Police Department told the Board that they had made a survey of traffic conditions here and had also discussed this with Mr. Burroughs of the Highway Department, who concurred in the survey report. Two years ago there were only four accidents in the vicinity of Hunter's Lodge. This past year there were none. This, however, did not include accidents which were handled by the State Patrol. Lt. Shumate thought traffic here should not be more difficult to handle than the open air theater at Merrifield, which had been very well taken care of. Probably caution signs could be put up before reaching the intersection and a reduction in speed in this area might help. He thought the Highway and the Police Departments could work together on this and determine what signs were needed or what safety precautions would be most effective.

Mr. Panneton said they had spaces for 576 cars.

DEFERRED CASES - Ctd.

2-Ctd. Mr. V. Smith thought something should be done about the entrance into Rt. #608 - perhaps an extra lane or widening of the road to take care of cars turning to and from the theater.

Lt. Shumate said the Highway Department would require extra treatment at that point.

Mr. V. Smith suggested bringing an alternate entrance to Rt. #211 along the east property line of Hunter's Lodge as a better entrance into the highway and farther away from the hill on Rt. #211, which is a short distance west of the intersection of Routes #211 and #608. He thought the intersection located at Route #608 would be hazardous because of the hill.

Lt. Shumate agreed that an entrance located farther from the hill would probably reduce the hazard. He noted also that a part time man would be on duty during operating hours and the State Police also would make it a special point to be around during those hours.

There were no objections from the area.

Mr. V. Smith moved that the case be deferred for two weeks for the applicant to work out with the owner of the Hunter's Lodge property another alternate entrance through the remaining part of that property to the open air theater.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES:

1- LOUIS RUSSO, to permit division of lot with less frontage and less area than allowed by the Ordinance, Outlot A of Resubdivision of Lot 38, R. Walton Moore and Thomas R. Keith Subdivision, located on east side of Hummer Road, 101 feet south of Walton Lane, Falls Church Dist. (Rural Res.)

Mr. Ed Gasson represented the applicant. This is an outlot, Mr. Gasson told the Board, not recorded as a part of the subdivision but which is a tract of land left over from the subdivision of other lots. It lacks very little from meeting the requirements - having a 97.10 foot frontage and an area of 20,416 square feet. The owner of adjacent property has stated that he does not object, Mr. Gasson said, as he thought it would be better to have a house on this lot than to allow it to grow up as it is in poison ivy and brambles. The owner of property across the street also has stated he has no objection.

Mr. Gasson recalled that this was before the Board some time ago and people in the area objected. That was before Mr. Russo was known and before he had constructed the attractive homes in the area which he has done during the past year. He thought, therefore, that there would be no objection at this time.

Mr. Mooreland recalled that the Board had denied a partition of this area in 1954. Mr. Russo had built three homes and this lot was left over - too small to get a building permit.

1-Ctd. Opposition:

Mr. Cheston, owner of Lot 36, stated his objection. This is the same thing Mr. Russo asked last year, Mr. Cheston said, and there has been no change in the circumstances. He saw no reason to grant this now. This is rather a unique subdivision, Mr. Cheston pointed out - in that practically all the lots are large, ranging from one to five acres - built up with very nice homes. Mr. Russo has shown no hardship here and he could see no reason why he should be allowed to upset the pattern already set in this area. This lot could be sold to adjoining property owners.

Mr. D. A. Russell who lives across the road from this property objected. He also represented Mr. Frank Heffner who lives across from the Russo lot, and who objected. Mr. Russell followed the same line of objection - stating also that Mr. Russo had entered this deal knowing the regulations and if an odd piece of land is left over - it is the fault of the applicant.

Mr. Jack Gullo who lives across from the three homes Mr. Russo built objected for reasons stated. Also Mr. Henry Gray objected for reasons stated. Mr. Gray also stated that his son owns three acres near this property. If this is granted - it would not be illogical for his son to split his property and build three or four houses, and probably ask the same kind of variance.

Mr. Gasson called attention to the fact that this area comes very near requirements, both in area and frontage, and he thought it better to put a home on this lot rather than leave it to grow up uncared for.

Mr. V. Smith said he saw no hardship in this case - it was denied before - he saw no change in conditions. He did not think it wise to break into an area of large lots with a lot below requirement standards. He would, therefore, move to deny the application as it does not conform to lot sizes in the area and the lot does not meet the minimum requirements of the Zoning Ordinance.

Seconded, Mr. Haar

Carried, unanimously.

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2- CLARENCE J. ROBINSON, to permit operation of a gravel pit on 11 acres of land known as Parcel A, Martin Gibson property, on east side of Service Road #6, approximately one mile south of #644, Lee Dist. (Agriculture).

Mr. Mooreland said the Department of Public Works had been unable to complete their report on this, therefore, he would suggest deferring this for 30 days.

Mr. Hassan was present objecting, but stated he would return when the case was finally heard.

Mr. V. Smith moved to defer the case for 30 days.

Seconded, Mr. Haar

Carried, unanimously.

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February 28, 1956

NEW CASES - Ctd.

3- HARRY H. HEWITT, to permit erection of dwelling closer to Southwick Street than allowed by the Ordinance, Lot 64, Section 3, Mantua Subdivision, Providence District. (Rural Residence).

When they bought this lot, Mrs. Hewitt explained, it was not a corner lot, Southwick Street having been put in recently. They had planned this house with the garage on the north end and which will not meet the setbacks from the two streets. However, the setback from Barkley Drive is 100 feet.

Mr. Brookfield suggested facing the house on Southwick Street, which Mrs. Hewitt did not want as it is a side street and Mr. Haar suggested pulling the house a little nearer to the north line - but since the garage entrance is on the end it would not leave room for entrance. It was also suggested entering the back of the garage. Mrs. Hewitt said that would require a retaining wall and fill - also the entrance from Southwick Street would require filling. The lot slopes down from the house location.

Mr. Mooreland asked if the Board considered this a hardship.

Judge Hamel suggested that the placing of the street here after the Hewitts had bought their lot was a basis for hardship, since they could not build the type of house they had planned.

Mr. V. Smith stated that he was in sympathy with the applicant but he thought she was asking something which was not quite cricket - that there must be many lots in the County which would take a house this size without a variance.

It was also suggested that the house face the intersection. That Mrs. Hewitt did not want.

Mr. V. Smith moved that the application be granted provided the house is located 45 feet from Southwick Street, granted bacause the setback from Barkley Street is 100 feet and therefore it will create no hazard as far as visibility is concerned at the intersection and granted because Southwick Street was cut through after the applicant purchased the lot and because of the topography in the rear of the lot and this does not appear to adversely affect neighboring property.

Seconded, Judge Hamel

Carried, unanimously.

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T. W. DAVIS, to permit dwelling to remain as erected closer to side property line than allowed by the Ordinance, Lot 14, Section 1, Rokeby Farms, Dranesville District. (Rural Residence).

There will be no variance asked on this for a garage as the garage is located under the house. There were no objections from adjoing property owners, Mr. Davis said.

4-Ctd. Mr. V. Smith moved to grant the application as shown on plat by Frank A. Carpenter, dated December 19, 1955 - which shows that the house is located 19.1 feet from the side property line and because this does not appear to affect adversely neighboring property and it would be a hardship to move the house, and this is a slight variance and this is granted because there is a garage already on the property.

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Seconded, J. B. Smith

Carried, unanimously.

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5- DAVID A. THORPE, to permit dwelling to remain as erected closer to Street and side property lines than allowed by the Ordinance, Lot 8 and part of Lot 9, Section 1, Hallran Subdivision, (433 Munson Hill Road), Falls Church District. (Suburban Residence).

Mr. Van Meter represented the applicant. This was a difficult lot to build upon, Mr. Van Meter said, since the interesection of the two streets forms a sharp corner and the side line is not parallel to Munson Hill Road - narrowing the lot to the rear. They did re-subdivide the rear of the lot taking on a triangular piece of ground which makes the rear of the house conform. This house was built about two years ago - it is a quiet neighborhood where there will probably never be much traffic, Mr. Van Meter told the Board, and the location of the house does not affect visibility. The driveway comes in off of Hallran Road to the rear where the garage is under the house. The setback from Hallran Road is 37.3 feet and 39.5 feet from Munson Hill Road. This is a small variation and does not create a noticeable difference as compared with other houses in the area, since this is a corner lot and the roads are not located at right angles.

There were no objections from the area.

Mr. Haar moved to grant the application for a variance as shown on the plat by D. M. Maher, dated February 3, 1956, as the variances requested are slight and only on the corners of the house, and this does not appear to adversely affect adjoining property.

Seconded, Judge Hamel

Carried, unanimously.

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6- JACK COPPERSMITH, to permit erection and operation of a service station and to permit building and pump islands closer to street property line than allowed by the Ordinance, Lot 17A, Holly Road Subdivision, S. E. corner of Gallows Road and Holly Road, Falls Church Dist. (Rural Business)

This case was before the Board last April, Mr. Coopersmith told the Board, and was granted to the Sinclair Oil Company. Mrs. Schmackel, the owner of the property, was not able to complete the deal with Sinclair so she sold the property to Jack Coopersmith, who entered into a lease with Esso for construction of the filling station.

NEW CASES - Ctd.

6-Ctd. When they came to get the permit, Mr. Mooreland raised the question of issuing the permit to Esso when the use permit had been granted to the Sinclair Company. The permit to Sinclair has another six weeks or so to go. He considered this just a technicality, Mr. Coopersmith said, as the filling station itself has been allowed by the Board and the only change is the person who will construct and operate it.

A letter was read from Mr. David L. Carpenter, representing Mrs. Schmackel, stating that this property had been re-sold to Jack Coopersmith after the Sinclair deal failed. The sale, however, is contingent upon this permit being issued in the name of Esso Standard Oil Company for the balance of the original term of the use permit granted to Sinclair.

Mr. Carpenter also explained Mrs. Schmackel's need to sell this property - bills accumulating from the illness of her grandson.

Mr. Paul Putnam spoke in opposition, representing the Holmes Run Citizens' Association - 265 familites. While this group opposing are not immediately surrounding the proposed filling station they are immediately affected in that they are concerned with orderly development of the entire area. They are fully conscious of Mrs. Schmackel's difficulties, Mr. Putnam said, and are sympathetic, but they are objecting because of the overall interests of people in the area. They believe a filling station would not be an asset to the community, it is not needed, as there are ample such facilities within a short distance - at Merrifield and on Route #236. The Gallows Road is highly traveled, it is narrow, it has no place for pedestrians, and this corner is used for a school bus pick-up. It is the belief of the objectors that this additional traffic would add to the hazard of children walking on Gallows Road. While they realize that this zoning has been in affect here for ten years, they would prefer a business which would blend in with the community - not a filling station. They also object to granting a less setback than required by the Ordinance.

Mr. Mooreland called attention to the fact that any trade or service could go in here and the only ones requiring use permits are a filling station or a trailer camp.

Mr. Umtrout objected for reasons stated and to the possible affect this business might have on the water situation and from gas leakage.

Mr. Copp objected - questioning if there was sufficient room on the lot for a septic field.

Mr. Mooreland said the business zoning reaches to a distance of 200 feet on Gallows Road (they are using 135 feet of that) and to 230 feet on Holly Road (they are using 130 feet of that). This would leave room for two more small businesses on this business property.

Mrs. Condit objected for reasons stated.

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6-Ctd. Mrs. Burns stated that the Veterans Administration would not make loans on lots located very near filling stations. She has lost the sale of her lot which is back of this filling station property. She asked what will become of the waste accumulating from this business.

Mrs. Richmond and Sarah Lahr objected for reasons stated. Both expressed sympathy with Mrs. Smachel's situation. It was suggested also that a Company does not usually wish to locate in an antagonistic neighborhood. It was answered that the Company has experienced objections before and experience had shown that objections would be wiped out when they were operating. The waste will be taken care of by septic field and dry well.

Mr. Coopersmith called attention to the fact that the Sinclair deal could still become a reality if they could get together with Mrs. Schmackel. They have until April 1956 on the present permit.

Letters of objection were read from Mr. and Mrs. Condit and J. B. Bledsoe, President of the Woodburn School PTA.

Judge Hamel stated that the Board had approved a filling station here some time in the past and all of the objections presented here today were made at that time - yet the Board approved the permit and he saw no reason to change - therefore Judge Hamel moved that the application be granted subject to approval by the Highway Department for ingress and egress because this property is zoned Rural Business, and many businesses could go in here without a permit, some of which would be much more objectionable than this. This is granted also subject to the building being placed so that there are no variances from the Zoning Ordinance and the pump islands shall be located not closer than 35 feet from the right of way of Gallows Road and this is subject to health regulations.

Seconded, Mr. Haar

For the motion: Judge Hamel, Mr. Haar, J. B. Smith, Mr. Brookfield.

Mr. Verlin Smith voted "no" because under Section 6-16-a-1 filling stations should be located as far as possible in compact groups so as to prevent undue scattering - and this does not meet that requirement. Also under Section 4-D it was his belief that this will be detrimental to the neighborhood.

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7- WILLIAM WELCH, to permit an addition to dwelling closer to Stafford Road than allowed by the Ordinance, (32 feet), Lot 52, Section 2, Hollin-Hills (#1 Bedford Lane) Mt. Vernon District. (Suburban Residence).

This case was withdrawn.

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February 28,1956

NEW CASES - Ctd.

8- W. E. GRAHAM & SONS, LEESEES, to permit operation of a Rock Quarry on approximately 1.4 acres of land for a period of one year, located on north side of Occoquan Creek, approximately 500 feet west of #123, Lee Dist. (Agriculture).

The following letter was read from the Design Engineer of the Public Works Department:

"February 28,1956

Mr. W. T. Mooreland
Zoning Administrator
Fairfax Court House
Fairfax, Virginia

Re: W. E. Graham & Sons, Lessees
Application No. 11030 to permit operation of a Rock Quarry on approximately 4.8 acres of land at location of former quarry at Occoquan, Virginia.

Dear Mr. Mooreland:

A joint field inspection was made on the above named quarry site with Mr. Kipp, Director of Public Works, and Mr. L. O. Bolton, Resident Engineer, Virginia Department of Highways; and the following conditions were found:

1. The topographic map submitted by Holland Engineers is apparently correct.
2. That portion of this site formerly used as a rock quarry has been left with near vertical banks.
3. A hauling road exists from the old quarry that has a reasonably safe access to Route No. 123.
4. The bridge on Route No. 123, crossing Occoquan Creek, is in line with and in the near vicinity of the proposed quarry site.
5. This site adjoins the Route No. 123 right-of-way,and is considerably higher in elevation than the roadway.
6. One house exists east of the site and east of Route No. 123.
7. The existing bridge is planned to be used as a hauling route to the project site.

If the Board decides to grant this application, we offer the following recommendations:

1 & 2. With the near vertical banks of the existing quarry (a difference in elevation in excess of 100.0 feet) it is not practical to honor the ordinance requirement of leaving the site after operations with slopes not exceeding 2:1; however, the operation can be planned to start removing rock from the toe of the existing vertical wall on a slope of 2:1 to obtain the quantity of material needed for this operation. No vertical walls should be left standing at the end of operations.

3. A permit for access to Route No. 123 must be obtained from the Resident Engineer, Virginia Dept. of Highways, Fairfax, Virginia.

8-Ctd. Letter from Design Engineer, Public Works Department - Ctd.

4 & 5.The applicant should consult the Resident Engineer of the Virginia Department of Highways for his requirements pertaining to necessary precautions for protecting the bridge crossing Occoquan Creek on Route No. 123, and obtain the necessary permits and other requirements for safe traffic control during all phases of the blasting and other quarry operations.

6.The applicant should take all necessary precautions to eliminate any possible damage to existing house located to the east of Route No. 123.

7.The existing bridge across Occoquan Creek is restricted to 10 tons total weight, to 16 feet total height, and a maximum width of 15 feet.

Very truly yours,

(Signed) B. C. Rasmussen
Subdivision Design Engineer"

Mr. Mooreland told the Board that the property originally applied for - 1.4 acres - had been increased to 4.8 acres as the original area applied for has already been worked. The additional ground is all to the rear of the property applied for and farther from the highway. Therefore, in a less hazardous location.

Mr. Graham said this is an old quarry which has been worked from time to time over a period of many years, perhaps 30 years. This is not to be the usual commercial operation - the rock will be used in construction of the Alexandria Water Company's dam. It was noted that there are no houses within 500 feet of the property. Mr. Graham said this is the only rock among many tested which will meet specifications.

This area is surrounded by woods, Mr. Graham said, and in his opinion no rock from the blasts could possibly reach the highway, as operations will take place about 200 feet from Route No. 123.

Mr. Haar moved to grant the application subject to the conditions set forth in the letter from B. C. Rasmussen, Design Engineer, dated February 28, 1956, and that operations be carried on in a manner so as not to be detrimental to neighboring property or dangerous to persons on Highway No. 123, and it is understood that this operation will not exceed one year.

Seconded, Judge Hamel

For the motion: Mr. Haar, Judge Hamel, J. B. Smith, Mr. Brookfield

Mr. Verlin Smith not voting, as he thought the full area should be advertised. It could be questioned after operations are started, Mr. Smith said, whether or not this was legally granted.

Motion carried.

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C. & P. TELEPHONE - Ctd.

With regard to the letter received from Mr. Fitzgerald, regarding the Board's decision on the C. & P. Telephone Company's application for a sub-station in the McLean area - Judge Hamel suggested that Mr. McCandlish be asked to come before the Board at the next meeting to discuss this and that the Board take up re-consideration of their motion after they have heard from Mr. McCandlish. The Board agreed to this and instructed the Secretary to contact Mr. McCandlish.

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FRANK J. HALPIN - The case of Mr. Frank J. Halpin was discussed and a motion to grant his application was passed.

After lunch recess Mrs. Mons came before the Board and asked to be heard again. She had thought the case would be taken up after lunch.

Mrs. Mons said she had talked with various loan organizations all of whom had told her they would not lend money on a lot situated as the Halpin lot is - on a 25 foot private road. If Mr. Halpin cannot get a loan, Mrs. Mons said, he would probably have to build the house himself. This is an area of good homes - all on large tracts - she did not think this was in keeping with the neighborhood pattern. She objected to the great number of trees that would necessarily be taken out to allow room for septic fields and the nearness of this second house to her property. It would destroy her view and depreciate her property. She questioned who would take care of the 25 foot road, since it would not be taken over by the State, and it would be very expensive for any individual to maintain.

Mr. Mooreland said if this division came under the subdivision ordinance A 50 foot road would be required, but this is a division into only two parcels and therefore is not a subdivision and according to the definition of a lot the access road is all that is necessary. No actual frontage is required on a dedicated road. This is an old subdivision recorded before the subdivision control ordinance. However, this rear lot has become a lot of record after the subdivision ordinance became effective. Therefore, to make sure there would be no question of the validity of the lot - he asked the applicant to bring this before the Board. On old lots this sort of thing has been done - all over the County, Mr. Mooreland pointed out. Mr. Mooreland thought if this were refused by the Board it would be granted by the Circuit Court because this meets the definition of a building lot under the zoning ordinance.

Mr. V. Smith said if this division of a lot is usual, he saw no reason for this to come before the Board. He thought the Board should have the advice of the Commonwealth's Attorney and if the Board has no jurisdiction people should not be required to pay to come before the Board.

The motion stood.

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The meeting adjourned

John W. Brookfield

J. W. Brookfield, Chairman

March 13, 1956

The regular meeting of the Fairfax County Board of Zoning Appeals was held March 13, 1956 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse, with all members present.

The meeting was opened with a prayer by Judge Hamel.

DEFERRED CASES:

1- HUGH MUNRO, to permit operation of a trailer court with 466 trailer sites, on the north side of Southern Railroad on east side #638, Rolling Road, Falls Church District. (Industrial).

Hugh Munro was deferred at the request of the applicant until April 10,1956.

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Since the first case listed - Hugh Munro - was deferred, the Board heard Mr. McCandlish on the matter of the -

C. & P. TELEPHONE COMPANY - to permit erection and operation of a telephone exchange building on the south side of Route #123, 500 feet east of Rt.#694.

Mr. McCandlish stated that he had considered that the motion passed by the Board at the original hearing on this case was an inadvertent error in that it was not within the jurisdiction of the Board to control the architecture of the building. Mr. McCandlish noted that while the Company is very sensitive to public opinion, in this case they find it impossible to comply with the provisions in the motion that the pitched roof be put on the building - for the reason that the added cost would be between $25,000 and $30,000. This amount is estimated by Mr. Chatelain, the Company's architect.

Mr. McCandlish recalled that Mr. Evans' own architect had made the statement that the pitched roof on this size and shape building would make a peculiar looking structure. Mr. McCandlish asked the Board - on their own motion - to reconsider placing a restriction on the granting of this case of something they had no right to do.

Mr. Claiborne Leigh - representing himself - expressed the opinion that the Board does have the right to lay this architectural restriction on the granting of the application. He compared this to a rezoning where restrictions cannot be placed because a rezoning is an amendment to the Ordinance, but in the case of exceptions the Ordinance gives wider discretionary powers to this Board in the granting of cases. Mr. Leigh also stated that if the condition attached to the motion is illegal, then the Board has not granted the permit, and if the Board has acted illegally this should be decided by the Circuit Court

Judge Hamel called attention to the fact that court action is just what the Board is trying to avoid. Judge Hamel stated that as an official body of the County the Board had received an opinion from the Commonwealth's Attorney, which he thought should, under any circumstances, be their guide.

Mr. Verlin Smith stated that he had the greatest respect for the opinion of Mr. McCandlish and the Commonwealth's Attorney, but he felt that under the Ordinance it would be borne out by the Court that if a certain type of architecture is shown to be detrimental to an area - the Board would have the

DEFERRED CASES - Ctd.

C. & P. Telephone Company - Ctd.

jurisdiction to control that architecture. Mr. Smith cited a case in the District of Columbia where the architecture was changed to measure up to the requirements of the area.

Mr. Mooreland told the Board that an architectural control clause is in the District's Zoning Ordinance - giving the Board specific jurisdiction to require architectural consideration. That, however, Mr. Mooreland pointed out is not in our Ordinance. Under a use permit certain conditions may be attached - but this is not a use permit, Mr. Mooreland noted.

Mr. Verlin Smith also thought the welfare of the community should be taken into consideration and if it is shown that a certain architecture would be detrimental to the general welfare of the community - that could be considered by the Board.

A letter was read from Miss Louise Mack asking the Board to refuse the application in this case and stating reasons that the C. & P. Telephone Co. prefer this site merely because it is cheaper than business property - that they object to the expense of the pitched roof, and that the necessary cables leading in to the building would be unsightly and depreciating. She expressed the opinion that the company had no right to economize in their installation at the expense of residents of the area.

Mr. Verlin Smith said he still thought the Board had the authority to exercise control over the architecture.

Mr. McCandlish said - the general welfare clause probably could be stretched in some extreme case - but he felt that such control could not legally be attached here.

Mr. Fitzgerald's letter containing his opinion was read. (Opinion stating that the Board did not have authority to impose architectural conditions to this permit).

Mr. Verlin Smith recalled that he did not vote on the original motion but he felt that in the case of a public utility it should be shown that this is a location most economical to serve the area and that there is no alternate and that this use will not affect the community adversely. Mr. Smith recalled that it had been stated that because of granting the telephone building on Route #236 the neighborhood was hurt and because of that installation business zoning was requested in the immediate area. However, Mr. Smith thought this use probably would not harm a community from the standpoint of noise, dirt, fumes, etc.

Mr. Haar suggested deferring this to give the Company time to submit a design other than a flat roof.

Mr. McCandlish said the Company had no thought to come in with another roof design.

It was suggested cancelling the permit - which Mr. Leigh noted could be done if the granting motion carries an illegal condition.

DEFERRED CASES

C. & P. Telephone Company - Ctd.

Mr. Verlin Smith moved to defer the case for two weeks so the Board can consult with the Commonwealth's Attorney.

Seconded, Mr. Haar

Carried, unanimously

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Mr. McCandlish contended that at the previous hearing it was shown that the cost of another location would be considerable. He likened this location to the hub of a wheel - therefore the most economic.

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2- SAFEWAY STORES, INC., to permit erection of three signs in excess of square footage allowed by the Ordinance, Lots 7, 8 and 9, Section 5, Salona Village, Dranesville District. (General Business).

This case had been withdrawn. Mr. John Oliver made a statement from the McLean Citizens Association indicating unanimous opposition to the erection of signs such as the Safeway had proposed.

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3- LOIS E. NEWTON, to permit a camp for boys and girls with structures accessory thereto, on Vienna-Vale Road, #672, approximately 1/2 mile from the Vienna Corporate Limits, Providence District. (Rural Residence).

No one was present to support this case although the applicant and Mr. John Rust, the attorney, had been notified.

Judge Hamel moved that this case be indefinitely postponed.

Seconded, Mr. Haar.

For the motion: Judge Hamel, Mr. Brookfield, Mr. Haar.

Mr. Verlin Smith and Mr. J. B. Smith voted "no"

In postponing this case indefinitely, Mr. Verlin Smith suggested that this would leave the case hanging so it could be called up at any time and in the future zoning of this land, such a use could be detrimental to the area. He thought the case should have been denied.

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NEW CASES:

1- DARWIN CONSTRUCTION CORPORATION, to permit a 30 foot setback from street property line, Lots 36 through 50, Hillside Manor Subdivision, Dranesville District. (Suburban Residence).

Mr. Glenn Richards represented the applicant. This is a request for a 30 foot setback instead of 40 foot because of topographic conditions, the steep drop from the front of the lot to the rear - which drops down to the stream. If the houses are set back 40 feet, Mr. Richards pointed out, they will be a great deal lower than the front of the houses across Swallow Drive (now named Melbourne Drive). By bringing all the houses up to the 30 foot line it will make a better layout from the standpoint of appearance - carrying out a continuity of setback, and will equalize the elevations and still maintain the intent of the Ordinance. Mr. Richards also pointed out that

NEW CASES - Ctd.

1-Ctd. with a 30 foot setback the houses would be located 42 feet from the curb line. No adverse affect on the area will result from this variance, Mr. Richards contended. Construction on these lots has not yet started.

It would be impossible to create an attractive affect on the street if this variance is not granted, Mr. Richards stated, as the difference in elevation from one side of the street to the other would be most unattractive as the front elevation of the houses on the lower side of the street would be basement level with the houses across the street, which would give them the appearance of being down in a ditch. By moving the houses forward the 10 feet it will make about a 5 foot difference in elevation, which would reduce the irregular 'high-low' effect, which would result if the Ordinance setback is followed.

Mr. Verlin Smith recalled a particular house in Belle Haven where a similar condition exists, which Mr. Richards said created a very unattractive affect. Mr. Smith also thought raising the level of the houses on the lower side of the street would obstruct the view for those houses on the higher leve. Mr. Richards said the overall effect would be improved to the extent that it would create a higher tax level, and that moving the houses forward would decrease the disadvantages all around - it would put the front yards on a level with the street and the drop would be less noticeable. There is about a 40 foot drop from the street level to the rear of the lot, Mr. Richards said.

These houses will be sewered from Swallow Drive. By locating the houses forward it will also reduce the sewer level, which under any circumstances will have to be deep. They have run into rock in the sewer construction which will require considerable blasting. The reasons for asking this variance, Mr. Richards stated, are appearance and cost.

In answer to the question of how much difference would result at the 40 foot setback between the front of the houses on the higher side of the street and those on the lower side, Mr. Richards said it would be from 12 to 15 feet. The 30 foot setback would lessen this by about 5 feet.

There were no objections.

Mr. Haar moved to approve the application due to topographic conditions and the fact that these houses are not on a through street and it is understood from the testimony that by granting this, development can take place along more aesthetic lines with less discrepancy in elevation of the houses and it does not appear to adversely affect joining property .

Seconded Judge Hamel

Carried.

Mr. Haar, Judge Hamel, Mr. Brookfield, and Mr. J. B. Smith voting for the motion. Mr. Verlin Smith voted "no".

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March 13,1956

NEW CASES - Ctd.

2- M. T. BROYHILL & SONS, to permit dwellings to remain as erected, Lot 1, Section 9, Broyhill Park, 33.3 foot setback from Kenney Drive and Lot 144, Section 9, Broyhill Park, 35.9 foot setback from Zenith Court, Falls Church District. (Suburban Residence).

Mr. J. D. Nealon represented the applicant. These locations were the result of errors in field work, Mr. Nealon told the Board. Lot 144 encroaches on a cul-de-sac only.

Mr. Mooreland explained to the Board that the house on Lot 1 was constructed on acreage - as a piolt house - located before the subdivision plat was laid out. He stated that this had been a bad practice, which he had opposed because it had so often resulted in squeezing the lot lines to fit in with the final plat layout. He had told the applicant when this house was built that he did so at his own risk. Mr. Mooreland recalled previous cases - one in particular where a 13 foot variance was asked in order to save the lot where the house was, built under these same circumstances.

There were no objections from the area. The lots across the street are built upon.

Mr. Haar moved to approve the variance on Lot 144 because this house is located on a cul-de-sac and the variance is on one corner only and the setback from Parkwood Terrace is 50.8 feet - considerably in excess of the required 40 feet - and it would appear that visibility is not impaired in any way, in fact the corner visibility is improved by the 50.8 foot setback from Parkwood Terrace.

Seconded, Judge Hamel

Carried, unanimously.

Mr. Verlin Smith moved to defer decision on Lot 1 to view the property.

Deferred to April 10th.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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3- V. M. LYNCH & SONS, to permit erection and operation of a service station and to permit pump islands 25 feet from right of way line of Franconia Rd., #644, located at the northwest corner of #644 and Bowie Drive, Lee Dist. (General Business).

Springfield Estates had wanted to vacate the service drive on the westerly part of this property in which Mr. Lynch said he had cooperated and had in turn dedicated another street to the east, which gives better access to the subdivision. This filling station will be between the location of the former service drive and the newly dedicated street. Mr. Lynch said he had made a lease with the American Oil Company on this, contingent upon the granting of this station. The width of Franconia Road was discussed. Mr. Lynch said he had dedicated something more than 10 feet for widening and thought the width was about 33 feet from the center line. It was noted

March 13,1956

NEW CASES - Ctd.

3-Ctd. that there is no service drive set up on Franconia Road.

470

Mr. Verlin Smith moved to grant the application as shown on plat dated February 21, 1956 signed by Raymond M. Lynch. This is granted because this is a general business district and it appears to be a logical use for the property.

Seconded, Mr. Haar

Carried, unanimously.

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4- LYNCH BROTHERS, INC., to permit operation of a golf course and buildings accessory thereto, located at the northwest corner #236 and #797, Mason District. (Rural Residence).

Mr. Charles Lynch represented the applicant. This is the property known as the Lynch Farm, located on Route #236 at Route #797 - located adjacent to the Pine Crest Recreation Association property - the Esso station is across the street. This will be a public course. There will be no night operation, no lights, and no alcoholic beverages sold on the property. They will have a contour survey of the property for the entire layout and will determine after that survey exactly where the club house will be located. It is tentatively placed at Routes #236 and #797. They will start with nine holes and expand to perhaps 27 holes. Mr. Lynch said he thought this was a needed facility in Fairfax County - there is no opposition as far as he knows - in fact people in the immediate area favor the plan. They will have a short course for the first nine holes - each hole shorter than regulation. This is a new and popular type course in many areas, Mr. Lynch. It is especially adaptable to use by women, older people, and children.

Mr. Newton Edwards who lives in Pine Crest approved the application, as he thought it would maintain the beauty and residential character of the area. He thought the Blue House should be located near Route #236. Mr. Lynch agreed that the Club House would be located in the vicinity of the commercial area across the street.

Mr. Charles Peters stated that he had opposed Mr. Lynch on the previous application for a golf driving range, as he did not like the carnival aspect of the plan. He, however, was highly in favor of this and believed it would add greatly to the beauty and recreational benefit of the County.

There were no objections.

The present barn on the property will be used as equipment shed, Mr. Lynch said.

Mr. Haar moved to grant the application provided the development is carried on in an attractive manner with a good looking building and that no variance be asked in the location of the facilities which may be required in development of the course, granted as this appears to be a logical use of this land and it appears that this will be an asset to the County, according to the testimony presented here. And it is understood that this is for daytime use only. Seconded, Judge Hamel Carried, unanimously.

NEW CASES - Ctd.

5- VERNON M. LYNCH, to permit erection of stores 10 feet from side property line, located at the southeast corner #644 and #617, Mason Dist.(Gen. Bus.)

Mr. Lynch told the Board that he plans a 50 foot building which will be located 60 feet from the right of way which would necessitate placing the building close to the side line in order to allow maximum parking in front.

Mr. Beach, the adjoining property owner, does not object.

It was noted that the plats presented did not show the location of the proposed building.

Mr. Verlin Smith stated that he thought the request was reasonable but he thought the Board should have the plats before granting it, showing location of the building.

Judge Hamel moved to defer the case for two weeks to give the applicant the opportunity to file proper plats showing location of the building.

Seconded, Mr. Haar

Carried, unanimously.

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6- CHARLES E. DOYLE, to permit an addition to dwelling within 15 feet of side property line, Lot 21A, Dunn Loring Gardens, south side of Hunter Road, 100 feet west of Westchester Drive, Providence District. (Rural Residence).

His plan is to put on a 14 x 16 foot room addition, with outside entrance, to take care of his wife's activities with cub scouts, Mr. Doyle told the Board. The house on the adjoining lot is located about 100 feet from the line. The owner does not object to this addition.

Mr. Verlin Smith asked where a garage could be located. Mr. Doyle said he could locate a garage on the left side of the house without a variance.

A letter was read from Mr. Arthur Gower, owner of Lots 23A and 23B, stating he had no objection to this addition.

Mr. Verlin Smith stated that in view of the letter from Mr. Gower who is the adjoining property owner, he would move to grant the application because it does not appear to adversely affect neighboring property and this is granted to come not closer than 15 feet from the side property line.

Seconded, J. B. Smith

Carried, unanimously.

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7- WALDRON L. ADAMS, to permit a trailer park with nine trailer sites on four acres of land, located on east side #1, approximately 700 feet south of #626, Mt. Vernon District. (Rural Business).

The applicant was represented by Mr. Bauknight and Mr. Wm. P. Woolls. This is a proposed trailer park for colored at Gum Springs, Mr. Bauknight tole the Board, located across from the old Hybla Valley Airport. It was noted that the applicant is asking for only half of the trailers shown on the plat as only that portion of the property is zoned for business. If this venture is a success, the applicant will probably want to expand. The entire property fronts on U. S. #1 so there will be no driveways interfering with traffic flow.

NEW CASES-Ctd.

7-Ctd. Each lot will have at least 3000 square feet of area - which is far in excess of State requirements and will conform to FHA lot areas. They will provide 25 foot roadways on either side of the property with walkways between. The existing building on the property will be occupied by Mr. Adams - who will be directly responsible for management of the Park.

Mr. Mooreland suggested that this was a much needed facility for colored as well as for white. He mentioned one one-legged colored veteran, who is now living in a trailer on a lot, whom he would like to see have the opportunity to move into a Park.

The Fire Marshall has stated that this plan is satisfactory and he will approve it if requested to do so by the applicant.

The roads will be gravel with lawn between the trailers. They will have sewer and water with utility buildings at a central location, also a kennel for dogs. While the personnel living here will be more or less transient - mostly from the military reservation - he wants to furnish facilities for a community life, Mr. Adams said. He hoped to have a place which would improve the area, Mr. Adams said, and provide decent living quarters for people who are here for a short time.

Mr. Adams said he did not expect to use FHA money on this.

Mr. Verlin Smith noted that the plat presented was not signed by a certified surveyor and the applicant did not show a typical lot layout. He suggested also that approval of the Fire Marshall and Health Department should be shown.

Mr. Verlin Smith moved to defer the case to March 27th, to give the applicant an opportunity to get certified plats, a typical plan on one of the lots and for approval of the Fire Marshall for accessibility of fire equipment.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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8- REYNOLDS CONSTRUCTION CORP., to permit erection of dwellings 25 feet of street right of way line, Lots 7 through 12, inclusive, Section 4, Golf Club Manors, Dranesville District. (Suburban Residence).

Mr. Browninger represented the applicant. Mr. Browninger showed a topographic map which indicated a great difference in elevation between the front and the rear of the lo6s, about 25 feet in most cases. By bringing the houses forward construction costs will be reduced especially as it will require less masonry in the basement construction, and it will result in a much more desirable street effect by reducing the difference in elevation between these houses and the houses across the street. It was brought out that the wooded stream serves as a natural line of demarcation between these houses and the houses in the joining subdivision, which has a 40 foot setback. Also many homes in the Arlington County development, which joins this, are on a 25 and 30 foot setback.

8- Ctd. This will be a development of from $30,000 to $40,000 homes, Mr. Browninger said and they have done everything they can to make the street attractive. In other sections where it was possible, they have graded the streets and lots to do away with the necessity for a variance. It was also noted that no variance is asked on Chesterbrook Road.

Mr. V. Smith moved to grant the variance on Lots 7,8,9,10,11,12,13.

Mr. Browninger said they were not asking the variance on Lot 13.

Mr. V. Smith then withdrew his motion as he had thought this setback was being asked to conform to the setback in Arlington. If this is a matter of simply squeezing in more lots - Mr. Smith said he did not wish to move to grant the application.

Mr. Browninger asked what adverse affect could result from granting this application - he thought it was advantageous from every standpoint, a benefit to Fairfax County tax-wise, and certainly to the home owners of these lots.

Mr. V. Smith thought one lot could have been eliminated or by moving some of the lots a good arrangement could have been worked out. He considered the Board of Zoning Appeals was being asked to correct poor engineering and from the precedent standpoint - it was not good.

Mr. Haar moved to deny the application as this is too great a variance and the feeling of the Board is that the lots are not property laid out for the type of terrain and to continue approving variances of this type would result in a bad precedent.

Seconded, Judge Hamel.

For the motion: Mr. Haar, Judge Hamel, Mr. Brookfield, J. B. Smith.

Mr. V. Smith not voting - and stating that if the Board would reconsider their action on the other similar case he would vote on this.

Motion carried to deny.

Mr. Browninger asked if the Board would reconsider their action on Lot 7 which he said was not a matter of topography but for the construction of a house 63.5 feet long and by granting the variance it would be possible to locate the house to much better advantage and get the maximum advantage out of the beauty of the lot. The setback from Chesterbrook Road is being met.

Mr. V. Smith contended that this is purely a case of too small a lot for the size of the house. He thought land was not so scarce in Fairfax County but what reasonable setbacks could be met rather than squeezing setbacks to urban or semi-detached size lots. The Board did not reconsider Lot 7.

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9- MANUEL MILLER, to permit building to be built closer to zone line than allowed by the Ordinance, Lots 2 and 3, Henry Williams Estate, southerly side #244, approximately 450 feet southwest #7, Mason Dist. (Gen. Bus.)

Mr. Miller told the Board that he has an application pending before the Board of Supervisors to rezone the rear part of this property. (Only the front 200 feet are now zoned to General Business). If the rear portion of the lot is rezoned to business - Mr. Miller requests the Board to grant

9-Ctd. him the right to build closer to the side line than allowed by the Ordinance. This application was put in for this meeting in order to save time, Mr. Miller said. He has allowed 52 parking spaces, Mr. Miller pointed out. Mr. V. Smith thought that since a portion of this property was in suburban residential classification when the application was made, indicating by the advertising that the entire tract was zoned to General Business, that it was not properly before the Board - until the entire tract was zoned to business. Most of the proposed building will be used for a warehouse - the front part will be taken up with three stores, Mr. Miller explained.
Adequate parking was discussed. Mr. Miller thought there would be sufficient parking because of the large size of the warehouse - which would naturally limit the amount of store area. This property is joined by business zoning. Mr. V. Smith thought this should not be handled until the action on the business zoning is final. He therefore moved to defer the case until March 27th.
Seconded, Judge Hamel
Carried, unanimously.
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10- CRESTWOOD CONSTRUCTION CORP., to permit erection of a temporary billboard (6 months), located on west side of Shirley Highway, approximately 800 feet north of Edsal Road, Mason District. (Agriculture).
Carl Hellwig represented the applicant. This is a temporary directional sign, Mr. Hellwig said, which will not remain at this location longer than six months. People have had trouble locating the entrance to the subdivision. This will be a 55 square foot sign located on private property. The owner of the property has agreed to this sign use. It will not be illuminated. They plan to locate it about 50 feet from the right of way line of the Shirley Highway. It was noted that the right of way of the Shirley Highway at this point is very wide.
Mr. V. Smith moved to grant the application to the applicant only for a period not to exceed six months, and if the need for this sign should cease prior to the six months period the sign will be removed.
Seconded, Mr. Haar
Carried, unanimously.
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11- REGOR, INC., to permit erection of dwellings 30 feet from the street right of way lines, Lot 1 through 16 inclusive, Block 39, Section 14, North Springfield and Lots 24 through 36 inclusive, Block 9, Section 14, North Springfield, Mason District. (Suburban Residence).
Mr. Carl Hellwig represented the applicant. This request is made because of the steep terrain - the lots running to the Creek and the flood plain area. They made five or six different plans on this area, Mr. Hellwig said, trying to pull the lots back farther from the steep area, but this was the only practical arrangement they could come up with, avoiding as much of the low

NEW CASES - Ctd.

11-Ctd. area as possible and still giving sufficient depth on the lots across from the lots in question. The sewer is in at a depth of 14 feet. The basic problem is to tie into the sewer with the proper slope. This would necessitate locating the houses about 10 feet nearer the street line. If the road is lowered it would create the problem of too steep dirveways on the opposite side of the road which would create a drainage problem. They have tried to equalize the problems by distributing them - and the plan presented would appear to do that, Mr. Hellwig contended. He noted also that many of the lots are considerably larger than required running from 17,000 square feet to 1/2 acre. The required 40 foot setback would increase the cost of construction beyond the practical - even a 30 foot setback will incur much expense - but the net result will be satisfactory not only from the standpoint of feasibility of using the sewer but from the standpoint of better drainage, less work and expense. It was also brought out that Atlee Drive is practically dead end - running from one street in the subdivision to another - on which a great deal of traffic will not be generated. This street follows the back line of the subdivision, Mr. Hellwig said, the lots backing up to the Creek. Traffic will come entirely from the lots facing on the street. There is no desire to set a precedent on this,Mr. Hellwig pointed out, and they would not ask such variances in the middle of a subdivision - but since this is practically a dead end portion, he contended that no precedent will be set and no harm will result to other parts of the development.

Mr. Bunke, the builder on this project, told the Board that they were trying in so far as possible to save trees in this area and if less filling is required - more trees can be preserved. This variance will result in less filling, which in turn will retain more treet. The variance will also reduce construction cost because leee foundation work will be required. He also thought it much better for the homes that they be located 10 feet farther away from the flood plain area. While there is actually no danger from flooding, Mr. Bunke said there is the possibility of erosion along the steep banks. No carports nor garages could be added with the 30 foot setback, Mr. Bunke said.

Mr. Verlin Smith suggested that engineering-wise this appears to be a good plan but since so many lots are involved he thought this should be referred to the Planning Commission for their advice. There was a question in his mind, Mr. Smith said, whether or not this area should have been rezoned to suburban residence size lots with such a rugged terrain.

Mr. Bunke suggested the Board granting lots 7 through 16 as the plat on this has been approved and it would give them a chance to go ahead with construction.

NEW CASES - Ctd.

11-Ctd. Mr. Verlin Smith moved to defer the application until March 27th and refer it to the Planning Commission for comments and recommendations.

Seconded, Judge Hamel

Carried, unanimously.

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DEFERRED CASE:

4- OVILA H. PANNETON, to permit operation of an open air theater on east side #608, approximately 1000 feet north #29 and #211 back of Hunter's Lodge, Centreville District. (General Business).

This was deferred to discuss the possibility of another right of way entrance across the Dr. Adkerson property which Mr. Panneton said would be impossible to get. A letter was read from Dr. Adkerson stating that access across his property to the east of intersection of Routes #608 and #211 was not as desirable as the one intersection entrance at #608 and #211, as it would be easier to control traffic at the one intersection.

It was estimated that about 100 to 150 cars will be leaving the theatre at one time, and those cars will take both the Route #50 and the #211 exits. It was also noted that the theatre traffic will be released about the same time as many will be coming out of Hunter's Lodge. Mr. Panneton recalled that at the late hour the highways are not crowded as little local traffic will be moving. Mr. Panneton stated that since both Lt. Shumate of the police department,and the Highway Department have made statements that they thought this entrance could be controlled without danger - he thought it logical to grant the application. He stated that he would like to get started on construction in order to be operating for the summer months. He will also make the arrangements that a deputy will be stationed at this intersection at critical hours, if it appears necessary to take care of the traffic - a deputy furnished by the County, who in turn would be reimbursed by Mr. Panneton.

There were no objections from the area.

Judge Hamel moved that the application be granted in the light of what has been stated regarding traffic conditions and traffic control - granted as shown on plat presented with the case - granted since this seems to be a proper use of the property and there does not appear to be any opposition to the use and it does not appear to adversely affect adjoining property. This is granted with the provision that adequate means are provided to control traffic and safeguard the public.

Seconded, ~~Judge Hamel~~ Mr Haar.

For the motion: Judge Hamel, Mr. Haar, Mr. Brookfield

Voting "no" - Mr. J. B. Smith, and Mr. Verlin Smith

Motion carried

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8-Ctd. REYNOLDS CONSTRUCTION CORP. - Ctd.

Mr. Browninger, who had represented the Reynolds Construction Corp., case came back to the Board stating that the lady purchaser of Lot 7 was very unhappy with his presentation of the case regarding her lot, and had asked that he request a reopening.

Mr. Verlin Smith stated that he thought all those cases dealing with topography should be referred to the Planning Commission.

Mr. Verlin Smith moved that the Board rescind their action on the DARWIN CONSTRUCTION CORP. case and on the REYNOLDS CONSTRUCTION CORP. case and that these applications be referred to the Planning Commission along with the application by REGOR, INC. for recommendation.

Seconded, Judge Hamel

For the Motion: Mr. Verlin Smith, Mr. J. B. Smith, Judge Hamel, Mr. Haar.

Mr. Brookfield voted "no".

Motion carried.

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The meeting adjourned

John W. Brookfield

John W. Brookfield, Chairman

March 27, 1956

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 27, 1956 with all members present except Judge Hamel, in the Board Room of the Fairfax County Courthouse, at 10 o'clock a.m.

The meeting was opened with a prayer by Mr. J. B. Smith

DEFERRED CASES:

1- CLARENCE J. ROBINSON, to permit operation of a gravel pit on 11 acres of land known as Parcel A, Martin Gibson property, on east side of Service Road #6, approximately one mile south #644, Lee District. (Agriculture). Mr. Moncure represented the applicant. The following recommendation from the Department of Public Works was read:

"Mr. W. T. Mooreland
Zoning Administrator
Fairfax County, Va.

March 27,1956

Re: Martin N. Gibson Prop.
proposed gravel pit
Application No. 10893
by Clarence J. Robinson

Dear Bill:

A field inspection was made on the above named property on March 1, 1956 and the field topography is apparently corect; however, the land presently being used for a gravel pit had near vertical banks around its perimiter and there is a possibility of water ponding in several places.

If the Board of Zoning Appeals decides to grant this application I would recommend that the applicant be required to slope the banks of the present gravel pit to County requirements and to so grade the property to preclude the ponding of water prior to commencing gravel pit operations on the site presently applied for. I further recommend that no excavation be done within fifteen feet of the boundary lines on all sides of this application except that portion of land abutting the existing gravel pit. There is a note on the topography stating, "Restrictive note-no grading will be done within fifteen feet of the property line on all sides" but the proposed contours indicate that excavations will be made to the boundary lines on all sides in some places.

I hope this information is satisfactory, please advise if we can be of any further assistance.

Very truly yours,

(Signed) B. C. Rasmussen
Subdivision Design Engineer "

This is an extremely hilly piece of ground Mr. Moncure pointed out, which will be leveled by the taking of the gravel and can then be developed satisfactorily. There is a pit presently operating adjoining this property which was started before the present regulations covering gravel pits was adopted. The requested pit, however, will come under the new regulations and will xxx meet all requirements and at the same time they will voluntarily grade the presently operating pit in accordance with the present regulations, which in itself, Mr. Moncure explained, will be an advantage to the area.

Mr. Moncure also stated that most of the gravel trucks will leave the property going south, which will not interfere with development in other directions. These operations will be located about 300 or 400 feet from houses to the north.

DEFERRED CASES - Ctd.

1-Ctd. Mr. Robinson told the Board that he had bought this land for the purpose of using the sand and gravel as he had been operating on the Johnson and Gibson tracts. This property, however, has not yet been worked. The other two tracts were in operation before the new gravel pit regulations and could continue under the old regulations which would give the County no control over the condition of the land after operations are complete. He will now operate the entire area under the new and more restrictive regulations.

Mr. Robinson agreed that he would meet all the requirements listed out in Mr. Rasmussen's letter - except he would prefer - in the case of the property which borders on the Southern Railroad, where there is a 40 foot drop - to grade off closer to the line than 15 feet. In so grading it would reduce the sharp drop and leave a much less hazardous approach to the railroad, and also control erosion. With the 40 foot drop to the railroad to the east and a swale to the north, Mr. Robinson suggested that this property would be left in an isolated plateau if it were not leveled - as he plans to do.

Mr. Robinson stated that it is a known fact that sand and gravel is fast diminishing in the County, and if it becomes necessary to haul sand and gravel from other counties it will result in higher prices to the consumer for concrete. Therefore, he thought it a matter of economics that all County gravel should be used. The most important natural resource of the County is sand and gravel, Mr. Robinson pointed out. It is a valuable resource and especially important to the great program of development being carried on. Granting this application will serve two important factors, Mr. Robinson contended, it will utilize the gravel and put this hilly ground in shape for good development, taking care of hazardous slopes and proper drainage to control erosion. He thought they would be about two years in the operations.

Mr. Hassan spoke in opposition. While he has no wish to hold up progress in the County, nor to restrict the use of the County's natural resources, Mr. Hassan said - and while Mr. Robinson's agreement to leave the entire gravel pit area in accordance with County restrictions, are good - still he thought the operation would be a nuisance, unsightly and dangerous. The entrance road is narrow and hazardous. In order to assure proper handling of the operations, Mr. Hassan suggested weekly inspections by the County.

Mr. Mooreland told the Board that the Ordinance is not written so the County can do that - such inspections would require an amendment to the Ordinance.

Mr. Hassan called attention to the present pit - where hazardous conditions exist. Mr. Hassan also stated that the present location was erroneously advertised. He thought had the notice been correct, many people would have been present in protest.

It was brought out that the gravel pit on part of this area was in operation when Mr. Hassan bought his property for development - not this particular area in question, however.

Mr. Verlin Smith suggested that the Board view the property.

March 27,1956

DEFERRED CASES - Ctd.

1- Ctd. Mr. Hassan said he would not object if he could be assured that the property would be handled without hazard and that the area will be protected.

Mr. Robinson recalled that his family had been in business in Fairfax County for over 100 years, and he himself had been operating in the County for 50 years. He stated that he had no wish to do anything detrimental to any area of the County and that he would do everything reasonable to render his operations safe. He asked the Board to act at this meeting, if they found it at all possible.

Mr. Moncure pointed out that the fact of the old pit, which is in operation, being handled under the new restrictions and the fact that the entire area will be leveled and put in shape for a good development, he believed everyone would benefit. The land will be more valuable to the County, the present hazards will be eliminated, and the land will be put in shape for good development.

Mr. Verlin Smith agreed that the banks bordering the railroad should be graded closer than the 15 foot restriction - as a safety measure and to prevent erosion.

Mr. Kogod, who is developing in the tract adjacent to the property in question, asked about the direction of the outgoing trucks. Mr. Robinson said most of their contracts would take them to the south - however, they would probably have a few deliveries in other directions. Mr. Kogod said he was particularly concerned that the home owners in his development would not be adversely affected. He thought this should be a strong consideration in the Board's decision.

It was also brought out that the gravel pit operations in the area were being carried on when Mr. Kogod purchased his property for development.

Mr. Robinson agreed that if the trucks break up the roads he would see that they are put in good condition.

Mr. Verlin Smith moved to grant the application provided the applicant meets the conditions outlined in the letter dated March 27th, 1956, signed by B. C. Rasmussen, Subdivision Design Engineer; this is granted to the applicant only for a period not to exceed two years, and the operations shall be carried on in accordance with plat submitted by C. J. Cross, CE. and Land Surveyor, dated November 23, 1955, with special reference to Restrictive Note which states that no grading will be done within 15 feet of all sides but that the Board grants the operator of this application the right to grade the area between the property in question and the RF&P Railway in conformity with the adjacent area.

Seconded, J. B. Smith

Carried, unanimously.

NEW CASES

1- BANKS & LEE, to permit dwelling to remain as erected 34.50 feet from Hillview Avenue, Lot 13, Block 9, Section 18, Virginia Hills, Lee District. (Sub. Res.) 481

Mr. Victor Ghent represented the applicant. The house was staked out correctly Mr. Ghent told the Board, but during preparation for construction either the stakes were moved or they measured from the wrong stakes. They did not find this mistake until the excavation had been completed. The stakes were then changed to what they thought was the original location, and they continued on that basis. It was noted that the building was swung to an angle which placed three corners of the building in violation. Mr. Ghent pointed out that this encroachment would not be noticeable because the houses in this area are staggered in setback to some extent and it would not create a hazard as the house is on a dead end street, which will probably never be put through as it runs into development in Virginia Hills. Also there is a 25 foot bank along on the Virginia Hills property which would not make it feasible to connect with this adjoining section.

Normally they check the house location at the first floor joists, Mr. Ghent said, but this is a different type house with the basement entrance in front. Considerable construction had been done before the checking. It would therefore be more expensive to move than the usual house. For this reason they came for the variance rather than to attempt to move the construction. Mr. Ghent estimated that it would cost about $2000 to move the building. Construction has been stopped.

They have built about 700 houses in the area, Mr. Ghent told the Board, with very few variances requested. He also pointed out that this will not adversely affect visibility as the house is actually 50.22 feet from the intersection point of Ronson Drive and Hillview Avenue.

There were no objections from the area.

Mr. Verlin Smith moved to grant the application as per plat dated February 24, 1956, signed by C. J. Cross, Certified Land Surveyor, granted because the building is located on a corner lot and is set back from Ronson Drive 50.22 feet, therefore creating no hazard from the standpoint of limiting visibility at the interesection and this does not appear to adversely affect neighboring property and the houses on Hillview Avenue are located with a staggered setback.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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2- EDITH THOMPSON, to permit erection and operation of a motel on two acres of land with 313 feet frontage on Lee Highway (14 units) on north side of Lee Highway across from Pleasant Acres Tourist Court, Centreville Dist.(Agric.)

This is actually a renewal of a request for this motel which was granted by the Board in February 1952 - but which she was unable to start at that time, Mrs. Thompson told the Board. This is adjoining the convelescent home which she owns, Mrs. Thompson explained, therefore there is no objection from neighboring property.

NEW CASES - Ctd.

2-Ctd. Mr. Verlin Smith noted that no recommendation had been received from the Planning Commission - which is necessary in the granting of a motel in an Agricultural District. Mr. Verlin Smith therefore moved that the application be referred to the Planning Commission for their recommendation and to take this case up at the April 10th meeting, if it is possible to have the Commission's recommendation by that time. It it is not possible to have the Planning Commission's recommendation by that time - Mr. V. Smith moved that the case be put over to the next following meeting.

Seconded, Mr. Haar

Carried, unanimously.

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3- CRESTWOOD CONSTRUCTION CORP., to permit dwellings to remain as erected, Lot 5, Block 60, Section 20, Springfield, 20.58 feet from rear property line and Lot 9, Block 60, Section 20, Springfield, 21.42 feet from rear property line, Mason District. (Suburban Residence.)

Carl Hellwig represented the applicant. The original plan was to put a smaller house on these lots, Mr. Hellwig told the Board, but when a change was made to put in the larger building - for some reason - the setbacks were not checked. They pushed the house back farther to meet the front and side setbacks and neglected to check the rear setback line.

Mr. Mooreland said they had received the certified plats on these lots back in August of 1955 and had approved them - also neglecting to check the rear setback line. As a result the houses are both too close to the rear line and it has not appeared feasible to resubdivide the lots to clear up this encroachment, Mr. Hellwig told the Board.

Mr. Harry A. Finney, owner of Lot 7 - immediately to the rear of Lot 5 - suggested that a variance would not be necessary if these lots were replotted, to straighten up the rear line.

Mr. Scariatto, owner of Lot 9, also suggested the re-plotting of the lots. If there were no available ground, Mr. Scariatto stated that they would make no objection - but he thought adjustment could very well be made.

It was asked when Mr. Scariatto and Mr. Finney had seen the plat of this area. They both said - minutes after the time of settlement. They thought the errors created on these lots would adversely affect the saleability of their property.

It was brought out that by granting the variance requested here - it would clear up the adverse affect of the encroachment and release any cloud upon the title, as it was also stated that the property had been conveyed without this variance having been granted.

Mr. Scariatto suggested that the little open porch on the rear of the house on Lot 9 brought the rear of the building close enough to the rear line to actually have an adverse affect on the saleability of the house on the rear property. However, it was brought out that the porch is merely a rear entrance-way, and the proch was on the house when it was sold.

NEW CASES - Ctd.

3-Ctd. Mr. Finney also thought this encroachment would be in conflict with the deed covenants.

Mr. D. L. Crowson, owner of Lot 5, suggested that there probably was not sufficient ground to re-plat the property - and correct the error.

Mr. Clay, from the Title Company who handled the transfer of these properties, stated that his Company did not know of the violation until after settlement. His Company would like to clear the error by the granting of this request. If this is resubdivided, Mr. Clay said, it would probably be all right but the houses have been sold and resubdivision would be a difficult and cumberson process, as it would affect mortgages with FHA and VA. He noted that both of the men objecting to this variance had occupied their houses six months prior to settlement.

Mr. Mooreland said he would like to see these variances granted as he too had made an error in not checking the original plats on the rear lines.

Mr. Haar moved that the application be granted in view of the fact that the error is on the rear property line, which does not appear to seriously affect adversely adjoining property; this is granted in accordance with plats submitted, dated July 27, 1955 signed by H. S. Coursson, showing Lots 5 and 9 both in Section 20, Block 60, Springfield.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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4- C. W. and ELIZABETH STIPE, to permit erection of an addition to restaurant (existing building too close to U. S. #1) on Southeast side of U. S. #1 Highway, approximately 250 feet east of Forrest Drive (4104 Richmond Hwy.) Mt. Vernon District. (Rural Business).

Mr. Andrew Clarke represented the applicant. This is an old operating restaurant, Mr. Clarke told the Board, which was located here before the highway was widened, with 20 feet between the building and the hard surfaced roadway. The addition to the restaurant will be on the rear. The sewer line is in now and Mr. Stipe will be allowed to hook on in May 1956.

Mr. V. Smith moved that the application for the proposed addition as shown on plat dated April 12, 1955, signed by Wesley N. Ridgeway, be approved provided the applicant furnish off-streetparking for all users of the use.

Seconded, Mr. Haar

Carried, unanimously.

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Mr. Stipe said the Highway Department had allowed him to black top the entire 20 foot strip which will be used to facilitate entrance to his restaurant, but he will have parking on the side of the building.

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March 27, 1956

NEW CASES - Ctd.

5- DAVID P. PAGE, to permit an addition to dwelling 26 feet of ~~feet~~ of street right-of-way line, Lots 29 and 30, Fairhill on the Boulevard, on east side of Fairhill Road, approximately 700 feet south of Lee Highway, Providence District. (Suburban Residence).

This addition will provide a larger living room, Mrs. Page told the Board, and a two car garage. The addition will be located behind the present garage, forming an "L". The little temporary structure for the small car will be taken down and the present garage will be turned into part of the living room. A garage which will have room for both cars will be located under the living room. The only variance will be on the 34 foot extension of the living room, which will maintain the same setback as the present garage .

Mr. Verlin Smith moved to grant the application for an extension on the rear of the existing building, not to exceed 34 feet and not to come closer to the property line shown on the plat as land reserved for road than the existing building and that the temporary shelter on the south side of the residence shall be removed as per plat presented with the application.

Seconded, Jr. J. B. Smith

Carried, unanimously.

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6- JOHN H. HOWARD, to permit erection of an addition to dwelling 4 feet of side property line, between Leesburg Pike and Columbia Pike, 400 feet south of Columbia Pike, Mason District. (Suburban Residence).

Mrs. Howard represented the applicant. This is a request to build a room on the first floor of their home, Mrs. Howard said, in order that their child who is ill will not have to climb the stairs, and it would appear that this is the only location for such a room. An addition to the rear would interfere with the kitchen and bathroom or it would block the living room and it would be difficult to make an entrance into the added room.

Mr. Verlin Smith objected to the 4 foot setback from the side line, recalling that 10 feet is about the closest side setback the Board has granted. It was noted that a ten foot setback would give only an 8 foot room.

Mrs. Howard said they had tried to purchase more property from Mr. O'Shaughnessy who would not sell, but who did not object to this addition, and in fact Mr. O'Shaughnessy had suggested their coming before the Board for this variance.

Mr. Verlin Smith suggested locating the room to the rear with an offset from the living room, bringing the room out where it would create a less violation on this side. He suggested deferring this for the Howards to redraw the plans along this line. He thought it might be possible to locate the room in this manner with a 15 foot setback.

Mrs. Howard said the living room narrowed down at the rear - which might make this impractical.

There were no objections from the area.

NEW CASES - Ctd.

6-Ctd. Mr. Haar moved to defer the case to the next meeting to give the applicant the opportunity to submit a new layout which would be more in conformity with the regulations.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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7- WILLIAM C. ALLEN, to permit erection of an addition to dwelling within 8 feet of side property line, Lot 7, Block L, Section 1-A, Bucknell Manor, (921 Cavalier Drive), Mt. Vernon District. (Urban Residence).

Mrs. Allen represented the applicant. This addition would be attached to the house so the present roof line can be continued and the room will set just back of the windows on this side of the house. It will be only two feet over the restriction line, Mrs. Allen told the Board. Many of the additions in this subdivision have the flat roof, Mrs. Allen said, but they had considered it a much more attractive addition to maintain the pitched roof, which this would enable them to do. They have no garage - the rear part of this addition will be used for storage.

It was noted that the variance requested is actually on only one corner of the lot - as the side lot line narrows the lot toward the rear. The driveway comes into the yard up to this proposed addition which would enable the applicant to put in a carport in front of the addition without a variance.

Mr. Verlin Smith moved to grant the application as shown on plat dated February 27th, 1956 with the proposed addition not to come closer to the side lot line than 8 feet, granted because this does not appear to adversely affect neighboring property and the closest corner of the addition is eight feet from the property line.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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8- HAROLD K. PARSON, to permit dwelling to remain as erected 38.5 feet of street property line and permit carport to remain within 7.5 feet of side property line and within 37 feet of the street property line, Lot 31, Section 2, Walhaven, at the intersection of Briarmoor Land and Clames Dr., Lee District. (Gazette).

Mr. Parson advised the Board that he had bought this house in 1950. These violations existed at that time - although he did not realize it. Now he wishes to sell and in order to give a clear title it is necessary to clear up the violations. There is no dwelling on Lot 30 which joins Mr. Parson on the side.

There were no objections from the area.

The carport, which is in violation is at one end of the lot - setting 7.5 feet from the side line.

NEW CASES - Ctd.

8-Ctd. Mr. Haar moved to grant the application because the violations do not appear to adversely affect neighboring property nor do the violations affect the view around the corner as the violation at the intersection is only on one corner of the house.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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9- M. L. BECKNER, JR., to permit erection and operation of a service station and to permit pump islands 35 feet of right of way line, southeast side of #123 adjoining church on the west, Providence District. (Rural Business).

This entire tract of 56,492 square feet is zoned Rural Business, however, Mr. Beckner said he would occupy only 16,896 square feet for this use. This would give 150 foot frontage by approximately 130 feet deep. The front of the building will be 90 feet from the right of way of Route #123 and the requested 35 foot setback for the pump islands will allow room for the widening of Route No. 123, Mr. Beckner explained. If it becomes necessary to move the pump islands back farther - there will be sufficient room between the islands and the building.

Mr. Beckner located other filling stations in the area with relation to his proposed station and suggested that it would be well located to serve the needs in the area. He had discussed his plans with adjoining property owners and the property owner across the street,none of whom objected.

He thought there might be some objections from individual members of the congregation of the church joining him on one side, but Mr. Beckner said the official Board of the Church had met - he had met with them explaining what he planned to do here. The Board voted 14 to 4 indicating no objection. The members voting to approve this use had stated that they felt a modern well run service station here would not harm the Church, at least they thought the filling station would be as suitable as any type of business which might go on this property.

Mr. Verlin Smith questioned the applicant's right to split his lot. Mr. Beckner said he was actually not splitting his lot - that he would not need more than the 16,896 square feet for this use and therefore had set this area off specifically for this use.

Since there is a residence on the property, Mr. Verlin Smith contended that by taking out this portion of the lot, Mr. Beckner was leaving a piece of ground which could not meet zoning ordinance requirements of 100 feet frontage, etc. With this division, Mr. Verlin Smith pointed out, either piece of property could be sold and the left-over portion would be an illegal lot, Since it has a residential unit on it. He thought the granting of this application should include all of the property.

Mr. Beckner was of the opinion that no difficulty would arise under the present circumstances and if either piece were sold at a later time - it would be straightened out at that time.

NEW CASES - Ctd.

9-Ctd. Mr. Verlin Smith also thought that the plat should show the location of all buildings on the property. He felt that he could not vote on this as it stands - what does this include, Mr. Smith questioned - is it the small portion of the ground or the entire tract? The application says the entire tract. If it includes the entire tract the buildings should be shown.
Mr. Beckner said he had merely cut off this 16,896 square feet because that is all he will need for this use - he did not wish to include the entire tract. Further discussion followed regarding what property was properly included in the application and the possibility of creating an illegal lot by this apparent split.
Mr. Haar moved to grant the application because it appears that this would not adversely affect adjoining property - granted on 16,896 square foot area and granted in accordance with plat prepared by Joseph Berry, dated March 9, 1956.
Seconded Mr. J. B. Smith
Carried - Mr. Haar, Mr. J. B. Smith and Mr. Brookfield voting for the motion. Mr. Verlin Smith not voting.
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10- WILLARD G. ROOT, to permit open porch within five feet of side property line, Lot 19, Parkhaven, (6711 Glen Carlyn Dr.)Mason Dist.,(Sub. Residence).
This proch is planned to provide more living space for his expanding family, Mr. Root told the Board. It is on the shady side of the house. The neighbors on both sides of him do not object, Mr. Root said. The plan is for a 10 ft. screened porch which will come five feet from the side line.
There were no objections from the area.
The driveway is on the opposite side of the house where a garage could be located behind the house. There are several additions like this in the subdivision, Mr. Root said, and one of his neighbors has indicated that he would likely ask for a similar addition.
Mr. Haar moved to grant the application provided the setback from the side property line is not less than seven feet.
Seconded, Mr. J. B. Smith
Carried - Mr. Haar, J. B. Smith, Mr. Brookfield voting for the motion. Mr. Verlin Smith voting "no".
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11- C. H. FUGATE, to permit erection and operation of a service station and to permit pump islands 25 feet of the street property line on the south side of #644, approximately 400 feet east of #638, Lee Dist.(Rural Bus.)
Mr. Mooreland told the Board that it would be necessary to defer this case for 30 days as - through an error in the map - the property was incorrectly posted.
Mr. Verlin Smith moved to defer this case for 30 days.
Seconded, Mr. J. B. Smith
Carried,unanimously.

NEW CASES - Ctd.

12- P. B. ARMSTRONG, to permit an addition to dwelling within 22.5 feet of the rear property line, Lot 22, Oak Knoll, (1629 Poplar Drive) Falls Church District. (Urban Residence).

Mr. Taylor represented the applicant. The street on which the property faces, Mr. Taylor said, runs into a horseshoe curve, and this dwelling is located at the bow of the curve. The addition will be on the rear of the house. All other setbacks conform.

There were no objections from the area.

The other houses are located in such a manner that this will not be noticeable and it will not affect other property adversely, Mr. Taylor pointed out.

Mr. Verlin Smith moved to grant the application because it does not appear to adversely affect property in the area and this is the only reasonable location on the lot for the addition. This is granted for a 22.5 foot setback from the rear property line.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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DEFERRED CASES

1- DARWIN CONSTRUCTION CO.,to permit a 30 foot setback from street property line, Lots 36 through 50, Hillside Manor Subdivision, Dranesville Dist. (Suburban Residence).

Mr. Glen Richard represented the applicant. Fifteen lots are involved in this application, which was first granted by this Board and later rescinded for recommendation from the Planning Commission, Mr. Richard recalled.

The following recommendation from the Planning Commission was read:

"March 26,1956

TO THE: Fairfax County Board of Zoning Appeals

FROM : Fairfax County Planning Commission

RE: Darwin Construction Corporation - Variance on Lots in Hillside Manor Subdivision

This matter comes before the Board under the provisions of Section 6-12 (g) which establishes the powers of the Board relative to variances. This section reads:

> 'Where, by reason of exceptional topographic conditions of a specific piece of property, or by reason of other extraordinary and exceptional situation or condition, the strict application of any regulation in this chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner, the Board shall have power in passing appeals to grant a variance from such strict application of such regulation, so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without impairing the general purpose and intent of the Zoning Map and this chapter...'

The Commission recommends that the Board grant the application due to the fact that the lots on this side of the street are at a depth which will permit the location of the houses 100 feet more or less from the flood plain area and this will make a more orderly development if the houses can be located at a 30 foot setback rather than the required 40 feet.

FAIRFAX COUNTY PLANNING COMMISSION
(Signed) H. F. Schumann, Jr.,Director"

DEFERRED CASES - Ctd.

1- Mr. Verlin Smith stated that he was not in favor of these extensive variances. Mr. Richard pointed out that in this case by granting the less front setback the houses would be further removed from the flood plains than if the 40 foot setback is observed. It would be impossible, Mr. Richard contended to draw a set of regulations which when applied everywhere in the County would not at some point cause a hardship and that is the reason for setting up the Board of Appeals, Mr. Richard continued, to put equity and humanity into the requirements of the Ordinance where the approach of using equity and humanity will not be detrimental to an area. This, Mr. Richard contended, is in keeping with the functions of the Board of Appeals and good planning; it is not taking advantage of the County in any way but rather it is the function of this Board to grant variances where they are equitable and where the intent of the Ordinance is maintained.

Mr. Verlin Smith thought the granting of wholesale variances was not the function of this Board as they could easily get out of control.

Mr. Richard noted that the other two cases referred to the Planning Commission have elements in common, all following the intent of the Ordinance. He thought that has only one of the cases come before the Board at one meeting it would have been granted. The fact of the three cases would make it appear - wholesale variances.

Mr. Verlin Smith recalled that the Board had been criticized in the past by the Planning Commission and other offices for granting extensive variances and in effect amending the Ordinance, however, Mr. Verlin Smith made the following motion: In view of the Planning Commissions recommendation,dated March 26th, 1956, signed by Mr. H. F. Schumann that this be granted for a variance on setbacks from 40 feet to 30 feet on lots No. 36 through 50, Hillside Manor Subdivision, as shown on plat dated January 28, 1955 by P. R. Rupert, Certified Land Surveyor, he would move to grant the application under Section 6-12 (g) of the Ordinance because it meets the requirements of that Section relating to topographic conditions and because this can be granted without substantial detriment to the public good.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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2- VERNON M. LYNCH, to permit erection of stores 10 feet from side property line, located at the southeast corner #644 and #617, Mason Dist.(Gen. Bus.)

Mr. Lynch's case was deferred for presentation of plats which would show the location of the proposed building on the property. Mr. Lynch presented his plats which met with the approval of the plats.

Mr. Verlin Smith moved to grant the application as shown on plat dated June 14, 1955 and revised January 19,1956 and March 15,1956, signed by R. M. Lynch, Certified Surveyor.

Seconded, Mr. Haar Carried, unanimously.

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DEFERRED CASES - Ctd.

3- WALDRON L. ADAMS, to permit a trailer park with 9 trailer sites on 4 acres of land, located on east side of #1, approximately 700 feet south #626, Mt. Vernon District. (Rural Business)

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Mr. Bauknight represented the applicant. This case was deferred for signed plats and a typical lot plan showing the location of the trailer and the 20 foot gravel parking space on the lot for the occupant, Mr. Bauknight told the Board. It was referred to the Fire authorities for written approval. (Mr. Mooreland said he had that written approval from Mr. Willis Burton, Fire Marshall - which he would file with this case).

Mr. Bauknight presented the signed plats and the typical lot - both of which were satisfactory to the Board.

There were no objections from the area.

Mr. Verlin Smith moved to grant the application as shown on plat dated Mar. 26,1956 signed by Darrell E. Rodgers, Certified Land Surveyor, plat showing trailer lots in question, the roadways and the plot plan showing the typical lot with trailer and car location plot plan.

Seconded, Mr. Haar. Carried, unanimously

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4- REYNOLDS CONSTRUCTION CORP., to permit erection of dwellings 25 feet of street right of way line, Lots 7 through 12, inclusive, Section 4, Golf Club Manors, Dranesville District. (Suburban Residence).

Mr. Browninger represented the applicant. This case was also referred to the Planning Commission for recommendation and advice. The Planning Commission recommendation was read:

"March 26,1956

TO THE: Fairfax County Board of Zoning Appeals

FROM THE: Fairfax County Planning Commission

RE: Reynolds Construction Corp. - Variance on lots located in Hillside Manor Subdivision.

This matter comes before the Board under the provisions of Section 6-12 (g) which establishes the powers of the Board relative to variances. This Section reads:

> 'Where, by reason of exceptional topographic conditions of a specific piece of property, or by reason of other extradordinary and exceptional situation or condition, the strict application of any regulation in this chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner, the Board shall have power in passing appeals to grant a variance from such strict application of such regulation, so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without impairing the general purpose and intent of the Zoning Map and this chapter...'

The Planning Commission recommends that the Board grant the application for a 30 foot setback rather than the 25 foot setback requested due to the terrain of the area on which the Commission believes a more orderly development can take place with a less setback. Also this will conform to the setback of the lots in Arlington County.

FAIRFAX COUNTY PLANNING COMMISSION

(Signed) H. F. Schumann, Jr.,Director'

DEFERRED CASES - Ctd.

4-Ctd. Mr. Browninger said he had nothing further to say unless the members of the Board had questions for him.

Mr. Haar moved to grant the application in accordance with recommendations from the Planning Commission which call for a 30 foot setback instead of 25 foot as requested.

Seconded, Mr. J. B. Smith Carried, unanimously.

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5- MANUEL MILLER, to permit building to be built closer to zone line than allowed by the Ordinance, Lots 2 and 3, Henry Williams Estate, southerly side #244 approximately 450 feet southwest of #7, Mason District. (General Business). This case had been deferred for decision on the rezoning request which was before the Board of Supervisors. The rezoning was granted, Mr. Miller stated. Mr. Miller had asked extension of the business zoning beyond the 200 foot depth, as this property is located in a generally business area and the 200 foot depth is not sufficient on which to locate a good sizes business. He felt that other property adjoining him would also request and be granted business zoning to the rear and for that reason he was not in any way affecting the joining property adversely. The rear property (his and that adjoining) has no outlet to the rear and is therefore dependent upon access to Columbia Pike on which the business frontage faces. On the front of his property for a 200 foot depth, Mr. Miller called attention to the fact that he can build up to his property line because the property joining is zoned for business. Beyond the 200 foot depth the adjoining property is in residential classification - therefore he would be obliged to meet the residential setback. He is asking for the variance that he may continue his building on along the line rather than jogging it within his property to meet the residential setback.

In answer to a request for his opinion, Mr. Mooreland said he thought this was a justifiable request.

Mr. Miller showed renderings of his proposed business which would contain offices in the front and a large warehouse joining it in the rear. They will have sufficient space for parking in the front,side and on the rear of the building. This will be a kitchen equipment business.

Mr. Frederick Gross, the owner of adjacent property, which property would be affected by the variance, stated that while he was not actually objecting to this. He felt that with his narrow strip of land, if he should want to sell, the building being located on the line would be detrimental to his property. He thought an eight foot setback would be more satisfactory.

It was suggested that if Mr. Gross sold the purchaser would certainly request a rezoning on this rear property. Mr. Gross said that might be so, but that he had no intention of selling now and he did not expect to ask for a rezoning. He has a home on the property which he has recently remodeled and he could not afford to sell at what would probably be a depreciated price as he had no other place to live. If he sold the front

5-Ctd. part of his property which has business zoning, the rear part would have no access.

Mr. Mooreland pointed out that the property was not really residential property, that since the surrounding area is potential business property, the taxes would in time make it impossible for Mr. Gross to live there. He thought it far more reasonable to allow the business to go in as planned, and in the future either ask for a rezoning on the rear area and sell the entire tract, or sell to some purchaser who will want it for business purposes.

Mr. Verlin Smith thought this business would encourage a business zoning on the Gross property.

Mr. Miller said he had discussed this whole case with Mr. Gross, explaining to him exactly what he wished to do and how he thought it would affect Mr. Gross' property and at the hearing before the Board of Supervisors for this rezoning, Mr. Gross had not objected - but it appeared that he (Mr. Gross) has since that time been advised by someonelse. He said he had no wish whatever to work any hardship on Mr. Gross, but he honestly felt that this would be a good thing for him - in that his property probably could more easily be zoned for business and therefore bring a higher price when he wished to sell.

Mr. Miller thought it very impractical to locate his building eight feet from the property line, as it would provide a place for trash and would destroy the plan of his building. He thought his present action would act as a stepping stone to Mr. Gross' rezoning.

Mr. Gross thought that since he has the business frontage he could some day sell and move to the rear of his property which is residential - and at that time he would be adversely affected. It was brought out that this rear area would not be a legal lot as it would have no access to a road.

The Board discussed this further with both Mr. and Mrs. Gross in an attempt to show Mr. Gross the future possibilities of his property - whereby with the growing taxes he would not wish to live there and the potential sale value of his property would be greatly increased rather than depreciated.

Mr. Verlin Smith thought that not to grant this would actually be harmful to both Mr. Gross and to Mr. Miller. A jog in the building to meet the 8 foot setback suggested by Mr. Gross would merely result in a trash collector pocket and the location of this building would certainly put Mr. Gross in a position to request business zoning - which in turn would give him a better price when he sells his own property.

Mr. Smith said he would not vote for this if he thought it would harm Mr. Gross in any way, but he thought it would actually be helpful.

Mr. Verlin Smith moved to grant the application because it would not appear to affect adversely neighboring property, and it seems to be a logical use for the property and it is agreed that the applicant shall furnish off-street parking for all users of the use.

Seconded, Mr. J. B. Smith Carried, unanimously.

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DEFERRED CASES - Ctd.

5-Ctd. Mr. Miller commended the Board for their careful analysis of his situation and for their fairness in dealing with cases brought before them.

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REGOR, INC., to permit erection of dwellings 30 feet from the street right of way lines, Lots 1 through 16 inclusive, Block 39, Section 14, North Springfield and Lots 24 through 36 inclusive, Block 9, Section 14, North Springfield, Mason District. (Suburban Residence).

The Planning Commission had asked that this be deferred for two weeks.

Mr. Verlin Smith so moved

Seconded, Mr. Haar

Carried, unanimously.

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C. & P. TELEPHONE COMPANY OF VIRGINIA, to permit erection and operation of a telephone exchange on south side #123, 500 feet east of #694 on 2.949 acres of land, Dranesville District. (Suburban Residence).

The following motion was made regarding disposition of this case which had been deferred for two weeks:

Mr. Haar moved that owing to the absence of Judge Hamel, who is familiar with the community, the case of the C. & P. Telephone Company be continued until a meeting can be arranged with all members of the Board present.

Seconded, Mr. J. B. Smith

Carried, unanimously

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The meeting adjourned

John W. Brookfield

John W. Brookfield, Chairman