April 10, 1956

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, April 10,1956 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse with all members present except Mr. Herbert Haar.

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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 north side of Southern Railroad on east side #638, Rolling Road, Falls Church District. (Industrial).

The following letter from the Board of Supervisors was read:

"Commonwealth of Virginia
County of Fairfax
Fairfax, Va.

5 April 1956

Board of Zoning Appeals
Fairfax, Virginia

Gentlemen:

The Board of County Supervisors, at its meeting yesterday, directed that the Board of Zoning Appeals be advised that the Board of County Supervisors deems it advisable not to issue further use permits for trailer parks until regulations governing such parks have been adopted for the County.

Very truly yours,

/s/Carlton C. Massey
County Executive"

Mr. Lytton Gibson, representing the applicant, recalled to the Board that this case had been deferred twice at his own request and twice awaiting adoption of a trailer park ordinance. He had checked with the Zoning Office and found that this ordinance was not completed and it was not contemplated that it would be ready for adoption at an early date. Mr. Gibson said he had made every effort to impress upon the Board of Supervisors and the Planning Commission of the necessity of passing a trailer park ordinance in order that the great number of trailers in the County - parked in violation on individual lots - may have a place to go where they can comply with the law. While he was very conscious of the heavy load of work being carried by Mr. Schumann's office, Mr. Gibson continued, he felt that some means should be worked out whereby trailer parks could be granted either by agreeing to meet proposed future regulations of the County, or by conformance with FHA or FSA regulations. While he realized, Mr. Gibson said, that the Board did not wish to act against the wishes of the Board of Supervisors - he thought something could be worked out to take care of immediate needs.

Mr. Schumann told the Board that the ordinance ultimately recommended by the Planning Commission will not necessarily be in accord with that of FHA requirements - as he thought following those regulations would result in many difficulties and objections in the County. Mr. Schumann said the work load and lack of personnel in his office had made it impossible to complete a proposed ordinance to cover trailers. Just now his office is under tremendous pressure and will be until in to May.

April 10,1956

DEFERRED CASES - Ctd.

1-Ctd. Mr. Verlin Smith said he thought of FHA regulations only as a guide. He further suggested that tentative regulations might be drafted by a committee which could be presented to the Planning Commission and the Board of Supervisors for their revision.

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Mr. Gibson suggested that the immediate need for this ordinance might be communicated to the Board of Supervisors and request the Board to appoint a committee to draft an Ordinance.

Mr. Verlin Smith moved that the Board draft a letter to the Board of Supervisors suggesting that a committee be appointed to study ordinances on trailers in other jurisdictions and the FHA and FSA regulations, and this committee be requested to make a draft of an ordinance to be submitted to the Planning Commission and the Board of Supervisors, and the Zoning Administrator for consideration.

Mr. Schumann indicated that his office has a wealth of material which will be available to this committee.

Seconded, Mr. J. B. Smith

For the motion: Mr. V. Smith, J. B. Smith, Judge Hamel

Mr. Brookfield voted "no".

Motion carried.

Mr. Verlin Smith moved to defer the Munro application to May 8th for further study.

Seconded, Judge Hamel

Carried, unanimously.

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2- M. T. BROYHILL, & SONS, to permit dwelling to remain as erected, Lot 1, Section 9, Broyhill Park, 33.3 ft. setback from Kenney Drive, Falls Church District. (Suburban Residence).

Mr. Nealson represented the applicant. Mr. Mooreland recalled the history of this case: stating that it had been the custom of his office (against his better judgement, however) to grant developers of new subdivision permits for two houses on acreage - houses to use for display. He had cautioned the builder in each case to place these houses in such a manner that they could conform to requirements of their future development. He had also advised developers that they are responsible for the house locations and they must conform.

This is the result of a mistake in laying out the house, Mr. Nealson said, and it was not caught soon enough to re-build. Mr. Nealson pointed out that the house encroaches only at one corner and the distance from Marc Drive meets requirements. Other houses in the area are sold.

Mr. Verlin Smith suggested moving the street back and perhaps taking off a portion of the lot joining the street. He thought every means should be exhausted to remedy this without the variance.

Mr. V. Smith moved to defer the case for 30 days to give the applicant opportunity to attempt to correct the situation by changing Kenney Drive.

Seconded, Mr. J. B. Smith Carried, unanimously.

April 10,1956

NEW CASES:

1- PEOPLES SERVICE DRUG STORES,INC., to permit erection of a sign on the building 5' x 20', located on north side #29, #211 and #50 at Kamp Washington, Providence District. (Rural Business).

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Mr. Roger Wells represented the applicant. Mr. Wells showed pictures of the proposed sign which they have used in other jurisdictions - pointing out that this is the standard size sign which has been used on lots with much less frontage. The lot in this application has a frontage of 168.62' with 301.82' depth. The store is located 155 feet from the street right of way. They have provided parking space in front for 98 cars. The sign will be 20'x5'. There were no objections from the area.

It was agreed by the Board that the present sign ordinance is obsolete in that it does not allow sufficient sign area for larger lots. Mr. Mooreland stated that a change in the ordinance is contemplated but because of press of other matters revisions have not yet been made. Mr. Wells said he had worked with many other jurisdictions on their sign ordinance for this Company.

Judge Hamel moved to grant the application as the sign seems to be in keeping with the size of the lot and the building.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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2- DIAMOND H. CORPORATION, to permit division of lot with less areas than allowed by the ordinance, Lot 9, Leewood Subdivision, Mason District.(Agric.)

Mr. Edgar Hill represented the Corporation. A contract was negotiated last Fall to purchase this property, Mr. Hill told the Board, contingent upon the fact of dividing this property into five lots instead of four. These lots will be slightly under the required 1/2 acre, however, since the original surveys on lots in Leewood were not entirely accurate, Mr. Hill explained, these lots will probably survey out closer to the 1/2 acre than it now appears. Septic requirements have been met on these lots. The Master Plan indicates suburban lot sizes for this area, Mr. Hill pointed out, but the Planning Commission has agreed to hold this area in 1/2 acre development since the lots in Leewood are generally large. These lots will require a very small variance and will not be out of harmony with other larger lots in the area, Mr. Hill contended. The lots in Crestwood development across the stream are in suburban classification. This division would benefit the County because of the one additional sewer connection and the tax revenue from the fifth house.

Mr. Johnson spoke in opposition to this division. He owns property immediately to the west. Mr. Johnson pointed out that the land east of Back Lick Run was subdivided in 1936 into very large lots. There are about 45 homes in this area now - most of them located within their property so the lots could never be subdivided. This is a community of long standing, the homes are individually built. It is attractive and rural in character. Mr. Johnson

2-Ctd. was of the opinion that squeezing lots would depreciate the area and change the type of development already established. Rezoning this area to suburban classification has been discussed, but the Planning Commission has agreed, Mr. Johnson said, to retain the present lot size requirement and to allow the smaller lots across Back Lick Run.

These lots in Leewood were originally set up in 1-1/4 to 7 acre tracts. Suburban zoning has been consistently denied in this area. Mr. Hill suggested that breaking up this tract in to less than the 1/2 acre areas,with a little strip of small lots, would set a precedent for smaller lot sizes which would be out of harmony with the set pattern and not in keeping with the established policy of the Planning Commission.

Mr. Bayard, the owner of Lot 37, objected. He showed pictures of the development established in Leewood indicating the large wooded lots and attractive homes. He showed how these lots could not be resubdivided because of their shape and the houses being located with wide yards making street dedication practically impossible.

It was brought out that houses valued at about $20,000 would be put on these lots - all alike and located on these small lots would be out of keeping with the wide yards and rural aspect of the present development, with the custom built homes. Mr. Johnson said he could not see the value to the County nor to the area to incorporate this small lot area within a development established on a rural basis.

Mr. Bayard recalled the petition with 42 names which was presented in the former case requesting smaller lots in this area, which application had been denied. The Suburban zoning on the west side of Back Lick Run, Mr. Bayard thought, was logical but he requested to Board to protect this area from a variance which would destroy the character already established.

Mr. V. Smith moved that the application be denied as it does not appear to be in keeping with the area and it appears that itwould affect adversely other property in the area.

Seconded, J. B. Smith

Carried, unanimously.

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3- Jack Coopersmith, to permit erection and operation of a service station and to permit pump islands 25 feet from right of way of Edsal Road, Lot 20, Omdoam Springs Subdivision. (Agriculture).

Mr. Coopersmith had asked that this case be withdrawn, because of covenants on the property which prevent business uses.

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NEW CASES - Ctd.

4- EDWARD E. BOGGESS, to permit an addition to rear of restaurant which is 31 feet from front property line, on west side #1 approximately 1800 feet south #242, Lee District. (Agriculture).

This is an old non-conforming restaurant which the applicant said he had purchased in 1956. It is in very bad repair and he wishes to remodel, cut off the front portion (about 12 feet) which is very close to the highway right-of-way, and add on to the rear. The front will be bricked up and when completed the building will be about 31 feet from the right-of-way. This is a presently operating restaurant. Mr. Boggess recalled that 15 feet of this property had been dedicated for street widening.

There were no objections from the area.

Mr. Verlin Smith moved to defer the case for 30 days to view the property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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5- J. A. SHIELDS, to permit carport 9.31 feet from side property line, Lot 6, Block 41, Section 3, Springfield, (7407 Hastings Street), Mason Dist. (Suburban Residence).

The driveway has been put in on this side of the house, Mr. Shields told the Board - he wishes to locate the carport at the end of the driveway. It was suggested that the little tool shed at the end of the carport be moved in to conform to the 10 foot setback. Mr. Shields said he had planned a passage-way between the tool shed and the house proper. The carport would come 9.31 feet from the side line.

There were no objections from the area.

Mr. Verlin Smith moved to grant the application because the variance is less than one foot and it does not appear to affect neighboring property adversely.

Seconded, Judge Hamel

Carried, unanimously.

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6- ROBINSON E. DUFF, to permit erection of carport 25' 6" from Lakeview Drive Lots 20 and 21, Section 1, Lake Barcroft (7706 Lakeview Drive) Mason Dist. (Suburban Residence).

The driveway to the present garage comes in at about 8 feet above the street level, Mr. Duff explained. His plan is to excavate, bringing the driveway in at street level and locate a carport in front of the present garage at a lower level. The area back of the carport and under the present garage will also be excavated for storage space. The present garage will be remodeled into a bedroom, which will lead to a sun deck over the proposed carport - which will be approximately 2 feet above the present elevation of the drive-way. A brick retaining wall will be built along the north side of the driveway. Mr. Duff called attention to the fact that he owns two lots (Lots 20 and 21). His house is built entirely on Lot 21 but he intends

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6-Ctd. to retain both lots. The carport will come 25' 6" from the front property line.

There were no objections from the area, and Mr. Duff presented an affidavit from four property owners adjoining him and near his property stating they did not object to this addition.

Mr. Verlin Smith moved to defer the case for 30 days (May 8th) to view the property and to see the neighborhood.

Seconded, Judge Hamel

Carried, unanimously.

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7- COUNTRY CLUB HILLS RECREATION CORPORATION, to permit community swimming pool and structures accessory thereto, southeast end of Embassy Lane (Greenway Hills) on 7.95 acres of land, Providence Dist. (Rural Residence).

Mr. Lytton Gibson represented the applicant. A non-profit corporation has been formed, Mr. Gibson told the Board, to set up this recreational area which will include a swimming pool, a ball diamond and accessory structures. The membership will be composed of people in Country Club Hills and nearby subdivisions and areas. They contemplate a total limited membership of about 450 with 150 anticipated at the present time. A committee was appointed last Fall by the Citizens Association to look into acquiring land for a recreational area, Mr. Gibson stated. The committee tried first to get land in Country Club Hills. The only available land was not satisfactory. They then contacted the Duras family, Mr. Orr, and Layton Hall, all of whom did not wish to sell. The tract in question today was the only ground available within the area.

In view of the need in the County for recreation areas, Mr. Gibson expressed the opinion that a great deal of credit was due this group who had gone ahead themselves in an attempt to furnish recreational facilities for the area, a place where children and adults can congregate under satisfactory conditions. Mr. Gibson said he had understood there was considerable opposition to this development, especially because of the traffic which would be generated. The traffic would come only from the users, Mr. Gibson contended, as this project is on a dead end street. He thought that after the area became developed, many people in the immediate area would be glad to participate. In his opinion this project would serve a great and important purpose in the area, in that it will promote the general welfare, will aid in reducing juvenile delinquency, and will promote general good feeling among residents of the community. He therefore asked the Board to grant this application.

Mr. Dankhe, who lives near a similar development in Broyhill Park, told the Board he had suffered no ill effects from living near such a use. He noticed very little noise and the traffic was in fact reduced since the opening of the pool - people slowing down for entrance.

NEW CASES - Ctd.

7-Ctd. Colonel William Connerat, President of the Country Club Citizens Association, told the Board of the plans for this area, the need it would fill in a growing community for young children where recreational facilities are so lacking.

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Jim Woods, Vice President of the Citizens Association told of his work with the Little League Baseball group and the fine work such an organization can do with children. He too stressed the lack and the need of this type of area. He recalled the saying "Little League Players make Big League Citizens" - which he thought very appropriately applied to the ideals prompting this project. There are many more boys in the area wishing to join a league than the present baseball facilities at the American Legion can take care of - it is the hope of this group, Mr. Woods said, that these boys can now be taken in when this project gets under way. Mr. Woods stressed the need to get this project under way before all available ground is eaten up with development, since land acquisition is a problem even now. It is the plan that the high school grounds will take care of the older boys and the younger league will operate here. The day of sand-lot playing and the use of open fields for baseball is over - now it is necessary to locate ball parks on land set aside for that purpose, Mr. Gibson said. He again pointed out the worthy purpose of this project. Mr. Gibson presented a petition favoring the project.

Mr. Edward Pritchard represented a number of people in the area objecting to this application. His clients are not objecting to the use, Mr. Pritchard pointed out, but only to the location. They are in agreement that a recreational area is needed and is a very worthy enterprise - but they do object to having it located within a few steps of homes in Greenway Hills Subdivision, where it will be a hazard to the safety of children and will destroy the peace and quiet of the neighborhood.

Mr. Pritchard continued - the people in this area bought their homes before the recreational area was proposed, they bought here particularly because of the quiet and rural aspect of the neighborhood. The street (Embassy Lane) on which the area will face, is narrow - having only a 26 foot paving, with no sidewalks. The great number of cars coming and going, the people walking down the street spilling over on to the yards, the noise from the pool, and the depreciating affect on property near the area will present grave problems and are reasons for objections.

This recreational area is cut out of a 70 acre tract, Mr. Pritchard continued, it is low and undesirable for home development, therefore, the developer had sold it to this group at a low price. He felt that such a project should have been located within the subdivision which it will serve and not encroach upon home owners who had bought into an area thinking they were protected from just this sort of thing.

7-Ctd. Mr. Jerry Wolman, builder of Greenway Hills, pointed out the relationship between his development and this recreational area. Mr. Wolman also stated that he had no objection to the project, but it had worked a hardship with him - that people had been opposed to buying near such a project and he felt that it was an intrusion on the peace and quiet of the neighborhood. Mr. Wolman also spoke of the topographic condition - the lowness of the ground where the parking area is located. This is a flood plain area, Mr. Wolman said (he had discussed this with Mr. Kipp, Public Works Administrator) and filling in this tract would back the water up and flood many of the adjoining lots. Out of 45 houses which are sold, 43 of the owners object to this location, Mr. Wolman said.

Lt. Commander Brackett also opposed, showing pictures of the street leading to this project,which indicated that passage through the street with cars parked on either side would create a problem. This pool would be a very short distance from his home - he felt that he was adversely affected. His objections followed the same lines as those who had spoken. The Commander said he had waited many months for this particular house to be completed - thinking it was located in a quiet spot. He felt that he would have to move if this project is put in.

Mr. Pritchard presented an opposing petition containing 63 names.

Mrs. Cardice objected for reasons stated. She especially stressed the danger to children from passing cars, the destruction of yards, and danger from lack of street lights.

Mr. Frank Long stated that he had talked with people in Broyhill Park who lived near their recreational area, and they had indicated that it was unpleasant and distrubing to live near such a development.

Mrs. Ellmore objected for reasons stated, also Mrs. Brackett.

Colonel Frank, owner of property immediately adjacent to this project objected for the following reasons; it would adversely affect the safety of persons and property of those living adjacent to this - this use is dissimilar to the character of the area and such a development would have an adverse affect on the future development of his property. Colonel Frank further objected because of the nearness of the wooded area which would be un-policed, the possibility of littering caused by parties in this wooded area, the resultant flooding caused by filling, the lack of fencing and controlling of the area, and the fact that this development would block his access road which is used by him and his tenants and would undoubtedly be traveled by users of the project. He thought this project would cause continual tresspassing on his property resulting in vandalism and damage to his property. Colonel Frank said he had no objection to thetype of development planned - his objection was to the location. However, he

7-Ctd.

actually did not know exactly what the proposed development encompassed as he did not know of it until he saw the brochure andlearned of a petition being circulated. He also thought they were including too large an area in the membership which he had understood would be restricted to the immediate area. Colonel Frank quoted from the Ordinance regarding granting of a use that would adversely affect adjoining property. He felt that his property would be so affected, especially when and if he subdivided his property. He thought it very unfortunate that Mr. Stafford had not provided a recreational area on his own property. He asked the Board to protect adjoining property owners from this encroachment.

Mrs. Cunningham objected stating that her property was bordered on two sides by this project - she owns 2-1/2 acres. The tennis courts will be about 100 feet from her house and the picnic area along her property line. She could not afford to fence her property and felt that the noise and general annoyance from the development would be objectionable. She too objected to only the location - not the project - as she thought it would depreciate her property.

Colonel Ray Walker objected saying he deplored the position of opposing such a worthy project as he realized the great responsibility of parents to their children and the need to take children off the street and give them something to do - such as this project would provide. However, the Colonel continued, this recreation area, in his opinion, should not be established at the expense of property owners in Greenway Hills. He further stated that the reasons for not purchasing property in another location were not sufficient to warrant locating at this spot. He felt that this was probably the cheapest location they could find. If this development is located here, it will be a source of continued bad feeling between the two communities and there is a strong possibility that suits would result against the association. Since the people in this area feel that they will be damaged, he asked the Board to maintain the residential character of the area by denying this case.

About 32 persons were present opposing this use, and 24 favoring the project. Many had found it necessary to leave.

It was called to the attention of the Board that this case must be decided on the basis of the damage it would do to the health, safety and welfare of the community and that the people in the area had conclusively shown that they would be damaged in these matters.

Mr. Gibson stated in rebuttal that such a development of this kind would probably always hurt someone. He recalled that many developers had set aside areas for recreation which was a very fine thing, but where that was not done the community had in many cases banded together to get those recreational facilities - which is the case here - a movement with Mr. Gibson continued, is highly commendable. Mr. Gibson pointed out that the access

7-Ctd. road which Colonel Frank mentioned will never be used by this group as it is so stated in the purchase contract. Mr. Gibson admitted that there would be noise - but he had heard of no one moving in Broyhill Park because of their recreational area. He thought adjustments were made by the people themselves. There may be other available sites but they had not been able to find them - and they had made every effort to do so. If it is the opinion of the Board that this will ultimately affect this area, Mr. Gibson continued, then such use should be denied, but he felt that this had not been established and asked the Board to grant this useful and worthy project.

Mr. Pritchard suggested that "Pictures are more eloquent than words" and he felt the pictures shown had established the fact of a traffic problem on Embassy Lane. He also recalled the filling necessary to be done in the parking area, which would undoubtedly create a drainage problem by affecting the flow of the creek and throwing the water on adjoining property.

Mr. Wolman told the Board that he had set aside a small area for recreational purposes in his development - which would serve the people in his subdivision.

Judge Hamel stated that in his opinion the establishment of these community recreational areas was a very desirable thing, and the people who took the responsibility of working out such a project were to be highly commended, and such projects should be encouraged. He realized that objections were always present in the location of such a use as someone was almost sure to be harmed. He felt, however, that these objections were usually magnified and exaggerated and that time would take care of most of the objectionable features. He, therefore, moved that the application be granted subject to approval of the various County authorities applying - County Health Dept., Engineering Dept., and others.

Mr. Verlin Smith said he could not second this motion, although he thought this a very commendable venture and a much needed facility - however, he thought there were reservations which should be considered in that it appeared to him that this might be detrimental to property owners on Embassy Lane. The fact that both sides have shown that they favor this use, it would appear that they might be able to get together. Mr. Smith moved to defer the case until May 8th to give the Board the opportunity to view the property and he asked that consideration be given to the effect of any flooding in the flood plain area, since it appears that the filling might change the course of the stream.

Seconded, Mr. J. B. Smith

Carried - For the motion; V. Smith, J.B.Smith, Mr. Brookfield.
Judge Hamel not voting.

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NEW CASES - Ctd.

8- MARY VAVALA, to permit extension of trailer court from 36 to 42 units, Lot 18, Evergreen Farms (Gum Springs Trailer Court) Mt. Vernon District. (General Business).

Since the Board of Supervisors had requested that no Trailer Parks be granted by this Board until a trailer ordinance is adopted, Mr. V. Smith moved to defer this case until May 8th.

Seconded, J. B. Smith

Carried, unanimously.

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9- HOWARD G. PHILLIPS, to permit carport with room above 5 feet from side property line, Lot 8, Section 1, Hollin Hills Subdivision (1223 Rippon Road) Mt. Vernon District. (Suburban Residence).

Mr. Lenier, architect for the applicant discussed this application with the Board. While this addition would come to within 5 feet of the side line, Mr. Lanier thought it would not adversely affect anyone, as Mr. Merle Thorpe owns the land joining on this side and his large acreage will probably not be developed for many years. The Thorpe house is located deep in the property and the area between is largely wooded. Mr. Thorpe was advised of this requested addition and did not express objection. This property is located on a dead end street which stops at the Thorpe property. Since the lot is very steep on the opposite side of the house where it would be very expensive to excavate and in the rear the landscaping would be destroyed by construction it would appear that this is the only logical place for this addition, Mr. Lanier stated. This room is designed for an elderly relative. The entrance to the room will be level with the back yard. This will give privacy for the room and will not be objectionable to anyone. The space between the main house and the addition, which is about 10 feet, will be left for outdoor living and will afford light and air both for the house and the additional room. It was also noted that the lot line slants toward the rear so actually only one corner of the addition is in violation.

It was brought out that while this property joins the Thorpe estate, which may not be developed at present, it was certainly potential subdivision property, since this is a generally settled area.

Mr. J. B. Smith moved that the application be granted for a 5 foot variance only - not to come closer than 10 feet from the side property line, because this would not appear to affect adversely adjoining property, and because it is to be used for family purposes.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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NEW CASES - Ctd.

10- SOCONY MOBIL OIL COMPANY, INC., to permit erection and operation of a service station and permit pump islands 25 feet from right of way line #644 on north side #644 and adjacent to west side of Springfield Estates, Lee District. (General Business).

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Mr. Hobson represented the applicant. This is a request for the permit and a 25 foot setback for the pump islands. It is a business district with existing business zoning on the west and north.

There were no objections.

Mr. Verlin Smith moved to grant the application as shown on plat dated January 1, 1956 and amended March 26, 1956 by Merlin McLaughlin, Certified Surveyor, which shows the pump islands to be 25 feet from the front property line, granted as this appears not to affect adversely neighboring property.

Seconded, Judge Hamel

Carried, unanimously.

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DEFERRED CASES:

1- 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. (Agriculture).

The Planning Commission would not recommend a business zoning in this area. This was granted by the Board in February 1952, but Miss Thompson said she was unable to start during the allowable period. This will be a most unusual and attractive motel, Miss Thompson told the Board. It will be colonial in architecture and each room will be named for some famous historical character. She will have 14 units. The perkolation test has passed the Health Department. The buildings will be back a considerable distance from the highway.

Mr. Verlin Smith moved to grant the application as shown on plat by Walter L. Phillips, Civil Engineer and Land Surveyor, dated January 30, 1952, but that the building be granted as shown on plat titled "Motel for Miss Edith Thompson, Route 29-211" for 14 units, plat dated March 25, 1956 and drawn by J. E. T. listed as Sheet #3, granted because this does not appear to adversely affect adjoining property.

Seconded, Judge Hamel

Carried, unanimously.

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2- 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).

No one was present to discuss this case. Judge Hamel moved to defer the case for 30 days.

Seconded, Mr. Verlin Smith

Carried, unanimously.

DEFERRED CASES - Ctd.

3- 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 not yet made their recommendation on this.

Judge Hamel moved to defer this case until the next meeting.

Seconded, J. B. Smith

Carried, unanimously.

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The meeting adjourned.

John W. Brookfield

John W. Brookfield, Chairman

April 24, 1956

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, April 24, 1956 in the Board Room of the Fairfax Courthouse, at 10 o'clock a. m. with a full Board present.

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The meeting was opened with a prayer by Judge Hamel.

Mr. Henry of the Soil Survey presented a copy of their report to each member of the Board.

DEFERRED CASES:

CHESTER COPELAND, to permit extension of a trailer court with 14 additional units, Lot 25, Evergreen Farms Subdivision (Total 76 units) Lee District. (General Business).

Mr. Baughnight asked the Board to defer this case for one month in order to complete their plats.

Mr. Verlin Smith so moved - deferred to May 22nd.

Seconded, J. B. Smith

Carried, unanimously.

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C. & P. TELEPHONE COMPANY - Mr. Robert McCandlish came before the Board with reference to his letter of April 18th detailing his client's position on the C. & P. Telephone case. The letter is quoted as follows:

"April 17, 1956

Mr. John W. Brookfield
Chairman, Board of Zoning Appeals
Springfield, Virginia

Re: Application of Chesapeake & Potomac Telephone Company for Use Permit

Dear Mr. Brookfield:

On February 14,1956 the Board of Zoning Appeals granted the above application provided the company put a roof on its proposed telephone exchange similar in appearance to that of Pohick Church.

Since Section 15-850 of the Code of Virginia provides that a petition for appeal must be presented to the Circuit Court within thirty days after the filing of the decision in the office of the Board, the Telephone Company on March 14,1956 perfected its appeal to the Circuit Court. This was done only to eliminate any later question of compliance with the law and not to interfere with further deliberation of the Board, and no steps have been taken under the appeal.

We understand that the Board proposes to take some final action on the application on April 24th, and at that time to either remove the architectural condition from the application or to reconsider and deny the application.

The company is fully aware of the duty that the Board of Zoning Appeals owes the public, and particularly the people in the Lewinsville area, and the Company hopes that the Board is likewise aware of the desperate need for expanded telephone service in the area. The Company is prepared to order a considerable amount of new equipment for this exchange and it is imperative to meet the construction schedule in order to satisfy the demands of the people in the area for service.

To avoid a long delay in the building program and the consequent inconvenience to these people who need telephone service, the Company would like to propose the following:

(a) That the Board of Zoning Appeals take no further action on this application but that the Company present the original use permit and plans for a building with a roof similar to that of Pohick Church to the building inspector so that it may get a building permit and proceed at once with the erection of the exchange.

(b) That the Company proceed with its appeal in the Circuit Court under the provisions of Section 6:12(f)2 of the County Code and Sections 15-850 and following of the Code of Virginia.

We would agree that the Court could decide that, even if the Board of Zoning Appeals could not impose an architectural condition as such, the Board's decision could be broad enough to refuse a permit under the above findings if the applicant did not agree to erect a certain type of building as prescribed by the Board of Zoning Appeals on the proposed site.

This could be done by the Attorney for the Commonwealth filing an answer to our petition for appeal setting this out and the Company replying and denying such right.

After the Court reaches a decision in this matter (which we would expect long before the building was completed) the Company would agree that if the Court decided that the Board of Zoning Appeals could require this type of roof, for any reason, the Company would then put such a roof on its building. The Company would agree to put such a roof on the building in the event the Court decides that the Board could refuse a permit if, in its opinion, the proposed building without a roof of this type would be detrimental to the general welfare of the community.

If the Court decided otherwise then the Company would complete its building as shown by the rendering it presented the Board on February 14th.

Mr. Fitzgerald, who would represent the Board in the Circuit Court, and I have agreed that this is perfectly feasible from a legal point of view if the Board sees fit to accept our proposal and do nothing further in the matter.

Thanking you in advance, I am,

Sincerely yours,

/s/ Robert J. McCandlish, Jr.,
Attorney for Chesapeake & Potomac Telephone Co."

Mr. McCandlish displayed the architect's rendering of the proposed building for the C. & P. Telephone Company with a pitched roof, stating that if the Board did not go along with his letter (quoted above) his client would request a building permit on the basis of the rendering presented and would withdraw their suit. This, however, Mr. McCandlish stated, was presented as an alternative in view of the fact that if the Court should rule that a special type of roof could not be required by the Board - the Board might refuse the permit. They prefer to use the flat roof design, Mr. McCandlish continued, as they do not wish to set a precedent by changing their established type of architecture.

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C. & P. Telephone Company - Ctd.

If the procedure in the letter is carried out, they will put the pitched roof on the building if the Court so decides - if the Court decides that requirement is not within the jurisdiction of the Board - they will construct the building with a flat roof, Mr. McCandlish explained.

In answer to Judge Hamel's question, Mr. McCandlish said the building will have 5,000 square feet per floor - outside dimensions 80 x 60 feet.

A letter from the Board of Appeals to the C. & P. Telephone Company was read suggesting that in the interest of good public relations, they go along with the pitched roof construction.

The rendering of the pitched roof building was entirely satisfactory to the Board. It was agreed that a building permit should be issued on the basis of that building.

Mr. Verlin Smith said he would like to read the back minutes again before taking final action, he therefore moved to defer decision on this until later in the day to review the minutes of February 14th.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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A letter to the Board of Supervisors, drafted for the Board of Appeals, was read - requesting the Board to appoint a Committee to draft an Ordinance governing trailer parks - this to be submitted to the Planning Commission and Board of Supervisors for revision or approval.

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NEW CASES:

1- 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 #789, Lee District (Rural Business)

Mr. James Poppleman represented the applicant. Sinclair Oil Company, who will develop this property if the permit is granted, will put up a modern three bay station costing about $30,000. The only variance they are asking is on the pump islands, Mr. Poppleman stated.

There is another filling station about 300 feet east of this proposed site on Mr. Fugate's property.

Mr. Vernon Lynch called attention to the drainage problem here which he thought should be carefully considered. He was not opposing this use but wished the Board to assure that the drainage would be properly taken care of.

It was suggested that if granted this should be made subject to approval of the Design Department of Public Works, and a signed agreement by the applicant.

1-Ctd. Mr. Poppleman said that was their intention to ask for the permit on the basis of Public Works approval.

Mr. Verlin Smith questioned the size of this property for a filling station. To which Mr. Poppleman stated that he thought it perfectly adequate, and that this property actually has more frontage than they consider necessary. 100 x 120 feet they have found is sufficient while this property has 130 foot frontage.

Judge Hamel moved to grant the application subject to approval by the Dept. of Public Works as to drainage and subject to approval of the Highway Dept. for ingress and egress, granted as shown on plat presented with the case drawn by Merlin McLaughlin, Certified Surveyor, dated March 8, 1956, and subject also to a signed agreement regarding drainage plans.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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2- SALVATORE D. GULLOTTA, to permit tool shed to remain three feet from rear property line, Lots 77 and 78, Fairhill on the Boulevard, Providence Dist. (Suburban Residence).

This is a little frame shed, Mr. Gullotta told the Board, located about 100 feet back of his house. The property to the rear is open field. The building was completed before he learned that it was necessary to have a building permit, Mr. Gullotta said. His neighbors do not object.

Mr. Haar moved to grant the application as it does not appear to adversely affect adjoining property.

Seconded, Judge Hamel

Carried, unanimously.

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3- GLADYS M. McCAW, to permit operation of a nursery school on west side of Route #655, 1 mile north #236, Providence District. (Agriculture.)

This case was withdrawn by the applicant.

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4- ROBERT H. DELLAR, to permit erection of dwelling within 47.5 feet of street property line, on south side #636, 6/10 mile east of #638, Mason Dist. (Agricultural).

There is a steep grade and irregular contour on his lot, Mr. Dellar told the Board, which would make it difficult to locate the house back farther. As it is they have changed the plan of the house to have the kitchen door open on to the side - as the rear of the house is so far above grade. However, Mr. Dellar changed the front setback from the requested 47.5 to 53 feet. Mr. Dellar showed by pictures that the street (#636) in front of his property curves in across his frontage. If this road is widened, which it probably will be some day, as this is only a 30 foot right of way, the Highway Department will no doubt straighten out this unnecessary little curve - making his house set back still farther from the right of way.

NEW CASES - Ctd.

4-Ctd. Even if more right of way is taken - he will still be back sufficiently far to create no adverse affect on anyonelse. The approach could not be made from the side road because of the grade, which drops to a stream, Mr. Dellar explained.

Mr. Kurtz, who owns the farm to the rear has no objection to this violation.

Judge Hamel moved to grant a variance of seven feet as the topography of the lot is such that it makes it difficult to locate the house within the required setback and there is an angle in the road which when straightened will give more front setback.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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5- ANNIE LENA META GRABMAN, to permit dwelling to remain as erected 14.4 feet of side property line, Lot 2, Grabman Subdivision, Mason Dist.(Sub. Res.)

Mr. Reed, the builder, represented the applicant. A letter was read from Mr. Brasse, adjoining property owner, stating no objection.

Mr. Reed said this was his first mistake in house location in 28 years. At the time they made this location the instrument was out of fix - therefore they missed by a few inches. There is no plan for a garage. The lot is level, and a garage could be located to the rear.

There were no objections from the area.

Mr. Verlin Smith moved to grant the application provided the applicant extends the driveway to not less than 20 feet in the rear of the house, if the driveway is constructed on the south side of the house.

Seconded, Mr. Haar

Carried, unanimously.

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6- ELIZABETH CARTER, to permit erection and operation of a dog kennel, on the northeast side of #608, 2/10 mile northwest of #602 opposite Franklin Dairy Farm, ~~Drancsville~~ Centreville District. (Agriculture).

She has bought this property contingent upon the granting of this permit, Mrs. Carter told the Board. She would raise cockers and pug dogs. The kennel will accommodate from 30 to 40 dogs. This kennel would be mostly for breeding purposes - but she would possibly board a few dogs. Mrs. Carter agreed to surround the kennel and runs with a 72 inch fence. A solid fence will be built facing her house - which will probably reduce the barking. The dogs are allowed out only twice during the day.

Mrs. H. L. Dudley objected - stating that Mr. Franklin, who lives on the opposite side of her property also objects, although he was unable to be present. The DeHavens on the north side of the Carter property object .

Mrs. Dudley showed a plat indicating the location of the kennel with relation to the property of those objecting. They object to the noise and nuisance. Her property joins the Carters, Mrs. Dudley said - her house would be just about opposite the kennels. They have woods in front but are

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6-Ctd. clearing between her home and the kennels.

Mrs. Hornbaker, who lives around the corner from the Carter property objected - stating that she had lived near a kennel which was extremely unpleasant. She thought this many dogs would be a serious nuisance to the neighborhood.

Mrs. Carter was of the opinion that controlled dogs were not annoying. She thought excessive barking unnecessary. She also suggested that the solid fence which she would put up between the neighboring property and the kennels would make a satisfactory barrier. She recalled having dogs in Jefferson Manor to which no one objected.

Mr. Verlin Smith moved to deny the case because this does not appear to be in keeping with the use of neighboring property and it appears that it would adversely affect the property immediately to the east.

Seconded, Mr. J. B. Smith

For the motion: Brookfield, J. B. Smith, Verlin Smith

Not voting: Judge Hamel and Mr. Haar.

Motion carried.

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7- GEORGE L. BAKER, to permit a convalescent lodge on five acres of land, on west side of Hunter Mill Road, #674, approximately 800 feet north of Washington Old Dominion Railroad, Centreville District. (Agricultural).

This Home will be located on a five acre tract which Mr. Baker said he was purchasing from the Nichols 30 acre farm. The building is located 100 feet from all property lines. The house sets back 274 feet from the road. All adjoining property is still owned by the Nichols - who do not object to this use. He would have nine patients, Mr. Baker continued. His wife is a registered nurse. They will meet all requirements of the County and State.

The following letter from Mrs. Elsie Graham of the State Department of Health, was read:

"April 17,1956

Mr. George Baker
543 Warwick Avenue
Fairfax, Virginia

Dear Mr. Baker:

On April 13,1956 an inspection was made of a piece of property located on Hunters Mill Road, Fairfax County, proposed for use as a Nursing Home.

The following recommendations will have to be made before a license can be issued.

1. Full bathroom off library on first floor
2. Provisions made for a nurses' station. As suggested, use corner of reception room.
3. Dining room to be used for patients
4. Three compartment sink with drain boards and a sufficient number of restaurant type wired dish baskets to be installed in kitchen.
5. Hood over kitchen stove, exhaust fan in kitchen

7-Ctd.

Letter from Mrs. Elsie Graham of the State Department of Health - Ctd.

020

6. All floors to be treated or covered with such material as can be kept sanitary. Do not use scatter rugs.
7. Medical records to be kept on each patient
8. Standard size hospital beds equipped with side rails, protective coverings for mattresses
9. Each patient to have a call bell, bed light, bedside table, comfortable chair and other furniture that is necessary.
10. There must be sufficient number of qualified nurses on duty around the clock.

11. The occupancy of the home cannot exceed nine people, this includes patients and employees.

Enclosed are application forms for a license, execute properly and return one copy to this office with proper fee.

When you have put into effect the above recommendations, notify this office. I will make another inspection before license will be issued.

Very truly yours,

/s/ (Mrs.) Elsie K. Graham, R. N.
Nursing Home Administrator,
Bureau Hospital and Nursing
Home Services"

These requirements will be put into effect when and if necessary, Mr. Baker said.

Also a letter was read from the Fire Marshall stating that having only nine patients - this use did not come under the classification of a public building - therefore, there are no definite requirements. However, the Fire Marshall made several safety suggestions.

Mr. Baker showed a map indicating the location of all property owners in the area who would be affected by this use, pointing out those especially within one mile. Mr. Adams, who lives directly across the road from this property does not object.

Mrs. Nichols who is selling to Mr. Baker, said they did not object to this use and would in fact build their home near this property.

Mr. C. H. Meyer who owns 22 acres about 1-1/2 miles away thought this would not affect the area adversely - also Mrs. Kitchen recalled that a school had been operating here, which was not objectionable. She thought this would be an asset to the County - and a much needed project.

Mr. Gorrell, who lives about 1/2 mile away had no objection.

Mr. Baker stated, in answer to Mr. Haar's question, that no more traffic would be generated from this use than from a normal home of this size. This is a very large home, Mr. Baker continued, not suitable for single family use. Mr. Baker presented a petition with 33 names favoring his project - with indications that 23 of the signers live within one mile of his property.

NEW CASES - Ctd.

7-Ctd. OPPOSITION:

Mr. Maxwell Elliott, who owns property adjoining the Nichols farm, stated his objections, viz: that the use would adversely affect adjoining property and property in the general area, that this use is not in keeping with development in the area which is agricultural and residential. Mr. Elliott recalled a similar application on Hunter Mill Road which was denied by the Board in 1951, which decision he thought perfectly sound. Mr. Elliott called attention to the mysterious police school which has been operating in this building - he didn't know who was operating it or if they have a permit - however, the lease has evidently expired and the school is to be discontinued. Mr. Elliott pointed out that, in his opinion, the use was not within the jurisdiction of the Board to grant, since it is not a hospital - under the definition of a canvalescent home and therefore cannot be granted under the hospital regulations. In New York, Wisconsin, Pennsylvania and Texas - this type of use has been considered a boarding house, which would not be permitted by the Ordinance in this locality.

Mr. Elliott likened this use to a 'block buster' which would break down values and encourage other similar uses.

Mr. Alfred Kidwell, who owns a 200 acre dairy farm near the Nichols property, recorded his objection.

L. A. Bachman, who lives on Hunter Mill Road about 1-1/2 miles from this property objected, urging the Board to reaffirm their decisions of 1951 when they refused another convalescent home. He thought this would depreciate values and be out of keeping with the residential character of the area.

Also Mr. L. F. Shane, Mrs. Janet Curr, and Joan Heinick objected for reasons stated.

Mr. Baker again pointed to his petition calling attention to the location of the property of those who do not object to his plans. He stated that there would be no architectural changes in his building and no additions. There will actually be no outward change from any standpoint as they are limited in the number of patients. Mr. Baker recalled that the case which was refused by the Board involved the construction of a building.

Mrs. Jean White agreed that this use would not harm the neighborhood.

Mrs. Kerr said her husband had signed the petition opposing this use as she had thought the use was to be granted to the applicant rather than to the location. Her husband would like to have his name taken from the petition opposing this use.

Mr. Haar moved to grant the application in view of the fact that the opposition has developed no satisfactory nor substantial objections. This is granted for a period of ten years and to the applicant only, and shall comply with existing County and State regulations.

Seconded, Judge Hamel

NEW CASES - Ctd.

7-Ctd. Mr. Verlin Smith said he would vote "no" on this as he thought it would adversely affect the neighborhood as it is not in keeping with the development of the area, and he thought the points raised by Mr. Elliott should be considered further, that the Board should have word from the Commonwealth's Attorney as to the jurisdiction of the Board to act under the present ordinance.

For the motion: Brookfield, Judge Hamel, J. B. Smith, Mr. Haar
Mr. Verlin Smith voted "no"

The motion carried.

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8- NICHOLAS ZAPPLE, to permit erection of an addition to dwelling within 14 feet of the side property line, Lot 7, Walnut Hill, (1417 Timber Lane), Providence District. (Suburban Residence).

This addition is requested to take care of the needs of his growing family, Mr. Zapple told the Board. When they planned this addition, they were told that they needed only 13 feet between the building and the side property line. They therefore drew their plans which would bring the addition within 14 feet of the line. The addition will be on the back of an existing porch. He could not move the addition farther within the lot because it would cover the entrance to the back door and it would be too expensive to change the entrance-way. Also moving the addition to conform to setbacks would cover the basement entrance.

There were no objections from the neighbors, Mr. Zapple said.

It was noted that a garage or carport could be located at the rear of the house.

Mr. Verlin Smith moved to grant the application because it does not appear to adversely affect neighboring property and the variance is only one foot.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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9- ROBERT F. BEHM, to permit erection of a utility shed 72 feet from street property line and within 10 feet of the side property line, lot 15, Providence Forest, Dranesville District. (Suburban Residence).

Since his home has no basement, this is requested to take care of small tools and yard equipment. He could not locate this building back farther on the lot, Mr. Behm explained, because of the existing retaining wall and the steep slope of the ground to the rear. The adjoining neighbor does not object.

Mr. Verlin Smith moved to grant the application for a setback of 72 feet from the street property line as shown on plat by Robert F. Behm, Architect No. B-026662, as this does not appear to affect adversely neighboring property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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NEW CASES - Ctd.

10- WAKEFIELD FOREST CIVIC ASSOCIATION, to permit erection of two signs with larger area than allowed by the Ordinance, total area 235.2 square feet, Lots 12 and 13, Section 1, Wakefield Forest, Falls Church District.(Agric.)

The two brick wall signs will be constructed on private property at the entrance to their subdivision, the applicant stated. The wall will be painted white and the name of the subdivision printed on the wall.

Mr. Verlin Smith asked about the widening of Route #236 - since it was not known what the Highway Department plans for road width at this point, it was suggested that this be investigated before the signs are put up.

It was brought out that the Association has permission to locate the sign on one side of the street - but have not yet obtained permission from the other owner who is out of the area at this time.

It was suggested that the case be deferred for the applicant to look into future right of way for street widening and to get permission from the second property owner to put up the sign.

Mr. Verlin Smith moved to defer the case until May 22nd.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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11- JAMES H. O'BRIEN, to permit carport to remain as erected 7.9 feet from side property line, Lot 1, Block M, Section 2, Parklawn Subdivision. (7441 Yellowstone Drive), Mason District. (Suburban Residence).

This addition must necessarily be located back of the chimney which projects on this side of the house. Mr. O'Brien said he had planned this with the thought that it would meet the regulations. Two inspectors had seen the addition and when the distance to the side line was measured - it was found to be in violation. He did not think it would in any way adversely affect the neighborhood, Mr. O'Brien said, as the other houses on the street are located parallel with the street line and this is a corner lot where the violation would not be noticable, and only one corner of the structure is in violation.

Mr. Verlin Smith moved to grant the application as the violation is only on one corner and the variance requested is only 2.1 feet and this does not appear to adversely affect neighboring property.

Seconded, Mr. J. B. Smith
Carried, unanimously.

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With regard to the C. & P. Telephone case - discussed earlier with Mr. McCandlish - the Board took no action.

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The meeting adjourned

John W. Brookfield

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, May 8, 1956 in the Board Room of the Fairfax Courthouse with a full Board present: Mr. J. B. Smith, Mr. Brookfield, Mr. Verlin Smith, and the two new members - Mrs. Lawrence Henderson and Mr. George T. Barnes

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The meeting was opened with a prayer by Mr. Verlin Smith

DEFERRED 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 District. (Industrial)

The following letter was read from Mr. H. F. Schumann, Jr., Zoning Administrator:

"May 8, 1956

TO: Members of the Board of Zoning Appeals

FROM: H. F. Schumann, Jr., Zoning Administrator

This is to advise the Board that it is our intention to present to the Planning Commission a draft of proposed trailer park regulations on May 17th. It is planned that the Commission will consider these regulations in detail on May 24th.

Under this time schedule the earliest possible date on which such regulations may be made effective by the Board of County Supervisors is on July 11th.

Very truly yours,

BY: /s/ H. F. Schumann, Jr.
Zoning Administrator"

Mr. Lytton Gibson represented the applicant. Mr. Gibson said he was perfectly willing to defer this case until after the adoption of the Trailer Park Ordinance.

Mr. Verlin Smith moved to defer this case until July 24th.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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2- M. T. BROYHILL & SONS, to permit dwelling to remain as erected, Lot 1, Section 9, Broyhill Park, 33.3 foot setback from Kenney Drive, Falls Church District. (Suburban Residence).

Mr. Dewberry represented the applicant. This case had been deferred to give the applicant a chance to either re-subdivide or re-locate the road. Mr. Dewberry said a tentative agreement had been reached on this. He asked that the case be deferred to the next meeting until the changes have been approved. It was possible at that time a variance would not be required.

Mr. Verlin Smith moved to defer the case until June 12th - pending completion of plans by the applicant.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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DEFERRED CASES - Ctd.

3- EDWARD E. BOGGESS, to permit an addition to rear of restaurant which is 31 feet from front property line, on west side #1, approximately 1800 feet south #242, Lee District. (Agriculture).

Mr. Mooreland cited Page #94, Paragraph 3 as the authority under which the Board might act on this request.

Mr. Boggess explained that he intends to ask for general business zoning on this property in the near future - but in the meantime he would like to remodel this building for immediate use. Mr. Boggess recalled his former statements that he would remove the front 14 feet of his building, which will give a better setback from U. S. #1, and the addition will be put on the rear. The building, when completed, will meet all requirements of the building inspectors office.

Mr. Verlin Smith thought the applicant should make his rezoning application rather than apply to this Board. Mr. Verlin Smith also noted that the Board should have certified plats on any business use in an agricultural district. The plats presented are not certified as to building location nor to the location of the parking area, no indication if ingress and egress, Mr. V. Smith continued, and he thought no business use should be extended here without complete plats in order that the Board might know what they are granting. The plats should show the existing and proposed building and their location.

Mr. Boggess called attention to the fact that he could continue operating in the existing building. However, whatever he will make will be an improvement, and the fact is the building is in such a bad condition he does not like to attempt to continue as it is - for that reason the remodelling would benefit not only himself but the entire area.

Mr. Mooreland called attention to the fact that interior changes costing less than one hundred dollars ($100.00) could be made without a permit.

Mr. Verlin Smith noted that with the completion of the Jones Point-Cabin John Bridge Road, U. S. #1 will be a major highway - he thought it not wise to allow further encroaching construction in this area. New construction within the possible future right of way would make acquisition of right of way more expensive for the State. Mr. Verlin Smith also suggested that the sanitary situation should be taken care of.

Mr. Boggess said he had owned this property for only three months, and the sanitary system was being checked by the County and would be approved. At present he is digging up the yard to revamp the water system. Mr. Boggess said he had another business just near this business and he was familiar with the needs for improvement on this property.

Mr. Verlin Smith said that when the Board viewed the property they had seen the sewerage running in an open ditch. He thought that a health hazard.

3-Ctd. Mr. Boggess said he had made some improvements in the short time he owned the property, but would make many more. He wanted to complete his improvements in order to be able to operate on a better basis for this season. The setback from the right of way of U. S. #1 was also discussed - as it is difficult to tell from the plats presented just how far back the building would be. The sketch presented with the case was not clear and was not satisfactory basis on which to grant any changes on the property, the Board agreed.

Mr. Boggess said he was not told that it is necessary to have certified plats. He objected to the delay in meeting this requirements. He could have had the plats, Mr. Boggess said, had he known. A further dealy would seriously affect his plans.

Whether or not this could be granted under the 'hardship' clause was discussed. However, the Board did not consider this a hardship case.

Mr. J. B. Smith thought it more practical for the applicant to ask for a rezoning and if granted - to put up an entirely new building.

Mr. Verlin Smith moved to deny the case because it is not within the power of the Board to grant an extension for the addition applied for under Section 6-12, Sub-section 3, regarding non-conforming uses, and there was no evidence presented which would give the Board the power to act under Section 12, Sub-section 3-g, which is the hardship section.

Seconded, Mrs. Henderson

Carried, unanimously.

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Mr. Verlin Smith suggested that on all applications for similar business uses in agricultural districts, the Board should have certified plats. He recalled earlier resolutions the Board had passed requesting that such plats be filed with these cases.

Mr. Verlin Smith moved that the Board consult the Commonwealth's Attorney to see if they have authority to request certified plats for similar applications and if not that we request that that authority be given the Board.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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4- ROBINSON E. DUFF, to permit erection of carport 25' 6" from Lakeview Drive, Lots 20 and 21, Section 1, Lake Barcroft, (7706 Lakeview Drive) Mason Dist. (Suburban Residence). This was deferred to view the property. Mr. Duff recalled his statements at the earlier hearing when he stated that he would excavate in at the street level and put his carport in front of the present garage. He is asking a 4-1/2 foot variance for the carport. The present garage will be converted to an extra bedroom and a winterized laundry.

DEFERRED CASES - Ctd.

4-Ctd. Mr. Duff showed his plan to put a brick retaining wall on the north side of his driveway. On the other side of the driveway the ground will be sloped off gradually with a planting of ivy. His plan has been approved by Col. Barger and Mr. Roth, architect. The structure he proposes will appear only about 2 feet above the ground, Mr. Duff continued, and will therefore not obstruct vision from the roadway. He owns the adjoining lot on this side of his property, Mr. Duff said. This is not a through street, it was noted. Mr. Duff also called attention to his plan to put a railing around the open deck of the carport, which would assure no hazard to children. The carport will be 17' 6" long.

Mr. Verlin Smith questioned what some future purchaser might do if he used this carport for a larger car. He might want to extend it.

Mr. Duff said he had secured the approval of the people across the street from him, and adjacent property owners. There were no objections from the area.

Mr. J. B. Smith moved that a four foot six inch (4' 6") variance be granted on the carport and that the retaining wall on the north side be not higher than the existing grade.

Seconded, Mr. Barnes

Mr. Verlin Smith offered the ammendment that the slope be left so that the driver in a car coming from the carport could see along the southwest side of Lakeview Drive a minimum distance of fifty feet (50') before any portion of the car reaches the surface treated area of Lakeview Drive. This is granted because it does not appear to affect adversely any property in the area and because this is a limited access street.

Mr. J. B. Smith and Mr. Barnes accepted the amendment.

Motion with amendment carried, unanimously.

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5- COUNTRY CLUB HILLS RECREATION CORP., to permit community swimming pool and structures accessory thereto, southeast end of Embassy Lane (Greenway Hills) on 7.95 acres of land, Providence District. (Rural Residence).

Mr. Lytton Gibson reviewed the case briefly, stating that if the Board wished him to present witnesses substantiating his case he would do so - but for the benefit of the new Board members he would go over the high lights of the last presentation. The applicant is a non-profit organization, Mr. Gibson stated, formed over a year ago for the purpose of conducting a recreational center - including a swimming pool and baseball diamond for the Little League. They first tried to find a site within their own subdivision - being unsuccessful they tried other locations nearby. This site was the most satisfactory from every standpoint, being reasonable and central to the area. It is generally agreed, Mr. Gibson pointed out, that this type of facility is needed in the community - the only objection being to the location. At the last hearing on this, Mr. Gibson recalled, the main objection had been to the limited access, possibility of flooding, and the noise.

5-Ctd. This project will serve not only Country Club Estates but the general area around the site. They have contracted to purchase eight plus (8+) acres. Since it was asked that the topographic conditions of this ground be discussed with Mr. Kipp of the Department of Public Works, Mr. Gibson showed a topographic map indicating the natural flow of drainage. The following letter from Mr. Kipp was read:

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"May 7, 1956

Mr. John W. Brookfield, Chairman
Board of Zoning Appeals
County of Fairfax
Fairfax, Virginia

Dear Mr. Brookfield:

At the request of one of the local residents and a member of the Country Club Hills Recreation Corporation, I looked over the proposed swimming pool, parking lot, and baseball diamond in the area southeast of Greenway Hills. From my inspection of the site and examination of the plans, I see no reason why this proposed construction could not be completed without interfering with the flood plain in this area.

This work does not come under the jurisdiction of the Dept. of Public Works. I am writing you this purely at the request of one of the local residents.

Very truly yours,

/s/ Edward L. Kipp
Director of Public Works"

Mr. Gibson said they had also checked with the Planning Office and found that this use - at this location - does not conflict with the Master Plan. In fact the Master Plan would not consider residential development to be practical in this area.

Mrs. Henderson asked if the little dirt road shown on the plat would be used for access. Mr. Gibson explained that that is a private road, part of which has been abandoned. They do not plan to use that road. Mr. Gibson stated that the one roadway-entrance would give this project a limited access - but he thought that made it more desirable than if this were on a busy highway.

Mr. Gibson asked the privilege of presenting individual statements supporting his case - if the Board cared to go into detailed testimony.

The Chairman asked for opposition.

Mr. Ed. Prichard spoke, representing the people in Greenway Hills, who oppose the project. Mr. Prichard presented a chart showing the access street to the project - indicating the unsatisfactory traffic conditions and the inconvenience to those living on the street. Double parking on Embassy Lane would make it impossible for anything but one way traffic and people would experience difficulty in getting out of their driveways. The street is only 26 feet from curb to curb. There are no sidewalks, which would naturally bring traffic over the lawns. The people in the area object not only to the traffic conditions, but to the noise which would naturally result from such

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a project so near homes and the intrusion on the rural character of the area. Mr. Prichard particularly called attention to the Bracketts - who live on the lot adjoining this site. Mrs. Brackett's eighty year old grandmother lives in this house, and a Doctor's Certificate has been presented stating that undue noise which would disturb her rest would be detrimental to her health.

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Mr. Prichard called attention to other sites which are available - these sites would be more expensive, but would be more desirable from the standpoint of objections from home owners. He listed four parcels which could be bought; one twelve acre parcel at $2500 per acre; a five acre tract at $2650 per acre; a five acre tract at $3500 per acre. These parcels front on Route #237 and would be immediately accessible to the applicants. The topography on these parcels is better suited for this facility as there would be no filling and there are very few trees on the property which would make it much easier to have a baseball diamond. This property would have access from four roads. While the property may be more expensive to purchase, the work of conditioning it for this use would be far less than the proposed sire. The location would be accessible to the membership and would probably incur less objection. It was thought that the Greenway Hills residents might be happy to participate - if this location were chosen. This area could meet requirements under which this use would be granted, Mr. Prichard contended, under Section 6-12-2-a of the Ordinance - whereas granting this use in the area proposed would certainly affect adversely the welfare of the citizens in Greenway Hills.

Mr. Verlin Smith asked Mr. Prichard if they would use the 20 foot outlet road if it were made available. Mr. Prichard thought it would not be practical under any circumstances because of the location of their parking area and topography. He also thought the people owning property near this outlet road would object. However, the people in Greenway Hills would object less if this road were used.

Mr. Prichard recalled the many letters that had been sent to the Board opposing this use, and the petition with 94 names.

The Chairman suggested that the opposing letters be read. Mr. Gibson said in that case he would feel compelled to present detailed evidence again also, that he had tried to eliminate repeating the details in order to spare the Board, but he was willing to stipulate that there is opposition regarding the traffic conditions, the drainage problem, and a lessening of property values to those adversely affected, and that there is approximately 100% opposition to this use in Greenway Hills.

Twenty-five stood opposing this use - twenty-five favoring.

Mrs. Colleen Hyams spoke stating that she had bought in this locality knowing that there was no guarantee of what might be put on this property and she realized that the people living near such a project would naturally object. However, in her work with youth organizations she was very concious of the need for such recreational areas as one means of aiding in the correction

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of juvenile delinquency. She felt that the good of the entire community should be considered above that of the few who might be adversely affected. Mr. Verlin Smith stressed the need for these recreational areas to be planned and located before subdivisions are completed - since the need is very evident for such areas - yet no one wants them near his own home.

It was brought out that the developer of Greenway Hills did not know that this area was planned for this project when he sold homes in his subdivision. This property was bought from the original owner and re-sold, Mr. Jess Ott of the Greenway Hills organization told the Board. They were surprised when they learned that the land was being offered for a swimming pool.

Lt. Brackett objected to this use, as it will change the entire character of the area. He considered this to be a nuisance to people living in the area. Lt. Brackett owns Lot 15, which joins this project. He recalled that his 80 year old grandmother lives with them. She is in poor health and needs regular rest every day. (The Doctor's Certificate to this effect had been filed with the Board, Lt. Brackett said.). It is his opinion that this noise and confusion will greatly affect the health of the grandmother, whose bedroom is about 15 or 20 yards from the pool. He also had had appraisals on his home and found that in case this project is put in - the value will be depreciated below his cost price. He felt that otherw would suffer the same loss, and that the people in Greenway Hills should not be required to carry the burden of such a project.

The motives and the sincerity of motives behind this project were questions. Mr. Roy Walker, a resident of Greenway Hills, objected. He thought the two citizens groups - Greenway Hills and Country Club Hills - should work this out on an amiable basis. The group is not completely comitted to this particular area, Mr. Walker said, he thought that if they really want a recreational area - there is sufficient land available to find a location satisfactory to everyone. He referred to the property previously listed as another possible choise of location - where there would be a better access, less traffic problems, and less objections from the area. The issue before the Board, Mr. Walker said, is not the control of juvenile delinquency but rather is there another available site where this project can operate without detriment to others. He felt that land was available where they could all work together for an amiable solution.

The applicant has an option on this property, Mr. Gibson said, contingent upon this use being granted, a $500.00 deposit has been made, which could be refunded.

The Chairman asked that letters from the opposition be read in order to further acquaint the new Board members with the background of this case.

DEFERRED CASES - Ctd.

5-Ctd. Letters from the following people were read:

Paul Everhardt, Joseph Blickensderfer, Mr. and Mrs. Howard (telegram), Richard Moore, William Fedor, Robert Jones, James Butler, Stanley Ewell, Leonard Langdon, Phillip Cunningham, George Elmore, Mrs. Letty Duehring, F. L. Long, Wm. Frank, H. H. Hill, A. J. Cardice, Ralph Brackett, and Dr. Wm. Harris.

Mr. Gibson stated that although one hour had been devoted to testimony of the opposition he did not wish to burden the Board with further witnesses. He would therefore sum up the case, unless the new members of the Board wished him to present proponents.

With regard to the questioning of the motives and sincerity of thos behind this project, Mr. Gibson stated that the only motives back of this project are to have a well regulated recreational area. It is a non-profit organization which these people are trying to promote for the good of the entire County. This is a needed facility, so recognized by the Planning Commission, who make every effort to locate these areas in subdivisions wherever they can get the developers to cooperate. Mr. Gibson noted that a baseball diamond could operate here on a private basis - that it is only the swimming pool which brings this before the Board. Mr. Gibson thought they would meet the same objections in any other location - just as the locations of churches, schools, etc. are objected to. This is not a commercial enterprise, Mr. Gibson pointed out - it is simply a needed facility planned for the benefit of the community.

They started this project last May, Mr. Gibson continued, looking for a site. They plan a maximum of 450 members - there are only 30 homes in Greenway Hills who might consider that they are affected adversely - while the net result will benefit many hundreds. Mr. Gibson admitted that the 80 year old grandmother might be adversely affected - also one or two others, but what other use could be made of this land, he asked. It is questionable if it could be used for residential purposes. The days of opportunity for children to play in open fields is gone, Mr. Gibson continued, it is highly desirable that recreational areas be provided where the youth can congregate under well regulated circumstances. He thought the good resulting from this project would offset the harm.

Mr. Gibson stated again that if the Board wished he would ask proponents in this case to speak.

Mr. Verlin Smith read from the Ordinance the paragraph under which a decision on this case would be made - if it would not affect the health and welfare of those residing or working in the area.

Mrs. Henderson suggested that the two citizens organizations might get together and work this out, and perhaps find another location. Mr. Gibson thought that might be difficult. He assured the Board that an honest effort had been made along this line but he felt that the Greenway Hills people were too deeply opposed. However, he thought that if this project became

5-Ctd. a reality - some of the Greenway Hills people might join.
That would be true, Mr. Prichard said - if another location is found.
Mr. Verlin Smith moved that the application be deferred until after lunch.
Seconded, Mr. Barnes.
Carried, unanimously.
On reconvening after lunch, Mr. Verlin Smith made the following motion:
He moved that the application be denied; that the application is being considered under Section 6-4, paragraph k (as amended) and Section 6-12, F-2-a. The Board is conscious of the need for recreational facilities in the County but nevertheless they must take into consideration the wording of the Section which states that the health and safety of the people residing or working in the community must be considered, and it is admitted in this case by the Attorney that this use probably will affect adversely the health of one of the persons living near by, and it is the opinion of the Board that the use will affect adversely people in the community for the several reasons: traffic conditions, the narrow street which will be used for ingress and egress, possible noise, etc.
Seconded, Mrs. Henderson
Carried, unanimously.
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Mr. J. B. Smith nominated Mr. Verlin Smith as the new Vice-Chairman of the Board of Zoning Appeals.
Seconded, Mr. Barnes
Carried, unanimously.
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6- MARY VAVALA, to permit extension of trailer court from 36 to 42 units, Lot 18, Evergreen Farms (Gum Springs Trailer Court), Mt. Vernon District. (General Business).This is a request for seven (7) additional trailer spaces. Sewer and water will be available to this park and she will add a playground area, Mrs. Vavala told the Board.
Mr. Charles Morrison also spoke for Mrs. Vavala, saying that it was the applicants plan to rearrange the trailers with a turn-around and the play area at the end of the court. They are using a septic field now, but the sewer lines run along the front of the property, and Mrs. Vavala wishes to plan sewer connection lines for the entire tract.
The Chairman suggested that the request of the Board of Supervisors to hold up granting trailer parks would also apply to an extension.
Mr. Verlin Smith stated that he would not favor the extension of any trailer courts until the new ordinance is approved.
It was brought out that the sewer at this point would be ready by July - since Mr. Schumann has stated that the new trailer ordinance will be ready for approval in July - Mr. Verlin Smith suggested that this case be deferred for completion of the Ordinance. He thought Mrs. Vavala would not be greatly inconvenienced with that. It was noted, however, that the new

6-Ctd. ordinance will most certainly require larger lot sizes than Mrs. Vavala has. Mrs Vavala asked if she should go ahead and put in the lines anticipating that the Board will grant her these additional trailers.

Mr. Verlin Smith answered that he would not commit himself on how he would vote in July. It will be necessary for the applicant to hook up to the sewer - yet her project will probably not conform to the new ordinance requirements.

Mr. Mooreland explained that he understood the applicant was just wanting to know how many lots she will get so she can put in the lines in accordance with the number of lots hooking on.

The unsanitary conditions of many trailer parks on U. S. #1 were discussed, and the Board felt obligated to guard carefully any additions to the existing situation. It was noted, however, that this trailer park can continue to operate as it is.

Mr. Verlin Smith moved that this case be deferred until July 24th, pending the adoption of the new trail park ordinance.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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7- 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).

No one was present to discuss this case.

Mr. Verlin Smith moved that it be put at the bottom of the list.

Seconded, Mr. Barnes

Carried, unanimously.

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NEW CASES:

1- MICHAEL VIGLIUCCI, to permit an addition to a non-conforming building at 3941 Richmond Highway, Lee District. (General Business).

Mr. Andrew Clarke represented the applicant. This is an old building, erected in 1929 on the present location. The property was purchased by Mr. Vigliucci in 1938. Since a business was operating on this property, the applicant did not realize at the time of the adoption of the zoning ordniance that this was not zoned for business. He learned that his property was zoned for residence only when he asked for a permit to put on an addition. In December of 1955 the Board of Supervisors zoned this to General Business. The building is 20.40 feet from the right of way of U. S. #1. The applicant is requesting an addition on the side of his building, which will come about 25 feet from U. S. #1. The enlargement will provide kitchen and toilets. The sewage from the property is emptying into the septic field, however, the

NEW CASES - Ctd.

1-Ctd. water from the kitchen is running in an open ditch at the present time. Mr. Kipp of the Department of Public Works has told the applicant, Mr. Clarke continued, that the collection mains are to be installed and will be ready for connection in June. Mr. Clarke pointed out that this building is non-conforming as to setback only.

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Mr. Mooreland called attention to the back property line - where the building faces on Old Kings Highway - the plat indicates that the building is located seven feet from the centerline of the road. Therefore, if Old Kings Highway is a 30 foot road - this building is setting about seven feet within the right of way. Mr. Mooreland said it was his understanding that when the roads were taken over by the State, under the Byrd Act, they were taken at a 30 foot right of way. It was his opinion that this property was probably never surveyed, and no one knew that the building was in the right of way. It was also questionable in his opinion, Mr. Mooreland said, whether or not the Board had the authority to grant this under the circumstances.

Mr. Clarke recalled the Stipes case which the Board granted a few weeks ago, which the Board did extend and which, Mr. Clarke said, was very similar to this case. Mr. Mooreland recalled that that building was considerably farther from the road right of way, and the parking space was the real consideration. Mr. Clarke noted that this proposed addition actually takes the center of activity in the building farther from the roadway.

Mr. Mooreland called attention to the fact that the Board should consider this case under Section 6-12-F-3 (Page 94) of the Ordinance. That that is the only Section under which the Board can operate - it was a matter of interpretation for the Board.

The paragraph referred to, 6-12-F-3, refers to the extension of a use throughout the building, Mr. Clarke pointed out, while this is a matter of setbacks. Mr. Clarke recalled that the Board had corrected many hardship situations similar to this, and he thought the addition proposed would actually be an improvement at this intersection. He thought this a logical case to relieve since the addition is very small and would not create a hazard and would improve the building.

Mr. Brookfield objected to the sewage running in the open ditch.

Mr. Clarke contended that raw sewage is not being dumped into the ditch. The sewage from the building runs into the septic and only the waste from the kitchen sink flows into the ditch. This condition will be corrected in June, Mr. Clarke continued, when complete sewer connection will be made.

The widening of U. S. #1 was discussed - also the by-pass which Mr. Clarke said was being discussed. It was not known just what is planned for U. S. #1 at this point.

There were no objections from the area.

1-Ctd. Mr. Verlin Smith stated that in view of the close proximity of the building as shown on plat dated March 30, 1956, by Wesley N. Ridgeway, to U. S. #1 and Old Kings Highway, he would move that the application be denied because it is too gross a variance from the requirements of the Zoning Ordinance and an extension of this non-conforming use in this location would create more of a traffic hazard and would increase the use on this triangular shaped piece of property.

Seconded, Mr. Barnes

Voting for the motion: Mr. Verlin Smith, Mrs. Henderson, Mr. Barnes, Mr. Brookfield.

Mr. J. B. Smith voted "no"

Motion carried.

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2- IRVIN DOW, to permit dwelling as erected to remain 14.5 feet of the side property line, Lot 9, Block 2, Marlan Heights, Mt. Vernon Dist. (Sub. Res.)

Mr. Mooreland informed the Board that Mr. Dow had to meet a delivery of heavy equipment and could not wait for his case - as the Board was so far behind schedule - he had therefore asked Mr. Mooreland to discuss his case with the Board.

When Mr. Dow applied for a permit to build this house (he had cut the size of the house to be sure it would conform to setback requirements) he relied on the location of the stakes and he plans for correct position on the lot. Apparently one stake had been moved - one foot. This was not noticed until final check was made. Mr. Dow then tried to purchase additional land from the owner of Lot 8, adjoining, but the owner would not sell. He did not, however, object to this violation.

There were no objections from the area.

Mr. Verlin Smith thought there was no particular objection to this small variance, however, he thought the Board should know where a garage might be planned , if there is an apron and driveway on the property, and on which side of the house it is, or might be located and where the kitchen is located. All of which would determine where a future garage could be requested.

Mr. Verlin Smith moved to defer the case to hear from the applicant.

There was no second.

Mrs. Henderson moved to grant the application.

Seconded, Mr. J. B. Smith

Carried.

All voting for the motion except Mr. Verlin Smith who voted "no".

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3- MRS. TULLY P. SANDERS, to permit teaching of children to swim by a paid Red Cross Instructor in a private swimming pool, part of Lot 7, Reid's Grove, Dranesville District. (Suburban Residence).

No one was present to discuss this case. Mr. Verlin Smith moved that it be put at the bottom of the list.

Seconded, Mrs. Henderson - Carried

NEW CASES - Ctd.

4- AGNES M. FRANKS, to permit erection of carport within four feet of side property line, Lot 91, Section 2, Westhampton (1112 East Greenwich St.) Dranesville District. (Suburban Residence).

036

Mrs. Franks told the Board that she has lived in her home for six years. When she bought, the two strip concrete driveway was put in on this side of the house on which she now wishes to have her garage. She lives alone, Mrs. Franks said, and it has been a hardship - especially in winter - to have her car uncovered. To locate the carport at the end of the concrete strips it would be necessary to have it four feet from the side line. This leaves about eight feet between the house and the carport. The lot has a gradual slope from the front of the property, Mrs. Franks stated - in answer to the question of topography.

It was suggested that the posts holding the roof might be placed in farther from the side line because of the three foot allowance for overhang, but Mrs. Franks thought it would be necessary to set the posts out farther to allow room to open the car door.

Mrs. Henderson suggested moving just one strip of the concrete drive in closer to the house - thereby eliminating the need for a variance. That, also, Mrs. Franks thought too expensive. She stated that the neighbor on this side did not object. Their house is located 15 feet from the line.

Mr. Mooreland noted that the only hardship here was economics and the Courts do not uphold that as a reason for a variance.

It was brought out that there is nothing in the County Ordinances to prevent a developer from placing the driveways so close to the side line.

Mr. Verlin Smith said he was entirely in sympathy with Mrs. Franks situation but he could not vote for this variance because there is sufficient room to locate a carport within the ordinance on this side of the house, and the Board had many times seen carports so located grow into enclosures. He thought a granting of this would be defeating the purpose of the Ordinance.

Mrs. Franks called attention to many others in her area who have been granted substantially the same thing - some of which are screened for porches.

To which Mr. Verlin Smith answered that one wrong hardly justified another

Mr. Verlin Smith moved to defer the case for 30 days to view the property and also to view any screened porches or garages which are in violation in this area.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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NEW CASES - Ctd.

5- WILLIAM R. THORNTON, to permit erection of carport with storage area within five (5) feet of the side property line, Lot 1504, Section 5, Vienna Woods, (216 Harmony Drive). (Suburban Residence).

Only one corner of this proposed carport will touch within five (5) feet of the side line, Mr. Thornton told the Board, the main part of the carport will practically conform to the Ordinance. The two nearest houses on adjoining lots are located within the lots and are between thirty (30) and thirty-eight (38) feet from this proposed addition. The encroachment would therefore not in any way be detrimental to those properties.

Mr. Mooreland suggested moving this addition forward on the lot to give greater clearance from the line. Mr. Thornton said it would spoil the architectural affect as it would not be in harmony with the roof line.

A change was made in the street line which in turn changed the side lot line, after they had entered into a contract to purchase this lot, Mr. Thornton said, the changing of which line caused this side of the house to be closer to the side line than they had anticipated. They did not know of the change in the lines, Mr. Thornton continued, until just before settlement. They were told then that the lots were re-aligned. They realized at that time that the setback on this side would be too small to have the carport within the Ordinance limitations. When they contracted for the house they had thought the setback would allow a carport.

Mr. Mooreland said the developer had made three mistakes on the lot lines on this street - thereby requiring the change in lot lines.

Mr. Thornton did not want a garage in the rear of the property as he thought it would not be architecturally attractive.

There were no objections from the area.

The carport must be twelve (12) feet wide, Mr. Thornton continued, as the driveway comes in at an angle and it would be difficult to get in to a carport with less width.

Mr. Verlin Smith called attention to the fact that these setbacks are set up for a reason - especially fire protection, and in this case the building and carport are of frame construction proposed to come within five (5) feet of the line. Even a detached garage of frame construction is required to come four (4) feet of the line, Mr. Smith continued - he thought this unreasonable.

Mr. Verlin Smith moved to deny the case because it is a gross variance from the Ordinance.

Mr. Thornton contended that only one small corner of the carport is in violation and the nearest houses are so far from the property lines - he thought fire hazard was not a case in point.

The motion was seconded by Mrs. Henderson - because there is another possible place on the property for a garage.

Motion carried, unanimously.

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NEW CASES - Ctd.

6- WILLIAM E. MOSS, to permit dwelling as erected to remain within 13.6 feet of side property line, Lot 331, Section 1, Chesterbrook Woods, Dranesville District. (Suburban Residence).

No one was present to discuss this case.

Mr. Verlin Smith moved that it be put at the bottom of the list.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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7- SAUL CONSTRUCTION COMPANY, INC., to permit dwelling to remain as erected 17 feet of side property line, Lot 30, Section 1, Westbriar Country Club Manor, Providence District. (Rural Residence).

Mr. Harry Otis Wright represented the applicant. This house location was the result of a mistake in surveying, Mr. Wright told the Board. The house on the adjoining lot is more than 25 feet from the line. Two houses were located in error before they noticed it, Mr. Wright continued - one they moved as it was not too far along, but this house was ready for the roof and would involve a great expense to move. They could not change the lot lines as the house on this side is sold.

Mrs. Wilson spoke in opposition relating how they had told the foreman on the job at Lot 30 that the foundation of that house was too close to the line. The foreman said he would speak to the builder about it, which he never did. Mrs. Wilson tried to get in touch with Mr. Saul, but could not find him. She then spoke to Mr. Ritzenberger about it, who told Mrs. Wilson she was mistaken. They had a heated discussion over it. Mrs. Wilson said they had located their house a considerable distance from the line purposely in order to have their patio and outside living area on this side of their house, and the location of the house on Lot 30 had spoiled that. Mr. Ritzenberger told Mrs. Wilson that he would take this up with Mr. Wright - which he never did. Mrs. Wilson then contacted Mr. Carroll of Mr. Wright's office. Mr. Carroll found that Mrs. Wilson was correct and said they would apply for a variance. The certified plats showed the houses to be 41 feet 8 inches apart when they had expected that there would be at least 60 feet between the houses.

Mrs. Wilson recalled that she had notified the foreman of the violation when the foundation was not yet out of the cinderblock stage. As it is now the back yards of these two houses are right together with windows facing each other.

Mr. Henry Mackall, representing Mr. Wright, called attention to the fact that the house on Lot 30 is allowed to come 20 feet from the side line - the wide space between the houses as they had originally planned is not required. They are asking only a three (3) foot variance. He noted that the error on this lot had continued all the way down this street and when Mr. Wright discovered this he moved the other house in violation.

7-Ctd. Mr. Verlin Smith suggested that in most cases the builder has the responsibility for wrong house locations - and this is the first time the engineer has assumed that obligation. Mr. Wright said the surveyor must take care of the mistakes in order to protect his reputation.

Mr. Mackall brought out that Mr. Wright did not know the foreman had been notified of this mistake, and had Mr. Wright known of it the house would have been moved in the beginning. Mrs. Wilson said she appreciated the response from Mr. Wright's office.

Mrs. Wilson was asked if she would be willing to negotiate the line for a change in location. She said no - there was not room for an alternate line and the carport too. She said they would not oppose this further if they would agree to screen this property line with shrubbery and a fence.

Mr. Verlin Smith moved to defer the case until June 12th to view the property and to give the applicant and Mr. Ritzenberger the opportunity to work out an agreement whereby the variance would not be necessary.

Seconded, Mr. J. B. Smith

Carried, unanimously.

It was suggested also that Mr. Ritzenberger should be asked to come to that meeting with the Board.

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8- R. H. STOWE, INC., to permit dwelling to remain as erected closer to side and front property lines than allowed by the Ordinance, Lot 48A, Resubdivision of Lots 43 through 49, Dale View Manor, Providence Dist.(Sub. Res.)

Mr. Harry Otis Wright represented the applicant. An error was discovered here after the lots were staked out. They had used the wrong radius at the circle which threw the lot lines on this property to one side, crowding the lots. When the circle was moved to its proper location they re-subdivided the lots on the circle so the houses could conform. This one house was located too close to the line. However, this is a cul-de-sac, Mr. Wright pointed out, and with the curved street the difference in setback is not noticeable.

Mr. Brookfield left the room and Mr. Verlin Smith took the Chair.

It was noted that the circle could not be changed as it must conform to subdivision requirements.

Mr. Brookfield (who had returned) moved that the case be deferred to June 12, to view the property.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES - Ctd.

9- ROBERT D. HUFFMAN, to permit erection of a garage 40 feet of Renee Street, Lot 7, Block 4, Glynalta Park, Lee District. (Agriculture).

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Mr. George represented the applicant. They have given considerable thought to architectural values and economics in this, Mr. George told the Board, and they have found this is the only place a garage can be located. The septic field is on the left side of the house. The house itself sits on a little hill - a filled area, and there is considerable drop from the house to the rear of the lot.

Discussion of the location of septic field and septic tank followed. The applicant was not entirely sure just where either were located. Mr. Huffman had thought he could have his garage 25 feet from the line - the salesman had told him that. (The house is about one year old).

Mr. Verlin Smith suggested that Mr. Huffman get the location of his septic field and tank from the Health Department. He felt that if it is possible to locate a garage within the ordinance and not over the septic - it should be done rather than to grant this variance.

Mr. George also noted that there is a chain link fence around the place which would have to be moved if the garage were re-located and the drop is too great to locate the garage in back of the house, also if located in the rear it would cut up the whole back yard and obstruct the view from the kitchen.

Mr. Huffman said he may be sent over seas within a short time and wished to do this building before he left. Also his driveway is already put in on this side. There would be considerable filling to move the garage back as the ground has about a four foot drop. It was noted also that the street slants away from the corner giving greater setback to the garage at the far end.

Mr. Verlin Smith said he could not vote for a variance on this when there is an alternate location.

Mr. Mooreland suggested that a 10 foot variance was hardly justifiable when there is an alternate location and the Court would not uphold a decision on economic hardship.

Mr. Huffman thought a four foot fill would turn drainage on other property.

Mr. J. B. Smith moved to defer the case until June 12th to view the property.

Seconded, Mr. Barnes

Carried, unanimously.

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GRAYSON A. AHALT & WALTER HEBB, TRUSTEES, to permit swimming pool, boat port and club house with accessory installations including parking for private marina (boat dock) on approximately 8 acres of land on south side of proposed Bay View Drive (off end #601) a Parcel of 8 acres of land of Proposed Belmont Park Estates, Mt. Vernon District. (Agriculture).

Mr. Millsap represented the applicants. The applicants are holding this property in trust for the formation of a non-profit club which will take over operation of this development, Mr. Millsap told the Board. The two applicants, along with Mr. Von Herbulis, will develop the subdivision which fans out to the rear of this club grounds. The owners of property in the subdivision will become the first members of the Club. Plats for the subdivision are in the process of completion in the office of the Planning Commission. The area of the Club grounds will embrace about eight acres. A Club House which will also be used as a Community House, swimming pool, boat port, launching ramp, fuel pumps and a parking area for 185 cars will be developed. This permit runs to the high tide mark, Mr. Millsap pointed out, the structures in the bay will be under the jurisdicition of the Army Engineers. On this area will be constructed the pier and docks. This will be operated as the Belmont Marina Boat Club, Inc. The original lot owners will control future membership or any expansion in membership - a maximum of which will be 250. Mr. King Fulton, who is experienced in this work, will operate the Club. Mr. Millsap also pointed out that no repairs will be done on the Club grounds. This is the first venture of this kind in the County, Mr. Millsap said, he thought it would be an asset in every way to the County.

There were no objections.

Sanitary facilities were discussed. Mr. Millsap said they had had septic approval on all of their lots and the swimming pool will be approved by the Health Department.

Since septic conditions are known to be difficult in this area, Mr. V. Smith questioned if a field could adequately take care of 185 cars. This, Mr. Millsap said, would be subject to approval of the Health Department regulations. He felt that the large investment going into this would assure the fact that the operators would meet all County regulations.

Mr. Verlin Smith thought this to be a very logical use but he felt there were several questions which must be answered before granting - he asked about the 185 parking spaces for 140 lot owners - do they plan a large expansion? Mr. Milsap said that would be up to the owner-members of the Club. New members must be approved by the lot owners, and in his opinion it would not be likely that the membership would grow more than 100 members. It will be kept private.

Mr. Werlin Smith thought the various uses included in this should be listed in the application, that the Board should know what is meant by "accessory installations".

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10-Ctd. Mr. Verlin Smith asked if the applicant could submit in writing what activities will take place and show the uses located on the property and how many members of that use are planned. Mr. Millsap was sure that could be done.

Mr. Verlin Smith moved to defer the case until May 22 for the applicant to present the detailed information requested.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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11- WILLIAM C. HOLTER, to permit dwelling to remain as erected within 39.4 ft. of Barbour Road, Lot 21, Dale View Manor, Providence District.(Sub. Res.)

In locating the house they failed to take the curve of the road into consideration, Mr. Holter said, therefore the house violates by six inches. The building was up to the first deck when this was noticed. They have plenty of room on the lot, Mr. Holter said, and there was no intention of squeezing the front setback. The apron for the garage is in on the left side of the house. The house on the adjoining lot has the driveway on the left side also. The house on the adjoining lot is located 24 feet from the line. Garages on these lots are in the basement.

Mr. Verlin Smith moved to grant the application because the lot is located on a curved street and the location does not appear to adversely affect ~~adversely affect~~ adjoining property and the error is only .6 of a foot.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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3- MRS. TULLY P. SANDERS. This use was granted a permit in April 1954 and operated during the summer of that year. Mrs. Sanders said she wished to continue this year and perhaps during the following summers. It is arranged so the pupils come three days a week and two cars bring them. The classes continue for approximately six hours.

Mrs. Osborne told the Board that she had osbserved Mrs. Sanders work closely and thought it very worthwhile - that every precaution was taken for safety and not to bother other people. She recommended granting this permit.

Mr. V. Smith moved to grant the application to the applicant only for a period of two years.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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043

NEW CASES - Ctd.

6- WILLIAM E. MOSS - No one was present to discuss this case.

Mr. Verlin Smith moved to defer to June 12th.

Seconded, J.B. Smith

Carried, unanimously.

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DEFERRED CASES:

7- JOHN H. HOWARD - No one was present to discuss this.

Mr. J. B. Smith moved to defer this case to June 12th.

Seconded, Mr. Barnes

Carried, unanimously.

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C. & P. TELEPHONE COMPANY

The following letter was read from Mr. Robert McCandlish regarding the C. & P. Telephone Company building at Lewinsville:

"May 1, 1956

Mr. John W. Brookfield, Chairman
Fairfax Board of Zoning Appeals
Fairfax, Virginia

Dear Mr. Brookfield:

In connection with the application of the Chesapeake & Potomac Telephone Company for a re-zoning of property at Lewinsville, I am writing you to clarify our position.

I enclose herein a photostatic copy of the rendering exhibited to the Board on April 24, and I should appreciate the Board's revoking its permit of February 14,1956, and granting a permit for the erection of a telephone exchange as shown on the enclosed rendering.

This will eliminate any question as to the type roof that the Board has in mind, and I think will make things much simpler for the building inspector when the time comes for him to issue a building permit.

We will, of course, upon receipt of the new permit, immediately dismiss our suit.

Because the design of telephone buildings is determined by a number of factors, such as inside space requirements, materials and engineering to support varying stresses and loads, topography, and other circumstances, the enclosed design can not be considered as necessarily a prototype for future structures.

Thanking you in advance, I am,

Very truly yours,

RICHARDSON, MCCANDLISH, LILLARD,
MARSH & VAN DYCK

BY: /s/ Robert J. McCandlish, Jr."

Mr. Verlin Smith said he would like to see the plats on this before voting.

The case was put aside until the plats could be obtained.

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VEPCO - to erect and operate a substation on Powhatan Street. Mrs. Osborne had asked for time on the agenda to discuss this case - which was granted by the Board on December 27, 1955.

Mrs. Osborne referred to the motion which was passed on this: That the substation be granted provided that a screening of natural growth be provided and that the place be maintained attractively.....

The minutes of the two previous hearings on this were read. Mrs. Osborne contended that the Company had not followed the intent of the hearing. She recalled that Mr. Anderson had stated that they would have a curved driveway into the property - following Overlook Drive. They have not done that. The entrance leads in on the edge of the VEPCO property which borders her property. The Company has cut out a wide sweep of trees along the property boundary which has been very detrimental to their property and which she considered bad faith. They have taken out very large trees, many of them hundreds of years old - the area is left bare and ugly. As the property is now, there is no possibility of screening the structure. Mrs. Osborne went into detail telling of trying to stop the tree-cutting - when she was unsuccessful she tried to contact the Company - again she was unsuccessful. The cutting continued. Now the banks of the stream are bare and the land has been completely desecrated. She thought the Company had a ~~normal~~ MORAL obligation to the area in which they were building, and suggested that now that such widespread damage was done the Company should either put the installation underground or put up some kind of residential structure which would fit into the area, and this should be surrounded with planting. The 28 foot tower planned would be impossible to shield.

Mr. and Mrs. Collier were also present - objecting.

Mr. Henry Noble, from VEPCO stated that his interpretation of the motion passed by the Board was that if they took out the trees, and planted back, the intent of the motion was being carried out. He said they took out trees which they had considered dangerous. Mrs. Osborne disagreed with the statement that the trees were dangerous.

Mr. Mooreland said he had talked with the Commonwealth's Attorney, asking if VEPCO could be stopped in their tree cutting operations. The Commonwealth's Attorney had said that if VEPCO had to remove trees that are dangerous to their lines and would replace them with a screening of evergreens or shrubs, he was of the opinion that there was no authority to stop them. The Commonwealth's Attorney was guided by the motion passed. Mrs. Osborne thought the motion was based on the evidence presented and the intent of the Board.

Mr. Fields, from VEPCO, said they were putting in the driveway to follow their lines - which he had thought practical rather than taking out trees both for the lines and the driveway, however, this was left up to the engineers.

VEPCO - Ctd.

Mr. Verlin Smith said he had considered the curved driveway and the screening of trees a satisfactory arrangement.

Mr. Noble said his Company regrets the feeling of the people in the neighborhood but when they finish the job he thought the planting and the rehabilitation of the area would not be objectionable.

Mr. V. Smith expressed the opinion that this was a most unfortunate case - that he had thought the screening would be of the trees already on the property. He considered the people in the area were adversely affected to a great degree. He thought a copy of the minutes of the Board should be sent to VEPCO. It is evident, Mr. V. Smith continued, that the Company has not done what was expected both by the Board and by the people most affected in the area.

Mr. Verlin Smith moved that a copy of the minutes be sent to VEPCO and that we in the meantime consult the Commonwealth's Attorney regarding the case.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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C. & P. TELEPHONE COMPANY - With regard to the C. & P. Telphone case, Mr. J. B. Smith moved that the Board rescind their motion of February 14th granting a permit to the C. & P. Telephone Company for a dial center at Lewinsville based upon the resolution.

Seconded, Mr. Barnes

Carried, unanimously.

Mr. Verlin Smith asked what about the back of the building which will be bare cinderblock. Mr. J. B. Smith thought the Board should be satisfied to get the hipped roof.....

Mr. J. B. Smith moved that a permit be granted the C. & P. Telephone Company for the erection and operation of a dial center at Lewinsville in accordance with a letter from Mr. Robert McCandlish dated May 1, 1956, in accordance with plat dated January 12, 1956, presented with this case, and in accordance with rendering entitled "Lewinsville Dial Center", McLean, Virginia, by Chatelain, Gauger and Nolan, which rendering shows the building with a hipped roof.

Seconded, Mr. Barnes

Carried, unanimously.

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The meeting adjourned

John W. Brookfield.

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, May 22, 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 Mr. Verlin Smith

DEFERRED CASES:

1- CHESTER COPELAND, to permit extension of a trailer court with 14 additional units, Lot 25, Evergreen Farms Subdivision, (Total 76 units), Lee District, (General Business).

No one was present to disucss this case.

Mr. Verlin Smith moved to defer the case until July 24th.

Seconded, Mrs. Henderson

Carried, unanimously.

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2- WAKEFIELD FOREST CIVIC ASSOCIATION, to permit erection of two signs with larger area than allowed by the Ordinance, total area 235.2 square feet, Lots 12 and 13, Section 1, Wakefield Forest, Falls Church Dist.(Agric.)

Mr. Strang represented the applicant. Mr. Strang read a letter from the owner of Lot 13, on whose property one of the entrance signs will be placed, stating he did not object and would grant the Civic Association an easement to locate this sign.

Mr. Strang also stated that Mr. Smith of the State Highway Department had told him that Route #236 would be widened but the additional right of way would be taken on the other side of the road. The planned sign is 4 feet 8 inches high and will be placed practically on the right of way.

Mr. Mooreland quoted from the Ordinance Section 6-11-10 calling attention to visibility on corner lots and 3.5 foot height restrictions on structures.

Mr. Verlin Smith suggested that the proposed sign be re-designed to conform to the 3.5 foot height. In that case the visibility requirements would not apply as a structure of that height could be placed on the property line.

There were no objections from the area.

Mr. Verlin Smith moved that the application be granted as shown on plat drawn by John R. Strang, Architect, dated April 4, 1956 and titled "Proposed Entrance to Wakefield Forest Subdivision" provided no part of the entrance sign exceeds 3.5 feet in height.

Seconded, J. B. Smith

It was suggested that an amendment be added requiring that the Highway Dept. approve the light - which is shown on the map. Mr. Mooreland was of the opinion that the Board has nothing to do with the light.

Motion carried, unanimously.

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NEW CASES:

1- FRANCONIA ROAD DEVELOPMENT CORP., to permit dwelling to remain within 38 feet of Franconia Road, #644, Lot 1, Block A, Fairfax Homes, Lee District. (Suburban Residence).

047

Mr. Roy Miller represented the applicant. This is a two foot encroachment on Franconia Road, Mr. Miller pointed out - it was a mistake in location. They cannot tell how it occurred. They have consistently stayed 41 feet from the right of way on all other houses in this development - to be sure of conforming to requirements. They dedicated 25 feet along Franconia Rd. for widening purposes, Mr. Miller recalled - which probably was a factor in making this incorrect location. It was also pointed out that there is a slight, gradual curve in the road at this point which also might contribute to the reason for error. Mr. Miller stated that they had also dedicated 300 feet on the rear of this subdivision for the arterial highway.

There is a bank along Franconia Road which will be graded down to the right of way. While this is a model house, Mr. Miller said - the plat was recorded before the house was built. It was noted that under any circumstances th house would not fit on the lot without a variance.

Mr. Verlin Smith moved that the application be granted under Section 6-12-7-b-3-g because this is an exceptional lot since it has streets on three sides and because a variance can be granted without substantial detriment to the public good and without impairing the intent of the zoning map and there is a curve in Franconia Road at this point and the width of Franconia Road at this point is 40 feet from the centerline on the side on which this lot is located.

Seconded, Mr. Barnes

Carried, unanimously.

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2- G. E. TITHERINGTON, to permit an addition to dwelling 7 feet of side property line, Lot 74, Section 4, Pimmit Hills, (408 Pimmit Drive), dranesville District (Suburban Residence).

This is a pie-shaped lot - narrow at the front and widening gradually to the rear. On one side of the lot (the side on which this variance is requested) is a drainage easement 37+ feet wide with a drainage ditch down the middle.

If he put this addition on the rear of his home it would cut the sunlight out of the living room. Mr. Titherington called attention to the plat which shows that the addition violates only at the front corner - the rear conforms. Mr. Titherington stated that considerable water flows down the drainage ditch at times.

There were no objections from the area.

NEW CASES - Ctd.

2-Ctd. Mr. Verlin Smith said he thought this should be referred to Mr. Kipp as the Board does not know what the drainage situation is here - that this probably is all right, but with further large scale development in the area the run-off could be increased to the point where it might endanger Mr. Titherington's house.

048

Mr. Verlin Smith moved to defer the application to June 26th to view the property and that this should be referred to the Director of Public Works with specific reference to the drainage problem and possible erosion as more development may take place in this water shed.

Seconded, J. B. Smith

Carried, unanimously

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ROBERT E. HARGROVE, to permit erection of carport with storage area at the rear 12 feet three inches from side property line, Lot 76, Section 1, Pinecrest (6403 Park Street) Mason District (Rural Residence).

Mr. Hargrove presented three letters (from the neighbors on two sides and one lot away) stating they did not object to this addition and in fact thought it would be an improvement to Mr. Hargrove's house and to the neighborhood. There are 47 feet between his house and the house on the adjoining lot, Mr. Hargrove stated. He could place this carport at the rear, Mr. Hargrove explained, but he wished to conform to the architecture of his house and locating this addition on the side would conform more nearly to other houses in the community.

When there is an alternate location, Mr. Verlin Smith pointed out, the Board does not have the right to grant a variance merely to conform to the architectural design of a house. He, therefore, questioned the authority of the Board to grant this. It was suggested that the posts of the carport be moved in two feet nine inches - allowing the roof to extend three feet for protection. In this way the structure would conform and would give maximum protection.

Mr. Mooreland called attention to the fact that the Courts are holding more and more that aesthetics may be taken into consideration in these cases.

Mr. T. Barnes moved to grant the application because it does not appear to adversely affect property in the neighborhood.

Seconded, Mr. J. B. Smith

For the motion: J. B. Smith, Mr. Brookfield, Mr. Barnes

Against the motion: Verlin Smith, and

Mrs. Henderson not voting

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NEW CASES - Ctd.

4- DAVID L. SKINNER, to permit carport to remain as built closer to side lot line than allowed by the Ordinance (1.25 ft.) Lot 68, Fenwick Park (222 Stuart Drive) Falls Church District (Urban Residence).

When this addition was put on the builder apparently measured incorrectly from the side line. It was noted that the lot narrows considerably toward the rear and the measurements did not take that into consideration. The inspector found the error and therefore Mr. Skinner said he made application for the variance. The house on the adjoining lot is set well back on the lot facing on Elmwood Drive, therefore, this addition would not affect that property adversely, Mr. Skinner contended.

There is a drainage problem on his lot and the adjoining lot, Mr. Skinner said, which they are trying to work out with Mr. Kipp, and Mr. Kipp had said that this construction probably would help solve their problem.

Mr. Skinner said he thought he could move the columns in a little farther from the side line but the projection of his chimney would probably crowd him too close.

Mr. J. B. Smith moved to defer the case until June 26th to view the property.

Seconded, Mr. Verlin Smith

Carried, unanimously

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5- HAROLD L. TURNER, to permit erection of an enclosed porch 9.25 feet from side property line, Lot 23, Block 23, Section 14, Belle Haven (9 Arkendale Road) Mt. Vernon District. (Urban Residence).

The concrete slab on this side of the house has been used for a carport. The applicant planned to screen this for a porch but was told when applying for a permit that it could not be enclosed without a variance.

It was suggested that the structure be moved back within nine inches of the edge of the concrete slab, but Mr. Turner said there were no footings under the concrete slab. The building inspector had said that footings would have to be put under the slab to make it conform to regulations. It would be impractical to dig back and put the footings nine inches from the edge. Building on the slab as it is would be simpler and more economical.

The lot drains slightly to the rear but it would be possible to locate a garage in the rear of the house.

There were no objections from the area.

Mr. J. B. Smith moved to grant the application for a variance of nine inches because this would not affect adversely adjoining property owner or anyone in the neighborhood.

Seconded, Mr. Barnes

For the motion: Mr. Brookfield, J. B. Smith and Mr. Barnes

Against: Mrs. Henderson and Mr. V. Smith

Carried

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NEW CASES - Ctd.

6- AMERICAN TRAILER COMPANY, to permit extension of trailer park by 90 units making a total of 170 units, Lots 15 and 16, Evergreen Farms Subdivision, on west side #1 Highway, Lee District. (General Business).

050

Mr. Griffith Garnett represented the applicant. Also Mr. Lee Painter was present. Mr. Garnett told the Board that he was aware that applications for Trailer Parks had been consistently deferred by the Board in response to a letter from the Board of Supervisors requesting such deferrments until after a Trailer Park Ordinance had been passed by the County. Mr. Garnett said he would like a ruling from the Board on this - as in his opinion there is an existing Ordinance governing trailer parks - he referred to Section 6-16, Use Permits - Section d. Mr. Garnett said he considered deferrment on these cases to be inconsistent for the reason that they can be granted under the present Ordinance.

The reason they are wanting an immediate decision on this, Mr. Garnett continued is that public sewer will be available to this property by the first of July and they must tie in at that time. There are existing 80 units in this park. It is the plan to sewer the entire area (170 units) and it will be necessary to put in lines which will take care of the entire system. If this is granted they will then know the size type and location of the lines.

Since the applicant is asking for a ruling from the Board, Mr. Verlin Smith asked that the Commonwealth's Attorney be present to hear Mr. Garnett's presentation. Mr. Fitzgerald sat with the Board during Mr. Garnett's presentation.

Mr. Garnett re-stated his contention that deferrment in trailer park cases is not necessary for the reason that an Ordinance exists which controls such parks. Mr. Garnett told of the good standing of the American Trailer Company, their high standards in operation and of the need in the County for trailer parks. This Company owns the presently operating Oak Park trailer park and have contracted to purchase additional area for expansion. The present project is operating on ~~four~~ septic fields, Mr. Garnett continued, but the entire area will be sewered. This is low swampy ground which has for many years presented a drainage problem. That, Mr. Garnett contended, will be cleared up if they are allowed to develop as planned and sewer the area. Mr. Garnett showed the layout which indicates an average lot size of 30 x 50 feet, playground area, laundry and recreation building. It is the requirement of the County Engineer that they tie into the public sewer by July 1, 1956. This will be in the interests of the health and welfare of the County, Mr. Garnett continued and will clear up an unsanitary situation. This will comply in every respect with County requirements, Mr. Garnett contended, therefore the granting of this use permit would not be against the health and welfare of the County and will not adversely affect the safety of persons working or living in the area. By proper grading of this particular area it will aid in handling the drainage of surrounding property.

6-Ctd. A letter was read from Mr. Farnum the owner of Lots 12 and 13 of Evergreen Farms, adjoining property owner, stating that he did not object to this trailer park. Also, property owners on the west and north have stated they do not object to this use, Mr. Garnett stated.

Mr. Garnett told the Board that research has revealed that mobile homes have become an integral part of American life - that in the beginning trailer parks were thought to be a stopping place for a gypsy-type of population, but it has developed that these trailer parks housing trailers which cost an average of about $5500, cater to very desirable citizens. These parks are used especially by migratory workers, service personnel, retired persons, and others who consider this a desirable way to live. They are good substantial citizens and it is the desire of the trailer park companies to help create a better way of life for these people by improving trailer parks and meeting a high standard of trailer park operation. This they can do on this property if the Board grants this application so they can plan their sewers and tie in by July 1st, re-grade the ground and improve the entire area.

In answer to the length of time most people remain in the trailer parks Mr. Painter said about eighty percent (80%) of the personnel in Oak Park were military people - remaining from six to nine months. They average about three-quarters of a child per coach. There are now twelve children from Oak Park (containing eighty trailers)in public schools - several in private schools. Some of the people have been there for ten years.

It was brought out that the applicant could go ahead with his engineering and hook in to the presently operating park by July 1st. However, Mr. Garnett suggested that the new area they are purchasing has a terrific drainage problem and if that is not tied in and the entire drainage problem worked out it would still create a bad situation. This area collects drainage from many septic fields in the area, Mr. Garnett said, and the health menace could not be wiped out without planning completely for the entire tract.

The applicant has owned the present trailer park since 1941, Mr. Garnett said, the present conditions did not exist at the time of purchase but have become increasingly worse during the past years, mostly through other developments on higher ground surrounding.

Mr. Verlin Smith asked about approval of ingress and egress, which might change the situation through increased use. There will be no need for any further approval, Mr. Garnett said, as there will be no change. The highway department has said nothing adverse to present conditions of ingress and egress.

Mr. Verlin Smith recalled that subdivisions on primary roads have been required to build a service road along the highway. Mr. Garnett said his client will work that out with the State and meet their requirements.

6-Ctd. Mr. Painter said they had hard surfaced all the roads and put in curbs. There is no objectionable condition existing with regard to entrance and exit, Mr. Garnett stated, and they will comply with all requirements of the State and County for safety.

D52

While the drainage situation has been unsatisfactory on the presently existing trailer park for some years, Mr. Garnett told the Board, they have done the best they could without sewers - however, he felt that the existing conditions have been mostly caused by development in the area.

Mr. Verlin Smith recalled a ruling that the Board could not make conditional grantings in these cases.

With reference to the request of the Board of Supervisors to the Board of Appeals to defer action on trailer parks - Mr. Garnett contended that such request did not include extension of existing parks - at least in talking with one member of the Board - that was his understanding.

The following letter requesting these deferrments from the Board was read:

"April 5, 1956

Board of Zoning Appeals
Fairfax, Virginia

Gentlemen:

The Board of County Supervisors, at its meeting yesterday, directed that the Board of Zoning Appeals be advised that the Board of County Supervisors deems it advisable not to issue further use permits for trailer parks until regulations governing such parks have been adopted for the County.

Very truly yours,

/s/ Carlton C. Massey
County Executive"

It was noted that the Board of Supervisors did not distinguish between existing trailer parks and newly established parks.

Mr. Fitzgerald told the Board that his thought of the Board's action was that they wished to hold up further trailer park development until the County has an Ordinance which will control lot sizes and facilities. This need has been the concern of the Board for some time and they have asked Mr. Schumann to draft the Ordinance, Mr. Fitzgerald continued. In view of the tremendous load of work in the Planning Office, the Ordinance has not yet been presented to the Board; the question therefore resolves itself into the fact of how long applicants who have filed applications with the Board of Appeals will have to wait while the County comes up with an Ordinance. This is a matter of what is reasonable, Mr. Fitzgerald stated.

With regard to the ability of the Board of Appeals to place conditions on the granting of a use permit - Mr. Fitzgerald recalled that, referring particularly to the architectural design of the C. & P. Telephone building, he had stated that in a matter of architectural preference if the Board thought that what was presented would be detrimental to the neighborhood, the proper action would be to deny the application until the applicant comes back with a plan which would not be detrimental. Under the present Ordinance,

NEW CASES - Ctd.

6-Ctd. Mr. Fitzgerald continued, the Board of Appeals has the right to designate such conditions as to assure that the permit will comply with the foregoing requirements: that it shall not be injurious to neighboring property, adversely affect the health and safety of people working or residing in the area, etc... In acting on this use if it is found that it would not affect the safety or health of those in the area the Board has the power to impose those conditions and if those conditions are not met the Board has the power to revoke the permit. The granting of an extension would not be proper, Mr. Fitzgerald continued, unless proper streets, drainage, etc. can be made a part of the conditioning of the granting.

Mr. Fitzgerald called attention to the fact that the Board of Supervisors may request or advise the Board of Appeals regarding any action but they cannot tell the Board to take any certain action because this is an independent body with definitely set uppowers and whatever weight this Board gives the letter from the Board of Supervisors - is entirely up to the members of the Board of Appeals.

Mr. Brookfield noted that the Board had honored the request of the Board of Supervisors in three other cases. After deferring those cases, he asked, could the Board grant this and be consistent and fair to those who have been deferred?

Mr. Fitzgerald stated that in his opinion the Board had the right to defer action as long as it is reasonable. Deferring can be arbitrary, Mr. Fitzgerald continued, if it is done without reason - then it becomes arbitrary and capricious.

Mr. Garnett recalled the length of time which has elapsed since the old trailer park ordinance was declared void - which was in 1948. He thought it unreasonable that regulations have not been adopted since that time.

He also recalled that Mr. Painter had advised the County Board at the time the other ordinance was thrown out that he and his Trailer Association would be glad to help draft a new ordinance for regulation of trailers, regulations which would be acceptable to the industry and to the County, but the offer was never accepted. Mr. Garnett thought this a gross error as the help of people in the industry who understand the needs of a growing business could be of great value to the County in building its ordinance. This ~~office~~ offer was made eight months ago and nothing has been done.

Mr. Fitzgerald suggested that the Board might notify the Board of Supervisors that they are deferring these cases for a certain period of time with the expectation that a copy of the new regulations controlling trailer parks be in the hands of the Board of Appeals by that time.

Mr. Keith Price stated that Mr. Schumann plans to bring a draft of the trailer park ordinance to the Planning Commission on May 28th for recommendation, and that the load of work has prevented Mr. Schumann's preparing the ordinance before this time.

6-Ctd. Mr. Verlin Smith asked Mr. Fitzgerald if he did not think it was in the best interests of the County that the Board have the benefit of the new ordinance before making a decision on this case.

Mr. Fitzgerald agreed that the present ordinance was not adequate.

There were no objections from the area.

It was brought out that the average lot sizes on this planned tract would be 30 x 50 feet.

Mr. Painter said the FHA have recognized that their requirements of 3000 square foot lots is too large as such a development would tend to throw trailer parks into residential areas - which the industry does not want. He thought from the standpoint of economics and good living the 30 x 50 foot lots were completely satisfactory.

Mr. Verlin Smith asked if Mr. Painter was considering a larger recreation area - in lieu of the additonal lots. Mr. Painter said he was not planning more recreational area - that they have understood that they can use additional land adjoining this tract to the rear for play area. They have no contract that this land will be available nor do they know for how long they can use it, Mr. Painter continued. He did not think they needed more recreational area, Mr. Painter said, there had been no demand for it, and so far as he was concerned he did not expect to furnish it. He did not know what ratio of recreational area FHA required - as he was not representing FHA. Again Mr. Garnett recalled the necessity for granting this at this time, their desire to clear up a bad sanitary condition, and to work out their engineering plans for the whole tract.

Mr. Verlin Smith stated that in view of the letter from the Board of Supervisors and in view of the statements made by the Commonwealth's Attorney, to the affect that there appears to be a definite need - which is also borne out by the applicant - for a new trailer park ordinance to improve the living conditions, sanitary facilities, and recreational areas for trailer parks, and to give the applicant the opportunity to get approval from the State Road Commission for ingress and egress to the property and their recommendations to be shown on the plat, and for the Board to view the property, he would move that the application be deferred to July 24th, 1956.

Seconded, J. B. Smith

Carried, unanimously

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Mr. Garnett made the statement that the applicant objected to the decision to defer this case on the grounds that he has presented all the evidence required for the granting of a use permit and no showing has been made that the application should not be granted under the terms and conditions of the use permit section of the Zoning Ordinance.

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NEW CASES - Ctd.

15- HILLWOOD SQUARE MUTUAL ASSOCIATION, INC., to permit construction and operation of a community swimming pool on west side of Cherry Street, approximately 250 feet south of Defense Drive, Falls Church District.(Sub. Res.)

Mr. Hansbarger announced that the applicant has withdrawn this case.

Mr. J. B. Smith moved that the case be withdrawn from the agenda.

Seconded, Mr. Barnes

Carried, unanimously.

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7- NORMAN N. SHEPHERD, to permit operation of a motel of 10 units and a service station on west side #1 highway, approximately 700 feet south of #242 on 6.85 acres of land, Lee District. (General Business).

Mr. Mooreland told the Board that in the rezoning of this land a 70 foot strip was excluded along the Washington-Richmond highway for future widening purposes. That land is not in general business zoning. Therefore, the motel building sets back 70 feet from the right of way of No. 1 highway.

Mr. Shepherd said he had had a satisfactory perkolation on this property.

There were no objections from the area.

The relative distances to other filling stations and other business were discussed, this being about one mile from a filling station on one side and perhaps 1-1/2 miles from business on the other.

Mr. Verlin Smith recalled that the ordinance requires filling stations to be located in compact groups. This, he considered, was an isolated spot. He thought the scattering of such business along the highway was impairing the intent of the ordinance.

Mr. V. Smith moved that the application for a motel as shown on plat dated April 30, 1956 by O. A. Patermaster, C. E. No. 324LS, be approved because this conforms to the requirements of Section 6-16 of the Ordinance.

Seconded, Mr. Barnes

Carried.

This motion excluded the filling station which Mr. Shepherd said was the principal part of the application he was wanting - so he could get along soon.

Mr. Barnes said he had not understood, when he seconded the motion, that it did not include the filling station - he thought the filling station was a logical use here.

Mr. Shepherd said this use was requested when he put in for his rezoning - the motel was something he would like to have later on.

Mr. V. Smith said he could not vote for the filling station because he thought it would add to the number of cars pulling in and out on the highway which was already dangerous. He considered this would greatly add to the hazard. He thought the larger substantial business areas planned to be developed not far from this would take care of the needs and by concentrating business it would lessen hazardous traffic.

Mr. Barnes moved that the filling station be accepted as a part of the

May 22, 1956

NEW CASES - Ctd.

056

7-Ctd. motion to grant the motel.

Seconded, Mrs. Henderson

Carried - voting for the motion: Mr. Barnes, J. B. Smith, Brookfield and Mrs. Henderson

Mr. Verlin Smith voted "no".

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8- STRAW CORPORATION, to permit carport as erected to remain within 9.45 feet of the side property line, Lot 24, Block B, Section 1, Parklawn (6809 Braddock Road) Mason District. (Suburban Residence).

No one was present to discuss this case.

Mr. Verlin Smith moved that it be put at the bottom of the agenda.

Seconded, Mr. Barnes

Carried.

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9- PEOPLES SERVICE DRUG STORES, INC., to permit erection of two signs with larger area than allowed by the Ordinance, 362 square feet, on south side of Arlington Boulevard at Seven Corners, Mason District. (General Business).

Mr. Roger Wells represented the applicant. Mr. Groff, architect for Seven Corners shopping center was also present. The space in the shopping center taken by Peoples will face both on Route #7 and Arlington Blvd. thereby necessitating two signs, Mr. Wells explained. The sign requested for the Route #7 side will have a square footage of 154 feet, placed on a 50 foot store, and the one facing Arlington Blvd., 208 square feet, located on a 75 foot store frontage. The store will be on two levels.

The owners of the Shopping Center have drawn up specifications, Mr. Wells told the Board, to which all stores must conform. These specifications restrict the type, size and color of the signs along with many other requirements which will assure that the center will be developed in a dignified and attractive manner.

Mr. Groff described the sign plan for the development, showing pictures of the concourse, the promenade, the various stores and the proposed signs. He described the sign specifications drawn up by his client after wide research of how other like shopping centers are handled. They are very conscious of the need for attractive and well designed signs and of the necessity to keep the signs in conformity with each other - therefore the detailed specifications have been drawn up and will necessarily be agreed to and followed by each tenant. Some of the larger stores within the center will require variances from the Board but most of the stores with smaller square footage will be able to come within County restrictions, Mr. Groff said, they will have no frontage on Arlington Blvd., nor on Route #7 and will have only the sign on the promenade or on the concourse.

9-Ctd. PEOPLES SERVICE DRUG STORES, INC. - Ctd.

Mr. Groff noted that all signs must keep within an overall height of four feet (4') and shall be white. He showed pictures of the signs as they would appear on the outside of the buildings.

Mr. Mooreland said he had discussed a blanket variance on these signs to be granted by the Board to the owners of Seven Corners. He had asked members of the Board to see the buildings in order to better understand the need for the signs, the type of buildings and arrangement of the signs. He recalled that the Board has no jurisdiction over signs on the concourse, which the sign specifications restrict to one foot high. Mr. Groff had brought up the question of the blanket variance - which Mr. Mooreland said he would like the Board to discuss. Such application would be made at a later meeting. This blanket variance would be used, Mr. Groff pointed out, only in cases which exceed the County Ordinance - otherwise they would be governed by the specifications drawn up by Kass-Berger. However, they are willing to apply individually, Mr. Groff explained, if the Board so wished. Under any circumstances each tenant would have to obtain a permit through Mr. Mooreland's office and pay the necessary fee. It was his thought, Mr. Groff continued that the blanket variance might save time on the part of the Board and would be just as effective in control of the signs.

Since this blanket application was not before the Board, Mr. Verlin Smith suggested that it be discussed between Mr. Mooreland and the Commonwealth's Attorney.

Mr. V. Smith stated that in view of the overall picture of this shopping center, which is large and the setback is in excess of 300 feet for this particular application, and the remainder of the development of the shopping center - which is to have uniform grouping of signs in the center as to color and size, that this application be granted because it does not appear to adversely affect neighborhing property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

It was added to the motion that this application is granted in accordance with the plat submitted with the case, dated May 2, 1956, drawn by Regal Sign Company, Inc. This addition was accepted by members of the Board

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10- DR. A. W. TENNEY, to permit erection of a National Headquarters Building for the Future Farmers of America, on east side Route #235 and 480 feet south of Route #1, Mt. Vernon District. (Rural Residence).

Dr. Tenney represented the Future Farmers of America. This is an organization of 400,000 members Dr. Tenney told the Board, organized under national headquarters. The organization bought this thirty acres some time ago. They built old barracks for temporary use. They now have need of a modern building

058

10-Ctd. to take care of their expanding activities. Since this could not be accomplished in a residential area under theordinance, after conferences with Mr. Schumann, an amendment to the ordinance was proposed and adopted governing such organizations. Both the Planning Commission and the Board of Supervisors have been most helpful, Dr. Tenney said, in working this out. They will meet every restriction of the new ordinance. The building proposed will be in architectural conformity with Mt. Vernon and Woodlawn. Dr. Tenney showed a sketch of what they propose along with the landscaping and parking area. The building will be 176 x 40 feet. The property will be graded and filled. Sewer will be available before the building is completed.

The old grist mill is on this property and will be open to the public. This project will be an asset to the County, Dr. Tenney continued. There will be no local retail sales on the property, all of this being done by mail. The building will cost about $250,000.

The certified location of the building was discussed - which Dr. Tenney said would be presented at the time the permit was requested. They do not yet have a survey of the entire tract. Dr. Tenney also stated that the old green house and the old barracks would be torn down.

Mr. Verlin Smith asked about organized recreation - if it might be annoying to homes in the area. The neighbors do not object, Dr. Tenney said, and they will have no noisy recreational activities - perhaps soft ball or some similar slight activities.

Mr. Verlin Smith said in his opinion this was one of the most outstanding youth organizations in the Country. He moved to grant the application as shown on the sketch presented with the case because this conforms to the amendment 6-4-15 and subsection of this amendment.

Seconded, J. B. Smith

Carried, unanimously.

Dr. Tenney told the Board that he felt greatly in debt to the County for the good treatment he had received while working out this project.

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11- ROZIER C. BAYLY, to permit an additional store with less setback from street property line than allowed by the ordinance, northeast corner of Telegraph Road and Farmington Drive, Lee District. (Rural Business).

Mr. Hugh Marsh represented the applicant. When Mr. Bayly made this application, Mr. Marsh told the Board, he thought he would need a five foot variance, but his architect has since worked out his plans so he will need only a three or four foot variance. Since Farmington Drive is a 40 foot street, it would be necessary to set back from that street 55 feet. Telegraph Road is 30 feet wide and the front of the building is 79.3 feet from the right-of-way, which is considerably more than required. Even with the widening of Telegraph Road he would still be set back farther than the ordinance requires, Mr. Marsh pointed out.

11-Ctd.

Mr. Marsh presented a statement signed by five adjacent and nearby property owners stating they have no objections to the variance requested.

Mr. Marsh showed pictures of the house on the adjoining lot - the proposed building would be located about 40 feet from this house.

This building could not be located back farther as there is a steep bank at the rear of the lot and a retaining wall which would be expensive to move and replace. If the applicant cut down the size of the building to conform or cut off the front corner - where the violation would occur - it would not be practical. A 16 foot building as planned is about the least width for a store, Mr. Marsh said. It was noted that the front corner is the only part of the building which would violate because the lot graduates wider toward the rear, therefore the balance of the building conforms.

Cutting off the front corner of the building would spoil the architecture and make an unattractive front. Because of the distance from Telegraph Road, Mr. Marsh contended, there would be no traffic hazard and no obstruction to corner clearance. About two acres are zoned for business on this tract and the total floor space would be about 12,000 square feet. There is a storage space on the opposite side of the building.

It was not certain that Telegraph Road is 30 feet wide at this point, but Mr. Bayly stated that he thought the State had taken another ten feet from this side of the road in 1954.

Mr. Verlin Smith said he saw no hardship here and the topographic condition was not sufficient to warrant gratning this. This was just a matter of additional expense to the applicant - which he did not think should be the deciding point for the Board, unless a sufficient hardship could be established.

Mr. Marsh recalled that his client could have located his store closer to Telegraph Road - yet he has given a wide setback, the steep bank at the rear and the retaining wall would be impractical to move. There is sufficient parking space on the lot, the building cannot be located on the other side of the present building as the lease with the tenant states that a building will not be put there, and the variance requested is only three feet. He thought the hardship was established and an addition here would be an asset to the area - also there are no objections from property owners in the area. This building would house a beauty shop and barber shop.

Mr. Verlin Smith moved to deny the case because he could see no hardship for this property owner which any other property owner might have on a similar piece of property.

Mr. V. Smith thought the lot could be excavated at the rear and the building moved back to conform - therefore this could not be considered an undue or exceptional hardship.

Mr. Marsh thought this could be considered a reasonable request, the variance is very small, no one objects, no traffic hazard would result, and that this would not impair the intent and purpose of the ordinance.

060

11-Ctd. Mr. V. Smith thought the granting of this could encourage other similar requests. He read from the ordinance regarding the granting of cases because of hardship.

Mr. Bayly said it would cost $4000 to move the wall and excavate - which would preclude his building if he had to do that.

Mr. V. Smith suggested that the applicant bought the property with full knowledge of its physical condition.

Mrs. Henderson seconded the motion to deny the case.

For the motion: Mr. V. Smith, J. B. Smith, Mrs. Henderson

Against: Mr. Brookfield, Mr. Barnes

Motion to deny carried.

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12- ELLIS C. PRINCE, to permit erection of a garage within five feet of the side property line, Lot 508, Block 3, 1st Addition to Temple View, 303 Martin Street (formerly Birch Drive), Mt. Vernon Dist. (Sub. Residence).

A gravel driveway was in on this side of the house when he bought, Mr. Prince said, and he later covered it with concrete. The neighbor on this side does not object to the encroachment. There is no topographic condition - the lot is level.

Mr. V. Smith suggested extending the driveway to the back and locating the garage behind the house. Mr. Prince said he could but that he has a rambler and an extension on the side of the house would be much more attractive and in keeping with the architecture. He had thought of locating the garage on the opposite side of the house, but that was impractical as the kitchen is on this end and it would give a logical and easy entrance whereas on the other side it would disrupt the livability of the house.

It was also suggested that the garage be cut to 13 feet wide. This would not be practical, Mr. Prince said, as the house sets a little diagonally on the lot - this particular corner is closer to the side line than the front of the house. He felt he could not cut down the garage entrance.

There were no objections from the area.

The house on Lot 506, adjoining, is about 30 feet from the side line. His driveway faces Mr. Prince's driveway.

It was agreed that the builder had made the mistake of putting the driveway and kitchen on the side with the lesser setback - Mr. V. Smith suggested that it was not the function of this Board to correct mistakes of the builders. Mr. Prince recalled that there are many others in the County who have gotten permits with less setback than he is asking.

Mr. V. Smith said that while he was in sympathy with Mr. Prince he felt that the builders have made so many similar mistakes and granting one always encourages others to ask the same thing - he felt that the Board would be violating their oath to grant this.

NEW CASES - Ctd.

12-Ctd. Adjoining garages and driveways were discussed. Mr. Mooreland said they had not worked out satisfactorily.

Mr. J. B. Smith moved to defer the case until June 26th, to view the property.

Seconded, Mr. Barnes

Carried, unanimously.

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13- ELLIS E. LORD, to permit enclosure of carport as erected to remain within 12 feet of side property line (3905 Apple Tree Drive), Lot 2, Block 3, Section 1, Rose Hill Farms, Lee District. (Suburban Residence.)

This was enclosed without a permit and not knowing the regulations, Mr. Lord said. When the Zoning office found the violation, he made application for the variance. Part of this will be used for storage and the balance for a play space for the children in bad weather.

Mr. Mooreland called attention to the fact that this is a new subdivision.

Mr. Verlin Smith moved to defer the case until June 26th to view the property.

Seconded, Mrs. Henderson

Carried.

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14- DAN C. RUSSELL, INC., to permit erection of a pumping plant for Sanitary Sewer, access between Lots 1 and 30, Block 9, Section 1, Springfield Estates Lee District. (Suburban Residence.)

Mr. Holland, who represented the applicant, was unable to remain for the hearing. The Planning Commission recommended to grant this request.

Mr. Mooreland called attention to the fact that this plant has been okayed by agencies concerned as to design - and it is before the Board for location only.

Mr. Barnes moved to grant the application - adding at the suggestion of Mr. Verlin Smith that this be subject to approval by the Sanitary Engineer.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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DEFERRED CASE:

GRAYSON A. AHALT & WALTER HEBB, TRUSTEES, to permit swimming pool, boat port and club house with accessory installations including parking for private marina (boat dock) on approximately 8 acres of land on south side of proposed Bay View Drive (off #601), a parcel of 8 acres of land of Proposed Belmont Park Estates, Mt. Vernon District. (Agriculture).

Mr. Millsap recalled that this had been deferred for further information which he presented in the following letters:

061

DEFERRED CASE:

GRAYSON A. AHALT,ETC. - Ctd.

062

"Fairfax County Health Department
Fairfax, Virginia

May 17,1956

Mr. Burch Millsap
156 Hillwood Avenue
Falls Church, Virginia

Re: Club house site, Belmont Park Subdivision

Dear Mr. Millsap:

The above site has not been tested for percolation but if tested and satisfactory results are obtained it would be approved for a septic tank system.

An alternate type system that may be possible is a sand filter system. The sand filter type system would be subject to approval of the State Water Control Board.

If we can advise you further please let us know.

Very truly yours,

/s/ Harold Kennedy, M.D.
Director"

"Gibson and Hix
Falls Church, Virginia

May 17, 1956

Board of Zoning Appeals
Fairfax, Virginia

Gentlemen:

The following information is submitted in compliance with your request of May 8, 1956 upon the application of Grayson A. Ahalt and Walter Hebb, Trustees for a permit to construct and operate a private marina at Belmont Bay, Fairfax County, Virginia.

The maximum membership of the association shall be 250 members, although it is not expected that full membership will be obtained for a period of two or three years.

The request for accessory installations may be limited to one small store to be located either between the fuel pumps and the club house lawn or at the end of the boat port, both areas being shown upon the plat submitted to the Board of Zoning Appeals. ~~[illegible]~~ The purpose of this store is for the sale of rope, life preservers, bolts and other small items necessary for maintenance and emergency repairs. There will be no repair shops or major repairs permitted upon the premises subject to the requested permit.

All items to be sold on the premises other than in the accessory store shall be limited to the club house. The club house will contain a kitchen and therefore short orders, sandwiches,and soft drinks will be sold to the members and their guests.

A letter has been requested from the Fiarfax County Health Department relative to the sewer or septic tank installation, and will be submitted to the Board on or before the meeting of May 22, 1956.

Very truly yours,

/s/ Burch Millsap"

063

While the percolation tests have not yet been made on the club site - Mr. Millsap said, a satisfactory system will be installed - if the percolation test is not sufficiently adequate. If the permit is granted, Mr. Millsap suggested that it be granted subject to satisfactory sanitary system of one kind or another. These people have spent a great deal on plans for this Club, Mr. Millsap continued, and will not stop until they have a completely adequate system installed. It will either be a sand filter type or whatever will be satisfactory to the State Water Control Board and to the County. Decision of the final type plant will be handled by Dr. Kennedy and approved by the State. This has been discussed with Dr. Kennedy.

Mr. Millsap agaon discussed the need in the County for this type of installation, stating that control of the project will be directly under the owners of lots in the subdivision - who will also control the increased membership. It was brought out that Route #601 will be extended and improved - leading into the project. This will be shown on the plat of the subdivision - Belmont Bay Estates. Route #601 will have a continuous right of way of 50 feet.

Mr. Millsap called attention to another subdivision about one mile from this project, thedeveloper of which is considering a disposal system - if that is practical it could be possible they will tie in with that. However, that is for the future, and would depend upon future developments around this area.

The Chairman asked for opposition.

Mr. Lamison who owns 24 acres adjoining this property with a 700 foot water front, objected. Also Mr. Bryant who has about 500 feet of water front, objected. Both Mr. Lamison and Mr. Bryant looked over the proposed plans.

Mr. Lamison said they have no objections to the property owners in the proposed subdivision having boats in the bay but they did object to the commercial aspect being introduced into the area.

Mr. Ahalt said this was planned for a limited membership - the property owners plus a few of their friends who would have use of the facilities. It was purely a non-profit arrangement.

Mr. Bryant thought this a very undesirable location for a marina because of tide conditions, which rip around the perimeter of the bay - blowing the water back from the shore line in such a manner that the water depth at the bay's edge is practically nothing. He showed a geological survey map of the soundings in the bay. It would be practically impossible to keep the bay sufficiently open to a depth practical for boats.

Mr. Lamison sold of a friend who had spent over $20,000 dredging the channel - and which was still unsatisfactory.

Mr. Ahalt said the Army Engineers will keep the channel open - that the bay area is completely under their control, and they will maintain it in a navigable condition. Mr. Ahalt showed the proposed location of the channel

they would dredge - by blowing out the dirt and accumulation.

Mr. Lamison thought the accumulation of trash, beer cans, and refuse resulting from a project of this type would ruin a very lovely area which is one of the few spots left in the County which is rural and free of cluttering.

Mr. Lamison also expressed the opinion that because of the trash, big trees, telephone poles, timber, driftwood, etc - which are blown into the bay during winter storms - this area would not be practical for such a use. Boats sink and are left to rot. Then the water recedes and the accumulation is left scattered over the area. This area, Mr. Lamison contended, is not practical because of the nature of the tide. Mr. Lamison spoke of a marina on the Occoquan which is in the process of being developed, and which location he thought more practical.

Mr. Lamison and Mr. Bryant detailed experiences of others who had tried to keep the channel open but because of the peculiar chopping and churning of the tide they had found it impossible to keep it open for more than six months. They were both greatly concerned over the fact that this would appear to be uneconomical and unfeasible and that it would ruin a secluded beautiful area.

The commercialization of the project was also discussed. This, Mr. Bryant and Mr. Lamison object to. They also objected to the non-resident members. And again the objectors discussed the cost of keeping the channel clear - and questioned if the Army Engineers would do that - at such a cost and in view of the destructive and unpredictable winter winds.

It was questioned whether or not the Board would allow people to invest in something which was not econimically feasible.

Mr. Verlin Smith read the portions of the Ordinance under which the Board can act in this - Section 6-12 2- a-b and 4-a-15-c, which states that this could be granted if it is found that persons residing or working in the area are not materially affected adversely or that the location will not adversely affect the neighborhood, etc.

It was noted that economics was not taken into consideration.

Mr. Millsap noted that most of the operations here will be within the tide water - which is not under control of the County. As far as it being uneconomical, Mr. Millsap said, his clients had spent much time and planning on this - they have had what they believe to be expert advice and are willing to take this calculated risk. They have made studies of other similar projects and believe they have something which will be satisfactory to the members of the Club and to the area.

Mr. Mooreland recalled that the Board had nothing to do with anything beyond the mean tide line - that they could consider only the recreational area on land.

DEFERRED CASE - Ctd.

GRAYSON A. AHALT, ETC., Ctd.

Mr. Millsap again stated that the control of this recreational project would be invested in the owners of land in the subdivision, and that the outside membership would also be controlled by the land owners. There would be a maximum of 250 members. No articles would be sold on the premises except small accessories necessary to boating. No repairs would be conducted here. Mr. Ahalt said the homes to be constructed will range from about $20,000 up but that the price of the lots would preclude an undesirable development. The non-profit corporation will be established and turned over to the property owners as soon as there are enough to warrant that, Mr. Ahalt said. There will be no profit to anyone. Each lot purchaser will get a share of stock, Mr. Ahalt continued. Members other than property owners who are later admitted will pay a fee to be determined.

Mr. Lamison asked if there was any plan to lease out any of this project. Mr. Ahalt said "no" - that that had been talked of at one time but they plan definitely not to do that.

Mr. Verlin Smith questioned granting this until the non-profit corporation is formed and until sanitary conditions and the road into the project are settled. Mr. Smith said he felt that this could operate to the best interests of the property owners if it is properly installed andproperly operated.

Mr. Millsap questioned which came first - the formation of the non-profit corporation, or the completion of all the plans - which would involve a considerable sum of money - when the granting of this application was not a certainty.

Mr. Verlin Smith thought the unknown factors were perhaps too numerous - who will operate the project, sanitary conditions - it would be difficult for the Board to determine if this would materially affect the neighborhood adversely.

Mr. Millsap thought the granting of this use was very important in their sales campaign - that they couldn't tell people a share of this stock would be turned over to them - without complete assurance that they could deliver that stock. The plats are now awaiting final approval in the Planning Office. As far as actual construction - they probably could not get going now until next summer, Mr. Ahalt said, but he felt it very necessary to know what he can tell the purchasers.

Mr. Verlin Smith told the applicant that if they would submit a letter stating that they would within a certain given time turn over the operation of this marina to the control of a non-profit corporation for control by the residents of this subdivision, and those residents will decide on any additional members up to 250, he felt that the Board would approve this.

Mr. Millsap said he could bring such a letter to the Board or have it ready this evening. Mr. Ahalt agreed to giving the Board a letter covering these things

066

DEFERRED CASE - Ctd.

GRAYSON A. AHALT, ETC. - Ctd.

Mr. Lamison and Mr. Bryant agreed that the terms of the letter suggested by Mr. Verlin Smith would satisfy them, and they would withdraw their objections.

It was agreed that this meeting would be adjourned until Friday night, May 25th at 8 p.m. for presentation of the suggested letter and for the passing of a resolution.

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NEW CASE

8- STRAW CORPORATION - No one was present to discuss this case

Mr. J. B. Smith moved to defer it until June 26th

Seconded, Mr. Barnes

Carried

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The meeting adjourned until Friday May 25th at 8 p.m.,

John W. Brookfield

John W. Brookfield, Chairman

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Adjourned meeting - May 25,1956

8:00 p.m. in the Board Room of the Fairfax Courthouse - with all members present

GRAYSON A. AHALT, ETC. - The following letter was read:

"May 25, 1956

Board of Zoning Appeals
Fairfax, Virginia

Gentlemen:

In compliance with my agreement with the Board of Zoning Appeals of May 22,1956, you are advised that within two years from this date that control in the Belmont Park Club and Marina, will be turned over to a non-profit organization comprised of the lot owners in the subdivision of Belmont Park Estates.

This agreement is entered into with the consent of Walter Hebb and Walter O. VonHerbulis, the other owners. The three of us being the sole owners and comprising the only parties in interest.

Respectfully submitted,

/s/ Grayson A. Ahalt"

Mr. Millsap suggested that if the Board granted this case it be done subject to the three letters submitted by him.

GRAYSON A. AHALT, ETC. - Ctd.

067

Mr. Verlin Smith moved that the application be granted and the granting be on the basis of letters submitted by the applicant - letters dated May 17, 1956 and May 25, 1956 and this is granted under Section 6-4 subsection 15-c and Section 6-12 paragraph 2 a and b and that this is subject to approval of the sanitary facilities by the County Health Department and by the State Water Control Board or any other governing body which may have jurisdiction.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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The meeting adjourned.

John W. Brookfield.

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday at 10 O'clock, June 12, 1956 in the Board Room of the Fairfax Courthouse, with all members present

068

The meeting was opened with a prayer by Mr. J. B. Smith

DEFERRED CASES:

1- 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).

Since Mr. Howard was not present to discuss his case, Mr. V. Smith moved that this case be placed at the bottom of the list.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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2- AGNES M. FRANKS, to permit erection of carport within 5-1/2 feet of side property line, Lot 91, Section 2, Westhampton (1112 East Greenwich Street), Dranesville District. (Suburban Residence).

A letter was read from Mrs. Franks stating that she had reviewed her plans and found that the garage can be located 5.5 feet from the side line rather than the 4 feet requested - and restating her reasons for asking this variance - that she can use the concrete strips which are already in and the need for a shelter for her car, especially in winter.

Mr. V. Smith said he was entirely sympathetic with Mrs. Frank's problem but he found it difficult to approve this because there are alternate locations for the carport without variance from the Ordinance. Mr. V. Smith suggested that by the addition of a little gravel to change the driveway the carport could be located at the rear of the house line.

Mrs. Franks said this would interfere with the utility windows and would be expensive to tear out one of the concrete strips and relocate the driveway.

Mr. Mooreland suggested that the carport could be detached - continue the concrete strips to the back line of the house and locate the carport 4 feet from the side line - all within the Ordinance. This would necessarily have to be behind the rear line of the house and 5 feet from the house.

Mrs. Franks said she had not realized that - that such an arrangement would be satisfactory to her.

Mr. V. Smith therefore moved to deny the case because it does not conform to minimum requirements of the Ordinance and there are alternate locations to place the carport on the lot without a variance.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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DEFERRED CASES

3- WILLIAM E. MOSS, to permit dwelling as erected to remain within 13.6 feet of side property line, Lot 331, Section 1, Chesterbrook Woods, Dranesville District. (Suburban Residence)

069

No one was present to discuss this case.

Mr. V. Smith moved that it be put at the bottom of the list

Seconded, J. B. Smith

Carried, unanimously.

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4- SAUL CONSTRUCTION COMPANY, INC., to permit dwelling to remain as erected 17 feet of side property line, Lot 30, Section 1, Westbriar Country Club Manor, Providence District. (Rural Residence).

Mr. Mackall represented the applicant. Since the first hearing on this, Mr. Mackall said they had negotiated with the Wilsons (owners of the adjoining lot and the objectors to this variance at the last hearing) and have agreed to furnish materials for a fence between the two lots - Lots 31 & 30. Mr. Saul Ritzenberg, the builder, was also present. He apologized to the Board for not being present at the original hearing - he had thought it was not necessary.

Since the Wilsons have felt that they were hindered by the error in location of the house on Lot 30, Mr. Ritzenberg said they had agreed to give them what they have requested in an effort to reduce the injury. The following letter from Mr. Mackall to Mr. Wilson detailing the conditions under which the Wilsons would withdraw their opposition was read:

"Law Offices

PICKET, KEITH & MACKALL
Fairfax, Virginia

Telephones
Crescent (3-0320
(3-0321

Charles Pickett
James Keith
Henry C. Mackall

7 June 1956

Mr. and Mrs. J. Carroll Wilson
4237 32nd Road S.
Arlington, Virginia

Dear Mr. and Mrs. Wilson:

Pursuant to the request of Mr. Ritzenberg and with the concurrence of Mr. Wright, I am writing to advise you that if you will agree not to oppose the granting of an exception to the side yard lines of the Fairfax County Code, and not take any civil action in connection with the location of the house now being constructed on Lot 30, Niblick Drive, Westbriar Country Club Manor, Fairfax County, Virginia, they will agree to furnish all of the material requested by you for the purpose of erecting a fence between the above mentioned lot and the lot on which your house is being built, with the understanding that the shrubbery is to be changed to arborvitae as soon as the variance is granted by the County Board of Zoning Appeals. To clarify the "as soon as" provision, this will be furnished within 10 days from the date the variance is granted. It is my understanding that you have already agreed with Mr. Ritzenberg that

DEFERRED CASES - Ctd.

4-Ctd. SAUL CONSTRUCTION CO.,INC. - Ctd.

Letter from Mr. Mackall - ctd.

070

you will accept this offer, and if such is the case, I would appreciate your signing the original of this letter and returning it to me, so that I may present it to the Board of Zoning Appeals at its meeting on the 12th.

Yours very truly,

/s/ Henry C. Mackall

HCM:gbs

Copies to: Saul Construction Company, Inc.
1028 Connecticut Avenue, N.W.
Washington, D. C.

Mr. Harry Otis Wright, Jr.
Fairfax, Virginia

Noted and returned:
Accepted by

(signed) Lois F. Wilson
(signed) J. Carroll Wilson"

Mrs. Henderson asked Mr. Ritzenberg why they continued construction on the building after they knew the house was in violation.

Mr. Ritzenberg recalled the early details - stating that when Mrs. Wilson told him she thought the house was too close to the line, he answered her that he did not know if that was so, and suggested that she contact Mr. Wright's office to find out just what the situation was. At that time they had completed about $8,000 worth of construction on the house. When Mr. Ritzenberg talked with Mr. Wright - Mr. Wright told him to continue with the construction and to put the carport on the left side of the house. Mrs. Wilson had previously talked with one of the brick layers, Mr. Ritzenberg said, and he did not know anything of the violation until he met Mrs. Wilson on the job - and after that he talked with Mr. Wright.

Mr. J. B. Smith asked Mr. Ritzenberg if he didn't check the locations of his buildings. Mr. Ritzenberg said yes - to a point, but that when it comes to engineering matters - that was left to his engineers. Therefore, when Mr. Wright told him to go ahead with construction - he did so.

Mr. J. B. Smith recalled also that Mr. Ritzenberg had gone ahead with construction after the County had told him the house location was wrong, and now the house is practically completed. Mr. Ritzenberg admitted that that is so - but he thought the engineers would take care of the violation - as indicated in the following letter :

4-Ctd. SAUL CONSTRUCTION CO.,INC. - Ctd.

071

"April 12, 1956

Saul Construction Co.,Inc.
1028 Conn. Ave.,N.W.
Washington, D.C.

Gentlemen:

We agree to pay to you all necessary cost on Lot 28 Niblick Drive, Westbriar Country Club Manor, Fairfax, Ba.; for digging foundations, digging and pouring footings and refilling old foundations which was located incorrectly due to the error on the part of our engineers.

We instruct you to continue with construction of house on Lot #30 Niblick Drive, Westbriar Country Club, Fairfax Virginia, even though, due to our error the house has been placed incorrectly. Our intention is to get the zoning board of Fairfax County, Virginia, to approve present location of house but if in any event you are required to make any changes due to our error we will gladly bear all costs to you. It is understood that you will put the carport on the left side of house instead of right side to help us in this matter.

Yours very truly,

HARRY OTIS WRIGHT,JR.

/s/ Harry Otis Wright, Jr."

Mrs. Charlotte Nurge asked if the footings were not inspected before actual construction began. Mr. Mooreland said the building inspector checks the footings and construction is supposed not to have gone beyond the first floor joists, but on large scale developments it is impossible for his office to check location of footings in the beginning. The builder is required to furnish his office with certified location plats when the house is up. Since there is actually only a three foot violation here, Mr. Mackall said it would be possible to take off the three foot encroachment. This will be expensive, Mr. Mackall continued, but it could be done - rather than to tear down the house. However, since this is only a three foot variance, Mr. Mackall recalled that the Code says relief can be granted if it does not impair the public good. He could not see where this granting would be a serious detriment to anyone. Mr. MacKall also stated that in the beginning his firm had thought this was just an honest mistake, and that the Wilsons were unreasonable, but they had found that the Wilsons did have a just complaint. At the same time, Mr. Mackall continued, he did not think the granting of this would do any substantial harm.

Mr. V. Smith thought it would have been reasonable to at least stop work on the building until the case was settled with the County.

If it is necessary to take off the corner of the house, Mr. Ritzenberg said, one might as well tear down the whole house, that they are working under a V.A. loan and must meet their requirements, they couldn't sell the house under the V.A. loan if they cut the size of the house. He thought this would jeopardize their loan.

DEFERRED CASES - Ctd.

4-Ctd. If the carport or garage can be worked out for the other side of the house that would be satisfactory with him, Mr. Ritzenberg said - otherwise they could try to sell the house either with or without the carport. Mr. Ritzenberg again stated that there was no intention to violate any ordinance, that he had relied upon Mr. Wright's judgement as Mr. Wright is familiar with these matters. He thought the matter was well straightened out with the Wilsons, who have agreed with the proposal made by Mr. Wright's attorney. They had continued construction because they thought this would be worked out satisfactorily.

072

Mrs. Henderson stated that since no hardship has been shown in the evidence as outlined in Section 6-12-g of the Ordinance, and the only hardship shown has been that which was created by the builder, she would move to deny the application.

Seconded, Mr. J. B. Smith

Voting for the motion: Mrs. Henderson, J. B. Smith, V. Smith, Brookfield.

Mr. T. Barnes voted "no"

Motion carried.

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Mr. V. Smith thought in this case that the County was lax in not requiring plats to be submitted at the first floor joists level; that Mrs. Wilson had done all a reasonable person could do to advise the builder of the error and after Mr. Ritzenberg told Mr. Wright of the error that immediate action should have been taken to correct it.

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R. H. STOWE, INC., to permit dwelling to remain as erected closer to side and front property lines than allowed by the Ordinance, Lot 48A, Resubdivision of Lots 43 thru 49, Dale View Manor, Providence Dist.(Sub. Res.)

Mr. Ed Carroll represented the applicant. Mr. Carroll recalled the error here - wherein they had staked out the houses around the cul-de-sac. After the houses were completed they discovered an error in the location of the cul-de-sac. When they re-located the cul-de-sac it was found that all the houses on the cul-de-sac were in violation. They then resubdivided and corrected all the errors except this one which they were unable to make conform.

Mr. V. Smith suggested that by moving the cul-de-sac a little farther into Lot 43-A it would relieve the setback on Lot 48-A. This would correct one error but would create another, Mr. Carroll said, as the house on Lot 44-A would then be in violation. There is a contract sale on the house on Lot 44-A. Mr. V. Smith then suggested that it would be better in his opinion to request a variance on the 50 foot radius of the cul-de-sac rather than on this house. The house on Lot 48-A is located 32.1 feet from the right of way.

DEFERRED CASES - Ctd.

5-Ctd. It was noted that the plat did not show the exact setback distance of the houses on the cul-de-sac - therefore, Mr. J. B. Smith thought it might be possible to check these distances for a possible relocation of the cul-de-sac. Mr. V. Smith moved to defer the case until July 10th to give the applicant an opportunity to work out a different layout with special reference to the possibility of moving Leighton Drive and the possibility of moving the carport to a different location.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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6- ROBERT D. HUFFMAN, to permit erection of a garage 40 feet of Renee Street, Lot 7, Block 4, Glynalta Park, Lee District. (Agriculture).

No one was present to discuss this case, therefore Mr. J. B. Smith moved to put this at the bottom of the list.

Seconded, Mrs. Henderson

Carried unanimously.

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NEW CASES:

1- RUSSELL S. REVERCOMB, to permit erection and operation of a service garage on south side #29 - #211, approximately 400 feet west of Village Drive, Centreville District. (Rural Business).

Mr. Stuart DeBell represented the applicant who was present also. Mr. Revercomb is a partner in the Trio Motor Sales Company who have been operating a used car dealer business and filling station since 1949, Mr. DeBell told the Board. During the years they have paid out a great deal for garage repairs. They wish now to service cars in their own garage with a mechanic on duty full time. This will also have a car inspection station. This is a generally developed business area, Mr. DeBell continued, with commercial zoning on one side and a business use (Millican Kennels) on the other. This latter property has agricultural zoning. There is also rural business zoning across the street.

The garage building will be located behind the office and filling station. They will meet all setbacks.

There were no objections from the area.

Mr. V. Smith questioned the fact that the plats did not show ingress and egress. Mr. DeBell explained that the entire frontage is black-topped to the right of way and the ingress and egress is already established, having been approved by the Highway Department at the time of installation of the filling station. It was noted that a small curbing is located in front so cars will enter on one side of the curbing and exit on the other.

Mr. V. Smith moved to grant the application under Section 6-16 of the Zoning Ordinance because it conforms to the requirements of that section.

Seconded, Mr. T. Barnes

Carried unanimously.

June 12, 1956

NEW CASES - Ctd.

074

2- WILLIAM R. SMITH, JR., to permit erection of carport closer to side and rear property lines than allowed by the Ordinance, Lot 10, Block 20, Section 4, Belle Haven, (233 Belle Haven Rd.) Mt. Vernon District. (Urban Residence).

It was suggested that the applicant move the carport toward the center of the lot - allowing the required setback. Mr. Smith said if he did so it would be difficult to get two cars into the carport because of the sharp curve. Mr. Smith noted that the house on the adjoining lot is about 50 feet away therefore he did not think the request for 1.2 feet from the side line and 0.9 feet from the rear would affect the owner of that property adversely. Mr. Barnes suggested swinging the building to give a slanting entrance which would probably give room for a turn-around in front of the carport and would also conform to setback requirements.

Mr. Smith said Belle Haven Road is little traveled and it ends within about two blocks - therefore most people back our of their garages into the street with no particular danger.

Mr. V. Smith thought all possible locations for the carport should be explored and from the plats it would appear that there are other locations, he therefore moved to defer the case until July 10th to view the property with special attention to checking to see if it is not possible to locate the carport without a variance.

Seconded, Mr. J. B. Smith

Carried unanimously.

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3- FRANCIS L. MARTIN, to permit enclosure of carport as a recreation room, 10.53 feet off side property line, Lot 18, Block 23, Section 8, Springfield (7318 Essex Avenue) Mason District. (Suburban Residence).

This carport is built onto the house - being a continuation of the roof and actually an integral part of the house. It is enclosed by one full brick wall of the house and by the utility room at the rear. It will be relatively inexpensive to enclose this, Mr. Martin said. Mr. Martin noted that just about two blocks away from him the zoning changes and one would be allowed to come this close to the line without a variance.

Since this is a new section in the subdivision, Mr. Brookfield suggested that the Board see this property before taking any action.

Mr. V. Smith said that since there would appear to be alternate locations for this addition he felt the case probably should be denied.

Mr. Martin felt that it was impossible to put on an addition in any other location because of the fact of the expense, that this is a practical place for an addition and would not be detrimental to anyone.

Mrs. Henderson called attention to the fact that the utility room is already in violation.

Mr. Mooreland said the builders had been putting utility rooms at the rear of these carports which are now allowed an extra 5 foot leeway. It had been difficult to refuse the utility rooms but the net result has been unsatis-

3-Ctd. factory in that a carport built, as this one, 10 feet from the side line with a utility room at the rear - it actually brings the house within 10 feet of the side line. He thought the 5 foot leeway on garages should be removed from the Ordinance. It has been abused and has not served the purpose for which it was intended.

Mrs. Henderson thought this would encourage other property owners down the line to ask the same variance, which it would be difficult to deny.

There were no objections from the area.

It was noted that the urban zoning, which would allow this encroachment, is about three blocks away.

When he bought the property, Mr. Martin said, the sales talk was that he could have the carport enclosed. This was not in writing, however, but it was his understanding.

Mr. Brookfield noted that Essex Avenue and Hanover Street - its connecting street - are both heavily traveled thoroughfares.

Mr. V. Smith said that granting this would bring in so many other requests for the same thing and he felt if the Board had granted such requests in the past - it actually was amending the Ordinance, and should not have been done. He suggested that if a group of the people in this neighborhood are wanting such a variance - they band together and ask the Board of Supervisors for urban zoning.

Mr. V. Smith moved to defer the case until July 10th to view the property.

Seconded, Mr. T. Barnes

Carried, unanimously.

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Mr. Martin told the Board that there are others in his area (two) who have enclosed carports located in a similar manner.

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4- CLAUDE B. COOPER, to permit shed as erected to remain within 2 feet of rear property line, Lot 428, Mason Terrace (107 Bolling Road), Falls Church District. (Suburban Residence).

Mrs. Cooper said they had built this shed to take care of garden tools - since they have no basement and no storage room. They did not know it was necessary to have a permit for so small a building. When they had the foundation in they were told they should have a permit. Inspection revealed that they were too close to the rear line. Therefore they came to the Board with this request. This is a cinderblock shed about 8 x 8 feet.

The neighbor at the rear, most affected, gave Mr. Cooper a letter which was read, stating he did not object to the tool shed - in fact he would appreciate having it there as a means of better taking care of Mr. Cooper's tools.

June 12,1956

NEW CASES - Ctd.

4-Ctd. The building is on a concrete slab, Mrs. Cooper said, it would therefore be difficult to move, although Mrs. Henderson thought the slab could still be used if it were left and the building moved.

Mrs. Henderson stated that while she was sympathetic with Mr. Cooper's situation,she felt the building should be made to conform to requirements she therefore moved that the application be denied because it is possible to move the shed forward 8 feet, which would comply with the regulations.

Seconded, Mr. V. Smith

Carried unanimously.

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5- GILBERT G. MORRISON, to permit carport as erected to remain within 4-1/2 feet of side property line, Lot 408, Mason Terrace (200 Winchester Way), Falls Church District. (Suburban Residence).

Mr. Morrison said he had planned to build his carport in 1952 and 53, but got no further at that time than the foundation and wall. However, he put in a concrete slab and driveway with the plan to locate the carport at the end of the driveway. He thought it would be all right to place the carport 4 feet from the side line. After he started construction of the carport he was told (by whom he couldn't remember) that he should have a permit and have his setbacks checked - but he thought that any construction under $300 was exempt from the permit requirement. Therefore, he went ahead with construction without a permit. When asked if he knew there were zoning regulations in the County, Mr. Morrison said he had thought that strict regulations were not in effect at the time he built. He noted that there are 46 feet between his carport and the house on the adjoining lot.

Mr. Morrison discussed the White Post Walkway which borders his property which he said had been littered with trash and was badly overgrown. He had cleaned that up and had build a wall to take care of the water that runs down this ten foot strip.

Mrs. Snyder, who lives on the adjoining property told the Board that the fence Mr. Morrison had put up is within the 10 foot walkway by four or five feet - the walkway belongs to the County. (Her complaints about the Morrisons were disregarded by the Board). She said that since the walkway was not taken care of by anyone (it was put through here for convenience of children and bicycle riders) Mr. Morrison had used it by extending his side line.

Mr. V. Smith moved to defer the case to July 10th to view the property.

Seconded, Mrs. Henderson

Carried unanimously.

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076

NEW CASES - Ctd.

6- HOOPER CONSTRUCTION CORPORATION, to permit dwelling to remain as erected 38.48 feet of Forrest Lane, Lot 29A, Section 2, Briggs' and Hoopers' Addition to Chesterbrook Woods, Dranesville District. (Suburban Residence).

No one was present to discuss this application. Mr. Barnes moved that it be put at the bottom of the list.

Seconded, Mr. J. B. Smith

Carried unanimously.

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7- DOCTOR HENRY J. HORN, to permit operation of Medical Research Laboratory on east side of Chichester Road, 4/10 mile south of #50, Providence Dist. (Rural Residence).

Dr. Horn told the Board that he would like to use the existing building shown on his plat for research work of a medical nature. There will be no manufacturing on the premises. The building is located 200 feet or more from all property lines, within a wooded area. The building is valued at about $20,000. This laboratory will be available to Doctors in the County for clinical research services. At present Doctors have to take their patients to Arlington for diagnostic studies. The research would be done particularly on fluids - blood, urine, etc. However, Dr. Horn said he did not wish to limit the scope of his work - as he is interested in other types of research also - including cancer. Dr. Horn said he is a member of the Fairfax County Medical Society.

There were no objections from the area.

Mrs. Henderson asked for a definition of the word "scope" - used in the ordinance. Mr. Mooreland said that was put in the ordinance to control manufacturing in connection with research.

Doctor Horn said the neighbors had been advised of his plans and many of them had said they would be glad to sign a statement indicating their approval. The Boy Scouts have been meeting here, Dr. Horn said, and he thot they also had spread the word. Dr. Horn said he would live on the premises.

Mr. V. Smith pointed out that this would be granted (if the Board does grant it) on the basis of the plat presented - and operations would take place in the existing building, without approval for extension - however, Mr. Smith noted that Dr. Horn could come back to the Board at any time to request expansion.

Mr. V. Smith moved to grant the application under Section 6-4-15-m and related subsections, because the application conforms to these sections. The application is granted as shown on plat - Survey of Property of Henry J. and Anna C. Horn, dated 8/7/54 by A. C. Moran, Certified Land Surveyor No. 359, and revised 8/12/54.

Seconded, Mrs. Henderson

Carried, unanimously.

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NEW CASES - Ctd.

8- GWYN E. MURDOCK, to permit carport to remain as erected within 5 feet of side property line, Lot 385, Mason Terrace (201 Winchester Way) Falls Church District. (Suburban Residence).

078

Mr. Murdock said he had built his carport without a permit - thinking the permit was not necessary because the construction cost was under $300. Winchester Way is narrow and he wanted to get his car off the street, Mr. Murdock explained. He put in the driveway and slab and constructed a shed type of roof over the slab. There are 55 feet between his house and the house next door. (This is across the street from the Morrison case above described).

Mr. Murdock said he did not think the structure unsightly. He had thought zoning regulations applied to business property only, and that the setback was up to the contractor.

Mr. V. Smith moved to defer the case to view the property - deferred to July 10th.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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Since July 10th is election day, Mr. V. Smith moved that the July 10th hearing be changed to July 9th, and that all applicants be so advised.

Seconded, Mrs. Henderson

Carried unanimously.

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9- MAURICE A. LEWIS, to permit erection of an enclosed porch 11 feet of side property line, Lot 5, Section 8, Holmes Run Acres (2317 Executive Avenue) Falls Church District. (Suburban Residence).

This would be a 12 x 16 foot addition, Mr. Lewis explained, planned to be used as a porch in summer and to have some kind of enclosure for the winter. He could not locate this addition on the opposite side of the house where there would be sufficient room to meet requirements because of the access which would be through the kitchen sink or the bathroom. It would not be practical to break through. There are about 60 feet between his house and the neighbor who would be affected by this, Mr. Lewis said. Mr. Lewis called attention to a neighbor near him who had obtained a variance in a similar situation last year. He enclosed a carport which was toward the street. He has a carport on the opposite side of his house, Mr. Lewis said, which he could not enclose for this room, as his front door opens into the carport.

Mrs. Henderson suggested adding to the rear of the carport along the house. That is the location adjoining the kitchen and it would make the kitchen dark, Mr. Lewis said. He wanted this area kept open for air and light. There were no objections from the area.

9-Ctd. Mr. V. Smith moved to deny the case because there is an alternate location to construct this requested addition.

Seconded, Mr. T. Barnes

Carried, unanimously.

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10- ROBERT HALL CLOTHES, INC., to permit erection of two signs - one sign 120 square feet in area, and one sign 210 square feet in area, total area 330 square feet - on west side of U. S. #1, 1140 feet north of the southerly intersection of U. S. #1 and Route #628 immediately north of Luther A. Gilliam Subdivision, Lee District. (General Business).

Mr. Ed Gasson represented the applicant. The Company wishes to erect two signs, Mr. Gasson told the Board, one on the 215 foot wide building and the other a pilon. The sign on the building will have 120 square feet the pilon - 210 square feet on each side. This is the style sign the Company wishes to use as their trade mark, Mr. Gasson said, it is used now throughout the Country on their stores. This is a chain operation, four stores in the Metropolitan Area.

(It was noted that this applicant has made two applications, one on Rt. #50 and the other on U. S. #1. Mr. Gasson said he would combine discussion on both applications).

Mr. Gasson recalled that the Board had granted signs of similar or larger dimensions at Annandale and for the Giant Store at Seven Corners. Mr. Gasson also pointed out that if this 215 foot frontage were divided into small shops they could have six signs, which would total about 160 square feet more sign area than they are requesting.

Mr. Gasson contended that these signs were necessary for competitive reasons. Each store will employ about 30 people and in the neighborhood of $120,000 will be added to the property value - therefore, Mr. Gasson contended, that this is a reasonable request, particularly in view of the other similar signs granted by the Board.

Mr. Wells from the sign company was present also. In answer to Mrs. Henderson's question regarding color and lighting of the sign, Mr. Wells said the lighting will be diffused on the pilon sign - the lights are on the interior of the sign - shining through the surface material.

The signs on both the buildings will be the same - the only difference in the two applications if the size of the lots.

Mrs. Henderson called attention the number of residences on Route #50 which might be adversely affected by too much sign illumination.

Mr. Mooreland called attention to the reasons for granting the other large signs - which reasons do not necessarily apply in this case - at Seven Corners the pilon had to be larger because of the rise in the land and the other large sign was located bery far back from the right of way.

10-Ctd. NEW CASES - Ctd.

Mr. Gasson said he was merely making a comparison of sizes. He indicated the applicant would be willing to move the sign location if the Board wished. Mr. Mooreland said the site distance condition did not exist here.

Mr. Gasson recalled that some of the Board members had stated that the present sign ordinance was inadequate - with which he agreed.

Mr. V. Smith said he was not in favor of such large signs on business property - that he felt the Board should have an opportunity to study sign sizes particularly on U. S. #1. (Mr. Mooreland said the sign permits were available in his office).

Mr. V. Smith moved to defer both Robert Hall Clothes applications until July 9th - for study.

Seconded, J. B. Smith

Carried, unanimously.

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11- ROBERT HALL CLOTHES, INC., to permit erection of two signs - 1 sign 120 square feet in area, and one sign 210 square feet in area, total area 330 square feet, north side of Arlington Boulevard, approximately 200 feet west of Cherry Street, Falls Church District. (General Business).

Mr. Gasson discussed this application with the one immediately preceeding.

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12- BAYARD D. EVANS, to permit erection and operation of a tea room approximately 365 feet from #123, on west side of Chain Bridge Road, #123 adjoins Church property on north, Dranesville District. (Suburban Residence).

Mr. Evans told the Board that he had covered the area and the neighborhood with petitions in an effort to know if there was opposition to this use and whether or not the people approved of it. He presented two petitions, one with 36 names - the other with 93 names, stating they did not object. Also the Board of Trustees of the Lewinsville Church have no objection. Many of the people in the community have expressed the opinion that a tea room of this type will be an asset to the community and is badly needed. Since there is nothing comparable within a reasonable distance. The site selected, Mr. Evans continued, is very beautiful. It is high - with a view of the Washington Cathedral and the Naval Hospital at Bethesda. He showed a topographic map of the area, and the building location. There is only one home near the proposed site - that of the Sniders, who own a quarter acre adjoining the Evans property on the east. They do not object. Mr. Evans also showed pictures of buildings similar to the one he would put up. The building will be 367 feet from Route #123, and 38 feet from the side line. Other setbacks are far in excess of any requirements. The building may be turned slightly if a road which is proposed to go through the Evans property is definitely planned. However, it will still meet the setbacks shown on the plat.

080

12-Ctd. He plans to make this a very attractive operation which will be an asset to the County. While the plat shows parking for 124 cars, Mr. Evans said they have a much larger area which could be used if necessary. Water will be available.

There were no objections from the area.

Mr. V. Smith moved to grant the application as shown on plat exhibited - drawn by D. H. Drayer, Architect, dated 5/15/54; and plat by Joseph Berry dated February 11, 1956 - provided the building as shown on the plat does not come closer than 50 feet from the side property line, and that the applicant present a plat showing the existing buildings on the property located substantially as those buildings are shown on the plat presented with the case today and that sufficient parking space be provided for all users of the use. This is granted because it conforms to Section 6-5; 6-4-15-j; and Section 6-12 of the Ordinance.

Seconded, Mr. T. Barnes

Carried, unanimously.

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12- IRVING BERGER & GARFIELD KASS, TRUSTEES, to permit variances to Sign Ordinance to allow uniform signs according to specifications by owner at Seven Corners Shopping Center, Mason District. (General Business).

Mr. Groff represented the applicant. This application was filed in view of the Boards discussion at a previous meeting - to grant a blanket variance to the Ordinance to allow uniform signs according to specifications presented by the applicant.

Each person will get his own permit, Mr. Groff told the Board, and Mr. Mooreland's office will check in each case to see that it conforms to the above mentioned specifications.

The total frontage involved includes Arlington Blvd., Route #7, and Thorne Road - approximately 3,424.8 feet, and a total sign area of approximately 6,000 square feet.

Mr. V. Smith stated that in view of the desirable sign specifications which have been presented by the Seven Corners Shopping Center, and because the Board feels that such uniform sign limitations will be an asset to the County and to the Center, he would move to grant the application as outlined in a letter dated March 1, 1956 containing four pages which outline the sign specifications for the Shopping Center. This is granted under Section 6-12-3-g because there is an extraordinary and exceptional situation here and the strict application of the sign ordinance would result in peculiar and exceptional practical difficulties and the variance can be granted without substantial detriment to the public good and without impairing the general purpose and intent of the Ordinance and of the provisions of this Chapter.

Seconded, Mr. T. Barnes

Carried unanimously.

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June 12,1956

No one was present to discuss any of the cases which had been put at the bottom of the list. The Board discussed whether or not to handle the three cases which were deferred.

082

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6- ROBERT D. HUFFMAN. After viewing the property, Mr. V. Smith said he saw no reason to grant this - he therefore moved to deny the case because it does not conform to the minimum requirements of the Ordinance and there is an alternate location for the garage which would meet requirements.

Seconded, Mr. T. Barnes

Carried, unanimously.

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1- JOHN H. HOWARD. Mrs. Henderson moved that the applicant be notified that the two new members of the Board did not hear the original presentation of this case, and request that he be present at the hearing of July 9th.

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3- WILLIAM E. MOSS. Mr. V. Smith moved that Mr. Moss be notified that unless he is present at the July 9th meeting or shows cause why he cannot be present, this case will be dropped from the agenda.

Seconded, Mr. T. Barnes

Carried, unanimously.

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6- HOOPER CONSTRUCTION COMPANY. Mr. T. Barnes moved to defer this case to July 9th and that the applicant be notified to appear in support of his case or it will be removed from the agenda.

Seconded, J. B. Smith

Carried, unanimously.

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The meeting adjourned

John W. Brookfield.

John W. Brookfield, Chairman

The Regular Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, June 26th, 1956 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 Mr. Brookfield.

DEFERRED CASES:

1- Gerald E. Titherington, to permit an addition to dwelling 7 feet of side property line, Lot 74, Section 4, Pimmit Hills, (408 Pimmit Drive) Dranesville District. (Suburban Residence).

Mr. Titherington recalled that this case was deferred to view the property and to talk with the County Engineer regarding the drainage ditch running down the side of this property.

Mr. Mooreland stated that Mr. Kipp had suggested the Board allow no encroachment on this right-of-way because of the drainage flow.

Mr. Verlin Smith called attention to the fact that when the sanitary district is formed in this area and development takes place in this water shed, there will likely be a great deal more water flowing down this creek which could cause considerable damage if the drainage easement is not left free to take care of the increased run-off - and in fact it might be necessary to have more ground for drainage way. Mr. V. Smith also pointed out that the applicant has an alternate location for this addition.

Mr. Verlin Smith moved to deny the case in view of the Director of Public Works' statement regarding the possibility of utilizing the maximum width of the drainage easement and as additional development takes place in the water shed there is the possibility of having to acquire more land for the drainage easement.

Seconded, Mr. T. Barnes

Carried, unanimously.

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2- David Skinner, to permit carport to remain as built closer to side lot line than allowed by the Ordinance (1.25 ft.) Lot 68, Fenwick Park, (222 Stuart Drive) Falls Church District. (Urban Residence).

Mr. Skinner presented a letter from Mr. John Barry the one neighbor affected by this variance, which stated that Mr. Barry did not object to this and did not think that it would affect his property adversely.

In answer to why and how he got a building permit on this, Mr. Skinner said the carport was staked out at a time when he was away. There was considerable confusion regarding the line. When the carport was staked out it was thought it was within his boundary lines. When he returned and looked into the matter of location - he discovered he was in violation of the setback requirements. However, Mr. Skinner noted that his fence is well within his own lines.

DEFERRED CASES - Ctd.

2-Ctd. Mr. Mooreland recalled that Mr. Kipp, Director of Public Works, had said that anything the Board could do to help this man would be very fine, as Mr. Skinner had been very cooperative in helping to solve the drainage problem through here. (It was noted that Mr. Kipp made no statement regarding the granting of this variance).

Mr. Skinner told the Board that as he has planned the carport it will take some of the drainage away from his neighbor, pulling it to the front - that they had had a serious drainage situation here and had all worked together to try to clear it up. A garage or carport located in the rear yard would create further drainage problems, Mr. Skinner continued.

Mr. Skinner noted that his house sets at a very slight angle which makes the rear corner protrude if the side wall of the carport is set parallel with the house. He also noted that his chimney extends into the carport about one foot, making the 14 foot width almost necessary to be practical. Mr. Skinner pointed out that the house on the neighboring lot is located about 60 feet away to the far side of the lot, facing on the curved drive (Elmwood Drive) and no building could be located between the houses. Asked if he would be satisfied with a 3 foot setback, Mr. Skinner said he would rather not, as it would cost him considerable to change the footings and pour additional concrete.

Mr. V. Smith stated that in view of the drainage problem that exists on this property, and the adjacent lots, and because a garage or carport located in the rear yard would create an additional drainage problem, that the application be granted provided the carport comes no closer than 3 feet from the side property line. This variance is also granted because of the irregular shape of Lot 68 and the lot to the southwest (Mr. Barry's lot).

Seconded, J. B. Smith

Carried, unanimously.

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3- Ellis C. Prince, to permit erection of a garage within 5 feet of the side property line, Lot 508, Block 3, 1st Addition to Temple View, 303 Martin Street (formerly Birch Drive), Mt. Vernon District. (Suburban Residence).

Mr. Prince presented a petition signed by 12 of his immediate neighbors, stating their approval of this variance and of the particular proposed location of the garage.

Also Colonel Thompson, Zoning Committee Chairman of Groveton Citizens Assn. asked the Board to grant this request as in his opinion this addition will be an improvement to the neighborhood and will not in any way harm anyone in the area. Colonel Thompson said he had talked with many others in the area who did not object. While he is a strong supporter of compliance with all regulations of the County, the Colonel stated that there are cases where a variance is not out of keeping with the intent of the Ordinance and will do no harm and will actually be a great improvement to the individual house and to the area. He thought that applied here.

084

DEFERRED CASES - Ctd.

085

3-Ctd. In answer to the suggestion that one variance granted was an invitation to others to ask the same thing - and the County could end up with practically row houses - Colonel Thompson said he thought each case should be handled on its own merits and should not set a precedent.

Mr. V. Smith said the Commission had set up these set back regulations for a purpose - to allow for air, light and fire protection. In granting this it was recalled, the applicant must show a hardship, the only reason applicable.

Mr. Prince said he had no basement for storage and he plans a storage area within this garage.

It was brought out that the lot is level and actually the carport could be located on the lot in another location within the Ordinance requirements.

Mr. V. Smith quoted the clause under which this could be granted "..... exceptional practical difficulties to or exceptional and undue hardship upon the owner...." He felt this case did not come within that clause.

Mr. Prince called attention to several others in his neighborhood who had been allowed to come close to the line with no better reason than his - he felt he was being treated unfairly.

Mrs. Henderson suggested locating the garage behind the house. Mr. Prince agreed that he could do that - but it would not enhance the value of his house, whereas locating the garage on the side of his house would add to the attractiveness of the building and would be less expensive.

Mr. V. Smith reminded the applicant that the Courts have ruled that appearance and cost cannot be taken into consideration in these cases.

Mr. Prince said he could cut the garage down by one foot - but he wanted to build over the presently located driveway.

Mr. Prince's neighbor who would be most affected, stated that the proposed garage would come about 5 feet from his line - to which he did not object.

Mr. V. Smith moved to deny the case because there are alternate locations for the garage without a variance and no evidence has been presented by the applicant showing an undue hardship.

Mrs. Henderson seconded the motion stating she did so because in her opinion a line must be drawn some place and simply because some other similar variances may have been granted is no reason to grant this. She felt that granting this would encourage others to ask the same thing, and as a result the Board would in effect be changing the zoning in the area.

Carried, unanimously.

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4- Ellis E. Lord, to permit enclosure of carport as erected to remain within 12 feet of side property line (3905 Apple Tree Dr.) Lot 2, Block 3, Section I, Rose Hill Farms, Lee District. (Suburban Residence).

The Board had seen the property and thought this not a justified request.

Mrs. Henderson moved to deny the case because no evidence was shown that undue hardship exists nor practical difficulties to the applicant, and to

4-Ctd. grant this case it would in effect be the beginning of a change in zoning. This is a new subdivision with a suburban zoning which should be maintained. This is a level lot with no topographic condition and there is an alternate location on the property for location of an addition.

086

Seconded, Mr. V. Smith

Carried, unanimously.

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5- Straw Corporation, to permit carport as erected to remain within 9.45 feet of side property line, Lot 24, Block B, Section 1, Parklawn, (6809 Braddock Road), Mason District. (Suburban Residence).

Mr. William Stewart represented the applicant. This was one of those unaccountable errors, Mr. Stewart said. They have two standard carports they use on these houses, one is one foot smaller - which they use when the setback is cramped. They used the larger carport here, which created the small violation.

Mr. V. Smith pointed out that the posts could be moved in the one foot to make the carport conform. Mr. Stewart agreed that that could be done - but he also noted that it would be disrupting to move a bed of posies.

Mr. V. Smith said that while he was very sympathetic to mass production and to posies, he would move to deny the case because there is no evidence of an undue hardship nor practical difficulties and the posts can be moved in to conform to requirements without difficulty.

Seconded, Mrs. Henderson

Carried, unanimously.

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NEW CASES:

1- National Memorial Park, to permit erection of a crypt within 1' 4" of Hollywood Road, #704, 555 feet north of Route #29 and #211 on east side of #704, Falls Church District. (Suburban Residence).

This case was withdrawn by the applicant.

Mr. V. Smith thought the Board should have a letter requesting the withdrawal.

Mr. Mooreland considered that not necessary.

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2- John G. Ray, to permit an addition of dining room and an enclosed porch within 5.76 feet of side property line, Lot 14, Block 13, Parcel 5, Section 4, Buckhell Manor, (820 Rollins Drive) Mt. Vernon District. (Urban Residence).

Since he has three children and the mother-in-law living in the home, Mr. Ray stated, and the house is small, they need additional living space. This addition will give them a separate dining room and a good sized enclosed porch - however, it will bring the house within 1.76 feet of the side line. This will blend in with the architecture of the house and add considerably to the value of his home. This is not unlike many other additions in the neighborhood, Mr. Ray continued. He had checked with his close neighbors and had found no objection to the addition.

NEW CASES - Ctd.

2-Ctd. There were no objections from the area.

In answer to the suggestion that the addition be put on the rear of the house, Mr. Ray said he would get better light and air if the addition were on the side. Also if it were put across the back it would be necessary to enclose the bathroom fixtures and window. He noted that this same plan of expansion has been used by others in the area.

087

It was suggested bringing the porch back farther and cutting down the width of the dining area to about 9 feet. Mr. Ray said he had planned the addition just that way - but his contractor had said that was not a good arrangement and he would not enclose the bathroom as that would not conform to the plumbing code. Mr. Ray said he had no plan for a garage. The driveway is in on this side of the house.

Mr. V. Smith suggested that it was logical that the front area of the end of the driveway might some day grow into a garage if the house were sold. The carport could be located in front of the proposed dining room.

It was thought that by granting this - other similar houses would be in line for the same addition. Mr. Ray said some others already had this same addition, and they look good - are a real improvement to the houses. He recalled that one person in his neighborhood had come before the Board and was given a permit for this addition. (Mr. Lewis on Swathmore Drive).

Mrs. Henderson suggested locating the porch on the other side of the dining room, which Mr. Ray did not like because of the extreme afternoon sun.

The Board discussed at length with Mr. Ray other ways of expanding his house within Ordinance requirements, but without agreement on Mr. Ray's part.

Mr. V. Smith said it would be difficult to grant this since there is no topographic condition, the lot is level, and there are alternate locations for the addition and no undue hardship has been shown.

Mr. Ray called attention to the fact that this is the last section in the subdivision - the property faces a farm on the rear and there are only seven houses of this type in the area. He asked how others got a permit on a similar variance,which the Board could not answer without going into the minutes of those cases.

Mr. V. Smith quoted the hardship clause from the Ordinance - the only section under which the Board has authority to grant this case. Since these standards are set up for a purpose, Mr. Smith said he was of the opinion that since no undue hardship has been shown - the Board has no authority to grant this request.

It was noted that the addition could be extended in the rear to within 25 feet of the rear line. Plumbing regulations were again discussed, also a rearrangement of the rooms.

Mr. V. Smith moved to deny the case because there has been no evidence of undue hardship or no adverse topographic condition, and to grant the application would set a bad precedent.

Seconded, J. B. Smith Carried, unanimously

NEW CASES - Ctd.

3- Irving Berger and Garfield Kass, Trustees, to permit erection andoperation of a service station and to allow pump islands 25 feet of right of way line of Arlingron Blvd., Tract 1, Parcel C, Foote Tract at Seven Corners Shopping Center, Mason District. (General Business). 088

Mr. Berger explained their purpose in asking for a service station on their property, orienting the Board by displaying a complete plan of their development. This station, Mr. Berger continued, will be wholly within their own property with access to the Service Drive only - no access to Arlington Blvd. The architecture will conform to that of the development. He showed a rendering of the plans with all elevations.

The purpose of this service station - to which will be added a Western Auto Supply Shop - will be to furnish an automotive service center for customers of the Seven Corners development. By the addition of this service station it will give the customers a complete shopping service - all with the one stop, Mr. Berger explained. People can leave their cars for complete servicing and can purchase accessories. Since this will be located entirely within their own property, it will not affect any residential property, and being on the service road will not add to traffic congestion. Mr. Berger also pointed out that this station will not be in competition with other filling stations in the area as it will not have access to the boulevards. People will not naturally make the extra effort of turning in to the service drive to buy gas.

The parking ratio on the shopping center is about 7-1/2 cars per 1000 square feet of sales area, Mr. Berger told the Board.

Mr. John Stevenson, owner of a service station on Route #7, objected - stating that the independent service station operators in the area did not know of this planned service station until one week ago, and therefore had not employed council, and have had little time to prepare their opposition. He presented a petition from the retail gasoline dealers in the area opposing this use on the following grounds:

At the present time there are nine (9) filling stations located within 1/2 mile of this area, therefore, this would not appear to be a needed facility; since Arlington Blvd. is designed for a high speed-limited access highway the additional traffic from this station was not consistent with highway plans; no further tax revenue would accrue to the County from this station because while this service station may gain business the other nine would suffer loss of business - therefore producing less revenue; this use would reduce the available parking space. This petition was signed by eight (8) service station operators in the area.

Mr. Stevenson suggested that a policy similar to an amendment to the Falls Church Zoning Ordinance might be appropriate in Fairfax County. This amendment prevents filling stations from locating too close to each other. It was recalled to Mr. Stevenson's attention that the Fairfax County Ordinance reads just the opposite - to locate filling stations in compact groups.

NEW CASES - Ctd.

3-Ctd. A letter was read from Mr. Horace Walker, Executive Director of the Retail Gasoline Dealers, to Mr. Woodbury of Falls Church regarding this amendment and encouraging its adoption.

089

Mr. Berger noted that the only opposition to this use was from other filling station operators - which he thought very natural. However, Mr. Berger continued, he did not think the matter of competition was a case in point because of the location of his filling station entirely within the property with no access to Arlington Blvd., and that their sole purpose in adding this business to the shopping center was to give complete service to their customers. Mr. Berger noted that their plans have always included the filling station - which knowledge was open to everyone. He again stated the reasons for this use and what he considered would be the ultimate good and the ultimate result - that it would not be in competition with stations on the highways, it would not interfere with traffic, as there is no ingress and egress to Arlington Blvd., that this would be a needed and complete automotive service for their customers.

Mr. V. Smith moved to grant the application as shown on plat by James R. Shull, C.C.E., dated May 24,1956 and plat by J. & G. Daverman Company, dated June 15,1955 - granted because this conforms to requirements of Section 6-16 of the Ordinance.

Seconded, Mrs. Henderson

Carried, unanimously.

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4- Huntington Citizens Association, to permit erection of a community building 52' x 24', adjoining Section 3, Huntington access from Washington Avenue, Mt. Vernon District. (Suburban Residence).

Mr. Frye, Vice President of the Huntington Citizens Assn., represented the applicant. These plans are the result of a community need for a community building in which to hold teenage meetings, boy and girl scout gatherings, etc. - particularly to take care of youth activities. The citizens in Huntington have donated $2000 toward the building fund and will donate their labor. This is purely a community project, Mr. Frye told the Board - greatly needed in the area. Total area is about 2.5 acres. Semi-detached houses back up to the proposed playground.

It was noted that the plat presented showed only part of the area to be used - the plat shown is the part dedicated in this particular section of Huntington.

There is a 15 foot alley-way at each end of the play area, Mr. Frye said, for entrances and also a 10 foot walkway from Washington Avenue to the area.

Mr. V. Smith asked if the Board could see a plat of the subdivision which would show the ingress and egress. Mr. Mooreland said that would probably be shown only on several plats - no one plat of Huntington would cover this entire area.

NEW CASES - Ctd.

4-Ctd. Mr. V. Smith stated that the Board should see a plat of the entire area proposed to be used showing the dedicated entrances and the Board should know that permanent entrances are available. He thought 15 foot dedication too small as while this may be a walk-in project, people usually follow the line of least resistance, and it may become necessary to have more right of way for car entrance.

090

This will be a very small project, Mr. Frye said - just for the local children - a place for playground with the small building to house their play equipment.

Mr. V. Smith moved to defer the case until July 9 to give the applicant the opportunity to show ingress and egress to the property.

Seconded, T. Barnes

Carried, unanimously.

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5- J. J. Mathy, to permit operation of a cemetery on approximately 240 acres of land, on north side #236 on both sides of Scheurman Road, #655, Providence District. (Agriculture).

Mr. Ed Prichard represented the applicant. Mr. Mathy was present also. Mr. Prichard located the Mathy property as being bounded by Little River Pike, Little River Hills, Country Club Estates and the Candido property. Mr. Prichard stated that this permit is being asked under Section 6-4-a-15-a of the Ordinance. There is a State law, Mr. Prichard pointed out, which will give protection to neighboring property owners - Section 57-26 of the State Code which gives the veto power to property owners adjoining a cemetery. This law states that the cemetery may not come closer than 250 yards to a residence without that property owners consent - or in case of the cemetery being separated from the residence by a state highway the cemetery may not be established without consent of the property owner - closer than 250 feet from the residence. Therefore, Mr. Prichard pointed out, any property within either 250 yards or 250 feet, whichever applies, will have the veto power.

However, they have talked with those around the perimeter of this property and found that there was practically no objection.

While they are asking the use on the entire 240 acres, they do not expect to use the entire area for perhaps many years. The cemetery would be developed in sections like a subdivision. After he gets the permit, Mr. Prichard continued, Mr. Mathy will start in some particular location - perhaps near Little River Pike. It is his desire to prove to the property owners in the area the type cemetery he will develop with the result that there will be no objection to it, and development will expand.

Since the population of the County has increased so greatly during the past few years and no new cemetery has been established since about 1947, Mr. Prichard contended that the need is obvious. This tract is well located, Mr. Prichard pointed out, being in an area which is not yet built up and

NEW CASES - Ctd.

5-Ctd. ~~and~~ subdivisions developing in this area will know of the establishment of the cemetery. This will be a cemetery without monuments developed in a park like manner, which Mr. Prichard thought would eliminate objections.

D 91

Mr. Mathy told the Board that since farming had become unprofitable and land values have raised taxes, it has become necessary to turn their land to another means of profit. He does not like small house development, Mr. Mathy said. The modern cemetery without monuments and with attractive landscaping has to ~~be~~ A great extent eliminated the old prejudice against cemeteries. Mr. Mathy said he would continue to live in his home - also his mother will keep her home - and he will control the development of the cemetery. He felt that he could create a very beautiful park which would be a credit to the County and which the neighbors will come to like and perhaps prefer to small house development.

Mr. Mathy told of a cemetery at Rockville, Maryland (Park Lawn) which has been developed much as he plans on his property and which has raised property values in the area. This cemetery was located in a very rural area and since its beginning subdivisions have been built up adjoining the cemetery property. In fact his own land became so valuable that the owner of Park Lawn developed part of the original cemetery tract into a subdivision. There was apparently no feeling against the cemetery and whatever squeemishness people had in the beginning it faded out when they saw the type of development.

Mr. Prichard told the Board that in order to let the neighbors know just what he was planning, Mr. Mathy had invited them to his home, showed his plans and discussed this use with them. Most of the neighbors were present and had no objections.

The Chairman asked for opposition:

Mr. Hardee Chambliss, representing Mr. Jesse Johnson, spoke opposing. The fact that the Code in Chapters 57-26 grants neighbors the right of veto indicates that objection to establishment of cemeteries is a recognized fact Mr. Chambliss said. Even in National Memorial Park, which is recognized as a very fine development, there has been serious objection, Mr. Chambliss pointed out, and considerable litigation. There is considerable difference of opinion regarding cemeteries, Mr. Chambliss continued, as to the affect they have upon neighboring property. The Jesse Johnson Company is concerned as to how this use would affect the sales of their subdivision. Mr. Chambliss thought that buyer-resistence would develop regardless of how this cemetery might be developed, as there is a natural squeemishness at the mention of a cemetery.

Mr. Johnson will build from $16,000 to $20,000 homes on 1/2 acre or larger lots - and some of these homes will be very close to the cemetery line.

Mr. Chambliss thought the dedication of 240 acres for this cemetery was entirely unnecessary, that there are already sufficient cemeteries in the County to take care of the needs for many years to come. After its many

-Ctd. years of operation (established in 1945) the National Memorial Park Cemetery has less than 240 acres, and they still have area for expansion. It was brought out that one acre will bury 750 people - which would take care of 180,000 people.

092

Mr. Chambliss suggested that for future purchasers it might work all right, as people would know about the cemetery - but when Mr. Johnson bought the Price tract no cemetery was contemplated. Had he known that a cemetery was to be located so near this property he might not have bought.

Mr. Chambliss said he did not enjoy opposing Mr. Mathy, but he felt it was in the best interests of his client. He suggested that Mr. Mathy develop the cemetery, if the permit is granted, in the center of his property, leaving a buffer of 1000 feet around the perimeter as a protection to adjoining owners. He would like that much of a buffer on the Johnson property side,as Mr. Johnson feels that locating any closer would be a detriment to his property.

Mr. Kloeppinger, from the First Federal Savings and Loan of Washington, an appraiser, stated that in his opinion the location of a cemetery near residential property did affect the residential property adversely. The 1000 foot buffer strip would probably reduce the adverse affect to some extent, but in any circumstances land adjacent to a cemetery is less desirable, Mr. Kloeppinger said.

It was brought out that the establishment of Park Lawn in a purely rural area was not comparable to this location, which is immediately in the area of potential subdivision property.

Mr. Kloeppinger agreed that the park-like cemetery was more desirable than a monument cemetery, and less depreciating.

Mr. Jesse Johnson related the history of his purchase and his plan of development - 280 lots with a 5 acre recreational area - construction started on six sample houses. They plan immediate development bordering the Mathy farm. Mr. Johnson thought it would be possible to bury 2000 people to the acre - which would make this large amount of ground unnecessary. Mr. Johnson also pointed out the desirability of locating cemeteries in a more rural area - that placing cemeteries in an area of expensive developable land was depreciating and unfair to property owners who have large investments.

It was suggested that 50 acres would take care of 37,500 burials. Mr. Chambliss thought that might be a generous amount of ground, if the Board grants this permit.

Mr. Macatee represented the Candidos who own adjoining property on the east of Mathy. He showed a detailed map of the Candido property, discussed their investment and pointed out the nearness of this use to their property,which he considered would be depreciating. He thought the natural objection to nearness to a cemetery could not be wiped out just by lack of monuments,and even though the law might allow damages - the mental anguish caused by having ones property bordered by a cemetery was a permanent thing and should be seriously considered. Mr. Macatee also thought cemeteries were not taxed,

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5-Ctd. therefore a housing development would be far more profitable to the County. He suggested also that cemeteries should be located in more rural areas. Mrs. Candido spoke of the possiblity of moving Scheurman Road to the east, which would bring the cemetery too close to their property.

Mr. Everett Long objected for reasons stated. Also Jack Gossin, who lives adjacent to Mr. Long, objected.

Mr. Charles Pickett said he opposed this application reluctantly, due to his friendship with Mr. Mathy. Mr. Pickett recalled that he had been refused a use permit for a nursery school at his home on Scheurman Road because of the desire to keep this narrow County road from overloaded traffic. Mr. Pickett later supported Mr. Mathy's request for rezoning his property for smaller lots for a housing project. That, however, was turned down by the County Board. Mr. Pickett thought the nearness of a cemetery and funeral processions passing ones door would be depressing for property owners in the area and that it is not a necessary use. He suggested that Mr. Mathy develop his property for the use of living people.

Mr. Prichard recalled that the granting of this use was not actually establishing a cemetery - that that did not take place until the actual dedication takes place, and in the meantime the people have veto power. If Mr. Mathy gets the permit, Mr. Prichard continued, he would start developing with the hope that people would not object when they see the type of development. Under any circumstances, the people could keep the development 750 feet from their homes. If Mr. Mathy starts development on the Little River Pike the people in the Jesse Johnson tract would know of the cemetery and would not need to buy near it, the 750 foot buffer could be established. Since the initial expense is very high, Mr. Prichard continued, Mr. Mathy could not develop on a lesser amount of acreage.

Mr. Prichard recalled that Mr. Johnson had developed Ardmore within one block of a cemetery and the development had apparently been profitable. Mr. Prichard said this type of cemetery would pay taxes, contrary to Mr. Macatee's statement. The Candidos have the right of protection under the State law, Mr. Prichard continued, as outlined previously. He thought Mr. Long and Mr. Gossin were too far away to be affected, and as to Mr. Pickett's objections to funerals on Schuerman Road, Mr. Mathy would see that funerals would not come by his door. Mr. Prichard recalled the meeting he had held with people in the area and those nearest (Little River Hills) did not object. Country Club Hills, to the rear of Mr. Mathy, is not yet developed and so far the owners of the property have voiced no disapproval, and they too will have the power of veto.

Mr. Mathy said he was not interested in buffer strips nor was he interested in operating on a 50 acre tract, since the initial expense would be so great the smaller acreage would not be practical. He thought the 750 feet as set up by the State Code was sufficient to protect adjoining property owners. He asked the Board to either grant the permit on the full 240 acres

5-Ctd. or - nothing.

The Board adjourned for lunch and upon re-convening Mr. Verlin Smith made the following motion: That this application is heard under Section 6-4-15-4 which section refers to Section 6-12-f-2 a and b, and as the application is presented on the entire 240 acres based on the plat presented with the case, that the location of such a use will ultimately adversely affect the use of development of neighboring property as related to the zoning regulations and map, and will also affect adversely the general welfare of the community (Sec. 6-12-F-2, a,b) therefore Mr. Verlin Smith moved that the application be denied.

Seconded, Mr. T. Barnes

For the motion: Verlin Smith, T. Barnes, Mr. Brookfield. Mrs. Henderson. Mr. J. B. Smith and voted "no".

Motion carried.

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6- Walther Lederer, to permit an addition to dwelling 13 feet of side property line, Lot 40, Section 3, Resubdivision of Lot 28, Tauxemont (5 Westmoreland Road) Mt. Vernon District. (Suburban Residence and Rural Residence).

Mr. Lederer stated he was asking this variance in order to enlarge the house to make it livable for a permanent home, that this addition affects only one neighbor, and that neighbor's house is about 100 feet away from the proposed addition. He presented a letter from Mr. and Mrs. John Suiter, the only ones affected, stating they not only did not object to this addition but urged the Board to grant it, as they considered this a desirable improvement.

This is only a two foot variance, Mr. Lederer pointed out, and they will probably not use all of that - this measurement was made with some leeway. The addition would come about 13 feet from the side line.

Mrs. Lederer showed the architectural sketch of their proposed plans which had been carefully designed to continue the roof line and so it will be in keeping with the present structure. The house is placed in such a manner on the lot so that this is the only logical place for an addition. They do not have a carport and do not plan to have one.

Mr. Verlin Smith suggested taking off the corner of the addition to make it conform. This, Mrs. Lederer thought would detract from the building.

There were no objections from the area.

Mr. T. Barnes stated that in view of the location of the house on the lot and the fact that the neighbor most affected did not object and that only one corner of the addition is in violation and the nearest neighbor's house is a considerable distance from this addition, he would move to grant the application.

There was no second to the motion.

6-Ctd. The zoning on this property was discussed - whether a rural or suburban setback was required.

Mr. Verlin Smith stated that the only section under which the Board could grant this application was the hardship clause and due to the amount of area in the lot and there are alternate locations for the addition without a variance and there is a question if this setback should be 25 feet or 15 feet, and this is located near houses with a 20 foot setback, he would move to deny the application.

Mr. Lederer, calling attention to the fact that there are many such additions in the area, that these are small houses, and this addition will not adversely affect anyonelse - asked the Board to consider these things.

Various other locations for the addition were discussed - each of which were unsatisfactory to the applicant either because it would be too expensive or would block other windows or would not be architecturally attractive. These things, Mr. V. Smith said, could not be taken into consideration. He did not feel that the hardship expressed was sufficient to warrant granting. He felt that the architect could re-design the addition to conform to regulations.

Mrs. Henderson seconded the motion.

For the motion: V. Smith, Henderson, and J. B. Smith

Voting "no" - T. Barnes and Mr. Brookfield

The motion carried.

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7- Suburban Rod and Gun Club, to permit operation of a Skeet Range on 77.757 acres of land on south side of Braddock Road, #620, 1-1/2 miles west of #123 Centreville District.(Agriculture).

Mr. Russell Gross, President of the Club, represented the applicant. This Club is formed by a group of men at his place of business, Mr. Gross told the Board. They spent considerable time looking for a suitable location. Mr. Gross showed the location on the plat of the trap and indicated the direction of the shooting, which would be into a natural bank. The range will be located in the middle of an eight acre field. Shooting range is about 225 yards. There are no houses near this wooded tract, Mr. Gross continued, the nearest house is about 1/2 mile away.

The property is about 1200 feet from the existing road. They will build a club house later. There will be very little shooting on the range except on Saturday, Mr. Gross said. They will engage in competitive matches with other Clubs - these matches will be held on Saturday. They now have thirteen members, all from Fairfax County, Alexandria, Arlington and Washington.

There were no objections from the area.

They discussed this project with each of the neighbors, Mr. Gross said, with no objections. While Mr. La Belle was not home, they did contact someone at the home who did not object. Mr. Gross thought the noise would not be

7-Ctd. objectionable as the sound would be muffled by the thick growth of trees. They do not want a permit for a long time, Mr. Gross said, as this property may be sold and the owner does not wish to give a lease. One year would be sufficient. They would move the trap back farther from the road, Mr. Gross, continued, to assure no shooting dangers.

Mr. V. Smith moved to grant the application under Section 6-4-15-c and Section 6-12-f-2-a and b, the granting is based on the plat prepared by Joseph Berry, C. S., dated February 27, 1956 and the sketch showing the O. J. LaBelle property location as related to this proposed use, and the locations of Boswell, Harris, and others and the application is limited to the applicant only for a period of one year and the trap and firing line location shall not be less than 300 feet from all property lines.

Seconded, J. B. Smith

Carried, unanimously.

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8- Town of Vienna, to permit construction and operation of a sewerage disposal plant on 3.002 acres of land, approximately 650 feet northwest of Hunter Road and 950 feet west of Cedar Lane, Providence District. (Rural Res.)

Mr. Bloxton, Attorney for the applicant, presented the case. In explanation of the background of this case Mr. Bloxton stated that this is the third disposal plant designed to serve the Town of Vienna and surrounding area. Mr. Bloxton read from Section 629 of the Code which indicates control of this type of facility by the State Water Control Board and the State Health Department. Under this section, the Town is required to submit to these two State offices the plans of the plant, which they expect to construct, establishing the efficiency of the plant. From these plans the State will consider and pass on the ultimate feasibility and efficiency of the proposed plant, the number of homes to be serviced, contamination of streams, and the ultimate affect upon health conditions.

These plans have been submitted to the State offices, Mr. Bloxton continued, and approval has been given. This approval is evidenced by letter dated May 25, 1956 to Mr. Louis N. Moore, Mayor of the Town of Vienna, and a letter from the State Health Department to the State Water Control Board, dated May 7, 1956. Both letters are on file in the records of this case.

Passing on the location of the plant and its ultimate affect on adjacent property owners are the only functions of this Board, Mr. Bloxton said. However, Mr. Bloxton questioned any jurisdiction of the County over the Town. The Town now has two units operating. The operation of these plants has been checked periodically for impurities and operation, and having considered those reports the State did permit the first plant to be overloaded in the amount of fifty percent. It was found that even with this overloading there was no resulting hazard from the plant. Since the second plant has been in operation there has been no overloading.

8-Ctd. The presently planned plant will be located on Bear Branch - which empties into Accotink Creek. The nearest residence is about 700 feet from the plant itself. In considering the possible results of operation of this plant this Board will be placed in the position of not being able to evaluate that from other plants in the County because the best operated plant in the County is only seventy-four percent efficient. The proposed plant will have a much higher degree of efficiency, Mr. Bloxton continued, based on the efficiency of the other two units they expect to have ninety-five percent efficiency. The State Water Control Board will continue to exercise control over these plants and have designated that the design will have the capacity to serve 2000 homes. (This statement, however, was in error. It was established later in the meeting that the plant is designed to take care of 500 homes). This is the same type unit as those already installed, Mr. Bloxton pointed out - which have operated with complete satisfaction. The plant load could possibly be increased to handle another 50 or 75 homes and still operate with efficiency, Mr. Bloxton contended, however the Town must have permission from the State to increase in this amount. They will make periodic reports on the plant to the State and from these reports and State inspections the plant will be graded. Mr. Bloxton called attention to the fact that their first unit was given top rating and was designated as one of the most efficient plants in the State.

The affect on residential property, Mr. Bloxton continued, is an engineering and scientific problem. The Mayor of the Town of Vienna is working over this problem at this time. Mr. Bloxton admitted that these plants do give off an odor and the smell of methane and ethane is sometimes noticeable. Mr. Bloxton also noted that FHA has stated that they will make loans within approximately 500 feet of these plants, depending upon conditions.

Mr. Louis Moore, Mayor of the Town of Vienna, spoke supporting the application. Mr. Moore detailed the past experience of the Town of Vienna in establishing their disposal plants - the first plant built in 1948, designed to take care of 2000 homes, the subsequent bond issues and the completion of the two plants. Mr. Moore told of the satisfactory operation of these plants and the lack of objection to them.

The presently planned plant is a typical aeration plant designed for a population of 2000 people. It is composed of primary treatment tank, intermediate and final settling tank, small effluent lagoon with two air circulators, sludge drying beds and separate sludge digester - these to be put in as needed.

The installation of this plant will eliminate the present three pumping stations in this area. They have found the pumping stations difficult to operate satisfactorily in storms, Mr. Moore continued, and to keep raw sewage from entering into Bear Branch. (Mr. Moore corrected Mr. Bloxton's statement that this plant was designed to serve 2000 families - the figure

8-Ctd. being 500 families). As development grows in the area they will probably need an increase to 750 families, Mr. Moore stated. This plant will probably serve portions of the Town of Vienna as well as the outlying area.

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Mr. V. Smith asked to see a map of the overall area to be served, which Mr. Lester Johnson, engineer for the Town, displayed and located the present pumping stations.

It was asked how the pumping stations were put in - by permit from the Board of Appeals? Mr.Moore said these had been put in by developers and dedicated to the Town. He recalled that the Town had condemnation rights and never had obtained permits for these plants.

Mr. Sam Wolf, Town engineer, also discussed the proposed plant, recalling the necessity for the pumping stations - to take care of areas which could not be served by gravity. As development moves farther down the slope, Mr. Wolf pointed out, it is evident that the pumping station will not be sufficient - therefore this disposal plant is necessary in order to assure that raw sewage will not flow into Bear Branch. Even with auxiliary engines the pumping stations have not been efficient.

Topographically speaking, Mr. Wolf continued, this is an ideal location - the plant will be located in a "V" shaped pass affording good gravity flow.

Mr. Wolf recalled that people in the area had said Bear Branch has become too badly contaminated for the use of cattle. This, Mr. Wolf contended, is from septic tanks along the Creek, as there is no effluent from the pumping stations now being dumped into the Bear Branch, yet the contamination still exists.

Mr. V. Smith was of the opinion that contamination of the Bear Branch could very well result from effluent contamination. Mr. Wolf thought not.

It was established, however, by question from Mr. V. Smith to Mr. Wolf, that when the pumping stations, which have only a minute retention, do not work - sewage is dumped into Bear Branch.

In answer to a question from the Board, Mr. Lester Johnson, engineer, estimated that there are about 1000 acres in the area to be served by this plant - by gravity. There are approximately 300 homes in the area now hooked up to the sewer lines.

Mr. Lester Johnson discussed the septic conditions in the area, saying one of the small subdivisions in the area was unable to construct all the homes they had planned because of inability to get septic approval.

The following letter from the State Water Control Board was read, regarding the design of this plant:

NEW CASES - Ctd.

8-Ctd.

"COMMONWEALTH OF VIRGINIA
State Water Control Board
Richmond,Va.

May 25,1956

Mr. Louis N. Moore
Town of Vienna
P. O. Box 127
Vienna, Virginia

Dear Mr. Moore:

Set forth below is a tentative draft of Minute 27 from the proceedings of the Board at its meeting on May 10-11, 1956. If you have any comments or changes, please advise us without delay so the final draft can be formulated and submitted to the Board for approval.

Minute 27 - Town of Vienna

On May 7, 1956, the State Department of Health sent the Board its comments on final plans and specifications for the proposed Southside sewage treatment plant to serve the Town of Vienna. The Board, by letter ballot completed on March 3, 1956 in accordance with a memorandum dated February 28,1956, from Paessler, ruled that 'the Town of Vienna be permitted to construct its proposed Southside sewage treatment plant, provided the effluent it produces will meet the specifications covering the concentration of constitutents in the effluent (set in accordance with Numbered Paragraph 1 in Minute 37 of the Board's January 26-27, 1956 meeting) from the Town of Fairfax sewage treatment plant'. The plans and specifications referred to in the Health Department's letter are in substantial accordance with the preliminary plans previously submitted by the Town's engineer to the State Department of Health. The State Department of Health letter states that the 'plant is a typical contact aeration plant designed for a population of 2000.'

The Board, upon recommendation of the staff, approved the plans and specifications for a population of 2000, provided, however, that when (1) the influent biochemical oxygen demand (B.O.D.) of the plant reaches 250 pounds per day (1500 population at 0.167 pounds per day B.O.D. per capita), the owner shall submit monthly operating reports to the Board showing the increase in B.O.D. loading as additional connections in excess of 1500 are made to the sewerage system tributary to this plant, and (2) the effluent concentrations of B.O.D., suspended solids, and other constituents included in the specifications of effluents to be discharged into Accotink Creek reach an average monthly value of 90% of the specification values, no further connections to the system shall be made without express authorization of the Board.

A copy of the State Department of Health letter dated May 7, 1956 is enclosed herewith.

Very truly yours,

/s/ A. H. Paessler
Executive Secretary"

It was brought out that the criteria set by the State Water Control Board will be more than met by this plant and operation will not only meet but exceed standards required, that the Town engineers are thoroughly familiar with conditions of the Accotink Creek and will meet all specifications,that effluent will not further contaminate the streams because of the high degree of treatment.

8-Ctd. Mr. Mooreland recalled that these pumping stations were installed without a permit. He asked who was responsible. The location of these stations must be approved by this Board, Mr. Mooreland continued.

Mr. Johnson stated that the stations were designed and approved by the County Sanitary Engineer, that the subdividers put the stations in originally - then the Town of Vienna took them over. There was no intention to bypass the Board. They did not know a permit from this Board was necessary.

Mr. V. Smith asked if there was an immediate demand for this plant. Mr. Johnson answered "yes" - that a 500 home project was being planned on property which is to come before the Board of Supervisors for rezoning. These homes which it will take two or three years to complete will fill the capacity. The plant will have to be enlarged at that time. Mr. Johnson did not think there was any question of the rezoning going through.

When asked why Vienna was stretching out so far to locate this plant, Mr. Johnson answered that Vienna was selling water in this area.

It was shown that no County sewers would be available to this area, and that this plant would take care of the existing development and that planned for the area.

Mr. Bloxton brought out that the Cedar Lane School in this area has a septic problem which can be solved by their use of this plant. The Town has tentatively agreed to supply the school by connection with this plant. The school has no septic field at this time and at the time of construction of the school there was no definite means of adequate sewerage. When the school opens it will be necessary to haul sewage until either this plant is completed or other means are resorted to.

Mr. Bloxton pointed out that since the soil around the school will not take a septic field a fund of from $25,000 to $30,000 has been set up to build a pumping station and pump the school sewage about 1000 feet to a spot where the soil will take a septic. However, the school would prefer to hook on to this plant. It is possible that the pumping station will be built as a temporary measure and abandoned when and if this plant is built.

Septic conditions at Murmuring Pines were discussed - where larger drain fields were constructed.

The question of a political subdivision expanding its sanitary facilities in to the County was discussed by Mr. Bloxton, who referred to the situation at Goose Creek. It is an open question, Mr. Bloxton continued, just what responsibility the Town of Vienna has to the County of Fairfax in this. It was his opinion that the County has no authority to prevent the Town from going ahead with construction of a plant which has been approved by the State authorities.

The Chairman asked for opposition:

Mr. Walter Eyles, who lives on Hunter Road and whose property adjoins the proposed site for the plant, objected. The plant would be 45 feet from his

8-Ctd.

property line. Mr. Eyles recalled that the rezoning for the 500 houses, which this plant is supposed to serve, was refused previously by the Board of Supervisors, and he felt that there was no assurance that it would go through this time. Mr. Eyles felt that the plant would be damaging to his property and suggested that if the plant would be odorless - why not locate it in the middle of the proposed new subdivision.

Mr. Harry Davis, a builder in the County who owns property across from the proposed site, objected. Mr. Davis said he had sold four homes on 1/2 acre tracts with septics and has ten more lots on which to build. He is building homes in the $27,000 to $30,000 class. In his opinion this plant would be damaging to his property.

Mr. Kumm, who lives on Hunter Road, objected - agreeing with Mr. Davis that the plant would be detrimental to property in the area. He mentioned the outstanding type of building Mr. Davis has been doing. Mr. Kumm also stated that Bear Branch goes dry very often - he wondered if the State Water Control Board knew that.

Mr. R. E. Roberts also objected. His property adjoins the plant site. He felt that location of the plant here would make it difficult for him to develop and sell his property. He owns 35 acres.

Mrs. John Frece, who lives on Hunter Road, objected for reasons stated. She owns seven acres. Bear Branch borders her property - she objected to its being used in this manner. Mrs. Frece said they had lived here for 15 or 16 years and had had no septic trouble, nor did she know of anyone in the neighborhood having septic trouble.

Mrs. Eure, whose property joins that of Mr. Eyles, objected. Bear Branch also goes through her property. She objected to the contamination of the stream. This is an area of good homes, Mrs. Eure said. She suggested that the Board see the area. She also mentioned that Bear Branch often goes dry. It was brought out that Bear Branch has gone dry so often it was necessary in some cases to pond the water in order to take care of cattle. They have lived here for eight years, Mrs. Eure stated, without septic trouble.

Mr. Baldwin, who owns .97 acres and who lives across from Mrs. Frece, objected for reasons stated - particularly to the odors. He also stated that he knew of no septic troubles and felt that contamination of the stream was due to the break-down in the pumping stations.

Mr. Frank Grayson, who lives on Hunter Road near Lee Highway, objected for reasons stated.

Mr. John Rece, who lives near Hunter Road, objected. He owns 27 acres. He thought the location of the plant and the odors would be objectionable to the community.

NEW CASES - Ctd.

8-Ctd. Mr. W. C. Pheiffer, who owns 5 acres, objected for reasons stated.

Mr. Bloxton said he was not surprised at the objections to the odors because people were probably apprehensive because they did not know what to expect. He thought perhaps Mr. Eyles, who was nearest the proposed plant, had a justified objection. However, he thought the objection would be negligible and that it was better to wait and see just how serious the damage would be, rather than force the Town to start condemnation proceedings. Mr. Bloxton called attention to people living near the other plants without objection. He felt that the close inspection would take care of the odors.

Mr. Bloxton pointed to the need for this plant in order to continue development, stating that the only places in the County which are expanding are those which can furnish sewer and water. Mr. Bloxton thought people in this area had overlooked the fact that property within the sewered area will increase by 1/3 in case of availability of this plant. This is in accordance with land appraisers statements regarding this locality, Mr. Bloxton said.

Mr. Bloxton said the State Water Control Board and the Health Department do know of the condition of Bear Branch - their inspections and studies of the area have been complete and exhaustive. They know of the contamination of Bear Branch and they know what the condition of the stream will be after the plant is put in. Contrary to previous statements of good functioning septic tanks, Mr. Bloxton said he knew of many people in the area who would be glad of the opportunity to use this plant - people who have had a great deal of trouble. He thought the people were not competent to determine if the odors will be detrimental to them - that they must rely on the State authorities for that decision, which is already evidenced by their approval of this plant.

Mr. Bloxton recalled that the engineers at Belvoir had withdrawn their objection to disposal plants on the Accotink after they had gone into the facts. He thought the rights of property should be considered realistically, considering the good of the whole rather than small selfish interests. This plant will be for the good of all the people in this area.

Mr. Bloxton read a statement from an Engineering Journal commenting on an oxidation pond in Florida where the lagoon was used as a small zoo. This plant should not be judged by other unsatisfactory plants, Mr. Bloxton continued, plants which have only a 70% efficiency. He also recalled that the lakes in Golden Gate Park are effluent lagoons.

Mrs. Henderson asked if this case had been taken before the Planning Commission for recommendation, a requirement before the Board can act. It had not. It was also brought out that no plans had been put in the hands of the Board of Supervisors for their approval of sufficiency and

NEW CASES - Ctd.

8-Ctd. and approval of laterals.

Mr. Verlin Smith moved that this case be deferred for referral to the Planning Commission for recommendation, and to view the property and study the application, and that the Planning Commission be requested to give the Board their ideas regarding the affect of this plant on the $20,000,000 County sewer bond issue.

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When Mr. Bloxton objected to the latter part of Mr. Smith's motion, Mr. V. Smith quoted from Section A in the Ordinance stating that approval may be given if it is established that the granting will not materially affect adversely either persons residing or working in the neighborhood or the general welfare of the community, that such granting will not ultimately affect adversely the use or development of neighboring property in accordance with the zoning regulations and the physical development of the unincorporated territory of the entire County.

Mr. V. Smith added that the application be deferred for 30 days.

Motion seconded, Mr. J. B. Smith

Carried, unanimously.

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Mr. Bloxton indicated that irrespective of approval or non-approval by the County, the Town is ready to go ahead with this plant and they would do so.

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9- Dominic Bock , to permit storage shed to remain as erected within one foot of rear property line and within three inches of side property line, Lot 429, Mason Terrace (105 Bolling Road) Falls Church District. (Sub. Res.)

Mr. Bock could not wait for his case to come up, and asked that it be deferred for 30 days.

Mrs. Henderson moved that the case be deferred for 30 days.

Seconded, J. B. Smith

Carried, unanimously.

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10- Virginia Water Company, to permit erection of three water storage tanks, on east side of #617 in rear of Merriman's Store, Mason Dist. (Agric.)

Mr. Howard Richards represented the applicant. This is a request for an additional tank on the property which his company has bought for this purpose, Mr. Richards said. After purchasing this property in 1951 his Company applied for permit to construct a storage tank, Mr. Richards said, which was granted. They find now that expansion requires two more tanks, one of which will be built immediately and the third tank when needed, which will probably be within two years. This is on an 87,122 square foot area. The tanks will be identical - 38 feet high and 95 feet in diameter. There were no objections from the area.

NEW CASES - Ctd.

10-Ctd. Mr. Verlin Smith moved to grant the application because it does not appear to adversely affect neighboring property and this seems to be a necessary facility. This is granted as per sketch attached to the case "Virginia Water Company" land of R. B. and J. W. Chaney, dated January 29, 1951 - by J. A. McWhorter.

Seconded, J. B. Smith

Carried, unanimously.

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11- Jesse Johnson, to permit operation of a community recreational area with structures accessory thereto, on north side #236, approximately 150 feet east of Taylor Drive, Providence District. (Agriculture).

Mr. Hardee Chambliss represented the applicant. This is a request under Section IV, A - 15-c of the Ordinance, Mr. Chambliss told the Board.

He located the property as being about two miles from the Town of Fairfax, on the old Price property of about 212 acres, which is being developed into a 1/2 acre subdivision. There is a house on the property which probably will be used as the Club House. They plan a swimming pool, bath house, tennis courts, hand ball and badminton courts along with a sufficient parking area, which will be conducted on a 5 acre tract.

Mr. Chambliss pointed out that there will be no direct entrance to Rt. #236 from the recreational area. With an additional 25 foot dedication on Skyview Land, making a 75 foot right of way back into the subdivision, and an 80 foot right of way on Prince William Drive - leading into the subdivision and to Rt. #236 there will be no direct entrance from the area to the highway.

Since this recreational area is designed to serve property owners in the subdivision, very little traffic will be generated outside the immediate subdivision area.

Mr. Chambliss explained that Jesse Johnson, Inc. has formed the Westchester Club and will operate it for one year until the membership is sufficient to take over management. Jesse Johnson has agreed to install certain improvements, swimming pool, parking area, will improve the dwelling for club purposes, etc., agreeing to cover the installation with insurance and to keep improvements in repair and to pay taxes.

Active membership of the Club will be primarily limited to property owners in the Westchester Subdivision. After memberships have been sold out the ownership and operation of the Club will be turned over to the permanent membership to operate. (During the interim period the Club will be managed by the incorporators and an additional ten who will have charge of the Club until the final permanent members will take over).

This is a non-profit, non-stock Club, Mr. Chambliss continued, which will

11-Ctd.

be completely planned and ready for operation as soon as the subdivision is sold out. The initiation fee and dues will be small and no individual will receive compensation. If the purchasers of lots in the subdivision do not total up to sufficient members to operate the Club, the members themselves may take in a few outsiders - that to be controlled by the by-laws. However this club is established, Mr. Chambliss continued, primarily for the benefit of those in the subdivision. They plan a membership of about 300 families. Mr. Mooreland brought the question up of the Club leasing out concessions to individuals. If the Club wishes to operate any business, Mr. Mooreland asked that that be indicated and limited or controlled in the granting of the application.

Mr. Chambliss said there was no intention to have profit making concessions. The right of way of Route #236 was discussed and the need for a service drive - which Mr. Schumann said could be required only under Subdivision Control. The service drive was not considered necessary since there is no immediate access to Route #236 and the Club will be designed primarily to serve the subdivision.

The possibility was discussed of the subdivision not selling to the extent that this Club could be profitably operated by owner-members. Mr. V. Smith asked what would happen then? The Club would be in the hands of Jesse Johnson, Inc., Mr. Chambliss answered - but that is a contingency they do not expect. However, a limited membership from the outside could be taken in.

Mr. V. Smith said he did not think the Board should make any kind of blanket approval for use permit - he felt that the uses permitted, the structures, and just who is going to operate the Club should be tied down by statement ~~by~~ or letter from the applicant. He referred to the type of statement made by the Belmont Bay Marina applicant as being entirely satisfactory.

With regard to a food or snack bar, Mr. Chambliss said they would plan to merely break even on that. Mr. Mooreland said he had had many applications for permit to operate snack bars because no one within the Club was interested in operating a food stand. Mr. Chambliss said they would be perfectly willing to have a curb put on that.

Mr. V. Smith said he thought this a very worthy plan, but he would like to see definite information on who will operate the Club, the maximum number of members, and the uses. It was brought out that these things are stated in the Certificate of Incorporation and the By-laws.

Mr. Brookfield left the meeting and Mr. V. Smith took over as Chairman.

Mr. V. Smith suggested that a letter covering the information he had requested be drafted and presented to the Board, to which Mr. Chambliss agreed and asked if the decision could be deferred until later in the day for him to draft the letter for Mr. Jesse Johnson. The Board agreed to that.

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NEW CASES - Ctd.

12- National Sign Company, to permit erection of a sign with larger area than allowed by the Ordinance, Parcel C, Fenwick Park (S. W. corner of Lee Highway and Lawrence Drive), Falls Church District. (General Business).

Mr. Richard Kinder represented the applicant. This is a request to use the uniform sign which Cities Service have been using throughout the country, Mr. Kinder told the Board. The overall dimensions are 6' x 15' - however the actual space used by the lettering is much less than that. It probably comes to about 70 square feet, Mr. Kinder said. This is a single faced sign which will be located on top of the parapet wall of the building.

A letter from Mr. Rimkus, objecting to this size sign, was read. It was noted that the back of the proposed sign faces Mr. Rimkus.

Mr. Mooreland recalled that the use permit included in the granting provides that a certain type of screening would be put up.

It was asked if the hedge which the adjoining neighbor is putting in for screening between this business property and his would be sufficient. Mr. Mooreland asked the person who was putting in his own hedge for screening to send a letter to the Zoning Office stating that he was using his own hedge, and that that is satisfactory for screening purposes.

Mr. J. B. Smith moved to grant the application because it does not appear to affect adversely the use of adjoining property and the size of the requested sign is so near the size sign the Ordinance will permit, and the Board has many times permitted signs of considerable more area.

Seconded, Mr. T. Barnes

For the motion: J. B. Smith, T. Barnes, Mrs. Henderson.

Mr. V. Smith voted "no".

Motion carried.

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13- DeLashmutt Associates, to permit dwelling as erected to remain within 46.3 feet of Street property line. Lot 425, Section 4, Barcroft Lake Shores, Mason District. (Rural Residence).

Mr. Potter represented the applicant. This error, Mr. Potter told the Board, was not discovered until the house was up to the first floor joists.

Mr. Mooreland pointed out that this is one of the few lots in Section 4 of Barcroft Lake Shores subdivision which has rural zoning and it backs up to suburban zoning. It was noted that the suburban zoning line runs through this lot. It was noted that the house is located about five feet from the storm drain easement, which runs through the center of the lot.

There were no objections from the area.

Mr. Mooreland thought it better that the house is not too close to the drainage easement.

Mr. Potter said the drainage ditch could be piped under the house but it would be expensive. It was not known just how deep the drainage ditch is.

NEW CASES - Ctd.

13-Ctd. Mrs. Henderson moved to grant the application because of the peculiarities of the lot, the two types of zoning and the drainage ditch which is located just to the rear of the house.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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14- H. F. Schumann, Jr., Director of Planning, to permit a setback of 25 feet instead of 40 feet, proposed Lots 1 through 35 inclusive, Block G, Picot Tract, on south side of Franconia Road, #644 east of Lewell Park, Mason District. (Suburban Residence).

Mr. Schumann showed a map indicating the location of Arterial Highway No. 4 with relation to these lots. This highway runs through the south end of the Picot tract, immediately north of Section 2 of Rose Hill. Mr. Schumann also pointed out the natural drainage swale along this area. Since Rose Hill is practically built up, practically all of the right of way for Arterial No. 4 falls on this subdivision. The developer will provide the right of way for the road and in doing that he loses 21 lots - out of 226 lots. Since the subdivider does not have to give the right of way nor the easement, Mr. Schumann said he considered that a hardship was created - a hardship which the Board of Appeals has the authority to relieve. If the right of way is not provided in this manner and if it became necessary to take right of way from Rose Hill, it would be at a tremendous expense to the State in that they would have to condemn houses. This would be dedicated with no cost to the State. This is an exceptional condition, Mr. Schumann pointed out, but he felt that a reduction in setback for one tier of lots on this undeveloped land was justified.

Mr. V. Smith recalled that trading setbacks for right of way was a little unusual, and something that has not come before the Board before.

It was noted that this frontage where the 25 foot setback is requested, is about 1/4 mile long. The lots are 80 feet wide by 92 feet deep.

There were no objections from the area.

It was brought out that this highway has the same uncertainty as the other planned highways, but Mr. Schumann thought it appeared to be necessary.

Mr. J. B. Smith thought this should first be approved by the Planning Commission. It was also noted that the Planning Commission has not yet approved a master plan of highways. Mr. Schumann also pointed out the effectiveness of tying into the drainage swale with this location - farther south would create a sharp curve to get into the swale.

Mrs. Henderson moved to defer the case for reference to the Planning Commission for their information and more definite information about the road - whether or not the road is to be definitely planned.

Seconded, J. B. Smith

The motion was withdrawn as it was realized that the Commission does not plan to consider the Highway plan before this property is likely to develop.

NEW CASES - Ctd.

14-Ctd. It was suggested, however, that the plat could be approved including the road - if this is approved by this Board.

Mr. V. Smith thought it a bad precedent to trade right of way for setbacks.

Mr. Schumann told the Board that the developer had made every attempt to re-design the subdivision without this variance and including the road right of way. This seemed to be the best solution. However, Mr. Schumann said he would be glad to take this to the Commission if the Board so desired.

Mrs. Henderson moved to refer this case to the Planning Commission for recommendation, which shall be in the hands of the Board by July 9th.

Seconded, J. B. Smith - Carried, unanimously.

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Jesse Johnson, Inc. Mr. Chambliss presented the following letter signed by Mr. Jesse Johnson:

"JESSE JOHNSON, INC.
5050 Columbia Pike, Arlington, Va.
June 26, 1956

Board of Zoning Appeals of
Fairfax County, Virginia
Fairfax, Virginia

Gentlemen:

Relative to the application of this Corporation for a "Use Permit" permitting the operation of recreational uses on a tract of land containing 5.5455 acres, as shown on plat filed with your Board, you are advised as follows:

(1) The maximum number of active memberships will consist of the members of 300 families.

(2) The uses contemplated are as follows:
(a) Swimming and wading pools, together with filtration system and all necessary accessories including bath house.

(b) Areas for 2 tennis courts, 1 handball court, 1 badminton court, and picnic area, and parking area.

(c) Use of existing dwelling, as shown on said plat, as a clubhouse for club members and their guests.

(3) The uses contemplated on said area, including the sale of food and refreshments to club members and their guests will not be operated for profit.

(4) Said recreational area, and all uses contemplated thereon will be operated by "Westchester Club", a non-profit, non-stock Virginia Corporation to be formed in accordance with Title 13, Chapter 13, Code of Virginia, 1950. A copy of the proposed Certificate of Incorporation and By-laws of said Corporation has been filed with your Board.

It is requested that the "Use Permit" be issued to Jesse Johnson, Inc., and Westchester Club.

Very truly yours,

/s/ Jesse Johnson, President
JESSE JOHNSON, INC."

Mrs. Henderson made the following motion: That the application be granted pursuant to plat presented with the case certified by DeLashmutt Associates, Certified Engineers and Surveyors, dated June 1956, and pursuant to the terms of the letter presented by Mr. Hardee Chambliss, signed by Mr. Jesse Johnson, dated June 26, 1956, which letter shall be a part of the records of this case along with a copy of the By-laws and the Certificate of Incorporation of the Westchester Club, all of which are filed in the records of this case.

Seconded, Mr. T. Barnes - Carried, unanimously.

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The meeting adjourned

John W. Brookfield

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Monday, July 9, 1956 at 10 a.m. in the Board Room of the Fairfax County Courthouse.

In the absence of Mr. Brookfield, Mr. Verlin Smith took the Chairmanship. All other members were present.

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The meeting opened with a prayer by Mr. T. George Barnes.

DEFERRED CASES:

1- 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 discussed this case with the Board. This addition is requested for bedroom on the first floor, Mrs. Howard explained, the Doctor having suggested that her asthmatic child should not sleep on the second floor. In answer to Mr. Verlin Smith's suggestion that the addition be put on the back of the house, Mrs. Howard said they had an upstairs dormer extension across the back which would make that an awkward location for this room. Since there is a steep slope on this side of the house, Mr. Verlin Smith suggested that if the adjoining neighbor should do any kind of excavating along his line it could cause a serious erosion problem. Mrs. Howard said she would cut the room to a 10 foot width, allowing a 6 foot setback if the Board wishes. However, there are two outside chimneys on this side which would cut the size of the room considerably. Also, Mrs. Howard continued if the room were put across the back it would allow a very small space for an entrance door from the living room. She had planned to use one of the windows for entrance on the side.

The small buildings in the rear are a garage and tool shed combined, and an abandoned chicken coop.

They had tried to buy additional property from Mr. O'Shaughnessy but he would not sell. Because of the topography on the adjoining O'Shaughnessy property, Mrs. Howard explained that a house on that property would necessarily be put back a considerable distance, which would not be affected by her requested variance. The road will curve away from the end of her lot, Mrs. Howard said, and will run to Columbia Pike.

Mr. Verlin Smith still contended that the addition on the rear would be more satisfactory, especially because of possible erosion on the side. That would be more expensive, Mr. Howard said, and they hoped not to put too much into this house in order that they might some day sell and re-build.

A letter from Mrs. Howard stating her case was read - Mrs. Howard contending that the condition of her asthmatic child established the hardship.

It was suggested turning the porch on the opposite side of the house into a bedroom. That would be impractical, Mrs. Howard explained, as their only rear and basement entrance was through that porch.

DEFERRED CASES - Ctd.

1-Ctd. Mr. J. B. Smith moved to deny the case as he could not see how the Board could justify its granting since there is an alternate location for the addition.

Mrs. Henderson seconded the motion reluctantly, as she was sympathetic with Mr. Howard's problem, but she felt that the Board could not do other than deny the case because of the Ordinance.

Motion carried, unanimously.

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2- WILLIAM E. MOSS, to permit dwelling as erected to remain within 13.6 feet of side property line, Lot 331, Section 1, Chesterbrook Woods, Dranesville District. (Suburban Residence).

No one was present to disucss this case, for the third time.

Mrs. Henderson moved to deny the case since the applicant had been notified and no one was present.

Seconded, Mr. Barnes.

Mr. James Hooper asked to speak in Mr. Moss' behalf, as he knew something about the case. It was his understanding that the building was started from the wrong pegs, which error was not discovered until a final location survey was made. He thought it would not be possible to buy additional property to make this violation conform.

The motion to deny carried, unanimously.

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3- R. H. STOWE, INC., to permit dwelling to remain as erected closer to side and front property lines than allowed by the Ordinance, Lot 48A, Re-subdivision of Lots 43 thru 49, Dale View Manor, Providence Dist.(Sub.Res.)

It was recalled that this was deferred for possible relocation of the street. No one was present to discuss the case, therefore Mrs. Henderson moved to deny the case.

Seconded, J. B. Smith

Carried, unanimously.

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4- WILLIAM R. SMITH, JR., to permit erection of carport closer to side and rear property lines than allowed by the Ordinance, Lot 10, Block 20, Sec. 4, Belle Haven (233 Belle Haven Rd.), Mt. Vernon District. (Urban Res.)

Mr. Smith presented new plats showing location of structures on the property.

Mr. Verlin Smith stated that in viewing the property the Board had come to the conclusion that this could be accomplished within the Ordinance if the columns are located back 4 feet from the property line, allowing the 2 foot overhang on the roof. It was noted that if this structure is enclosed and constructed of brick it could come within 2 feet of the side or rear line. Whichever way the applicant chose to construct the building it was noted that it could be done within the Ordinance and it was suggested that the case either be denied or withdrawn.

Mr. Smith withdrew this case.

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DEFERRED CASES- ctd.

5- FRANCIS L. MARTIN, to permit enclosure of carport as a recreation room, 10.53 feet off side property line, Lot 18, Block 23, Section 8, Springfield (7318 Essex Avenue) Mason District. (Suburban Residence).

It was brought out that this carport could be screened - with the screening resting on the brick wall - which would be within the Ordinance. Mr. Mooreland called attention to the many cases where screened porches become enclosed room with storm windows in winter. Mr. Mooreland also recalled that statements were made at the last hearing on this case that there were four or five cases in the area like this which were either granted by the Board or are in violation. He had sent an inspector to the area, Mr. Mooreland continued, and found that four of the cases cited are in an urban zoning which would allow the setback, and the other case mentioned was not in violation.

Mrs. Henderson moved to deny the case.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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GERALD TITHERINGTON whose request for an addition to his dwelling was denied at the last meeting, had sent a letter to the Board restating his case, which he thought had been inadequately done before the Board, and asking for reconsideration. The letter was read and discussed.

Mrs. Henderson moved that the Secretary to the Board be instructed to answer the letter saying that the Board had received Mr. Titherington's letter and have considered his point and have reaffirmed their position taken on June 26th, 1956.

Seconded, J. B. Smith

Carried, unanimously.

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6- GILBERT G. MORRISON, to permit carport as erected to remain within 4-1/2 ft. of side property line, Lot 408, Mason Terrace (200 Winchester Way), Falls Church District. (Suburban Residence).

It was brought out that the width of the White Post Walkway is 10 feet, however, Mr. Morrison admitted that his fence was within the Walkway easement, probably several feet, and he thought his carport was about six or seven feet from his fence. This would appear to bring the carport considerably closer to the walkway than the plat shows, Mrs. Henderson noted. Mr. Morrison said there were no stakes on his property and he had measured from the house in locating his carport. It was questioned whether or not the carport itself might be within the walkway right of way, since the plat shows considerable variation between the front and the rear of the carport with relation to the side line.

DEFERRED CASES - Ctd.

6-Ctd. Mr. Morrison pointed out that the house on the lot opposite the carport side is 31 feet from the line. Mr. Morrison's house is 8 feet from that line. By adding the width of the carport and the house it would appear that the carport is well within the property lines. Since there were no stakes on his own property, Mr. Morrison said he had measured from the adjoining property, which was at one time surveyed, and which they believe is correctly located.

Mrs. Snyder, who lives on the adjoining lot - on the carport side - objected to the fence and the carport. While it was agreed that the Board had nothing to do with the location of the fence, Mrs. Snyder thought it was at least 4 or 5 feet within the walkway, and the carport was therefore much closer to the property line than the plats indicated. Mrs. Snyder said they had put their retaining wall one foot from the walkway line. If the Board grants this, Mrs. Snyder thought others would be asking the same thing.

It was brought out that the walkway is a permanent easement.

Mrs. Henderson moved to defer the case until August 14th, for a report on a survey to find out where the property line is actually located.

Seconded, Mr. J. B. Smith

It was noted that it may be difficult to get a survey within this time, but that every effort should be made to locate the line. It was agreed that it was not necessary for Mr. Morrison to be at the next hearing if he will send in his report.

Motion carried to defer

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7- HOOPER CONSTRUCTION CORP.,to permit dwelling to remain as erected 38.48 ft. of Forrest Lane, Lot 29A, Section 2, Briggs' and Hoopers' Addition to Chesterbrook Woods, Dranesville Dist. (Suburban Residence).

Mr. Hooper, the builder, stated that this was his mistake. This house is being built for an individual purchaser who is very tree conscious, Mr. Hooper told the Board, and they had made every effort to save as many of the trees as possible. However in scaling the distances the complete arc was not taken into consideration, and this small violation resulted.

Mrs. Henderson suggested that the street be moved slightly - graduating it over to give the extra 1.5 feet necessary to make this conform.

Mr. Hooper said he would be glad to try to do that, however, the lots across the street have been sold and it might involve a little difficulty in making a rededication of the street. The curb and gutters are in.

While Forest Land is not now a through street, it was noted that it could in time be joined with adjoining property, which may be subdivided.

Mrs. Henderson moved to defer the case until August 14th for Mr. Hooper to investigate if it would be possible to move the street out so the corner of the building on Lot 29-A will conform to setback requirements.

Seconded, J. B. Smith

For the motion: Henderson, J. B. Smith, V. Smith

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DEFERRED CASES - Ctd.

7-Ctd. Mr. T. Barnes voted "no".

Motion carried to defer to August 14th.

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8- GWYN E. MURDOCK, to permit carport to remain as erected within 5 feet of side property line, Lot 385, Mason Terrace, (201 Winchester Way) Falls Church District. (Suburban Residence).

Mr. Murdock said he thought the setbacks of the carport shown on his plat were correct as he had measured from his adjoining neighbor's monuments, which were put in by a surveyor and he believed they were correctly located. His own rear stakes are in, Mr. Murdock said. There are 55 feet between his house and the house on adjoining property.

There were no objections from the area.

Mrs. Henderson questioned the rear corner of the carport - the possibility of its being within the White Post Walkway right of way. Mr. Murdock said he had used measurements from his own rear stakes and his neighbor's stakes and felt very sure that setback was correct as shown.

Mrs. Henderson moved to defer the case for a report by August 14th on Mr. Murdock's efforts to get a lot survey in order to determine the exact location of the White Post Walkway, the house and the carport.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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9- ROBERT HALL CLOTHES, INC., to permit erection of two signs, one sign 120 square feet in area, and one sign 210 square feet in area - total area 330 square feet, on west side of U. S. #1, 1140 feet north of the southerly intersection of U. S. #1 and Route #628 immediately north of Luther A. Gillian Subdivision, Lee District. (General Business)

Mr. Ed Gasson represented the applicant. Mr. Gasson stated that in order to meet the Board's objections to the pilon sign they have reduced the square footage to 159 square feet, which is 51 square feet less than applied for. Mr. Gasson discussed the fact of the location of this property - within a purely business area, the large lot (250 ft. x 253 ft.) with a building 120 feet x 70 feet - all of which justified a larger sign area than allowed by the Ordinance. He referred to the Safeway sign at Fairfax with a less square footage building on which a sign was allowed 150 square feet on the building and 180 square feet for the standing sign. He also referred to the second Safeway store at McLean with its large sign - granted by this Board, and the large signs allowed at Annandale and Seven Corners. Mr. Gasson recalled that conditions on these signs were not entirely parallel (referring particularly to sight distance) at Annandale and at Seven Corners. Mr. Gasson compared the difference in the sign which could be granted on a lineal footage basis with the requested square footage - which would be considerably more than asked for.

9-Ctd. Mr. Wells displayed the type sign to be used, which was a plastic type material having diffused, concealed lighting.

Mr. Gurfield, engineer for the applicant, discussed sign problems which he had run into throughout the Country - such problems caused because of lack of uniform sign laws. This is a national chain, Mr. Gurfield pointed out, planning to establish four stores in the metropolitan area. They depend upon the community and are very conscious of the fact that they must have community support to be successful in this area. They are making every effort to have an attractive well designed store, with sufficient parking, and signs that are in keeping with the area and which will at the same time give them sufficient advertising.

It has been his experience with signs, Mr. Gurfield continued, that a sign must be large enough to be seen for from 5 to 700 feet, in order that people driving by may see the sign easily at a distance and have time to slow down without hazard to traffic.

While they would still rather have the original pilon sign designed, they feel that the reduction is the very smallest sign compatible with the size of their lot and building and for adequate advertising. Mr. Gurfield noted that they had taken off the family group on the sign - which they are using in their national advertising. The sign as designed, Mr. Gurfield continued, is simple, attractive, and because of the diffused lighting will not be glaring or in any way hazardous.

Mr. Gasson explained that the sign requested was, in his opinion, compatable with signs the Board had granted in other instances, that such a sign is necessary for competitive purposes. He urged the Board to give a favorable decision.

The size of the Safeway sign at Kamp Washington was discussed - Mr. Henderson's figures were considerably less than that quoted by Mr. Gasson.

The location of this sign - on the right of way - was considered hazardous and distracting to motorists.

Mr. Verlin Smith suggested that the Giant sign at Seven Corners is visible for about 1500 to 2000 feet. Mr. Gurfield answered that that was probably true - that the type of sign would determine the visibility distance. The Giant sign probably has a stronger lighting, whereas the sign proposed on this property has reduced visibility by about 50 percent because of the diffused lighting, which was also less hazardous to traffic.

It was recalled that the major reasons for the granting of the Giant store sign was that the sign was for the leading store in the area, the store itself is well back from the highway and the sign is on the store instead of standing on the building line. Also the Safeway sign at Kamp Washington is attached to the building.

These signs, as now requested, Mr. Gurfield pointed out will be: on the building 15 x 24 feet - total 120 square feet, the pilon 159 square feet, making a total of 279 square feet and it was brought out that a less square

9-Ctd. footage than requested could be granted by the Board.

Mrs. Henderson moved that the sign designed to be placed on the building calling for 120 square feet be granted.

Seconded, J. B. Smith

Carried, unanimously.

Mrs. Henderson moved that the pilon sign be denied.

Seconded, J. B. Smith

Carried, unanimously. ✓

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Mr. Brookfield came in during the latter part of this discussion. However, Mr. Verlin Smith retained the chair for the time.

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10- ✓ ROBERT HALL CLOTHES, INC., to permit erection of two signs, one sign 120 square feet in area, and one sign 210 square feet in area, total area 330 square feet, north side of Arlington Boulevard, approximately 200 feet west of Cherry Street, Falls Church District. (General Business).

Mr. Ed Gasson represented the applicant. This is substantially the same request, Mr. Gasson pointed out, the main difference being the location and the fact that the lot is smaller. The building will be the same size. Mr. Gasson again pointed to other signs which have been granted by the Board and which he considered comparable to this request. Since he thought this a reasonable request, Mr. Gasson stated that if the sign is denied - they would find it necessary to take the case to the Circuit Court.

There were no objections from the area.

Mrs. Henderson moved that the sign on the building on Route #50 be granted. This sign contains 120 square feet and is granted in accordance with the sketch presented with the case.

Seconded, J. B. Smith

Carried, unanimously.

With regard to the pilon requested, Mrs. Henderson moved that the sign as shown on the sketch presented with the case, be denied, because of the distance from the highway and in her opinion this lighting in conjunction with the lights coming over the hill from Seven Corners would create a traffic hazard, and this is a gross variance from the Ordinance.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES:

1- MRS. RUTH BRYANT, to permit operation of a nursery school, Lots 7 and 8, Block D, Collingwood Manor (102 Chadwick Ave.) Mt. Vernon Dist. (Rural Res.

Mrs. Lois Miller, attorney for the applicant had asked for a 30 day deferrment on this case, as she was unable to be present.

NEW CASES - Ctd.

1-Ctd. Seven residents from the area were present objecting to this use. It was explained to those objecting that the Board could vote to hear their objections, but no decision could be made on the case without the applicant being present.

Mr. Brookfield moved to defer the case until August 14th.

Seconded, J. B. Smith

Carried, unanimously. Mr. Wm. F. Brown, 607 W. Boulevard Dr.,Alexandria asked that he be notified the time of the new hearing.

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It was brought out by the objectors that Mrs. Bryant is conducting the nursery school at the present time, and it was asked if she could be stopped.

Mr. Mooreland said no - not until the hearing.

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2- H. T. MOONEY, to permit erection of building within 25 feet of Pine Street and within 10 feet of the side property line, Lots 18, 19, 20 and 21 - Annandale Subdivision, Falls Church District. (General Business).

Mr. Mooney told the Board of his attempt to erect a building to house the post office at Annandale. Negotiations and the drawing and redrawing of plans have been going on for the past year. When he came up with a plan to erect a 3000 square foot building, the Post Office Department stated that they would take the space but would give only a cancellable lease because of the fact that there was no space in the building for future expansion. Since he was unable to get financing on such a lease, Mr. Mooney re-designed the building with a total of about 5000 square feet - allowing 3000 square feet for the Post Office and two additional stores - which could later be used for Post Office expansion if they desired the space. On this basis the Post Office Department will give a 15 year non-cancellable lease. In putting up such a large building it will require a 25 foot setback from Pine Street and a 10 foot setback from the side property line. Mr. Mooney noted that the building setback line had been established on an old plat showing a 25 foot setback line on Pine Street. He had thought that setback held. Since Pine Street carried very little traffic, Mr. Mooney thought this reduced setback would not have an adverse affect. With reference to the side yard setback, Mr. Mooreland explained that the Ordinance required that the adjoining residential setback must be observed unless granted a variance. In this case it is 15 feet.

Mr. Verlin Smith suggested moving the building closer to the existing house on adjoining property which is zoned for business. Mr. Mooney called attention to the fact that the building could then be only 16 feet wide at that end, since the lot narrows at that end.

The parking area was discussed, which appeared to be sufficient. However, Mr. Verlin Smith suggested that the applicant was attempting to put too large a building on a small piece of property.

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NEW CASES - Ctd.

2-Ctd. Mr. Mooney recalled that he could have put up this building had he made application when he bought the property - as he could have observed the old setback at that time.

Mrs. Henderson noted that a building sufficiently large enough to take care of the Post Office could be built within the Ordinance - she thought Mr. Mooney was crowding the property with the largest possible building.

Mr. Mooney said the two extra stores were built merely to take care of future expansion of the Post Office and to make it possible to get the loan

There were no objections from the area.

The width and setback of Pine Street were discussed. It was agreed that a 40 foot setback from the right of way line should be observed.

Mrs. Henderson moved to deny the case because the amount of ground is not large enough for the building proposed, and it is feasible to put a building on the land that will conform to Ordinance requirements.

Seconded, J. B. Smith

For the motion: Henderson, J. B. Smith, V. Smith, T. Barnes

Mr. Brookfield voted "no".

The motion carried.

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3- JOSEPH J. DRAGOS, to permit erection and operation of a service station, Part of Lot 31, Evergreen Farms Subdivision, north side #1 Highway, 305 feet west of Forest Lane, Mt. Vernon District. (General Business).

There is presently a small office on this property which has been used for the filling station building. This will be developed into a modern first-class filling station, Mr. Dragos told the Board. It was noted that there are existing apartments and a restaurant on the property immediately adjoining.

No variances are asked, Mr. Dragos pointed out. The building will conform as well as the island setback.

There were no objections from the area.

Mr. Brookfield moved to grant the application

Seconded, Mr. J. B. Smith

For the motion: Brookfield, J. B. Smith, T. Barnes, Mrs. Henderson

Mr. Verlin Smith voted "no" because he considered this a dangerous intersection and he thought the installation of the filling station here would add to a dangerous situation.

Motion carried.

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4- MALCOLM MATHESON, JR., INC., to permit an addition to dwelling 18 feet of side property line, Lot 25B, Block C, Correction Survey part of Block C, Resubdivision Block D and part of Block C, Mt. Vernon Terrace, Mt. Vernon District. (Rural Residence).

NEW CASES - Ctd.

4-Ctd. No one was present to discuss the application.

Mr. J.B. Smith moved to put the case at the bottom of the list.

Seconded, Mr. T. Barnes

Carried, unanimously.

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5- FOOD FAIR SUPER MARKET, to permit erection of signs with larger area than allowed by the Ordinance, on north side #29 and #211 at Kamp Washington, Providence District. (Rural Business).

Mr. Stone represented the applicant. Mr. Stone showed the type of sign to be used - one on the building and the other a standing sign. Mr. Stone pointed out, however, that the actual lettering on the sign on the building had only 32 square feet of lettering.

The pilon sign is 40 feet high (Mr. Stone noted that the building is 16 ft. in height) and is located in the parking area on the building line. It is about the same height as the Safeway sign which is on adjoining property. The sign contains 243 square feet on each side.

There were no objections from the area.

No location map was presented with the case.

Mr. Verlin Smith thought it necessary that the Board have more complete information before handling the case.

Mrs. Henderson moved that the sign on the building be granted as requested for 104 square foot area.

Seconded, J. B. Smith

Carried, unanimously.

With regard to the pilon sign, Mrs. Henderson moved to defer the case until July 24th for the applicant to present a map showing the exact location of the sign with relation to Route #50 and #211 and the location of the building and parking lot, and the location of the sign showing the distance from the highway right of way.

Seconded, Mr. T. Barnes

Carried, unanimously.

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6- CULMORE INVESTMENT PROPERTIES, INC., to permit an addition to store closer to East Glen Carlyn Drive than allowed by the Ordinance, on East Glen Carlyn Drive, 1800 feet south of Route #7, Parcel 2, Section A, Culmore, Mason District. (General Business).

Mr. Baritz represented the applicant. This request is for an addition to Drug Fair, Mr. Baritz told the Board, badly needed because of expanding business. The length of the present store is 112 feet. They are asking for a 25 foot addition, which will come within 20 feet of the property line. Setback should be 35 feet.

Mr. Mooreland called attention to the fact that a considerable more street dedication was made here than was needed, and a portion of the dedication has not been used. Mr. Mooreland noted that the building on the opposite

NEW CASES - Ctd.

6-Ctd. side of Culmore, on Glen Carlyn Drive West was allowed to come within 15 ft of the right of way because of the large dedication to public use which was not used. It was noted that Glen Carlyn Drive has an 80 foot dedication on the south side and 50 feet on the north.

Mr. Verlin Smith noted on the plat that a 20 foot dedication was recorded all along Glen Carlyn Drive - which if this is correct would bring this proposed building within 10 feet of the dedicated right of way. However, there was a question just where the right of way of Glen Carlyn Drive East was located.

Mr. Hillman, manager of the Drug Fair, explained their need of more space, saying the other Drug Fair stores in the County have from 8000 to 11,000 square feet of area while this store has only 5000 square feet.

There were no objections from the area.

It was suggested that the same setback on this side of Glen Carlyn Drive as on the other side was reasonable. However, Mr. V. Smith recalled the difference in right of way - 80 feet as against 50 feet.

Mrs. Henderson moved to deny the case under Section 6-13-7 as it would not appear to promote the health, safety and comfort of the general area in that open space in this area is already limited and that area which is open should not be further encroached upon.

There was no second.

Mr. Brookfield took the Chair and Mr. Verlin Smith seconded Mrs. Henderson's motion which she restated: to deny the case because it would not promote the health, safety and welfare of the County and because with the apartment development, such open spaces are necessary.

Mr. V. Smith suggested that the motion should include reasons for denial under Section 6-12-7-3-g (Hardship clause) which states that the applicant must show peculiar and exceptional difficulties or exceptional and undue hardship upon the owner to comply with the required setback. That, Mr. V. Smith stated, has not been shown.

Mrs. Henderson accepted this addition to the motion.

For the motion: Mrs. Henderson, V. Smith

Against the motion: J. B. Smith, T. Barnes and Mr. Brookfield

The motion lost.

Mr. V. Smith moved to defer the case for further study - deferred to Aug. 14th, 1956.

Seconded, J. B. Smith

Carried, unanimously.

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July 9, 1956

NEW CASES - Ctd.

7- KARL VON LEWINSKI, to permit erection of dwelling within 35 feet of the Street property line, Lot 15, Block 17, Section 10, Stratford Landing, Mt. Vernon District. (Suburban Residence).

No one was present to discuss this case.

Mr. Verlin Smith moved to put the application at the bottom of the list.

Seconded, J. B. Smith

Carried, unanimously.

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8- S. & L. CONSTRUCTION CORP., to permit carport as erected to remain within 4.71 feet of the side property line, Lot 45, Block G, Section 4, Bren Mar Park, Lee District. (Urban Residence).

Mr. Dennenberg represented the applicant in the absence of Mr. Luria. This lot was originally slated for a split level house, Mr. Dennenberg told the Board, but because of the great amount of grading necessary to put the lot in shape they changed to a rambler. This is the only way they can account for the error in location of the house, Mr. Dennenberg said. The house is practically completed. It is not possible to locate the carport on the opposite side of the house because of the steep bank and the generally hilly topography of the lot.

There were no objections from the area.

Mr. Verlin Smith moved to grant the application because of the topography of the lot.

Seconded, Mr. T. Barnes

Carried, unanimously.

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DEFERRED CASES:

HUNTINGTON CITIZENS ASSOCIATION, to permit erection of a community building 52' x 24', adjoining Section 3, Huntington, access from Washington Ave., Mt. Vernon District. (Suburban Residence).

Mr. Marsh, President of the Association, asked that this be deferred to August 14th. Members of the Board disagreed on whether or not there should be a right of way into the Huntington recreational area for cars.

Mrs. Henderson thought that since this would be in use during the day for children, most of whom would walk to the area, cars coming in and out would create a hazard. The only meetings where adults would be present in any considerable numbers would be at night - and whatever parking they needed could be taken care of on adjoining streets.

This Mr. V. Smith thought not practical. He thought the tendency was to travel everyplace by cars and that even during the day many people would want to drive to the area and therefore there should be adequate car ingress and egress and parking space.

Mrs. Henderson moved that the application be granted for a community building as the case was presented to the Board at the first hearing and that there be no access for cars. There was no second

DEFERRED CASES - Ctd.

Huntington Citizens Assn. - Ctd.

Mr. Verlin Smith moved to defer the case to August 14th.

Seconded, Mr. T. Barnes

Carried, unanimously.

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H. F. SCHUMANN, JR. Since there was no report from the Planning Commission on this case, Mr. Verlin Smith moved to defer this case to July 24th.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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KARL VON LEWINSKI. This is a request from the purchaser who is employed by FHA, asking that the house be placed forward on the lot in order to preserve a very large tree at the rear of the house. The building would come about 35 feet from the front line. Since this is not a long straight street, it has only four houses, and the street curves into a cul-de-sac, Mr. Lewinski thought the variation in setback would not be noticeable. Also this is a wooded lot - the other lots on the street have very little woods, this would also minimize the difference in setback.

Mrs. Henderson suggested designing the house around the tree. There are four house designs in the subdivision, Mr. Lewinski said, and this one appeared to best fit the lot. All the houses are the same depth. Not being a custom built house it would be impractical to attempt to change the house design. The plans have been okayed by FHA and to redesign the house would mean starting all over in order to get FHA approval.

Mr. Verlin Smith moved to deny the case because there is no evidence of undue hardship on the applicant. Mr. V. Smith noted that there might be 1000 lots in the County which would ask a similar variance - there would appear to be no reason to grant this.

Seconded, Mrs. Henderson

For the motion: V. Smith, Henderson, J. B. Smith

Against: T. Barnes, and Mr. Brookfield.

Motion carried to deny.

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WILLIAM E. MOSS - Mr. Hooper came before the Board and asked that the William Moss case, which had been denied by the Board, be reopened. The case was deferred twice because neither Mr. Moss nor his representative was present.

Mr. Verlin Smith moved to reopen the case.

Seconded, Mr. T. Barnes

Carried

DEFERRED CASES - Ctd.

William E. Moss - Ctd.

This was an error in staking out the house, Mr. Hooper said. He did not know why it was not caught before the house was erected.

Mr. V. Smith asked if any attempt had been made to buy additional land from the adjoining property owner.

Mr. Hooper answered "no" - that the owner of that ground is overseas. The house on this adjoining lot, which is a very large lot, is about 40 feet from the side line, Mr. Hooper explained. While the owner of that property does not know of this encroachment - the renters do not object.

Mrs. Henderson thought attempt should be made to contact the owner of the adjoining property with respect to purchasing more property. The house on the other side of Mr. Moss is on a corner lot and is close to the side line. It was brought out that Mr. Moss has a basement garage on the opposite side of his house, from which he is asking the variance. It was also noted that his lot is very large - fanning out in the rear. For this reason it was thought that he might exchange some of his rear lot land for more frontage, which would widen out his lot and make his building conform.

Mr. Hooper contended that trading frontage land for rear didn't usually work at least it would make an expensive deal for the one acquiring the frontage. There were no objections from the area.

This error was not noticed until the house location survey was made, Mr. Hooper said. The lot is level, sloping slightly up from the street, but there is no topographic condition.

Mr. V. Smith moved to defer this application until August 14th to give the applicant the opportunity to correspond with the owner of the adjoining lot (Lot 332) to see if he can acquire additional land.

Seconded, Mrs. Henderson

Carried, unanimously.

When Mr. Hooper suggested that it might be difficult to contact the owner of the adjoining property, Mrs. Henderson asked that the Board have a report on this at the August 14th meeting.

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NEW CASE:

4- MALCOLM MATHESON, JR., INC. No one was present to discuss this case.

Mr. V. Smith moved that the case be deferred to July 24th.

Seconded, J. B. Smith

Carried, unanimously.

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Mr. William Mooreland asked the Board for an interpretation on side and rear setbacks for corner lots in subdivisions. Mr. Mooreland drew a hypothetical case showing the required setbacks on two sides of a corner lot (two streets) and asked the Board which if either of the other two lines should be considered the rear line. The required rear setback is 25 feet, Mr. Mooreland continued, and in this case a side setback would be 15 feet. In case the house is set at an angle, it has been the determination of the Zoning Office that the two lines (other than streets) were both side lines, and the applicant could therefore setback the 15 feet from both lines. The Ordinance says, Mr. Mooreland pointed out, that a fence or wall may be built 5 feet high on the side lines but that it may be built 7 feet high on a rear line. Both the Chairman of the Board of Supervisors and Mr. Moss, of the Board, have told Mr. Mooreland his interpretation was wrong, that the 25 foot setback must be observed on the two lines. If this is correct, Mr. Mooreland stated, what is considered the rear lines of the corner lot would be the side line of the man on adjoining property and you have two circumstances prevailing: the corner lot - with the two rear lines could put up a 7 foot fence but the man on adjoining property would consider this his side line which would not allow the 7 foot fence. Mr. Mooreland asked the Board - can a man build a 7 foot fence on such a line - or a 5 foot fence? By considering the two lines to be rear lines - is there no side line on corner lots? Mr. J. B. Smith thought the Ordinance should be changed to allow only a 5 foot fence - on side or rear lines.

Mr. V. Smith moved that this matter be referred to the Commonwealth's Attorney for his interpretation.

Mr. Mooreland informed the Board that the Commonwealth's Attorney would not interpret the Ordinance - that that is the function of this Board. He was very certain that the Commonwealth's Attorney would not make a decision on this.

Mr. V. Smith thought the Board should have the counsel of the ~~County's~~ COMMONWEALTH'S Attorney since he is the Board's legal advisor. Mr. Smith said he was very conscious of the Board's obligation to interpret the Ordinance, but that the Board should have counsel from the ~~County's~~ COMMONWEALTH'S Attorney in making that interpretation.

Mrs. Henderson agreed that the Board should have advice and should know how this has been handled in other jurisdictions. It was brought out that this question has been confusing to other jurisdictions also - each having made some kind of determination - but that conditions were not necessarily comparable. Even in case of a definite decision on this it was the opinion of the Board that a change in the Ordinance was the only way to make a final decision which would stick.

Mr. J. B. Smith seconded the motion to refer this to the Commonwealth's Attorney for counsel.

Carried, unanimously.

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9- ROBERT HALL CLOTHES, INC. Mr. Gasson came back to the Board and asked to make another statement regarding the two Robert Hall cases - both of which received a denial on the pylon signs. Both of these signs were denied because of the fact of the location - so close to the highway right of way. He would, therefore, like to ask the Board to consider locating each sign on the building or attached to the building.

Mr. Gurfield said they could revise the sign location, locating it at one end of the building attached to the roof or standing free - provided it does not protrude beyond the front roof line of the building.

Mr. Gasson said both of these buildings are well along in construction and they would like to know today, if possible, if it would be possible to have the signs with this change. Mr. Gasson called attention to the fact of the service road on Route #50 which puts the building back a considerable distance from the main highway.

Mrs. Henderson moved that the pylon sign as modified for the Robert Hall Clothes building on U. S. #1, the position being changed to place the sign against the building and the sign not to extend beyond the roof overhang, be granted.

Seconded, Mr. V. Smith

Carried, unanimously.

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10- ROBERT HALL CLOTHES, INC. The circumstances on the building on Route #50 are about the same, Mr. Gasson said. They will also pull the sign back against the building. Mr. Gasson pointed out several similarly located signs which have been granted by the Board. Mr. Gasson noted that this lot while it has less area than the lot on U. S. #1 - it has a greater frontage. There is no residential property joining this lot, a large sign is now located on the property adjoining, the 30 foot service drive necessitates the building being located well back from the highway - 225 feet from the centerline, and there are no objections from the area. Since other similar signs have been granted, Mr. Gasson asked the Board to give favorable consideration to this sign.

Mr. Gasson presented a description of their new proposal for the sign referred to at the earlier hearing.

Mr. V. Smith stated that in his opinion, the location on Route #50 presented an entirely different situation from the sign on U. S. #1. He recalled that Howard Johnson, which he considered comparable, was granted a 100 square foot sign, therefore, Mr. Smith stated that with regard to the pylon on ~~the~~ Route #50 property he would move that it be granted for a sign not to exceed 100 square feet in area, and that the sign be located on the building or attached to the building, not to come closer to the front property line than the edge of the roof of the building.

10- Ctd. Robert Hall Clothes - Ctd.

Seconded, Mr. J. B. Smith

Carried.

For the motion: Brookfield, V. Smith, J. B. Smith, T. Barnes.

Mrs. Henderson voted "no".

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Mrs. Henderson suggested that the Board get together on their plan of handling the several trailer park cases which will come before the Board on July 24th. She, therefore, moved that the Board ask Mr. Hardee Chambliss for a written statement of how to handle these cases - so the answer given by the Board on that date will stand up in Court.

Mr. Mooreland recalled that it would be necessary to have the approval of the Board of Supervisors to employ Mr. Chambliss.

Mr. V. Smith suggested that many aspects of trailer parks and their impact upon the County should be considered by the Board in giving their answer - especially tax revenue and the overloading of facilities.

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The meeting adjourned.

John W. Brookfield

John W. Brookfield, Chairman

Blank

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, July 24, 1956 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 Mr. Verlin Smith

DEFERRED 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 District. (Industrial).

Mr. Lytton Gibson represented the applicant. Mr. Gibson told the Board that he was at a loss to know how to advise his client on this application - that it has been before the Board since January, deferred month by month waiting for the Trailer Park Ordinance to be completed. The Ordinance is now in draft form, and is being studied by the American Trailer Association. (Mr. Gibson stated he was called in to go over this with members of the Association and advise them on it) but the draft Ordinance is long and involved and he has not had time for proper study of it. But, Mr. Gibson continued, he could say that his client will be bound by whatever Ordinance the County might adopt - if a motion to grant is made carrying that stipulation - or if the Board so desires the case may be deferred again until completion of the Ordinance - either will be satisfactory to his client.

The Trailer Park Association will complete their studies by August 6th, Mr. Munro would be agreeable to a deferrment to early September, with the understanding that the case will be heard at that meeting, regardless of whether the Trailer Park Ordinance is completed or not.

Mr. Munro has had several opportunities to sell his land for industrial uses Mr. Gibson told the Board, but has refused to do so as he would prefer to develop with the Trailer Park - but he does not want to be in the position of not selling his land at present - then the possibility developing that the Board of Supervisors may change the classification of his land from industrial to residential - precluding its use for a Trailer Park. Therefore, he would like to establish the Trailer Use not later than early in September.

There were no objections to the deferrment.

Mr. Jack Wood stated that he had been employed by a group of people owning property in the immediate vicinity of this property - and they do not object to the deferrment.

However, if this were granted at this meeting, Mr. Gibson said, his client would agree to come under whatever Ordinance is adopted and that could be made a part of the granting.

Mrs. Henderson moved to defer the case until September 11th.

Seconded, Mr. T. Barnes

Carried, unanimously.

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DEFERRED CASES - Ctd.

2- MARY VAVALA, to permit extension of trailer court from 36 to 42 units, Lot 18 Evergreen Farms, (Gum Springs Trailer Court) Mt. Vernon District. (Gen. Bus.)

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Mr. Paul Delaney represented the applicant. This is a request to increase the existing Trailer Park from 36 units to 42 units, Mr. Delaney told the Board. Mrs. Vavala has made a change from her original plat to locate the road down the middle of the property, rather than having the road on the north side of the property, as it is presently located. This will allow for larger lots and for a play area at the rear of the property.

Mrs. Vavala told the Board that she had operated this Park continuously since 1942. She originally had more lots than the 36 but curtailed the number to meet County Health requirements - because of the sewerage situation. The extension she is now asking is based on the fact that County sewers will soon be available, at which time she will connect all trailer lots to the sewer. She does not know yet just where the County sewers will go, Mrs. Vavala said, and for that reason she wishes to have her complete plan so the sewers and water can be laid down the center of her property. The presently operating Trailer Park is served with a septic field.

Mr. Charles Morris, manager of this Trailer Park, told the Board that some of the present lots in the Park are too small - that Mrs. Vavala wishes to redesign the lots in the Park so they will all be larger and will give more space. They have filled the play area, Mr. Morris continued, and in his opinion the relocation of the road and changing the lots will make a far better layout.

The present structures attached to trailers will be torn down, however, the present buildings on the property will remain. These additions to the trailers were not put up under building permit - they were hauled in and attached to the trailers. They have garbage pick-up twice a week.

The buildings on the property are used for laundry, utilities and two or three buildings are rented for light housekeeping. These buildings have been on the property since 1942 or 1945. They also have two apartments in the dwelling, shown on the plat. When asked if these apartments were built with a definite land requirement, Mrs. Vavala said they were not - however, they were built under permit. Mr. Mooreland said at that time the permit did not show the amount of ground to be used.

Mrs. Vavala said she had no drainage plans - she was not asked to show that. It was brought out that the road entering the Trailer Park is not a public highway, and therefore no setbacks could be required for the dwelling, but Mrs. Vavala said there was plenty of room for the building, the road runs on either side of the building and it allows space for parking. This road runs into a cul-de-sac at the playground. The cul-de-sac scaled about 35 feet in diameter. Mr. Verlin Smith thought that not big enough for a fire truck to turn around in.

DEFERRED CASES - Ctd.

2-Ctd. Mr. Mooreland noted that in the proposed Trailer Park Ordinance there is a non-conforming clause whereby Trailer Park operators will be required to conform to the new Ordinance within a specified time.

There were no objections from the area.

Mr. Verlin Smith moved that the application be denied because the street running in to the area is too narrow for fire trucks to turn in. The plat shows a dwelling in which the applicant states are two apartments, and which building is almost completely surrounded by roads, which would afford the occupants of the dwelling insufficient air and light, thereby creating a hazardous condition, and the applicant is asking the approval of conditions as they exist today from the drainage standpoint, and also the approval of three permanent structures which are attached to trailers, therefore, the case should be denied because it will affect adversely the health and safety of persons residing or working in the neighborhood and will be detrimental to the public welfare.

Seconded, Mr. T. Barnes

For the motion: Mr. Verlin Smith, T. Barnes, Mrs. Henderson, Mr. Brookfield. Mr. J. B. Smith not voting because he stated that he would like to see the applicant take the plats back and revise their plans and bring back something concrete to work by - rather than deny the case.

Motion carried.

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3- CHESTER COPELAND, to permit extension of a trailer court with 14 additional units, Lot 25, Evergreen Farms Subdivision. (Total 76 units), Lee District. (General Business).

The letter from the Board of Appeals to the Health Department asking for a report on health conditions on this trailer park was read, together with the following answer: ".....There should be no further additions to this court until public sewerage is provided. There are too many trailers there now for the facilities available....." - Signed by Dr. Harold Kennedy, M.D.

Mr. Copeland said the County sewer lines will be available in September and if this extension is approved at this time the lines will be put in to serve the entire trailer park. There are 40 existing trailers in operation. Dr. Kennedy has asked that they have their lines in so they can hook on when the sewers are ready, Mr. Copeland said.

Mr. Verlin Smith asked where a fire truck could turn around on the 20 foot roads. Mr. Copeland said the 20 foot roads were adequate to take care of the type of equipment they would need in a trailer park - that the fire department had answered calls there and found the roads all that is necessary. The road which runs through the park will give entrance at both ends of the park. The rear entrance, however, was not shown on the plat.

DEFERRED CASES - Ctd.

3-Ctd. Mrs. Henderson asked if a recreation area was planned. They have sufficient ground, Mr. Copeland answered, and if the County asked for that he would put in a play area.

He plans a road on the lower side of the park, Mr. Copeland said, and by filling and raising the present road adequate drainage would be provided, Mr. Copeland continued. Mr. Verlin Smith suggested that the Board have a new layout showing the changes contemplated.

Mr. Mooreland said he would like to have the final layout in his office to work from, and suggested that if the Board grants this - it should not be based on the plats as presently presented - but on a revision. However, rather than deny this case - which would perpetuate a bad situation, Mr. Mooreland thought the Board could very well pass on a new layout which would better conditions.

Mr. Verlin Smith pointed out that this is inadequate as it is, that it actually is a health hazard - as evidenced by the letter from the Health Department. There is no turn-around shown or planned, and no recreational area shown. Mr. V. Smith thought a topographic map should be shown which would explain the drainage situation. He thought the case should be denied.

Mr. Brookfield thought rather than continue the conditions as they are the applicant should be given a chance to present better layout plans. In that case, Mr. Verlin Smith said, Mrs. Vavala should also be given a chance to present revised plans.

Mr. Verlin Smith recalled that in other cases the Board has required a statement from the Fire Commission saying the roads were adequate for equipment.

Mr. Copeland asked that his case not be held up - in order that he may go ahead with the plumbing and lines. He will definitely improve the place, Mr. Copeland continued - he has the new plats ready which show the road along the lower side of his property, and he would get a letter from the Fire Commission stating that the 20 foot roads will be satisfactory. Mr. Copeland was willing for the Board to defer his case for presentation of the new plat and word from the Fire Department.

Mrs. Henderson asked why the clothes line is located across the road from the utility-laundry rooms. It just so happened, Mr. Copeland said.

Mr. Verlin Smith moved to defer the case until August 28th to give the applicant the opportunity to submit another layout, to show approval from the Fire Department stating that the streets are adequate, the plat to show a recreational area, the size of the existing building in the trailer park be shown and that a typical layout for the lots be shown and that the applicant get the approval from Mr. Kipp's office for drainage and that approval be shown from the Health Department for sanitary facilities.

Seconded, J. B. Smith

Carried, unanimously.

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DEFERRED CASES - Ctd.

AMERICAN TRAILER COMPANY, to permit extension of trailer park by 90 units, making a total of 170 units, Lots 15 and 16, Evergreen Farms Subdivision, on west side #1 Highway, Lee District. (General Business).

Mr. Griffin Garnett represented the applicant. This case was deferred for State Highway approval of ingress and egress, Mr. Garnett recalled. He presented a drawing by Mr. Cecil Cross, Engineer, which showed four entrances to U. S. #1 and which Mr. Garnett said had been approved by the Highway Department. The plan showed curbs and islands and a decelleration lane bordering U. S. #1. The Highway Department will put in a black topped decelleration lane and his client will put in the curbs and islands. His client has put up a one thousand dollar ($1000.00) bond to assure completion of the work on the curbs and islands and entrances. This work has been done, Mr. Garnett said.

Mr. Verlin Smith asked for a photostatic copy of their agreement with the Highway Department.

Mr. Garnett also explained that the storm drainage difficulty had been solved - that the master storm sewerage drain at the edge of this clients property had been broken and clogged up so it would not carry the water. The State and County have reinstalled a new drain carrying the water to the culvert. This is now completed, Mr. Garnett said. Also the laterals have been run from the trailer park area to tie into the culvert - this drains the park. This drainage system was worked out with Mr. Kipp's office, Mr. Garnett said, and was approved by him.

The Board asked that Mr. Kipp make a statement of his approval to the Board. The meeting was held up while Mr. Kipp's office was contacted.

Mr. Garnett explained that he did not have a complete drainage plan of the trailer park because he was not asked for one.

Mr. Rasmussen, representing Mr. Kipp's office, stated when he came before the Board that he had not seen drainage plans on the trailer park and had not approved them, and that he knew nothing of the State Highway's reinstalling the master drain nor the culvert.

Mr. Garnett said again that he was not requested to show drainage plans and they had no criteria to go by on the drainage, but they had worked out the system based on good engineering practice. They had therefore thought this was sufficient. However, they will be willing, Mr. Garnett continued, to abide by any permit granted subject to approval of drainage plans. Now the sewerage condition has been corrected and it is the opinion of his client's engineers that it is satisfactory. They would be glad to supply the Board with whatever drainage plans the Board requests - but since they had no criteria to go by - they have done what they considered to be adequate. That is what the Board wants, Mr. Verlin Smith told Mr. Garnett, the plans to show County approval.

DEFERRED CASES - Ctd.

4-Ctd. Mr. Garnett asked the Board to grant the application subject to presentation of approved drainage plans. Mr. Verlin Smith suggested also the presentation of photostatic copy of the Highways approval on entrances.

Sewerage will be available about July 31st, Mr. Garnett said.

Mr. Garnett asked if the Board wanted the drainage plat submitted to Mr. Kipp and approved by him. The answer was "yes". Mr. Garnett asked what standard they were to go by - does this Board set standards or what is the criteria. Mr. Verlin Smith suggested that this could be worked out with Mr. Kipp. Again, Mr. Garnett asked the Board to grant the application subject to this approval.

Mr. Verlin Smith noted that the trailer lots run to the right-of-way line of U. S. #1 - he thought a setback should be observed. Mr. Mooreland stated that since a trailer was not a structure no setback could be required. (The required setback for a structure here is 35 feet). They have no intention to use the lots immediately bordering U. S. #1 for rented trailers, Mr. Garnett told the Board - they could leave an open area along the highway which would be used for display purposes. They would be willing to leave a certain setback to the rented lots. (Mr. Mooreland called the Board's attention to the fact that "display purposes" means display of a trailer..).

There were no objections from the area.

Mr. Verlin Smith moved to defer the case until August 14,1956 to give the applicant the opportunity to submit and get approval by the Department of Public Works on the drainage layout and for the applicant to show on the plat a setback for the rented trailers which will be in line with the existing approval by the Highway Department showing agreement for ingress and egress and the decelleration lane.

Mr. Garnett said he would like the Board to understand that they would not put more than two display trailers in the front setback area.

Mrs. Henderson seconded the motion.

Carried, unanimously.

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5- TOWN OF VIENNA, to permit construction and operation of a sewage treatment plant on 3.002 acres of land, approximately 650 feet N. W. of Hunter Rd., and 950 feet west of Cedar Lane, Providence District.(Rural Residence).

Mr. Alex Bloxton represented the applicant. Mr. Bloxton said he had not been present at the Planning Commission meeting at which this application was discussed, but he had heard that the Commission's discussion and recommendation were based on the fact that this plant was designed to serve the area proposed to be annexed rather than the Town of Vienna.

The Board asked that heresay evidence and annexation have no part in this hearing.

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5-Ctd. Mr. Bloxton recalled that the Commission was asked by this Board to give an opinion of the affect of this plant on the County Sewer Bond Issue. He thought that had no part in this case either, and was not within the scope of the Board's authority to consider.

However, with reference to the area to be served by this plant, Mr. Bloxton told the Board that neither this Board nor the Commission had the true facts. The need for this plant is to eliminate the three pumping stations which are now pumping from this area over into the Town water shed. These pumping stations are actually designed to be used either temporarily or for a limited amount of sewage or when it is not practical to have a disposal plant. They are dangerous, Mr. Bloxton continued, when they are overloaded - as evidenced by the recent blow-up of one of these plants. Now the Town is in desperate need of the disposal plant. They have put in temporary auxiliary facilities now - but these temporary plants need constant maintenance and even then are not satisfactory.

After the flooding of the pumping station, Mr. Bloxton continued, the Town Council met and authorized a bond issue for a complete overall plan of flood control in this area. In order to have an adequate sewerage system - flood control must also be taken care of.

There is a pressing need for this plant, Mr. Bloxton explained, and it is not predicated on annexation. The need is to take care of disposal within this water shed with complete sanitary facilities. This water shed area is partly within the Town - perhaps 50% of it. The plant was not designed with annexation in mind, Mr. Bloxton continued, but to take care of area within the Town limits and a portion of the County.

The State Water Control Board had inspected the Vienna plant after the flood, Mr. Bloxton informed the Board, and found it operating with 96% efficiency. This plant is surpassed by no other plant in Northern Virginia, Mr. Bloxton contended, and the proposed plant will be of the same design. It is true that this plant will serve area around it - in the County, Mr. Bloxton stated, but the County has no plan to serve this area. The Town has the facilities and the ability to go ahead with this - and should therefore have the right to expand.

With regard to location of this plant, Mr. Bloxton said, that was controlled by engineering factors and the requirements of the State Water Control Board. A survey was made by their engineers and this area was the first choice of the State Water Control Board and the State Health Department, to properly serve the area. (They plan two additional plants at a later time, which will take care of an expanded area, Mr. Bloxton added.) It was agreed that this application covers only one plant. One plant, Mr. Bloxton said, to serve the Town of Vienna and a small area within the County. Mr. Bloxton figured that only about 1/10 to 1/12 of the area to be served was within the County.

DEFERRED CASES - Ctd.

5-Ctd. Mrs. Henderson recalled that Mr. Lester Johnson, the Town's Engineer, had stated at the previous hearing that about 1000 acres would be served. That 1000 acres would be served by the future proposed plants, Mr. Bloxton answered.

Mr. Verlin Smith asked if this plant could not be moved farther up-stream, closer to the pumping stations which it proposes to relieve and closer to the area it will serve. Mr. Bloxton answered that the location of the plant was determined by the Water Control Board. The State was probably looking ahead to the future possibility of furnishing 1500 acres in this area, Mr. Bloxton suggested. That area, Mr. Verlin Smith said he had understood Mr. Bloxton to say would be served by the future plants. Mr. V. Smith still contended that the plant should be closer to the pumping stations. Mr. Bloxton recalled that the Town did have right of condemnation.

Mr. Verlin Smith asked that the minutes show that Mr. Bloxton had not shown why the plant could not be moved farther up on the stream nearer to the pumping stations.

Mr. Bloxton said the location of the plant at this point was considered topographically practical and the best location to serve the water shed.

Mr. Verlin Smith asked if this plant will serve existing houses in the area. The answer was "yes".

Mrs. Henderson asked how about the 500 homes planned by Mr. Yoenas? Those homes cannot be built, Mr. Bloxton answered, until the area is annexed. They cannot be built without sanitary facilities.

The following recommendation from the Planning Commission was read:

"The Fairfax County Planning Commission at its meeting of July 2nd voted to disapprove the application for the Town of Vienna Disposal Plant, with the following resolution:

Mr. Baker moved to recommend denial of the application to the Board of Appeals.

Seconded, Mr. Johnson

Mr. Johnson stated the reasons, which were made a part of the motion:

1. The sewage disposal plant is intended to serve an area within Fairfax County and not the Town of Vienna.

2. The stream in which the effluent is to be placed is entirely inadequate for the demands which will be placed upon it.

3. There has been no adequate demonstration that it will not result in pollution of the stream nor in case of overloading the stream has anything been shown with respect to the ability of the stream to handle the overflow of water.

4. A substantial number of citizens of Fairfax County who feel that they would be adversely affected by such plant have expressed objection to the location in a residential area to its detriment because of odors and sewer gas and other offenses which accompany sewage disposal systems.

5. No need has been shown for the plant.

6. No ~~need~~ evidence has been shown by the Town of Vienna that there is a need of this plant to serve its residents.

For the motion: Baker, Massey, Gray, Johnson and Mrs. McCormick
Not voting: Lamond, Rust, Brookfield, Hollway, Thompson, Price."

DEFERRED CASES - Ctd.

5-Ctd. Mr. Bloxton re-stated that the decision of the Commission was based on facts that do not exist.

The plat presented with the case was discussed. Mr. Bloxton said that Bear Branch would be diverted slightly to the side of the plant. The lake will be stocked with fish. The drying shed should be covered and they plan to fence the site.

Mrs. Henderson thought the drying shed should be screened with trees or planting as it makes a very unattractive structure in an area of homes. That could be done, Mr. Bloxton agreed - it had never been discussed.

In viewing the plant site, Mr. Verlin Smith said he had thought the plant itself would be on the other side of the stream. As it is shown on the plat it appeared very close to the Eyles home - he still suggested that the plant should be moved up-stream. Mr. Bloxton said there had been some discussion between Mr. Griffith and the Town Engineer re acquiring more land around the plant site.

Mr. Verlin Smith stated that he had thought the plant site would be fairly well screened with trees, but that upon looking over the property it appears to be within an open area. He thought the Eyles home, which is relatively close to the plant, would be adversely affected. Mr. Bloxton agreed that the whole area could be screened with shrubbery. The Town does not wish to adversely affect any property, Mr. Bloxton told the Board, it is possible they would contract to buy the Eyles property. Even then, Mr. V. Smith thought the plant was too close to homes and that it should be moved nearer the area to be served. As the plant is located, Mr.V. Smith said, he could not vote for it as it certainly would adversely affect adjoining property owners. Only one or two houses, Mr. Bloxton contended. By locating the plant farther up-stream it would better the drainage condition, Mr. V. Smith thought.

Mr. Verlin Smith suggested deferring the case for the applicants to work out an alternate location. Mr. Bloxton explained that the bids are out on the construction of the plant and they are working on a time schedule attempting to take care of a public health problem, to plan for flood control and elimination of the pumping station - all of which are tied together and are of immediate need. He did not want further delay.

It was suggested that the pumping stations might work satisfactorily if they were property maintained. However, Mr. Bloxton pointed out that under any circumstances those stations are not satisfactory as permanent installations and he thought them hazardous. Mr. Bloxton pointed out also that other sites were considered but the purchase was made on this one after the Water Control Board had designated it as the most feasible. However, the Water Control Board did not say that this was the only location the plant could take but that it was the most logical location when viewed in connection with the future proposed plants. Moving the site up-stream might preclude the necessity of condemning any homes or purchasing other property, Mr.

DEFERRED CASES - Ctd.

5-Ctd. Bloxton admitted - the Town did not wish to enter into any condemnation proceedings unless necessary. They would be willing to discuss this again with the Water Control Board, Mr. Bloxton agreed, if the Board requested them to do so.

Mr. Verlin Smith called attention to the fact that on the plat presented - the stream runs through the plant. Since the Board would grant any use on the basis of the plat presented - the plats would at least have to be revised and corrected. Mr. Bloxton said they would do that.

Mr. Verlin Smith moved that this case be deferred until July 31st, 1956 to give the Town of Vienna Engineers, the State Health Department, and the Water Control Board an opportunity to consult on the possibility of moving this plant up-stream, and if this cannot be done that a statement be presented from the State Water Control Board to the Board of Zoning Appeals stating the reasons why it cannot be so located. Also the Board requests a new plat showing location of the plant and the actual diversion of the stream away from the plant, and also that the plat show where the additional land proposed to be purchased will be located in relation to the land already designated for the plant site. Mr. Verlin Smith also requested that the area to be served by the plant shall be shown.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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Mr. Verlin Smith suggested that the plant be moved as far up-stream as it could go and as near the pumping stations and as near the area to be served as possible.

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6- DOMONIC BOCK, to permit storage shed to remain as erected within one foot of rear property line and within three inches of side property line, Lot 429, Mason Terrace, (105 Bolling Road), Falls Church District. (Suburban Residence).

Mr. Bock asked that this case be deferred as he could not wait for hearing time.

Mr. Verlin Smith moved that this case be deferred to August 14th.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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NEW CASES:

1- GLEN BUTLER, to permit enclosed porch as erected to remain within 15.9 feet of the side property line, Lot 16, Section 2, Overlook Knolls, (2024 Sleepy Hollow Road), Falls Church District. (Rural Residence).

Mr. Joe Creigh represented the applicant. Mr. Creigh presented a petition with 17 names of property owners in the immediate area, stating that they did not object to the granting of this case. The open porch was constructed in 1955 - later Mr. Butler enclosed the porch without a building permit. There are 46 feet between this addition and the house on adjoining property which would more than meet side setback requirements, Mr. Creigh pointed out Mr. McKay, who owns the adjoining property, has stated this will have no adverse affect on his property, in fact he thought the addition was a credit both to Mr. Butler and to himself.

This error was discovered when he certified to the title, Mr. Creigh told the Board. There was no intention to violate the Ordinance, and since the addition enhances the value of the property, and there is sufficient distance between houses, Mr. Creigh asked the Board to grant this application. There were no objections from the area.

Mr. McKay has stated, Mr. Creigh told the Board, that since his bedrooms are on this side of his house, he will never want an addition here. He has over 1/2 acre of ground and would never know this addition on Mr. Butler's house is in violation.

Mr. Verlin Smith suggested Mr. Butler purchasing a few feet of ground from Mr. McKay.

Mr. T. Barnes moved to grant the application as there are no objections from the neighbors, it is a small variance and does not appear to adversely affect other property. There was no second.

Under the Ordinance, Mr. Verlin Smith told the Board, the applicant must show an undue hardship - that has not been done and therefore he felt the Board could do nothing other than deny the case. Mr. Smith moved to deny the case because no evidence of undue hardship has been shown.

Seconded by Mrs. Henderson who suggested that Mr. Butler and Mr. McKay adjust the line between them and make this setback conform.

For the motion: Mr. V. Smith, Mrs. Henderson, Mr. Brookfield, Mr. J. B. Smith Mr. T. Barnes voted "no".

Motion carried.

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2- JAMES J. McGUIRE, to permit shed as erected to remain within seven feet of the side property line, Lot 16 and 1/2 of Lot 17, Block E, Courtland Park, (6616 Washington Drive), Falls Church District. (Suburban Residence).

Mr. McGuire said he located this storage shed seven feet from the side line after noticing that several other homes in the neighborhood had sheds similarly located. He poured a concrete slab and built the shed with the same pitch roof and same color as his home. It makes an attractive building

NEW CASES - Ctd.

2-ctd. Mr. McGuire said. He did not know he was in violation until notice came from the zoning office. The building is three-quarters completed. He did not know a permit was necessary. This is not a hazard in any way, Mr. McGuire said, it is a well built permanent type structure, the lot is large and the shed is well back from the dwelling - about 50 feet, and 34 or 40 feet from the rear property line.

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This is an old subdivision, Mr. Mooreland told the Board, where many of the homes are within seven feet of the side line (the Ordinance states that under certain conditions houses may be built ten feet of the side line - or seven feet from the line if masonry construction) but the Ordinance does not give the same leeway for accessory buildings.

In view of the fact that this is an old subdivision and Mr. Mooreland's statement that there are many houses in the subdivision located within 7 feet of the side line, Mr. Verlin Smith moved to grant the application.

Seconded, J. B. Smith

Carried, unanimously.

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3- THOMAS H. O'CONNOR, to permit erection of a carport within 8 feet of the side property line, Lot 449, Mason Terrace, (214 Bolling Road), Falls Church District. (Suburban Residence).

The people on the adjoining lot have their carport on this same side of the house, Mr. O'Connor told the Board. At present he is parking his car on the street, Mr. O'Connor explained, but it has come to the point where a carport or some shelter for his car is necessary. There is a great amount of runoff in this area and whenever a heavy rain comes his car is damaged with as much as three feet of water and debris coming down the street. The storm sewers are too small to take the runoff and it has created a serious condition for cars to stand in the street.

This addition would add to the appearance of the house, Mr. O'Connor stated. He cannot locate the port on the south side as the bank is steep and the water is either running or standing on that part of his lot. He would raise the elevation of the garage a little, which he thought would help to drain the lot.

Mr. Verlin Smith suggested raising the back yard in the same way and locating the carport there. The water comes down in back too, Mr. O'Connor explained - worse than on the south side of the house.

Mr. Verlin Smith suggested that the applicant take this situation up with the Board of Supervisors. Mr. O'Connor said no one will take the responsibility of this flooding condition - each one to whom he has complained has said he has no jurisdiction.

There were no objections from the area.

NEW CASES - Ctd.

3-Ctd. Mrs. Henderson moved that in view of the evidence which shows an exceptional and practical difficulty here and the hardship on the owner to have to wade through three feet of water to get to his car, the application be granted.

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Seconded, J. B. Smith

For the motion, Mrs. Henderson, J. B. Smith, T. Barnes, Mr. Brookfield.

Mr. Verlin Smith voted "no".

Motion carried.

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4- MARTIN L. AYRES,JR., to permit an addition within 20 feet of the rear property line, on east side #1 Highway, approximately 400 feet north of intersection of #626 and #1 Highway, Mt. Vernon District. (Rural Business).

This is a request to build a family room on the rear of his house - to keep his children off the street - Mr. Ayres said. His lot is about 125 x 125 feet and the house on adjoining property to the rear, which would be affected by this addition, is about 75 or 80 feet away. Mr. Ayres presented statements from four neighbors saying they did not object to this addition. Mr. Ayres said he owns three houses here along U. S. #1.

There were no objections from the area.

Mr. J. B. Smith moved to defer the case until August 28th to view the property.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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5- ALBAN REALTY CORPORATION, to permit erection and operation of a service station and to allow pump islands 25 feet of Edsal Road right of way line, property at the northeast corner of Edsal Road, #648 and Shirley Highway, Lee District. (General Business).

Mr. Hobson represented the applicant. This is an area of 18,000 or 19,000 square feet, Mr. Hobson told the Board. An 80 foot right of way had been dedicated for Edsall Road. He has checked with the State Highway Department asking if there is a plan to construct a clover leaf on the northerly side of the Shirley. The answer was - no plan for that.

In discussing the need for a cloverleaf in the future, Mr. Brookfield thought it would never be needed as the grade approach has proved satisfactory.

Mrs. Henderson moved to grant the application according to the plot plan dated May 4,1956 showing the setback and service road, plat drawn by D. E. Rodgers dated July 9, 1956.

Seconded, J. B. Smith

Mr. Verlin Smith said he was not in favor of the 25 foot setback for the pump islands - he thought the 35 foot requirement should be met. This was agreeable to Mr. Hobson. Therefore Mr. V. Smith offered the amendment that the pump islands shall be 35 feet from the right of way and the requested 25 foot setback be denied.

Mrs. Henderson accepted the amendment, also Mr. J. B. Smith
Motion carried, unanimously

NEW CASES - Ctd.

6- WILLIAM T. HICKMAN, to permit dwelling as erected to remain within 18' 6" of the side property line, Lot 106, Section 2, Springfield Forest, Lee District. (Rural Residence).

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Mr. Hickman presented a letter from the two neighbors - on both sides of his property - stating they had no objection to this violation. This was simply a mistake in the layout, Mr. Hickman said. The garage is on the violating side. The house was shoved to one side of the lot because of a group of trees on the opposite side - but they got it too far, Mr. Hickman said. Suburban zoning, which would allow this setback is to the south and east of this property. This is a split level house, Mr. Hickman continued, with the bedroom over the garage. Since the house sets at an angle it was noted that only the front corner is in violation.

He could not buy a strip of land from the adjoining neighbor, Mr. Hickman informed the Board, as that neighbor has only enough square footage to meet requirements.

Mr. Verlin Smith suggested a trade with that neighbor to square up this violation and give the neighbor compensating area, slanting the side line away from his front corner. That would require a resubdivision, was the answer, and he did not know if the neighbor would be interested in that.

Mr. J. B. Smith moved to grant the application because it would appear that no adverse affect on neighboring property would result on this size lot and the garage itself is not in violation.

Seconded, Mr. T. Barnes

For the motion: J. B. Smith, Mrs. Henderson, T. Barnes, and Mr. Brookfield.

Mr. Verlin Smith not voting.

Motion carried.

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7- T. WILFRED ROBINSON & FRANCIS E. JOHNSTON, to permit extension of permit granted October 19, 1954, to take, level, grade the land, soil, sand and gravel in the said tract and to strip in such a way as to prepare this tract for development, and to comply fully with the applicable County Ordinances, property located 3500 feet northeast intersection of Kings Highway and Telegraph Road, Mt. Vernon District. (Agriculture).

Mr. Moncure represented the applicant. This is an extension of the permit which was granted two years ago - on October 19, 1954, Mr. Moncure told the Board. They have been working slowly, Mr. Moncure continued, and there is still a great deal of gravel to be taken out. There have been no objections during the two years - conditions are not changed since that granting. They have left a screening of woods along the side where homes are located and have taken the gravel out on Kings Highway as agreed upon and the area on Telegraph Road has not been molested. They will leave the same buffer strips as agreed upon in the original application. This is a large tract Mr. Moncure continued - they need as much time as the Ordinance will allow. It will make a good development when this is completed.

NEW CASES - Ctd.

7-Ctd. Mr. Verlin Smith moved to grant the application as provided on the plat and under the same conditions as the original permit was granted. This to be granted for a three year period starting from October 19, 1956 - the date of the expiration of the present permit. 143

Seconded, J. B. Smith

Carried, unanimously

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CONGRESSIONAL SCHOOL RECREATION AREA, to permit operation of a day camp with buildings accessory thereto on 10.8896 acres of land, property on west side of Carlyn Spring Road at intersection of Spring Drive, Falls Church Dist. (Suburban Residence).

Mrs. Deavers explained to the Board that this 10 acres is immediately adjoining Arlington County, where this recreation area is now in operation. This is requested for an extension of that area. The only building they plan is a property bath house - as shown on the plat.

Mr. Verlin Smith suggested moving the bath house farther from the west line, but Mrs. Deavers said that adjoined the school property and would serve their purpose better to be at that end of the area. No one would be affected by this use, Mrs. Deavers said - the only owner near is a Mr. Kline from whom they are negotiating a purchase. No group activities are planned near any homes.

Mr. Verlin Smith moved to grant the application as shown on plat by DeLashmutt Associates, C.L.S., dated June 1956 - which shows two parcels of land; one 7.3287 acres, the other 3.5603 acres and that the structure called "prop. bath house" shall not be located closer than 45 feet from the side line. Granted because this does not appear to affect neighboring property adversely.

Seconded, Mrs. Henderson

Carried, unanimously.

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9- GILBERT R. GARDNER, to permit enclosure of porch within 41 feet of the street property line and to permit an addition as erected to remain within 18.5 feet of the side property line, between Route #7 and Route #193, 250 feet east of Route #602 at Dranesville, Dranesville District. (Rural Business).

Mr. Mooreland explained to the Board that the original front of the house had now become the rear of the house - caused by the relocation of Route #7. This relocation left Mr. Gardner's house high and dry; making it necessary for him to use Route #193 as his entrance. Mr. Mooreland pointed out that this property, which is zoned for Rural Business, will be used for business some day. Mr. Mooreland also called attention to the fact that there is a high bank along Route #7, which has an 80 foot right of way.

There were no objections from the area.

NEW CASES - Ctd.

9-Ctd. Mr. Verlin Smith moved to grant the application because the property is zoned Rural Business and the location of the property, with frontage on two roads does not appear to affect adversely neighboring property.

Seconded, Mr. T. Barnes

Carried, unanimously.

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10- BRYAN H. HELLER, to permit enclosure of porch within 40 feet of road right of way line, at the southwest corner of Route #50 and Route #608, Centreville District. (Rural Business).

Mr. Heller said he would like to have a statement from Mr. Mooreland before going into his case. Mr. Mooreland said he could not approve the request to enclose this porch - therefore, Mr. Heller made his application to the Board. Mr. Mooreland also called attention to the fact that the plats do not give a true picture of the case as there is a road coming out on the east side of the property which puts the store and the porch 9 feet from the right of way - the corner of the present store building is about 7 feet from the right of way.

Mr. Heller said he would enclose the porch, if this is granted, putting in large plate glass windows to give the store - which is an old building - a modern attractive look. He will make no structural changes, but with the addition of the bricked up front it will add greatly to the appearance of the building. When he went into business here, Mr. Heller stated, he had a good trade, but since the coming of so many large shopping centers with modern stores he had found business dropping off considerably. He felt that if he could dress up the building a little, modernize the roof line and put in the windows, which would give a good view of his stock, it would help greatly. The building is old but it has a good foundation and would be worth doing over. The theatre which is being installed at the other end of Route #608 will help his business - if he can modernize enough to attract the trade. The widening of Route #50 was discussed and it was recalled that Mr. Gretchen's business to the west was moved back by the Highway Dept. for widening purposes. Mr. Gretchen had a contract with the Highway Dept. to move him back, Mr. Heller said, but this property can't be moved back as he has only 0.362 of an acre.

The store building is already non-conforming, Mr. Heller pointed out, but Route #608 is not heavily traveled.

The setback on one side, Mr. Heller pointed out, is about 39 feet, and on the other side it comes within approximately 10 feet of the right of way. The change in his store is merely an attempt to go along with progress, Mr. Heller continued, in order to maintain his business and to enhance the value of his property.

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NEW CASES - Ctd.

10-Ctd. Mr. Verlin Smith stated that he was very conscious of what Mr. Heller wants to do and why - but he thought with the opening of the open air theatre Route #608 will be heavily traveled and a great deal of traffic will be added to this already hazardous intersection. He felt that adding to this store which is already so close to the right of way would not be in the public interest and would be hazardous to traffic.

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Mr. Verlin Smith moved to deny the case because it would affect adversely the general welfare and safety of the public.

Seconded, Mrs. Henderson.

For the motion: Mr. V. Smith, Mrs. Henderson, Mr. J. B. Smith, Mr. Brookfield

Against: Mr. T. Barnes

Motion carried.

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11- WILLIAM S. ERVIN, to permit erection and operation of a repair garage, Lots 15, 16 and 17, Fairhill on the Boulevard, Providence District. (Rural Bus.)

Mr. Roy Swayze represented the applicant. The applicant has been in business in the County since 1945, Mr. Swayze told the Board, he has established a reputation for fairness and good work and has built up a good business. He has been operating on Lee Highway. Recently his building, which was old and of frame construction, was burned - almost completely. Since this is a non-conforming building and is probably destroyed more than 50%, he has not been able to rebuild - under the Ordinance. However, the possibility of rebuilding is under consideration now. Since he needs to expand, Mr. Swayze said, his client is asking this new location on business property - further down the highway - toward other existing business. Since there is other business in this area, Mr. Swayze contended that this was a logical location. Mr. Ervin now employees three persons - with the expansion he will hire three more. This will be a substantial business for the repair of vehicles, straightening fenders and the like. This will be operated 5-1/2 days a week. There will be no junk or cars parked - except those being worked upon, no noxious fumes nor disturbing noise. Mr. Swayze asked the Board to grant this logical use.

Mr. Edward J. Bush spoke in opposition. He was representing himself and 40 neighbors, Mr. Bush told the Board - all of whom object to this location. Mr. Bush made it clear that this was not opposition to Mr. Ervin personally - that they trade with him and they consider him a reputable person who turns out very good work - but they do not want this type of business so near homes. Mr. Bush showed a chart indicating the location of the opposing neighbors with relation to the proposed business.

It was brought out that this area was zoned for Rural Business during the 1940's and most of the people now living in the area bought their homes after this zoning was effective.

NEW CASES - Ctd.

11-Ctd. Mr. Bush said - knowing the former shop conducted by Mr. Ervin - Mr. Ervin did store wrecked cars, which they did not want in this place. He thought such a business located here would create a hazardous condition, this is a dangerous intersection where many accidents have occurred and one person was killed. There are about 30 children in the immediate area whom he thought would be affected adversely. Mr. Bush said Mr. Ervin had conducted his other business at all times of day and night. The very nature of this business would almost require the parking of wrecked cars, Mr. Bush continued - he thought this should be located in an industrial area - rather than so near homes.

Mr. Tepper objected because of resulting smoke and fumes and also because this location is at the low point near the creek. Mr. Tepper said no business was operating in the area when he bought and he did not know if this was business property at that time - he just assumed not.

Mrs. Anna Wantz objected, stating that Mr. Ervin was refused continuance of business in his present location, probably because he kept such a messy place.

Mr. Mooreland stated that that was not so - continuance of the business is contingent only upon the possibility of reconstruction of the building under the Ordinance.

Mr. Bush suggested a location for this type of business in the area of Merrifield, which is building up into business comparable to this - heavy equipment, lumber business, open air theatre, etc. They do not wish to dispossess anyone or deprive him of a means of making a living, Mr. Bush continued, but the opposition feels that either Mr. Ervin should continue on the original location or locate in an area where like businesses are operating and homes will not be adversely affected.

Mr. Mooreland said he had asked for estimates on the old burned building - to determine if it is more than 50% destroyed. The owner of the property is eager for Mr. Ervin to continue his business on his property.

The following letter was read from Mr. A. Claiborne Leigh:

"July 24,1956

Board of Zoning Appeals
Fairfax County
Fairfax, Virginia

Gentlemen:

You will have before you the application of William S. Ervin to erect an automobile repair garage on lots 15, 16 and 17, Fairhill on the Boulevard. Without wishing to take sides on the merits of this case, I would simply like to point out for your consideration the fact that the Board of Supervisors is now proposing for adoption an amendment to the Zoning Ordinance which would eliminate the possibility of persons erecting automobile filling stations and repair shops without a change from Residential to Commercial zoning.

Hoping this information may be of assistance to you in your deliberation, I am,

Very truly yours,

/s/ A. Claiborne Leigh
Supervisor,Dranesville Magisterial District"

NEW CASES - Ctd.

11-Ctd. Mr. Verlin Smith recalled that the Ordinance under Section 6-6 states that repair shops should be located in "compact groups" - as far as possible. There are no repair shops near this location, Mr. Smith noted, and locating this business at this location would result in "undue scattering" - he therefore moved to deny the case.

Seconded, Mrs. Henderson

Mr. T. Barnes did not agree as this is located close to Merrifield where many kinds of businesses are located - he thought this would put business in a "compact group" and result in less scattering of business in general. Mr. V. Smith noted that this would be about 1/2 mile to the nearest business. However, Mr. V. Smith withdrew his motion and moved to defer the case until August 14th.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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12- RICHARD W. ANDERSON, to permit erection of carport 18" of side property line Lot 7, 1st Addition to Fairview, (209 East Fairview Avenue), Mt. Vernon District. (Suburban Residence).

This is an old subdivision, Mr. Anderson told the Board - with a 70 foot frontage. There is a retaining wall along the property adjoining the carport side. Mr. Anderson presented statements from three neighbors saying they did not object to this addition.

He could not locate this addition at the rear, Mr. Anderson stated, as the lot is low and water floods or stands there much of the time and the location of a garage near the house would block the water. If he put the garage back farther it would have to be 40 feet from the house to clear the low spot,which would not be practical. This would involve filling and excavating. Mr. Anderson called attention to another builder who had similarly filled the back yard and it resulted in more flooding.

Mrs. Henderson suggested locating the carport at the corner of the house - slightly to the rear. That is the location of a deep ditch Mr. Anderson said. The lot is level at the rear of the house for a short distance, Mr. Anderson told the Board, then it runs into a steep bank which runs off to the east line of the lot. There is a large tree which would be in the way of locating the carport to the other side of the lot, and the grading and filling would change the drainage situation, which is already difficult.

Mr. J. B. Smith moved to defer the case until August 28th to view the property.

Seconded, Mr. Verlin Smith

Carried, unanimously.

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DEFERRED CASES:

1- MALCOLM MATHESON, JR.,INC., to permit an addition to dwelling 18 feet of side property line, Lot 25B, Block C, Correction Survey part of Block C, Resubdivision Block D and part of Block C, Mt. Vernon Terrace, Mt. Vernon District. (Rural Residence).

If this is granted, the applicant said, there would be 88 feet between houses as the house on the adjoining lot is 66 feet from the side line.

Mr. Verlin Smith noted that the only way the Board could grant this case would be because of an undue hardship - which he did not see in this case. It would appear that too wide a house is planned for the width of the lot. The applicant called attention to the wide span between houses - which in fact meets the intent of the Ordinance. Mr. Verlin Smith suggested acquiring land from the neighboring lot. Mr. V. Smith moved to deny the case because no evidence of undue hardship has been shown.

Seconded, Mrs. Henderson

For the motion: Mr. V. Smith, J. B. Smith, Mrs. Henderson, Mr. Brookfield

Mr. T. Barnes voted "no"

Motion carried.

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2- FOOD FAIR SUPER MARKET, to permit erection of signs with larger area than allowed by the Ordinance, on north side #29 and #211 at Kamp Washington, Providence District. (Rural Business).

Mr. Stone represented the applicant. This was deferred for revised location of the pylon sign. Mr. Stone showed his proposed location of the sign - 45 feet from the right of way of Lee Highway. The sign requested is comparable to that granted for the Safeway, Mr. Stone said.

Mr. Verlin Smith said he was not in favor of the Safeway sign - and he thought this too large. Mr. Stone recalled that this store has less frontage than the Safeway and also that the Safeway has a free standing sign as well as the sign on the Marquee and the Parking lot signs. Mr. Stone said also that he had taken into consideration the entire sign - including architectural treatment - which he thought should have not been considered. He suggested taking off the enamel background leaving that open - this would reduce the actual sign area.

The question was raised - does the Board consider the entire sign or just the letters. No one knew - Mr. Mooreland said he left that up to the Board. The lack of uniform regulations was discussed - which Mr. Stone said, had made it very difficult for them. If they asked for two square feet of sign per lineal foot - Mr. Stone said, which is usual in other areas, this sign would be allowed.

The granted size of the Safeway sign was discussed, which Mr. V. Smith thought was granted for 144 square feet for the pylon. He was prepared, Mr. V. Smith said, to move to grant this, limiting it to the same size pylon as that on the Safeway. Mr. Stone thought the Safeway was granted for more than 144 square feet. He told the Board that it would be a little difficult for his

DEFERRED CASES:

2-Ctd. company to take a smaller area than the Safeway, in view of the size of the store and the lot.

Mrs. Henderson suggested locating the sign nearer the building or on the corner of the building. This is a compromise, Mr. Stone stated, bringing the sign back from the original location on the property line. Due to the curve in the road at the approach, which restricts visibility, they do not want to go back too far, Mr. Stone pointed out. Mr. Stone also pointed out that stores are now being located back farther from the right of way and because of that it has been found practical to have the free standing pylons between the building and the right of way.

Mr. Verlin Smith moved to grant the application as shown on plat by W. F. Gore, dated June 9, 1956 and sketch by Rinaudot and Coupard, Associates - Registered Architects - dated October 20, 1955, provided the sign as shown on the sketch on back of the building permit is located not closer than 50 feet from the right of way line and that part of the sign showing "We give S & H Green Stamps" be omitted from the sign and the sign area of the letters shall not exceed those granted to the Safeway Store at Route #29-211 at Route #50.

Seconded, Mr. T. Barnes

For the Motion: V. Smith, T. Barnes, J. B. Smith, Mr. Brookfield

Against the motion: Mrs. Henderson

Carried.

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MARY VAVALA - Mrs. Henderson moved to recind the action taken at this meeting on the Mary Vavala case.

Seconded, T. Barnes

Carried, unanimously.

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Mr. Verlin Smith moved to hear the MARY VAVALA, CHESTER COPELAND and AMERICAN TRAILER cases all on July 31st,1956 - at a special meeting.

Seconded, T. Barnes

Carried, unanimously.

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3- H. F. SCHUMANN, JR., Director of Planing, to permit a setback of 25 feet instead of 40 feet, proposed Lots 1 through 35, inclusive, Block G, Picot Tract, on south side of Franconia Road, #644, east of Lewell Park, Mason District. (Suburban Residence).

Mr. Schumann showed the plan of this tract indicating the proposed location of Arterial Highway No. 4, which is designed to relieve traffic on the Shirley. This highway passes through the south end of the Picot Tract adjoining a school site and the Rose Hill development on the south. This road follows a

DEFERRED CASES

3-Ctd.

swale which is fixed and it would appear that it is the only location to be had through this area - since the school property is purchased and the homes in Rose Hill adjoining the Picot land are built. If the 25 foot setback is allowed, Mr. Schumann pointed out, it will give this tier of lots facing on an interior street a deeper back yard.

The recommendation from the Planning Commission was read stating that that body would recommend the variance because in their opinion this is the only manner in which "right of way for Arterial Highway No. 4 can be acquired - since to the south of the proposed highway property has been acquired for a school site and the homes in Rose Hill which would border the right of way are fully constructed. Therefore, the possibility of purchasing or getting right of way - other than from the Picot Tract would be prohibitive. The applicant is dedicating full width for the highway and the Commission believes that on this interior street a 25 foot setback would not be detrimental to the public good."

Mr. Schumann called attention to the 40 foot easement which the applicant is dedicating in addition to the road right of way on Arterial No. 4. The lots created here would be 132 feet deep - the back yards would be 44 feet plus the 40 foot easement.

While they have acquired right of way in other sections on Arterial No. 4 - they do not have right of way in this immediate area.

Mr. Verlin Smith asked if this would not set a precedent for other subdivisions to ask the same variance in similar circumstances. He asked what criteria would be used on this. Only judgement and reasonableness, Mr. Schumann answered. The Commission thought this reasonable, he stated. He thought a hardship on the owner would result in not granting this. The applicant has dropped 21 lots in granting this right of way.

Mr. Saunders,who is planning construction on the Picot Tract, told the Board that the lay of the land limits the area that can be used between the proposed right of way and the balance of the tract. They plan a contemporary type house with living room in the rear - for this reason they wish to have a deeper back yard. If they cannot use this plan it would mean shifting the lots toward the stream bed, which lots would not be buildable. This would mean dropping a great many lots. They wish to keep up the class of construction started, Mr. Sanders continued, and this fits in with the alignment as planned and the good class of homes. This is the only place in the tract where they will need a reduction in setbacks, Mr. Saunders stated.

Mr. Verlin Smith asked if there are any other similar situations which might come before the Board. Mr. Schumann said he did not know of any and that his staff would not ask for such a variance unless the situation had been thoroughly worked out and that they felt sure it was in the best interests of the County to ask such a variance. If there are other requests for a similar condition - Mr. Schumann said he would not recommend it unless it was, in his opinion, shown to be perfectly reasonable.

3-Ctd. Mr. Verlin Smith thought this a bad precedent - however, he told Mr. Schumann that he was perfectly conscious of the work he and his staff had and were doing.

Mr. Schumann stated that if the Highway Department had to acquire this right of way and the 40 foot easement - it would be done at public expense and the rear yards on these lots would be even less. Under the present plan, the purchasers will know what they are buying.

There were no objections from the area.

Mrs. Henderson moved to grant the variance on Lots 1 through 35 of the Picot Tract - this is granted in view of the unusual circumstances and the fact that it will not do any substantial detriment to the public good and will provide right of way for the circumferential highway.

Seconded, Mr. T. Barnes

For the motion: Mrs. Henderson, T. Barnes, J. B. Smith, Mr. Brookfield

Mr. Verlin Smith voted "no".

Motion carried.

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4- R. H. STOWE, INC. Mr. Harry Otis Wright represented the applicant. Mr. Brookfield told the Board that he had received a letter from Mr. Wright stating that he did not know the hearing on this case was changed from July 10th to July 9th - therefore, he was not present at the July 9th meeting where his case was denied. Mr. Wright asked for a rehearing on the case and Mr. Brookfield had told Mr. Wright that the case would be reheard at this time.

This was an error in the field, Mr. Wright said - the house was laid out from the plat and the plat was wrong. His office handles a great volume of work, Mr. Wright said, and since he is called from one part of the world to another and sometimes held up in these trips - he did not find it possible to check everything going through his office. In this case the error is not noticeable because of it being on a cul-de-sac. If the cul-de-sac is reduced in size, Mr. Wright said, the Highway Department would have to approve that, after discussion with the Public Works. By shifting the cul-de-sac it would infringe on the front setback of lots across the cul-de-sac, Mr. Wright pointed out. The setback distances on lots on the cul-de-sac were checked and found there was no leeway.

The error on the cul-de-sac was not brought to his attention, Mr. Wright said, until the houses were built. It was then necessary to juggle the lines to get the best possible size lots.

Mr. Verlin Smith suggested that the original layout was a mistake from the standpoint of good planning.

This was a difficult piece of ground to work on, Mr. Wright continued - the layout was made before they bulldozed and cleared the ground.

DEFERRED CASES

4-Ctd. Mr. T. Barnes moved to grant the application because this apparently was an honest mistake and in his opinion the function of the Board is to help people out of a situation resulting from an unintentional mistake - when it is not detrimental to the public good.

Mr. J. B. Smith recalled that the original decision on this case had not been rescinded. Therefore, Mr. T. Barnes moved to recind the action taken on this case.

Seconded, Mr. J. B. Smith

For the motion: Mr. Brookfield, T. Barnes, J. B. Smith

Against the motion: Mrs. Henderson and Verlin Smith

Motion carried to rescind.

Mr. T. Barnes moved to grant the application.

Seconded, Mr. J. B. Smith

Granted because it would be a hardship on the applicant not to grant the application and the granting would not appear to affect other property adversely.

Mr. Verlin Smith stated he could see no reason why these cases could not be caught at the first floor level - and when a builder continues on with a building when it has not been checked for accuracy of location, he should know that he is doing so at his own risk.

Mr. J. B. Smith agreed with Mr. Verlin Smith that check should be made early in construction.

Change of location of the carport was discussed but Mr. Wright did not think any change practical.

For the motion: Mr. Brookfield, T. Barnes, and J. B. Smith

Against the motion: Mrs. Henderson and Verlin Smith

Motion carried.

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The meeting adjourned

John W. Brookfield

John W. Brookfield, Chairman

A Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, July 31,1956 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 Mr. Verlin Smith

1- MARY VAVALA, to permit extension of trailer court from 36 to 42 units, Lot 18, Evergreen Farms, (Gum Springs Trailer Court), Mt. Vernon Dist.(Gen.Bus.)

Mrs. Vavala was unable to present the plats required by the Board at this time, therefore, she had asked the Board to continue this case until August 28th.

Mr. J. B. Smith moved to defer the case until August 28th.

Seconded, Mrs. Henderson

Carried, unanimously.

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2- CHESTER COPELAND, to permit extension of trailer court with 14 additional units, Lot 25, Evergreen Farms Subdivision, (Total 76 units), Lee District, (General Business).

A letter was read from the Penn-Daw Fire Department stating that the streets shown on the plat of Mr. Copeland's Trailer Park are adequate for them to move equipment in and out.

Also a letter from the Board of Zoning Appeals to Doctor Kennedy asking for a report on sanitary conditions in this Trailer Park, along with Doctor Kennedy's answer, were read - Doctor Kennedy stating that no further additions to this park should be made until sewerage is provided, and that there are too many trailers now on the property.

This is an application for 14 additional trailers, Mr. Copeland told the Board, which will be installed when sewerage is available. The other additional lots shown on the plat will not be used until later approval is given When asked for approval of the drainage, Mr. Copeland said Mr. Kipp had told him it would be necessary to have a topographic map before going over the drainage plan, and Mr. Ridgeway said he could not make up a topographic map for another 30 days at least. Therefore, Mr. Copeland said he did not have Mr. Kipp's drainage approval. Mr. Copeland suggested that the Board give approval on these 14 additional lots, and that he would bring in the topographic map when he asks approval on the other additional lots. The sewer lines will be available about September 1st, Mr. Copeland said. He has started to put in the plumbing to the existing units, and if he can get approval on these additional 14 lots he can continue on with the plumbing lines - ready for connection by September 1st, when sewerage is available.

Mr. Copeland stated that the drainage at present is all right.

Mr. Verlin Smith recalled that water was standing along the stream when the Board viewed the property. That was all right until the sewer and water lines were put in, Mr. Copeland said. In doing that the lots were torn up along a 15 foot easement, which is located 15 feet from the southwest side

2-Ctd. of the property. This left an area on which water stands, at present, Mr. Copeland said - that, however, will be corrected when the work is completed.

Doctor Kennedy said he knew nothing of this application until Mr. Copeland came to talk with him regarding laundry facilities. He felt that plats of such applications should be presented to his office before coming before this Board. Also, Doctor Kennedy continued, Mr. Kipp has not seen this plat and it was his understanding that Mr. Kipp was concerned over the land along the Creek, which is liable to flood. This flood condition will no doubt increase as development goes on above this area - and, therefore, should have careful study. Doctor Kennedy suggested that applications of this type which are so closely tied in with other agencies should be studied and passed on by these agencies before coming before the Board of Appeals.

Many of the trailer parks in the County have been operating on a sub-standard basis, Doctor Kennedy continued, but now that sewers are becoming available they are in a position to better control development of this kind, and by having plats so the interested agencies can see what is planned and can make a detailed study of drainage and health conditions - the Board will be in a better position to pass on such applications.

Mr. Verlin Smith agreed heartily with Doctor Kennedy's position - stating that the Board was very appreciative of the Doctor's cooperation and his suggestions.

With regard to surface water - Mr. Copeland said the County had evidently considered the land sufficiently high not to flood into the sewer manholes. The ground is above the Creek level and the manholes are in.

Mr. Verlin Smith noted that manholes could be raised in case of necessity to prevent surface water flooding. However, the Board had asked for drainage plans and they are not here, Mr. Verlin Smith continued. Also he thought the surface should be on the road, there should be more recreational area - that 18,000 square feet planned is inadequate.

Mr. Copeland said he could have the topo map within 30 days.

Doctor Kennedy thought Mr. Kipp would not accept a drainage plan from anyone other than a Registered Engineer - it was questioned whether Mr. Ridgeway's plans would be acceptable - since he is a Certified Land Surveyor.

Mr. J. B. Smith questioned the length of the lots, in view of the fact that trailers are growing longer each year. Mr. J. B. Smith noted that some of the lots are smaller than 1500 square feet.

Mr. Copeland said he had lots which would accommodate any size trailer - up to 50 feet long. Those lots are 2400 square feet.

Mr. J. B. Smith also asked if Mr. Copeland could maintain a 10 foot setback both front and rear, as shown on typical lot layout. Mr. Coperland said he would maintain the 10 foot setback on front, but could not do that on the smaller lots - which are 30 x 50 feet. The average trailer, Mr. Copeland continued, is about 37 feet, many are 40 feet. However, he thought the

2-Ctd. distance between the trailers would take care of the rear setback.
Mr. Mooreland questioned if people who are putting in many improvements at this time realize that the new ordinance will require conformance to the new regulations within a certain period. Many of the proposed improvements are expensive but will not meet requirements of the newly proposed Ordinance. He thought it practical for tailer operators to try to get as close to new requirements as possible.
Mr. Copeland said he would have 4" of asphalt on the road - but he could not put that in until the sewers are completed.
Mr. Verlin Smith said he could not vote on this until the Board had complete assurance that people will be protected. Mr. Copeland said Dr. Kennedy had answered that - that his trailer park must come up to standards and must stand inspections. Mr. V. Smith recalled that Dr. Kennedy had stated that approvals of interested agencies should come before Board action.
Mr. V. Smith moved to defer this case until September 11th, so the applicant may get approval of the drainage layout from the Director of Public Works and approval from the Health Department, approval on sanitary sewers, laundry facilities, etc., and approval of the overall layout.
Seconded, Mrs. Henderson
Carried, unanimously.
If Mr. Copeland had any question of what the Board wants, Mr. Verlin Smith said that if he would contact Dr. Kennedy, Mr. Kipp and Mr. Hale they will give him all their requirements.
It was also asked that Mr. Copeland show consecutive numbering on his lots.
Mr. Verlin Smith said he was not in favor of approving the permanent structures on the property and asked Dr. Kennedy if the Health Department would approve them. Dr. Kennedy said that was questionable. Mr. Copeland noted that since his licensing of these structures came from the State they could be disapproved at any time they were considered not up to par.
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3- AMERICAN TRAILER COMPANY, to permit extension of Trailer Park by 90 units, making a total of 170 units, Lots 15 and 16, Evergreen Farms Subdivision, on west side #1 Highway, Lee District. (General Business).
Mr. Griffin Garnett represented the applicant. Mr. Painter, President of the Company, was also present. Mr. Garnett showed plat approved by the Highway Department and presented copy of the bond given by the applicant to guarantee construction of curb and gutter. Mr. Garnett said they had shown the setback line from U. S. #1,which was requested to be parallel with the office building now on the property, to be a little farther back than the office. With regard to approval of their plans for storm drainage, Mr. Garnett said they had discussed this with Mr. Kipp and Mr. Kipp has stated that it would be from 30 to 60 days before his office can check the plans for approval.

3-Ctd. In the light of this, and since they have complete drainage plans of existing conditions and proposed plans - prepared by an engineer - Mr. Garnett asked the Board to approve the application subject to approval by the Dept. of Public Works. There is no question, Mr. Garnett continued, but what they will conform to Mr. Kipp's requirements.

Mr. Verlin Smith thought this approval should be in the hands of the Board before granting approval.

Mr. Garnett recalled that this drainage discussion came up only at the last meeting. If this request for drainage approval had been asked in April - when this first came before the Board - they would have approval by now, Mr. Garnett continued. They have tried in every way to meet the Board's requirements, Mr. Garnett continued, but each time they have come back meeting one requirement, another one comes up. There has been no criteria to go by and they have done the best they can under such circumstances, Mr. Garnett contended. It would appear almost impossible to satisfy the Board's continuing requests, and he did not think another deferrment reasonable.

It was noted on the plat that 1" water mains run through the Trailer Park. Doctor Kennedy thought that insufficient. The actual plans for water mains which Mr. Garnett indicated were shown on another plat, show 2" water mains throughout. Mr. Painter showed the other plat which carried approval of plumbing layout on the Park.

Mr. J. B. Smith asked about setbacks for the trailers. Mr. Painter indicated that the trailers could come up to the property line since this is a business zoning. However, Mr. Painter said, some of the lots will have a 10 foot front and 5 foot rear setback. This was not shown on the plat, the Board noted. Mr. J. B. Smith thought this should be shown on the plat and the setback should be uniform.

Mr. Garnett said they could not guarantee a 10 and 5 foot setback - he considered that unreasonable. Since there is no policy on trailer setback, Mr. Garnett continued, this is an arbitrary restriction on his client.

Mr. Painter called attention to Temple Trailer Park, which his company operates, on which they have 3 and 5 foot rear setbacks - which had proved adequate and adjustable to different size trailers.

Mr. Verlin Smith recalled that this case was deferred for drainage plats - which are not presented - he felt he could not vote on this case without that approval; Dr. Kennedy has stated that the 1" water mains are inadequate and the plat the Board is asked to approve shows 1" water mains; this plat does not show any permanent structures on the property. (Those structures to which Mr. V. Smith referred, Mr. Garnett stated, will be removed within a limited time by agreement in their lease - the only structures shown on the plat are the ones which will remain.) Mr. Garnett suggested the Board acting on both plats - the one showing the 2" mains and the plat of the lots. (It was an inadvertent error - not showing the 2" mains on the lot size plat).

3-Ctd. Since they have met all requests of the Board except final approval of the drainage plans, Mr. Garnett asked the Board to grant this application subject to that approval. He re-stated the facts of delay caused by added requirements and the efforts of his client to comply with everything asked - he thought it only reasonable and equitable to grant the application at this time.

Mr. Verlin Smith moved to approve the application under Section 6-16 of the Zoning Ordinance, as shown on plat dated April 16,1956 by Cecil J. Cross, Land Surveyor, subject to approval of the County Health Department, the Department of Public Works, and the Sanitary Engineer, and any other agencies having jurisdiction, and that the granting of the application be contingent upon applicant meeting requirements of any Trailer Park regulations which may later be adopted by the County which are designed to promote the health safety and welfare of people working or residing in the neighborhood, and the coverage and setbacks shall not be less than those shown on the typical lot layout shown on the plat submitted with the application, and this shall be subject to the applicant removing from the site all semi-permanent structures connected to existing trailers. (Mr. V. Smith also asked that the drainage layout shall be submitted.)

Seconded, Mr. J. B. Smith

Mr. Garnett questioned the coverage and setback requirements mentioned in Mr. Smith's motion, saying that would be too great in the case of the smaller trailers. Mr. Garnett suggested a 7 foot front and 3 foot rear setback.

In answer to a question regarding the size of trailers, Mr. Painter told the Board that the minimum dimension of trailers is about 10 x 7.5 feet and a maximum of 41 x 8 feet.

Mr. Garnett suggested that a uniform setback was desirable.

Mr. Painter said he had no intention of misleading the Board in showing the typical lot layout, but it was not practical to maintain those setbacks on all lots. Mr. Painter explained the location of sewer and water connections and the double water outlet on each lot for fire protection. He felt that with the placement of the trailers, adjusted to a uniform setback (7 feet in front and 3 feet in the rear) would give clearance for any operative purposes.

Mr. Verlin Smith considered a 10 and 3 foot setback satisfactory. Mrs. Henderson thought a 10 and 5 foot more reasonable.

Mr. Verlin Smith moved to amend his motion to remove the coverage and setback clause and substitute that a 10 foot front setback on all trailers be required, and at least a 3 foot setback in the rear.

Mr. J. B. Smith accepted the amendment.

Mrs. Henderson offered the amendment that an 8 foot front setback be required and 5 foot rear setback. There was no second.

The motion carried, unanimously.

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July 31, 1956

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TOWN OF VIENNA, to permit construction and operation of a sewage treatment plant on 3.002 acres of land, approximately 650 feet northwest of Hunter Rd. and 950 feet west of Cedar Lane, Providence Dist. (Rural Residence).

Mr. John Epaminonda represented the applicant, in the absence of Mr. Bloxton. This case was deferred, Mr. Epaminonda recalled, with the request to locate the plant upstream as far as possible. They have complied with that request, Mr. Epaminonda said. A map was displayed showing the plant location at the confluence of the streams, about 600 feet upstream from the original site, and about 800 feet from the south property line.

Mr. Verlin Smith asked where the present site is located with regard to the area to be served, and if the plant could not be located farther upstream.

Mr. Johnson answered that if the plant is located farther north, above the forking of the stream - on one fork or the other - it would necessarily be in a position not to serve satisfactorily both the school property and the Town. On one fork it could well serve the school, but not the Town, on the other fork it would serve the Town but not the school. Therefore, this would appear to be the best location not only to serve both areas, but it would be away from homes and in a comparatively isolated area.

When the school was built, Mr. Lester Johnson told the Board, this plant was envisioned. It was the hope of the School Board that their temporary means of handling sewage (Hauling it off) would be abandoned as soon as this plant is available.

The question was asked how soon the Town would start the plant - if they have the money to start the plant so it will be ready this Fall for school opening?

They have ear-marked the money for the plant, Mr. Johnson answered, bids are out now with construction contingent upon this granting - according to action of the Town Council. There is no question of the necessity of a bond issue.

Mrs. Freece told the Board that she would object to the plant if it is near enough to their home to cause odors, and if it is visible from their home.

Mrs. Eyles thought that the plant was not far enough away from their home, and that it would be detrimental to their property.

Mr. Johnson said they would screen the plant area. Mr. Johnson again explained the necessity of having the plant at its present location - in order to serve both the Town and the school. If the school could not be served by this plant it would be necessary to install a nitrification plant, which would be expensive. Located at this point it can serve the school as well as the Town. Mr. Johnson thought the plant would in no way be obnoxious when it is completed with attractive landscaping and screening. The site is about 1000 feet from the Eyles property and the structures will not be visible to them.

4-Ctd. The site, Mr. Johnson told the Board, will be something more than three acres. The question was asked, is this plant wanted by the Town to serve the Town of Vienna, or is it needed by the County to serve the school? Since the school is a consideration in this, Mr. V. Smith thought the Board should have an expression from the School Board stating that this plant is needed.

Mr. Verlin Smith moved that someone from the School Board be requested to come before the Board to make a statement regarding the need of this plant to serve the school.

Seconded, Mr. T. Barnes

Carried - all voting for the motion except Mr. Brookfield, who did not vote.

The Board recessed while Mrs. Henderson contacted the School Board.

Upon reconvening, Mr. Pope came before the Board

Mr. Verlin Smith stated the facts of the proposed location of this plant and asked Mr. Pope if the school intended to use this proposed plant for sewage disposal. Mr. Pope answered "yes".

When they purchased this site, Mr. Pope told the Board, it was discovered that the land would not take a septic field. The owner of adjacent land granted the School Board an easement just above the site, which ground would take a septic field, and to which sewerage from the school could be pumped until the plant is completed and available. The School Board found that the cost of constructing the septic field on this property and subsequent pumping to it would be excessive, and since this plant was under consideration, the School Board have planned to temporarily haul the sewage away and connect with the plant as soon as it is ready. Now they are faced with the problem - shall they go ahead with the septic field on the adjacent property, at the cost of something over $30,000, or can they be served by the newly proposed plant. It was Mr. Pope's thought that it would be more efficient and less expensive to use the proposed plant, and this is the opinion of the School Board.

Mr. Verlin Smith asked if the school was built to serve the area to be developed. Mr. Pope answered "yes" - that this is a growing area, the school will well serve present homes and will be well located for future expansion for the developing area. They realized in purchasing this site, Mr. Pope continued, that septic conditions were not good - and they had tried to buy land adjoining on which a septic could be made adequate. The owner had other plans for his property at that time and did not wish to sell. However later he did give them the easement on which to build the septic field if it is needed.

Mrs. Henderson moved that the Town of Vienna Sewerage disposal plant application be granted, referring to the testimony presented that it will be identical to the Town of Vienna plant already existing, which has a 90% treatment. The plant shall be located in accordance with the topographic map by Lester Johnson, and with the provision that the plant be adequately screened on three sides and that no trees shall be removed except those that are

4-Ctd. absolutely necessary - that as many existing trees as possible be left for screening.

Mr. Verlin Smith offered the amendment that it be granted also provided a metes and bounds plat be submitted showing the exact location of the plant.

Mrs. Henderson accepted the amendment.

Seconded, T. Barnes

Carried, unanimously.

Mr. Johnson said he would present a certified plat of the plant location.

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The meeting adjourned.

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, August 14, 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 Mr. Brookfield

DEFERRED CASES:

1- WILLIAM E. MOSS, to permit dwelling as erected to remain within 13.6 feet of side property line, Lot 331, Section 1, Chesterbrook Woods, Dranesville Dist (Suburban Residence).

No one was present to discuss the case. This was originally denied and subsequently re-opened at the request of the applicant.

Mr. V. Smith moved that this case be put at the bottom of the list.

Seconded, Mrs. Henderson.

Carried, unanimously.

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2- GILBERT G. MORRISON, to permit carport as erected to remain within 4-1/2 feet of side property line, Lot 408, Mason Terrace, (200 Winchester Way), Falls Church District. (Suburban Residence).

This case was deferred for a certified survey of the property, which Mr. Morrison presented. The new survey showed the carport to be 2.60 feet from the right of way of White Post Walk - as opposed to 4.5 feet as shown on Mr. Morrison's original plat.

This setback does not agree with the original plat which was given him when he bought the house, Mr. Morrison told the Board - which plat was lost some time ago. When he started the carport foundation, he did not have his original plat and the stakes on his lot were incorrect, but he thought he would have at least 4.5 feet clearance from the walkway, which he believed to be sufficient - therefore located his carport on that basis. He had questioned the discrepancy in the surveys, Mr. Morrison continued, but was told that this last survey by Mr. Cecil Cross was correct.

Mr. Mooreland suggested that Mr. Morrison was probably thinking of a 4 foot setback for a detached garage or carport when he assumed the 4 foot setback was within requirements.

Mrs. Snyder, who has opposed this case consistently, called attention to the fact that if Mr. Morrision had had a building permit in the beginning he would necessarily have conformed to requirements, but since he went ahead without a permit and now comes to the Board for clearance - that is not fair, Mrs. Snyder contended. In other words doing this legally Mr. Morrison would have been restricted - but if he goes ahead illegally - and the case is granted---

Mr. Morrison noted that there was only one complaining neighbor - he suggested that that might be merely a grudge. This is not the case, Mrs. Snyder answered - she thought others in the area could be planning to ask for the same variance, and therefore did not object to Mr. Morrison

DEFERRED CASES - Ctd.

2-Ctd. Mr. Morrison called attention to the 45 feet between his carport and the house on adjoining property.

Mr. V. Smith stated that due to topography and the 10 foot White Post Walk, and there being no alternate location for the carport, he would move to grant the application because it does not appear to adversely affect neighboring property.

Seconded, Mr. T. Barnes

Carried.

For the Motion: Mr. Brookfield, V. Smith, T. Barnes, Mrs. Henderson

AGainst the motion: Mr. J. B. Smith

Motion carried.

Mr. J. B. Smith thought a wall could be put in and the carport moved back. That, Mr. Barnes said, would entail a great deal of filling - which Mr. J. B. Smith contended was not the responsibility of the Board.

Mr. V. Smith deleted the part of his motion stating "there being no alternate location" - stating that he agreed that Mr. J. B. Smith's suggestion for location could be used. The members voting for the motion agreed to the deletion.

Motion carried.

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3- HOOPER CONSTRUCTION CORP., to permit dwelling to remain as erected 38.48 ft. of Forrest Lane, Lot 29A, Section 2, Briggs' and Hoppers' Addition to Chesterbrook Woods, Dranesville District. (Suburban Residence).

Mr. Hooper discussed his case with the Board. This was deferred to view the property and to check with the Highway Department regarding moving the street. He had talked with Mr. Yaremchuk of the Planning Commission Office, Mr. Hooper said, and found that this would be difficult because it would entail re-subdivision and the street would have to meet width requirements, which would mean acquiring property from four recorded lots. This would add property on one side of the road and take it away from lots on the opposite side. Mr. Hooper said he had not yet approached these lot owners who would be concerned. This would also mean knocking out curbs which are in - up to Lot 29A. Forest Lane is only about two blocks long and would never be heavily traveled, Mr. Hooper pointed out.

Mr. V. Smith recalled the Board having granted a variance in this Subdivision on Oak Lane not too long ago.

Mr. Hooper said he had discussed this change with the Highway Department and would have to re-submit complete engineering plans to them showing the street blended in on this curve and showing the realignment involving the four or five lots. He did not talk with the owners of the lots with the suggestion of acquiring property and changing the street as he wanted to have the final word from the Commission. He felt that there was a great deal involved in changing this street, but if the Commission still requested the change he would go ahead with negotiations.

DEFERRED CASES - Ctd.

3-Ctd. Mr. Hooper showed a plat of the subdivision, indicating the lots involved. It was noted that the lots on the south side of Forest Lane are considerably larger than required in Suburban zoning, larger than other lots in the subdivision, and the houses are set well back - all of which would appear to make this change in road alignment feasible.

The houses on the west side of Forest Lane are under roof and Lot 29A has been sold, which would make it difficult to take off part of the front projection.

It was Mrs. Henderson's thought that more definite plans for the change in street alignment should have been presented - she understood that the motion requested that. Mr. Hooper answered that he would have gone ahead with it but he wanted to discuss this again with the Board, since it was quite a long process - negotiating with the lot owners and getting re-approval from the Planning Commission on the change in lots - and even then the Highway Dept. could turn it down. He, therefore, hesitated to go ahead any further.

Mr. T. Barnes moved to grant the application because to make the change in the street would necessitate tearing up the street and making changes in the adjoining lots, which would take more time and in his opinion the variance as requested will do no great harm.

Mr. J. B. Smith suggested that it be added to the motion that the lots across the street have less depth than those on the west side of Forest Lane, and it would not seem practical to take land from those lots to change the street. Mr. Barnes agreed to the addition.

Motion seconded, J. B. Smith

For the motion: Mr. Brookfield, V. Smith, J. B. Smith, T. Barnes

Against the motion: Mrs. Henderson

Motion carried.

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4- GWYN E. MURDOCK, to permit carport to remain as erected within 5 feet of side property line, Lot 385, Mason Terrace, (201 Winchester Way) Falls Church Dist. (Suburban Residence).

Mr. Murdock presented a new survey plat, which he had been requested to bring to the Board. This plat showed 5.78 feet between the carport and the right of way of White Post Walk - as against 5 feet on his original plat.

There were no objections from the area.

Due to the small lots in this subdivision and because this lot has the 10 foot dedication to the White Post Walk and because this does not appear to affect adversely neighboring property, Mr. V. Smith moved to grant the application.

Seconded, Mrs. Henderson

Carried, unanimously.

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August 14, 1956

DEFERRED CASES - Ctd.

4- MRS. RUTH BRYANT, to permit operation of a nursery school, Lots 7 and 8, Block D, Collingwood Manor (102 Chadwick Ave.), Mt. Vernon District. (Rural Residence).

Mrs. Lois Miller represented the applicant. Since the husband of the applicant has changed the location of his business and they will be moving to Wisconsin within a month, Mrs. Miller told the Board that the applicant would like a permit to continue conducting her nursery school until Sept. 15th - at which time she will sell her home and join her husband. It is difficult for parents to place their children immediately in other nursery schools, Mrs. Miller said, and for that reason the applicant would like to keep the school open for that short period.

Mrs. Bryant has been keeping a few children (about eight) for her friends, Mrs. Miller explained, not realizing that she was technically conducting a nursery school until someone in the neighborhood reported her to the Zoning Office. Mrs. Bryant is not interested in a license - all she is asking is for time to liquidate her present operation.

Mr. Burnstien spoke in opposition to the school, representing the neighborhood and presenting a petition signed by twenty-three families - all opposed to this school because they do not like a commercial operation in a residential area, they feel that this operation would open the way for other property owners to expect the same concessions, and they do not believe there is a need for this type of operation in this area.

There is nothing personal in this opposition, Mr. Burnstien assured the Board, the people are only interested in maintaining their good residential area and to eliminate the annoyances caused by this school. If this is a temporary arrangement from now on - they are willing that Mrs. Bryant continue on until the date she has set.

Mr. Mooreland suggested denying the case - to be cleared of nursery school operations by September 15th, or within a certain time. It is usual, Mr. Mooreland continued, that people are given 30 days in which to terminate an operating business which is denied.

Mr. Wm. Brown objected to the overloading of the narrow road for cars coming and going.

Mr. V. Smith recalled that this nursery school was started without a permit. He moved to deny the case because it appears to adversely affect neighboring property.

Seconded, J. B. Smith

Carried, unanimously.

Mr. Mooreland said the Zoning Office would give the applicant 30 days in which to terminate this use.

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DEFERRED CASES - Ctd.

6- CULMORE INVESTMENT PROPERTIES, INC., to permit an addition to store closer to East Glen Carlyn Drive, 1800 feet south #7, THAN ALLOWED by the Ordinance, Parcel 2, Section A, Culmore, Mason District. (General Business)

Mr. Sam Baritz represented the applicant. They have revised their request for variance on this side of the Culmore Shopping Center, Mr. Baritz said, to conform to the opposite side - which would be a 15 foot setback. The addition on the building would be 20 feet instead of 25 feet. He showed an aerial photograph of the area indicating that Glen Carlyn Drive on this side of the shopping center is not a through street, and therefore would not carry a great amount of traffic.

It was Mr. Mooreland's opinion that it would be satisfactory to grant this since it is not a through street and the setback area is unusable for other purposes, except perhaps trash collection. Mr. Barnes agreed.

Mrs. Henderson questioned traffic on this street and the limited area for parking in case of future development. That would have to be worked out, Mr. Baritz said, the parking space now is ample.

Mr. V. Smith moved to deny the case because it does not conform to the minimum setback requirements of the Ordinance and no evidence has been shown of a hardship on the applicant any more than a similar situation on any other piece of property, therefore, the requirements of the Ordinance should be met. The fact of this being an area for trash collection certainly does not constitute a hardship. This area could be used for parking, Mr. Smith continued.

Motion seconded, Mrs. Henderson

For the motion: Mr. V. Smith, Mrs. Henderson

Against the motion: Mr. Brookfield, T. Barnes, J. B. Smith

Motion lost.

Mr. T. Barnes stated that he could not see where this would harm any property in the area, and would therefore move to grant the application for a 15 foot setback, which would allow a 20 foot addition to the present building.

Seconded, J. B. Smith

Mr. V. Smith called attention to the fact that undue hardship was the only basis on which this could be granted, according to the Ordinance.

Mr. J. B. Smith and Mr. T. Barnes called attention to the fact that Glen Carlyn Drive at this point acts mainly as a service drive.

Mr. V. Smith and Mrs. Henderson thought a considerable amount of traffic is carried - that it is the thoroughfare to the apartments behind the shopping center and that traffic will undoubtedly increase, and also that increased parking area will be required when further development takes place.

August 14, 1956

DEFERRED CASES - Ctd.

6-Ctd. Mr. Barnes suggested that at present the traffic is not heavy, and if this is used for parking it could clear up an eye sore. Also, Mr. Barnes thought the need for more store space is evident.

Mr. V. Smith contended that - small stores do not constitute a reason for variances, and are not the concern of the Board.

For the motion: Mr. Brookfield, T. Barnes, J. B. Smith

Against the motion: Mr. V. Smith and Mrs. Henderson

Motion carried.

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7- HUNTINGTON CITIZENS ASSOCIATION, to permit erection of a community building 52' x 24', adjoining Section 3, Huntington, access from Washington Avenue, Mt. Vernon District. (Suburban Residence).

No one was present to discuss the case.

Mrs. Henderson moved to put it at the bottom of the list.

Seconded, Mr. V. Smith

Carried

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NEW CASES:

1- GEORGE BRICKELMAIER, to permit an addition to dwelling 35' 6" of Bedford Lane, Lot 50, Section 2, Hollin Hills Subdivision (3 Bedford Lane), Mr. Vernon District. (Suburban Residence).

Four letters from neighbors, all living on the cul-de-sac were read asking the Board to grant this variance. Mr. Brickelmaier showed the architects drawing of his proposed addition.

This lot presents a topographic condition, Mr. Brickelmaier told the Board. The house practically sets on a shelf with a steep slope, a 14 or 15 foot drop to the rear, and to one side where he would normally have room for this addition. On one end of the house is a complete glass wall, in addition to the slope, where it would not be practical to add on. At the rear it would be necessary to have a two level building if the addition were added, because of the slope. On the other side - the house is too close to the line for an addition. It was suggested reducing the width of the addition to spread across the front of the house, thereby meeting the setback.

Across the front, Mr. Brickelmaier explained, there is a solid wall and the bathroom windows, which he would not want to enclose, plus the steep grade - making it impossible to change the shape of the addition.

The house is setting on a high foundation which would make an addition impractical at any point except the front, Mr. Brickelmaier stated. The violation is only on one corner, Mr. Brickelmaier noted.

Mrs. Henderson moved to deny the case because there is an alternate location for the addition in the rear, and because no evidence of undue hardship upon the applicant has been shown.

Seconded, Mr. V. Smith

For the motion Mr. V. Smith, Mrs. Henderson, Mr. Brookfield and J. B. Smith

Against: T. Barnes - Motion carried to deny.

NEW CASES - Ctd.

2- W. L. PEELE, to permit carport as erected to remain 18" of side property line, Lot 68, Section 2, City Park Homes (709 Oak Avenue), Falls Church Dist. (Urban Residence).

When he bought this lot, Mr. Peele told the Board, it was low and subject to flood. He therefore filled both front and back yards for a depth of about 3.5 feet. To further protect his property he put in a brick retaining wall around the entire front. The house is located in a gully - water and dirt from development around him draining off on to his lot. This has been an expensive project - he has about $8000 in improvements. However, the flood condition has been controlled, Mr. Peele said. Since the retaining wall was about 3 feet high - Mr. Peele said he put his carport on the wall. He could not have located it behind the house because of the muddy ground.

Mrs. Henderson thought that by paving the driveway on back beyond the house it would have been feasible to locate the garage behind the house.

Mr. Peele agreed - it may have been possible, but that would have necessitated more filling since the back yard is low and since he had the wall on the property line his neighbor did not object, and he did not enclose the carport - he had thought it was all right as it is. He built this without a permit - believing a permit was not necessary for a carport because it is not enclosed.

Actually the driveway and the concrete slap were put in to help control the flooding in the yard, Mr. Peele continued. The Highway Department had okayed the work he had done to control drainage flow.

There were no objections from the area.

Mr. J. B. Smith suggested that the posts for the carport could be set in from the wall, allowing the overhang to protect his car, and still meet requirements, having a 9 foot carport.

If he did that, Mr. Peele explained, it would leave an alley-way between the retaining wall and the carport and his gutters necessarily would run over to the retaining wall.

Mrs. Henderson moved to deny the case because it is possible, in accordance with Mr. Peele's statement, to locate the carport behind the house and make it comply with the Ordinance.

Seconded, J. B. Smith

For the motion: Mrs. Henderson, J. B. Smith, V. Smith and T. Barnes

Mr. Brookfield voted "no".

Motion carried to deny.

Mr. Peele told the Board that the person who had reported his violation was allowed to locate construction - on the line (Dr. Fishman, who lives on Chestnut Street).

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NEW CASES - Ctd.

3- DELMAR L. CROWSON, to permit erection of an open porch within 10 feet of the rear property line, Lot 5, Block 60, Section 20, Springfield (5808 Allentee Road), Mason District. (Suburban Residence.)

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Mr. Mooreland recalled to the Board the mistake which had occurred on the rear lines in the subdivision of a group of lots (including this lot) which had cut down the rear yards. The Board granted a variance for 20 foot rear yards instead of the required 25 feet.

It was suggested moving the addition toward the opposite side of the house where the back yard is wider and the porch could conform. This would mean breaking in to another opening, Mr. Crowson said, and on this end the french doors could be used as the opening to the porch. The house on the lot to the rear of this is something more than 26 feet from the line.

It was noted that the lot is sufficiently large and properly dimensioned to carry the house and addition without variance if the house were set differently on the lot - however, the mistake in the rear line has cut down the depth of the lot on one side.

Mr. V. Smith moved to grant the application because it does not appear to affect adversely neighboring property.

Seconded, J. B. Smith

Carried, unanimously.

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4- ALFRED J. SURACI, to permit extension of permit for erection of a clinic having offices for 4 to 8 Doctors which will be expanded as conditions permit and permit side line setback of not more than 40 feet, on south side #236, approximately 0.66 miles west of Annandale, Falls Church, District. (Suburban Residence.

They were delayed in starting this project, which was granted by the Board in August 1955, Dr. Suraci told the Board, because of a sewerage situation. Now they have the loan and the sewer connection is promised for next year, about the same time the building will be completed.

Mr. Ernest Rauth, Architect for the project, showed plans of the building. There were no objections from the area.

The application did not contain a plot plan of the building location, which Mr. V. Smith thought should be in the hands of the Board. Mr. Rauth had a blueprint showing the general building area to be 100 feet from the front line and 40 feet from the sides. However, this was not a plot plan, nor was the actual building certified for location. The Board agreed that the building should have a certified location on the property and in case of expansion the applicant would again appeal to the Board.

Mr. V. Smith suggested deferring the case until August 28th for certified plats.

Mr. Rauth said they were necessarily tied to this particular building at the present time by their loan. The building planned has an area of 18,000 square feet, but as business warrants they would wish to expand and would

NEW CASES CONTINUED

4-Ctd. come back to the Board. Mr. Rauth said he could have the plot plan for certified location of the proposed building within two weeks.

Mr. J. B. Smith moved to defer the application until August 28th for certified plats of building location.

Seconded, Mr. T. Barnes

Carried, unanimously.

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5- FAIRFAX AMUSEMENT CORP., to permit erection of a sign (marquee) larger than allowed by the Ordinance, (approximately 225 square feet) at the N. W. corner #29-#211 and #608, Centreville District. (Agriculture).

Mr. Harry Aikens represented the applicant. They had ordered this sign, Mr. Aikens told the Board, with no set date for delivery and when it came unexpectedly - before they were ready for it - they put it on the corner of Route #608 and Routes #29+#211, where they wish to locate it permanently knowing they would have to go before the Board for final location permit. The sign is not electrically connected. The overall dimensions are 17 feet high and 22 feet long. It is setting on a gingerbread type of pilon.

Mr. Mooreland gave the Board something of the background of this situation: There is a question, Mr. Mooreland said, if this small strip of ground on the west side of Route #608 on which the sign is placed, was zoned for business at the time of the original Hunter Lodge rezoning. It has been assumed that the Hunter Lodge property runs to Route #608 - but when an accurate survey was made it included this strip, varying in width from 7 feet to 30 feet, and narrowing down to a point several hundred feet north of Routes #29-#211, across Route #608 - isolated from the balance of the street.

How the road became located within the Hunter Lodge property, Mr. Mooreland said, they did not know. It was logical to assume the the road had become changed over a period of time, but that it originally followed the west boundary of the Hunter Lodge property.

If it is determined that this property was zoned for business, Mr. Mooreland continued, it will then be necessary for the Board to determine if granting the sign on this location would be granting it "on the use".

Mr. Aiken stated that their lease included this strip of land across Route #608, and it was theirwish to have the sign there - otherwise it would be of no value to them - located on the site of the Theatre.

Mr. V. Smith recalled that the plats on the original open air theatre did not include this strip of ground, and if this strip was not included in the original rezoning - it is therefore zoned Agricultural and the Board has no jurisdiction to grant it. Also this location would be about 600 feet from the use, which the Board could not grant.

Mr. Mooreland brought the file of the open air theatre case - the plat did include the strip of land on the west side of Route #608.

August 14, 1956

NEW CASES - Ctd.

5-Ctd. The Board then checked the description of this land filed with the original rezoning of the Hunter Lodge property. At the time of this rezoning, Mr. Mooreland recalled, plats were not certified and descriptions were by metes and bounds - taken from the deed. However, the description reads that the property along Routes#29-#211 runs to the north east corner of Route #608 and Routes #29-#211 - which apparently would not include the strip across Route #608.

Mr. V. Smith thought this was a matter for discussion with the Commonwealth's Attorney. He therefore moved to defer the case until September 11,1956 in order to discuss the zoning with the Commonwealth's Attorney.

Seconded, J. B. Smith

Carried, unanimously.

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6- JOHN FOLEY, to permit garage to remain as built closer to the side line than allowed by the Ordinance,(5523 Virginia Avenue), Dranesville District.

A few years ago, Mr. Foley said, his adjoining neighbor discussed with him the idea of the two families building double garages - on the property line. After he had bought the concrete and had put in a retaining wall - which was mostly on his neighbors property - the neighbor reniged on the plan. Mr. Foley had laid the footings for both garages - so he went ahead with his own garage. He got a permit for a single garage showing location about 1-1/2 feet from the side line. He located the garage so close to the line because the back of his lot slopes off a good deal and even to locate it at this point required considerable filling. Also he wanted to save a large oak tree which is just back of the garage.

A letter was read from this neighbor, Mrs. Freda Groff, stating the facts as Mr. Foley had told the Board. Mrs. Groff said she did not object to the construction of this garage and that it is not a detriment in any way to her property.

There were no objections from the area.

Mr. V. Smith moved to grant the application, provided the frame wall adjacent to the property owned by Mrs. Freda Groff be reconstructed of fire proof material - brick or cinderblock - and that it shall not come closer than one foot from the property line. This is granted because it does not appear to affect adversely adjoining property.

Seconded, J. B. Smith

Carried, unanimously.

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DEFERRED - Ctd.

7- HUNTINGTON CITIZENS ASSOCIATION - This case was taken up at this time as the Board was up to its schedule and the case was deferred only for presentation of plats. The original discussion on this involved whether or not it was practical to have an entrance wide enough for cars or to have a walkway - as shown on the plat. The new plats locate a parking area across Washington Avenue, which would give car accessibility without the danger of cars entering near the playground area. This was satisfactory to the Board. Mr. V. Smith moved to grant the application as shown on plat dated Aug. 10, 1956 by Edward S. Holland Professional Civil Engineer.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES - Ctd.

7- MILLER BUILDING SUPPLY COMPANY, INC., of Virginia, to permit erection of 4 signs with larger area than allowed by the Ordinance (175-3/4 square feet) Lots 2 and 3, Henry Williams Estate. (General Business).

Mr. Roger Wells showed pictures of the new building which is partially completed, and explained the new location of the building, which is about 271 feet from Columbia Pike. This property contains about 3 acres with 221 foot frontage on Columbia Pike - the sign area requested is 175-3/4 square feet. The sign will be placed on the building.

Mr. Miller explained the change in his plans. Originally he had expected to demolish the old building on the property and put up the new building closer to Columbia Pike, but he ran into a snag in financing. The loan company would not put up the money because they felt that the area was not sufficiently built up to support this size venture at this time. Therefore, Mr. Miller said he was remodelling the old building for model kitchens and will put up a building which will serve as a future warehouse. This is located back 271 feet on the property in order that in the future when he can build his permenant building this will be used as the warehouse and the new building will be located closer to Columbia Pike. At present the area in front of the building will be divided between parking area and grass.

The sign which he proposes to use here, Mr. Miller said, is one which he is presently using on his building in Arlington. His building will have a 100 foot frontage, which will figure out to less than two square feet per lineal foot of sign. However, there probably will be some additional signs on the building - to give the Company name or for other products.

Mr. Mooreland questioned the type of sign proposed. He noted that no place on the string of signs which Mr. Miller proposes is the firm name displayed - it is a list of products, Mr. Mooreland noted. If Mr. Miller should add on other products - where would this listing end? He thought if people knew "Kitchen Center" - they would surely know what was being sold without having to spell out each article.

7-Ctd. These signs will necessarily be flexible, Mr. Miller explained, there may be changes from time to time. However, this type of sign will probably not be used on his permanent building, Mr. Miller stated - but as it is - he got involved in this deal which has not worked out as he had hoped, and they are doing the best they can until such time as they can get financing for a permanent building. While the products may change this is the sign area they need. It also is a matter of being able to use a sign which he already had - Mr. Miller continued - it is a good sign for their temporary purposes, but when the new building goes in it will no doubt be changed.

Since there was no location plan with the case, Mr. V. Smith suggested that the building should be shown with setbacks so the Board would know exactly where the sign will be placed.

Mr. Mooreland said he could not require certified location plats in sign cases, when the signs are on a building. Mr. V. Smith contended that without having the location tied down the Board had no definite indication where the building or the sign were located. He recalled that they had required location plats from others - why not in this case?

Mr. Mooreland said they had required certified plats on standing signs, but not when the sign is on a building, as in that case the sign is established.

Mrs. Henderson moved that the application be granted as shown on "Proposed Sign" plat for Mr. Miller's building dated July 3, 1956 - drawn by Mr. Wells - the building to be located as shown on blueprint by Warren Shoemaker, dated May 30, 1956, on Lots 2 and 3 Henry Williams Estates - the building to be located 271 feet from Columbia Pike.

Seconded, Mr. T. Barnes.

For the motion: Mrs. Henderson, T. Barnes, Mr. Brookfield, J. B. Smith

Mr. V. Smith voted "no".

Motion carried.

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8- SPRINGFIELD ESTATES COMPANY, to permit dwellings to remain as erected 34.85 feet of Street property line, Lot 20, Block 8, Section 1, Lot 9.87 ft. of side property line Lot 22, Block 9 Springfield Estates Lee District. (Urban Residence). Sec. 9.

Mr. Robert Kursch represented the applicant. These are small variances, Mr. Kursch pointed out - on Lot 20 - 2 inch variance and on Lot 22 - 6 inch variance. The projection on the side-rear of these houses indicates the future location of a carport, Mr. Kursch explained.

Mr. V. Smith moved to grant the requested variance on Lot 20 as shown on plat by Edward S. Holland, C. E. and C. L. S., dated June 22, 1956 - because this does not appear to affect adversely neighboring property and this is a variance of .15 of a foot.

Seconded, J. B. Smith

Carried, unanimously.

8-Ctd. On Lot 22, Mr. V. Smith said he could not move to grant that because the projection, in front of which the carport will be erected, is too close to the side line. This projection was put on after the house was built, Mr. Kursch said.

Mr. V. Smith moved that the variance on Lot 22, as shown on plat by Edward S. Holland, C. E. and C. L. S., dated June 22, 1956 be granted on the south side of the house, the setback being 9.47 feet from the property line, but that this granting specifically excludes from the application a variance on the north side of the house, which shows the structure to be 6.22 feet from the property line. Granted because this does not appear to affect adversely neighboring property.

Seconded, T. Barnes

Carried, unanimously.

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9- BOBBIE ROBERTS, to permit erection of a carport within 4' 6" of the side property line, Lot 56, Section 9, Broyhill Park, (1820 Holly Hill Drive), Falls Church District. (Suburban Residence).

When he bought the house, Mr. Roberts explained, he thought he would be able to build a carport on the side of his house within the Ordinance. The driveway was in - on this side.

Mrs. Henderson suggested extending the driveway on back and locating the carport behind the house. Mr. Roberts answered that that would be too expensive - which Mrs. Henderson noted was not a case in point as far as the Board was concerned.

Also, Mr. Roberts said there are trees at the rear of his house which he wished to preserve.

A letter was read from Walter Brown, the neighbor on this side of Mr. Roberts, stating he did not object to this addition.

There were no objections from the area.

Mrs. Henderson moved bo deny the case because it is a considerable variance from the Ordinance, and because there is an alternate location for the carport behind the house, and because no undue hardship has been shown.

Seconded, Mr. V. Smith

Carried, unanimously.

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10- GEORGE R. EARNEST, to permit erection of a dwelling within 20 feet of the rear property line, Lot 20, Section 2, Clermont, Lee District. (Sub. Res.)

This is a very long, narrow, odd-shaped lot with over 500 foot frontage, but with very little depth, and is therefore difficult to build upon, Mr. Earnest pointed out. The house he has planned is 40 x 24 feet - but it cannot be placed on the lot in any way to meet requirements. This lot backs up to Winslow Hills Subdivision which is built up and there is no chance of acquiring more property.

NEW CASES - Ctd.

10-Ctd. Mrs. Henderson suggested that this lot should never be built upon, that it would make a very good park area.

Mr. Earnest said it was set up as a lot in order to help bear the cost of the street and facilities. It was approved for a lot by the Planning Commission.

Mr. V. Smith moved to deny the case because the lots across the street are far in excess of minimum area required for suburban zoning, and these lots are sufficiently deep so that this lot could have been laid out in a useable lot, and to grant this request would be upholding poor planning - unless there is some topographic condition which has not been shown, or some reason why this lot could not have been divided otherwise.

Seconded, Mrs. Henderson

For the motion: Mr. V. Smith, Mrs. Henderson, Mr. J. B. Smith, T. Barnes

Mr. Brookfield voted "no"

Motion carried.

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11- DOMENICO DeMETRIO, to permit porch to remain as erected 8.2 feet of the side property line, Lot 15, Block P, Section 2, Parklawn (7141 Everglade Drive), Mason District. (Suburban Residence).

Mr. C. H. Harrison, the builder, represented the applicant. In measuring for the setback, Mr. Harrison said, he had taken the distance from the fence which is three inches over the line.

A letter was read from Mr. and Mrs. Thwaits, stating they did not object to this addition. This is the neighbor most affected.

Mr. Mooreland told the Board that this addition was put on without a permit. Mr. Harrison said he had gotten a permit for part of it.

Mr. Harrison said he was just starting his building operations in Fairfax County, he had been operating in Arlington County and Maryland - where this setback would be allowed.

Mr. Mooreland found the permit which indicated a 15.9 foot setback, whereas the plats presented with this case show an 8.2 foot setback. The permit for the house showed a 23 foot setback - 15 feet for the carport.

The porch does not go all the way across the side of the house, Mr. Harrison said - he had had some difficulty in drawing the plot plan and was helped in the Zoning Office. It was agreed that the clerk who helped him probably did not have accurate information from Mr. Harrison.

Mr. Mooreland suggested that the application be denied - recalling that the Board had previously denied a 3 inch variance on a carport in this subdivision.

Mr. V. Smith moved to deny the case in view of the variance from the Ordinance and the irregularities in the application, and because there is no evidence of undue hardship.

Seconded, Mrs. Henderson

Carried, unanimously.

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12- WINFRED RODEFFER, to permit an addition to dwelling as erected to remain within 47 feet of the street property line, Lot 5, Block 3, Villa Loring, Providence District. (Rural Residence).

Mr. Rodeffer said he knew the required setback on his property was 50 feet, and had discussed this with the man whom he had hired to draw up his plans. He let the contract for the addition and assumed that the contractor would follow the requirements. Unfortunately, he did not check the setback of this addition. He called for footing inspection and was given an okay on that. (Mr. Mooreland noted that the inspection of footings did not include inspection of setback - only the depth and width of footings). When the building was under roof it was checked again and found to be three feet short of the required 50 foot setback.

Mr. R. C. Herndon was his builder, Mr. Rodeffer said, and Mr. Herndon had told him it was all right - that he had drawn the plans and located the addition in accordance with requirements. There is plenty of room on the property for this addition, Mr. Rodeffer continued, and he himself should have checked his builder more closely - but he didn't think it was necessary. He thought the front corner of his house, this addition, and his garage were all on the same setback line. Mr. Rodeffer noted that Hull Road, on which the house faces, is only one block long, ~~and the house is actually surrounded on three sides by roads~~. The addition is completed.

Mrs. Rodeffer pointed out that since the house is on a corner lot ~~is practically surrounded by streets~~, and is set at an angle, this is the only side on which they can put an addition. Other houses on their street can be added to more easily because they are set square with the front line. A smaller room would not be attractive nor in proportion with the present building, Mrs. Rodeffer said. She showed a drawing of the house with the addition.

The posts indicating their line are out, Mr. Rodeffer said, and they had nothing to measure from except the house and garage setbacks.

Mr. V. Smith moved to defer the case to view the property - deferred until September 11th.

Seconded, J. B. Smith

Carried, unanimously.

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DEFERRED CASES:

1- DOMINIC BOCK, to permit storage shed to remain as erected within one foot of rear property line and within three inches of side property line, Lot 429 Mason Terrace (105 Bolling Road), Falls Church District. (Suburban Residence).

His neighbor at the rear filled in his back yard to such an extent, Mr. Bock told the Board, that it necessitated his putting in a retaining wall along the back of his lot and down the sides to take care of flooding. The wall became such a hazard to children in the area (climbing on it) that he raised the two sides of the wall a small amount, put on a front and wide wall and made a shed for his tools. The shed is about 13 x 7.5 x 7 feet high. He did not think it was necessary to have a permit for this kind of shed.

August 14, 1956

DEFERRED - Ctd.

1-Ctd. There were no objections from the area.

Mr. V. Smith suggested that Mr. Bock take out the wall on the side where the shed comes within three inches of the line, and move the wall in to a one foot setback. Mr. Bock said there was no objection from this neighbor and this would make a jog in his retaining wall - which has been very satisfactory in controlling the flooding from his neighbors property. The neighbor's back yard is about 10 feet higher than his property, Mr. Bock said.

Mrs. Henderson moved to grant the application because to deny this it could result in peculiar and exceptional difficulties for the applicant.

Seconded, V. Smith

Carried, unanimously.

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2- WILLIAM S. ERVIN, to permit erection and operation of a repair garage, Lots 15, 16 and 17, Fairhill on the Boulevard, Providence District. (Rural Bus.)

Mr. Roy Swayze represented the applicant. At the hearing of July 24th, Mr. Swayze recalled to the Board, this case was first denied by motion which died for lack of a second, then was deferred to view the property. Mr. Swayze said he understood that Mr. McCandlish was present to offer objections on the part of residents of the area. Under Section 12-H-5 of the Ordinance Mr. Swayze continued, the manner of procedure for these cases is set up and such procedure was followed at the last hearing - therefore in his opinion it was not necessary to hear the case along with the objectors a second time. The only matter left open is the report and decision of the Board - after having viewed the property. A rehearing would only take the time of the Board and such a rehearing is not provided for in the Ordinance. He would assume, Mr. Swayze continued that no new evidence was to be heard, that the case is closed on the basis of the evidence presented at the last meeting. He asked the Board to determine if the case should be reopened for evidence. If so, he also would go into the details of the applicant's case.

Mr. V. Smith said he had seen the property, but he felt that if the applicant or the opposition has new evidence which could not logically have been presented before - it should be heard at this time.

Mr. McCandlish stated that he had read the minutes of the last meeting and he recalled no statement that the case was deferred to view the property, the case was simply deferred. Since there were several questions discussed at that meeting which his clients would like to take up again with the Board Mr. McCandlish asked that the Board hear the case again.

It was suggested that the Board read the minutes. Mr. Brookfield stated that the Board had heard evidence in other cases after viewing the property. The Board re-read the minutes, and Mr. Brookfield, the Chairman, ruled that the case was deferred for more information and that the case would be heard again.

2-Ctd. Mr. Swayze recalled the fact that Mr. Ervin had been operating a body repair shop on Lee Highway for many years - as a non-conforming use. His shop was burned. Mr. Mooreland was in doubt as to the percentage of destruction. It was determined that less than 50% of the building was destroyed - therefore, Mr. Ervin is having the building repaired. However, he cannot expand his business - which has become a necessity, in view of his increasing business. For that reason he wishes to operate a second shop at this proposed location. This property has been zoned for business for many years. It is located near his present business, Mr. Swayze continued. It is across the street from other business zoning, and not far from growing business area west of Merrifield.

This property is located about 600 feet from a piece of property which the Board of Supervisors have recently rezoned for a property yard. Other similar businesses are located between this recently rezoned area and the intersection at Merrifield - two businesses for excavating and storage of heavy equipment, lumber business, animal hospital, automobile sales and repair garage, heating plant sales office, and like businesses. These businesses are not unlike the plant Mr. Ervin wishes to erect, Mr. Swayze continued. The only difference is that this requires a use permit - and in that, Mr. Swayze contended, the Board is guided by the Ordinance, not by the people objecting.

In view of the Ordinance which states under Section 6-16 that such uses shall be located in compact groups.... with the already established businesses of the same general type in this general area, Mr. Swayze contended that this would not be undue scattering of business. Mr. Ervin has conducted his business on the Lee Highway for eleven years, and it would be impractical for him to leave the area, Mr. Swayze pointed out, and take up a location away from his present business. This is the best location he has been able to find. Mr. Ervin has conducted a legitimate business all these years without complaint, Mr. Swayze continued, he has not kept wrecked cars on the premises. At present there are some cars on the property - those which were partially destroyed by the fire, and the insurance company and the law require that they remain there until adjustment is made. These cars, however, are being removed. Mr. Ervin will not have wrecked cars on his premises - in accordance with the Ordinance - and he will conduct his business between regular working hours. There will be no more disturbance, Mr. Swayze continued, from this business than from any other business which might go in here without a special permit. There will be no coming and going of heavy equipment, the cars will be repaired within the building. We are dealing with a man long established in business in Fairfax County, Mr. Swayze stated, a man who will do everything he can to conform to all regulations and who will conduct his business in a manner not to create a nuisance. He is merely asking for a means of expanding his business.

August 14,1956

DEFERRED - Ctd.

2-Ctd.

Mr. Shield McCandlish represented the opposition.

If this case is granted, Mr. McCandlish pointed out, it would not be in accordance with the Ordinance as the Ordinance states that this type of business (filling stations and repair garages) shall be located as far as possible in compact groups. Since the nearest location where this type of business could be placed in a compact group would be Merrifield, which is 1/2 mile away, locating at this point could in no stretch of the imagination meet the Ordinance. Mr. McCandlish read a definition of 'compact' and 'group' to indicate that this property did not in any way meet the Ordinance requirements.

This proposed site is just over the crest of the hill, Mr. McCandlish informed the Board, at a spot where many accidents have occurred, therefore from the standpoint of safety it would not be a satisfactory place. It would therefore appear that a grouping of filling stations or repair garages would never take place at this intersection. Also Mr. McCandlish noted that there is no business across the street - a further indication that a grouping of any type business would not take place here.

Mr. McCandlish showed pictures of Mr. Ervin's present business, indicating the wrecked cars in the yard. It is the nature of this type of business, Mr. McCandlish continued, that damaged cars must be on the property. They are continually working on wrecked cars - the cars are being hauled in and out by wreckers - an added hazard to this already dangerous location. The very nature of the business, the writers of the Zoning Ordinance realized, requires a special use permit, Mr. McCandlish pointed out, in order to control the location and protect nearby homes from the dangers and depreciating affect of this type of operation.

While this is a business zone, the fact that it is a predominately residential area with homes very near, should restrict the type of business going in. Mr. McCandlish showed pictures of the lot and homes in the immediate area - indicating the nearness of homes to the business property. There are fifty-one homes in the area and many children. This would be an added hazard to the children coming and going from school and would be detrimental to property values. The location of a repair garage within a residential area is wholly incompatable with the intent of the Ordinance, Mr. McCandlish contended.

A letter was read from the Merrifield Improvement Association, stating their opposition to this location - asking that this business not be located in this residential area.

Mr. Tepper spoke in opposition. His property is very near the proposed location. Mr. Tepper thought if one lived within 200 feet of this operation it would be very noisy and depreciating to property. He spoke of Mr. Ervin's hours of operation which often went far beyond regular business hours, he thought it would be impossible to conduct this business without having wrecked cars on the premises, this would be dangerous for children in the

2-Ctd.

area, and it would create an added traffic hazard to the area.
Mr. Hallett told of driving by Mr. Ervin's place of business many evenings and of hearing the noise from the work shop. Mr. Hallett thought some other type of business at this location would not be objectionable. Mrs. Hallett agreed.
Mr. Joseph Jackson told of his brother-in-law who is in this same type of business, and whose shop is detrimental to homes in the neighborhood.
Mrs. Bush had noticed Mr. Ervin working at 9:30 in the evening.
Mr. E. Ballman, who is trying to sell, has hopes of doing so before this business can locate in the neighborhood.
Mr. Swayze said the night work now going on at Mr. Ervin's is the repair on his old building. He does not work after 5:30 p.m., Mr. Swayze contended, and will not do so in his new location - if he gets it.
These people in opposition have given no reason for a denial, Mr. Swayze stated further. He recalled from the Ordinance the statement regarding 'compact groups' - which adds 'in so far as possible'. The Ordinance does not say that these businesses must be located in compact groups. Under any circumstances, Mr. Swayze continued, the phrase 'compact groups' is relative. The intent of the Ordinance is not to string filling stations along the highways. Mr. Ervin has legitimate reasons for wishing to locate here - it is in a business zone, near other like businesses, and he thought the opposition had over-stated their case. Like businesses are not 1/2 mile away, as has been stated, Mr. Swayze continued, and the Board of Supervisors has apparently considered the location of Blackwell Engineering and Simpson's business not out of keeping with the general area, and they formed a "compact group". These businesses are considerably less than 2000 feet away.
One of the objectors is selling his property, Mr. Swayze pointed out, the other objections to night work have been answered and certainly a reasonable amount of noise will result from any business. Mr. Ervin, by his past experience and his standing in the community is richly deserving of this permit, Mr. Swayze continued, he urged the Board to grant this permit.
Mr. T. Barnes moved to grant the application due to the fact that it was viewed by the Board and found that it would be located in as compact a group as it is possible to get, and due to the fact that this is a business zone and some business will undoubtedly locate here, there would appear not to be sufficient reason to deny the applicant a permit to locate his business here. This to be granted on Lots 15, 16 and 17 of Fairhill on the Boulevard...
There was no second - motion lost.
Mr. V. Smith agreed that Mr. Ervin had done an excellent job as shown by his satisfied customers, but in view of Section 6-12 of the Ordinance there is a question as to whether or not this would be locating this business in a "compact group" as stated under the Ordinance, and under Section 6-16 (4-D-2) it would be detrimental to the public welfare and injurious to property and

August 14,1956

DEFERRED - Ctd.

2-ctd. improvements in the neighborhood, he would move to deny the case.

Seconded, Mrs. Henderson

For the motion: V. Smith, Mrs. Henderson, Mr. Brookfield, J. B. Smith

Mr. T. Barnes voted "no".

The motion carried to deny.

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1- WILLIAM E. MOSS - The case of William E. Moss was taken up again and no one was present to discuss it.

Mr. V. Smith moved to defer the case until September 11th,1956 and that Mr. Moss be notified that this case will be heard at that time.

Seconded, J. B. Smith

Carried, unanimously.

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The meeting adjourned

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, August 28, 1956 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse.

Members present: Mr. Brookfield, Verlin Smith, T. Barnes and Mrs. Henderson. Only the deferred cases scheduled for this hearing were handled as the new cases were not properly advertised. New cases are now advertised for hearing on September 18, 1956.

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

DEFERRED CASES:

1- Martin L. Ayres, Jr., to permit an addition within 20 feet of the rear property line, on east side #1 Highway, approximately 400 feet north of intersection of #626 and #1 Highway. Mr. Vernon District. (Rural Business).

Mr. Ayres said he had started this building without a permit - but with no intent to evade the regulations. His brother was visiting him and the idea of Mr. Ayres putting on a play room for his children was discussed. Since both he and his brother were free that day they started the room-addition. The addition is 21 feet from the rear line. Mr. Ayres thought there would be no adverse affect on the neighbors as the property at the rear of his line takes a decided slope down and the house on that lot is about 200 feet from his addition. These people do not object.

While there are houses on both sides of him they are about 75 feet from his house. This room is badly needed for his four children, Mr. Ayres contended - to keep them off the street and to provide a play room in the winter.

The Board discussed the unreasonableness of going ahead on this without a permit and suggested that some means should be arrived at to impress people with the necessity of getting permits. Mr. Brookfield recalled the large amount of money the County is spending attempting to develop in an orderly manner - and the need for cooperation from the public.

Mrs. Henderson said she had tried to find this property but had been unsuccessful. None of the members had seen the property.

Mr. V. Smith moved to defer the case for another two weeks (until September 11th) in order to view the property, in view of the evidence that had been presented.

Seconded, Mr. T. Barnes.

Carried, unanimously.

It was agreed that it would not be necessary for Mr. Ayres to be present at the next meeting.

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2- Richard Anderson, to permit erection of carport 18" of side property line, Lot 7, 1st Addition to Fairview, (209 East Fairview Avenue), Mt. Vernon Dist (Suburban Residence).

Mr. Anderson had been told that it would not be necessary for him to appear at this hearing. The case was deferred to view the property. Mrs. Henderson had seen the property and had found that it would be possible for the applicant

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2-Ctd. to locate the carport at least 5 feet back of the house and still be on level ground - and meet the side requirements.

With regard to other violations in the area - which had been discussed at the last hearing, Mrs. Henderson said she did see many houses and carports which were too close to the line - but she also noted that this is an old subdivision, with very narrow lots, many of them 65 feet, and it is practically impossible to have carports without violation. It is possible, Mrs. Henderson continued, that many of these violations had taken place before the Ordinance was adopted.

Mrs.Henderson moved to deny the case because there is an alternate location for the carport and no evidence of undue hardship has been presented.

Seconded, V. Smith

Carried, unanimously.

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3- Mary Vavala, to permit extension of trailer court from 36 to 42 units, Lot 18, Evergreen Farms, (Gum Springs Trailer Court), Mt. Vernon District. (General Business).

Mr. Paul Delaney, Attorney, represented the applicant.

Mr. Delaney presented the new-revised plats to the Board but stated that the engineer had suggested not making the topographic map until the case is approved by the Board. They have not had the approval of the Highway Dept. for entrances and exits nor have they been able to contact the Fire Marshall.

Mr. Delaney suggested that the Board defer this case again for 30 days - at which time they will make every effort to present additional data to comply with requests of the Board.

Mr. V. Smith moved to defer the case for 30 days (Sept. 25,1956) for additional information.

Seconded, Mr. T. Barnes

Carried, unanimously.

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4- Alfred J. Suraci, to permit extension of permit for erection of a clinic having offices for 4 to 8 Doctors which will be expanded as conditions permit,and permit side line setback of not more than 40 feet, on south side #236, approximately 0.66 mi. west of Annandale, Falls Church District. (Suburban Residence).

This case was scheduled for 1:10 p.m. - but since the regularly scheduled cases were not heard - Dr. Suraci was asked to appear at this time. However, Mr. V. Smith suggested that since this case had been scheduled at 1:10 p.m. it could be that people in the area might have questions regarding this installation and had planned to come up at that time. He thought the case should not be heard until the scheduled time. This is a sizable investment, Mr. V. Smith continued, and the possibility of a question arising at some later time regarding legality of the hour of the hearing might hold up construction or throw this into Court. He did not think the applicant

4-Ctd. nor the Board should be placed in the position of defending an advanced time of hearing. Even though this was not an advertised hour - it has been on the agenda, which is available to the public.

Mr. Mathis, representing the applicant, suggested hearing the case at this time and not making the decision until 1:10 p.m.

Mr. Rauth, representing the architects, was of the opinion that waiting until 1:10 p.m. would not only meet the agenda but would at the same time give him the opportunity of getting together more complete and detailed plans.

The clause in the application which states ".....offices for 4 to 8 Doctors which will be expanded as conditions permit" was discussed. The Board questioned granting this use including unlimited expansion.

It was agreed to put the case over until 1:10 p.m.

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Mr. Mooreland recalled to the Board the granting of a swimming pool to O. K. Normann - on August 17, 1954 - which granting was specific in that it did not cover using the pool as a commercial project. Mr. Mooreland showed pictures of signs on Mr. Normann's property indicating that the pool was open to the public for a fee.

It was recalled that the applicant asked to make a reasonable charge merely to cover costs of maintaining the pool - to which the Board agreed.

The Board agreed that Mr. Normann should get rid of the signs, since the advertising would label it a commercial project.

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The Board read minutes, then adjourned for lunch, convening at 1:10 p.m. to hear the Suraci case.

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Alfred J. Suraci. It was recalled that this case was first granted on Sept. 21, 1954 - for one year - and renewed for one year in August 1955. This is a request to renew the permit.

Since two members of the Board were not on the Board at the time of the granting of this application, the minutes of the first hearing were read.

Mr. Mathis presented a schematic drawing of the proposed building. This should be granted, Mr. Mathis continued, in the name of "Medical Center" - as a wide variety of medical and dentristry cases will be handled and the project will operate under that name - also the Charter will be granted to "Medical Center".

When this case was filed, Mr. Mathis told the Board, it was in the name of Dr. Suraci, and while Dr. Suraci still owns the property, the corporation which was formed takes in additional Doctors and the Charter will be issued to "Medical Center, Inc." Mr. Mathis therefore asked that the application be so amended. They have a loan in the amount of $250,000 and $150,000 in cash. They are ready to start construction as soon as permits are granted.

DEFERRED CASES - Ctd.

4-Ctd. The plans presented showed the layout of each floor - these are the approved drawings on which they have obtained their loan, Mr. Mathis continued. Mr. Mathis also showed the Trust Agreement of the Corporation.

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It was noted that the plans include a drug store. This will not be the usual "Peoples" type of drug store, Mr. Mathis explained, it will merely serve patrons as a dispensary and for necessary prescriptions. This will be run as a non-profit operation.

It was necessary to form this non-profit corporation, Mr. Mathis continued, to include the participating Doctors, however, there is no change in their plan of operation, and Dr. Suraci will retain control of the majority stock.

Mr. Mathis pointed out that across the street from this property is the recreational area and the property on both sides of the proposed Center is owned by relatives of Dr. Suraci - who do not object.

Mr. Taylor, from Annandale, representing the Recreational Area, Lions Club, American Legion, and other citizens of Annandale, told the Board that these organizations heartily endorse this project as a greatly needed and long overdue facility for the Annandale area and for the County. The people whom he represents, Mr. Taylor continued, do not feel that this will be detrimental in any way to the area.

Mr. Ange, from Annandale, also supported the project, representing many people in Annandale and unofficially representing the Recreational area. The main comment on this project from people in the area, Mr. Ange said, is - 'when will it get started?'

Mr. Egoff, from the Moose Lodge also urged the Board to grant this use, as they believe it will fulfill a badly needed service in the area.

Mr. Bill Runyon registered his approval.

There were no objections from the area.

The building will be of brick, limestone, and Architect's Terra Cotta construction. Space for 79 cars is shown on the plats.

They have not yet contacted the Highway Dept. for ingress and egress, but that will be done, Mr. Mathis continued.

Mr. Mooreland told the Board that difficulties arising from highway entrances to business property had resulted in a new plan whereby all entrances to business property will first be passed upon by Mr. Schumann, Director of Planning - the Director of Traffic, and the Highway Engineering Department at Culpepper. Therefore, ingress and egress in this case will be taken care of.

Mr. Mathis explained their delay in starting, stating that they could not get the loan until there was assurance of the sewer lines - which they are told will be ready for hook up by the time the building is completed.

DEFERRED CASES - Ctd.

4-Ctd. Mr. V. Smith stated that in his opinion since the application is made in the name of Alfred J. Suraci - it will have to be granted to him. Mr. Mooreland thought the title of the application could be amended by the Board in their motion.

The question of a permit being granted for six months or for one year was discussed. Mr. Mooreland said the Commonwealth's Attorney had ruled that there was no difference between a use permit and a special exception - therefore the one year held.

Mr. Mooreland also asked the Board in their motion to tie the use to the entire tract.

With regard to the 'expansion' clause in the application, Mr. Mathis said they were perfectly willing to come back to the Board for any expansion.

Dr. Suraci told the Board that they did not wish to limit the ultimate number of Doctors. They will necessarily need to be equipped to take care of any condition, as this is to be a complete medical center. While the application states from four to eight Doctors - Dr. Suraci said he had not realized this limitation was on the application - however, he would like to have that removed.

Mr. V. Smith asked that a copy of the "Charter of the Non-Profit Corporation" be filed with this case, to which Dr. Suraci and Mr. Mathis agreed.

Mr. Mathis noted that the application has been made in the name of Dr. Suraci and signed by the"Virginia Medical Center." They had planned to form the non-profit corporation in the name of"Virginia Medical Center", Mr. Mathis continued, but found that there is another project by the same name within the State. They had therefore changed their name to "Medical Center, Inc., Annandale, Virginia".

Mr. V. Smith suggested deferring the case and advertising in the name of "Medical Center, Inc." and that the Corporation furnish a copy of the Charter which is stated to be non-profit and that it should be stated in a letter what is to be sold in the pharmacy and the snack bar - both shown on the plats.

Mr. Mathis asked that the case not be delayed as a postponement might jeopardize their plan to start immediately.

Mr. V. Smith moved that an application for a medical center be granted to "Medical Center, Inc.", substantially as shown on preliminary plans submitted with the application, by John M. Walton & Associates, dated March 31, 1955 and April 18, 1956. Sheet No. 1 of 5 sheets shows the proposed building location to be 100 feet from Little River Turnpike and 40 feet from the side property lines and also it is shown on the plot plan, entitled "Part of Parcel D, Property of Albert Suraci" but it is understood that that is the property formerly owned by Alfred J. Suraci and is now owned by "Medical Center, Inc." and the area contains 2.63 acres.

DEFERRED CASES - Ctd.

4-Ctd. Motion - Ctd.

This plot plan shows future addition which is not covered in this permit. The application dated July 11, 1956 was signed by "Virginia Medical Center" By E. B. Rauth, Agent. It is understood that subsequent to that date the applicant learned that there is another Corporation under this name in Virginia and the Board has full knowledge that this application is granted to "Medical Center, Inc.,Annandale, Virginia" which is a non-profit corporation. It is agreed that a copy of the Charter will be submitted to the Board prior to the issuance of the permit.

This use is granted subject to the applicant operating a pharmacy as shown on Sheet #2 of the preliminary plans to be operated solely as an ethical pharmacy.

This application is granted under Section 6-4-a-15-f and Section 6-12-2 a and b, and is subject to the approval of the State Highway Department for means of ingress and egress, and to the applicant furnishing adequate parking space for all users of the use.

*It is understood that the Snack Bar shown on Sheet #1 of five sheets of the preliminary plans may be moved to the area shown as unassigned on Sheet #1 of two sheets by John M. Walton and Associates, Architects, dated Aug. 10, 1956.

This Snack Bar is to be used only by the Doctors, the personnel and patrons of the Medical Center.

Seconded, Mr. T. Barnes

Carried, unanimously

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*The following discussion took place in the middle of the motion:

The location and extent of the Snack Bar was discussed. Mr. Rauth, representing the architect, explained that the Snack Bar shown in the basement on the plans will necessarily be moved to the first floor to the unassigned space. The X-ray will be located in the presently designated Snack Bar area. This was necessitated because of delivery troubles.

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The meeting adjourned.

John W. Brookfield

John W. Brookfield, Chairman

September 11, 1956

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 11, 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 Mr. Verlin Smith

DEFERRED 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 District. (Industrial).

Mr. Hansbarger was present representing Mr. Munro but did not wish to proceed with the case as Mr. Munro was not present. The Board agreed to put the case aside until Mr. Hansbarger could get in touch with Mr. Munro to see if he can be present.

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2- CHESTER COPELAND, to permit extension of trailer court with 14 additional units, Lot 25, Evergreen Farms Subdivision, (Total 76 units), Lee District. (General Business).

No one was present to discuss the case.

Mr. V. Smith moved to put the case at the bottom of the list.

Seconded, Mr. T. Barnes

Carried, unanimously.

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3- WILLIAM E. MOSS, to permit dwelling as erected to remain within 13.6 feet of side property line. Lot 331, Section 1, Chesterbrook Woods, Dranesville District. (Suburban Residence).

No one was present to discuss the case. It was recalled that this case was originally denied and reopened at the request of the applicant. Mr. Moss had been duly notified of the time of hearing.

Mrs. Henderson moved to deny the case.

Seconded, Mr. V. Smith

Carried, unanimously.

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Mr. Hansbarger reported that Mr. Munro was on his way to Fairfax.

Mr. J. B. Smith moved that the Munro case be heard after eleven o'clock.

Seconded, Mr. T. Barnes

Carried, unanimously.

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Mr. Mooreland asked the Board if they would consider a compost pile enclosed within a three foot fencing to be a structure. The Board said "no".

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4- FAIRFAX AMUSEMENT CORP., to permit erection of a sign (marquee) larger than allowed by the Ordinance, (approx. 225 sq. ft.) at N.W. corner of #28-#211 and #608, Centreville District. (Agriculture).

4-Ctd. DEFERRED CASES - Ctd.

No one was present to discuss the case.

Mr. V. Smith moved that it be put at the bottom of the list.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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5- WINFRED RODEFFER, to permit an addition to dwelling as erected to remain within 47 feet of the street property line, Lot 5, Block 3, Villa Loring, Providence District. (Rural Residence).

Mr. French, the builder had been asked to appear before the Board to explain the failure to meet setback requirements on this. Mr. French was present, stating that he was unable to completely explain the violation. He did know of the 50 foot setback requirement but he had been accustomed to building in other jurisdictions where a lesser setback was required.

Mrs. Henderson suggested that it was very obvious when sighting from the other two buildings - which are set back the required distance - that this structure stands out considerably nearer the front line. She noted that an iron pipe, marking the property line is at one corner of the lot, which was the natural starting point for setback measurements.

Mr. French said he did not deliberately violate the regulations - that he thought he had a 54 foot setback from the street right of way.

When asked if he lined this structure up with the other buildings, Mr. French said he did not.

Mr. Rodeffer told the Board that he had discussed the setback requirements with Mr. French before starting construction and had questioned the setback after the building was started - but was assured it was all right.

It was pointed out that not only the two structures on the property but other buildings down the street were all located back the required 50 feet, and the Board could see no reason for not placing this addition where it would conform to those buildings, even if they were unsure of the street right of way.

Mr.French said he had used what he thought was an approximate distance,which he had measured from the centerline of the street. The fact of the house being located on a bias at the corner was probably what threw him off. Mr. French recalled discussing the setback with Mr. Rodeffer - but he could not explain how he had fouled up so badly.

The fact that it was known that the 50 foot setback was required, that it was discussed both by Mr. Rodeffer and Mr. French, that an architect was employed by the applicant, that the presently located buildings on the property meet the required setback, and that a surveyor's stake was on the property, led the Board to feel that this error was entirely unjustified.

(Mr. French noted that had he moved the addition back farther to conform it would have covered the kitchen door.)

There were no objections from the area.

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DEFERRED CASES - Ctd.

5-Ctd. Mrs. Henderson admonished Mr.French to be more careful in the future - but moved to grant the application under section 6-12-7 because it does not appear to adversely affect neighboring property.

Seconded, Mr. V. Smith

For the motion: Mrs. Henderson, V. Smith, J. B. Smith, T. Barnes

Mr. Brookfield voted "no"

The motion carried.

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NEW CASES:

1- MILL RUN ACRES, INC., to permit erection of one sign on property other than the use, on north side Route #7, 2800 feet east of Difficult Run, Dranesville District. (Agriculture).

2- MILL RUN ACRES, INC., to permit erection of one sign on property other than the use, on south side Route #7, 1900 feet west of the eastern junction of Route #743 and Route #7, Dranesville District. (Agriculture).

3- MILL RUN ACRES, INC., to permit erection of one sign on property other than the use, on south side Route #7, 100 feet east of Difficult Run, Dranesville District. (Agriculture).

Mr. Blackman represented the applicant.

There are three applications involved in this, Mr. Blackman pointed out. They are guilty of locating these directional signs off the property used, Mr. Blackman told the Board - not knowing the regulations. However, they have put up attractive signs and they did get the approval of the owner of the property on which the signs are located. They are developing a good subdivision with large lots and attractive homes, black topped streets and central water system, but they are off the highway a short distance and have no means of advertising except off the use.

Mrs. Henderson noted the word "Slow" on the sign - which is used for traffic directional purposes only.

Mr. Mooreland advised the Board that in his opinion they had no authority to grant a sign off the use, and if this is granted the Board would be deluged with similar requests, and it could result in plastering the County with signs off the use. Mr. Mooreland called attention to the fact that the applicant could have two directional signs at the intersection of the State roads - signs of two square feet each.

Since the three cases deal with the same thing, Mr. Verlin Smith moved to deny the three applications of Mill Run Acres.

Seconded, Mrs. Henderson

Carried, unanimously.

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September 11, 1956

DEFERRED - Ctd.

4- FAIRFAX AMUSEMENT CORP. Mr. Aikens represented the applicant.

The applicant was asked if his lease or purchase included the strip of land on the west side of Route #608. Mr. Aikens answered that it did - that this land is included in his contract of sale and the records in the Courthouse so indicate.

Mr. Mooreland recalled that the plats presented with the Panneton Open Air Theatre case were drawn from the deed description and did not include the property west of Route #608. Mr. Mooreland explained that there had been a considerable question about who owns the strip of land across Route #608. According to the survey presented with this case, it appears to be included but according to the deed description in the original rezoning case no property was included west of Route #608. The rezoning description said "to the east of the right of way of Route #608".

According to Doctor Adkerson, Mr. Aikens told the Board, this land was included with the Theatre property. They had had the title searched by Judge Rothrock - which search confirms the fact of their ownership.

The rezoning application takes the commercial property to the east line of Route #608, Mr. V. Smith stated, therefore the land across Route #608 remains in Agricultural classification.

If it is later determined that the State owns this strip of ground, Mr. Aikens suggested to the Board, and if he is allowed to locate his sign on the strip - he will later move the sign without any expense to the State. This strip of land is so small, Mr. Aikens continued, it is of no value to anyone, and since he was under the impression he was buying this land which is especially adapted to the use of his sign, he felt it very necessary to locate the sign here. It is the only location possible to give a reasonable degree of advertising to his theatre. The theatre location is practically useless without a sign in this location, Mr. Aikens continued.

It was asked if Mr. Aikens could put his sign on Doctor Adkerson's property on the east side of Route #608. Mr. Aikens answered "yes" - he had that right, but he felt that it was better both for him and for Doctor Adkerson to have the sign across Route #608, as it would be a less traffic hazard in that location.

Mr. Mooreland said, in his opinion, it was necessary to clear up the ownership of the area on the west of Route #608, before taking any action.

Mr. Aikens called attention to the plat which shows that the State is trespassing over his property all along the frontage in order to get into their right of way, that the road is actually on his property.

Mr. Brookfield also agreed that the Board should have additional evidence of the ownership of this ground.

Mr. Aikens suggested granting this location for one year, during which time the ownership of the strip could be settled, and if the property is determined to belong to the State they would move the sign. He indicated

DEFERRED - Ctd.

4-Ctd. it would cost about $100.00 to move the sign. Mr. Aikens stated that the Highway Department had admitted that they made a mistake in the location of this road.

Mr. V. Smith moved to defer the case for 60 days to check with the Highway Department and to give the applicant the opportunity to show beyond a doubt that this is his property.

As far as the moving of the sign is concerned, if the property is determined to belong to the State, Mr. V. Smith told Mr. Aikens that the Commonwealth's Attorney had said the County could not enter into any such agreement. Mr. V. Smith asked Mr. Aikens if he would be willing to locate the sign now on Doctor Adkerson's property, and if the strip is shown to belong to the Adkerson property, then move it back.

Mr. Aikens said "no" - that would be too expensive.

Therefore, Mr. V. Smith said he felt it necessary to reconcile the two varying descriptions.

Mr. V. Smith restated his motion to defer the case until November 13th, to give the applicant the opportunity to check with the Highway Department and reconcile the two descriptions of the property to determine the ownership, and also to check with the Title Company regarding exact description of the land conveyed.

Seconded, J. B. Smith

Carried, unanimously.

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DEFERRED
HUGH MUNRO

1- Mr. Hansbarger informed the Board that Mr. Munro was present.

The fact of Mr. Munro's not being present was caused by a mix-up in his office. The Board asked that the case be presented at this time.

Mr. Hansbarger represented the applicant.

The applicant has attempted to wait for the adoption of a trailer park ordinance before having this case heard, Mr. Hansbarger told the Board, as he realizes the importance of an ordinance to the entire County.

But the question has arisen, Mr. Hansbarger continued, as to the future status of this land - if it is not used for industrial purposes, will the Board of Supervisors be inclined to rezone this land back to residential classification when they adopt a commercial and industrial masterplan for the County? It has been rumored that this could happen, Mr. Hansbarger explained, therefore Mr. Munro has asked for the hearing in order to start his operations, with the view toward preserving his present zoning. Mr. Hansbarger referred to a leaflet put out by the ASPO which gave something of the background of modern trailer park development and statistics regarding dwellers in trailer parks. The history of trailer parks is following the history of motels, Mr. Hansbarger told the Board, in that they were both for many years sub-standard developments. Time and competition and adequate regulations have brought a

1-Ctd. great change in motels. The same thing is happening in the trailer park development, Mr. Hansbarger continued. He compared the number of trailer parks in 1930 with the increase in 1955, at which time the unit sales had increased to $455,000,000. This change has been brought about by competition and an increasing interest in trailer park living by people who require temporary living quarters.

With regard to the type of people who live in trailer parks, Mr. Hansbarger told the Board, statistics show that a great majority are construction workers who necessarily move from job to job, and military personnel who are stationed in areas for a limited tour. Also trailers are used by retired people who desire to live that way, by vacationers, and students. Living in trailers is no longer governed by economics, Mr. Hansbarger contended, they are used by people of high caliber - not greatly different from citizens of any normal community.

While Mr. Munro has approximately 200 acres in this area, he will use about 40 acres for this purpose. He plans 466 units.

At the present time Mr. Munro is asking only for this use. While he has a layout - which plat is presented with the case - the ultimate plan will accommodate a feasible number of trailers to the ground. Mr. Hansbarger called attention to the fact that 4.8 acres have been set aside for recreational purposes, all the streets within the Park have a 30 foot width, except the entrance road coming off of Rolling Road, which will be dedicated to a 50 foot width. Between Rolling Road and the trailer park a 575 foot buffer strip has been left. They have checked entrance to Rolling Road with the Highway Department, Mr. Hansbarger continued, and the only requirement is the 50 foot entrance. It may be necessary to have culverts throughout the Park, Mr. Hansbarger said, which will be taken care of to provide satisfactory drainage. They will meet all specifications of the Highway Department.

The Park will also be provided with regular garbage collection.

The layout plat has been presented to the Fire Marshall, who has noted his receipt of the same and has indicated on the plat his approval of street width and plan for adequate fire protection.

There may be other problems to be worked out, Mr. Hansbarger continued, which they do not know of now - but they will meet all contingencies and will meet all requirements of the Board.

Sewer and water are not immediately available to the tract, Mr. Hansbarger said, and it may be that Mr. Munro will necessarily provide well water - which will in any case comply with Health Department regulations.

The pumping station which will take care of this area is now being built and will be completed in about nine months - Mr. Munro plans to hook on to that. This is the plant which will take care of 1000 acres in this general area.

DEFERRED - Ctd.

1-Ctd. Sewerage will be furnished either by this plant or by septic - which, if used will also be approved by the County. If for any reason they cannot get the public sewerage, or cannot get a septic field, they cannot use the land, Mr. Hansbarger continued. These things will all be worked out later. He is before the Board to know if the land can be used for a trailer park. Mr. Hansbarger presented a letter from Mr. George Hellwig regarding the drainage on this tract, which stated that this land is of good grade and will drain well; that the drainage from this proposed development runs through undeveloped wooded land in well defined streams; and ~~the~~ the Accotink Creek is relatively close and collects all of the drainage from this tract.

Mr. Mason Hirst spoke in opposition.

Mr. Hirst stressed the importance of the County sewer bond issue and recalled that he had spoken along this line before the Board of Supervisors at the time this 1000 acre tract was considered for a sewered area. He cautioned the Board at that time that the bond issue was a very fine investment for the County, but the people should have every assurance that the sewers were well taken care of and not clogged up nor misused. Mr. Hirst asked Mr. Bell,who designed the plant which is being built for this area, to speak to the Board - reserving the right to continue his opposition to this case.

Mr. Bell, Assistant Sanitary Engineer, told the Board that this plant was designed to take in the 1000 acres in the area of Route #620 and the Accotink Creek, which the Board of Supervisors designated feasible for sewering. The population in the area was based on a future estimate of ten people to the acre. Massey Engineers recommended the location of the plant because of the topography of the area, which would allow a gentle flow by gravity into the pumping station. Mr. Bell explained that the pipes in the plant are held deep and the station is designed so an additional pump can be added.

Mr. Bell estimated that the pumping station will be completed in about nine months. The sewer lines will be built by developers in the area.

Mr. Hirst again spoke to the Board, stating his opposition to trailer parks. In his opinion, Mr. Hirst stated, trailer parks clogg the schools, the roads and place an added impact upon the police department. Such parks create a nomad, irregular population who do not pay their way and who would place an economic burden on the County. The twenty million dollar bond issue must have people in homes to help pay out, Mr. Hirst contended.

Mr. Hirst said he could have brought many people with him to oppose this project - but he had not done that - he is acting as their representative in opposition.

The opening of this area to sewerage has raised the value of the land to three times its normal value, Mr. Hirst informed the Board - Mr. Munro's

1-Ctd.

land included. He did not think denial of this case would in any way reduce Mr. Munro's potential value, nor would it restrict his development of his property. He asked the Board to consider this case conscienciously and to deny the requested use.

Mr. Hirst contended again that the trailer parks do not pay their way - he recalled that the sewers are designed for a limited number of people to the acre - whereas a trailer park would increase that average by a considerable amount.

In rebuttal, Mr. Hansbarger explained that the law does not say one must have sewer for a trailer park - if it is necessary they will put in a septic field - they will cross that bridge when they come to it, Mr. Hansbarger continued. However, 40 acres of the Munro tract will flow by gravity into this pumping station.

This property is zoned for industrial use, Mr. Hansbarger continued, they have met all requirements of the County for the granting of this particular use, and will comply with any new ordinance which will govern trailer park installation.

It was brought out that the original estimate of population to be served on the 1000 acres was based on 12,500 square foot lot sizes. Since the original estimate the Freehill Amendment has changed the zoning on this area to 17,000 square foot lots, which means the resulting population using the sewers will be less than originally planned for. Also there is a strong possibility that the University of Virginia will consume 200 acres in this area, and Mr. Carl Hellwig has stated, Mr. Hansbarger stated further, that a portion of this area may be sewered in another direction. Therefore, it could be that the 1000 acres may not be developed sufficiently to make this sewering profitable. As it stands, Mr. Hansbarger continued, only Mr. Munro is actively planning development in this area. Under present legislation, Mr. Hansbarger contended, trailer parks with their license fee, personal property tax, and real estate tax on the property, do pay their way. This is a reasonable use on industrial property, Mr. Hansbarger contended, and they will comply with any new ordinance the County may adopt - on that basis he asked that the Board grant a use permit to Mr. Munro to operate a trailer park in this area.

Mr. V. Smith stated that the granting of a trailer park would come under Section 6-16 of the Ordinance, and in view of the location of this proposed trailer park - which is at a considerable distance from any congested area - and in view of the development of neighboring property and zoning of neighboring property, he felt that this use would be detrimental to the public welfare and injurious to property in the neighborhood - therefore he moved to deny the case. Also, Mr. V. Smith added that this is denied because the Sanitary Engineer's office has designed the pumping station to serve approximately 1000 acres (of which this use would be a part) with a proposed density of approximately ten people to the acre.

DEFERRED - Ctd.

1-Ctd. Seconded, Mr. T. Barnes

Carried, unanimously.

Mr. Hansbarger asked that it be noted in the record that he would enter an appeal to this decision.

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NEW CASES

4- WILLIAM T. SHERIS, to permit carport to remain as erected 7'8" from side property line, Lot 26, Block 3, Section 3, Pine Spring, (2208 Seone Court), Falls Church District. (Suburban Residence.)

This addition was made primarily for more storage room, Mr. Sheris told the Board. It is an attractive addition to his house and all of his neighbors have signed a statement that they do not object. He presented a letter from Mr. Bledsoe, the neighbor most affected, and ten neighbors stating they did not object.

Mr. Sheris stated that he had a building permit for this addition and was told that he could come within 10 feet of the side line. It was brought out that the zoning office, which office issued the permit, did not know of the storage area which has been made a part of the addition.

Mr. V. Smith moved to defer the application until October 9th, in order to view the property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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5- C. V. CARLISLE, to permit dwelling as erected to remain 36.3 feet of Nicholson Street, Lot 205, Section 8, Sleepy Hollow Manor, Mason Dist.(Sub. Res.)

The house was well under way before they realized the mistake in setback, Mr. Carlisle told the Board.

Mrs. Henderson suggested that an attempt be made to straighten out the curve in Nicholson Street - which by moving slightly would allow this building to conform.

The house across the street is set back about 45 feet, Mr. Carlisle told the Board, but that house has been sold and it would probably be difficult to change the location of the street. Mr. Carlisle noted that only one small corner of the house is in violation.

It was suggested that builders too often meet the very minimum requirements, which results in difficulties of this kind.

Mr. V. Smith noted that it is impossible to set this size house on the lot and conform to required setbacks. There is no garage but the apron has been put in on the 15 foot setback line.

Mrs. Henderson moved to defer the case to October 9th for the applicant to see if something can be done about moving Nicholson Street to make this building conform.

Seconded, J. B. Smith

Carried, unanimously

6- LONNIE MUTERSBAUGH, to permit division of parcel of land with less areas than allowed by the Ordinance, Parcel A, Church Lot, Elnido, Dranesville District. (Suburban Residence).

This parcel was originally set aside for a church and school, but that use has been vacated and the property is now eligible for subdivision, Mr. Mutersbaugh told the Board. This area is subdivided into small lots in a Suburban Residence District, but this parcel falls slightly short of area to meet that presently required lot size. They will have attractive homes on the property - ranging from $22,000 up.

Mrs. Robert Orton spoke in opposition, contending that all the lots in this area are not small - in fact that most of the homes are on tracts of 1/2 acre or more, whereas this division would allow lots of less than 1/4 acres Mrs. Orton presented a petition with 13 names from people in the neighborhood who opposed this division because they feel that this property should be developed along the line of the original intent of Judge Hitt, who designated that this should be set aside for church, school and recreational facilities. Joining this property and across from it thelots are either 1/2 or one acre, Mr. Orton pointed out, and the people in the area feel that the neighborhood would be greatly depreciated by the crowding of four houses on this parcel. The area now has a rural aspect with large rolling lawns and the intrusion of these houses would cut off their view and change the character of the area.

Mr. Mutersbaugh said that these lots have been laid out for a number of years, and he was sure the people now living in the area had bought knowing that. He thought this was logically a close development area not suited to people who want large tracts. Mr. Mutersbaugh also noted that this property was subdivided by Judge Hitt in 1906.

Mr. Prowinski stated that he planned to build across from this tract on a one acre parcel - he did not know one could build on less than an acre.

Mr. Mooreland called attention to the fact that the zoning ordinance does not apply to lots of record before the ordinance was adopted, therefore, these small lots could be built upon.

Under the present zoning, Mr. Mutersbaugh explained, he could build three houses - but it would make a better division of the land to have the four.

Mr. Mutersbaugh recalled his long residence in this area, the good class of building which he has done in the County, and his desire to make an attractive development. This is expensive ground and not reasonable for large lot development. The people in this area probably bought here when land was cheaper - and a rural development was logical - now that the property has become expensive they still want the rural character preserved - and are asking the Board to restrict the area to rural development, which Mr. Mutersbaugh thought unfair. He thought one extra house could not change the whole character of an area.

NEW CASES - Ctd.

6-Ctd. The road area between Mrs. Orton's home and this property, Mr. Mutersbuagh said, would not be used but would be planted to grass - giving an extra distance between her home and these houses.

Mr.V. Smith moved to deny the case because it does not appear to be in keeping with the property of the immediate adjoining property owners and the Board would be amending the zoning map in granting such a variance.

Seconded, Mrs. Henderson

Carried

For the motion: Mr. V. Smith, Mrs. Henderson, Mr. T. Barnes, Mr. Brookfield

Mr. J. B. Smith voted "no".

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7- TREMARCO CORPORATION, to permit erection and operation of a service station and permit pump islands 25 feet of new right of way line at N. W. corner #236 and #620, Mason District. (General Business).

No one was present to discuss the application.

Mr. V. Smith moved to put the case at the bottom of the list.

Seconded, J. B. Smith

Carried, unanimously.

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8- MAX SINGLETARY, to permit carport to remain 1.35 feet from side property line, Lot 121, Section 2, Lincolnia Heights, Mason District. (Suburban Residence).

The applicant had asked for a deferrment until September 25th as one of his neighbors who wished to appear in Mr. Singletary's behalf could not be present at this time.

Mr. V. Smith moved to defer the case to September 25th.

Seconded, J. B. Smith

Carried, unanimously.

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7- TREMARCO CORP., Mr. Sherman Johnson representing the applicant had been held up by Mr. Mooreland - Mr. Mooreland therefore asked the Board to hear this case at this time. The Board agreed to do so.

The only variance on this application is for the pump islands, Mr. Johnson explained, which they wish to locate 25 feet from the new right of way line.

The entrances were discussed with the Highway Department in Culpepper, Mr. Johnson stated, and approved by that office.

This is an area of 18,813 square feet, approximately the usual size plot used by Shell Oil Company for its filling stations. The ground was purchased from Mr. Klyn, whose home is to the west.

There were no objections from the area.

Mr. V. Smith moved to grant the application as shown on plat by Merlin F. Mc Laughlin, Certified Surveyor, dated August 24, 1956, because it appears to be a logical use for this property which is zoned to general business and it does not appear to affect adversely adjoining property.

Seconded, J. B. Smith

Carried, unanimously

NEW CASES - Ctd.

9- HOWARD DAVIS, to permit operation of a marine service station, Lots 5 and 6, Block 1, Section A, Gunston Manor, Mt. Vernon District. (Agriculture).

Mr. Davis told the Board that he was asking for a filling station to be installed at the end of a pier extending out into Virginia waters from his lot - which will serve boats and small craft owned by people in the immediate area. He had no intention of operating a business in the usual sense, Mr. Davis continued, and therefore is not asking for business zoning but merely a use permit, which would be issued to him only. This will be a service to the community - a convenience to boat owners as it will enable them to purchase gas without the necessity and the danger of hauling gas on the highway and storing it.

Mr. Mike Divine supported Mr. Davis' request saying this filling station would be a great service to people in the area - serving boats on the river - and it would eliminate the fire hazard presently caused by storing gas at homes of the boat owners or in shacks around the area. By having the pier where boats could tie up it would assure a location for rescue boats - a service much needed in the area.

Mrs. Evans, who owns property in the area four blocks away, agreed with Mr. Divine.

Mr. Ralph Lester, who owns property just north of Mr. Davis, stated that he had no objection. He explained that the bank along this area is about 30 feet high and this pier would not block anyones view, and would in no way be a detriment to the area. He agreed that the convenience to the area would be considerable. Mr. Lester thought the people in the area who might oppose this installation were confusing it with the possibility of a gambling barge which has been discussed for this area at one time - a barge which would actually have operated in Maryland waters. Since this is within Virginia waters it could not be operated as a gambling barge.

It was brought out that there are about 24 boat owners in the area who would use this filling station.

Mr. Mooreland made it clear that this is not a rezoning and no business could be carried on here other than the filling station - if granted. He explained how this could be granted under the ordinance, with special limitations.

A petition with 37 names was presented - approving this use.

Mr. V. Smith asked where these people live. All live in Gunston Manor and within 1/2 mile of his property, Mr. Davis told the Board.

The Chairman asked if opposition was present.

Mr. Lamison, who is an officer in the Manon's Neck Citizens Association, objected to the use applied for. This association is dedicated to maintaining the residential character of this area, Mr. Lamison said, and they believe this would be an undesirable project, out of keeping with present development.

9-Ctd. Mrs. H. M. Embrey spoke in opposition as a member of the Board of Governors of Gunston Manor Corporation, and as a property owner in Gunston Manor. Mrs. Embrey told the Board that the posting sign was not put up until last Saturday and the following Sunday morning it was down.

However, Mr. Mooreland said there was no question of proper posting - the sign was put up at the time required by law, but that his office has no means of maintaining the sign in place. If it is destroyed or removed, that is out of the jurisdiction of his office.

Mrs. Embrey told the Board that the covenants in Gunston Manor state that no business shall be conducted on any of the lots except those designated for uses other than residential. Also the covenants state that no structure shall be erected unless it is approved by the Association. Through the Association about 200 acres in this area are controlled, Mrs. Embrey continued, and this area includes the beach and water front. There is a strip of land 25 feet wide along the water front, Mrs. Embrey explained, which is owned by the Association and is held for public use. This strip would be directly in front of Mr. Davis' property across which he would necessarily locate his pier. Mr. Davis has not asked the Association for the use of this land nor has he approached the Association for approval of any structure he proposes to erect, Mrs. Embrey continued. Association members had discovered that Mr. Davis had applied for a license to sell soft drinks and had called a special meeting of the Board of Governors to discuss this. The Board voted unanimously that Mr. Davis should be requested to cease his operations. Mr. Parsons, President of the Board of Governors, went to Mr. Davis with the action of the Board. Mr. Davis agreed not to sell soft drinks - but he did not keep his promise. The impression was given that the proceeds from these sales were to benefit of the fire house or to the church. They are opposed to this whole project, Mrs. Embrey continued, not only because it is out of keeping with the area, but because they believe it will encourage other requests for similar and perhaps more obnoxious enterprises, and because it violates the covenants.

Mrs. Embrey noted that Mr. Davis is carrying an ad in the Alexandria Gazette for the sale of his property. She thought this strange in view of his present application.

Mr.V. Smith asked if there was a deed or any records showing the Gunston Manor ownership of the 25 foot strip along the water front. Mr. Mooreland said they had been unable to find anything in the records to substantiate the ownership.

Mrs. Embrey explained that originally this area was owned by Gunston Manor, Inc. The entire tract was sold to Gunston Manor Property Owners Association - which now owns the property, controlling development, business enterprises and the beach and water front - including this 25 foot strip along the lots facing on the water. Any lots purchased now (except those which have been individually owned and resold) are given a title from the Association through

9-Ctd. the Board of Governors, who control the land.

Mr. Mooreland thought the case had gone far afield - that the Board could not enforce the powers of the Association and the Board of Governors. He suggested that the Board consider only the issuance of a permit for this use.

Mr. V. Smith stated that if the Board of Governors have an interest in this - the Board should have all the facts.

Mr. Davis showed a plat indicating the ownership of land around the river, and showing the distance of his proposed pier from the Maryland line.

Mr. Scott Cranford recalled the talk a couple of months ago of a pier which was planned - similar to Colonial Beach - and a casino. People in the area objected. This proposed pier will come within about 25 feet of Maryland waters, Mr. Cranford said, and could be extended. Mr. Cranford forsaw the possibility of a marina - which would be against the covenants of Gunston Manor. He thought it would be a mistake to open the area to depreciating future possibilities. Even by limitation of the size of the pier or its uses - Mr. Cranford thought it impractical, and unwise to allow any encroachment of business uses in the area.

Mr. Cobb objected, stating that he had bought his property thinking the beach was public property. He asked that the 25 foot public beach strip be preserved.

It was brought out that the original corporation, Gunston Manor, Inc., had given a deed to this 25 foot strip to the presently operating corporation, but the deed showing that dedication had not been located.

Mr. Butler suggested that there are no large boats in the area and therefore no particular need for this filling station, and if it were granted it would cause trouble out of proportion to any value to residents of the area. It could lead to more such requests.

Mrs. Embrey told the Board that Mr. Davis had been operating for some months before asking for this permit.

Mr. Davis told the Board that he was not interested in a marina nor in a gambling pier - which seemed to worry people in the area - he was asking only for a use permit for a pier on which to install a filling station. He did not want business zoning. Mr. Davis contended that he was not operating before his permit was requested.

An attempt was made to establish the distance of the Maryland line from the proposed pier. The maps were either out of date or inadequate to give a clear picture.

Mr. V. Smith moved to defer the case until September 25th, to give further study to the case and to give the opposition the opportunity to present the by-laws of the Gunston Manor Assn. showing the Association's interest in this area, and deferred for more accurate plats of the area and of the operations planned.

Seconded, T. Barnes Carried, unanimously

10- Harbor Bay Corporation, to permit location, construction and operation of a sewage treatment plant, 2500 feet east of Route #611 on Small Branch Run and 2000 feet north of County Line, Mt. Vernon District. (Agriculture).

Mr.Andrew Clarke represented the applicant. While this is a tract of 1/2 acre minimum lots, Mr. Clarke pointed out, and they could develop on septic fields - in his opinion it would make a more desirable subdivision if it could be sewered with a disposal plant.

Mr. Clarke read the following letters from the State Water Control Board, and the Health Department regarding the granting of approval of this plant:

"COMMONWEALTH OF VIRGINIA

State Water Control Board
415 West Franklin St.
Richmond 20, Va.

August 13,1956

Nathan C. Hale Associates
916 West Broad Street
Falls Church, Virginia

Gentlemen:

This is to advise that the Board has approved by letter ballot preliminary plans for the construction of a bio-sorption process sewage plant to be constructed at Harbor View Subdivision in Fairfax County. This approval is in accordance with a letter dated July 27, 1956 from the State Department of Health, and a memorandum dated August 2, 1956 to the Board Members from A. H. Paessler. A copy of each of these is enclosed.

Very truly yours,

(S) A. P. Paessler
Executive Secretary

bd
Enc.
CC: County of Fairfax
Division of Engineering, SDH"

"COMMONWEALTH OF VIRGINIA
Department of Health
Richmond 19, Va.

SUBJECT: FAIRFAX COUNTY
Sewerage--Harbor View Subd.

July 27, 1956

State Water Control Board
415 West Franklin Street
Richmond 20, Virginia

Attention: A. H. Paessler, Executive Secretary

Gentlemen:

A proposal has been submitted to us by Nathan C. Hale Associates, Engineers, Falls Church, Virginia, for the construction of a bio-sorption process sewage plant to be constructed at Harbor View Subdivision in Fairfax County.

The treatment process proposed is a fairly new method, employing features of the activated sludge treatment. Comparatively little information is available on these plants except material supplied by the equipment manufacturer, In our opinion, the idea and theory of this method of treatment is comparable with the activated sludge process.

10-Ctd. Quotation of letter from Department of Health - ctd.

The proposed treatment plant will be designed to serve 800 persons or sewage flow of 80,000 gallons. Units of the plant are indicated as follows;
Mixer, 48 minutes detention; stablizer, 3.5 hours detention; clarifier, 2.36 hours; digester, 10 cf/cap., drying beds and chlorination. The plant effluent will be discharged to a tributary to Occoquan Creek and Belmont Bay.

The location of the sewage plant is shown on the attached plot plan and specifically shown on Lot 61 of the print. In our opinion, adjacent lots within 500 feet of the plant should be restricted for the building of homes.

This is to advise that this office is in accord with the proposal; however, it is recommended that the effluent sewer from the plant be extended into the stream for complete submergence; also that the final plans incorporate facilities for metering of the sewage. It is understood that final approval is a matter for the State Water Control Board.

Notification of the Board's action should be forwarded to Nathan C. Hale Associates, 916 West Broad Street, Falls Church, Virginia.

By direction of the State Health Commissioner.

Very truly yours,

W. H. Shewbridge, Director
BUREAU OF SANITARY ENGINEERING"

"STATE WATER CONTROL BOARD
415 West Franklin Street
Richmond 20, Virginia

SUBJECT: Harbor View Subdivision, Fairfax County
TO: Board Members
FROM: A. H. Paessler
Date: August 2, 1956
Copies: Consultants
Owner

Type of Plans:	Preliminary
Plans Prepared By:	Nathan C. Hale Associates, Engineers Falls Church, Va.
Population Design:	800
Type of Plant:	Biosorption activated sludge
Receiving Stream:	Small Branch, tributary to Occoquan Creek (Potomac River Basin)
Health Department Action:	By letter dated July 27, 1956, the State Department of Health approved these proposed facilities with the reservations that the effluent sewer from the plant be extended into the stream for complete submergence and that the final plans incorporate facilities for metering the sewage.

Staff Recommendations: The Staff concurs with the approval of the State Department of Health as set forth above and is of the opinion that the facilities proposed will prevent pollution of the receiving stream. Therefore, we recommend that the Board approve the preliminary plans with the following reservations:

1. The Board will not issue a certificate covering the sewage treatment facilities above (following the submission of final plans and specifications) if the County of Fairfax has a master zoning plan and zoning ordinance until a use permit or approval of the area for subdivision and a use permit for the proposed treatment plant site have been granted, or if the County of Fairfax does not have a master zoning plan and zoning ordinances, the Board may require the approval of the Fairfax County Board of Supervisors as to location or site of this proposed non-governmentally owned sewage treatment plant before giving it final approval.

10-Ctd. Quotation of State Water Control Board letter - ctd.

2. The Board will not issue a certificate until the owner has presented evidence satisfactory to the Board that the facilities will be continuously maintained and operated.

Please note that the above is for preliminary plans and is for the purpose of giving the owner the "go ahead" insofar as a degree of treatment at this particular location is concerned. No certificate could be issued in any case until final construction plans and specifications are submitted.

We request that you make your wishes known on the enclosed letter ballot.

(s) A. H. Paessler"

The plant is located at one corner of the subdivision, Mr. Clarke pointed out, where it will cause a minimum of objections. No lots will be sold without knowledge of the plants location. As evidenced by the letters just read, Mr. Clarke assured the Board of a high degree of treatment and strict compliance with requirements of both the Water Control Board and the State Health Department.

Objection was raised regarding pollution of Belmont Bay and the possibility of requiring 100% treatment in this plant.

It was suggested that that is excessive - that the Water Control Board will approve 90% and 100% would be considered unreasonable.

Mr. F. C. Kerns told of the contract agreement which was worked out with Mr. Hassan on the Pohick Creek (between Mr. Armisted Boothe, the property owners, and the Commonwealth's Attorney), which was considered at the time to be a model agreement. He asked if some such agreement could be worked out on this - requiring 100% treatment and with a satisfactory agreement bond. In that case he felt the people in the area would not object to this.

Mr. Kerns suggested that no more disposal plants should be granted in the County without a rigid guarantee of satisfactory construction and operation. He felt the protection of people in the County and of the waterways was of prime importance.

Mr. Lamison told the Board that septic tanks with 100% treatment were operating satisfactorily in the area and he thought they should settle for nothing less from any developer. Mr. Lamison said he had discussed these disposal plants with engineers who have stated that they may work very well for the first year, but with additional hook ups and the flow of storm water and with the usual break-down periods - such plants were seldom satisfactory.

Mr. Kerns suggested that money should be put in escrow to assure that the plant will be enlarged when it becomes necessary.

The question was asked - how many plants in the County come up to 90% treatment. Mr. Clarke answered - none - but the people are forced to live with them.

NEW CASES - Ctd.

10-Ctd. Mr. Clarke told of the poor operation of the County plant which is practically at his back door, and the difficulty in forcing adequate operation. In this case, Mr. Clarke pointed out, there are no homes near the plant, the State Water Control Board will not issue a final permit on this until they are satisfied of future continued operation and maintenance, the plant has an adequate detention period before overflow will take place; the effluent from this type of plant has been tested, Mr. Clarke continued, and has been found to be more pure than streams under natural flow conditions. Mr. Clarke recalled how the Health Department and the State Water Control Board have tried to protect the streams in the County by bringing up the standards of treatment plants - but with poor results. This plant will operate with efficiency, Mr. Clarke continued, they are planning a large lot development, probably including a 20 acre recreational area, the homes will sell for from $20,000 to $30,000. It will be a first class development - servicing 176 lots.

Mrs. Henderson asked if this case had been recommended on by the Planning Commission, as required in the Ordinance. It had not. Therefore, it was agreed by the Board that no action could be taken at this time, and it was suggested that the case be deferred for Planning Commission recommendation.

Mr. Clarke said he had filed this application in time for administrative procedures to be taken care of. He asked why the case had not been before the Commission, and whose responsibility it was to take it before the Commission. He thought it entirely unfair that an applicant should be held up because of lack of proper handling.

Mrs. Henderson moved that the case be deferred for recommendation from the Planning Commission, and to study the whole general sewerage system of the County. Deferred to September 25th.

Seconded, Mr. V. Smith

Carried, unanimously.

Mr. Clarke asked that the Board instruct Mr. Mooreland that any case that requires recommendation of the Planning Commission before Board action - that case shall be sent to the Commission before the date of hearing before this Board.

Mr.V. Smith stated that he felt the Board must have adequate assurance that any plant requested will be adequately controlled and operated. He recalled a trip to the Water Control Board at which time that Board had stated that they did not have adequate personnel to inspect plants either for operation or for installation. He felt he could not vote for any plant until the County could be assured of proper control.

Mr. Clarke said he would not advise his client to put up a bond to guarantee anything. Mr. V. Smith answered that the Board must know that raw sewerage will not be dumped into the stream.

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NEW CASES - Ctd.

11- PAUL A. MILLER, to permit erection of carport and storage area within five feet of side property line, Lot 156, Section 4, Hollin Hills, Mt. Vernon District. (Suburban Residence).

This addition is for a carport and storage area. It is not feasible to locate this addition on any other part of the house, Mr. Miller told the Board, as in the rear is a steep ravine and a wooded area which extends to the east side of the house; on the front it would be necessary to reconstruct the driveway and to move expensive planting. The neighbor on the side where the addition is planned does not object. Mr. Miller presented a letter from the neighbor so stating. The expense of moving trees and the driveway would be excessive, Mr. Miller stated.

The Board agreed that the cost element did not enter into reasons for granting a variance.

If this were put on the opposite side of the house there would be no access Mr. Miller explained, and also on that side of the house it is filled ground - with deep wells around the trees.

Mr. V. Smith suggested moving the carport forward on this side, which would make it possible to meet requirements in setback, and put the storage room back of the house. Mr. V. Smith felt that this was an alternate location which could meet requirements, and therefore the variance probably should not be granted, however, he moved to defer the case until September 25th, to give the applicant the opportunity to re-design the location of his carport.

Seconded, Mr. T. Barnes

Carried, unanimously.

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12- PAUL K. MORRIS, to permit erection of an addition to dwelling within 15 ft. of rear property line, Lot 11, Section 3, and Resub. of Lot 28, Section 2, and Parcels 27A and 28A, of Moore Addition to Section 2, Tauxemont, (8 Namassin Road), Mt. Vernon District. (Rural Residence).

Mrs. Morris appeared before the Board. This is a request for an extra bedroom to be occupied by her elderly mother, Mrs. Morris told the Board, which room would be located away from the other rooms in the house. Both the shape of the lot and the topography of the lot are irregular, Mrs. Morris pointed out. Within a few feet of the rear of the house there is a sheer drop of about 10 feet. The porch and the septic field are in the front.

Mr. J. B. Smith suggested moving the addition forward to give more clearance from the rear line. This Mrs. Morris answered would infringe upon the septic area. The addition would be 15 feet from the rear line and the house on the adjoining lot is 55 feet from their rear line - also the ground goes into a down-slope at the rear which would make the distance less noticeable between houses. These people in the rear also do not object to this addition. Mrs. Morris presented a letter from this rear neighbor, Mrs. Groce, stating they did not object.

NEW CASES - Ctd.

12-Ctd. Mr. V. Smith moved to grant the application because there is a substantial drop in the topography in back of the house and between the house on Lot 28 and Lot 16, and because this does not appear to affect adversely neighboring property.

Seconded, Mr. T. Barnes

Carried, unanimously.

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13- WOODBRIDGE #583 LOYAL ORDER OF MOOSE, to permit Lodge Hall, swimming pool and a recreation area with less setbacks than required by the Ordinance, Lots 1 and 2, Wesley H. Cranford Subdivision, (north side #1, approximately one mile west of Helm's store) Lee District. (Agriculture).

Mr. Edgar A. Hill represented the applicant. Mr. Hill detailed the difficulties experienced by this organization in locating a permanent homes. They are now ready to build.

This is an old organization, Mr. Hill explained, primarily interested in recreation for children and the promoting of family life. The title to the building and grounds will be vested in the Lodge.

They are willing and able to comply with the requirements of the Ordinance in every way except in meeting the setbacks - on that a variance is requested. The property faces on an outlet road which leads to U. S. #1. The building will face the outlet road but because of the depth of the property cannot meet the 100 foot setback requirement. They are unable to purchase more property to provide the necessary depth because of the development of the John Crawford property to the rear. The property is wooded on two sides forming a barrier between this project and adjoining ground. However, there have been no objections from anyone in the area. The project has been well publicized - both through the boy scouts and by a large gathering on the property a short time ago when people from the area were invited and the clearing and burning preparatory to getting their location in shape was started.

Mr. Hill noted - as shown on the plat - that the building would be located 100 feet from both side lines and 50 feet from the front and rear lines. The plat showed parking areas on both sides of the building and a swimming pool. This will cost in the neighborhood of $70,000.

It was noted that this case should have a recommendation from the Planning Commission before any final action can be taken by the Board. Also Mr. V. Smith asked Mr. Hill if some evidence could be presented showing that this is a fraternal organization - with no profit accruing to any individual. He suggested bringing a copy of the Charter.

Mr. V. Smith moved to defer the case until September 25th, for referral to the Planning Commission for recommendation, and for the applicant to submit conclusive evidence that the organization conforms to the requirements of the amendment to the Ordinance governing such organizations.

Seconded, J. B. Smith Carried, unanimously.

NEW CASES - Ctd.

14- DAVID ALSTADTER, to permit erection of a carport within nine feet of side property line, Lot 36, Section 8, Broyhill Park, (1825 Nealon Drive), Falls Church District. (Suburban Residence).

Mr. Alstadter said he would like to put this addition on the side of his house for several reasons: it would improve the looks of his home - elongating the house - the driveway is already in - it was in when he bought the place, the back yard slopes into a hill with about a six foot drop. This would seem the practical location.

Mr. V. Smith suggested moving the posts in about one foot, allowing a three foot overhang for car protection. Mr. Alstadter said he wanted to put in about a three foot wall around the carport for better protection, and he would put the posts on the wall. It was suggested that it was probably a matter of the carport or the wall....

Mr. V. Smith moved to deny the case because by redesigning the carport there wouldbe no need for a variance.

Seconded, Mr. T. Barnes

Carried, unanimously.

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15- GARETH M. NEVILLE, Trustee, to permit property to be used for a cemetery, approximately 181 acres of land, on east side #652, approximately 1500 feet north of #620 and the northerly side #620, approximately 1500 feet east #652 Providence District. (Rural Residence - Class II).

Mr. William Bauknight represented the contract purchaser for Calvary Memorial Park Cemetery.

This is an organization of business and professional men in the area, organized for the purpose of operating a memorial garden type cemetery, Mr. Bauknight explained. For many years, Mr. Bauknight continued, the need has been felt for a Catholic cemetery in the northern part of Virginia - a cemetery which has the full sanction and approval of the Bishop of the Diocese. While there are approximately 60,000 Catholics in northern Virginia, there is no such cemetery - the nearest being Wheaton, Maryland.

Mr. Bauknight showed a map indicating the location of various Catholic Churches in the County with relation to this particular site. It could readily be seen that the cemetery could be reached from all the churches - most of them being so located that the slow moving funeral processions need not follow the heavily travelled highways, but could use adequate side roads, thus eliminating traffic hazards. It was also noted that the proposed site is about equi-distant from all the Catholic Churches.

Mr. Bauknight also pointed out that soil characteristics are satisfactory for this use. In discussing soil conditions in this area with Mr. Henry, who has recently made a comprehensive soil survey for the County, Mr. Bauknight learned that the soil is porous, free of rock, and the gentle rolling contours assure good drainage - all especially valuable assets in cemetery construction.

15-Ctd. There are two small streams on the property which will be taken care of, Mr. Bauknight pointed out. They are not paving any large areas which would create excessive run-off - therefore they will be able to use the roads in conjunction with culverts for drainage purposes. The rolling ground lends itself to attractive landscaping, Mr. Bauknight pointed out. They will employ one of the best landscape designers in the State.

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This area is not zoned for a high density, Mr. Bauknight informed the Board, therefore would not be used for small lot development for many years to come because of lack of public facilities.

Mr. Bauknight showed photographs of cemeteries similar to the one planned and told the Board they hoped to make this a beauty spot - a credit to the County. The County can be assured that the cemetery will be well cared for and properly operated as it is under the continuing control of the Bishop and the Bishop does not approve such installations without a firm guarantee of good performance on the part of members of the operating corporation.

Mr. Bauknight read a letter addressed to him from Mr. John Donovan in which Mr. Donovan restated the terms under which the Bishop approves a corporation to operate a Catholic cemetery - that they must prove to the Bishop "their ability to promote, establish, maintain, and operate the cemetery in a manner consistent with good ethics and public policy.....", and indicating that the Bishop had considered this group to have met his conditions.

Mr. Donovan pointed out in his letter the need for this cemetery and his own faith in the integrity of those connected with its promotion.

Also, Mr. Bauknight stated that the National Catholic Cemetery Association has stated that they will cooperate in every way they can to help in the establishment of this project.

Mr. Bauknight presented a petition with signatures of people in the immediate area stating that they do not object to this use. Mr. Waller, an adjoining land owner did not sign, however, - he does not disapprove actively. Mr. Rust, to the north, also did not sign - although he does not object.

The State regulations regarding cemeteries, Mr. Bauknight informed the Board, require that no burials shall take place closer than 750 feet from the nearest residence, unless that residence is separated from the cemetery by a road. They will maintain the 750 foot setback from Mr. Waller's home. They probably will not be operating near the Rust property for some time, Mr. Bauknight stated, but that area will be taken care of by the landscape architect for design and planting. It is wooded now along the Rust property and a few trees are scattered along the Waller property.

At the south end of the tract, property is owned by the two sellers - both of whom do not object to this use.

NEW CASES - Ctd.

15-Ctd. Mr.V. Smith read from the soil report presented with the case and expressed the opinion that this site would appear satisfactory from every standpoint. However, he felt there must be some justification for a certain feeling of opposition to cemeteries, since the State has placed restrictive setbacks on them from dwellings. He, therefore, thought there should be some definitely required setback from adjoining property owners. Mr. V. Smith expressed the view that there are people who feel a little squeemish at the thought of living next to a cemetery. Mr. Bauknight thought the garden type of cemetery had largely done away with such objections.

The Board was in agreement that the location and the proposed use were perfectly satisfactory - only the question of protecting the general welfare of people in the area was questioned - should a setback be required, and how much, and what type of landscaping or buffer should be required - and how much of a buffer - to protect adjoining property owners from any adverse affect.

Mr. V. Smith moved that the application be granted, subject to the approval of the Bishop of the Diocese of Richmond, because the application meets the requirements of Section 6-12-2, a and b of the Ordinance, and provided the applicant maintain a landscaped area of 25 feet from all adjoining property owners except that shown on the plat with application dated July 17, 1956 by Merlin F. McLaughlin, C. S., shown as "O'Roark - 40 Ac ± (not included)" and that an area of 100 feet from Route #620 and Route #652 be excluded from the use for burial purposes, and these setbacks to be planted to shrubbery or trees, normal height of which exceeds 20 feet.

Mr. Bauknight objected to the last condition - the 20 foot trees or shrubbery. He thought the landscape architect could handle the buffer strip attractively - and that the required 20 foot trees might actually detract from the final effectiveness of the buffer.

Mr. V. Smith said he would delete the last clause of his motion "that the setbacks be planted to shrubbery or trees normal height of which exceeds 20 feet". He deleted this from his motion, leaving the landscaping to the Corporation, because of his faith in the integrity of the people with whom the Board is dealing.

Seconded, Mr. T. Barnes

Carried, unanimously.

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DEFERRED:

6- MARTIN L. AYRES, to permit an addition to dwelling within 20 feet of the rear property line, on east side #1 Highway, approximately 400 feet north of intersection of #626 and #1 Highway, Mt. Vernon Dist.(Rural Business).

Mr. Ayres stated that this room was built solely for the purpose of a children's play room.

September 11, 1950

DEFERRED - Ctd.

6-Ctd. Mrs. Henderson moved to grant this addition as a children's play room because of the proximity of U. S. #1 and the back yard of the property is very steep - not useable for play area.

Seconded, Mr. V. Smith

Carried, unanimously.

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CHESTER COPELAND

Since Mr. Copeland's plat did not show approval of the Department of Public Works, nor the Health Department, Mr. V. Smith moved to defer the case until October 9th, for drainage approval and approval from the Health Department.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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The meeting adjourned.

John W. Brookfield,

John W. Brookfield, Chairman

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September 18,1956

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, September 18, 1956 at 10:30 a.m. in the Board Room of the Fairfax County Courthouse

Members present: Messrs. Brookfield, Verlin Smith, T. Barnes & J. B. Smith

NEW CASES:

1- VIRGIL M. HUMPHREY, to permit an addition to dwelling 13' 4" from side property line, on south side #193 just east of Bull Neck Run, Dranesville Dist. (Agriculture).

Mr. Humphrey stated that he would like to add two bedrooms to his home, and that at the present time it would appear that the only place where he can make this addition is to the rear of the house - near the property line. The reason is that he lives beside the creek and high water comes up to the house. The builder has informed him that he could not build on the front of the house near the creek, and the only place that he could build would be to the rear.

The house is built in a hollow, and the nearest line to him is about 25 feet 4 inches. A hill is back of his property, and the creek runs in front of the house. On both sides next to the highway is a low place where the water comes down in the hollow. Back of the house is a low place where the creek can break over, and does. In front of the house the high water comes up to the house.

The only place he has now is going back and coming out about 13 feet from the line - the line is 25 feet back of his house, and he wants to go 12 more feet so that he can build two bedrooms on the back - this is the only place that he can build to get out of this break-over water from the creek.

Mr. Brookfield contended that the lay of the land is the worse thing Mr. Humphrey has to contend with here, and Mr. Humphrey agreed with him. Mr. Brookfield stated that there is going to be some development in the area over in this vicinity and certainly it will flood Mr. Humphrey's land more than ever.

Mr. Humphrey said he hopes this would not be so. However, Mr.Brookfield stated that he was just looking at the overall picture - so long as there wasn't any rain Mr. Humphrey would not be hurt. Mr. Humphrey said he hadn't been really hurt yet - he'd been close to it though.

The creek referred to in this case is Bull Neck Run, and Mr.V. Smith located this property as follows: from the residence of Mr. Wallace Carper coming toward Langley there is a very high field on #193 on the south side, the side toward Tyson's Corners from the River, this house has been constructed right down there along the Bull Neck Run.

The Chairman asked for opposition.

There was no opposition.

NEW CASES - Ctd.

1-Ctd. Mr. V. Smith said that he felt that as the water shed above Mr. Humphrey is developed he is going to get more flooding as time goes on. He has not only the problem of run-off water but a problem of backing-up from the culvert under #193. He has two problems, one of which is from excessive rains and the flooding condition, and the other of the water backing-up from the culvert. Mr. Humphrey said he did not think the culvert would back up at all because it is a pretty large culvert.

Mr.Verlin Smith continued that as more houses and more roads are built above him on Bull Neck Run, the run-off is going to be more - a large percentage of the area above him now is in woods and pasture, no houses to speak of, but if houses are built and roads are built the run-off will be much greater than even if we have the same amount of rain that we have had this Summer during the flash flood - he'd get a lot more water down there much faster, and his flood problem would increase.

Mr. V.Smith said that he felt that the lot was too low - and with the development which is coming in above Mr. Humphrey's property the run-off is bound to be a great deal more in the future than it has been in the past - and that to add more to the house is not a very practical thing to do.

Mr. Humphrey said that the builders seemed to think that it was alright to build here so long as they do not build near the creek - but confine their building to the back of the house.

Mr.V.Smith explained to Mr. Humphrey that after the last flood he had been in the area of Seven Corners - where people like Mr. Humphrey had built homes thinking that they were safe from flooding, and their homes were certainly flooded - and they are now spending thousands of dollars trying to dredge out the stream to protect themselves.

There was some discussion as to whether Mr. Humphrey could move his addition right in back of the house, away from the road and utilize the five feet that he has. The plat shows the addition on the side - thinking of the frontage in terms of the frontage on the road, but Mr. Humphrey said that back of the house the land would be lower than any place else.

Mr. V. Smith moved that the application be denied because it is a gross variance from the Ordinance, and the side is questionable from the standpoint of flood as the water shed is developed above.

Seconded, J. B. Smith

For the motion: V. Smith, J. B. Smith, Mr. Brookfield

Against: T. Barnes

Motion carried to deny.

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NEW CASES - Ctd.

2- DR. J. D. MILLS, to permit Physicians Office in residence where Physician does not reside, Lot 1, Mizzelles Subdivision (401 North Kings Highway) Lee District. (Suburban Residence.

A gentleman came before the Board who represented the opposition in this case. He stated that he had been asked by Dr. Mills to deliver a letter to the Board withdrawing this application.

The Chairman accepted the letter of withdrawal.

Mr. J. B. Smith moved to withdraw the case.

Seconded, Mr. T. Barnes

Carried, unanimously.

The gentleman representing the opposition submitted a petition signed by people of this community who opposed this application.

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3- E. E. BOGGESS, to permit extension of tourist cabins (4 units)on west side of #1 Highway, approximately 1200 feet south of Route #242 (Pine Air Tourist Court), Lee District. (Agriculture).

Mr. Boggess said he wished to discuss the application with regard to Oak Lodge first, but the Pine Air Tourist Court case had been advertised for hearing at 10:50 a.m. and the Oak Lodge for 11:00 a.m., so the Chairman asked that he discuss the Pine Air Tourist Court case first.

Mr. Boggess was agreeable to this, and he stated that he wished to add four units to this court - double cabins. The only thing he has here now is single cabins. Mr. Boggess said while this court had been in business for a long time he had just taken it over last February, and he told the Board that he intends to make improvements - which he has been doing, and that he has spent a lot of money on improvements.

It was brought out that there are now fourteen buildings in this Tourist Court, and that there are three septic tanks and three deep wells.

It was questioned by the Chairman whether the new Amendment to the Ordinance would apply with regard to this application, but it was found that the Amendment became effective after receipt of the application and therefore would not apply.

Mr. Brookfield asked for opposition - there was none.

Mr. V. Smith asked Mr. Boggess if it were not so that there is a great deal of improvement that can be done to the existing buildings, and Mr. Boggess agreed that this was so.

Mr. V. Smith moved that the application be denied, because there is already a large concentration of people on this small parcel of land - in addition to a restaurant. Mr. Smith stated that there is a question of health involved here as observed from some of the ditch lines when the property was inspected some months ago - it is a difficult approach to U. S. #1 and a further concentraction of people in this small area will adversely affect the development of the neighboring property.

NEW CASES - Ctd.

3-Ctd. Seconded, Mr. T. Barnes

Carried, unanimously.

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4- E.E.BOGGESS, to permit extension of Tourist Cabins (4 units)on east side of #1 Highway, approximately 2500 feet south of Route #242 (Oak Lodge) Lee District. (Agriculture).

Mr. Boggess said the same situation exists on this as on the Pine Air Tourist Court application. This Tourist Court is across the road and along down U. S. #1 from Pine Air Tourist Court, and there is Agriculture zoning on either side of this location.

Mr. Boggess said that he had applied for and received a permit in 1953 to build four cabins - he has built but one, as he had only a certain amount of money for this purpose and could only build the one cabin at that time. He was under the impression that he could build the additional three cabins at any time - so long as he had the approved building permit, and he was never notified to the contrary.

Mr. Mooreland said Mr. Boggess was not notified because he picked up the permit the day he got it, and when a permit is picked up the applicant is not notified by Mr. Mooreland's office - but notified by the Board.

Mr. Mooreland was asked if there was a definite date, and he said "no" but that he felt that three years is an unreasonable time to start construction under the permit.

The Chairman asked for opposition - there was none.

The sanitary condition here was discussed - and it was questioned as to whether or not it would meet with the approval of the Health Department.

Mr. V. Smith moved that this case be deferred to give the applicant an opportunity to confer with the Health Department and for the Board to consult with the Commonwealth's Attorney regarding the previous permit issued in 1953.

Seconded, J. B. Smith

It was brought out that Dr. Kennedy of the Health Department had asked the Board to hold off on some of these cases to give the Health Department an opportunity to check them before the Board granted them.

Mr. Boggess was asked just when he would like to have this case deferred to, and after some discussion the following was added to the motion:

This to be deferred until September 25th if the Health Department can run a percolation test by that time - and if not, postponed until October 9th.

Mr. J. B. Smith seconded the addition to the motion.

Carried, unanimously.

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NEW CASES - Ctd.

5- ERIE MANE CORPORATION, to permit erection and operation of a service station and permit pump islands 25 feet of Columbia Pike right of way line, on north side of Columbia Pike, approximately 1/3 mile east of Bailey's Cross Roads, Mason District. (General Business). 215

Mr. Graham, attorney, represented the applicant. It is proposed to build a service station here, Mr. Graham stated, with three beys, two pumps each, and one building. There will be three means of ingress and egress to this location - which conforms to the requirements of the State Highway Dept. All permits and approvals have been obtained with the exception of this use permit, which is now before the Board for consideration.

It was asked where this was located in relation to Coopersmith - Mr. Graham said it is adjacent to Mr. Coopersmith - on the west.

It was brought out that the plat submitted with the application does not show the boundaries, and it was therefore not possible to determine the total land involved in this request for use permit.

Mr. V. Smith stated that the Board, before acting on an application, was required to have the boundaries of the subject property shown by metes,and bounds and distances. Mr.V. Smith continued that if the applicant wished to have the permit issued on the basis of the entire property of 45,000 sq. feet and tie up the whole property with the filling station that was up to them, but if they wish to have a surveyor cut a line across part of the property that too is his priviledge.

Mr. V. Smith asked if the applicant wished the Board to postpone this case until later in the day so that he might have a surveyor put the boundaries on this plat? Mr. V. Smith said that he realized that this was not the fault of the applicant - that the error should have been caught in the Zoning Office.

The surveyors description of the property was correct, and it was merely a matter of transposing this information on to the plats - and it was asked if the applicant could do this himself. Mr. V. Smith said the Board was willing to do anything within reason to help the applicant recify this error - that he could go to Mr. McLaughlin today and get him to put it on the plat, and then return and the Board would hear his case at the end of the meeting, or the Board could postpone the case for action until next Tuesday.

Mr. Graham felt this correction could be made in an hour or so.

Mr. V. Smith moved that this case be put at the bottom of the list, for the applicant to submit proper plats.
Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES - Ctd.

6- NAVY-VALE FIRE DEPARTMENT,INC., to permit construction and operation of a fire house, on north side of Route #669, approximately 200 feet east of Route #608, opposite Navy Community House. Centreville Dist.(Agriculture).

Mr. Thompson represented the applicant, and stated that they proposed construction and operation of a fire house, and he presented a list of seventy-one property owners in favor of this application.

It was asked if this had been approved by the Fire Commission? Mr. Thompson said "no" - that they can't get approval of any kind until they get something to go ahead on. They haven't as yet bought the land, in fact they don't want to buy the land until they have some approval of some kind to indicate that the purchase of the land is wise.

It was brought out that this was before the Fire Commission last year,and that it was turned down due to lack of population - and the fact that the site chosen last year was too close to another fire house. This was before the Fire Commission on October 16,1955.

Mr. Thompson stated that they don't propose to build this tomorrow, or the next day - or next year - but they are trying to lay the ground work so that when the population is there they will have a fire department.

With the new University site in this location, and the new building that is going on here, they feel that in the next two or three years they can expect it to be a very populated area - and there will be a definite need for a fire department.

It was asked if they had checked with the Fire Commission since it was deferred last year. Mr. Thompson said they had not - since their main objection was lack of population, and they have not gained tremendously in population since them.

The members felt that this application was premature - as the granting would be only good for one year, and if building is not started within one year the applicant is required to come back to the Board.

It was felt that the site was satisfactory, and if the need were sufficient it certainly would be a good location.

Mr. Thompson asked that if they could start building within the year would it be granted?

Mr. Brookfield said he could see no reason why the Board shouldn't grant this application - if the people up in this area were willing to put up the money.

The question was asked - if the County fails to support this project then what happens?

Mr. Brookfield said he was willing to approve the site, but he was not willing to tie the Fire Commission to that site or to any other site; in fact the Board has no control over that. Mr. Brookfield said that about all the Board could do was to say that they do not believe this would be detrimental to neighboring property.

Mr. V. Smith said that actually is all that is before the Board.

NEW CASES - Ctd.

6-Ctd. Mr. Thompson said that they were trying to do things in proper order - and the first thing in their opinion was to get a site approved. If they go to the Fire Commission the first thing they will say is "is this site approved"? Mr. V. Smith asked if this site had the approval of the Health Department. Mr. Thompson said "no" - not yet. They were getting to that too.

Those in favor of the application were asked to stand up - there were a goodly number in favor.

Those opposed to the application were asked to stand - there were none.

Mr. V. Smith moved that the application be granted, as it conforms to requirements of Section 6-4 and Section 6-12 sub-section 2a and b - subject to the approval of the Health Department.

Seconded, Mr. T. Barnes

Carried, unanimously.

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7- WILLIAM D. McINTYRE, to permit extension of permit to teach dancing in basement of dwelling and to permit more students, Lot 20, Darwin Heights (1105 Darwin Drive) Falls Church District. (Urban Residence.)

Mr. McIntyre requested - if it is not contrary to the Board's policy - that he be granted an indefinite period on this application.

The Chairman said this would be considered later.

Mr. McIntyre said he also would like to increase the number of students. He recalled to the Board that for the last two years he has been granted a permit for one year only, and that the number of students had been restricted to five.

Mr. Brookfield asked if there was any opposition - there was none.

Mr. V. Smith asked Mr. McIntyre if all of the surrounding property was developed in his area, or if some was vacant land? And what parking facilities did he have?

Mr. McIntyre said there was no vacant land - he is on a dead-end street,and each house has it's own driveway. There is curbing on each side of the street. The street is not used unless someone has visitors, and there is a cul-de-sac. He felt that there was unlimited parking here.

Mr. V. Smith felt that from the standpoint of the size of the lot, and the parking problem that the Board shouldn't make this unlimited in number or duration of time. He asked Mr. McIntyre how many students he felt he could accommodate and not create a traffic problem, noise or anything like that.

Mr. McIntyre felt that he could accommodate a maximum of ten students. His studio is large and ten could easily be accommodated. As for parking, Mr. McIntyre stated that as a rule the parents bring their children, leave them and then return for them. He conducts these classes himself and has no assistant.

replied that she was asking for it on the five acres only.

NEW CASES - Ctd.

7-Ctd. Mr.V. Smith moved that the application be granted not to exceed ten students for a period of two years, to the applicant only, and that he not have any employees conducting the school. Granted because this does not appear to affect adversely neighboring property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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8- JOHN C. FRENCH, to permit erection of an open porch closer to garage than allowed by the Ordinance, Part of Lot 1, Sleepy Hollow (508 Sleepy Hollow Road) Falls Church District. (Suburban Residence).

Mrs. French represented the applicant. She advised the Board that they would like to put a porch on the back of their house - 13 feet wide -which would bring the house itself past the front of the garage, and the garage is only three feet from the line - instead of ten feet.

Mr. Mooreland had suggested that they make their open porch six feet wide, but they would prefer to have it 13 feet wide, as they do not feel that six feet is wide enough.

Mr. V. Smith asked if the proch could not be put in another location.

Mrs. French stated that there was another location, on the side, and that she felt that was not the right place for it - nor would there be any place to get in to it as they have no door here. She said a door could be cut but it just wasn't the right place for the porch.

Mrs. French felt that the solution will probably be to move the garage which will be expensive, and the garage was there when they bought the house.

Mr. Mooreland said the garage is conforming as it is now, but if the permit to extend the house back is granted, the Board will put itself in a position of having to extend others.

Mr.V. Smith noted that the garage amendment which permits the garage in the location as shown was put in to help people who had this problem, and there are a great many in a similar situation.

Mr. Brookfield asked for opposition - there was none.

Mr. V. Smith moved that the application be denied, because there was no evidence presented which would indicate that there is an extraordinary or excessive situation, or unusual difficulties or undue hardship on the owner and because there is an alternate location for this open porch.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES - Ctd.

9- CHRIST CHURCH (Chantilly), to permit an addition to Parish House within ten feet of rear property line, on south side of Route #50, approximately 900 feet west of #657, Centreville District. (Agriculture).

Mrs. Rogers represented the applicant. She stated that they wish to add a kitchen on to the back of the Parish House. They could possibly put it inside, but the room is a nice size for recreation purposes, and it is really needed in the community for a recreational center - and would be of great benefit to the young people of the community. Therefore, it would help them greatly if they can put this kitchen on the back of the present building. Mrs. Rogers said it is true that it would bring it a little closer to the line than the Ordinance allows, but that there is a field to the back,and therefore they do not feel this would be a hardship on anyone if this is granted.

It was noted thatthe Church and the Parish House are well set back from Route #50.

Mrs. Roger's sister, Dorothy, spoke in favor of this application - stating that they would be considerably handicapped if this is not granted.

Mr. Brookfield asked for opposition - there was none.

Mr. V. Smith moved that this application be granted because it is an older Church, and there appears to be a definite need for the addition to the Parish House in order to serve the community, and this seems to be the most appropriate place to put the addition, and the property does set well back from Route #50, and it can be granted without adversely affecting neighboring property.

Seconded, J. B. Smith

Carried, unanimously.

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10- ALICE HAINES, to permit operation of a nursery school and kindergarten on 36 acres of land on west side #656, 1/4 mile north #29 and #211, Centreville District. (Agriculture).

Miss Haines stated that they would like permission to operate a kindergarten and nursery school on their property - in the middle of the 36 acres. Miss Haines presented the Board members with a report from the Fire Marshall and a petition from her neighbors requesting that Mrs. Haines be granted permission to have a school located here. Miss Haines further stated that she had fulfilled the suggestions of the Fire Marshall.

Miss Haines said that she had consulted with the Sanitation Department and the Health Department, and that they had advised her that they had no jurisdiction over this because it is only a half-day school. She talked with the Welfare Board and they said they would make an inspection if they were requested to do so, but this was found not to be necessary. The septic tank has been approved.

Mr. V. Smith noticed a discrepancy in the plats, and asked Miss Haines whether she was asking for the application on the five acres or the 36 acres - she replied that she was asking for it on the five acres only.

NEW CASES - Ctd.

10-ctd. Miss Haines stated that the nearest neighbor is 1/4 mile away.

Mr. Brookfield asked for objections - there were none.

Mr. V. Smith moved that the application be granted to the applicant only, as shown on the plat by Walter L. Ralph, C. L.S., dated March 2,1951 - plat showing the location of buildings and 5.05 acres of ground - because it does not appear to affect adversely neighboring property as evidenced by petition presented with the application - petition dated September 18,1956 and signed by the neighbors in favor of this use. This subject to any agency having jurisdiction at this time - any regulations in existance now or that may come into existance later, and subject to the approval of the Health Dept.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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11- ABRAHAM ALJAN, to permit extension of motel (10 units) on north side #29 and #211, approximately 600 feet east of #621, Centreville District.(Agric.)

Mr. Aljan said he respectfully requested that the Board permit him to build an addition to his motel - ten units.

Mr. Aljan stated that his septic tank situation here is perfect, and was built in accordance with the regulations of the Health Department.

It was agreed that Mr. Aljan has a very nice setup here.

Mr. Brookfield asked for opposition - there was none.

Mr. V. Smith moved that the application be granted as shown on plat by Joseph Berry, C.L.S., dated October 5, 1954 - as amended August 1, 1956, because it conforms to the requirements of Section 6-16 of the Ordinance,but subject to the approval of the Health Department

Seconded, Mr. J. B. Smith

Carried, unanimously

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12- W. E. GRAHAM & SONS, to permit operation of a Rock Quarry on 4.1 acres of land on north side of Occoquan Creek, approximately 250 feet west of north end of Bridge over Occoquan Creek, Lee District. (Agriculture).

Mr. Mooreland stated that at the request of the Director of Public Works, it is desired that this be put over until October 9th,1956 - we do not have a report ready for this.

Mr. J. B. Smith moved to defer this case until October 9th at the request of Mr. Kipp's office.

Seconded, V. Smith

Carried, unanimously.

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NEW CASES - Ctd.

13- ANNANDALE MOOSE CLUB, to permit operation of a Moose Hall (extension of permit granted 12/28/54) approximately 500 feet north of #236, opposite Wakefield Chapel Road, Falls Church District. (Agriculture).

Mr. Brookfield observed that this was actually a request for an extension, and that the permit was issued in December of 1954, and they had done nothing with it since.

The gentleman representing the applicant stated that they had gone ahead with percolation tests, etc.

Mr. Mooreland said that he had talked with the Commonwealth's Attorney in reference to this,and the amendment which was passed, and that the Commonwealth's Attorney ruled that the Board has authority to grant this extension and thatthe amendment would not affect it at all.

Mr. Brookfield asked for opposition

A Mr. John Strang, Architect and Engineer, came before the Board - saying that he lives in Wakefield Forest, and asking just which property this site was on. He didn't know anything about this application, he happended to be in the room - but he would like to know the location of this property.

He was told that the property was located on the opposite side of #236 from him. He was also told that the property had been properly posted on the previous application, and also on this present application, and that the only way the Board could grant this application was if they felt that it would not affect adversely development of the community and neighboring property.

This gentleman stated that he would not oppose the application. He only hopes that this Club would be a real asset to the community.

It was brought out that they have two acres here at the present time,and are making arrangements to buy a third acre.

Mr. V. Smith moved that this application be extended for one year - granted for the same reasons and with the same conditions as in the previous application.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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14- FRANK W. MORROW, to permit erection of an open porch closer to carport than allowed by the Ordinance, Lot 2, Section 1, Marlo Heights (809 Kerns Road) Falls Church Distridt. (Rural Residence.)

There was no one present to represent the applicant.

Mr. V. Smith moved that the case be deferred until October 9,1956 - and that Mr. Morrow be notified to be present if he wishes his case to be heard.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES - Ctd.

It was discovered that the Board was a little ahead of time on their schedule, and that they could not hear the next case of E. E. Bell until 12:50 p.m.

While this was being discussed Mr. Morrow entered the room and his case was re-opened.

14- FRANK W. MORROW, Col. Morrow presented a photograph to the Board of the rear section of his house, and a drawing of what he would like to do in putting a covering over the patio, which is at the back of the house. Between the side of the house and the side of the garage is a plus seven feet - and between the far side of the garage and the next adjacent property there is about six feet and nine or ten inches. Col. Morrow wants to put a roof over the patio which runs back ten feet from the rear wall of the house. The garage is only five feet back of the rear wall of the house. He would like permission to put the roof over the patio. This is a two-level patio. He would like to put a roof over the lower section.

Col. Morrow stated that his neighbors did not object to this.

Mr. Brookfield asked for opposition - there was none.

It was suggested that Col. Morrow could come back to the line, but he felt that while that would give him covering it wouldn't look so good - that what he proposes would be a much better looking proposition. Another suggestion was made that he might put a support at the mid-point on the five foot line and then extend the roof over and gain the same thing, but here again Col. Morrow thought this wouldn't look good. He stated that he was very much interested in the appearance of his place.

Mr. V. Smith said that he was sympathetic with what the Colonel wishes to do here, but should the Board grant this application - or as in the case of the other similar application - would the Board be in effect amending the side yard setback by creating a situation whereby a garage can be located in the side yard. The amendment which permitted these garages to go in this location - provided they were in the rear of the building - was for specific reasons - to help applicants who had problems similar to this. Now we are getting applications to move the houses back, Mr. V. Smith said, which defeats the purpose of the whole thing. Mr. Smith continued that if the Board grants these applications that sooner or later they will have people coming in saying its rainy and cold in the winter here and we would like to connect a breeze-way over to the garage - so what they would have in effect would be practically no side yard at all.

Colonel Morrow stated that he definitely had no intention of connecting to the garage, and he realizes that would not be granted. He intends to put a roof over this patio, even if he has to put the support on the five foot line, but he believes this plan he has would be a definite improvement to his place.

14-Ctd. Mr. V. Smith stated that the only way that the Board could grant this request for variance would be if undue hardship had been shown, and he felt that in no way had Colonel Morrow shown undue hardship.

Mr. J. B. Smith moved that the application be denied because to grant it would be amending the Ordinance.

Seconded, Mr. V. Smith

Carried, unanimously

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15- E. E. BELL, to permit erection of two dwellings within 25 feet of Street property line, Lots 416 through 419, Block J, Memorial Heights, Mr. Vernon District. (Suburban Residence).

Mr. Bell stated that the reason that he wants these two dwellings pretty close to the street line is that there is a ravine in back, and quite a lot of drainage from the next street comes down through here - and if he sets back very much more than 25 feet he'll be in the middle of the ditch. Mr. Bell said that he had the same situation with the lots which join these lots to the rear - up on top of the hill - which he also owns. He contended that on this street, before you get to these lots, some of the houses are set back only ten or fifteen feet. On this particular street there are only three houses - on the far corner there is one house that is set back only about fifteen feet.

Mr. V. Smith asked Mr. Bell if he was aware of these conditions at the time he purchased this property - the ditch and the hill in the back? Mr. Bell said that he did not know what the setback was at that time.

Mr. Bell has a total of seven lots in this area - and out of the seven it was brought out that he will need a variance on all of them.

Mr. Brookfield asked for opposition - there was none.

Mr. V. Smith moved that the application be deferred until October 9th, to give the Board members an opportunity to view the property.

Seconded, J. B. Smith

Carried, unanimously.

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5- ERIE MANE CORP. Mr. Graham returned with the corrected plat which identifies the service station boundary in red ink.

Mr. V. Smith moved that the application be granted under Section 6-16 of the Ordinance, because it conforms to that section, as per plat dated July 24, 1956 and revised September 18,1956 - by Merlin F. McLaughlin,C.S.

Seconded, J. B. Smith

Carried, unanimously.

CALVARY PRESBYTERIAN CHURCH
Mr. Brookfield read a letter from Calvary Presbyterian Church requesting an extension of time on application granted March 20, 1956.

Mr. V. Smith moved that the application for extension of time be granted.

Seconded, J. B. Smith

Carried, unanimously.

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(These minutes transcribed from recording of meeting by E. Morrill).

The meeting adjourned

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, September 25, 1956 at 10 o'clock in the Board Room of the Fairfax County Courthouse- with all members present except Mr. J. W. Brookfield.

In the absence of Mr. Brookfield, Mr. Verlin Smith served as Chairman.

The meeting was opened with a prayer by Mr. Verlin Smith.

DEFERRED CASES:

MARY VAVALA, to permit extension of trailer court from 36 to 42 units, Lot 18, Evergreen Farms, (Gum Springs Trailer Court), Mt. Vernon District. (General Business).

Mr. Paul Delaney represented Mrs. Vavala. Mr. Delaney said they had had a topographic survey of the property, and the layout was okayed by the Fire Department - which was evidenced by a letter from Mr. James E. Coffey of the Penn-Daw Fire Department. They had called the Highway Department asking for their okay on the entrance but had received no reply. Mr. Delaney asked that the Board approve the plat layout before taking this to the Health Department for approval.

Mr. Verlin Smith recalled that the point to be considered further was approval from the Department of Public Works. He also recalled Dr. Kennedy's statement before this Board that his Department and Mr. Kipp's Department would like to see these plats before they are approved by the Board of Appeals. He felt the Board should not act without approval from those two agencies.

Mr. Delaney pointed out on the new plats the change in the road which would detour around the existing dwelling - giving space on one side of the dwelling for play area. This was done at the suggestion of the Board. The play area would be entered from the roadway, Mr. Delaney pointed out. Mr. Delaney agreed that they had, to some extent, sacrificed play area for this roadway, which gives better access for fire equipment. Mr. Delaney stated that Mr. Kipp's office had not seen the plat.

They are now in the position where they wish to go ahead with the lines and the plumbing installation but cannot do so until this plat for layout is approved, Mr. Delaney continued. He showed the statement from the Sanitary Engineer indicating that the sewer would be available on September 10th and asking Mrs. Vavala to make application for connections.

Since this is an increased use, Mr. Verlin Smith stated that in his opinion approval from the State Highway Department is necessary in addition to approval of drainage plans from Mr. Kipp and approval from Dr. Kennedy before action could be taken by this Board.

Mrs. Henderson stated that in view of the letter of October 22 from the Health Department requesting their approval of plats before they are approved by the Board of Appeals, she would move that this case be deferred until October 9th, for approval of ingress and egress by the Highway Department, approval from the Department of Public Works and from the Health Department.

Seconded, Mr. T. Barnes

Carried, unanimously.

NEW CASES

1- JAMES F. GIBSON, to permit erection of an addition to dwelling within 35 feet of the Street property line, Lot 13, Block E, Section 2, Churchill, (1125 Haycock Road), Dranesville District. (Suburban Residence).

This is an addition of about 400 square feet which will not protrude farther into the front yard than the existing steps on the dwelling. It will be brick veneer. This is a pie-shaped lot, Mr. Gibson noted, which makes it impossible to add this room on any other part of the building without more infringement on setbacks and it would appear not to affect anyone adversely in this location.

Mr. V. Smith thought the addition might fit better on the opposite side of the house but Mr. Gibson answered that the only access on that side would be by means of a hallway through one of the bedrooms which was not practical. Mrs. Henderson suggested cutting the room back in line with the front of the house, thus eliminating the need for a variance. Mr. Gibson thought he needed the full room size. That would cut him down to a 14 x 14 room, which would not do for a combination living and bedroom.

Mr. V. Smith read the "Hardship clause" from the Ordinance and informed Mr. Gibson that that is the only part of the Ordinance under which this variance could be granted - and since this appears to be a matter of adding the room by means of putting in a hallway - or not - he did not think that constitutes a hardship. He thought there were probably dozens of similar cases in the County - all of which could apply for a variance.

Mrs. Henderson moved that in view of the fact that this room could be built within the Ordinance if it is made smaller and to do so would not create an undue hardship, the application be denied.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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2- RUTH COLTON, to permit operation of a nursery school in home, Lot 9, Block 20, Section 5, North Springfield, (5402 Fremont St.,) Mason District. (Sub. Res.

Mr. and Mrs. Colton appeared before the Board. This school is planned for children in the neighborhood, Mr. Colton told the Board - five days a week from 2:30 p.m. to 5:30 p.m. They will use the basement of their house, which they will complete for this purpose - meeting all fire and health regulations. This is not intended to be a commercial enterprise, Mr. Colton insisted, it is merely a place where children in the area can play with supervision and with a certain amount of instruction. The fee will be very small - just enough to cover actual expenses. It will be limited to ten children.

Mrs. Colton told the Board of her teaching experience, stating that she would hire no staff. During the afternoon she would take the children for a short walk. There will be no structural alterations in the basement merely an entrance door and an opening to the bathroom. There are three windows in the basement - two on one wall - one on the other which Mrs. Colton believed

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NEW CASES - Ctd.

2-Ctd. would provide sufficient light and air. The basement has an area of 11 x 20 feet.

The regulations regarding living quarters in a similar room were discussed - would the height of the room be adequate for this use. It was agreed that no regulations covered room height for a school room.

Mr. Colton presented a statement from the Fire Marshall detailing their regulations necessary to be met. They will conform to these requirements.

It was questioned whether or not this was sufficient area for ten children. It would amount to an area of 5 x 5 feet for each child, Mrs. Henderson noted.

Mrs. Colton presented a petition with 13 signatures favoring this project - the petition also showing Mrs. Colton's education, experience, and the conditions of conducting this school.

The Chairman asked if there was opposition.

Mr. Samuel Goodwin, whose property adjoins the Coltons' on one side, objected. He presented an opposing petition with 60 names of people living in the immediate area. Also he had the opposition of Mr. Ed. Hickey, President of the Citizens' Association, who - while he does not live in the area - wished to lend his support to opposition to encroachment of business in the area, which encroachment is in direct opposition to the Subdivision covenants.

Mr. Goodwin made it plain that this was not a personal attack on the Coltons. The petition recited the objections: that the applicants bought property in this subdivision accepting the covenant restrictions yet they are attempting to break those covenants within four months after purchase of their home; this would open the door for other similar exceptions; this is obviously a business enterprise; it could create a continuing nuisance; limitation of the number of children attending cannot be enforced; this project would create a traffic hazard and would be depreciating to property values; this would be unfair to residents in the area and to other nursery schools.

Also Mr. Goodwin told the Board that Mr. Colton had had trouble with water standing in his basement - a situation which he had been unable to clear up. It would cost in the neighborhood of $2400 to finish the basement, Mr. Goodwin estimated. He thought it would be necessary to make this a commercial enterprise in order to defray and justify such an expense.

Mr. Stomback also objected for reasons stated. He is the owner of property on the opposite side from Mr. Goodwin. Mr. Stomback mentioned the storm drain in his rear yard, which he thought would be a hazard to the children as there are no fences in Springfield and the children run unrestricted from yard to yard. It would be impossible to keep them away from such hazards.

Mr. Green objected, calling attention to the large number of people who have signed the opposing petition - all of whom live in the immediate neighborhood, either in the same block or only one block away.

Mr. Colton restated that they do not plan a business in the true sense. He said the children were in his yard a great deal anyhow, and since he intended to finish their basement - they had felt that organized play and instruction

NEW CASES - Ctd.

2-Ctd. would be a community benefit. When the children are outside it will be under supervision, and he thought that better than allowing them to play unrestricted as they do now.

Mr. Colton said he thought he had his basement situation licked - that it had leaked but it was not impossible to fix it. He restated the fact of the plan to have only ten children.

None of the people whose names are on the petition have contacted him, Mr. Colton said, and none of them knew what the plans for the school actually are. He thought the covenants were subject to interpretation - that they actually referred to offensive or noxious enterprises - which certainly would not include a small nursery school.

Since this would appear to be opposed to the covenants on this subdivision, Mr. V. Smith suggested that the Board should not get in the middle of this situation. He felt that the request was not in keeping with the neighborhood.

Mrs. Henderson stated that while the Board is not in a position to enforce covenant restrictions she felt that such restrictions in covenants should be considered, and she felt that the case as presented does not indicate that the nursery school would promote the health and safety of the children, but that it would adversely affect the use of neighboring property, therefore, she moved that the application be denied.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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3- ANDREW J. DELISLE, to permit open porch to remain as erected 13' 6" from rear property line, Lot 19, Block 47, Section 14, Springfield, (7402 Floyd Avenue), Mason District. (Sub. Res.)

Mr. Creeden represented the applicant. Mr. Creeden called attention to the shape of the lot, noting where the side and rear lines cut in toward the house on a slant line. There are actually only 20 square feet of this addition in violation - one corner of the room. A permit was granted for the addition, Mr. Creeden stated, showing the proper setback. The first check showed the setback to be all right. A second check revealed the error.

Mr. Mooreland said the difference had probably occurred from the fact that there is a hill at the back of the house which rises sharply. One measurement was made up the slope of the hill and the other was the direct line from the building to the property line.

The walls and roof of the addition are up.

Mr. George Wise, the contractor, told the Board that the house had been located from the surveyor's plat - which showed a 15 foot setback - and which they assumed was correct. There was also the question of measuring from the fence, which later was determined was not on the property line. But since this is an open porch and the infringement is very small, Mr. Wise thought the variance would not harm neighboring property.

NEW CASES - Ctd.

3-Ctd. Mr. Verlin Smith suggested that by moving the posts back allowing an overhang the Ordinance requirements could be met.

There were no objections from the area.

It was suggested that if the porch is screened the corner could be squared off to come within requirements.

Mr. Mooreland thought that impractical, as his office had no means of policing to make sure the screened area did not take in the violating corner.

Mr. J. B. Smith moved to grant the application because the violation is so small - only one corner of the structure, and he could not see where this would adversely affect anyone in the area.

Seconded, Mr. T. Barnes

Carried

For the motion: J. B. Smith, T. Barnes, V. Smith - Mrs. Henderson voted "no"

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4- JOHN N. CAMPBELL, to permit erection and operation of a service station and to permit pump islands 25 feet of right of way line of Leesburg Pike, Parcel 4, of Section A, Culmore, Mason District. (General Business).

This is a piece of property which he has owned for the past ten years, Mr. Campbell told the Board, having had it zoned for business use about a year ago. At the present time he wishes to erect only the filling station. The service road is dedicated and his pump islands will be located, if granted, 25 feet from that right of way. (It was noted that the grass plots shown on the plat are within the presently dedicated service drive).

The service drive will not be built at present, Mr. Campbell said, but the State can do so whenever the need arises. The entrances will be put in in accordance with Highway regulations. Ingress and egress will come in on either side of the pump island, between the grass plots.

Mr. V. Smith called Mr. Campbell's attention to the fact that if this is granted it would be on the basis of the entire tract. Mr. Campbell said he realized that. If he wished to put up anything else he would have to come back to the Board.

There were no objections from the area.

Mrs. Henderson called attention to the statement in the Ordinance regarding location of filling stations in compact groups. She wondered if the saturation point might be reached - recalling six filling stations between the traffic light on Route #7 and Seven Corners. But from this location to Bailey's X-Roads there is only one station, Mr. Campbell noted.

It was noted that the plat presented had not been certified. Mr. Campbell said this was a copy of the certified plat made by Mr. DeLashmutt's office; he could very easily have it certified.

Mr. V. Smith said the location of the building should be shown on the plat, the size of the building and the setbacks.

Mr. T. Barnes moved to defer the case until October 9th, 1956 for presentation of certified plats showing proper setbacks.

NEW CASES - Ctd.

4-Ctd. Seconded, J. B. Smith

Carried, unanimously.

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5- LUTHER N. GROVES, to permit covered patio to remain as erected within two feet of the rear property line, Lot 15, Block 23, Section 5, Springfield, (6015 Hanover Street), Mason District. (Suburban Residence).

As shown on the plat this covered patio is attached to the garage on the rear of their property. Both the garage and patio were constructed when Mr. Groves bought the property. He was told at the time of purchase that he could put a roof on the patio and complete it. The building is over three years old and if it was out of line Mr. Groves said he would think it should have been discovered before this time. He has owned the property for about two years.

It was noted that this would not require a variance if it were a carport, and if it were of fire proof construction.

Mr. J. B. Smith suggested removing two feet of the structure along the back line to bring the structure four feet from the rear line - conforming to a non-fire proof carport.

Mr. J. B. Smith moved to defer the case until October 23rd, to view the property.

Seconded, Mrs. Henderson

Carried, unanimously.

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6- WILLIAM T. BRIGGS, to permit enclosure of porch closer to Street property line than allowed by the Ordinance, Lots 8, 9, 10 and 11, Speers Subdivision, (610 West Great Falls Street), Dranesville District. (Suburban Residence).

This is an old house which at the time of purchase had a long porch across the front, part of which was enclosed, Mr. Briggs told the Board. He did not know the setback was in violation, Mr. Briggs said, since he has spent much of his time out of the country and did not know of zoning regulations. He started remodelling the front with the plan to enclose the entire front porch. His neighbor suggested that it might be necessary to get a permit for this reconstruction. It was then that he discovered that the house was too close to the street, and he could not enclose the porch without a variance from this Board. There is another house on this street which has a similar porch and which would be in violation if it were enclosed. Two others with porches are set back far enough to enclose the porches without a variance. This is an old recorded subdivision, Mr. Briggs pointed out.

Mr. Briggs presented a petition signed by fourteen people in the immediate area stating they did not object to the complete enclosure of this porch - in fact they considered it would enhance the value of the house and be a credit to the neighborhood.

Mr. Briggs said he had stopped work when he was about half through with the remodelling. The neighbor immediately adjoining has no porch - his house sets back the same distance as Mr. Briggs'.

NEW CASES - Ctd.

6-Ctd. Mrs. Henderson moved to defer the case to view the property and to see other property in the neighborhood. Deferred to October 23rd, 1956.

Seconded Mr. J. B. Smith

Carried, unanimously.

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7- D. L. WICKENS, to permit subdivision of lots with less width at the building setback lines, Outlot C, Section 2, Hunter Valley and Outlot G, Section 1, Parcel A, Hunter Valley, Providence District. (Agriculture).

Mrs. Wickens showed plats of the two outlots which are so located that they will not meet the required width at the building setback line. They have laid out their lots in large tracts, Mrs. Wickens explained, ranging from two acres up, and have attempted to draw the lot lines in accordance with the contour of the ground, allowing an especially attractive building side for each lot. These two lots each have a high building site some distance from the road. They have provided a 50 foot access lane 400 and 600 feet long. This access lane is the only road frontage for both lots. This would technically put the building setback line within the 50 foot lane. The first lot has four plus acres - the 50 foot by 400 foot lane leading off of Route #672 (Vienna-Vale Road). This is known as Outlot C in Section 2. The second lot has 2.4 acres and is located on a 50 foot lane leading from Route #674 (Hunter Mill Road). This is known as Outlot C, in Section 1, Parcel A. These two lots are located within the subdivision with only the lane frontage on roadways. The building sites are high, wooded and secluded. There is no need for frontage on a road, Mrs. Wickens pointed out, except the access. There is no intention to ever use these 50 foot access strips for lots, Mrs. Wickens stated - such a development would be entirely out of keeping with the present lot sizes, and they will place restrictive covenants on the property to assure no development on these strips and that they will continuously be used for access only. Mrs. Wickens handed the Board a statement of the restrictions which they will put in the purchase contract for these lots: "The 50 foot access land may be used only for access to the lot and no building may be erected upon it"- or - "No building may be built upon this lot except at a point where the lot exceeds 100 feet in width".

Mr. Mooreland suggested that this statement be placed on the plat for permanent record.

There were no objections to these variances from the area.

Mr. T. Barnes moved that the application for variances be granted on Outlot C, Section C, including 4.419 acres and on Outlot G, Section 1, including 2.4 acres, Parcel A, both of Hunter Valley, provided it show on the plat that no building shall be built on the access strip - in accordance with the restrictive covenant clause presented by the applicant. (That the 50 foot access lane may be used only for access to the lot and no building may be erected upon it.)

Seconded, J. B. Smith Carried, unanimously.

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NORTHERN VIRGINIA CONSTRUCTION COMPANY, INC., Lessees, to permit gravel pit operation on 55 acres of land, Part of Lots 1 and 5, Va. Realty Company, Inc. property at south end of Jefferson Street, Lee District. (Rural Residence Class II).

Mr. Andrew Clarke represented the applicant. Until the Summer of 1954, Mr. Clarke recalled, the citizens of Fairfax County had been greatly concerned over the hazardous and unsightly condition of the ground resulting from removal of gravel. But at that time, through the cooperation of many public minded individuals with County Officials, an amendment to the Zoning Ordinance was adopted controlling gravel pit operations and the manner in which the area so stripped of gravel must be left. In this amendment the County requires a bond of $1000.00 per acre on the part of the operator to guarantee that the area will be left in conformance with a topographic map which will have been approved by the Director of Public Works. Also the amendment states, Mr. Clarke continued, that no pits nor water holes shall be left and the drainage shall be adequate and in accordance with approved plans. In this area, Mr. Clarke pointed out, the bond will amount to $55,000.00.

Mr. Donald Ball, the applicant, is a life-long resident of this County, Mr. Clarke continued, he has conducted his business in the County for many years. He has a large payroll (247 employees) he buys gas in the County, which tax goes for road maintenance, and pays a large tax on his operations.

Mr. Clarke called attention to the plat of the property in question - showing two hills which contain the gravel. These hills will be leveled and the topographic map indicates how the ground will be restored after removal of the gravel, this restoration being guaranteed by the $55,000.00 bond.

Ground is too expensive in Fairfax County, Mr. Clarke pointed out, to leave it in an unusable condition - as was done many years ago. Mr. Clarke called attention to the land at the intersection of the Shirley Highway and Route #236, which is being leveled off for future development - after gravel pit operations. Mr. Ball is restoring this ground. Mr. Clarke pointed to other areas including the Skylark Motel, which Mr. Ball has put in shape for development after gravel excavation. At Edsall Road and the Shirley where the washing process now takes place is the beginning of the restoration of that area for industrial use. Also the Southern Iron Works is located on restored ground. This, Mr. Clarke explained, shows the value of removing gravel and restoring otherwise unusable areas so they can be put in condition to create more value to the County.

Mr. Clarke recalled an area near Wall Haven which a couple of years ago had been left in an unsightly condition from the removal of gravel - the people in the area had been greatly annoyed by the dust, the rutted roads, and water standing in pits. Mr. Ball has acquired that property and is trying to remedy the situation.

Mr. Clarke read the following letter addressed to Messrs. Freehill, Moss, Kipp, Schumann, Mooreland and Brookfield - regarding the proposed operations.

"Franconia, Virginia
August 22, 1956

Fairfax County Officials

Joseph H. Freehill, Chairman, Board of Supervisors
William H. Moss, Supervisor, Lee District
Edward L. Kipp, Director of Publis Works
Herbert F. Schumann, Director of Planning and Zoning Administrator
William A. Mooreland, Assistant Director of Zoning
John W. Brookfield, Chairman, Board of Zoning Appeals

Subject: Gravel Removal Operations

Gentlemen:

Confirming the points discussed between representatives of the Northern Virginia Construction Company, Incorporated, and the Franconia Citizens Association on 14 August 1956, at which meeting William H. Moss, Edward L. Kipp, Herbert F. Schumann, and William A. Mooreland, Officials of Fairfax County, were present and participating, the following represents the understanding reached as to the controls to be exercised by the Northern Virginia Construction Company, Inc., in gravel removal operations in the Franconia area:

1. All land from which the removal of gravel is authorized by the County of Fairfax will be restored to grades specified by the County of Fairfax at the time of granting such authorization.

2. To the maximum extent practicable, such restoration of land to specified grades will be progressive during the period authorized for removal operations.

3. Garbage and trash will not be used for fill in returning the land to required grades set forth in such authorization for gravel removal.

4. Access roads for the transportation of gravel from the removal sites to processing plants will be so selected as to minimize nuisance and traffic hazards in the community and so as to avoid the creation of safety hazards.

5. Operational controls will be exercised to limit truck loads to weights permissible under existing regulatory laws, and all possible cooperation will be given the Franconia Citizens Association to eliminate reckless driving or driving in excess of legal speed limits by employees or contract operators.

6. The Franconia Citizens Association will be informed and discussion held with its representatives, prior to action, of any contemplated establishment of new or additional gravel processing plants within the Franconia area.

The Northern Virginia Construction Company, Inc., and the Franconia Citizens Association have pledged to endeavor to resolve any differences of opinion which may arise during the course of gravel removal operations in the area, insofar as they relate to procedures herein agreed upon, by mutual consultation and discussion of the problem with a view to providing for continuous, uninterrupted operation, the protection of the interests of both parties, and the maintenance of good public relations.

The Northern Virginia Construction Company,Inc., was represented by Donald E. Ball, and A. P. DiGiulian. The Franconia Citizens Association was represented by C. L. Dorson, Marilyn A. Goodhart, Eugene A. Green, Chester A. Allen, and Arthur H. Baker.

NORTHERN VIRGINIA CONSTRUCTION COMPANY,INC.

By: Donald E. Ball
Chairman, Board of Directors

FRANCONIA CITIZENS ASSOCIATION

By: C. L. Dorson, President"

NEW CASES - Ctd.

8-Ctd. Mr. Clarke recited the needs in the County for gravel (in the building of roads and all types of structures) and noted that there is very little gravel left in the County. Unless new sources of gravel are used it will be necessary to transport gravel from Maryland - either by rail or truck.

While they are operating on only the 55 acres - and taking gravel from the two hills only, Mr. Clarke pointed out, this complete operation may run into ten or twelve years, depending upon the need and development in the County. It may be that other portions of the area will also need gravel removal.

Mr. Clarke suggested that opposition to this use would very likely come from the people least affected. Mr. Ball had met with the Franconia Citizens Association and an understanding and agreement had been arrived at with this group. But the people from Bush Hill - which is 1000 feet to the east of any street to be used - and the people from Rose Hill, which is not developed up to this boundary, have expressed opposition. The people in Brook Haven might feel that trucks on Franconia Road would be dangerous. The trucks will go out on Route #613 across the railroad to the plant at Edsall Road, and the Shirley Highway. There are three streets on which the trucks may travel, Mr. Clarke continued, Jefferson, Gum and Cedar. However, Mr. Ball has acquired right of way along Triplett Lane (which is now fifteen feet) to increase the right of way to fifty feet. This increase in right of way will be made before this road is used.

Mr. Clarke called attention to the fact that Mr. Ball has used many trucks over the County highways during the past ten years and has had only one accident.

It is planned that this tract will ultimately be used for subdivision purposes, Mr. Clarke continued, that the Dogue Run treatment plant will probably be increased to take care of this area. The removal of the aggragate will make the land even more desirable for subdivision as it will reduce the big drop which now exists on the property and therefore result in better drainage.

Mr. Dawson, President of the Franconia Citizens Association, stated that his Association is not taking a stand for or against this case but that Mr. Baker would make a statement for the Association whenever appropriate.

Mr. D. E. Ball, Chairman of the Board of the Northern Virginia Construction Company told the Board that his company first acquired ground in theCounty in 1933 and began gravel removal operations. Since that time many subdivisions or developments have been built on ground he has worked. Among those he recalled were; Cloverdale, Skylark Motel, Carr tracts, Burgundy Village and at the Shirley and Route #236 where he has built his own office. They have furnished sand and gravel and poured concrete for many buildings and large developments in the County. With the entry of C.I.A. into the County the need for sand and gravel will be greater than ever, Mr. Ball continued,and with the diminishing supply in the County it is necessary to open new operations and explore new areas for gravel to furnish these expanding enterprises.

NEW CASES - Ctd.

8-Ctd. His company has a 355 acre tract, Mr. Ball stated, and from 55 acres of that area they wish to take sand and gravel. If this is denied, Mr. Ball contended, this material will have to come from other places - from companies who will be using our highways free.

The following report from the Department of Public Works (signed by Mr. B.C. Rasmussen) was read:

"MEMORANDUM TO: Mr. W. T. Mooreland Sept. 17,1956

FROM: B. C. Rasmussen

SUBJECT: Proposed gravel pit, 55 acres on Lot #1 and lot #5 of Triplett Estate. Application by Northern Va. Const. Co.

A field inspection was made on the above named property Sept. 13,1956 and the following conditions were observed: (1) The attached topography is apparently correct, (2) A 24" natural gas main is being constructed fifteen feet from and parallel to the northerly boundary on this property, (3) There are numerous points of safe access to State roads from this property, and (4) The natural drainage divides are honored on the proposed grading plan.

A revised grading plan on topography was received by this office September 15,1956 and the proposed grading plan indicates that no excavation will be done within reasonable distances of the boundary of this tract and adjoining subdivisions.

If the Board grants this application the applicants should take all precautions necessary to prevent damage to the natural gas main, and they should obtain permits for access to any State roads from the Virginia Dept. of Highways.

(Signed) B. C. Rasmussen
Subdivision Design Engineer

BCR/ls

cc: Mr. Edward L. Kipp
Director of Public Works"

Mr. Clarke said the letter from the Franconia Citizens Association, which is filed with this case, was sent as a voluntary move on the part of the applicant - to be made a part of the application.

Mr. Baker read the following statement from the Franconia Citizens Assn:

"My name is Arthur R. Baker. I am the Chairman of the Legislative Committee of the Franconia Citizens Association and I am appearing here today on behalf of that organization.

Our Association has long been on record in opposition to the operation of gravel pits as they have, in the past, been conducted in our area. We have in the past expressed that opposition to this Board. At the same time, we recognize the right of persons who own property on which such natural resources are present to utilize those resources so long as the operations are conducted in such manner as to preserve the value of surrounding property, avoid impairment of the investments of the owners of such property and protect against the creation of community problems effecting health and safety.

We have in the recent past met with officials of the Northern Virginia Const. Co. to explore the possibility of effectuating an agreement which would accomplish these objectives. I am pleased to report that we have found theofficials of the Northern Virginia Construction Co. to be cooperative and that such an agreement has been reached. The signatures of the President of our Association and of officials of the Northern Virginia Construction Company have been affixed thereto and I am informed that a copy of this agreement has been forwarded to the Chairman of this Board.

NEW CASES - Ctd.

8-Ctd. (continuation of quotation)

> We are of the opinion that the operating controls set forth in this agreement provide the required protection for our community and the property owners resident therein and the Franconia Citizens Association interposes no objection to the grant of a permit for gravel removal operations in our area to the Northern Virginia Construction Co. based upon the terms of this agreement.
>
> Respectfully submitted:
>
> (Signed) Arthur R. Baker, Chairman
> Legislative Committee
> Franconia Citizens Association."

The Chairman asked for opposition.

Mr. Forest Funk spoke, locating his home on the map with relation to the proposed operations. Mr. Funk said he owns two acres fronting on Woodway Drive. Mr. Funk asked where the trucks would go when leaving the property - how would they be distributed over the outgoing streets? He felt his street, with four homes, was apt to get the bulk of the traffic. He objected - believing this operation would depreciate his property.

Mr. Oliver presented a petition from Rose Hill Subdivision with 2146 signatures - opposing the project. The signers objected because of future depreciation to their real estate, abatement of present increasing real estate values resulting from residential and proposed shopping development, removal of existing natural beauty resulting in denuded waste area, and the nuisance factor resulting from dust, erosion and drainage.

The objectors claimed that Mr. Ball's previous operations had left bare denuded ground, contrary to Mr. Ball's claims of development. These people were shown to be from fifteen hundred to two thousand feet from the operation area.

Mr. Boone represented a delegation who had designated him to present the facts to the Board. Mr. Boone said he now lived on Gum Street but was building in Bush Hill where he would move before long. Mr. Boone listed a number of locations where the applicants have operated and contended that they left behind them ugly denuded ground with pits and standing water. When the gravel was depleted they left the ground, with no attempt to restore it nor to put it into usable and safe condition, but moved on to other areas.

There is no gravel pit presently operating in this immediate area, Mr. Boone pointed out, and they did not want one. Mr. Boone contended that the agreement between the applicant and the Franconia Citizens Association was actually not a valid contract, as there is no means of enforcing it.

Mr. Boone called attention to the great number of gravel pits in the County with blighted ground between them, ground which was reduced in value and rendered unproductive. He asked the Board to compare the amount of taxes derived from a well developed subdivision with the barren denuded gravel pit areas.

Mr. Boone painted a word picture of rutted roads, worn out bridges, the wasted and denuded areas left by gravel pit operators. These pits, Mr. Boone contended, become dumping grounds for garbage and junk.

8-Ctd. Mr. Boone asked what kind of homes could go into a place like this - it might take ten years for this operation - then several years to fill the ground and stabilize it sufficiently for homes. If the demand for homes should cease, Mr. Boone continued, the County has no guarantee as to what will ultimately happen to this area. He questioned how much of Mr. Ball's taxes flow back into the County - how much does he actually contribute to the repair and upkeep of the roads?

Mr. Boone accused Mr. Ball of pouring concrete for various buildings in the County for a profit and not out of the goodness of his heart.

Mr. Boone presented a petition opposing this use signed by fifty-five home owners - all being within two thousand yards of the project.

Mr. Boone accused the applicant of displaying an old aerial map which does not show the present gravel pits in this area.

Mr. Verlin Smith, Chairman, told Mr. Boone that the old gravel pits should not be used as a case in point because we now have an Ordinance controlling the operation and the ultimate condition of the ground from which gravel is taken.

It was brought out that the Ordinance does not provide for the maintenance of roads during operation, since the roads are State controlled.

Mr. Robert L. Rolls, living in Brookland Estates, presented a petition with 134 signatures objecting to this - for the same reasons listed in the Rose Hill petition. Mr. Rolls indicated the location of Brookland Estates which would serve as an entrance to the property in question. While they are probably not near enough to be adversely affected by the operations, they are interested in keeping their area residential in character and attractive. They feel that such an operation would place a stigma on the entire area. Mr. Rolls called attention to gravel pits in general and how they are left, and the traffic hazard to children from trucks used in hauling. They have tried to increase the value of their property in this area, Mr. Rolls continued, with improvements - he thought this use - so near to the entrance to their subdivision, would be depreciating. He asked the Board to refuse a permit on this case.

Mr. W. D. Greenlee of Rose Hill objected. Mr. Greenlee asked how the County could be assured that the $55,000.00 would put this property back in usable condition. Mr. V. Smith answered that that was worked out by the Public Works Department Engineers. The question was asked who would supply the deficit if this did not cover restoration. Mr. V. Smith answered - the County - insofar as he knew.

Mr. John Kelly objected. He lives at the south end of Jefferson Avenue, Mr. Kelley stated. He presented a petition containing 79 names from Guilford Subdivision and the Silver Springs area. These signatures were obtained from the three streets to the north of this property - which people would be most adversely affected. This group had been told, Mr. Kelly continued, that at

8-Ctd. the meeting of the Franconia Citizens Association it was agreed that since the operations were already there and that conditions were so bad that they had to agree to something in order to get any kind of guarantees - that the agreement they did get was perhaps the only way they could be assured of clearing up this area. Mr. Kelly noted that the 50 foot buffer strip which was discussed is actually a gas line on which they could not operate - therefore he thought the applicant was offering no compromise.

Mr. Ball was asked where the trucks would do after leaving the property. He answered that they would haul down Oakridge Road to the Alexandria Sand & Gravel plant bordering on the Southern Railroad.

Mr. Ball brought out the fact that people in this area had expressed no objection to the gravel pit operations, but were objecting only to the trucks which would travel over their roads. Mr. Kelly answered yes - but that after the people had looked into it further and had realized the depreciating affects of the operations - they decided to oppose this application.

Mr. Kelly also brought out the fact that Mr. Ball does not own the trucks which haul the gravel - that this is done by contract. He thought under such conditions Mr.Ball would have no control over the truckers who would no doubt haul as many loads as possible and drive as fast as possible since the more trips - the greater the pay.

Mr.V. Smith cautioned that the speed of the trucks was not before the Board.

Mr. C. Ringle, a potential home owner in Ridge View, objected to the possible depreciation in the value of his property - which he said he could not afford to take.

Mr. Roy Brunwoak, who lives on Cedar Street said he understood that the record of the Northern Virginia Construction Company operating trucks had been good - from the accident standpoint - but he noted that people in the area were very quick to get off the road for the trucks.

Mrs. Nilbrook, who lives on Gum Street, asked if the washing plant would be located on this ground. Mr. Ball said no - washing would be done at their plant on the Southern Railroad.

Mrs. Nilbrook thought this use was incompatable with a residential area which entirely surrounds the gravel pit property. This is incorporating an industrial use within a purely residential district, Mrs. Nilbrook continued. She considered such operations would not contribute to the safety and welfare of the County and would not increase the tax revenue for the County.

Mrs. Bailey from Rose Hill objected.

Mrs. Pritulla from Rose Hill said they had bought in this subdivision thinking the area would be restricted to residential use and for a shopping center - which they are hoping to get. She thought residential areas should be protected by the County.

NEW CASES - Ctd.

8-Ctd. Mrs. Van Scoyoc asked - who determined when the ground was restored to proper and usable condition. Mr.V. Smith pointed out that the Ordinance governing gravel pits has definite specifications which must be met at the conclusion of the period for which the use is granted.

Mr. Robert Linnell from Rose Hill suggested that a gravel pit operation would certainly blight the land and reduce taxes. He asked how the home owner would be protected.

Mrs. Chesley from Guilford Subdivision located her home and expressed the idea that it would depreciate her property.

Mrs. Barry from Franconia Estates objected, recalling the condition of Telegraph Road as a result of heavy trucks and the eye-sore caused by gravel pit operations. She asked what guarantee they would have that the trucks would not go down Telegraph Road. She thought the resale value of homes would be greatly reduced by these operations. The 96 home owners on Franconia Road objected, Mrs. Barry told the Board, and the people in Franconia Estates.

Mr. Pergande from Rose Hill objected, stating that Mr. Morrell has a business zoning pending - contingent upon the sale of homes in Rose Hill. He was very sure Mr. Morrell could not sell his houses if these operations become a fact. Therefore, the shopping center - which they all want in Rose Hill - will be delayed, or perhaps will not go in, Mr. Pergande contended.

Mrs. Hay, from Cedar Street, said their road had just been surfaced - she wondered if this road would be protected from ill use. There are eight homes on this street and about eighteen children, Mrs. Hay continued - she thought the use of trucks on this street would be not only detrimental to their property but hazardous to the children who use the school busses. She said they were greatly concerned both about that danger and the value of their homes.

Mr. Calvin Bottom from Gum Street likened this operation to mining which he thought out of keeping with the area. He agreed with the last speaker that these operations were dangerous to children in the area. There are 23 children on Gum Street, Mr. Bottom stated.

Mr. Arthur Baker, from Franconia Citizens Association spoke again - stating that his Association was taking no position in support of this use nor are they against it. They have an agreement with the Company and the Association is acting on behalf of its membership. Mr. Baker restated the fact of the agreement which was reached, not as a 'shot-gun wedding' - as has been inferred, Mr. Baker said. They have in the past objected strenuously to gravel pit operations but under the agreement between the operators and the Citizens Association they believe the conditions necessary to afford protection have been met, and the conditions were agreed to by the Company without modification. This, Mr. Baker said, along with protection from the Zoning Ordinance, will assure proper handling of the area. Mr. Baker outlined the area covered by the Franconia Citizens Association.

The Board adjourned for lunch.

8-Ctd. Upon reconvening:

Mr. Clarke spoke in rebuttal. Mr. Kipp, Director of Public Works, who was unable to be present at the morning hearing, testified. Mr. Kipp stated that he had looked over the grading plan. Mr. Clarke asked Mr. Kipp if the removal of gravel from this area would be detrimental or would it be an asset. The area is so located, Mr. Kipp answered, that he thought there would be no drainage problem - in fact he thought such removal would aid the drainage situation.

Mr. V. Smith asked Mr. Kipp if the applicant could go below the grading plans as shown on the plan. Mr. Kipp answered that the plan shows the maximum depth and the depth to be filled in later, and that his Department would supervise the operations. Mr. V. Smith asked if $1000 per acre would be adequate to cover grading costs if the applicants ceased work before the operations are completed. It could be sufficient - or it could not be, Mr. Kipp answered, depending upon the condition in which the property was left. Mr. Clarke asked if this plat includes removal on just the two hills. Mr. Kipp answered yes, and that this application covers only a small portion of the entire tract. They have approved the grading plans on this small tract only.

Mr. Clarke said he thought Mr. Dawson's and Mr. Baker's position should be clarified. He stated that his client was attempting to eradicate the conditions which have existed on old gravel pits. He recalled the area near Wall Haven where a few years ago the gravel was taken out and nothing was done to improve the ground and the roads were ruined. Mr. Dawson and Mr. Baker have fought such conditions for many years. This last Spring a new amendment was passed by the County assuring that even if a developer is grading for subdivision purposes only - he must come before this Board for a permit. This agreement was worked out between his client, the members of the Association and himself, Mr. Clarke continued, and he felt that it had satisfactorily met all contingencies.

Mr. Clarke restated the fact that this is not a rezoning - it does not change the classification of the area for residential development - it is merely a request to take out gravel, a natural resource. There will be no pit as the digging will go into the two hills.

Mr. V. Smith asked if the applicant could dig below the contour shown on the map. This is a 28 foot removal, Mr. Clarke pointed out - that is not below the surface of the ground and would not be a hazard to children. This gravel is all above ground. There are probably not more than 25 acres on which gravel is located - no pits will be left or no holes in the ground will result from this work.

Mr. Clarke stated that in his opinion Mr. Boone had been a fantastic witness in opposition in that he had made a series of claims which were unfair and unrelated to the present case. Mr. Clarke agreed that gravel pits in the past were left in a bad condition, but stated that such conditions could

8-Ctd. no longer exist. Mr. Clarke also recalled that the Highway Department had dug pits promiscuously in the County for years and nothing was done about it. This Board has granted several pits under the new Ordinance, Mr. Clarke pointed out, and they have been left in a satisfactory condition. Mr. Boone discussed the old pits with which we are not concerned today, Mr. Clarke continued.

In displaying the 1953 aerial photographs, Mr. Clarke stated, they were not attempting to show gravel pits - either old or new - nor were they concerned with hiding any gravel pits - they were merely attempting to show the proximity of the surrounding territory which would be affected. Mr. Clarke contended that Mr. Boone had led this fight against the present applicant, and that it was a known fact that one can get names on any petition. He further stated that Mr. Boone had tried to instill in the minds of people in the area things that never existed.

Mr. Boone's friends loudly disapproved this statement - in unison.

Mr. Clarke asked that he be allowed to complete his statement - that he had listened to the opposition with courtesy and expected the same concession from them.

Mr. Clarke showed that the Rose Hill development is two thousand feet away from these operations. Bush Hill is fifteen hundred feet to the east. Those on Franconia Road cannot see the operations, and are therefore not affected. Brook Haven is to the west. They have a drainage condition in their own area.

With regard to trucks on the highway, Mr. Clarke noted that if the County is to get sand and gravel from localities other than the County - the roads will be used by those hauling trucks and there will be no tax money accruing to the County.

Mr. Clarke recalled again that Mr. Ball had acquired additional land for the widening of Triplett Lane, which he has dedicated for public use and which he will black top - it will be open for the use of people in the area.

With regard to Gum, Cedar and Jefferson Streets, Mr. Clarke said that Mr. Ball had assured him that if these streets are used he will maintain them and keep them in repair.

Mr. Clarke again recalled that this is not a pit operation, but rather the leveling of hills which will in the end put the ground in a better condition for subdivision than as it is. The applicant will be required to leave the ground in usable condition.

Mrs. Henderson asked if there was any other means of access to this operation rather than down streets where people are living.

Any street they would use, Mr. Ball answered, he would maintain and repair. He will keep such streets free of ruts and holes and will put on two coats of oil and No. 9 and 11 gravel - the same treatment which is used by the Highway Department for secondary roads. This would prevent any dust.

8-Ctd. With regard to the time element, Mr. Ball said he would like a permit to operate for three years, as he cannot anticipate the needs or what the market will be. However, they have no intention of dribbling this operation out over a long period of time.

Mr. Kelly called attention to the fact that the business of opposing this application was not the work of one person (Mr. Boone), but rather the work of the entire group.

Since the opposing testimony had been completed, Mr. V. Smith asked that the group confine its questions or suggestions to Mr. Kipp's testimony only.

It was again stated that this operation would take place on the two hills only, as shown on the topographic map, and that operating on any other part of the tract would require another hearing before this Board.

It was asked if this granting would establish a precedent for the granting of other gravel pit operations. The Chairman answered that each case is decided upon its own merits.

Mr. V. Smith suggested that a 50 foot strip of trees be left along the Rose Hill boundary line.

Mrs. Henderson stated that she was deeply sympathetic with the people living on Cedar, Jefferson and Gum Streets, but she felt in the long run the granting of this application will not adversely affect neighboring property in accordance with the Zoning Ordinance, and the zoning map; therefore she moved that the application be granted according to the topographic map drawn by W. T. Henry, C. E., dated August 1956 and approved by the Department of Public Works, with the provision that a 50 foot strip be left along the Rose Hill boundary line and that the existing trees be left as a buffer strip, and this is granted with the understanding that all provisions under Section 6-12-f-7 a and b, paragraphs 1,2,3 shall be met. This is granted for a period of three years.

Seconded, Mr. T. Barnes

Carried, unanimously.

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9- W. W. OLIVER, to permit opening of a Street closer to existing dwelling and one lot with less width at the building setback line than allowed by the Ordinance, Lot 28, Section 2, Glen Acres, Mason District.(Sub. Res.-Class II)

Mr. Carl Hellwig represented the applicant. There is a flood plain a little south of these lots, Mr. Hellwig explained, which the developer wishes to avoid - therefore, this road as planned will curve away from the flood plain ending in a cul-de-sac. That flood plain area will probably be used for play area. There is an existing house on Lot 27. This road will come within 37.7 feet of that dwelling. The proposed Lot 28 will have considerable more area than required, but at the curve on the Sixth Street cul-de-sac it narrows down to approximately 70 feet. However, at the building line the lot is wider - approximately 130 feet. The house will be set back 100 feet

NEW CASES - Ctd.

9-Ctd. or more from the Sixth Street frontage, and will face on the proposed side street. This street as proposed, Mr. Hellwig pointed out, will be little traveled as it ends a few lots on into the subdivision - having about 18 or 20 houses on it.

It is possible, Mr. Hellwig continued, that - if Sixth Street is extended - Lot 28 will become a corner lot, which naturally will not meet corner lot width requirements. Therefore, they are asking the two variances - to allow the street closer to the dwelling on Lot 27 and to allow Lot 28 with less frontage than required.

The people on Lot 27 do not object, Mr. Hellwig said - they have a garage on the west side of their house. He presented their statement saying they do not object to the road being so located.

This is requested as it is believed it will make a better development of the land, Mr. Hellwig told the Board, and they wish to iron out the frontage in case of future continuation of Sixth Street.

Mr. Mooreland suggested that the proposed building on Lot 28 be shown with a garage located within the Ordinance requirements - to forestall future request for a garage setback.

Mr. T. Barnes moved that the application be granted because this variance can be granted without detriment to the neighborhood, this is granted as shown on plat by Carl Hellwig, dated September 10, 1956, and the applicant shall show the location of a garage setback along with the proposed house on Lot 28, which comes within the Ordinance setback requirements.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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DEFERRED CASES

1- MAX SINGLETARY, to permit carport to remain 1.35 feet from side property line, Lot 121, Section 2, Lincolnia Heights, Mason District. (Sub. Res.)

Mr. Singletary said his neighbor who wishes to appear in his behalf was unable to wait for the time of hearing. He would like to have the case deferred again so the neighbor could be present.

Mrs. Henderson moved that the case be deferred until October 23,1956.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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2- HOWARD DAVIS, to permit operation of a marine service station, Lots 5 and 6, Block 1, Section A, Gunston Manor, Mt. Vernon District. (Agriculture).

This case was deferred for plats showing the location of the Maryland line, Mr. Davis stated.

It was pointed out by the Chairman that this is not a request for a rezoning, but rather for a use permit only.

DEFERRED CASES - Ctd.

2-Ctd. Mr. Davis presented a plat showing the Maryland line, but it did not indicate the distance of his pier from the Maryland line.

Mr. Davis explained that all he is wanting is a permit for the filling station for use in the immediate area - he has no intention to commercialize this area - but it is the only way he can furnish gas legitimately to boat owners and the permit would be limited to him.

Mr. V. Smith also recalled that this case was deferred in order that the opposition (Gunston Manor Corporation) may show their interest in the 25 foot strip along the water front.

Mrs. Embry, Secretary-Treasurer of the Gunston Manor Association, read a statement detailing the facts of the Association's incorporation (she presented a copy of their Charter of Incorporation). This Association is under the leadership of a thirteen member Board of Governors, the statement read. There are from 65 to 70 active members.

In view of the fact that this proposed business to which access would necessarily be over public property, Mrs. Embrey stated, the Association opposes this or any other similar project and the Board of Governors voted on July 14th that Mr. Davis cease his operations. The President of the Board communicated this information to Mr. Davis and after that Mr. Davis applied for this permit, and for a rezoning.

During the time last year when Mr. Davis was installing his pumps he did not request permission from the Board for this installation.

Mrs. Embrey showed a plat which she said was on record in the Clerks Office and which showed the 25 foot strip of beach which she claims is set aside for public use.

Mrs. Embrey asked why Mr. Davis was so eager to get this permit, as his property is apparently up for sale.

The gas line running to the pumps on the pier necessarily crosses public property, Mrs. Embrey continued, an easement over which he has no right to intrude with his business operations.

This strip of land has served as an easement since the original development of the subdivision in 1929, and the developers have indicated that a deed for this strip was issued to one of the original trustees of the Gunston Manor Property Owners Association. Since they have been unable to locate that member - the Association has indicated that they will issue another deed to this strip.

Mr. Whitmer showed a plat indicating the Maryland line and the distance of the Davis pier from the line.

Mr. Whitmer agreed that the Association would furnish a title to this strip showing that Mr. Davis does not own the 25 foot strip which he is using.

Mr. Whitmer said he was sure Mr. Davis had bought this property with the understanding that this strip was public property - as all the others in the area had understood.

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2-Ctd. Mr.Whitmer recalled a case in 1946 when a Mr. Baker had applied for a rezoning and the same question came up, and it had been determined that a court order would be necessary to grant such an application. This application was filed on Lots 27 and 28, Block I.

Mr. V. Smith said that as far as he was concerned he could not vote on this until the ownership of this strip of land was settled, that the case was deferred for Mr. Davis to produce that information and also deferred for the Association to show its interest in this land. He felt that no concrete evidence had been presented to the Board on this.

Mrs. Embrey said when the deed records were changed from the original Corp. to the Gunston Man Association, this ownership was supposed to be shown - but it was not. They did not realize that this omission had been made until this case brought it to light. They did get the deed on the Baker case, but not on this. She was sure that Mr. Parsons, President of the Association would be able to straighten out the records. Mr. Parsons is out of the area at present.

In answer to Mr. J. B. Smith's question about who paid taxes on this strip, Mrs. Embrey said they had not paid because it was dedicated to public use, and therefore no taxes were required. However, as far as she knew it was not officially released from taxes. Mrs. Embrey said that people buying in the area were advised that they did not own the water front.

Just how the deeds read on this property was discussed - Mr. Whitmer thought perhaps Mr. Davis' deed identified his boundaries by feet - not stating clearly that this did not include the 25 foot strip. There was considerable confusion concerning just what the deeds show and which deeds showing this strip were on record.

Mrs. Henderson suggested that there must be some deed in existance which would indicate ownership.

Since there were no records nor deeds to show ownership of this strip, Mr. Mooreland thought the Board had no authority to consider or to determine who actually owns the property.

However, Mr. V. Smith thought the question of ownership should be resolved before a permit could be granted. The Board agreed.

Mr. Barloga restated the restrictions on Gunston Manor property - that business was not allowed except where so designated and no structure could be erected without approval of the Association - both of which Mr. Davis had violated.

The depth of Mr. Davis' property was discussed, and it was stated that in no way could the water front along the tide line be construed to be within the boundaries of his property. Consequently his pier would be on public property, which would block the passage-way along the water front. The washing away of the bank would make it difficult to tell actually where Mr. Davis' lot runs, as his deed no doubt reads 100 feet from the street line. The question was asked, is this State owned land or not on which the filling

2-Ctd.

station would be located. However, Mr. Whitmer thought that by measuring 100 feet from the street right of way the lot would not come near the water line.

Mr. Davis said his lot was only 70 feet deep - he cannot use it for anything else - a building would not meet the setback requirement. He felt that he should be allowed some use of his lot. Mr. Davis said he did not know of the covenants restricting business and the 25 foot public easement across the front of his property.

Mr. Joseph Flakne stated that he had bought property adjoining Mr. Davis. Mr. Flakne said he was a member of the Board of Governors - and it was his understanding that no one was speaking for that Board as there was no formal meeting on this. Mr. Flakne expressed the opinion that in this growing community such a use as Mr. Davis plans would be very useful. It would relieve the fire hazard of storing gas and of carrying gas on the highways which is dangerous. He thought there were many people in the area who would use this service. Also it would provide a rescue dock - a needed facility. Mr. Flakne thought this would not open the way for other businesses - that each case would be handled on its own merits. He was sure Mr. Davis was not planning a casino nor any further extension of his operations. He stated that Mr. Davis had been a good neighbor and was not the kind of person who would depreciate the area.

Mr. Scott Cranford referred to the deed to the Gunston Manor Association, dated July 5, 1956 - which was recorded in Liber N-10, pg. #501, which covers the covenants of the Association.

Mr. Cranford estimated that there are only about 25 Boat owners in the area who would use this service. He thought that a very limited profit for Mr. Davis.

Mr. R. Lester, Second Vice-president of the Association, stated that since there was no formal meeting of the Association, he felt the opposition at this meeting was not necessarily representing the Association. Mr. Lester stated his faith in Mr. Davis and his belief that Mr. Davis was interested only in establishing a service and a convenience to people in the area.

A letter was read, addressed to Mr. Davis, from the District Engineer, giving Mr. Davis the right to construct a 150 foot pier with certain restrictions.

The Board was still of the opinion that the question of ownership of the 25 foot strip along the water front should be cleared up, and that the application should be deferred for that information.

Mrs. Henderson moved to defer the case until October 23rd, until the Association or the Corporation can produce proof of ownership of the land in question. (The 25 foot strip in fron of these lots along the water front).

Seconded, J. B. Smith

Carried, unanimously.

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DEFERRED CASES - Ctd.

3- HARBOR BAY CORPORATION, to permit location, construction and operation of a sewage treatment plant, 2500 feet east of Route #611 on Small Branch Run and 2000 feet north of County Line, Mt. Vernon District.(Agriculture). Mr. Andrew Clarks represented the applicant. This case was deferred for recommendation from the Planning Commission. Mr. Mooreland read the following statement from the Commission, recommending the granding of this application

"September 25,1956

RECOMMENDATION TO: Board of Zoning Appeals

FROM: Planning Commission

RE: Harbor Bay Corporation

This application is for approval of the location, construction and operation of a sewage disposal plant. The plant is proposed to be built within a subdivision of 1/2 acre lots, which subdivision is located on the southeast side of the Old Colchester Road, and is immediately north of Occoquan Creek at the Prince William County line.

The contribution from this plant will flow into Occoquan Creek at a point below the water storage area of the Alexandria Water Company. Consequently, there would be no affect on the public water supply in this area. Reference is made to the Stream Basin Report prepared by the Planning Staff, approved by the Planning Commission, and submitted to the Board of Supervisors in January 1956. Aside from those water sheds to which the County sewer systems contribute, this report delineated the water sheds below the Alexandria Water Company's source of supply as those which should next be considered for sewage disposal plant construction.

Accordingly, the Commission recommends that the Board of Zoning Appeals approve the application to construct the plant in this location as proposed.

Very truly yours,

FAIRFAX COUNTY PLANNING OFFICE

(Signed) H. F. Schumann, Jr.,
Director of Planning"

Every effort is now being made, Mr. Clarke told the Board, to prevent Prince William County from dumping into the Creek, and also to clean up conditions at the Lorton Reformatory plant, and with the high degree of treatment from this proposed plant it will assure a minimum of pollution.

It was asked at the Planning Commission meeting, Mr. Clarke stated, whether or not his client would sign the same type of contract on this plant as was made up for Mr. Hassan. The two cases are not parallel, Mr. Clarke pointed out. Mr. Hassan's plant was located within a well populated area - the stream flowing through other property. Also the Water Control Board has placed two additional conditions on the approval of this plant - that a measuring meter be installed to determine the amount of sewage flowing into the plant, and also that the effluent from the plant be extended into the stream and completely submerged. However, the owner of this property, Mr. Kipp, the Commonwealth's Attorney and he will get together to work out plans to assure the efficient operation of the plant. They will draw up a contract Mr. Clarke contended, which will be acceptable to the County.

DEFERRED CASES - Ctd.

3-Ctd. The letters from the State Water Control Board and the Health Department regarding their requirements for approval of this plant, which were read into the minutes at the previous hearing, were re-read and discussed.

Mr. Nathan Hale, Engineer for the applicant, described the type of plant to be used, stating that his company had done a great deal of research on this and many other plants, and in his opinion this is the most efficient type of disposal plant in use today in the State. The results from tests have shown a high degree of efficiency and Mr. Hale predicted that this plant will be used more and more because of its demonstrated adequacy. The process is comparatively new - using a biosorption process employing features of the activated sludge treatment. It was Mr. Hale's contention and the opinion of the State Water Control Bd. that the plant will prevent pollution of the receiving stream.

The Chairman asked for opposition:

Mr. Scott Cranford asked how certain they could be that this plant will work. It appears that it operates on a new theory, Mr. Cranford continued - what degree of efficiency can they expect? Mr. Clarke has said his client won't buy the Hassan type of contract, and the people in the area are greatly concerned over pollution. He felt it not too much to ask that the Hassan type contract be executed and that a bond be put up to assure satisfactory operation. According to Mr. Kipp's statement, Mr. Cranford contended, these plants do break down at times, and if the Board is to approve this request the applicant should guarantee good operation by putting up a performance bond - otherwise this area should be developed with septic fields.

Mr. V. Smith recalled that the applicant is willing, according to Mr. Clarke, to enter into an agreement satisfactory to the County to assure proper construction and operation.

If they can come up with a contract which Mr. Kipp, the Commonwealth's Attorney and the State Water Control Board say is satisfactory - that should guarantee that the plant will be properly handled, Mr. Clarke stated.

It was agreed that both Mr. Kipp and the Commonwealth's Attorney would look out for the best interests of all concerned.

Mr. Cranford recalled that a group of interested citizens had sat in on the discussion when Mr. Boothe worked out the Hassan contract, and suggested that they might want to do the same thing during negotiations on this contract. The people are vitally interested, Mr. Cranford reminded the Board, they were greatly impressed with the Hassan contract, and had thought it would be used as a model for future cases. This is the first case to come before the Board since the Boothe-Hassan contract.

Captain Karns recalled his presence at a Water Control Board meeting at which time the lack of inspections and control of these plants in Fairfax County was discussed, and it was Captain Karns' impression that assurance of proper operation must rest with the County.

3-ctd.

Since this plant is practically new to this County, Mr. Hale was asked to explain something of its operation. This plant will give a 92 or 95% treatment, Mr. Hale explained. It has been operating in many cities for over a period of five years - in all kinds of climates. Daily charts show the percentage of treatment. This plant will require one attendant to check the plant once or twice a day. The plant is 40% over-designed, which affords protection in that - in case of breakdown it has a four or five hour retention, during which time affluent can be withheld and repairs made. Tests have shown, Mr. Hale continued, that the effluent from a plant will be more pure than a normally flowing stream - such as Pohick.

Tests run throughout the United States have shown, Mr. Hale told the Board, that septic fields pollute streams more than sewerage disposal plants will ever do. The impure effluent goes into streams from septic fields practically without treatment. A septic tank gives about 50% treatment.

Mr. V.Smith asked if it wasn't true that water has a tendency to purify itself when running through soil. Mr. Hale agreed - unless it happened to meet a crevice.

Captain Karns restated that the only concern of people in this area is to keep the stream and the bay free of pollution. He still contended that the model agreement should be followed.

Septics have worked well in this area, Mr. Cranford explained, because the soil is sandy.

In answer to Mrs. Henderson's question, Mr. Clarke stated that the sewerage would be carried to the treatment plant by gravity flow.

Mr. Adkins, one of the owners of the property, said this is the first time the State Water Control Board and the Health Department have placed such rigid restrictions on an applicant.

Mr. Hale noted that at no time has a developer given so much in the County - large lots, sewerage lines and disposal plant - beyond requirements for this zoning classification, and predicted that it would grow into a very attractive beach resort of nice homes.

Mr. V. Smith recalled a few years ago when members of this Board discussed control of these plants with the State Water Control Board at Richmond. They discussed at that time that the State Water Control Board does not have personnel to properly supervise construction and operation of these plants. Daily tests must be made, Mr. Hale said, to control these plants and to get the best results.

Mr. V. Smith asked about retention of the Griffith plant compared to the plant to be used here. This has a full retention for four hours, Mr. Hale said.

Mr. Hale told the Board that actually the Water Control Board now considers that this is the most efficient plant on the market.

DEFERRED CASES - Ctd.

3-Ctd. Mrs. Henderson asked if the certified location of this plant could be put upon one of the plats presented with the case. Mr. Hale said the plant could be shifted slightly but he could give an approximate location certification, which he did.

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Mrs. Henderson moved that the application be granted according to the approximate location of the plant on Lot 61 as certified by Mr. Nathan Hale om plat dated March 20, 1956, and the plant to be operated to conform to letter from the State Water Control Board, dated August 2, 1956 and letter from the State Health Department, dated July 27, 1956, both of which are on file in the records of this case, and subject to the owners working out a satisfactory contract with Mr. Kipp and the Commonwealth's Attorney to assure continued operation ad infinitum and provided the owners add screen planting along the adjoining lots.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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4- PAUL MILLER, to permit erection of carport and storage area within 5 feet of side property line, Lot 156, Section 4, Hollin Hills, Mt. Vernon Dist. (Suburban Residence.)

No one was present to discuss whether or not a redesign of the carport could be made to meet setback requirements.

Mr. J. B. Smith moved that the application be deferred until October 23rd,

Seconded, Mr. T. Barnes

Carried, unanimously.

It was requested that the Secretary write Mr. Miller giving him the date on which this case will be heard.

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5- WOODBRIDGE #583 LOYAL ORDER OF MOOSE, to permit Lodge Hall, swimming pool, and recreation area with less setbacks than required by the Ordinance, Lots 1 and 2, Wesley H. Cranford Subdivision, (north side #1, approximately one mile west of Helm's store), Lee District. (Agriculture).

Mr. Hill represented the applicant. A statement was read recommending the granting of this application, from the Planning Commission.

To establish the fact that this is a non-profit organization, Mr. Hill handed the Board a copy of the Charter and the constitution and by-laws of this organization. These papers also explained the object and purposes of the Lodge - showing that it is a fraternal and benevolent organization in character. He detailed various priviledges granted to widows and orphans of Lodge members and special care they offer to older people.

It was agreed that parking space must be in conformance with the Ordinance, and should be located back of the 50 foot front setback line, and should have sufficient area for all users of the use.

DEFERRED CASES - Ctd.

5-Ctd. Mrs. Henderson moved that the application for a variance and setback be granted because there is an extraordinary situation here and the building is located on a private road, and it will not adversely affect surrounding property. The parking restriction as outlined in the Ordinance shall be observed and all users of the use shall be provided with parking space on the property. This is granted as per plat dated September 25, 1956 or if any rearrangement of the building is made it shall be substantially the same as shown on the plat and maintaining the same setbacks.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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The meeting adjourned.

John W. Brookfield.

John W. Brookfield, Chairman

The regular meeting of the Fairfax Board of Zoning Appeals was held Tuesday, October 9, 1956 at 10 o'clock in the Board Room of the Fairfax Courthouse, with all members present.

The meeting was opened with a prayer by Mr. Verlin Smith

DEFERRED CASES:

1- W. E. GRAHAM & SONS, to permit operation of a Rock Quarry on 4.1 acres of land on north side of Occoquan Creek, approximately 250 feet west of north end of Bridge over Occoquan Creek, Lee District. (Agriculture).

Mr. Glenn Richard represented the applicant. Mr. Richard presented plats showing the two quarry locations - this application and the site on which request is being made for extension - both on property of Aubrey Clarke. Mr. Richard pointed out the relationship between the two sites - this second site lying immediately to the west of the site under consideration for extention.

Mr. Clarke owns all the land adjoining these sites, Mr. Richard pointed out up to the land which he sold to the Alexandria Water Company. The Work House property borders the Clarke property on one side. There is no residential property in this area except property owned by Mr. Fred Lynn - who has stated that he has no objection to this use. Mr. Lynn's house would be the only one affected.

This area has been used as a stone quarry for 75 or 100 years, Mr. Richard told the Board, and during that time it has been in the ownership of the Clarke family. Mr. Richard read a short history of the quarry area, prepared by Mr. Clarke - whose father owned the property previous to him. It is estimated, according to the history, that there are four million yards of stone on the property, a sufficient amount to furnish a great deal of construction in the County. The quarry has been operated by various companies during the 100 years, the history stated - operated on a lease or royalty basis. The ground is unusable for any other purpose, Mr. Richard stated, but after removal of the stone it will be left in condition feasible to develop for other purposes.

Mr. Richard told the Board that he had talked with Mr. Bolton, Highway Resident Engineer, who stated that the operation of the quarry here had been perfectly satisfactory from their standpoint, that the operators had been very cooperative and Mr. Bolton stressed the need of this material in the County. Mr. Bolton also stated that they could not say that they want any one particular source of material, but that the quality of stone here is very high and the location is very satisfactory since it is so located to reduce hauling costs, which would in the end put more money into road building rather than in cost of handling.

Also the Alexandria Water Company have indicated by signed statement that they have no objection to these operations - the signed statement was filed with the Board.

1-Ctd. Mr. Richard also filed a letter with the Board from the RF&PRR stating that they would have considerable use for this stone between the ballast ties in track maintenance.

The Corps of Engineers, Mr. Richard continued, have indicated informally that if this operation continues they will consider the desirability of dredging out the silt in Occoquan Creek to a nine or ten foot channel. This would permit the transportation of stone by water from this area and would open a good waterway for pleasure craft on the Occoquan. It is difficult, Mr. Richard stated, to visualize a better location for a quarry.

Both Mr. Wallace and Mr. Fred Lynn were present, Mr. Richard said, and would make statements indicating they do not object to the continuance of the quarry. Mr. Wallace was of the opinion that the Corps of Engineers proposal to dredge the stream was very valuable to the County. Mr. Fred, who owns a store in Occoquan, said he had no objections to this use - that the present operators had made a good job of blasting and no stones had dropped on the Town of Occoquan, that the Town Council had reported no flying rocks nor broken windows and expressed no objections to this continuance. Mr. Fred also noted that the payroll from these operations had helped the area and had furnished employment for many people in the area.

Mr. Richard estimated the weekly operating expenses in excess of $25,000 most of which is payroll.

Mr. Richard introduced Mr. Shellap, explosive expert from the American Cyanamid Company, who has had 25 years experience in explosives and whose company has been in charge of placing explosives for blasting. Mr. Richard suggested that Mr. Shellap might answer any questions the Board might have.

Mr. Shellap discussed the high degree of safety of blasting operations supervised by his company, and told of his experience in handling explosives in various parts of the Country. He explained that it is the function of his company, when employed by an operator, to make surveys on proposed blasting operations (such as this), to supervise the actual blasting, laying out the placement of the explosives, setting the charge, and assuming responsibility for the safety of performance. His company has supervised operations of the Graham firm on various jobs, Mr. Shellap continued, and it is his belief that there will be no danger from operation on this property. The Town of Occoquan has not been harmed by these operations - at least not during the regime of the Graham firm, Mr. Shellap concluded.

Mr. Mooreland told the Board that since Mr. Rassmussen, Subdivision Design Engineer, whose report is required in this case, was unable to present his written report at this time he would give the report verbally, if the Board wished, and present the written copy during the day. The Board was agreeable to that.

In answer to Mr. V. Smith's question, Mr. Shellap stated that both the Explosives Manufacturing Institute and the Bureau of Mines put out regulation standards of procedure on blasting.

DEFERRED CASES - Ctd.

1-Ctd. Mr. B. C. Rasmussen came before the Board stating that the plat presented with the case appeared to be correct - however, it did not show the condition in which the ground would be left after operations. Each phase of the operation will determine how the stone will be taken out, Mr. Rasmussen explained and the condition of the ground and these operations will be closely controlled, as agreed upon by the operators.

Since any land near tidal water is subject to flood, Mr. Rasmussen continued, therefore this area should not be left at an elevation lower than 30 feet - this on Parcel II and on Parcel I at an elevation not lower than Occoquan Creek.

In his opinion, Mr. Rasmussen told the Board, this land is not suitable for any other use than a quarry. However, he did suggest that upon completion of these operations that the County should be assured that the sites will be left in condition possible for other development.

Mr. Richard informed the Board that his clients will enter into commitments that at the termination of operations the mean elevation will be 30 feet and on Route #123 it will be no lower than the elevation of Route #123, with the added provision that at the completion of operations there will be normal drainage from the area through normal drainage channels into Accoquan Creek.

Mr. V. Smith asked - will the operations go below the Ordinance requirements if the find of stone justifies, and will they then fill back. The answer was "yes".

The slope of the grade up the hill was discussed.

Mr. Richard reminded the Board that if this permit is granted for three years, the operators will necessarily have to come back to the Board for renewal and the Board at that time will review what has been done and if changes should be made - the Board will request such changes or will have the right of veto.

Mr. V. Smith asked if the Board could have the assurance that the $1000.00 per acre bond would be enough to recondition the ground. Mr. Richard answered - that depends. He called attention to the difference between reconditioning land after excavation of sand and gravel and after quarry operations. However, Mr. Richard assured the Board that they were dealing with reputable people who are willing to cooperate with the County in every respect and the Clarke family are very eager that this property be left in condition for future development. These are additional elements, Mr. Richard continued, in favor of guarantee that the land will be left in a satisfactory condition.

Mr. Bevins, from Graham & Sons, agreed that the best interests of the County are also the best interests of his company.

Since Mr. Rasmussen's written report was not yet completed, Mr. V. Smith moved to defer action on this case until the quarry case set for 12:40 is heard, and that the two cases be handled at the same time.

Seconded, J. B. Smith

Carried, unanimously.

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DEFERRED CASES - Ctd.

2- CHESTER COPELAND, to permit extension of trailer court with 14 additional units, Lot 25, Evergreen Farms Subdivision, (Total 76 units), Lee District. Mr. Copeland had asked that this be taken up last as he is waiting for a report from Mr. Kipp's inspector.

Mr. V. Smith moved to put this at the end of the list.

Seconded, Mrs. Henderson

Carried, unanimously.

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3- WILLIAM T. SHERIS, to permit carport to remain as erected 7' 8" from side property line, Lot 26, Block 3, Section 3, Pine Spring, (2208 Seone Court), Falls Church District. (Suburban Residence).

This case was deferred to view the property.

Mr. Sheris said he felt that this was a distinct improvement to his home and to the neighborhood, and that the neighbors have all agreed that it is attractive, that it fits in well with the house and with the area. Mr. Sheris said he had secured a permit in the required manner, but that he had never been given information that it was necessary to set the addition a certain distance from the side line, and being a novice in this he did not know the setback requirement. His footings were inspected and okayed. When the building was up the inspector told him he was in violation, that the setback was eight feet and it should have been ten feet. He thought the setback had not been carefully checked in the beginning, as there was no objection at that time.

Mr. Mooreland recalled to Mr. Sheris that he had told his office that this addition would be eleven feet from the side line, and they probably took his word for that - that setback would have been all right. However, Mr. V. Smith suggested that the eleven foot setback would not have met requirements - if the tool shed is made a part of the carport. Mr. Mooreland asked why a tool shed was not all right - if an enclosed garage would have been accepted. He asked the Board if a tool shed should retain the same setback as the house proper.

Mr. V. Smith moved to grant the application because it is a slight variance and does not appear to adversely affect neighboring property, and the lot is on a dead end street and the house next door is set 25 feet from the line, and it is the living portion of the house which would not be adversely affected.

Seconded, Mrs. Henderson

Carried, unanimously.

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4- C. V. CARLISLE, to permit dwelling as erected to remain 36.3 feet of Nicholson Street, Lot 205, Section 8, Sleepy Hollow Manor, Mason Dist.(Suburban Res.)

No one was present to discuss this case.

Mr. V. Smith moved that it be put at the bottom of the list.

Seconded, Mrs. Henderson Carried, unanimously.

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DEFERRED CASES - Ctd.

5- E. E. BELL, to permit erection of two dwellings within 25 feet of street property line, Lots 416 through 419, Block J. Memorial Heights, Mt. Vernon Dist. (Suburban Residence).

These two houses would not be out of keeping with other setbacks in the area if they are located 25 feet from the right of way, Mr. Bell told the Board. If they are put back further - they would run into a bank on the rear of the property. Houses within the block are set back a similar distance.

Mr. V. Smith noted that houses nearest these two dwellings are set back the required distance, to which Mr. Bell agreed, stating that the houses have irregular setbacks - some within requirements and others close to the right of way.

Mrs. Henderson asked what happened to the Creek during a rain - to which Mr. Bell answered that it is a very low Creek and he plans to re-route it down his property line - probably he will pipe it. He has discussed this with the Highway Department.

It was noted that the side line setback is all right - since this is an old Subdivision and the Zoning Administrator can allow a less setback.

It was stated that Mr. Kipp has said he has no authority over this because it is an old Subdivision of record before the Ordinance.

Mrs. Henderson moved to deny the case because the requested setback is not only a question of variance for a setback less than that which has been established, but that the adjoining existing building is more than 25 feet from the right of way which would be farther back than this requested setback.

Seconded, Mr. V. Smith

Carried, unanimously.

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6- E. E. BOGGESS, to permit extension of tourist cabins (4 units) on east side #1 Highway, approximately 2500 feet south of Route #242, (Oak Lodge), Lee District, (Agriculture).

Mr. Wise Kelly represented the applicant. Mr. Kelly recalled to the Board that they had granted this case on September 15, 1953, with no time limit on the completion of construction. Mr. Boggess has built two buildings and it is his opinion, Mr. Kelly stated, and the opinion of the Commonwealth's Attorney, that no further permit is necessary - since construction was actually started under the old permit. Mr. Kelly said it was the Commonwealth's Attorney's opinion that the applicant's permit is still good and that he could apply for a building permit under the old granting. Therefore, Mr. Kelly suggested that this case be dismissed.

Mr. Mooreland said he did not agree with the Commonwealth's Attorney - he thought the applicant should come back to the Board and had so advised Mr. Boggess. Construction on these cases must start within one year, Mr. Mooreland continued, and he had felt that the applicant put up the two buildings simply to keep his permit alive. He thought the Board should understand that these are tourist cabins and not apartments.

DEFERRED CASES - Ctd.

6-Ctd. Mr. Kelly said he considered this in the same category as a subdivision of record before the Ordinance - that this was granted under the old permit.

Mr. J. B. Smith moved that the case be dismissed.

Seconded, Mr. T. Barnes.

This is dismissed, Mr. J. B. Smith added, because there is an existing permit and because of the opinion of the Commonwealth's Attorney.

For the motion: Mr. J. B. Smith, Mr. Brookfield, Mr. T. Barnes

Not voting: Mr. V. Smith and Mrs. Henderson.

Motion carried to dismiss.

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NEW CASES:

1- HALLOWING POINT RIVER ESTATES, INC., to permit erection of dwelling within 15.2 feet of the side property line, Lot 18, Section 1, Hallowing Point River Estates, Mt. Vernon District. (Agriculture).

Mr. Andrew Clarke represented the applicant. This is a Lesco house, Mr. Clarke told the Board, on which materials are already cut. It would therefore be difficult to make any changes in the size of the house. The lot has 125 foot frontage by a 249 foot depth. The house is especially well adapted to the contour of the ground and the area - it is a plan the purchaser of the lot, Mr. Burleson, wants very much to have built. Mr. Clarke presented a letter from Mr. Hazard, who lives on the adjoining lot (No. 19) stating he had no objection - provided the back or the south wall of Mr. Burleson's (the purchaser of Lot 18) house or garage be no closer to the Potomac River than the back or south wall of his home.

Mr. Clarke also presented a letter from Mason Neck Inc., signed by F. W. Clarke, Vice President, adjoining property owner, stating that he did not object to this infringement, and feels that it will not be in any way detrimental to surrounding properties and asked that the Board give a favorable consideration to this variance request.

Mr. Burleson called attention to the 85 foot setback from River Road.

Mrs. Henderson asked how many in this Subdivision were attempting to put larger houses on their lots than the Ordinance allows. Mr. Clarke thought not many. It was noted that the garage side conforms to required setback.

Mr. Clarke thought the larger house would be an asset to the area.

Mrs. Henderson agreed that the house was attractive, but thought it too big for the lot - she did not consider it a hardship because a man picks out a house too large for his lot. Therefore, she moved to deny the application.

Seconded, Mr. V. Smith

For the motion: Mrs. Henderson, V. Smith, J. B. Smith, Brookfield.

Mr. T. Barnes voted "no"

Motion carried.

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NEW CASES:

2- KOGOD-BERMAN, INC., to permit carport to remain as erected within 6 feet of the side property line, Lot 158, Section 2, Loisdale, (7703 Layton Drive), Lee District. (Suburban Residence).

Mr. Kogod came before the Board to discuss this application. This house was staked out for a certain type building, Mr. Kogod told the Board. A short time before construction started, the purchaser changed his mind on the house - from a slab rambler to a basement type house. The plan was therefore switched and the plan of the house flipped over, putting the left side of the house on the right - instead of the usual layout. When the survey was made - the house was staked out on the location of the first plan. However, even with that mistake there is still 25 feet between this structure and the house on the adjoining lot, Mr. Kogod pointed out.

Mr. Kogod also pointed out that General Business zoning is across the street from this lot and therefore would not be adversely affected by this. Also the people most affected have been notified of this variance. This structure is completed. In fact all the houses in the Subdivision are built - this is the only one needing this variance, Mr. Kogod stated.

Mrs. Henderson suggested putting the carport on the opposite side where there is a 26 foot setback. Mr. Kogod pointed out that the entrance to the carport is on this side. However, that was the original plan, Mr. Kogod said - but because the plan was flipped - inadvertently - it put the carport on the side with the less setback. If the whole house had not been turned around, as Mr. Kogod explained, there would have been no need for a variance. Mr. V. Smith suggested locating the carport in the rear of the house, but the answer was that a topographic condition exists there - the ground slopes off toward the street. It was shown on the large plat of the Subdivision that General Business zoning comes up to Lot 159.

Mr. Berman called attention to the fact that this carport is an integral part of the house, being so designed to carry out the lines and architecture of the building. The carport is not designed so it can be converted into a room. It was also noted that the side line cannot be moved to make this conform, because it would make the adjoining lot too small. Since the other houses in the Subdivision have carports and this lessening of the side line is not noticeable because of the distance between houses, Mr. Kogod assured the Board that in his opinion this would in no way be detrimental to the area.

Mr. V. Smith moved to deny the case because there is no evidence of undue hardship and in case of this lot it seems to be an oversite on the part of the builder and in his opinion Mr. V. Smith stated, the Board has no authority to grant this variance and also there is an alternate location on the property for the violating carport.

Seconded, Mrs. Henderson

Carried, unanimously.

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NEW CASES - Ctd.

5- SHELDON S. SCHMIDT, to permit enclosure of carport as a recreation room within 11.02 feet of the side property line, Lot 7, Block 33, Section 8, Springfield. (7303 Bath Street), Mason District. (Suburban Residence).

When this house was built, Mr. Schmidt told the Board, it was his understanding that the builders had permission to enclose the utility room. The carport roof is a continuation of the house roof proper and the utility room. He already has two permanent walls - on the utility room and the roof. This would be a matter of simply adding the other two walls to enclose this carport. He thought it would be an improvement to his house. The house as extended will be 11.02 feet from the side line. The Ordinance requires 15 feet setbacks, Mr. Schmidt continued, making 30 feet between houses. He has discovered that after this is completed there will be 36-1/2 feet between his house and the house on the adjoining lot. The neighbor on the adjoining lot has enclosed his carport. That house is on a corner lot and his house faces away from Mr. Schmidt's house. The neighbor has, after enclosing his carport, built another new carport.

Mr. Schmidt showed six graphs indicating the location of his house with relation to others affected and of the area. The graphs were in worked out detail to show no ill affects from health and sanitation; that this addition would not reduce property values, but would rather increase value to his home and to the area; the attractiveness of the addition; that no neighbors in the area objected and that the outside setback lines would not be changed.

Mr. Schmidt stated that a neighbor in the area at 7409 Exmore Street - two blocks away - had bricked up his carport in a similar manner - however he was not protesting that - but he thought that was a precedent.

Mr. Craig, the neighbor across the street from Mr. Schmidt, stated that in his opinion this would improve the neighborhood and the house. There were no objections from the area.

Mr. Schmidt said he would not have a carport - that he had used his present carport for a patio.

It was brought out that the case at 7409 Exmore Street was taken to court by the neighbors and thrown out.

Mr. Schmidt said that others had achieved this same purpose by putting up storm doors, whereas he has gone about it in a legitimate manner. He restated the fact that those in his neighborhood who had enclosed carports (except the one on Exmore Street) were within the regulations.

Mr. V. Smith suggested that the applicant apply to the Board of Supervisors for a rezoning, which would allow the requested setback.

Mr. Schmidt presented eight statements from people in the area stating they do not object to this enclosure.

Mr. V. Smith expressed the greatest sympathy with Mr. Schmidt's problem, but stated that he felt that there are many cases in the Springfield Subdivision

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4-Ctd. which might want and need the same variance, and if the Board grants this variance the others would certainly be entitled to the same thing. Mr. V. Smith recalled also that the Ordinance was amended especially to give garages and carports the 10 foot setback, and while the applicant states that he has no intention of having a garage - people don't always live in one house for ever - another owner may want one. In his opinion, Mr. V. Smith stated, the Board has no authority to amend the Ordinance, therefore, he moved that this application be denied, because it is not in keeping with the intent of the Original Amendment to the Ordinance making it possible to locate a garage and carport within 10 feet of the side setback line.

Seconded, Mrs. Henderson

Carried, unanimously.

Mr. V. Smith also stated that no undue hardship has been shown by the applicant nor has any evidence been shown that a topographic condition exists. He again suggested that the applicant petition the Board of Supervisors for a rezoning.

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5- JAMES H. TAYMAN, to permit lots with less width at setback line and less area than required by the Ordinance, on west side of Kirby Road, #695, approximately 250 feet south of D. P. Devine Subdivision, Dranesville Dist. (Rural Residence-Class II).

Mr. Martin Koenig represented the applicant. Mr. Tayman bought this six acre tract during the 1930's, Mr. Koenig told the Board, and built two houses at one corner on Kirby Road, before the Ordinance. The requirement for a dwelling under the old zoning was 1/2 acre. He had allowed the proper area. The balance of this property, approximately five acres, was set aside for sale to a church. Since the houses were built, the Freehill amendment has changed the zoning on this area to require one acre per house. These lots were not put on record, Mr. Koenig told the Board - as Mr. Tayman planned to do last summer - because of a chain of events in his family which diverted his time he had not put them on record. Mr. Tayman now wants the lots okayed in order that they may have a clear title and for subdivision recordation. There are 60 foot lots in the near area to the east of this property. The frontage on these lots at the setback line is 90 feet, however, the area covers more than 1/2 acre. At the time these houses were built the 90 foot width was all right, but they cannot change the lot sizes because of the presently located houses and because the church has an option on the balance of this tract. (Option dated June 30, 1956). Since this is surrounded on two sides by the church property and since there are lots in the area with less area and less setback - Mr. Koenig thought this would not be objectionable.

Mrs. Henderson asked why it was necessary to have this okayed? Mr. Koenig said the houses at present were on metes and bounds lots, under the required size - this granting would legalize the lots.

5-Ctd. Mr. Mooreland said the applicant had discussed this matter of dividing the lots many months ago - when this area had a 1/2 acre zoning, and it was arranged that the lots would go on record - but the circumstances of a death in Mr. Tayman's family, and Mr. Tayman being out of the Country, had delayed action. Since these are larger lots than many in the area, Mr. Mooreland thought it all right to grant.

Mr. V. Smith moved to grant the application under Section 6-12-3-g because of the exceptional situation surrounding the subdivision of this tract as stated by the applicant - preventing him, because of his absence from the Country and the death of his father, from putting these lots on record,and because of the fact that this plat was drawn prior to the change in zoning and the area is surrounded by Suburban Residence lots,many of which have a 60 foot frontage, and because the church is the neighbor on two sides of this property and this does not appear to affect adversely neighboring property.

Seconded, Mr. T. Barnes

Carried, unanimously.

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6- CHARLES J. ZENITH, to permit carport as erected to remain within 9.6 feet of the side property line, Lot 120, Section 1, Marlan Heights, Mt. Vernon Dist. (Suburban Residence).

There was a shift in the location of the house, Mr. Zenith explained, which put this one pillar of the carport in violation. The pillar is an integral part of the structure and therefore cannot be removed or changed. Mr. Zenith called attention to the pie-shaped lot - which narrows toward the front line. The structure is practically completed. Mr. Zenith showed the plan of his house indicating that the column cannot be changed because the building is all on a slab and this column is tied in to the building. The lot has an abrupt slope on one side and at the back - making it impractical to locate the carport any other place.

There are no heat ducts in the carport.

Mr. J. B. Smith moved to grant the application as in his opinion it does not appear to adversely affect adjoining property, and it appears to be a reasonable mistake and had the house been moved over four inches on the lot this variance would not be necessary.

Seconded, Mr. T. Barnes

Carried, unanimously.

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7- CHARLES J. KING, to permit operation of a ceramic studio on east side Route #649, approximately 300 feet north of Poplar Street, Falls Church District. (Suburban Residence-ClassI).

There is a second building on his property, Mr. King pointed out - which was originally built for a two car garage and a chicken and rabbit pen. The animals mostly died - and the building now is used only for the garage. His

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7-Ctd. wife has a hobby of making small things in clay and painting them. She would like to move her work into this little building and remodel it for a studio. The character of the area has changed since they bought here, Mr. King told the Board - in the near neighborhood is a school, a beauty parlor and a medical center, and across the street a dentist's office building is going up - also a pharmacy is on one side of this property - a green house is also operating in the area. This little building is about 150 feet from the right of way of Annandale Road, the side setbacks conform to requirements. His wife would probably do some teaching in the studio.

There will be no outside structural changes.

There were no objections from the area.

Mrs. Henderson moved to grant the application because there is no obnoxious use to be made of this building and it would not have a detrimental affect on the neighborhood, and this is granted to the Kings only, and the operations are limited to this building only. This is granted as per plat presented with the case - on an area of 5.635 acres.

Seconded, Mr. V. Smith

Carried, unanimously.

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Mr. Verlin Smith took the Chair, as Mr. Brookfield left the room.

8- D. W. DILLEY, to permit erection of a dwelling within 13 feet of the side property line, Lot 142, Section 2, Lake Barcroft, Mason District.(Sub.Res.)

The attorney who was to handle this case is ill, Mr. Dilley told the Board, so he appeared in his stead - without some of the papers he had planned to present. This is a 17,000 square foot lot with a 50 foot U. S. right of way easement along the water front, and a 25 foot sewer easement within that right of way. The house, which will cost about $38,000.00 was designed by an architect to fit the topography of the ground. His deed restrictions say that a 10 foot side setback will be allowed and 20 foot on the roadway. He did not know of the County restrictions, but was making every attempt to more than meet his deed restrictions. The property on both sides of him is built upon. This is an area of Barcroft on which the zoning was changed - however, this area was platted before that change.

There were no objections from the area.

Mrs. Henderson moved to grant the application in view of the peculiar circumstances of the U. S. right of way and one corner of this property is practically touching that easement, and this is a part of the Barcroft development which was platted before the new Ordinance was passed and this violation does not appear to affect adversely neighboring property.

Seconded, J. B. Smith

Carried, unanimously .

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9- ROBERT R. SMITH, to permit erection of a fence on side lines with greater height than allowed by the Ordinance, Lot 31, Masonville Heights, (2314 Chester Drive), Falls Church District. (Suburban Residence).

They have built a swimming pool in the back yard, Mr. Smith told the Board, which is on the slope of their ground. It was necessary to do considerable filling to bring the ground up to the level of the pool, but this leaves the pool exposed and they feel the need of a privacy fence. The Ordinance would allow a 7 foot fence across the back line - they wish to continue the 7 foot fence along the side lines.

Mr. Mooreland recalled to the Board that the Planning Commission is proposing an amendment to the Ordinance that any fence back of the mean setback line shall be allowed to a 7 foot height. In this case it would be the 40 foot setback - back of which the 7 foot fence would be allowed.

Mrs. Henderson suggested deferring this until that amendment is passed, and this variance would not be necessary.

Mr. Dilly answered that they also wish this screening for their patio - and that they have already made committments for the fence - which they wish to have ready for Spring.

Mr. Brookfield moved to grant the application as it would not appear to be detrimental to the neighborhood.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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Mr. Brookfield returned and took the Chairmanship.

10- ROBERT J. PARCELLES, to permit erection of a sign with greater area than allowed by the Ordinance, Part of Lot 5, East Fairfax Park, Providence Dist. (General Business).

Mr. Parcelles explained that because of the location of his diner, on a dual high-speed highway (just west of Fairfax Circle) his present sign is not large enough for people to see it, and to be able to slow down with safety. The life of his business depends upon his sign, Mr. Parcelles continued, and he must do a large volume of business to be successful. He has 177 foot frontage on the highway and he thought compared to other signs in the area - on property with less frontage - he should have a larger sign.

When Mr. V. Smith called attention to the fact that this sign is larger than the one granted to Howard Johnson's at the Circle, Mr. Parcelles said that may be true but he needed the larger sign because of the fast traffic by his business - people did not slow down enough to see his sign.

It was suggested taking off some of the text, making larger letters and therefore a more visible sign. According to statistics, Mr. Parcelles answered, his sign meets high standards of readability for fast drivers.

Mr. Parcelles spoke of the prejudice in this area against Diners, which Mrs. Henderson thought might be minimized by taking the word DINER off the sign and leaving just RESTAURANT.

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10-Ctd. Mr. V. Smith thought the sign as proposed was too large on this size property, and he also noted that there was no plot plan with the case showing the proposed location of the sign. Mr. V. Smith moved that the application be deferred until November 13th, to give the applicant the opportunity to reduce the size of his sign, and to give the applicant the opportunity to present a plat location of the sign on the property.

Seconded, Mrs. Henderson

Carried, unanimously.

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11- W. R. TOMLINSON, to permit operation of a school for retarded children, Lot 6, Block A, Resub. Part of Holly Park, Providence District. (Rural Res.)

Mr. E. Hudgins represented the applicant, who was also present. In answer to Mr. Hudgins questions, Mrs. Tomlinson brought out the following facts; That this school will be conducted for retarded children who are not taken care of by the County Public School System, or children who because of illness or brain injury are below the school standard - they do not fit into the normal pattern and there are no specialized classes to care for them. This is a residential area, Mrs. Tomlinson continued, there are about 10 houses within their block. Many of the people owning these houses are Sunday School Teachers and Scout Leaders - she expressed the hope that they would remember their pledge to help the less fortunate.

There are many children in the County who need the help which she could give them, Mrs. Tomlinson continued, but because of transportation problems she necessarily plans a small group of six to eight. This will be conducted in a home atmosphere in the nature of individual specialized work. She became interested in this work, Mrs. Tomlinson told the Board, because her own child is a polio victim. These children are not obnoxious, Mrs. Tomlinson contended, they are simply unfortunate human beings. They are well disciplined and not noisy, in fact they are generally more quiet than normal children. She has had three retarded children in her home temporarily, Mrs. Tomlinson said, and she has not felt that they have in any way affected others in the neighborhood unpleasantly. The classes will run from 9 a.m. to 3 p.m. She will charge $50.00 a month - a price comparable to other schools in Falls Church and Arlington.

There are no schools for retarded children in this County, Mrs. Tomlinson pointed out. She named four schools in Falls Church, Arlington and Alexandria which have not proved objectionable in their areas.

They have well water and septic field. Mrs. Tomlinson has written both the Health Department and the Fire Marshall but has had no answer from them. She actually has facilities for 15, Mrs. Tomlinson explained, she has a seven room house and two baths - basement - recreation room. There would be no parking problem. This would be a home-school, Mrs. Tomlinson contended, wherein these children would have close attention and supervision suitable to their individual needs. Either the parents will pick them up and bring them or she will pick them up.

11- The children will come from the entire area and while this location is not particularly central, Mrs. Tomlinson continued, parents of afflicted children will make the greatest effort to bring them to a school where they can be helped. The distance is not a factor.

As to her qualifications, Mrs. Tomlinson said she is a graduate of Leslie in Cambridge, has taught for 12 years, and has worked with handicapped children for 4 years.

In answer to Mr. Hudgins question about the necessity of having special equipment for these children, Mrs. Tomlinson said it was necessary to build around their capabilities and because of their limitations she used simple equipment and crafts. Many of these children can be trained to be useful citizens, Mrs. Tomlinson continued, if they can have the care and instruction directed toward their abilities. Most of them are not cases for institutions, but rather cases for understanding guidance. Mrs. Tomlinson stressed the great need for schools in the County.

In answer to Mr. Hudgins question regarding covenants on her property, Mrs. Tomlinson recalled that her deed stated no noxious nor offensive trade or activity annoying to the neighborhood - no hogs, sheep, goats, etc., but nothing was said against having children. Mrs. Tomlinson said she is a member of the Fairfax County Association for Retarded Children.

Mrs. James Cole, Secretary of the Fairfax County Association for Retarded Children, spoke favoring the application. There were eleven special classes in the County School System last year, Mrs. Cole told the Board, but 130 children needing help were excluded from the County Educational System. There is no provision for them after about fifth grade. These children are educable to varying degrees, Mrs. Cole continued, and can be rehabilitated. The important function of this Association, Mrs. Cole explained, is to try to get these retarded children to some school. The Association will give Mrs. Tomlinson some support and she will probably have some children from Lynchburg.

Mrs. Cole told of crowded conditions at Lynchburg, where the maximum fee is $65.00. The institution is set up to accommodate 1700 and they now have 2500 children. However, many of these children should be in homes where they can have normal conditions, rather than in an institution, Mrs. Cole continued. These children are not a menace to any neighborhood she insisted, they are never left without careful supervision. People are often prejudiced against these unfortunate children, Mrs. Cole continued, because they do not understand that they are not insane nor dangerous but merely that the defective brain needs special and interested care. She mentioned her own child at Lynchburg. Mrs. Cole called attention to the taxes which parents of these children are paying to the schools, but their children are unable to attend.

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11-Ctd. Mr. Hudgins told of his term as Special Justice in Fairfax County where he came in contact with many of these mentally defective children, and explained that that experience had deepened his interest in their needs. He recalled that in 1955 there were 202 children in Fairfax County known to be mentally retarded - perhaps many more now. Mr. Hudgins recalled that he had sent 66 children to Lynchburg during his term, and told of the difficulty in getting children in because of crowded conditions.

Mr. Hudgins thought this might be granted in a home in a residential district much as a professional person might operate, however the Board assured Mr. Hudgins that was not so provided in the Ordinance.

Mr. Hudgins told the Board that he presented this case to them as a tragic need and expressed his confidence in the good judgment of the Board to grant this request.

There were ten present favoring this request.

Mr. Wise Kelly represented the opposition. Mr. Kelly presented an opposing petition signed by 41 persons living in the immediate vicinity of this proposed school.

Mr. Kelly made it plain that these people are not opposing the purpose of this school but they do feel that this is not the proper place for <u>any</u> private school. Mr. Kelly also stated that it was his understanding that the people who owned this home prior to the Tomlinsons, who have been here a short time, had trouble with the septic field. He thought the present field and tank would probably not serve the dual purpose of drainage for the family and a school.

Mr. Kelly pointed out that in his opinion there was not room on a 1/2 acre lot to give these children constant supervision of activities and maintain an educational program. He felt, for the proper conduct of such a school, the applicant should have adequate ground and adequate buildings. This home is for a residence only, Mr. Kelly continued, and what of the fire precautions - there is no word on that. This request, under any circumstances, Mr. Kelly pointed out, is premature. It should be carefully considered first if the buildings, grounds and septic tank and field are adequate, and if all required precautions have been taken for fire hazard.

This is an entirely residential area, Mr. Kelly continued, not suited to the establishment of a school which within such restricted limits as this small lot could not be adequate, and the fact that the need is so great in the County will practically assure the fact that the School will ultimately be over crowded.

The people in the area were conscious of the fact that this school was being operated - it has been disturbing - therefore they employed counsel to represent them. The people in the area say the use of the lot for this purpose would be detrimental to property values, that facilities are not sufficient for a satisfactory educational program, the septic is probably inadequate and the question of the fire hazard. Therefore, they request that the

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11-Ctd. application be denied. There were 18 present opposing.

Mr. Henry Carr opposed, stating he did not want his small child and his 90 year old father-in-law walking in the neighborhood of the school. He objected to the infiltration of commercial uses in the area.

Mr. Hudgins asked Mr. Carr if he would appose any other kind of school in the neighborhood. The answer was "no".

Mr. R. Port expressed his sympathy with the circumstances of the people involved, but opposed - not because of the type of school, Mr. Port made that plain - but because of lack of room and facilities. He suggested the Board view the property.

Mrs. John Roberts objected.

Mrs. Jean Kerr expressed sympathy with the program and stated that she had not taken this thing lightly, but she felt the proper authorities should review the situation and consider the consequences. She felt this kind of a hearing should actually be before the School Board, in order that they might take action to overcome the lack of facilities in public education for these children. The people in this area are willing and desirous of these children having every opportunity possible, Mrs. Kerr assured the Board, but they do not believe that can be accomplished in this atmosphere. She was reluctant to take a stand against this, Mrs. Kerr continued, but she felt she must consider the problems that would face the neighborhood.

Mrs. H. M. Burch said she had lived in the County for 8 years and her son had had 6 months schooling, as he was eliminated from school classes because of his handicap. She explained that the County has no plans for these mentally retarded children now or in the future - therefore parents must find their own help. She sent her child away last year at a cost of $75.00 and now she had had hopes of putting the child in Mrs. Tomlinson's school, which she can afford.

Mrs. E. Miller told of her 16 year old daughter who is out of the public school, and she had hoped to put her in this school, stating that whatever facilities Mrs. Tomlinson has will certainly be better than nothing. She made an appealing plea for people to put aside their prejudices and understand these children, calling attention to the fact that an afflicted child might be a member of a family in any economic or intellectual strata of society - that they should be accorded an unrestricted normal place in life with understanding treatment. Mrs. Miller suggested that people help in getting facilities for these children from the School Board.

Mrs. Cole again went into the inability of parents of retarded children to get anything from the School Board, saying that they had gone before the Board time and time again asking for an educational program, or tuition grants, but the School Board has refused. She re-told of the inadequate facilities of Lynchburg - saying this small school could offer a great needed relief.

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11-Ctd.

Mrs. William Rampey, who has three retarded children, told of her tragic situation. Her children with no basic education and with no chance of a program from the schools. She had hopes of putting her girl with Mrs. Tomlinson.

Mrs. Jack Grubbs said there are about 40 small children in the neighborhood. Some of Mrs. Tomlinson's pupils are large - practically grown - she thought it not good for the little children to play around them. She also thought the area should be kept residential, otherwise property values would depreciate.

Mr. Hudgins had cross-examined practically all the witnesses on both sides, to bring out further emphasis for his case.

Mr. V. Smith objected strenuously, saying the procedure for these cases is clearly set up in the Ordinance, and it does not include cross-examination of witnesses. He asked that this practice be discontinued.

The Chairman asked Mr. Hudgins to desist from further questioning.

The Chairman brought out that the Board was not passing on the kind of school proposed, nor were they trying the School Board. He asked that the concluding testimony relate only to the practicability of this location for a school from the standpoint of facilities and the impact upon the neighborhood.

Mr. E. Hagen recalled the fact of Mrs. Tomlinson stating she would have from 6 to 8 children, but that she has accommodations for 15 children. He asked the Board to view the property for adequacy.

Mr. Hudgins stated in rebuttal that this is the same old story - everyone admits this need - but no one wants it near them. He recalled that Mrs. Tomlinson has attempted to contact both the Health Department and the Fire agency, and will not continue the school without okay from them. He felt that there would be no devaluation to property nor detriment to the neighborhood if she had 6 or 8 children in her home. He too suggested that the Board view the property and grant the application upon fulfillment of requirements.

Mr. Kelly concluded that in his opinion nothing had been said that would justify any school in this neighborhood. This is a purely residential area restricted from commercial uses. Mr. Kelly emphasized the fact that it was very distastful to him and to his clients to oppose this, but he felt that the justification had not been presented. The sanitary facilities and the size of the lot are not adequate and the school is not justified from the zoning standpoint.

Mrs. Henderson said she could not arrive at a decision on this without first seeing the property. She thought the Board should also have definite word from the Fire Marshall and from Dr. Kennedy on the septic tank before making a decision - she therefore moved to defer the case for two weeks to view the property and for statements from both the Fire Marshall and the Health Department.

Seconded, Mr. J. B. Smith

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11-Ctd. Carried

For the motion: Mrs. Henderson, J. B. Smith, T. Barnes & Mr. Brookfield.

Mr. V. Smith voted "no".

The chairman announced that there would be no further hearing at this time - no more testimony - merely the decision of the Board.

Mr. V. Smith said he considered this strictly a zoning matter - that while he had the deepest sympathy for this case - he felt that it was the duty of everyone present to do everything they could to help establish a school in the County for children who need special help, but that such a school should not be established in a closely built up community. He would have been willing to deny this case on those grounds.

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12- W. E. GRAHAM & SONS, Lessees, to permit extension of Rock Quarry on 4.8 acres of land for a period of 3 years, north side of Occoquan Creek, approximately 500 feet west of Route #123 - Lee District. (Agriculture).

This request covers the other half of this rock quarry, Mr. Richard explained which is now in operation and on which a permit now exists.

The circumstances as discussed in the previous case apply to this, Mr. Richard told the Board, and the same witnesses are supporting this request, therefore the following discussion covered the entire tract.

The following letter from W. E. Graham & Sons addressed to Mr. B. C. Rasmussen detailing the manner in which they will operate the quarry and assuring the County of their cooperation, was read:

"Mr. B. C. Rasmussen, Fairfax, Virginia

Dear Mr. Rasmussen:

As you are probably aware, we have applied for an extension for the operation of a stone quarry upon 4.8 acres of land of Aubrey L. Clarke, adjacent to Occoquan Creek, in Fairfax County, Virginia.

We have at all times during our operation of this quarry subsequent to obtaining the permit from the Board of Zoning Appeals of Fairfax County, attempted to keep within the spirit of the recommendations made by your office at the time this permit was granted. We are writing this letter to advise you that at the termination of our operations of this quarry under the initial permit or any extensions thereof, we expect to leave the site in a condition much improved over the condition in which we found this old quarry site at the commencement of our operations. From the toe of the vertical wall existing at the commencement of our operations, we plan that from this area to the road or to Occoquan Creek there will be no slopes exceeding 2:1. We have retained overburden and other suitable material on the site for the purpose of making this possible.

Also at the termination of the permit, or extensions thereof, or upon termination of our operations in this quarry, we plan sufficient drainage for the area of operations to prevent water pockets or undue erosion, the drainage to leave the property and enter Occoquan Creek at natural drainage points.

In our operations of this quarry we have excavated certain high quality stone for specific purposes within the area between the toe of the vertical walls at the time we started operations and the road and Occoquan Creek. As stated above, this area will be left with slopes not exceeding 2:1 at the termination of our operations.

Our future operations in this quarry and in the adjacent quarry for which application has been made for a permit, contemplates the gradual excavation of stone between the two quarries and gradually extending northward. These proposed operations will permit the gradual improvement of this entire site, furnishing a relatively level area a considerable distance north of the road with natural drainage into Occoquan Creek.

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12-Ctd. (Continuation of letter from W. E. Graham & Sons to Mr. Rasmussen).

From tests by ourselves and other authorities, we have found that the stone in these quarries is of extremely high quality and in strong demand for road building and other purposes requiring the high quality stone produced at this quarry.

You are probably aware that this quarry has been operated by various operators, off and on, for approximately one hundred years. It is obvious that the gradual removal of the stone and the resultant improvement of the site will require a considerable period of time of normal operations.

We desire to take this means of assuring you that we will continue to be willing to cooperate with your office and the other authorities of Fairfax County in the operation of this quarry, in order that at the termination of operations Fairfax County will have gained two desirable results: one, the gradual improvement of a site, now inaccessible and unusable for any purpose other than a quarry; and two, the furnishing of stone materials for road building and other desirable construction within an near Fairfax County, without excessive haulage costs and resultant higher prices.

We are,

Very truly yours,
W. E. Graham & Sons
By: J. F. Bevins."

This letter, Mr. Richard added, applies to both cases.

Mr. W. T. Mooreland read the following report from B. C. Rasmussen:

"Mr. W. T. Mooreland October 9, 1956

Zoning Administrator

Re: W. E. Graham & Sons, Lessees
Application.....on Parcel I and II
to permit operation on total 8.9 acres
of land at location of former quarries
at Occoquan, Virginia

Dear Mr. Mooreland:

A field inspection has been made on the above named sites and the following conditions were found:

1. The topographic map submitted by Holland Engineers is apparently correct.
2. The 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 #123, crossing Occoquan Creek, is in line with and in the near vicinity of the proposed quarry site.
5. This site adjoins the Route #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 #123.
7. The existing bridge across Occoquan Creek will be used to truck-haul any materials used south of Fairfax County
8. The transmission water mains from the Occoquan Dam to the filtration plant are located to the west of Parcel No. 2
9. Parcel No. 2 adjoins parcel No. 1 on the west side of No. 1
10. Parcel No. 2 has near vertical walls in that portion formerly used as a stone quarry.
11. The topography of the existing ground is at a slope of 1:1 or steeper.
12. The area is inadequate in Parcel No. 2 to provide 2:1 slopes if the toe of the existing quarry is to be held.
13. The stone found in these quarries is of high quality.
14. The conditions encountered during operations in parcel No. 1 have been discussed with the Resident Engineer, Virginia Department of Highways, Fairfax, Virginia.

If the Board decides to grant these applications, we offer the following recommendations:

1 & 2 With the near vertical banks of the existing quarry (a difference in elevation in excess of 100 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 upward a slope of 2:1. No vertical walls should be left standing at the end of operations.

12-Ctd.

3. A permit for access to Route #123 must be obtained from the Resident Engineer, Virginia Department of Highways, Fairfax, Virginia.

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 Rt. #123, and obtain the necessary permits and other requirements for safe traffic contol 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 at the east of Rt. #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.

8. Adequate protection should be provided to prevent damage to the water supply transmission mains.

9. Operations in parcels No. 1 and No. 2 should be consolidated. This will result in one quarry face providing more ultimate use of the land.

10. In normal quarry operations a sound face is left at the termination of operations that is free of crevices and possible slides.

11. Topography of the existing natural ground on the whole of the Clarke property is so rough and steep that it is useless for development and subdivisions: however, if the land is used as a quarrry and properly controlled it has a potential use for other development purposes.

12. Since the operation of a quarry of this type is generally considered a long term operation, I suggest that the future extensions be considered to obtain the required slopes - if not, the slopes could be obtained by shifting the toe of the existing quarry face toward Occoquan Creek, however, this would result in less usable land area at the termination of quarry operations.

13. There is a demand for stone of this quality in this area. In the case of the Highway Department alone, Mr. Bolton advises that he can obtain specification materials from these sites, and the cost of hauling results in a considerable savings for use in the southerly and easterly portions of Fairfax County.

14. Mr. Bolton advises that he has had no complaints or objections resulting from the operation of the quarry in the proximity of Route #123.

I would further recommend that upon the termination of controlled operations in this area that the land be left at elevations that will allow an ultimate use of the Clarke property. In Parcel No. 2 the land should not be left at an elevation lower than 30.0 U.S.G.S. datum, and in Parcel No. 1 the land should not be left at an elevation lower than the existing road along and parallel to Route #123. The quarry excavation should not be made lower than the existing road elevations during <u>any phase</u> of this operation for reasons of public safety.

Very truly yours,

(Signed) B. C. Rasmussen, Subdivision Design Engineer"

Mr. Richard explained that at the start of operations the walls are as shown on the contour map. Upon completion of operations the entire area will be improved. From the toe of the wall where they started, Mr. Richard indicated on the map the slope will not be greater than 2:1 and not less than 30 feet on Parcel #2 and on Parcel #1 not less than the elevation of Route #123. They will fill and retain those elevations at termination of operations. Mr. Richard also called attention to the unexcavated area along Route #123 which they have provided for public safety.

Mrs. Henderson asked how far back from Route #123 operations would take place - that it would appear if operations were sufficiently far from Route #123 the safety factor would not figure. She thought any permit should be conditioned upon approval of the Highway Department.

12-Ctd. Under the first permit, Mr. Richard answered, Mr. Bolton, Resident Engineer was completely satisfied with the operations and with the access to Route #123.

These two sites will be brought together in the operations, Mr. Richard continued, to make one continuous wall which will ultimately result in an area adaptable for future development.

Mrs. Henderson asked for further explanation of Mr. Rasmussen's last paragraph.

The feasibility of excavation not going below the level of Route #123 at any time during operations was discussed. In answer to Mr. V. Smith's question as to how far they would go below the Route #123 elevation, Mr. Bevins answered - at no time more than 20 feet and with the provision that it be brought back by fill to the required elevation.

If a 2:1 ratio cannot be maintained, Mr. V. Smith asked, what would be a reasonable contour to maintain. The answer was - during operations you cannot maintain a definite ratio.

Mr. Richard explained the feasibility of working against a vertical wall - because the material falls down and does not spread, greatly reducing any hazard.

In answer to Mrs. Henderson's question regarding the last sentence in his letter, Mr. Rasmussen explained thatthe intent of this is to keep the operator from leaving a vertical wall.

They are willing to have the condition attached to their extension on Parcel I, Mr. Richard stated, that the existing berm within a distance of 75 feet of Route #123 not be disturbed. However, it was agreed that 50 feet would be satisfactory.

Mr. V. Smith questioned the cost of putting the ground back to the required elevation if operations should go below the elevation of Route #123,and if the operator for some reason ceased operations before the expiration of the permit. Would the $1000.00 per acre bond cover that cost? Mr. Rasmussen thought not, however, this is difficult to answer, Mr. Rasmussen continued - it would depend upon the depth to which excavations had gone.

In answer to Mr. Richard's question on this, Mr. Shellap stated that since these operations may go on for ten years it would be difficult to answer not knowing future costs. If the filling operation could be taken care of with soil on the property, the cost would be relatively low - if it were necessary to blast in order to fill - that would raise the cost. Mr. Shellap thought that the Graham Company, with their own equipment, could fill back for from $1000.00 to$2000.00 per acre, depending upon where they could get the fill material. Mr. Shellap thought an exact figure could not be quoted. However, all surplus material is left on the property in readiness for back fill. But, in his opinion, Mr. Shellap continued, if the operators do go

12-Ctd. to a level below the 30 feet they will be defeating their own purpose because of the drainage - making it necessary to pump - which is not practical. Mr. Richard suggested that the applicant would be willing that the floor not go below the Potomac River tidal elevation of 10 feet, which would be above the Occoquan.

Mr. V. Smith said his only interest was in the assurance that the land be left in good condition when the operations cease and that the bond would cover the costs.

Mr. Richard again called attention to the enviable reputation of the operators, and the fact that the area is now in a far better condition than it was at the time they took over and whatever holes are now evident could be filled for a very small cost.

Mr. Richard made the following suggestion leading up to the motion: That the extension and the new permit be granted on condition that at termination of operations the area on Site No. 2 would have an elevation not less than 30 feet with proper drainage into the Occoquan Creek. On Site No. 1 the finished elevation shall be not less than the elevation of Route #123 with proper drainage and that under these permits no excavation shall take place within 50 feet of the right of way line of Route #123 below an elevation equal to the existing elevation of Route #123. And also that in connection with Route #123 they are considering all the elevation between the excavated area and the closest point of Route #123. This suggestion, Mr. Richard continued, is based on the letter filed with the Board from W. E. Graham & Sons.

What is contemplated, Mr. Richard stated, is that the whole area will be left substantially level in order that it be usable. As they work back the ground will be leveled sufficiently for the trucks to be able to take out the rock. The first operations will take about three years, Mr. Richard pointed out, and at the end of that time the Board will be in a position to determine how well the company has operated, and if an extension will be desirable. It was estimated that there are about 1,500,000 tons of stone in the two quarry sites.

Mr. V. Smith still questioned the satisfaction of guarantee that the ground would be left as it should be. He quoted from the Ordinance ".... that the granting of an application will not materially affect adversely the health or safety..... and that it will neither immediately or ultimately affect adversely the use of development of neighboring property....". The Board has had evidence, Mr. Smith recalled, that under certain conditions the $1000.00 bond would not scratch the surface of reconditioning the area. The necessity or desirability of having a vertical wall to work against, Mr. Smith thought, could be dangerous. He felt that the Board had not yet been offered assurance that the area would be left in proper condition.

Mr. Richard told the Board that Mr. Blain Clarke has made the statement that his family has an interest in this property far and beyond the period of operation of a quarry by the Graham Company, and they too are very desirous

NEW CASES - Ctd.

12-Ctd. of having this ground left in condition for future use - they are vitally interested in the future value of the property and they have no interest in any permit being granted which would lessen this value.

Mr. V. Smith noted that it has been stated that the ground was in a deplorable condition before the Graham Company took it over. It was brought out that the Federal Government was the last operator - before the Grahams.

It was agreed that there would be no excavation below an elevation of 30 feet and not below the 30 feet on either site.

Mr. V. Smith made the following motion: That the application be granted for a period of three years according to the certified plat by R. F. Kursch, dated October 4, 1956 and as part of the reason for granting is the letter addressed to Mr. B. C. Rasmussen, care of Zoning Administrator, Fairfax Courthouse, Fairfax, Virginia, dated October 5, 1956 signed by W. E. Graham & Sons, By: J. F. Bevins, in which Graham & Sons state that they will leave the site upon termination of their operations in a condition much improved over the condition in which they found the original quarry site and they will cooperate with the authorities of Fairfax County during the operations and also this is granted subject to the conditions outlined in the letter to Mr. W. T. Mooreland, Zoning Administrator, dated October 9, 1956, and signed by B. C. Rasmussen, Subdivision Design Engineer, except for clarification of the last sentence of the letter which is to be amended so that an area at all points parallel to the nearest point to Route #123, for a depth of 50 feet from the edge of the right of way, shall be left at the same elevation as Route #123. Should the operations cease at the end of three years or between now and the expiration of this permit, that the walls of the quarry shall be left so that they are free of crevices and possible slides.

Seconded, Mr. J. B. Smith

Carried, unanimously

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13- ELIZABETH WALKER, to permit teaching of dancing in basement of dwelling, 8 students per class, Lot 2, Block 30, Section 18, Springfield, Resub. Lots 1 and 2, Blk 25, Lots 1, 2 and 3, Blk. 26, and Lots 2 and 3, Blk. 27, Section 3, (5802 Hanover Avenue) Mason District. (Urban Residence).

Mrs. Walker told the Board that she had been asked to take over the dancing class from St. Michael's Church - which classes had been held in the All-purpose Room of the Church. The Priest of the Parish had said that the room was too taken up with other things and it would not be possible to continue dancing classes there. Since she had had charge of the dancing at St. Michael's many parents of the Parish had asked here to take over these classes - instruction leading up to their show which they will give in the Spring. Her pupils will be confined to children of the Parish. She would have classes for three hours on Saturday and one class on Wednesday, ~~with~~

13-Ctd. with about 30 pupils to a class. She will charge $1.00 a lesson. Those who cannot pay will be taken free. There will be no advertising, Mrs. Walker continued, she will use her recreation room. Mrs. Walker called attention to the fact that a steel mill is about 300 yeards away from her home and a lumber yard is also near.

There were no objections from the area.

Mrs. Henderson suggested that this was a very generous gesture on the part of Mrs. Walker, but she thought with the new addition to the Church - such classes were much more appropriate in the Church building. However, Mrs. Walker answered that the Priest did not want the All-purpose room open on Saturday, and there is no other place to practice and work for the show. This would be a temporary affair - lasing only until the show is put on in February. There would be no traffic situation as the parents car-pool to bring the children. She was told in some office in the Courthouse, Mrs. Walker said, that it was necessary to have only the license - so she had gone ahead and bought things preparatory to have the classes. She later found that this application before the Board was necessary. It would also be closer for the parents to come to her house, Mrs. Walker stated.

Mr. V. Smith thought there was need for this type of recreation, but in his opinion the logical place for this is in the Church and he thought in granting this the Board would be setting up a business which was in affect undermining other studios who must charge more, therefore, he moved that the case be denied because it is not in keeping with the Ordinance.

Seconded, Mrs. Henderson.

Carried, unanimously.

Mrs. Walker had also presented a statement from eight people in the immediate vicinity stating they did not object to this use.

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14- WOODLAWN CONSTRUCTION CORPORATION, to permit dwelling as erected to remain within 14.4 feet of the side property line, Lot 13, Block 18, Section 13, Hollin Hall Village, Mt. Vernon District. (Suburban Residence).

Mr. Wm. Crumm III represented the applicant, as Secretary-Treasurer. In the location of this house, Mr. Crumm explained, the structure was turned slightly to give a better location which would allow tying in with the Hollin Hills development, and in that turning this violation occurred. By continuation of the same type of development and blending it with Hollin Hills the appearance of the area was improved and made uniform.

Mr. V. Smith questioned how the blending was done.

The answer was that since this street curves it is better to bring it in at an angle to conform with other houses and to be in line with them. This street alignment was not property worked out in the first place, Mr. Crumm said, and it has been necessary to make adjustments to bring about a uniform development. In the shuffle and in the attempt to blend the streets

NEW CASES - Ctd.

14-Ctd. this violation resulted. They cannot shift the lot line on the adjoining lot, Mr. Crumm told the Board, as that house is under a V. A. loan and therefore lot area could not be changed. However, if that lot line were changed no variance would be necessary.

There were no objections from the area.

Mrs. Henderson stated that since Mr. Crumm has stated that the line between Lots 13 and 14 could be shifted to make this house conform - she would move to deny the application.

Seconded, Mr. V. Smith

Carried, unanimously.

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DEFERRED CASES:

1- MARY VAVALA, to permit extension of trailer court from 36 to 42 units, Lot 18, Evergreen Farms, (Gum Springs Trailer Court), Mt. Vernon District. (General Business).

Mr. Dulaney represented the applicant. Mr. Dulaney showed the plat indicating the sewer lines and the approval of Dr. Kennedy. They have paid for sewer connection, Mr. Dulaney told the Board. They have this matter before Mr. Kipp, Mr. Dulaney said, but Mr. White in that office had told him that it would be about two weeks before they could get to the plat - because of lack of help. They have notified the Fire Marshall also - and that office will advise Mrs. Vavala of their requirements. They are also waiting for word from the Highway Department for requirements.

A letter was read from Dr. Kennedy stating that approval would be given when sewer connections are made.

They will comply with all these requirements as soon as they have word from the various agencies, Mr. Dulaney recalled that this trailer park has been in operation since 1941 and the highway facilities have proved adequate up to this time.

There were no objections from the area.

The Board agreed that the final word from these agencies would have to be on hand before going ahead with this,therefore, Mr. V. Smith moved that the application be deferred until this information is available. When the information is at hand, the Board asked that Mr. Dulaney contact the Zoning Office and this case would be put on the next agenda.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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2- JOHN N. CAMPBELL,INC., to permit operation and erection of a service station and to permit pump islands 25 feet of right of way line of Leesburg Pike, Parcel 4 of Section A, Culmore, Mason District. (General Business).

Mr. Campbell presented the certified plats - for which this case was deferred. It was noted that the grass plots shown on the plat are within the service drive right of way. Mr. Campbell said when the service drive is to

2-Ctd.

to be built that area will be available to the State.

Mrs. Henderson suggested that with the homes across the street and the apartment development, this filling station would not particularly add to the neighborhood, and also the fact of the six filling stations between the stop light and Seven Corners - this probably was not needed.

Mr. Campbell said he was the owner of $6,000,000 worth of property in this area and he has a big interest in good development in the area. This property is zoned general business which will take many other types of business. When this tract was zoned this entire area was set aside for business - to be developed as needed. It was never intended that this would be developed in a recreational area - Mr. Campbell stated, as some of the Board members had thought.

Mrs. Henderson moved to deny the application, because she did not consider it a proper use in an area of homes and apartments and because of the intersection to St. Anthony's School, which is near this property.

Mr. V. Smith asked Mr. Campbell if the filling station was all he proposed to put on this property - and noted that any future building would necessarily have to come before this Board. Mr. Campbell said the filling station was his only plan at the present time. He said he would work out the entrances with the Highway Department.

The service drives on other filling stations at Seven Corners were discussed.

Mr. Mooreland called attention to the fact that the right of way is dedicated here for the service drive - to be used when the State saw fit. There was no second to Mrs. Henderson's motion.

Mr. V. Smith moved to grant the application as shown on plat titled "Proposed Building Location - Parcel 4, Section A., Culmore" signed by G. B. Potterton C.L.S., subject to approval of the Highway Department for ingress and egress and subject to the applicant constructing a decelerating lane at the west entrance of this property. Granted because this conforms to Section 6-16 of the Ordinance.

Seconded, J. B. Smith

Carried - for the motion; V. Smith, J. B. Smith, T. Barnes, J.W.Brookfield

Mrs. Henderson voted "no".

Mr. V. Smith thought the decelerating lane very important from a safety standpoint on filling stations. Mr. Campbell said that was satisfactory to him if the State will go along with it..

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CHESTER COPELAND - Since approvals of all agencies were not yet secured, Mr. V. Smith moved that this be deferred until Mr. Copeland has these approvals at which time he will notify the Zoning Office and this case will be placed on the agenda.

Seconded, T. Barnes

Carried, unanimously

GORDON & WEAVER

Mr. Mooreland asked the Board if they would consider passing a motion on the application of Gordon & Weaver - about whose filling station permit considerable confusion has developed.

In 1941 this case came before the Board for a filling station permit - it was never approved by the Board as far as the minutes show - the applicant was asked to come back to the Board with a plat showing setbacks. This case never came back to the Board and consequently no motion was passed either granting or denying the case. This station had been operating as a non-conforming use. By 1950 the use had lapsed and the applicant came back to the Board for a use permit for a filling station. It was denied. Subsequently Judge Hamel moved to rescind that action - stating that the case was not properly before the Board. This was done March 18, 1952.

About a month ago, Mr. Mooreland said, he noticed that this use was operating as a second -hand car business. He told the owner to stop operations. The owner then came in for an occupancy permit for a body shop. In looking over the minutes, Mr. Mooreland found that this had never been granted at that December 1945 meeting. However, on the application in the folder it was written - "Granted, Dec. 27, 1945".

Now there is considerable pressure to give this man a permit, Mr. Mooreland continued. He asked the Board to pass a resolution on this as he has reread the minutes from December 1945 to April 1948 and found no motion was passed.

Mr.V. Smith thought it was necessary to review the minutes up to now as it would not be sensible for the Board to pass a motion that this has not been granted unless they know definitely that it has not come before the Board during this interim. The Board must be sure that the plans were not presented during that time.

Therefore, Mr. V. Smith moved that the Zoning Office instruct someone in that office to review the minutes from December 12, 1945 to March 18, 1952 with regard to this in order that the Board can be sure of what has taken place and therefore some action can be taken on this - and that this review of the minutes be done as expediently as possible.

Seconded, Mrs. Henderson

Carried, unanimously.

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C. V. CARLISLE - Mr. Mooreland told the Board that the plat was approved for change in location of the street - which will make this dwelling conform to requirements. This plat will be recorded. Mr. Mooreland therefore asked in behalf of Mr. Carlisle, that this case be withdrawn, as further action is not necessary.

Mr. J. B. Smith moved that the case be withdrawn. Seconded, T. Barnes

For the motion: J. B. Smith, T. Barnes, Brookfield. Mr. V. Smith and Mrs. Henderson not voting. Motion carried.

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The meeting adjourned

John W. Brookfield

John W. Brookfield, Chairman

October 23, 1956

The regular meeting of the Fairfax County Board of Zoning Appeals was held, Tuesday, October 23, 1956 in the Board Room of the Fairfax Courthouse at 10 o'clock a.m. with all members present.

The meeting was opened with a prayer by Mr. Verlin Smith

DEFERRED CASES

1- MAX SINGLETARY, to permit carport to remain 1.35 feet from side property line, Lot 121, Section 2, Lincolnia Heights, Mason Dist. (Suburban Res.)

Mr. Singletary has asked that this case be put at the bottom of the list as he has people coming in to support his case who could not be here before that time.

Mr. V. Smith moved that the case be put at the bottom of the list.

Seconded, J. B. Smith

Carried, unanimously.

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2- LUTHER N. GROVES, to permit covered patio to remain as erected within two feet of the rear property line, Lot 15, Block 23, Section 5, Springfield, (6015 Hanover Street), Mason District. (Suburban Residence).

Several members of the Board had viewed the property. Mr. V. Smith asked - if this is granted, would it have to conform to the building code requirements?

Mr. Mooreland thought it would.

The possibility of converting this into a permanent room in the future was discussed. If that should happen, Mr. V. Smith stated, and the present structure will have to be torn down in time, he was not in favor of granting it now. Mr. V. Smith suggested that the Board check with the Building Inspector on this, during the lunch hour, and make a decision later in the day. He so moved.

Seconded, Mrs. Henderson

Carried, unanimously.

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3- WILLIAM T. BRIGGS, to permit enclosure of porch closer to Street Property Line than allowed by the Ordinance, Lots 8, 9, 10 and 11, Speer Subdivision, (610 West Great Falls Street), Dranesville District. (Suburban Residence).

A letter signed by 14 people in the area asking the Board to grant this case was read. The letter pointed out that the north end of this porch was already enclosed when Mr. Briggs started work, and the completion of this enclosure would in no way affect the position of Mr. Briggs' house with relation to other houses in the area, that completion of the project would enhance the value of Mr. Briggs' house and would favorably reflect upon the neighborhood.

DEFERRED CASES - Ctd.

3-Ctd. Mr. Mooreland was of the opinion that the Board had no authority to grant this as no hardship had been shown, and to grant it would be far from the intent of the Ordinance. Mr. Mooreland thought this did not come under the non-conforming clause. This is an open porch which is allowed, but it would become a part of the house when enclosed, Mr. Mooreland continued, allowing more living space.

Mr. Briggs pointed out that he was in the middle on this - if he cannot finish the porch - he will necessarily have to take the partially completed enclosure down. It would cost more to do that than to complete the room. To deny this would place upon him an undue hardship. While he started on this in ignorance - something will have to be done with it, either finish it or put it back as it was before he ought the property.

In answer to Mr. V. Smith's question, Mr. Briggs said this partial enclosure was completed by the previous owner about one year before Mr. Briggs' bought the house.

The Board discussed the requirement of a bearing wall and whether or not this porch could be acceptable - if enclosed - to the Building Inspector.

Mr. J. B. Smith said - under any circumstances it would have to conform to the building code and passed by the building inspector.

Mrs. Henderson stated that under Section 6-12-g of the Ordinance, considering the fact that Mr. Briggs had bought the house with a part of the porch enclosed, in her opinion it is an exceptional situation and since there are no objections to this, and it does not appear that this would be detrimental to the neighborhood, she would move to grant the application.

Seconded, Mr.V. Smith

Carried

For the motion: Henderson, V. Smith, T. Barnes, Brookfield

Mr. J. B. Smith not voting.

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4- HOWARD DAVIS, to permit operation of a marine service station, Lots 5 and 6 Block 1, Section A, Gunston Manor, Mt. Vernon District. (Agriculture).

This case was deferred for the Gunston Manor Association to prove ownership of the strip of land along the beach - bordering Mr. Davis' property.

Mrs. Embrey stated that a deed conveying this strip of land from the original owners, G. E. Moul and E. A. Hines, Trustees of Gunston Manor, Inc., to Gunston Manor Property Owners Association is at present being processed in the Record Room - that this deed has been in their hands since October 16, but it has not yet been officially put on record. She showed a receipt from the Clerk's office indicating the Deed has been filed.

Mr. Davis said there was nothing in his Deed to show that this strip is owned by anyone except himself. He has paid taxes on a 100 foot lot. If there is anything about riparian rights - it would be out in the river.

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DEFERRED CASES - Ctd.

4-Ctd. He had bought this property something over eight years ago and his Deed called for lots at a depth of 100 feet from the right of way.

Mr. V. Smith asked if a piece of land was, in 1929, a usable tract and during the interim erosion had changed the land area - what is the situation?

Mrs. Embrey answered that the person would just have less beach.

Mrs. Embrey recalled the earlier testimony that this strip of land along the beach front was dedicated at the same time the property for a community center was dedicated, and this strip of land and the community center property were never to be used nor sold - that they are for use of all the membership of the Association.

Mr. V. Smith asked if this strip of land is in the river does one still have riparian rights? Mr. Gladstone Butler answered "yes", if the banks erode there is no change, the strip as dedicated still remains, and no one has the right to use it except the Association members.

Mrs. Embrey handed the Board a copy of the Deed which is presently being recorded conveying a strip of beach land which would include the area along Mr. Davis' lots.

Mr. Mooreland called attention to the fact that this Deed has no derivation title - he suggested that the original records should be searched, that the original papers should show title to this strip in order to give validity to conveyance of this strip.

Mrs. Embrey said the Gunston Manor Association owns the entire area, that this area is dedicated and there are stakes showing the land so dedicated.

Mr. Mooreland called attention to the fact that when the plat of this subdivision was put on record it showed so much land for the lots - and it did not show this dedication. He felt the Board should know from whom the title was derived.

Mrs. Embrey told the Board that no taxes were paid on this strip - nor have taxes been paid on the property dedicated for community use. Mr. Chambliss has handled the Deed which is now in the process of being recorded, Mrs. Embrey said.

Mr. Davis told the Board that he has paid taxes on his 100 foot lots.

Mr. V. Smith suggested that Mr. Chambliss be asked to come before the Board and show the origin of this strip of land and give the Board an understanding of just where the title rests.

Mr. Brookfield agreed - saying that was the purpose of the deferrment of this case. He thought it a question for legal advice.

If it can be shown that the title for this strip rests with the Trustees of Gunston Manor, Inc., or if it can be shown that this strip exists - the Board should have that evidence before making a decision in this case, Mr. Smith continued.

DEFERRED CASES - Ctd.

4-Ctd. Mr. Davis pointed out that 38 people are interested in using this pier - while a very few are opposing it. Mr. Davis recalled that there had been a pier in this area in 1929, which was in place for some time and later taken down.

The case was suspended until Mr. Chambliss could be present.

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NEW CASES

1- L. T. BOWDEN, to permit erection of two signs with larger area than allowed by the Ordinance, which will make the aggregate area more than 120 square feet, Lot 4A, Section 5, Salona Village (junction 1820 and Sothron Street), Dranesville District. (General Business).

Mr. Jack Smoot represented the applicant. The signs presently on the drug store in question were erected in violation of the Ordinance, Mr. Smoot told the Board, but it would be an undue hardship on the owner, Doctor Shuffleman, to take them down because they are expensive signs and he needs them in the conduct of his business. These are the standard Rexall signs which are used throughout the Country. If this variance is not granted, Mr. Smoot continued, the applicant would request a temporary permit - for 60 days - during which time he will order new signs to replace these.

Mr. Mooreland said he had discussed these signs with Doctor Shuffleman and it was his understanding that the size of the two signs would be cut down so the aggregate would be in excess of 120 square feet - but the signs presented with this case were not the signs Doctor Shuffleman had shown him, and not the signs they had agreed upon.

It was brought out that the application is made out in the name of the sign contractor, while Doctor Shuffleman is the owner of the drug store.

The Chairman asked for opposition

Mr. Papa asked if the statement in the Ordinance allowing three square feet for each lineal foot was figured on the frontage of the building using the sign, or on the frontage of the lot?

Mr. Mooreland said it had been the practice to figure that on the frontage of the stores, if there is more than one store on the property, and to use the frontage of the lot if only one store.

Mr. Papa called attention to the signs requested - stating that the aggregate square footage is 276. The sign on the side of the store, which faces a residential area, is in excess of 60 square feet. The other signs have the following dimensions; 71 square feet, 105 square feet, and the illuminated neon sign 48 square feet - on top of each window there is a 16 square foot sign (there are three windows) - there are four coco-cola signs - making the total of 276 square feet. This, Mr. Papa pointed out, is more than double the square footage allowed by the Ordinance.

1-Ctd. Dr. Shuffleman knew of the County requirements both as to area and the fact that a permit is necessary - however, he disregarded both, Mr. Papa told the Board. He himself had explained the opposition in the area to these signs to Dr. Shuffleman, and asked him if he had obtained a permit. The Doctor had told him that he had complied with the law. Mr. Paper again went to Dr. Shuffleman asking him if it would be possible to screen the neon sign from the good residential neighborhood toward which the neon sign faces, and to which the people objected. Dr. Shuffleman asked him to see the large billboard which he had in the back of his store, preparatory to putting up. This is a flagrant violation, Mr. Papa insisted, and an inexcusable disregard of the people in Salona Village. These signs are ugly, Mr. Papa continued, the garish coloring - orange and black and white - is more adaptable to 7th street advertising in Washington than a high class residential neighborhood. The signs are in no way in keeping with the area and they seriously adversely affect the neighborhood and property values.

Mr. R. D. Heckel, who lives in Salona Village, about 500 feet from the sign and in direct line with it, objected. He too thought the type of advertising which Dr. Shuffleman was using reached the level of a low class business district - that there was no place in Virginia for such signs. The neon sign which Mr. Papa had asked Dr. Shuffleman to screen is objectionable to him - its glaring light shines into his living room windows and the bedroom. Mr. Heckel pointed to other signs in McLean which are in keeping with the area, and which are at the same time adequate advertising.

A letter was read from Mr. Zimmerman, as President of the McLean Citizens Association, objecting. Mr. John Oliver appeared for Mr. Zimmerman and for himself - objecting.

Mr. C. M. Gaines described his nearness to the signs and expressed strenuous objection.

Mrs. Warburton, who lives 1/4 mile away from the drug store - on a hill - told the Board that the light from the signs shines into three windows of her home - it is objectionable and not in harmony with the area. She recalled that the management of the Safeway Stores have agreed to make some reduction - or at least tone down their signs to which the neighborhood objected - as they realize that good public relations are important. She thought Dr. Shuffleman might profit by this act of the Safeway, in that this flagrant affront to the neighborhood might very well be reflected in his future business. The type of community which they - in this area - visualize does not include vulgar, over-sized signs, Mrs. Warburton concluded.

The hardship which Dr. Shuffleman claims is one he brought on himself, Mr. Papa pointed out, and according to his understanding of the Ordinance relief can be granted if this can be established not to be detrimental to the public good. Since they have shown that this is not in the interests of the neighborhood nor the public good, and would be detrimental, Mr. Papa asked that these over-sized signs be taken down.

NEW CASES - Ctd.

1-ctd. Mr. Smoot admitted that perhaps the color of the signs was not too good - however, they are the standard Rexall signs - used continuously on their stores. He felt that the complaints were more against the color and type of sign rather than to the size.

Mr. V. Smith moved to deny the case because this is a gross variance from the Ordinance and because there has been no undue hardship nor practical difficulties presented.

Seconded, Mrs. Henderson

Carried, unanimously.

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The HOWARD DAVIS case was taken up again as Mr. Chambliss was present. Mr. Chambliss reviewed the case briefly, recalling that the filling station would be at the end of the pier and the storage tanks on the applicant's lot. Mr. Chambliss stated that the restrictions placed on this area by the original Gunston Manor, Inc. owners indicate that no trade or business shall be carried on in this subdivision except on certain designated lots. The Davis lots do not fall within that classification. In that case, if Mr. Davis uses his lots for business purposes, he would be liable to court action from the present Gunstoh Manor Association. Mr. Chambliss read the covenant restrictions. Therefore, Mr. Chambliss continued, he did not think the Board would wish to take an action violating the covenants and which might create a law suit.

Mr. Chambliss said the Deed on this strip of land will soon be recorded, and at the present time it is being photostated. The Deed shows that the Gunston Manor Association, Inc. owned and conveyed all this strip of beach property to the present Gunston Manor organization. He prepared the Deed, Mr. Chambliss continued, which describes the land between the lots and the river as being dedicated to public use. The width of the strip, however, was not designated - Mr. Chambliss thought perhaps it was ten feet or more. The Deed of dedication and the plat attached show the strip of land between those lots and the river, Mr. Chambliss continued. If there has been a change in the area by erosion, the applicant must show that his lot frontage is on the water itself.

The question was asked if it was assured that the beach strip is shown on the plat. It was brought out that the recorded plat of the subdivision does not show this strip.

Mr. Mooreland questioned if this Deed would stand up, as it does not show the derivation of title. Mr. Chambliss answered that the original Association owned all this land to the river and subdivided it leaving this strip of beach between the lots and the river. There are two Deeds executed conveying that strip, Mr. Chambliss pointed out - on other lots. He stated that he was satisfied that this strip continued on all of these lots and he felt also that Mr. Davis would be in litigation if he attempted to break the restrictive covenants.

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DEFERRED - Ctd.

4-Ctd. HOWARD DAVIS -

Mr. V. Smith recalled that Mr. Davis claims that at least 25 feet of his lot is now under water. Mr. Davis said at high tide he has about 75 feet of land - the balance of the lot - about 30 feet - has eroded. He has filled the lots adjoining his property and put in a sea wall. He plans to continue filling along these lots. At low tide, Mr. Davis continued, especially when the wind blows,the water goes out as far as 200 feet. He figured that he has 30 feet on the beach.

Mr. Chambliss suggested that the Board should have a survey on this to show the exact extent of Mr. Davis' lot, and perhaps a title search. Also that the Board should know the Deed restrictions.

Mr. David said he knew nothing of the Deed restrictions, and he had bought these lots with a 100 foot depth.

Mr. Chambliss offered to check the records for the Deed restrictions.

Mr. V. Smith noted that the Deed, which is being put on record at this time, does not give a description of how much land along the river belongs to the Association.

Mr. Gladstone Butler - recalled that the original Deed says the strip goes to the low water mark.

Mr. Chambliss and Mr. Davis left the room to check the Deed restrictions. Upon their return, Mr. Chambliss read the restrictions to which he had referred earlier. The duration of covenants was discussed - Mr. Chambliss advising that covenants go with the land, but that covenants can be lifted if the property owners have no objections - however that manner of removing covenants might be questioned by the Courts.

Mr. Brookfield suggested that if the Board denied this case and if subsequently Mr. Davis has a survey and finds he is right - a court action might follow.

Mr. V. Smith moved to deny the case because there are restrictions on the land which prohibit any commercial undertaking on these lots and there is a question of the ownership of the strip of land between the applicants property and the river and this use is not in keeping with the intent of the Ordinance and it appears that it will adversely affect neighboring property.

Seconded, T. Barnes

Carried, unanimously.

Mrs. Embrey thanked the Board for their courtesy and fairness, and for their final action.

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NEW CASES

2- GRACE B. AND CUTLER SMITH, to permit a duplex dwelling under 6-12 Sub. Sec. 6 on approximately 3 acres of land, (3404 Virginia Ave.), Dranesville Dist. (Rural Residence - Class I).

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Mr. Wesley Cooper represented the applicant. This case was brought to the Board, Mr. Cooper explained, because of a complaint from the neighborhood. Under section 6-12-6, Mr. Cooper pointed out, the Board has the authority to grant this use if it is found to be in harmony with the purpose and intent of the Ordinance and if it will not adversely affect neighboring property. The site has more area than required by the Ordinance as they have requested in the application that the entire tract owned by Mr. and Mrs. Smith be included in this granting.

Mrs. Henderson asked if the applicant had submitted a floor plan and if this had been passed on by the Planning Commission as required in the Ordinance. There was no floor plan, and the case had not been before the Planning Commission.

Mr. Mooreland told the Board that permit was issued on this lot for a single family dwelling, which later was converted to two family use. The basement is a complete apartment. It was never granted for duplex use. The use of the entire tract was questioned by Mrs. Henderson since the parcel on which the house is located is in the name of Cutler and Grace B. Smith and the adjoining parcel is in the name of Grace B. Smith. Mr. Mooreland thought the entire tract could be tied up - since the application asks for the full three acres.

Mr. V. Smith noted that the plat did not give the full dimensions of the property and since there was no recommendation from the Planning Commission and no floor plan the Board could give no decision. However, since there appeared to be considerable opposition present - the Board agreed to hear the case, but leave a final decision until the floor plan is presented and a recommendation is received from the Planning Commission.

Mr. Frogale, who was present in opposition, also questioned the tying up of the entire tract, however, it was agreed that in order to convey any portion of either tract it would require the signatures of both owners, since husband and wife are involved.

Mr. William Dickinson appeared in opposition to this case. He was under the misapprehension that by granting this case it would allow the entire three acre tract to be developed in duplex houses. Mr. Dickinson said the neighborhood was opposed to this and the opposition would file four petitions with something more than forty names objecting. (The objecting petitions were filed).

Mrs. Ayres objected, describing the area as being attractive - with homes ranging up to $40,000 and stating that this use would be out of keeping with the area. She thought it would devaluate property.

NEW CASES - Ctd.

2-Ctd. It was brought out that the people signing the petitions all lived within a few blocks of the Smiths.

Mr. Frogale, who is the next door neighbor, stated that he was the one who complained to the Zoning Office regarding the duplex use of the Smith's home. He quoted from the Ordinance the statement that in granting such a use it should be established that it would not adversely affect the neighborhood and the general welfare of the community. Mr. Frogale expressed the opinion that this does adversely affect the area - that his own $40,000 home which he has had up for sale for over a year has been reduced in value as evidenced by the real estate people who have tried to sell it. When prospective buyers inquire about the house next door and find the duplex use - they are no longer interested.

Also Mr. Frogale objected to the safety hazard - so many cars coming and going have made it dangerous for children in the area. The fact of the music school permit, which was granted to Mrs. Smith some time ago, also adds to the incoming cars. This house faces on a curve which increases the hazard in backing out of the driveways.

Mr. Frogale objected for Mrs. Hardy, who lives across the street from the Smiths. Mrs. Hardy could not be present.

Mrs. Henderson asked how four people (Mrs. Smith had stated that there are four in her family) could create so much traffic. It was brought out that there are eight living in the house.

Mr. Mooreland told the Board that a law suit was pending between the Smiths and the Frogales - however, Mr. Frogale said that suit had been settled and this application had nothing to do with that.

If the Board wishes to deny the case, Mrs. Henderson suggested, according to the Ordinance, it could be done without recommendation from the Planning Commission - that a recommendation from that body was necessary only in case of granting. But in her opinion it could be denied without recommendation.

Mr. Cooper asked that the Board have that recommendation before making any decision, that the Commission's investigation might bring to light some things not presented at this time. He also thought the Commission should view the property.

The area was discussed again - particularly the fact that the house is presently located on a lot of record which is far below frontage and area requirements, and the adjoining area is owned by Grace Smith alone, as a separate parcel. Mr. Mooreland thought the separate ownerships made no difference - if the entire area is included in the application.

Mr. J. B.Smith moved to defer the case to view the property and to have the recommendation of the Planning Commission and for the applicant to present a floor plan. Deferred for 30 days.

NEW CASES - Ctd.

2-Ctd. For the motion: J. B. Smith, T. Barnes, J.W. Brookfield

Mr. V. Smith voted "no" and Mrs. Henderson did not vote.

Motion carried.

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Mr. Frogale said he would like the Commonwealth's Attorney's ruling on whether or not this could be granted on all of the property if the two lots are recorded in different names.

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The Board adjourned for lunch

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3- C. W. PERRIN, TRUSTEE, to permit existing dwelling to remain within 38 feet of the Street Property line and permit future Lots 1 and 14 to have less Street frontage than allowed by the Ordinance, (Prelim. plat Resub. Lot 6 Maria G. Bailey Estate, not recorded), 1200 feet north of Columbia Pike on west side of South Carlyn Spring Road, Mason District. (Suburban Residence District Class II).

Mr. Tolbert represented the applicant. This is a long narrow strip of land, Mr. Tolbert pointed out, on which all lots conform to requirements except the two lots at the intersecting corner of Maria Drive and Spring Lane. Because of the direction of Carlyn Spring Road at the one end of this strip and Spring Lane at the other, Mr. Tolbert pointed out this road is put through at an angle which cuts down the width of these two lots. Had the road been parallel the width of these lots would have been within corner requirements. The Subdivision Control Office has seen the plat, Mr. Tolbert explained, and will okay it if this variance is granted by the Board. Most of the lots on the street have a greater area than required, Mr. Tolbert said.

However, Mr. V.Smith noted that ten of the lots are under the average requirement and only four are over.

It was noted that, according to the plat, a dwelling exists on Lot 6 as well as Lot 7 - on which a variance is asked. Mr. Tolbert said either the lot line between these two lots will be adjusted or the house on Lot 6 will be removed. They are asking the setback variance on only the house on Lot 7.

Mr. V. Smith moved to grant the application as shown on preliminary plat "resubdivision on Lot 6, Maria G. Bailey Estate" plat by Carson V. Carlisle, C.L.S., dated July 19, 1956. This specifically grants the variance from a 40 foot to a 38 foot setback for the existing dwelling on Lot 7 and a variance from 105 foot to 96 foot frontage on Spring Lane on Lots 1 and 14, but this granting specifically excludes any variance on any other lot in the subdivision. This is granted because it conforms to the hardship clause - this being an irregular shaped piece of land.

Seconded, T. Barnes

Carried, unanimously.

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NEW CASES - Ctd.

4- W. E. KETLAND, to permit erection and operation of a dog kennel at 3911 Richmond Highway, Lee District. (General Business).

Mr. Louis Coyner represented the applicant. The proposed kennels will be at the rear of the lot - shown on the plat - 16 feet from the rear line. There is no development to the rear, Mr. Coyner told the Board, and this is generally a business zoned area.

Mr. J. B. Smith questioned the class of zoning at the rear - which would determine the setback. Mr. Mooreland checked the zoning and found it to be Suburban Residence Class III - 17,000 square foot lots.

There were no objections from the area.

Mr. V. Smith moved to grant the application provided the building for the use come not closer to the rear lot line than 20 feet, including the runs for the kennel, and provided the applicant furnish parking space for all users of the use of the property.

It was not certain whether or not the property on both sides adjoining the applicant's property is zoned for business - therefore not certain if the buildings could be placed to the line. Therefore, Mr. V. Smith withdrew his motion and moved that the application be granted provided the use, including the kennels and the runs, shall not come closer than 20 feet to any property zoned residential, provided the applicant furnish parking space for all users of the use. This is granted because it appears to be a logical use for the property and it does not appear to adversely affect adjoining property. This is granted as per plat presented with the case by Wesley N. Ridgeway, C. S., dated September 14, 1956.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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5- S. S. FRALEY, to allow dwelling to remain as erected 29 feet of Oak Street Lot 11, Section 4, Groveton Heights, (508 West Oak Street), Lee District. (Suburban Residence).

The applicant stated that this house was located in line with the two houses on adjoining lots, not taking into account the angle turn of Oak Street. However the houses down the opposite direction, within the same block are all set back 25 feet. It was noted on the plat that the setback line established by the developer of the subdivision is 25 feet. This is an old subdivision of record, Mr. Fraley continued, which does not meet present requirements. There is a gravel pit immediately joining his property on the south - for about 200 feet, Mr. Fraley said, then there are four houses with the 25 foot setback.

This is an old subdivision and the house in question was built in 1947.

NEW CASES - Ctd.

5-Ctd. Mr. T. Barnes moved to grant the application, because it does not appear to adversely affect adjoining property and houses within the same block have the same setback and this is an old subdivision of record.

Mr. V. Smith questioned whether or not this case should have come before the Board - he quoted from the Ordinance regarding an established setback and noted that the houses which are set back 25 feet are within the same block as the one in question. Mr. Mooreland called attention to the fact that the adjoining house on the opposite side has a 47 foot setback.

Mr. V. Smith seconded the motion

Carried, unanimously.

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6- ROBERT B. HARRIS, to permit erection of a greenhouse closer to Street property line than allowed by the Ordinance, (68 feet), on south side #673 opposite junction #785, Providence District. (Rural Residence Class II).

Mr. Harris told the Board that he is the owner and operator of a nursery on his property. He wishes to attach the greenhouse to the small existing building which is located 67 feet from the roadway. The greenhouse proper would be 68 feet from the road. Since the road is about 5 feet below his property - the greenhouse would not be visible upon approach.

If he is required to meet the 100 foot setback, it would mean constructing an entirely new building. As it is he can use the existing building for storage of things used in connection with his greenhouse. Also if he met the 100 foot setback - with a new building - it would be necessary to construct a new road to the building and to remove many hundreds of plants and to change the electric and water installations - which he now has connected into this building. This greenhouse would be only 8 feet high and 10 feet wide and about 40 feet long. It would be constructed of glass and aluminum.

The existing building was originally put up in 1953 for a pump house - or at least the permit was issued for that purpose. It is 12 x 16 feet.(It was agreed - a little large for a pump house). The pump house is about 20 feet from the well, Mr. Harris said, so located so it would not be near a tenant house on his property. There would be no new entrance from the road into his property, Mr. Harris said. Mr. Harris presented a statement from four neighbors saying they had no objection to the greenhouse.

The directional location of the greenhouse - in order to catch the sun - was discussed. Mr. Harris said it was located by a greenhouse expert - he thought it was so located to give the greatest efficiency.

It was brought out that the road is 18 feet wide or less, with a black top of only 11 feet - which would bring the building considerably closer to the right of way if the road were widened. (Approximately 61 feet).

Mr. Harris said there were many homes on this road within 12 feet of the present right of way.

6-Ctd. Mr.V. Smith said in his opinion the Board could not grant this because no hardship had been shown and there are alternate locations on the property for the greenhouse.

Mr. Harris said it would be a serious hardship if he had to re-locate the electric and water lines, and move the several thousand plants which are practically covering all the balance of his land.

Since this is a permanent retail establishement and the applicant will sell from the greenhouse, Mr. V. Smith thought this should conform to requirements. He questioned the hardship caused by moving the plants - since moving plants is constantly done by nurserymen.

Mrs. Henderson moved to deny the case because it is a large variance from the requirements of the Ordinance and there appears - on the nine acre tract - to be alternate locations.

Seconded, Mr. V. Smith

Carried, unanimously.

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8- JACK RASKIN, to permit tool shed to remain as erected within two feet of the rear property line, Lot 3, Block 4, Section 2, Bush Hill Woods, Lee District. (Suburban Residence).

The tool shed will not have an adverse affect on the property adjoining to the rear, Mr. Raskin said, since his rear line is adjacent to the Bush Hill School. Mr. Raskin said he started this shed about a month ago. He put in the concrete slab and started building, not knowing it was necessary to have a permit. The building inspector caught him. He has about $150.00 in this shed now. Since the ground slopes down considerably, it would be difficult to relocate the shed, Mr. Raskin stated, and expensive.

There were no objections from the area.

Mr. V. Smith moved to grant the application because it does not appear to adversely affect neighboring property since the school owns the neighboring property to the rear and there is a topographic condition.

Seconded, Mr. T. Barnes

Carried, unanimously.

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7- GILBERT Z. AND RACHEL I. MYERS, to permit carport to remain four feet from side property line, Lot 155, Section 2, City Park Homes, (720 Chestnut Ave. Falls Church District. (Urban Residence).

Mr. Hugh Myers represented the applicant. When the applicant bought this property in 1955 the carport was built, located four feet from the side line. Since that time he has put on an addition bringing the carport to within one foot of the line - which would mean only a one foot variance. He will allow the two foot overhang of the roof.

Mr. V. Smith moved to grant the application so that the posts supporting the carport may come within four feet of the property line, but that no variance be granted on the roof. Granted because this does not appear to adversely affect neighboring property.

NEW CASES - Ctd.

7-Ctd. Seconded, T. Barnes

Carried, unanimously.

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9- PHILLIPS PETROLEUM COMPANY, to permit erection and operation of a service station and permit pump islands within 30 feet of Street property line, Lots 3 and 4, Rolling Hills Subdivision, (N. E. corner of Lee Ave. and #1 Highway). Mt. Vernon District. (Rural Business).

Mr. W. T. Mann represented the applicant. The proposed building would be 81 feet from the south line, Mr. Mann explained, 43+ feet from the rear line and 76 feet from the front property line.

There were no objections from the area.

Mr. V. Smith moved to grant the application as shown on plat by C. J. Cross, C.S., dated October 3,1956, provided the applicant construct a decellerating lane on the north side of Rt. U. S. #1, which will conform to the State Highway Commission's requirements and that ingress and egress conform to the State Highway requirements.

Seconded, Mrs. Henderson

Carried, unanimously.

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10- RALPH MULLEN, to permit operation of a Golf Driving Range and a Miniature Golf Course, on west side of Backlick Road just south of Southern Railroad, on 24.66 acres of land, Mason District. (Suburban Residence Class I).

Mr. Mullen located his land with relation to the Southern Railroad, Backlick Road, St. Marks Church, and the proposed belt highway - which is shown on the map as running through his property. Mr. Mullen said he had tried to learn the exact location of the belt highway and the interchange at its intersection with Backlick Road, but had been unable to do so. However, since the County wishes to keep the entrances clear to the Belt Highway, it is not practical to build houses on this property, therefore he is asking this as a temporary use of his property until the highway route is firmly fixed, and he knows how much property the State will take - and where. This property will probably be best suited to some recreational use in the future, Mr. Mullen said.

Mr. Mullen noted the location of the Tee, which is very near the Church, which they will move if the Church Board wishes. However, it would appear to be the best location for a full driving range.

Mr. Mullen was of the opinion that this property is not suitable for homes - under any circumstances - that it very well could be developed into a recreational area, a National Guard Armory, or some similar use for the permanent good of the community.

The Chairman asked for opposition.

10-Ctd. Mr. Doyle, from Lynbrook spoke representing the Springfield Citizens' Assn. A resolution, opposing this use, was passed at the October 17th meeting of the Association. The resolution outlined the location of this property with relation to homes, stating that it would be detrimental to the Luthern Church, to land values, and the cultural, recreational, and religious activities in the Springfield area.

The Board was requested to deny this petition because this use would be detrimental to immediate properties; and to the Luthern Church which is joining this property on one side; since Backlick Road is a main thoroughfare for Springfield, linking it with North Springfield, the driving range and miniature golf course would create a hazard, detrimental to the overall area; a non-commercial recreational area or something similar would be more in keeping with the area.

The Association also asks if the Board has legal jurisdiction to grant a "Miniature Golf Course" under section 6-4, item 15-c of the Ordinance. It is the belief of members of the Association that "golf course" means the regulation nine or eighteen hole course - which is in keeping with a residential area, and not a commercial type "Miniature" golf course.

Mr. V. Smith thought the wording "Clubs and grounds for games and sports" would include miniature golf courses - even though they are purely commercial in character.

Mr. Saalpach filed a statement with the Board from Mr. W. H. Baatz opposing this use for the Men's Club and for himself. Mr. Baatz lives one-half block from the Church.

Mr. Saalpach stated that Mr. Mullen had said he would hold this land for 30 days to learn if the Springfield Association would take it over for a large recreational project - however, Mr. Saalpach said they were planning a large bond issue to take care of that - and which could not be settled within 30 days.

Mr. Saalpach presented a long statement detailing the opposition of St. Marks Luthern Church - asking the denial of this application for the following reasons:

It would be a financial hardship on the congregation of the Church. It will be necessary to expand the Church facilities - and a honky-tonk type of development next to theChurch would no doubt impair getting a loan and such location would also make it difficult to attract new members; this use would interfere with worship services because of the nearness of the Tee, flood lights and noise; the use would lessen tax values, detract from Church recreational activities which are important in reducing youth deliquency; it would endanger young children going to the Church; this would not be a hardship for Mr. Mullen if the case is denied - as Mr. Mullen has stated he would build homes on it if denied; this use is incompatable with a Church as evidenced not only by Church members but others in the community;

10-Ctd. the Church was located here before Mr. Mullen bought the property; Backlick Road has a hill at the Church property and immediately to the south of the hill is a dangerous intersection where it joins Amherst Avenue. The blind brow of the hill would create a hazardous traffic situation; this commercial use is incompatable with the residential area which surrounds this property on three sides; this use would be a distraction to school children in Lynbrook School and a commercial project near a school is not appropriate; if this use is installed it would increase the cost of condemnation for the Belt Highway; and last - the Board of Zoning Appeals lacks jurisdiction to grant this as a "golf course" as the intent of the Ordinance does not include a commercial "miniature golf course".

The bad intersection at Backlick Road and Amherst was again discussed, where it is difficult to see cars approaching both from the north and south on Backlick Road.

Mr. Gus Johnson opposed, for reasons stated, representing himself and the North Springfield Civic League.

Mrs. Ghizzoni also objected for reasons stated.

Mr. Blacksford presented a petition with 117 signatures, all signers living within a few blocks of this property, objecting. Mr. Blacksford objected to the carnival-like aspect of this project, and it's detrimental affect on surrounding property, which is developed in a good class of homes.

Mr. Dwornick, who lives two houses from the Church, objected for reasons stated.

There were about 12 present objecting.

Mr. Mullen said he was very sorry this property was so near the Church. Mr. Mullen recalled his activities in helping to reduce traffic on Backlick Rd., and of his desire to have recreational facilities for the area. Since it has been impossible to start a community recreational center - he thought a commercial recreational area was necessary.

He will be glad to relocate the Tee, Mr. Mullen continued.

No one can tell just what this property will be good for, Mr. Mullen continued, when the Belt Highway is in - certainly there will be considerable traffic in this area. This may not be the best use, but under any circumstances it will be temporary and it will give him some return from the property during the time before the State can take the land - and Mr. Mullen said he preferred that the use be recreational in character.

Mr. V. Smith moved to defer the case for two weeks (November 13) for further study.

Seconded, Mr. T. Barnes

Carried, unanimously.

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NEW CASES - Ctd.

11- H. A. WARD, to permit an addition to dwelling 10 feet of side property line, Lot 27, Tremont Gardens, (127 Fairmont Street), Falls Church District. (Suburban Residence).

This house was built in 1940 and was located 10 feet from the side property line. This addition would be located on the 10 foot setback side - but it would come no closer to the side line than the existing house, extending to the rear of the house. It will be a room on the rear of the house. There is now a porch on the rear - this will be extended and enclosed. The driveway into the yard is on the opposite side of the house. If the room were put on that side it would cover the kitchen and would not be properly accessible to the balance of the house.

There were no objections from the area.

Mrs. Henderson moved to grant the application because this is an old lot of record, in an old subdivision and it is an extension of the building wall which is already existing and will not adversely affect neighboring property.

Seconded, Mr. T. Barnes

Carried, unanimously.

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12- WILLIS F. KERN & WILLIAM G. EVANS, to permit dwelling to remain as erected 48.2 feet of Norfolk Avenue, Lot 131, Section 3, Wakefield Forest, Falls Church District. (Agriculture).

The previous owner had started this house, Mr. Kerns told the Board, and he completed it. He realized that the house was too long and narrow to be attractive or salable. Therefore, he contacted his architect who suggested a cantilever projection across the bedroom area. However, he then discovered the overhang was 1.8 feet in violation of the setback. To make this conform it would be necessary to take off the cantilever projection which, Mr. Kern said in his opinion would make the building look freakish. This is a corner lot and the setback from the other street (Sherando Lane) is beyond requirements. When they discovered this was in violation - they stopped work. It was noted that the house is about 50 feet from the rear line. Mrs. Henderson suggested increasing the house toward the rear where there is sufficient room. That could have been done, Mr. Kern agreed, had he known of this violation, but he had thought the setback would allow this projection.

Mr. Kern called attention to the fact that the house would not be in violation if it were not for the overhang, and also that a bay window could project three feet.

There were no objections from the area.

The garage is attached to the house. The projection will break the long 78 foot frontage of the house.

Mr. V. Smith moved to grant the application because the house is well back from the Highway line, therefore creating no abstruction on the corner lot and because it is a slight variance and it does not appear to adversely

NEW CASES - Ctd.

12-Ctd. affect neighboring property and this is granted subject to plat submitted with the case by Harry Otis Wright, C. E. and L. S., dated October 8,1956 entitled "House Location Survey". "Lot 131, Section 3, of Wakefield Forest."

Seconded, J. B. Smith

Carried, unanimously

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DEFERRED CASES:

1- MAX SINGLETARY. The carport is completed, Mr. Singletary told the Board. It is the only logical location for the carport to be in harmony with the design of his house and for effective use. There are no objections from the area,Mr. Singletary told the Board, in fact many of his neighbors are present wishing to state before the Board that they only do not disapprove of this but believe it is an addition to the neighborhood.

Mr. D. M. Battle thought this a distinct improvement and it would not in any way be detrimental to the neighorhood.

Mr. Joe Cowan agreed that this is an improvement and not detrimental to the area. He thought there were many houses in Parklawn which are closer to the side line than this. Mr. Cowan thought the Board should protect people in areas from conditions which depreciate property - but certainly should allow any improvements.

Mrs. John Howdershall, who sold the property to Mr. Singletary and on whose property Mr. Singletary has built very satisfactory homes in the area stated they had no objections. She felt that Mr. Singletary had been an asset to the community and would not do anything detrimental. She felt this would not be objectionable to anyone.

Mr. A. di'Girolamo stated that Mr. Singletary had built his house and many other homes in the area, which have been very satisfactory. Since Mr. Singletary's house is to one side of the lot this is the only way a carport could be put in which would be in keeping with the architecture and still have utility.

His garage will be located at the rear, Mr. Singletary told the Board. His addition is 32 feet from the house on Lot 120, adjoining. However, he cannot buy property from this adjoining land owner to make this conform as it would reduce the lot size below Ordinance requirements, and because of septic field requirements.

Mr. Singletary admitted that he did know the Code regulations, and he built the carport knowing he was in violation. The topography is reasonably good the lot is mostly level.

Each of the neighbors present expressed appreciation of Mr. Singletary - both as a neighbor and as a builder.

Mr. V. Smith commended Mr. Singletary on his contribution to the neighborhood, but the fact that he completed this addition knowing he was in violation of the Ordinance, in his opinion, was not to be passed over. Mr. Smith

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1-Ctd. said he felt that if he voted for this variance - it would be in violation of his oath as a member of the Board of Appeals, therefore, he would move to deny the application as it is a gross variance from the Ordinance and no undue hardship has been shown and it would appear that there is an alternate location for the carport on the property.

Seconded, T. Barnes

For the motion: V. Smith, Mrs. Henderson, J. B. Smith, and Mr. Barnes.

Mr. Brookfield voted "no".

Motion carried to deny.

Mr. Singletary asked if he could cut off 4 feet of the carport.

Mr. V. Smith recalled that this case had been deferred for three times and Mr. Singletary had had sufficient time to amend his application had he wished.

Mr. T. Barnes moved to reopen the case.

No second.

The motion stood.

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2- LUTHER N. GROVES. Mr. V. Smith moved to defer the case until November 13, 1956 to hear from the Building Inspector's office.

Seconded, J. B. Smith

Carried, unanimously.

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5- W. R. TOMLINSON, to permit operation of a school for retarded children, Lot 6, Block A, Resub. Part of Holly Park, Providence District. (Rural Res.)

This was deferred for report from the Fire Marshall and the Health Dept.

Mrs. Tomlinson showed a statement from the Fire Marshall saying he had no jurisdiction if the applicant has only six pupils. He would be glad to co-operate with her in any way and would make inspections to assure safety of these childre. However, if she exceeds 10 children, certain changes would be necessary in her building.

There was no report from the Health Department.

Mr. V. Smith stated that while he had the deepest sympathy with Mrs. Tomlinson and her problem, he did not think this was a suitable location for any school, therefore he would move that the application be denied because he does not think it is in keeping with the character of the neighborhood and in his opinion it does affect adversely the general community and neighboring property.

Seconded, Mr. T. Barnes

Carried - all voting for the motion except Mr. Brookfield, who voted "no".

DEFERRED CASES - Ctd.

Mr. Wise Kelly suggested two buildings in the County which might be used for a school for these retarded children. One building has been used as a public school and some arrangement might be made with the School Board for its use for this purpose. Also another private school which will be available - might be used.

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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 13, 1956 in the Board Room of the Fairfax County Courthouse, at 10:00 o'clock a.m., with all members present.

The meeting was opened with a prayer by Mr. Verlin Smith

DEFERRED CASES:

1- FAIRFAX AMUSEMENT CORP., to permit erection of a sign (marquee) larger than allowed by the Ordinance, (approx. 225 sq. ft.) at N. W. corner of #29 #211 and #608, Centreville District. (Agriculture).

The applicant had asked that this case be put at the bottom of the list in order that Judge Rothrock might be out of court.

Mrs. Henderson moved that this case be heard at the end of the meeting.

Seconded, Mr. T. Barnes

Carried, unanimously.

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Mr. Mooreland asked if the Board would reconsider the Kogood and Berman case which was denied by the Board at the October 9th meeting. It was agreed that if the applicant has new evidence which could not logically have been presented at the original hearing - they would hear the presentation at the end of the meeting.

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The Board discussed change of dates for the December hearings as the second meeting would fall on Christmas Day.

Mr. V. Smith moved that if some emergency developes a meeting of the Board of Appeals would be held on December 18th, otherwise the Board will hold one meeting in December - December 11th.

Seconded, J. B. Smith

Carried, unanimously.

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2- ROBERT J. PARCELLES, to permit erection of a sign with greater area than allowed by the Ordinance, Part of Lot 5, East Fairfax Park, Providence District. (General Business).

Mr. Hugh Tankersley represented the applicant. Mr. Tankersley presented plats of the re-designed sign, which would reduce the overall size by about 30 square feet. The space below the lettering, a box of about 3 square feet, Mr. Tankersley said, was reserved for specials or dinner meetings. This sign will have about 96 square feet of permanent sign area - exclusive of the boxed area below, which will vary, and having an area of about 16 square feet in the base - a total of 112 square feet.

Mr. Tankersley explained the difference in sign visibility - according to size of the letters and distance: the 30 inch (Diner) lettering would be visible for a distance of 1250 feet in red, 950 feet in blue, and 820 feet in green; the 16 inch (Streamliner) would be visible for 650 feet in red, and 500 feet in blue; the 12 inch (Restaurant) sign would be visible for 525 feet in red, and 395 feet in blue; the 6 inch lettering would be visible for 200 feet in red and 150 feet in blue. These distances are figured on a basis of 55 mile per hour speed limit.

2-Ctd. In his opinion, Mr. Tankersley said, the Board can grant this on a hardship basis since the applicant has an investment of $100,000 with a sign which can be seen for a distance of only 150 feet.

Mr. V. Smith asked if all the lettering on the sign was necessary to relieve the hardship - he thought the sign could be reduced.

Mr. Tankersley said the full sign was needed to show that this is a restaurant and that it has a dining room - this will attract people which a sign simply indicating this to be a diner would not. The sight distance of the words "Streamliner" and "Restaurant" is necessary in order that the tourist see these words very soon after the first attraction to "Diner" in order that the motorist can slow down. "Diner" alone would not attract the same people as the word "Restaurant". The fact of a restaurant is important in that it gives the place a different character. If the motorist sees the "Restaurant" sign and begins to slow down he can then read the 6 inch lettering which tells that this is also a dining room - air conditioned - and then the specials become visible.

Mr. Tankersley showed pictures indicating the location of the present sign which would be taken down, and indicating where this sign would be located. The sign will be far enough from the right of way not to obstruct traffic and the sign proper will be from 12 to 13 feet above the ground - which would not affect visibility. The total sign is 25 feet high.

Mr. V. Smith questioned how many other signs would be on the property. He thought the Board should have the square footage of total sign area. It was noted that signs are painted on the diner and that a Fussell ice cream sign is also on the property.

Mr. Tankersley thought no other signs would be necessary, and that they would remove the Fussell sign. The one sign on the building is not necessary, Mr. Tankersley thought, however he did not think it was doing any harm and it probably was of some benefit to the applicant.

Mr. V. Smith moved that the application be granted as shown on plat marked 11-9-56 - 1"-1'-0", provided that the area shown on the sign with lines with dimensions of 30" and 6' be deleted from the sign and that the sign now existing on the property advertising Fussell ice cream be removed and that no additional signs be constructed on the property. This is granted because of the speed limit passing the property, which is 55 miles per hour, and because it appears to be a hardship to adhere to a 60 square foot minimum sign. And, Mr. V. Smith added to the motion that when the applicant gets his permit from the Zoning Administrator's office, he present a sketch of the existing sign on the building and also when he gets his permit the applicant present a plat showing the location of the sign on the property. This is granted provided that no part of the sign shall be closer than 2 feet from the property line.

Seconded, J. B. Smith

Carried, unanimously.

DEFERRED CASES - Ctd.

3- PAUL A. MILLER, to permit erection of carport and storage area within five feet of side property line, Lot 156, Section 4, Hollin Hills, (241 Martha's Road), Mt. Vernon District. (Suburban Res.).

This was deferred for redesign of the carport and storage area. A letter was read from Mr. Miller saying he could not re-locate nor re-design the carport - he would ask the Board to grant this requested variance.

Mrs. Henderson moved to defer the case until December 11th, to view the property.

Seconded, J. B. Smith

For the motion: Mrs. Henderson, J. B. Smith, T. Barnes

Mr. V. Smith and Mr. Brookfield voted "no".

Motion carried.

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NEW CASES:

1- ROY BRAGG, to permit erection of dwelling 25 feet of G Street and 20 feet from Mt. Vernon Boulevard right of way line, Lots 20, 21, 22, 23, 24 and 25, Block 42, New Alexandria Subdivision, Mt. Vernon Dist. (Urban Residence).

Mr. Green represented the applicant. This area has been fairly well built up, Mr. Green pointed out. It is an old subdivision with many 25 foot lots. In the acquisition of right of way for Mt. Vernon Memorial Highway these six 25 foot lots were cut down in depth - to leave this triangle for which they have designed this attractive house. The area is comparable to other lots in the area but because of its peculiar shape (triangular) it was difficult to get the house on the property without a variance. The house is well designed and is in keeping with homes in the neighborhood, Mr. Green continued, and it is so located not to affect visibility from the street. There is a 20 foot alley to the west which is not used nor is it cut through. A letter was read from the National Park Service stating that there are no Government restrictions with regard to setbacks from the Memorial Highway, which would affect this.

Mr. Gumsey appeared in opposition, stating that he lives on G Street and had hoped that there would be no building between his house and the Boulevard. He thought that the addition of this house would tend to crowd the neighborhood and the Boulevard, and it would cut off his view.

Mr. Stanley Calvert, representing the Riverview Citizens Association which includes this area, stated that the Association had voted to support Mr. Bragg's application.

Mr. J. B. Smith noted that the house planned for this lot was very well designed to fit the area.

Mr. Green admitted that this building would - to some extent - obstruct Mr. Gumsey's view, but he felt that since this is a usable lot the owner should not be restricted from using it and since the house was well planned and in keeping with the area and would not in any way depreciate any property in the area, it should be granted. He recalled the care with which this house

NEW CASES - Ctd.

1-Ctd. had been designed to fit the ground and the shape of the lot, and since there was no encroachment on the Boulevard it would not appear out of line to grant. Since this is an old subdivision with a 25 foot setback restriction - they have met that old setback line.

Mr. Calvert called attention to the fact that the applicant is using six lots whereas according to the Ordinance more than one house could be built here - because of the old recorded lot sizes. He thought the area was greatly improved by the one attractive house. It was noted that variances had been granted on 10th Street.

Mr. V. Smith suggested that the 20 foot alley leading off of G Street on which Mr. Bragg's property borders, should be abandoned. Mr. Green thought that since the alley has never been put in and is used for extension of the two adjoining yards - it was really better to leave it. There are about 30 feet between the Bragg house and the nearest neighbor.

Mrs. Henderson moved that because of the peculiar shape of the lots the application be granted with the proposed house location as shown on plat dated September 25,1956 and marked A-922 - presented with the case.

Seconded, Mr. V. Smith

Carried, unanimously.

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2- SPRINGFIELD ESTATES, to permit dwellings and carports as erected closer to Street and side lines than allowed by the Ordinance, Lot 10, Block 10, Section 1; Lot 9, Block 10, Section 1; Lot 9, Block 9, Section 1; and Lot 1 Block 5, Section 1; Springfield Estates, Lee District. (Urban Residence).

Mr. Ed Holland represented the applicant. He had no excuses for these errors - stating that they were gross carelessness. However they are small variances, Mr. Holland pointed out, and will not adversely affect the neighborhood nor the immediate area. This is a mass-production job - they work fast and in the end mistakes are almost inevitable, Mr. Holland explained. These houses are all completed.

On Lot 10, Block 10 the total distance from the building to the lot line is 14' 10", the carport coming 4' from the line at one point and 3.5' from the opposite corner. Therefore, they need a variance of 7.5 inches or .72 feet Mr. Holland pointed out - the balance of the building is within restrictions. This occurred in a slight shift in the stakes.

Mr. Holland noted that none of these errors could be corrected by resubdivision - however, they did find three other errors which were corrected by re-subdivision.

On Lot 9, Block 10, the encroachment amounts to 5'. This is on a curved street which probably caused the error, but which is not noticeable because of the irregularity in the street line.

NEW CASES - Ctd.

2-Ctd. On Lot 9, Block 9 they need only .74' on the front setback. This also is on a curved street.

Lot 1, Block 5 is a corner lot and it was noted on the plat that the house has been turned slightly, creating this encroachment at one corner. The violation is .65' - equal to 7 inches. Mr. Holland called the Board's attention to the fact that the other setbacks on this are greater than required. There was sufficient room on the lot for full compliance with requirements. This is also true of Lot 9, Block 10, which is a corner lot, Mr. Holland continued.

These mistakes are all slight, Mr. Holland noted, and are not noticeable and do not in any way change or affect the area. The curved streets and corner lots are the only reasons he could give for the errors, Mr. Holland said. The lots are large enough - it was not a matter of squeezing area.

There are about 487 lots to be built upon, Mr. Holland said, in other sections of Springfield Estates, and he hoped there would be no further errors necessitating a trip to this Board.

There were no objections from the area.

These are one story homes, Mr. Holland told the Board - about 15 or 16 feet high.

Mr. V. Smith moved that the variance on Lot 10, Block 10, Section 1, be granted as shown on plat by Edward S. Holland, dated September 14, 1956; that the variance on Lot 9, Block 9, Section 1, be granted as shown on plat by E. S. Holland, dated September 14, 1956; and that the variance on Lot 1, Block 5, Section 1 be granted as shown on plat by E. S. Holland dated Sept. 12, 1956 - these are granted because the variances are slight and do not appear to affect adversely neighboring property.

Seconded, J. B. Smith

For the motion: V. Smith, J. B. Smith, T. Barnes, Mr. Brookfield

Mrs. Henderson voted "no".

The motion carried.

Mr. V. Smith moved that the variance on Lot 9, Block 10, Section 1 be deferred for the applicant to try to work out less of a variance as shown on the plat submitted with the case. Deferred until December 11th.

Seconded, Mr. J. B. Smith

Carried, unanimously

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3- P. K. BETTS, to permit carport to remain as constructed, Parcel A, Bett's Addition to Lake Barcroft, (corner of Nevins Street and Knollwood Drive), Mason District. (Suburban Residende).

Mrs. Betts discussed the case with the Board. This house was built in 1940, Mrs. Betts told the Board - the old carport was located as shown on the plat - back of the house and near the property line. When Knollwood Drive was cut through, preparatory to development of the subdivision, part of the carport

3-Ctd. was cut off and it was necessary therefore to take it down. There is a 4.6 foot drop from her property to Knollwood Drive, Mrs. Betts explained, which makes it impractical to locate the carport facing that street. The location of another carport presented another problem, Mrs. Betts continued. They would like to have it on the opposite side of their house - but the ground slopes off abruptly to such a hill that the carport would be in a hole below the house. Also farther back on the property the ground slopes down. They also thought of locating it toward the opposite side of the rear of the house - but the well is there. She had advice from a number of people - all suggesting that this is the best location for the carport, Mrs. Betts continued. They did not wish to put it here as it necessitated a long driveway from Nevius Street, which their house faces. She did not have a building permit for the carport. When asked why she did not get a permit, Mrs. Betts said there were so many conflicting opinions - several different persons had told her it was not necessary and since it was the only place the carport could go - she allowed it to be built at this location.

Mr. Mooreland said the street had been cut through - too close to the carport without the approval of this Board. He did not know how this happened as when a street is so located it should come to the Board for approval. When this first came to his attention, Mr. Mooreland said, he told Mrs. Betts she could not build her carport at this location. Later, when the street was cut through someone from the Street Design was inspecting the street and he discussed this with Mrs. Betts and told her this was the best location for the carport. No doubt whoever advised her did not realize it was necessary for her to have approval of this Board. The next thing he knew the carport was built. He notified Mrs. Betts to either take the carport down or to make application to the Board.

Mr. J. B. Smith moved to defer the case until January 8th to view the property.

Seconded, Mr. T. Barnes

For the motion; Mr. Brookfield, T. Barnes, J. B. Smith

Against; Mr. V. Smith

Mrs. Henderson did not vote.

Motion carried.

Mr. V. Smith said he voted "no" because the carport was built without a permit.

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4- ROBIN HOOD KINDERGARTEN, to permit operation of a kindergarten in dwelling, Lot 165, Section 2, Rose Hill Farms, (2312 Saddle Tree Drive), Lee Dist. (Suburban Residence).

Mrs. Victor Camp represented the applicant. Mrs. Camp presented a petition with 96 names requesting approval of this school. The school will be conducted for 2-3/4 hours each day, Mrs. Camp told the Board, during the morning. This is not a nursery school - it is primarily for children who

NEW CASES - Ctd.

4-Ctd. will enter school in September. While the Bush Hill School recommends a kindergarten - it does not provide one for the children. This will provide such an opportunity for the children. This is a non-profit cooperative school started by a group of mothers who could not afford to send their children to the more expensive nursery schools in the County, which are the only means of kindergarten at this time. The school will have a maximum of 20 children - they have 12 now.

When asked why the school was operating without a permit, Mrs. Camp said Mrs. Bratton had discussed starting a school of this kind, had asked the School Board what requirements they had. The answer was that they had no requirements. (She found later, Mrs. Camp said, that they meant no requirements from an educational standpoint). She was not informed that it would be necessary to have a use permit from this Board, or that fire inspection would be necessary.

Mrs. Camp showed the plan of the school room, which is in the basement. There would be no structural changes to the building and all activities would take place inside. No meals would be served - only mid-morning milk and cookies. They have a letter from the Fire Marshall, Mrs. Camp continued, telling them of a few necessary changes - which they will make.

There were about 12 present favoring the school, all live near the school. The neighbors on both sides are not opposing this and have signed the petition, Mrs. Camp told the Board. (It was brought out that the school will not be conducted in Mrs. Camp's home - but in the home of a friend. Mrs. Camp will be the teacher.

Mrs. Henderson thought the lot very small for a school - and questioned the fact of no outside activity.

It was brought out that the children would walk to school - only one or two would come by car.

Mr. V. Smith recalled that the Board had denied schools on small lots - and he felt that this is not a good location for a school and if granted this would certainly set a precedent. If a group wish to get together cooperatively on a non-profit, non-business basis he thought a program could possibly be worked out but he objected to granting a school in such a location.

Therefore, Mr. V. Smith moved to deny the case because it is in conflict with the Zoning Ordinance.

Seconded, Mr. T. Barnes

For the motion: Mr. V. Smith, J. B. Smith, T. Barnes, Mrs. Henderson

Mr. Brookfield voted "no".

Motion carried.

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Mr. V. Smith suggested that the applicant consult the Commwealth's Attorney regarding the possibility of having a non-profit cooperative school - if they wished to form something of that kind.

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NEW CASES - Ctd.

5- CHESTER T. HENDERSON, to permit carport to remain as erected 8.40 feet of of side property line, Lot 5, Block P, Section 3, Parklawn, (7124 Yosemite Drive), Mason District. (Suburban Residence).

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Mr. Henderson appeared before the Board. A letter was read from the neighbor most affected by this variance, stating he had no objection. The driveway was already in when he bought the property, Mr. Henderson told the Board. He therefore asked the builder to locate the eight posts for the carport, at the head of the driveway - not knowing it would be in violation. Mace Properties built the house and put in the extension for the carport, Mr. Henderson explained, but they did not tell him the carport would be in violation if it were completed. There were no boundary stakes, he simply built the carport over the posts which had been set in concrete.

Since there is room between the existing house and the carport where the carport could be constructed to conform to the ordinance, and since there has been no evidence of undue hardship, Mrs. Henderson moved to deny the application.

Seconded, Mr. T. Barnes

Carried, unanimously.

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6- MRS. MARGARET KREBS, to permit enclosure of porch within 14.3 feet of the side property line, on west side of Maple Lane, 830 feet north of Lee Highway Providence District. (Rural Residence Class II).

This is an old house - built in 1939, Mrs. Krebs told the Board. The porch was existing when she bought the property. Mrs. Ethel Harrison, developer of the subdivision, owns the adjoining property and she has stated she does not object to this encroachment, Mrs. Krebs said. The porch is open - to which she will add storm windows for winter protection. There will be no heat in the room - the windows are put in for winter protection. In the summer the porch will be open.

The adjoining lot, which is low and wooded, and on which there is a spring, has been considered for a community park area.

Mrs. Ethel Harrison said she would not sell this adjoining lot because it is low and will not take a percolation test and because of the spring on the property which she wishes to maintain. Since this enclosure will be of a temporary nature - being enclosed only for winter use, she thought it would in no way detract from the area. There are no other houses in the subdivision with similar porches.

Mr. V. Smith moved to grant the application because this is an old subdivision and the porch has been on the house since 1939, and the applicant does not wish to use this as an enclosed porch the year round and also because the person owning the adjoining lot has stated that this lot will not take a percolation test and therefore cannot be used for building purposes, and this is granted because it does not appear to adversely affect neighboring property.

Seconded, Mrs. Henderson Carried, unanimously.

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NEW CASES - Ctd.

7- KENT GARDENS RECREATION CLUB, INC., to permit installation and operation of a swimming pool with wading pool and bath house and buildings accessory thereto, on west side of Westmoreland Street, 140 feet north of Poole Street, Dranesville District. (Rural Residence-Class II).

Mr. John Gonda appeared before the Board in behalf of the applicant, the contract owner of this property.

This will be a non-profit community swimming pool together with a wading pool, bathhouse, and buildings accessory thereto - to serve 325 families. Mr. Gonda presented a petition favoring this project with 45 names, also he handed the Board a copy of the Certificate of Incorporation and the amended paragraph of the Charter, showing a change in paragraph c which will allow dispensing food only from a vending machine, and to which the membership agreed.

This is organized for the purpose of furnishing recreational and social facilities for people in the area, and to insure a non-commercial type of enterprise. The site was selected because of its proximity to the community, Mr. Gonda continued, and because it is topographically feasible and all necessary facilities are available. They will have sufficient on-site parking facilities and safe road entrance. Approximately 1/2 of the membership will come from the Kent Gardens subdivision and will be within four blocks - or within easy walking distance. The additional membership will come from adjoining subdivision.

Much thought has been given to the development of this project, Mr. Gonda continued, to assure that it will be well planned and in the best interests of all concerned. The project was first started in May of this year. In October the plans were presented to the residents of Kent Gardens. Many subsequent meetings were held with adjoining and nearby property owners to make adjustments in the interest of protection of people living in the area.

Mr. Fish explained the revisions in the original plans; one change made was to move the original entrance about 140 feet north of Poole Lane leading in to the 60 car parking area. This entrance leads to a dedicated road provided for in the division of the Kirby property.

They also relocated the pool to be 100 feet rather than the planned 35 feet from the northern boundary line, leaving this 100 foot area with a screen of trees.

They would also leave an area of trees approximately 130 feet deep along Westmoreland Street. They would be willing to make any other changes the Board might suggest which would protect adjoining owners or people in the community.

Mrs. Henderson asked what provision would be made for children crossing Westmoreland Street. That has been discussed, Mr. Fish answered, and they intend to make application for a crossing light.

NEW CASES - Ctd.

7-Ctd. The Chairman asked for opposition.

Mr. La Rue Van Meter represented the people living on Westmoreland Street - who were in opposition. Mr. Van Meter presented a petition opposing part of this planned project. These people are being represented Mr. Van Meter explained in the role of interveners - not entirely in opposition. They like the idea of a pool and they are pleased with the proposed tree-buffer strip on Westmoreland Street, and the location of the pool to the rear of the property, but they feel that the project should have more parking area to assure the fact that there will be no parking on Westmoreland Street. They are not opposed to the noise nor to the lights, but they feel that a traffic problem exists on Westmoreland Street which they do not wish to see increased. With the entrance located at about 140 feet north of the intersection of Poole Lane and Westmoreland Street, as shown on the plat, it will meet Westmoreland at the crest of the hill where a car running on Westmoreland Street would be entirely hidden for 8 or 10 seconds. With the cars coming out of the parking area - it would create an intolerable and a dangerous situation, Mr. Van Meter continued. This dangerous condition continues all the way to Kirby Road and it has been known as potential accident area. If the entrance to the swimming pool area could be moved down farther, Mr. Van Meter pointed out, toward the north end of the property, he thought it would clear up much of the opposition.

Mr. Van Meter also showed on the map that the entrance road to the pool area is immediately between two driveways across the street, which would create additional hazard for these people. They have experienced a great deal of trouble coming out of their driveways - with the normal traffic and the traffic coming in from Kirby Road - the addition of the traffic from the pool area would be suicidal. If the Curtis tract - which lies adjoining the Club project is developed it would make an even more hazardous condition.

Mr. Kelsey who lives in the most northerly house at the edge of the property, stated that they are not objecting to the location of the pool, but he thot the traffic situation was sufficient to warrant further study. The school busses, the trucks, and the stream of traffic on Westmoreland Street all day has already created a dangerous situation. From his place one can watch the cars coming over the brow of the hill - just at the point where this entrance is planned, Mr. Kelsey told the Board, it is impossible to see the approaching car - he thought the entrance at the location planned was too dangerous to consider. Mr. Kelsey also questioned whether parking space for 60 cars would be sufficient for 200 families. He noted that the Chesterbrook parking space is not sufficient, and parked cars overflow on to the highway. They consider both that the entrance is hazardous to children and to cars and that the parking space is not adequate. Mr. Kelsey suggested an entrance at Poole Lane or from an extension to Kirby Road.

NEW CASES - Ctd.

7-Ctd. Mr. Morris also stated that he had no objection to the pool and the planned project, but he did object to the entrance - for reasons stated.

Mr. Van Meter also mentioned another site which would eliminate all of these objections.

Mr. E. L. Keenan, representing Mrs. Curtis, the adjoining property owner and who is also selling part of the property for this project, spoke. Mrs. Curtis objects to an entrance from Kirby Road. The road through her property to Kirby Road is 600 feet long, and it is not cut through. It is used now as a private road. She has no intention of developing at this time and does not wish to sell any property to the Club for entrance purposes, and does not wish them to use her private road. In the sale of property to the pool project Mrs. Curtis was assured that the entrance would not be from Kirby Road.

Mr. Gonda told the Board that they had tried to buy the little trinagle at the south of their property which would allow an entrance from the parking area directly on to Westmoreland Street at its intersection with Poole Lane but they had not been able to buy this strip - therefore, the entrance was changed to the presently designated location - approximately 140 feet north of the intersection of Poole Lane and Westmoreland Street. They are willing to go along with any suggestion the Board might have, Mr. Gonda continued. They have discussed this entrance with Mr. Bolton of the Highway Department and he has stated that they plan to widen Westmoreland Street, Mr. Gonda continued, and that it would be lowered at the knuckle, however, it was agreed that some means of guarding against a problem which might be even more hazardous in the future should be resolved at this time.

Mrs. Henderson moved that the application be granted, provided the entrance to the property be moved to the most northerly corner on the property on Westmoreland Street, and that the wooded area as a buffer strip shall be maintained along Westmoreland Street as shown on the revised plan dated November 6, 1956 by Manus J. Fish C.L.S. and Elwood E. Rensch, because it would seem that this would not affect the health or safety of people residing in the neighborhood or in the area, or it would not adversely affect the ultimate development of the area. This is granted under Section 6-12.

Seconded, Mr. V. Smith

Carried, unanimously.

8- CHESTER BIGELOW, to permit erection of a roof over patio 4 feet of side property line, Lot 96, Block 14, Dowden Terrace, (2608 Chestnut Lane), Mason District. (Suburban Residence).

This is an open field stone patio, over which the applicant wishes to construct a roof for winter protection and a shield from the summer sun. The neighbor on Lot 97 - adjoining, and the person most affected, has stated by letter - which is on file with this case - that he has no objection to this

NEW CASES - Ctd.

8-Ctd. application, since his house is located 44 feet from the property line on this side - he has a carport with the driveway coming in on the east side of his property.

Mrs. Henderson had seen the property and therefore moved that the application be granted because of the peculiar circumstances - the sun is directly in line with the patio all day, and also because there is considerable distance between this house and the neighboring dwelling and it does not appear that this would affect adversely neighboring property.

Seconded, Mr. T. Barnes

For the motion: Mrs. Henderson, T. Barnes, Mr. Brookfield

Mr. V. Smith and Mr. J. B. Smith voted "no"

Motion carried.

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9- MICHAEL J. FARRELL, to permit an addition to dwelling as erected to remain 13 feet 3 inches of the side property line, Lot 41, Block T, Section 3, Parklawn, (1 Tonto Court), Mason District. (Suburban Residence).

This addition was started last July, Mr. Farrell told the Board, with a signed contract agreeing to $1240.00 for the addition - which they paid the contractor, who stated the room would be completed by September 1st. Several of their 'in-laws' are living with them, Mr. Farrell explained, making the present dwelling too small. The addition was started - then they discovered they were in violation of the setback line, one corner of the room was too close. They then cut off the corner, which still left the addition in violation, coming 13 feet 3 inches from the side line. The setback should be 15 feet. The neighbors on both adjoining lots have presented statements, which are on file in the records of this case, stating they have no objection to the encroachment.

After they had spent about $400.00 extra - above the contract price - the contractor left and they were unable to get in touch with him, as he gave them the wrong address. Now they are out the amount of the contract price and the extra $400.00 which they paid out to have the room cut back at the violating corner - $1600.00 plus, and the room is not completed. They are told it will cost about $1200.00 more to complete it. This is a hardship case, Mr. Farrell contended - both because of the money involved and because of their immediate need. He asked the Board to grant this variance on the grounds of a hardship.

Mr. Mooreland said the original permit showed a 15 foot setback from the side line. There is a steep incline in the property here and the house being on a corner probably caused the error in setback, Mr. Mooreland continued.

Mr. V. Smith moved to defer the application for two weeks to give the applicant an opportunity to contact the contractor, and give the Board the chance to view the property.

NEW CASES - Ctd.

9-Ctd. Mr. Farrell said he had tried for two months to contact the contractor, but without success, and it would be an extreme hardship to put this off as he needs the addition very badly. It could be completed within about three weeks. Since they are living under very difficult conditions, he asked the Board to reconsider deferring the case. They have no recourse with the contractor except to sue, Mr. Farrell continued.

Mr. J. B. Smith seconded the motion (deferred until Nov. 27th).

Carried, unanimously.

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10- MARY ALVIS HARLOW, to permit resubdivision of 2 lots, one of which would have less than the required width, Lots 2 and 4, Rock Spring Subdivision, (N. E. side Rt. #7, E. of Bailey's Cross Roads), Mason District. (Sub. Res.)

Mr. Brophie represented the applicant. Some time ago the State Highway Dept. took a 7 foot strip along the frontage of Lot 2 for widening purposes on Route #7, Mr. Brophie told the Board. Mrs. Harlow's proposal is to move the lot line between Lots 2 and 4 (she owns Lot 4 also) allowing the full 100 foot depth to Lot 2, but reducing the 11,272 square foot area in Lot 4 by the 7 foot strip, which would amount to about 1200 square feet. This would actually adjust the size of Lot 4 to be more nearly in keeping with the other lots in Rock Spring Subdivision - most of which are slightly over 8000 square feet. The narrowness of the lot would restrict the type of house which could be built upon Lot 4, but it would not be out of keeping with the area, Mr. Brophie continued.

Mr. Mooreland noted that Lot 4 could not be built upon as it would have a frontage of only 75 feet. It would therefore be necessary to grant a variance on that lot for a building. A variance on this lot cannot be granted in his office, Mr. Mooreland explained, as it does not meet the minimum requirements of the presently required lot sizes in this area, but is larger than the former lot size requirements.

In answer to Mr. V. Smith's question, Mr. Brophie answered that Mrs. Harlow, the owner of Lot 2, was compensated by the State for the 7 feet taken for widening of Route #7.

Mr. V. Smith moved to deny the case because there has been no evidence presented showing undue hardship on the applicant.

Seconded, J. B. Smith

Carried, unanimously.

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11- RANDOLPH D. ROUSE ENTERPRISES, to permit erection and operation of a motel (80 units), 425 feet east of Patrick Henry Drive off Route #50, ~~Falls Church~~ Mason District. (General Business).

Mr. Lytton Gibson represented the applicant. The applicant is the lessee from Horne, Naisbitt and Ingersol, Mr. Gibson explained. This property was zoned for business some ten years ago, Mr. Gibson told the Board, with the idea of building upon it when the right time arrived. That time is here now, Mr. Gibson contended, with the large development at Seven Corners and the

NEW CASES - Ctd.

11-Ctd.

business zoning across the street. This would join the presently located Hot Shoppe property. In the zoning a 100 foot buffer strip was left along the easterly boundary between this property and the adjoing residential development.

In the original zoning of this tract - part of the property was to be developed into multiple housing and the balance was set aside for a motel. Mr. Gibson said there are many references in the Board of Supervisors minutes of this case to the construction of a motel.

This motel will contain 80 units to cost about $500,000 - building and equipment. The clientele will come mostly from people who have business in the Seven Corners Shopping Center, and from over-flow guests in the apartments in the area. They have noted, Mr. Gibson continued, that the Arva Motel near Washington has a clientele almost entirely composed of people visiting Ft. Meyer and over-flow visitors in the apartments surrounding that motel. This, Mr. Gibson pointed out, is very much the same situation. Mr. Gibson also called attention to the new large motel being constructed at the 14th Street bridge, located near the Hot Shoppe restaurant.

This project would bring the County about $6,000 a year in taxes. The architecture will be in keeping with the area.

Mr. Naisbitt recalled that in the original rezoning of this area they had presented a master plan of development for about 107 acres - some of which would be for general business development, some for multiple housing (part of which was later withdrawn) and the motel, which was located on this property. They have an agreement with Mr. Rouse which would assure a high class type of motel in keeping with the area. They have had many inquiries from tenants of the apartments, Mr. Naisbitt continued, indicating the need for this motel. He felt assured that the greater part of the clientele would come from the immediate area rather than from transient trade.

Mr. Verkerke, whom Mr. Gibson introduced to the Board as the originator of 'Personality Homes' and who has received many National Awards for his attractive home designs, told the Board that in his opinion the Hot Shoppe building had set the aesthetic theme for the locality and that they plan to conform to this architectural theme. The motel will have all modern facilities. They plan two basic units - patterned after the Statler Hotel in Washington - one with larger sleeping accommodations - connecting rooms, and one suited particularly to business people.

Mr. Gibson said he had understood that the motel operators in the area might oppose this on the basis that no more motels are needed, but he felt that this would in no way affect other motels as they have estimated that 90% of the business would come from the immediate area.

Mr. Gibson also stated that he had heard rumors for some time past that the State Highway Department may put in an overpass at Patrick Henry Drive. They have tried in every way possible, Mr. Gibson continued, to get a statement from the Highway Department regarding this - if the over-pass is actually

11-Ctd. being planned and if so - when it will go in, but up to this time they have had no answer either way. After repeated calls to Richmond they wrote the HighwayDepartment at Richmond about two weeks ago, and have had no answer. Mr. Gibson contended that this should not be held up because no one knows if the road will go in and where. The same thing happened at the Seven Corners intersection, Mr. Gibson recalled. No one knew just what the plan would be - but businessea were put in and it has worked out satisfactorily in the end. None of the business developments have been seriously disturbed. If the Highway Department would make a statement that the underpass was going in and show their plans they would wait - but since there is no answer, he asked the Board to consider this case on its merits.

The Chairman asked for opposition.

Mr. Lawrence Brickman from the White House Motel told the Board that there are already sufficient motel accommodations in the area. He did not agree that this planned motel would attract only people from the immediate area since it was his understanding that the Arva Motel does have a great many tourists. People are inclined to drive as near to Washington as they can, Mr. Brickman continued, to find rooms and they do not turn back to motels which may have surplus rooms. He felt that this motel would attract a sufficient number of tourists to affect the already established motels. The present motel situation is not flourishing, Mr. Brickman told the Board, while they are about 90% filled in summer the winter trade is very slack. If this motel goes in - it will encourage others and in the long run the profit for everyone will be greatly reduced. Several of the motels in this vicinity are struggling and he did not think the normal increase in travel would off-set available room-increase.

Mr. Dave Brickles from the Washington Motel also spoke opposing this project, saying that a ride up the Boulevard any evening would convince one that the present motels have too many vacancies to be profitable. Mr. Brickles called attention to the growing facilities which motels are furnishing - expensive equipment - which competition has required and since people in this business do not make money during the winter - and with the recent drop in business - it is difficult to realize a return on their investments.

Mr. Brickles recalled that two motels east of Seven Corners had been refused. The greater part of the trade for these motels is from tourists who come to see the Nation's Capital - he thought the addition of this motel would hurt those already established in business.

Mr. Gibson recalled to the Board that this land was zoned in 1947 for the purpose of constructing a motel - and these motels - represented by the two owners - were built after that time. When this land was zoned - the area had only the one motel - Virginia Inn. He had heard talk of not allowing more motels in this area for a long time; in fact he was contacted to oppose the construction of the Washington Motel. It is probably natural, Mr. Gibson continued, that the motel owners would like to see no more motels, but in

NEW CASES - Ctd.

11-Ctd. a free economy and enterprise - this is an individual matter and each business must take care of itself.

Mr. Gibson recalled that Mr. Patton had built the Virginia Inn, sold that and within a few years had built the Patton Motel. People said he was crazy - Mr. Gibson said - but Mr. Patton sold that at a tremendous profit - and later built the Patton Town House on Route #7. Again people thought he was over-stepping. Mr. Patton has sold that at a big profit. He could not believe that the motel business was waning.

Mr. Rouse also owns another motel - which he apparently does not think this would hurt.

The people who are planning this project have studied the area carefully, Mr. Gibson stated, and are convinced that most of their business will come from Seven Corners and the apartments, rather than transient trade. They know what they are doing and firmly believe that the business is here and the time has come for the construction of this project at this location.

The land is zoned and could be used for many other - probably objectionable uses - the people in the area are not objecting, Mr. Gibson continued, and he could see no logical reason to refuse this request - the only objections are from similar businesses in the area.

Mrs. Henderson was of the opinion that this is a good location for this business, however, she felt something should be known further on the clover leaf at Patrict Henry Drive before taking definite action.

The ingress and egress will be from the service road, Mr. Gibson pointed out, there would be only one entrance to the highway. However, this has not yet been approved by the State Highway Department. The Service drive will be continued along the entire frontage, Mr. Gibson said, including the 100 foot buffer strip to the east.

Mrs. Henderson suggested the possibility of the Planning Commission putting a little pressure on the Highway Department in order to get further information on the over-pass. She therefore moved that this case be deferred for 30 days until the Board can have an answer one way or the other from the Highway Department on the over-pass at Patrick Henry Drive, and that the Planning Commission be requested to get this information. There was no second.

Mr. V. Smith moved to defer the case for two weeks (until Nov. 27th) for the applicant to present a plat showing the means of ingress and egress and the extension of the service road along the frontage of the property.

Seconded, J. B. Smith

For the motion: Mr. V. Smith, J. B. Smith and T. Barnes

Mrs. Henderson and Mr. Brookfield voted "no".

The motion carried.

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NEW CASES - Ctd.

12- CHARLES D. REDDING, to permit erection of a carport within 9.6 feet of the side property line, on N. E. side of Birch Avenue, 515 feet south of Kirby Road, Route #695, Dranesville District. (Rural Res.-Class II).

Mr. Redding explained that his house sets well back on his lot - 15 feet to the rear of the house on neighboring property - therefore this addition would not interfere with his neighbor's side yard. That house, the most affected by this addition, is 15 feet from the side property line. The addition will be attractive, Mr. Redding continued, and in keeping with architecture in the neighborhood. Other similar homes in the area have porches which, Mr. Redding said, have been an addition to the neighborhood. There are other houses in the area which are located very close to the side line - these were old houses - built before the Ordinance. There are actually 32 feet between his house and the side line - more clearance than is required in this subdivision, and which places the houses a considerable distance apart. On the opposite side of his house, Mr. Redding continued, there is a space of about 60 feet between houses. The lot is level and he could locate the carport at the rear - detached - but he thought the addition would be more attractive on the side.

There were no objections from the area.

Mrs. Henderson moved to deny the case because this is a sizable variance from the Ordinance, and there is an alternate location on the property for the carport, and no evidence has been shown of an undue hardship.

Seconded, Mr. V. Smith

Carried, unanimously.

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13- MRS. L. L. DOTY, to permit erection of a garage within 25 feet of the Street property line, Lots 33 and 34, Block 3, Belle Haven, (19 Edgewood Terrace), Mt. Vernon District. (Urban Residence).

The applicant asked that this application be deferred until November 27th.

Mr. J. B. Smith so moved.

Seconded, Mr. V. Smith

Carried, unanimously.

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14- MARVIN B. BROOKS, to permit dwelling as erected to remain within 37.5 feet of the Street property line, Lot 6, Block 2, El Nido Subdivision, Dranesville District. (Suburban Residence).

This is a corner lot - in an old subdivision - Mr. Brooks told the Board. When they started to build they found all the stakes were missing except one. They tried to locate the house from this one point but found it was 2-1/2 feet out of line. Mr. Cobb, a surveyor working for Mr. Frank Carpenter, located the house and drew the plats. The house is in violation on only one corner, Mr. Brooks pointed out.

14-Ctd.

This is the only house on Hitt Avenue, the side on which the violation occurs, Mr. Brooks told the Board, and the houses across the street are on large lots - located about 30 feet from the right of way. Hitt Avenue is very little used, Mr. Brooks pointed out - most of the traffic is carried by Birch Avenue, from which this dwelling sets well back.

There were no objections from the area.

Mr. T. Barnes moved to grant the application because in his opinion it would not adversely affect property in the neighborhood.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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15- HUGH CANUPP, to permit enclosure of porch within 38 feet of the Street property line, Lot 4, Section 1, Wilburdale Subdivision, Mason District. (Agric.)

Mr. Clairborne Leigh represented the applicant. The house is fronting on the Springfield-Annandale Road (Rt. #617) from which it sets back the required distance, Mr. Leigh pointed out. The violation is on Wilburdale Dr. which leads into Wilburdale Subdivision.

The porch will be bricked up to a certain height with jallosy windows above the brick. Mr. Leigh showed pictures of the house pointing out that the roof line over the open porch is continuous and the enclosure of this area would give the appearance of an extension of the house. It would add to the attractiveness of the building and would not affect adversely the adjoining property, as this violating side faces Wilburdale Drive which runs along the side of the property. The applicants bought the house without knowledge of the zoning regulations, Mr. Leigh explained, thinking they could enclose this area. This violation is in a different category from encroachment on an ordinary side line, Mr. Leigh contended, since it is on a side road and not within the subdivision. It is therefore not reducing the side yard and is not bringing the house closer to another dwelling.

This is an $11,000 house, Mr. Leigh continued, which does not justify spending too much for the addition and this would be relatively inexpensive to extend the house on this side.

Mr. Leigh read a petition signed by 34 in the area - all stating they did not object to the addition. All the immediate neighbors have signed the petition.

Mrs. Canupp told the Board that this would be used for a dining room, which they do not have and which they were given to understand at the time of purchase they could add in this manner - otherwise they would not have bought the house.

Mrs. Stever and Mrs. Smith, both living in Wilburdale, stated they have no objections to this addition and both thought it would be an addition to the community.

NEW CASES - Ctd.

15-Ctd. Mr. Leigh called attention to the fact that this area appears now as though it was practically enclosed - noting that the houses in Wilburdale were built this way purposely so the carport is an integral part of the house and can be enclosed without changing the character of the neighborhood.

Mr. Walters, who will build the addition if granted, said the brick would be brought up to 37 inches, across the end of the room facing Route #617 would be three windows. They plan a chimney and fireplace along the side, facing Wilburdale Drive.

Mr. Leigh contended that the strict adherence to the Zoning Ordinance would result in a hardship in this case, that because of the side of the house facing the street the side setback should be reduced, that there is no crowding of houses, the lots are large and no traffic hazard would result from this variance, and the appearance of the house will be greatly improved. The applicant was ignorant of the law and has entered into a contract with the builder - which he thought might incur some liability. The people in the area do not object - in fact they believe this addition would be a credit to the area. He, therefore, asked the Board to grant this request.

Mr. Mooreland questioned the authority of the Board to grant this case - suggesting that the Board determine if a hardship exists. Mr. Mooreland recalled that several variances have been granted in this subdivision, recalling that the Board of Supervisors had changed the zoning in this area from 1/2 acre to one acre zoning.

Mr. Leigh again discussed the side street - which he thought should not be taken into consideration since it imposes the deep setback which is not actually necessary in the overall house locations.

Mr. V. Smith explained that this being a corner lot it must adhere to the same setback from each street, and no side street is considered in the same category as a side lot line. Mr. Smith asked Mr. Leigh if he considered that ignorance of the zoning laws should be taken into account. Mr. Leigh answered - yes, if it is a hardship case. If this were the house proper, Mr. Leigh continued, it would be a different matter, but he thought an enclosed proch would not impair the intent of the Ordinance.

If the Board considered ignorance of the law, Mr. V. Smith continued, the Board might as well forget the Zoning Ordinance. He also noted that there is ample room on this lot for an addition within restrictions.

The width of Route #617 - and what is planned for right of way was asked. Mr. Schumann told the Board that an 80 foot right of way has been planned. The road is now 45 feet, and 30 feet have been dedicated from the centerline on this side of Route #617. Therefore there will be more widening.

Mr. V. Smith moved to deny the case because the applicant is in the same position as probably a thousand others in the County, and there has been no evidence presented showing an undue hardship.

Seconded, Mrs. Henderson

Carried, unanimously.

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NEW CASES - Ctd.

16- MOTHER GOOSE SCHOOL, to permit operation of a private school on south side of Waple's Mill Road, Route #664, approximately 1/2 mile west of Route #665, Centreville District. (Agriculture).

Mr. Herbert Schumann represented the applicant. This school will be conducted by Mrs. Schumann, in the basement of their seven room home, Mr. Schumann told the Board, which is located on two acres of their 8 acre tract. They plan to have 20 children. They will finish the basement, which has an area of 28 x 36 feet. They have consulted the Health Department, the Fire Marshall and the State for their requirements - to which they will conform. There are no objections in the area, Mr. Schumann told the Board.

Mr. V. Smith said he knew the property and he knew of no location in the County better suited for a school. He recalled that the Board has had many applications for similar schools on small lots, which they have found it necessary to deny. He could not see where this could do anyone any harm and he thought it a very satisfactory location.

Mr. V. Smith, therefore, moved to grant the application to the applicant only for from ten to twenty children, and with the understanding that no additional structures on the property shall be used for this purpose. This is granted because it does not appear to affect adversely neighboring property and it appears to be a logical use. This is granted on the eight acre tract.

Seconded, Mr. T. Barnes

Carried, unanimously.

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DEFERRED CASES:

1- LUTHER N. GROVES, to permit covered patio to remain as erected within two feet of the rear property line, Lot 15, Block 23, Section 5, Springfield, (6015 Hanover Street), Mason District. (Suburban Residence).

This case was held up for Mr. Mooreland to get a statement from the Building Inspector's Office.

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2- RALPH MULLEN, to permit operation of a Golf Driving Range and a Minature Golf Course, on west side of Back Lick Road, just south of Southern Railroad, on 24.66 acres of land, Mason District. (Suburban Res. - Class I).

Mr. Mullen stated that he would like to refute the charge that he had taken one of the Board members to lunch after the previous hearing on this case. This would appear to be a very small thing, Mr. Mullen continued, but he did not like to have such a statement circulating around unrefuted.

Also the question of proper posting had been resolved - the posting signs having been placed on the exact location of the operations. Mr. Mooreland agreed that the property had been properly posted, that the application includes 24 plus acres, and that the property was both properly posted and advertised.

Mr. Blatchford presented a petition with an additional 202 names - which he asked be added to the original opposing petition - opposing this use.

DEFERRED CASES - Ctd.

2-Ctd. The original petition carried 117 names - this making a total of 319 names of people in the area opposing this use. The people on this petition, Mr. Blatchford said, live within three or four blocks of the area in question. This showed about 95% disapproval of the application, Mr. Blatchford pointed out. Also the records show, Mr. Blatchford continued, that Mr. Mullen has applied for a rezoning on this property - which would appear that this use is not a temporary use.

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Mr. Mullen said it is true that he has applied for a rezoning on this property - that he had discussed this use with Mr. Mooreland, who was not certain about the Board's authority to grant it - for this reason, therefore, he had applied for the rezoning - for exactly the same purpose. If it is determined that this Board has no authority to grant this application, Mr. Mullen continued, as a reserve measure he has the rezoning on file.

This property is in joint ownership, Mr. Mullen explained - six acres is in his name and 16 acres in the name of Mr. Smith - he has applied for the use on the total property. However, the rezoning includes only the six acres.

Mr. Pope from the School Board told the Board that the School Board had met on November 6th and discussed this use. Mr. Pope read the following letter addressed to the Board of Appeals; "..... The Fairfax County School Board, acting on November 6, 1956, expressed concern over the deviation of use of the land opposite the Lynbrook School from present residential classification and directed that the Board of Zoning Appeals be informed of this concern....." - letter dated November 14, 1956.

The School Board has invested 1/2 million dollars in this school, Mr. Pope said, and they are concerned with the fact of reducing the residential potential of the future. If a considerable land is removed from residential classification - thereby reducing the future population in the immediate vicinity of the school, they might find that they have over-built in this area.

When asked if he thought the traffic accruing from this project might have an adverse affect on the school - Mr. Pope said he did not think so - that the school was about 100 yards from this property at the opposite corner - he did not consider that a case in point.

Mr. Mullen recalled to the Board that the 300 foot right of way on his property would be permenantly taken out of residential development and there would be no homes between the belt highway and the railroad. He felt that the use of this land would probably never be entirely residential.

Mr. V. Smith moved to deny the case because since this is being heard under Section 6-12, referring back to Section 6-4, referring to Section 6-12 - a and b - and it appears from the evidence that the majority of people from the area feel that beyond a reasonable doubt that this will hurt the welfare of the community, and the Pastor of the Church adjoining has stated that this use will interfere with the operations of the Church even to the point of jeopardizing financing of the Church, and it is the opinion of the Board that

DEFERRED CASES - Ctd.

2-Ctd. this would adversely affect the general welfare and use of this property and the neighborhood.

Seconded, Mr.T. Barnes

For the motion: Mr. V. Smith, Mrs. Henderson, Mr. T. Barnes

Against: Mr. J. B. Smith and Mr. Brookfield.

Motion carried.

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1- LUTHER N. GROVES - This was put up originally with lattice work and later enclosed. It was brought out, however, that this structure does not conform to the Building Code for requirements governing use as a building. If it is so used the Building Inspector would require alterations.

Mrs. Henderson moved to deny the case as no evidence has been shown of a hardship.

Seconded, Mr. T. Barnes

Carried, unanimously.

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FAIRFAX AMUSEMENT CORP. Judge Rothrock represented the applicant. This case was deferred for determination of ownership of the strip of land on the west side of Route #608.

Mr. J. J. Conroy appeared before the Board representing Mr. O'Mera, owner of the property immediately west of Route #608 - known as the "Old Buckley" property. Mr. Conroy explained his part in this hearing. Mr. O'Mera had come to his office saying he noticed a sign on his property along Route #608 and since there had been a question of ownership of this strip, employed Swayze and Conroy to examine the title. This entire tract has been in the O'Mera family for about fifty years, Mr. Conroy told the Board, and they have - during that time - claimed ownership up to the right of way of Route #608. Therefore, Mr. O'Mera was concerned over the location of the sign on what he had considered to be his property.

He examined the title to Mr. O'Mera's and Dr. Adkerson's property, Mr. Conroy stated, and from his search of the records it is his belief that the boundary line between O'Mera and Dr. Adkerson is the centerline of Route #608, as shown in the old record book where the old records are set forth. In these records it describes a Route - which is Route #608 - which lies between the land now owned by Dr. Adkerson and Mr. O'Mera. In the deed book the land of O'Mera is composed of two parcels - one 6 acres and the other 75 acres. The east boundary line of the 75 acre tract is given as the west side of Route #608. All the records show the right of way of Route #608 to be the east boundary of the O'Mera property, Mr. Conroy told the Board.

In the deed from Buckley (the former owner of the O'Mera property) to the State conveying property for the widening of Lee Highway, the records say the Buckley land comes to the centerline of Route #608. If that property was owned by anyonelse, they most assuredly would have had to give title to it, Mr. Conroy continued. Mr. Conroy read from the survey records of 1889

stating that the property ran "to the center of the County Road" - which is Route #608. Therefore, Mr. Conroy contended that this strip of land is now and has been for at least fifty years past, in the ownership of Mr. O'Mera or previous owners.

Judge Rothrock explained that his client had asked Mr. Walter Ralph, who made the most recent survey of this property, to swear that the markers and pipes which he used in the survey are correct. Judge Rothrock presented a Certification of the Title which certified to the examination of the records for a period of over sixty years showing that this strip of land in question 0.73 of an acre (immediately to the west of and adjoining Route #608) has been conveyed to Dr. Adkerson. This Certification of Title was dated Aug. 11, 1955 and signed by Frank Swart. This, Judge Rothrock continued, should relieve the Board of any further doubt as to the title on this property.

Mr. V. Smith stated that in view of the contention of Mr. Conroy regarding the ownership of this strip of land, and since there seems to be some merit in that contention - he felt that the Board should consult with the Commonwealth's Attorney - that in his opinion there was still some question as to the boundary.

Judge Rothrock told the Board that his client was being jeopardized by the delay in this - that the theatre was operating at a loss and he asked the Board to render a decision on this without further delay, and in his opinion the determination of ownership of this land was not the concern of the Board nor of the Commonwealth's Attorney - he felt that that was a private matter.

Mr. V. Smith disagreed with the Judge's last statement - he felt that since Mr. O'Mera was represented by council in an attempt to establish ownership of this property it might develop that the County would be liable if the Board granted this case. If the County should be sued the Commonwealth's Attorney would necessarily have to defend the Board - therefore, he should have a preview of the case.

In the case of a difference of opinion of attorneys regarding adequacy of a title, Mr. Conroy stated, the matter should be resolved and the unquestioned ownership established - that since Mr. O'Mera feels that he has a claim to this property - it would be against his interests for the Board to allow the location of the sign on this property.

Mrs. Henderson agreed that this question of ownership must be resolved before the Board makes a decision, since whichever way the case is decided would be unsatisfactory to one side or the other.

It was suggested that the two contending owners resolve their differences - and come back to the Board.

If the case should go to Court, Mr. Mooreland thought the Court would be bound by the certified survey. He felt that the question before the Board is - whether or not this strip of land is zoned for business use.

DEFERRED CASES - Ctd.

FAIRFAX AMUSEMENT CORP. - Ctd.

Judge Rothrock said he did not contend that this strip of land was zoned for business use.

Judge Rothrock read a letter from Mr. C. W. Kestner, District Engineer for the State Highway Department, which letter stated that the Highway Department is not certain as to the ownership of the land immediately adjacent to Route #608 where the sign is proposed to be located. The letter also stated that the proposed location of the sign - as far as they could tell - with reference to the roads, is such as would comply with the State's requirements pertaining to it and it was his belief that if the sign were applied for for outdoor advertising it would be approved.

Mr. Conroy suggested that the basic question would appear to be whether or not the title presented is to be considered adequate. He noted that the State Highway Department have stated that they do not know who owns the property - and Mr. O'Mera contends that he owns it as opposed to Dr. Adkerson - where the doubt of ownership exists; he felt that this case should be held up until these differences are resolved and the right of ownership established.

Mr. V. Smith moved that the Board consult with the Commonwealth's Attorney at this time.

Seconded, Mr. J. B. Smith

Carried, unanimously.

Mr. Fitzgerald, Commonwealth's Attorney, appeared before the Board and made the statement that in the case of a controversy over the ownership of a piece of property - the Board has the right to grant the application and if at a later time it develops that the applicant does not own the land - the other party could stop the sign from being erected on the ground. That is a matter between the two contending parties and not the concern of the Board - that it was not the function of the Board to determine who owns the land.

If the applicant has a certificate that he owns the land and if the case is one the Board wishes to grant it does not change the ownership of the land - it would simply be a matter of the objector stopping the erection of the sign.

In other words, Mr. Fitzgerald continued, the matter of the title is not being tried. A contest on land ownership could arise on any case, Mr. Fitzgerald explained, or the Board might unknowingly grant a use incompatable with covenants - which would be a matter for the Courts. If the Board denies this case because of the ownership of the land, Mr. Fitzgerald continued, the Board then is trying to decide the validity of the title.

If an applicant files an application with a question in his own mind about the ownership of the land, Mr. Fitzgerald explained, then the Board should delay action - but if the applicant says he owns the land but if the Board questions it - that is a matter for the Court.

Mr. V. Smith stated that this application is being heard under Section 6-3 A, subsection 3-b, which refers to Section 6-12-F-1-d, which states that such an exception may be made if in the judgement of the Board it shall be found

FAIRFAX AMUSEMENT CORP. - Ctd.

to be in harmony with the general purpose and intent of the Ordinance then such exception may be granted. In his opinion, Mr. V. Smith continued, a sign of this size would adversely affect the use of neighboring property since the neighboring property is zoned for residential use, and this therefore would not be in harmony with the general purpose and intent of the Ordinance and the area, therefore, Mr. V. Smith moved to deny this case.

Seconded, Mr. J. B. Smith

For the motion: Mr. V. Smith, Mr. J. B. Smith, Mrs. Henderson, Mr. Brookfield.

Against the motion: Mr. T. Barnes.

Motion carried.

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KOGOD-BERMAN, INC., to permit carport to remain as erected within 6 feet of the side property line, Lot 158, Section 2, Loisdale (7703 Layton Drive), Lee District. (Suburban Residence.)

Mr. Mooreland told the Board that these applicants wished to ask for a rehearing on their case for further explanation of conditions which were not brought out at the last meeting.

Mr. Berman appeared before the Board stating that he wished to submit a list from property owners most affected in this area - stating they did not object to this carport as it is located. He presented letters from each adjoining owner and pictures of each house in the immediate area all showing that this addition does not adversely affect them.

A letter was read from the prospective purchasers of this lot, stating that the house was incomplete as far as they are concerned without the carport. Also,believing that they would have occupancy of the house by October their daughter was registered in the Garfield school where they are transporting her now - which has caused a considerable hardship.

Since the carport is completed it would place an expensive burden on the builder to take it down and if the house were resold minus the carport it would have less value, Mr. Berman told the Board.

By means of the pictures, Mr. Berman showed that this setback is no less than many other houses in the area, since the distance between this carport and the house on the adjoining lot more than meets the requirements.

Mr. Berman also showed on the map that the zoning within a short distance of this house is General Business. Part of the property in the area has been re-subdivided to Urban classification, the balance of the area is Suburban, which allows a difference in setbacks.

This was an honest mistake, Mr. Berman continued, they were confused because of the zoning changes within this small area.

In answer to the Chairman's question as to the new evidence, Mr. Berman said his pictures told the story - that with the variation in zoning in the immediate area - a number of houses very close to the one in question are closer to the side lines and have less distance between houses than the house on Lot #158, and that this would have no adverse affect because of the com-

KOGOD-BERMAN, INC. - Ctd.

bination zoning in this subdivision of Urban and Suburban zoning.

Mr. Berman also noted that the house was reversed on the lot, but it was not re-staked. Someone neglected to tell the engineer of the reversed plans.

Mrs. Henderson moved to reopen the case.

Seconded, Mr. V. Smith

Carried, Unanimously.

Mrs. Henderson then moved to recind the Board's action of October 9th in which this case was denied.

Seconded, Mr. V. Smith

Carried, unanimously

Mrs. Henderson moved that in view of the new evidence presented, the Board grant this application, because of the peculiar condition of having a zoning line running through this subdivision so one very small corner of this lot is within General Business zoning, which creates a peculiar and extraordinary condition.

Seconded, Mr. V. Smith

For the motion: Mrs. Henderson, V. Smith, Brookfield, T. Barnes

Mr. J. B. Smith voted "no".

Motion carried.

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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 27, 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 Mr. Verlin Smith

NEW CASES:

1- DOW HOME BUILDERS, INC., to permit dwelling as erected to remain within 18.8 feet of the side property line, Lot 26, Block D, Yacht Haven Estates, Mt. Vernon District. (Rural Residence).

Mr. Irving Dow told the Board that he had no choice but to admit his error and do what he could to correct it. The house was laid out with a 25 foot setback on both sides, but the surveyor did not take into consideration the converging line and missed on the location. While the house was laid out supposedly with the 25 foot setback they had thought only a 15 foot setback was required.

This is the first house to be built in this development by the applicant, Mr. Dow told the Board. The driveway apron has been put in on the left side of the house - but there are no plans for a garage. The topography is comparatively good - the ground sloping up a little toward the rear - but there is a sufficiently level area back of the house for a detached garage, which would meet restrictions.

The house is under roof - they did not discover the error until it was well up and have stopped construction pending the outcome of this application, Mr. Dow told the Board. This is a wooded lot - a rambler has been built on the adjoining lot - the lot on the opposite side of the house is not yet built upon. They tried to re-subdivide the lot but could not do so as it would lessen the square footage of the adjoining lot below requirements.

Mr. V. Smith moved to grant the application, provided the applicant extend the driveway apron five feet in the rear of the northeast corner of the residence - because this does not appear to affect adversely neighboring property.

Seconded, Mr. T. Barnes

Carried, unanimously.

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2- R. B. DRAPER, to permit carport addition to tea room and build canopy on front of same over walkway, southwest corner of Arlington Blvd. and Prosperity Ave. Providence District. (Rural Residence).

When this permit was granted, Mr. Draper told the Board, one of the conditions was that a garage could be built on the west end of the property. He would like to substitute the placement of the carport on the south side of the property. The use permit also said he could make no additions to this property without approval of this Board. Now he is wishing to put a canopy over the walkway for the convenience of the guests in getting from their cars to the building. The canopy would come no closer to the street line than the present building.

NEW CASES - Ctd.

2-Ctd. The carport would suit the present arrangements better to be off to the side and to the rear, Mr. Draper said, rather than on the west end of the property. He recalled that his former garage had been converted into the kitchen. They had planned at one time to build a flag-stone outside summer terrace for dining - but the Pine Crest Citizens' Association objected - so they abandoned that idea and agreed not to apply for it - therefore the Citizens' Association agreed not to object to these changes.

They can seat about 55 people now - they have sufficient parking space.

Mr. V. Smith moved to grant the application under Section 6-4 and Section 6-12 - 2 - a and b because it conforms to these sections. This is granted for a carport approximately 20 x 24 feet and a canopy over the walkway which is approximately 8 feet x 32 feet - none of which is to come closer than 76 feet from the centerline of Prosperity Avenue.

Seconded, Mr. J. B. Amith

Carried, unanimously

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3- CLAUDE W. KIDWELL, to permit division of Lot 67, with 12 foot access to East Rosemary Drive, Lot 67, Devonshire Gardens (138 East Rosemary Drive), Falls Church District. (Suburban Residence-Class I).

The total area of this lot is about 40,000 square feet, Mr. Kidwell told the Board, sufficient under the present zoning to allow for two houses on the lot. Since the highway has become very busy and noisy, Mr. Kidwell explained, he plans to put his own home on the back lot.

It was brought out that many lots in Devonshire Gardens are this same shape - which would permit a second house. Mr. V. Smith asked how many lots were in this category. Mr. Mooreland thought about 60 - some of which have already built the second house.

Mr. Kidwell said he plans to do his preliminary work now and be ready to build in the Spring.

Mrs. Henderson asked the distance between the existing house on the property and the 12 foot access road. About 20 feet, Mr. Kidwell thought.

There were no objections from the area.

Mr. V. Smith expressed the opinion that this appears to be a legitimate and reasonable application, and probably should be granted, but he thought there very well could be a question of the Fire Department's ability to get in to these rear houses by means of this narrow access road - he suggested that this case be referred to the Planning Commission for consideration and recommendation and also to the Fire Commission. Since there are many other lots in this subdivision which would be eligible for this same type of development, Mr. Smith thought there should be some over-all uniform policy established which would be used in any similar case. He therefore moved to defer this case until January 8th for referral to the Planning Commission, to the Fire Commission and to the Public Works (as to street construction and for possible drainage problem which might come up) this is so referred

3-Ctd. with a view toward formulating a policy regarding future similar applications which might be presented to this Board in Devonshire Gardens Subdivision. Mr. Mooreland was of the opinion that the Public Works Department had nothing to do with this - an old subdivision - and the division of this lot into two parcels does not bring it under Subdivision Control.

Mr. V. Smith added to his motion that the applicant show on a plat the distance between the driveway and the existing house.

Seconded, J. B. Smith

Carried, unanimously.

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4- MILLER BUILDING SUPPLY COMPANY, INC. of Virginia, to permit erection of an additional sign 80 square feet in area, which will make the aggregate area of sign on the property in excess allowed by the Ordinance, Lots 2 and 3, Henry Williams Estate (6430 Columbia Pike), Mason District. (General Business).

Mr. Warren Miller represented the applicant. They are asking this large sign area, Mr. Miller explained, because the business is located 300 feet from Columbia Pike and there are actually two businesses operating - the wholesale warehouse and the retail business. People cannot see the buildings from that distance and are not aware - especially of the retail business. This sign would be near the entrance on Route #244, advertising the retail business, the "Kitchen Center". There is a sign on the warehouse which the Board granted some months ago - not knowing that the two businesses would be operating here. The problem has developed that people passing do not know of the retail business. This is a daytime sign only - no illumination.

Mr. Henderson suggested a smaller sign - to which Mr. Miller answered that the property was so large that a small sign would be lost. The sign will be angled so the traffic on Route #244 would not face it full front. A sign which people pass while driving at the normal speed must be larger, Mr Miller contended, to attract attention.

Mr. Miller pointed out that the retail building - which is the old tennis club house, is tucked into the corner of the warehouse building and therefore is not easily seen.

Mrs. Henderson suggested that the plat should show the proposed location of this sign. It was also brought out that another building is on the property which is not indicated on the plat. That, Mr. Miller said, is a storage shed, which also has a tendency to hide the retail building.

Mrs. Henderson suggested also that the applicant should show on his drawing the height of the sign off the ground - she thought the sign could be cut down to more nearly conform to requirements.

Mr. V. Smith recalled that the Board had already granted 175 square feet of sign on this property.

NEW CASES - Ctd.

4-Ctd. That sign was applied for by a firm whom they had employed, Mr. Miller said, and it was for the warehouse only - they did not know at that time that the retail business also would be on this property. There are actually two separate businesses in operation.

The sign is too large, Mr. V. Smith said, the plat does not show the location of the sign and the plat does not show the scale of the sign, and one building on the property is not shown on the plat. He felt the Board was lacking considerable information they should have.

Mr. Miller said the lettering on the drawing shown was not necessarily the exact lettering they would have. Mr. V. Smith answered that the drawing shown should be exactly what will go on the property and the exact size.

There is a small directional sign now at the entrance, Mr. Miller pointed out, which will be removed. He re-stated that [illegible] could not operate without an adequate sign.

Mr. V. Smith moved to defer the case until December 11th for plats showing location of the proposed sign on the property, the sign shown drawn to scale and complete plats showing the existing buildings on the property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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5- FRANK R. DEAN, to permit carport to remain 9.8 feet from side property line Lot 6, Block 16, Section 6, North Springfield (5411 Kempsville Street), Mason District. (Suburban Residence-Class II).

Mr. W. B. Swailes, Sales Manager for Mr. Edward Carr, represented the applicant. Mr. Carr's company built the house and sold it to Mr. Dean, Mr. Swailes told the Board, and Mr. Dean added the carport - which he found to be in violation. They missed in the measurements by 2.2 inches.

There were no objections from the area.

Mrs. Henderson noted that this carport was so located that it could easily be enclosed in the future.

Mr. Mooreland told the Board that this was built without a permit - that his inspectors had picked up the violation.

Mr. V. Smith suggested that the posts could very easily be moved closer to the house, thereby complying with requirements.

It was asked of what material the posts and panelling around the carport were made. Mr. Swailes did not know.

Mr. V. Smith moved to defer the case until January 8th, to give the applicant the opportunity of submitting specifications of the carport.

Seconded, Mrs. Henderson

Carried, unanimously.

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6- E. C. DAVIS, to permit carport to remain as erected 5' 6" of side property line, Lot 2, Block 3, Rolling Hills Subdivision, (3517 Jackson Avenue), Lee District. (Suburban Residence).

In laying out the carport, Mr. Davis explained, there was confusion between the back and the side lines and while the building permit showed a 10 foot side setback - and they thought they were observing that setback - they found this mistake. The carport is practically completed except for some engineering specifications which they will comply with. The driveway was already in, when he bought the place, Mr. Davis explained, in line with the present carport. Back of the house is a terrace which would necessarily have to be filled, if the carport were located there. The yard is chain-link fenced. There is a drop of about 10 or 15 feet from the back of the house to the end of the lot. Since the carport is all steel - it would not be attractive if it were attached to the house, Mr. Davis continued. They plan to eventually take this down and put a garage back of the house line. The present carport is on four inch corner posts embedded in concrete, and the floor is a concrete slab. When they build the other garage this will be used for a patio for outside living. The structure is bolted on to the concrete with steel bolts.

There were no objections from the area.

Mrs. Henderson moved that the application be denied because this is a considerable variance from the Ordinance and there is no evidence of undue hardship and the structure would be easily moved.

Seconded, Mr. V. Smith

Carried, unanimously.

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7- MRS. MARY B. FOWLER, to permit erection of a carport within 6.3 feet of the side property line, Lot 32, Block 10, Section 6, Hollin Hall Village, (303 Carlyle Place), Mt. Vernon District. (Suburban Residence).

In planning the carport, Mrs. Fowler told the Board, she was confused as to the required setback - having been told by different people that the required setback was either five or three feet. This would also serve as a shelter for the children's bicycles and toys.

In answer to Mr. V. Smith's suggestion that this carport be moved to the rear, Mrs. Fowler said it would not be in keeping with the architecture of the house and also the lot slopes down slightly both in the back and in the front - that the house is on a little knoll. Mrs. Fowler called attention to the fact that the house on the adjoining lot - on this side - is located 19.6 feet from the side line, which puts the two houses about 38 feet apart. The carport would not be practical on the other side of the house as the bedrooms are at that end of the house. The driveway is already in, Mrs. Fowler continued, and the north end of the porch is already constructed. This would connect with the porch. The neighbors think this would be an attractive addition and are not in opposition - a number of them offered to appear at

NEW CASES - Ctd.

7-Ctd. this hearing, Mrs. Fowler said, but she had thought it not necessary.
Mr. V. Smith thought the Board had no authority to grant this as there appeared to be no undue hardship, and he was sure that there are many lots in the County with this same problem and te Board can't grant all of them. If there were a topographic condition and no other place to locate the carport in his opinion the Board would have a reason to grant this, but since the lot is practically level, Mr. V. Smith continued, he felt the Board had no authority to grant.
Mrs. Babb asked what would happen to the storage shed which is on the porch if this is turned down. The plans for the porch, which were approved, showed that the gas meter would be moved into the storage shed.
Since Mr. Babb (who is the builder on this) has done considerable building in the County, Mr. Mooreland suggested and that he should know what the requirements are and how to conform to them.
Mr. V. Smith moved to deny the case under Section 6-12-g as the applicant has not shown peculiar and exceptional practical difficulties and no undue hardship and there is an alternate location for the carport on the lot.
Seconded, Mr. J. B. Smith
Carried, unanimously.
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8- HARRY C. SCHOENEMAN, to permit operation of a club for recreational activities and installation of buildings accessory thereto, on south side of #611 adjacent to south boundary line of U. S. Coast Guard Station, Lee District. (Rural Residence-Class II).
This will be a private club, organized for the purpose of conducting recreational activities - especially for square dancing. They will use the barn-structure now on the property. They hope to expand the facilities in the future, but at present will use only the barn, which will be converted into a club house. They plan a membership of from two to three hundred members. They have water connections and will use a septic field at present - or until County sewer is available.
Mr. V. Smith asked how much land would be used in this project - he noted that the plat shows 175 acres plus. Mr. Orr (owner of the ground) answered that that had not been determined - just whatever would be needed for parking and future expansion. He thought it would take about two plus acres. The barn, Mr. Orr noted, is about 100 feet in diameter - it is a double octagon in shape.
Mr. Orr said he had entered into this agreement with Mr. Schoeneman with the provision that each Friday night be turned over for the use of teenagers. This is a project, Mr. Orr continued, which he felt was greatly needed in this area, that Mr. Schoeneman was well qualified to carry on the square dancing which will be the main feature of the club, that he has a large following and a very fine reputation. Square dancing has become a popular

8-Ctd.

form of wholesome recreation, Mr. Orr continued, and they feel a fine type of club can operate here for both adults and teenagers. They will not allow strong drinks and since there are no houses near, the noise and lights will not adversely affect the area. The Coast Guard property is to the north and on the south is open farm land. Mr. Orr called attention to the fact that this is on the site of the old George Washington home - the only house George Washington ever built. The house was burned in 1917 and this building which they will use is the old barn which he built.

There were no objections from the area.

Mr. V. Smith said he would like to see the property involved shown on a plat, and would like to see a listing of the uses planned on the property. However, Mr. V. Smith added that he thought this appeared to be an excellent thing and he was 100% for it. He suggested also that the applicant should have the approval of the Fire Marshall and the Health Department.

Mr. Orr thought it not necessary to show the exact amount of the property to be used - he has cattle grazing on the acreage adjoining this - but he thought the amount of ground could be estimated. The addition of the swimming pool and the tennis courts may not materialize for a long time. They would wait for those things to develop when they are needed and wanted.

Mr. V. Smith said he could not vote for this without knowing more definitely what was planned - as according to the application almost anything could be added. Mr. Orr suggested coming back to the Board for further extension of uses - if they want them.

Mr. Schoeneman likened this to the Arlington County Recreation center. However, they have no intention of putting in other buildings at the present time. It was suggested making the list of proposed future activities before the meeting was over.

Mr. V. Smith moved to grant the application as shown on application dated November 7, 1956, signed by H. C. Schoeneman, for an area containing five acres in close proximity and surrounding the existing building which is a double octagon known as the "Hayfield Barn" - as shown on plat dated May 25, 1954 by Robert F. Kursch, subject to the approval of the Health Department, the Fire Commission, and ingress and egress to Telegraph Road being approved by the State Highway Department. This is granted to the applicant only for a period of five years. This is also subject to off-street parking being provided for all users of the use.

Seconded, Mr. T. Barnes

Carried, unanimously.

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NEW CASES - Ctd.

9- LUCY H. GENTICORE, to permit erection of three signs with larger aggregate area than allowed by the Ordinance, on north side of #29 - #211, west side of Food Fair Store at Kamp Washington, Providence District. (Rural Business)

Mr. Jones represented the applicant. This is a request for 290 square feet of sign: one pole sign, one on the building and one over the drive-in entrance. Mr. Jones called attention to the fact that this building is only 40 feet wide and the pole sign will be located 50 feet from the right of way of Lee Highway and the building is located about 50 feet back of the pole sign - therefore, the signs on the building must be large enough to be seen. There are four stores in this immediate area and all have this type of sign, Mr. Jones pointed out, because of the deep setback. The highway angles away from this lot at this point, making it more difficult to see the signs and the building. Therefore, the signs have been designed for good visibility from this distance.

This will be the first electronics plant in the area, Mr. Jones told the Board. They will employ four or five people.

Mrs. Henderson thought such large signs were not necessary as people patronize a cleaning establishment because they know where it is, and go there specificially for the purpose of leaving their clothes. However, Mr. Jones did not agree - he thought people must be lead by signs to their place of business - that the life and prosperity of the business depends upon that. These signs are specially designed for sight distance - and they are the only means of identification they have, Mr. Jones contended.

Mrs. Henderson pointed out that this business would have more sign area than either Food Fair or the Safeway. It was discussed - just what could be cut off of the signs - the specials or perhaps one of the signs on the building. Mr. Jones was unhappy at the idea of omitting any part of the signs. He noted the retaining wall between this property and the business adjoining, which makes it necessary to put the pole sign 15 feet above grade in order to be seen. He felt that the main sign was as small as it could practically be made.

It was agreed, however, that they could get along without the identification sign on the building, but he thought the sign over the drive-in window was very necessary.

Mr. V. Smith suggested reducing the pole sign by eliminating the "specials". A combined sign for a large shopping area of this kind was discussed, but not considered practical in the case of different ownerships.

Mr. V. Smith moved that this case be granted as shown on application dated November 8, 1956 - Red's Neon Signs, Inc., signed by Leonard L. Pickrell, President, which shows the pole sign to be located 50 feet from the edge of the right of way of Lee Highway and granting that portion of the sign - shown on plat No. 3802 dated November 2, 1956, 1" equals 1', and No. 4 - shown as "One Hour - Drive In Dry Cleaners" - the overall area of which is

9-Ctd. 5 feet by 16 feet, but specifically excluding the area shown below the 5 foot by 16 foot area indicating "Special Shirts 15¢"; and on plat No. 3805, 3/4" equals 1', dated Nov. 6, 1956 and No. 4 - granting that portion shown as "Drive In Window" 20 inches by 12 feet and specifically excluding "Cinderella Dry Cleaners". (This includes sign areas of 20 square feet and 80 square feet.).

This is granted because it does not appear to adversely affect neighboring property and it appears that this size sign is necessary for the use.

Seconded, Mr. T. Barnes

For the motion: Mr. V. Smith, J. B. Smith, T. Barnes

Voting "no" - Mrs. Henderson and Mr. Brookfield

Motion carried.

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10- HAZEL G. GANT, to permit operation of an Antique Shop, Lot 4, Swart Farm, on north side of Lee Highway, approximately three miles west of Centreville, Centreville District. (Agriculture).

Mrs. Henderson asked Mr. Mooreland under what section of the Code this could be granted. Mr. Mooreland answered that this is a permissive Ordinance and this use is not mentioned in the Ordinance - the Board has therefore handled such cases without a specific reference to the Ordinance, as to section.

Mrs. Gant said she would live in the dwelling on the property and operate the antique shop in the little "shop" building at the rear of the house until such time as her business expands to the point where she will use her home. Her plan is to sell certain antiques (the better ones) from her home when she has the place modernized. She is planning to make her permanent home here when she retires from Government work, Mrs. Gant explained. Mrs. Gant said she had not actually bought the property at this time - but will do so if this use is granted.

Mr. V. Smith questioned the authority of the Board to handle this case - although he recalled that the Board had granted antique shops under similar circumstances - but since the Courts had decided that this is a permissive Ordinance and things not listed are not allowed, he thought the Board should discuss this with the Commonwealth's Attorney before making a decision.

In the re-writing of the Ordinance, Mr. Mooreland said, antique shops are listed and the granting will be allowed by this Board.

Mrs. Henderson suggested that furnishing ones house with antiques and selling them could be called a "home occupation" - which Mr. Mooreland said was actually getting around the Ordinance.

Mr. V. Smith explained to Mrs. Gant that since this Ordinance was drawn in 1941 - it has become obsolete in many instances, and is therefore being re-written. However, he thought the Board should have a ruling from the Commonwealth's Attorney.

NEW CASES - Ctd.

10-ctd. Mr. V. Smith moved to defer the case until December 11th to give the Board the opportunity to check with the Commonwealth's Attorney on the authority of the Board to grant this application.

Seconded, Mr. T. Barnes

Carried, unanimously.

Mr. Brookfield suggested that this be discussed with Mr. Pomeroy also.

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11- MELPAR, INC., to permit all or part of building to be used as a laboratory for scientific research and to permit a variance to conditions 1 thru 5 inclusive, 6-4 (a) 15 m, Lots 1, 2, 20, 21 and 22, Rock Terrace (unrecorded), Mason District. (General Business).

Mr. Brandon Marsh represented the applicant.

Mr. Marsh recalled the original Melpar application which asked for a building to house about 900 employees - they now have 1600 in that building. This application is for additional space in which to carry on the same type of research. This is an area practically surrounded by business uses, Mr. Marsh pointed out, the building is already there - he did not think this use would in any way depreciate property in the area.

The recommendation to grant this application was read from the Planning Commission, stating that in their opinion this use would not now nor ultimately adversely affect neighboring property.

Mr. Mooreland agreed that this use is a considerable improvement on the present uses in this building.

There were no objections from the area.

There will be no exterior alterations, Mr. Marsh explained, except another deck and small changes to comply with the fire regulations. Much of their research, Mr. Marsh continued, is for Federal Government - they have never handled explosives.

Mrs. Henderson moved to grant the application for an exception to Section 6-4-m - 1 through 5, which is designed for Residential or Agricultural Districts whereas this is located on business property. The Planning Commission has recommended the granting of this use because it does not appear that it will materially affect adversely either the health or safety of persons residing in the neighborhood nor will it affect adversely the use or development of neighboring property in accordance with the zoning regulations and map. This is also granted provided the applicant furnishes off-street parking for all users of the use.

Seconded, Mr. T. Barnes

Carried, unanimously.

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DEFERRED CASES:

1- MICHAEL J. FARRELL, to permit an addition to dwelling as erected to remain 13 feet 3 inches of the side property line, Lot 41, Block T, Section 3, Parklawn, (1 Tonto Court) Mason District. (Suburban Residence).

This case was deferred to view the property and to give the applicant a chance to get in touch with the contractor. They saw the contractor, Mr. Farrel told the Board, and got no more satisfaction than the last time they talked with him in July. He offered excuses for not doing the work. They had started suit against the contractor but held that up to see if they could get this variance - but they have found that he has no ability to pay for any damage he has done - nor can he complete the job.

The room has already cost much more than they had planned, Mr. Farrell continued, and it will cost more to complete it. Mr. Farrell submitted letters from two neighbors most affected by this addition, both saying they do not object. He asked the Board to grant this in order that they might complete the room before winter.

It was brought out that the builder does not have to register with the County, and the State registration regulations cover a building of $20,000 or more. Mr. Farrell called attention to the manner in which the contractor had cut the building at the violating corner - to what they thought would comply with the setback - however, one corner still is in violation. It would be expensive to tear out this side of the building, Mr. Farrell continued.

Mr. V. Smith moved to grant the application because this can be done without harm to the public good and without impairing the zoning map. This is granted under Section 6-12-g. This is also granted in accordance with plat dated May 16, 1956 by Cecil J. Cross - the setback granted is for a 13' 3" setback from the side line.

Seconded, Mr. T. Barnes

Carried, unanimously.

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2- RANDOLPH D. ROUSE ENTERPRISES, to permit erection and operation of a motel (80 units), 425 feet east of Patrick Henry Drive off Route #50, Falls Church District. (General Business).

Mr. William Hansbarger represented the applicant in the absence of Mr. Lytton Gibson. Also Mr. Rouse, Mr. Verkerke and Mr. Tambler were present.

This application was deferred for Highway Department approval of ingress and egress. With regard to getting this approval, Mr. Hansbarger told the Board that Mr. Rouse had written Mr. Bolton (Resident Engineer) on October 29th as follows:

DEFERRED CASES - Ctd.

2-Ctd.

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"29 October 1956

Mr. L. O. Bolton
Resident Engineer
Virginia Department of Highways
Fairfax, Virginia

Dear Mr. Bolton:

We have undertaken a motel project on Arlington Boulevard adjacent to the Hot Shoppes property at Patrick Henry Drive.

Initial construction comprises eighty rental units and office facilities. Approximately one hundred fifty rental units are planned.

In order to enlist your good offices in planning ingress and egress facilities along Arlington Boulevard, we are enclosing a plat of our property and the immediate vicinity.

We shall appreciate your cooperation in this most important phase of our planning.

Very truly yours,

RANDOLPH D. ROUSE ENTERPRISES

/s/ Randolph D. Rouse"

Following is Mr. Bolton's reply to Mr. Rouse's letter:

"Route #50
Project No. 1929-15-18

Relocation of Patrick Henry Drive on Route 50
in Fairfax County

Fairfax, Virginia
November 13, 1956

Randolph D. Rouse Enterprises
2032 Belmont Road, N. W.
Washington 9, D. C.

Attention: Mr. Randolph D. Rouse

Dear Mr. Rouse:

In reply to your letter of October 29, concerning a piece of property which is a division of parcel 8 of Willston South, I am attaching hereto copy of memorandum dated November 5 from Mr. D. N. Huddle, our Location and Design Engineer.

Also attached is a tentative sketch of our proposed layout.

Very truly yours,

/s/ L. O. Bolton
Resident Engineer"

Following is memorandum referred to in Mr. Bolton's letter:

"DEPARTMENT OF HIGHWAYS

INTER-DEPARTMENTAL MEMORANDUM

Richmond, Va.
November 5, 1956

TO: Mr. C. W. Kestner

FROM: D. N. Huddle

Route 50-Project 1929-15-18
Relocation of Patrick Henry Dr.
on Rt. 50 in Fairfax County

SUBJECT: Proposed Commercial Entrance for a Motel

Attached is a sketch of our latest preliminary plan on the above described project and the plat ~~in~~ which you enclosed with your memorandum of October 30, 1956. We have sketched on the preliminary plans, parcel 8, Sections A and B, and you will note that the design will necessitate the elimination of all frontage on Route #50 for the entire property. In fact, we will take the entire property with the exception of the Hot Shoppe and possibly two small residues.

It has been our opinion that this property was controlled by the same people as that on the north side of Route 50 and were under the impression that they had been informed of our preliminary design.

We have not, as yet, received the survey based on the preliminary design, however, we expect, to prepare plans as soon as possible after the survey is received.

Location & Design Engineer"

This correspondence, Mr. Hansbarger contended showed nothing definite with regard to acquiring right of way nor of plans for the over-pass at Patrick Henry Drive. They admit in the letter, Mr. Hansbarger continued, that the attached sketch is a "preliminary plan" - that the plans are not finished and not to be used for construction nor for acquisition of right of way. The sketch is so stamped. They have not yet received the survey based on the preliminary design, Mr. Hansbarger pointed out.

It cannot be definitely said that this is the actual location of the over-pass, Mr. Hansbarger contended - nor does the Highway Department say when these plans will be available, and when acquisition of right of way will begin.

They have done nothing to condemn the property nor to compensate the owner for right of way, no money has been placed with the Court and no bill filed - nothing has been started - therefore, Mr. Hansbarger asked that this case not be held up on a mere supposition or vague plan which may never mature.

2-ctd. The following letter dated November 21, 1956 from Mr. J. E. Harwood, Assistant Location and Design Engineer, was read. (The plans illustrating the State's proposal of the over-pass were displayed).

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"November 21, 1956

Route No. 50-Project #1929-15-18
Proposed Separation Structure
and Interchange at Patrick Henry
Drive

Mr. H. F. Schumann, Jr.
Director of Planning
Office of Planning Commission
County of Fairfax
Fairfax, Virginia

Dear Mr. Schumann:

This is in reference to your letter of November 20, 1956 requesting information concerning the date when construction might begin on the above described project.

The State Highway Commission, at their meeting last May, authorized the immediate construction of a grade separation and interchange on Route 50 at this point and it is our intention to start construction just as soon as plans can be prepared and the necessary right of way secured.

The survey has now been completed and we hope to have the plans ready for right of way acquisition within two or three months. We will make every effort to advertise this work if possible, some time during the year 1957.

If there is any other information which we can give you, please feel free to call on us at any time.

Thank you very much for the maps of the Langley area which you so kindly sent us.

Yours very truly,

/s/ J. E. Harwood
Assistant Location & Design Engineer "

Mr. Hansbarger contended that the Harwood letter also meant nothing - that before the State could take private property it is first necessary to show necessity then pay the owner a fair amount for the property. Since these over-pass plans are tentative only - the Board is going astray in its jurisdiction to go into this, Mr. Hansbarger continued, as such matters as condemnation and acquisition of right of way have nothing to do with the functions of this Board. The only question before this Board is the right of this property owner to use his land as requested, Mr. Hansbarger contended. Some future, probable plan of the State should not be considered.

Mrs. Henderson suggested that by granting this use it would certainly increase the value of the property, thereby raising cost of acquisition, therefore, the Board would not be acting in the interests of the general welfare of the County.

The County is not engaged in the business of acquiring right of way, Mr. Hansbarger answered. This property, he continued, has been zoned for business use since 1947 - the original purpose of the zoning was for a motel,

2-Ctd. and if the need existed then, certainly that need exists now. But, under any circumstances, Mr. Hansbarger pointed out, since this property is zoned General Business, there are many other businesses which could go in here without a permit from this Board, which would enhance the value of the property, probably far more than this motel. The applicant could establish apartments, a hotel - and in fact "any trade or service" - according to the Ordinance. Mr. Hansbarger questioned the need for this permit - since the structure could and probably should be classified as a "hotel", which could be put on General Business property without a special permit from this Board. If any business goes in here, Mr. Hansbarger informed the Board, it would no doubt be necessary to borrow money and it would be incumbent upon the builder to tell the company from whom he borrows the money of the State's plan to condemn this property. No loan company would lend the money until that is cleared up and that would be a matter between the State and the owner, not with the Board of Zoning Appeals.

They have tried to get more definite information from the State on this overpass, Mr. Hansbarger continued, but were unable to do so. In the District of Columbia, Mr. Hansbarger pointed out, on a certain case, the Government wished to hold up development on a piece of land until they decided what they wanted to do in that area - but the Court determined that a man could not be denied the use of his land for indefinite plans for future use of that land. That applied in this case, Mr. Hansbarger argued. A plat with pencilled-in islands on the service road and two 50 foot entrances with an 185 foot buffer strip between the entrances was presented. However, as Mr. V. Smith pointed out, no Highway approval was shown on the plat. Mr. Rouse explained that the Department of Public Works had advised him that ingress and egress cannot be granted until they have submitted detailed elevations, drainage and profile plans. The Public Works Department will (after such plans are submitted to them) pass these plans on to the State Highway Department to resolve any differences of opinion. But they cannot go ahead with expensive plans which would involve engineering and architectural studies until this is granted, Mr. Rouse continued. They intend to work with the State in every respect, Mr. Rouse assured the Board, to achieve a satisfactory and safe entrance. It was also pointed out that no such difficulty had taken place in the location of ingress and egress on the Hot Shoppe property.

Mr. Hansberger suggested granting this - provided the applicant gets approval from Mr. Rasmussen, the State Department of Highways, and that the over-pass be disregarded because of its uncertainty.

Mrs. Henderson pointed to Mr. Harwood's letter regarding the meeting last May - which, in her opinion, did not show uncertainty.....

If there is no uncertainty, then why does the State not go ahead with condemnation and right of way acquisition, Mr. Hansbarger asked?

2-Ctd. Mr. Rouse informed the Board that it was no secret that the State was not completely satisfied with the tentative plans for this over-pass at Patrick Henry Drive, that Mr. Ed Holland has been employed by the owners of that tract to make alternate studies for by-pass location. The end result could be, Mr. Rouse continued, that the over-pass would not even touch his property. Within two or three months, Mrs. Henderson suggested, the highway plans may become settled, which would give the Board a clear view of the final picture here. She re-stated that the Board must consider public welfare in its decisions, and she thought this sufficiently important to wait a reasonable time.

The public welfare would profit from these taxes, Mr. Hansbarger answered...

The plans for ingress and egress were discussed. Mr. Tambler stated that plans showing ingress and egress had been prepared but the Highway Department could not approve that as they were concerned first with the plans and profiles, and the fact that the Highway Department standards be met. They are perfectly willing to meet the State's standards, Mr. Tambler continued, but they first want approval of this use before making expensive plans.

Mr. V. Smith told the applicants that the Board must have approval of the State for ingress and egress before granting this. Mr. Hansbarger pointed to the pencilled plat showing two 50 foot entrances with 4 inch curb and gutter and a 185 foot strip between entrances, which he claimed meets the Board's requirements.

Mr. V. Smith said he saw no real request on the part of the applicant for ingress and egress approval in the correspondence presented, he saw no approval of plans for ingress and egress. He did not consider the pencilled sketch sufficient. Mr. V. Smith asked - what is the procedure in getting approval from the State for ingress and egress?

Mr. Tambler answered that the State asked the applicant to show what he wants in the way of ingress and egress - the State will then discuss with the applicant their established standards. However, there was considerable confusion on the exact method of securing final ingress and egress approval and just when that approval occurs. Mr. Rouse explained the manner of getting ingress and egress approval on his U. S. #1 motel - which was accomplished without difficulty.

Mr. Verkerke related his contract with the Highway Department - stating that he went to the Highway Department to secure a conference on this, but the Department refused to discuss it, and no date was set for a conference nor was any information given him on the procedure in getting approval. He later talked with the Engineer (before Mr. Rouse wrote the letter to Mr. Bolton) and made an appointment with Mr. Hertzler for inspection. Mr. Hertzler called later that he could not meet the appointment and said he would contact him later - which he never did. Then Mr. Rouse wrote to Mr. Bolton. When their plans were drawn, Mr. Verkerke continued, they were told that nothing was

2-Ctd.

necessary at that time beyond what they had submitted. The islands and the entrances were pencilled in - to scale - and this plat taken to Mr. Bolton, who refused to consider it and referred to the letter written to Mr. Rouse on November 13th.

In discussing this with Mr. Rasmussen of the Public Works Department, Mr. Rasmussen told Mr. Verkerke that at this stage he could not approve, deny or criticize the plans until he had final detailed plans of construction. These final plans for drainage will be submitted to Mr. Rasmussen, who will go over them and submit them to the State.

Mr. Hansbarger said Mr. Rouse had talked with Mr. Bolton asking him what they wanted - in order to determine ingress and egress - and Mr. Bolton had referred to his letter to Mr. Rouse - what else can they do, Mr. Hansbarger asked?

Mr. V. Smith recalled that other applications granted by this Board had received plans of ingress and egress with the stamp of approval from the Highway Department.

Then, Mr. Hansbarger said, why not grant this subject to getting that approval? There is no question but what they will have to meet the State's requirements.

There were no objections from the area.

Mr. V. Smith moved to defer this case until January 8, 1957 to study the application and discuss with the Highway Department the definite procedure on obtaining permit for ingress and egress and to discuss this particular application with the Commonwealth's Attorney. (To discuss this with the Commonwealth's Attorney, Mr. V. Smith explained, because in the granting of this case it is obvious that the general welfare of the County would be affected in the acquiring of right of way - and to discuss with the Commonwealth's Attorney the right to hold up this permit pending the definite decision on the acquisition of land).

There was no second.

Mr. T. Barnes moved to grant the application because in his opinion it will not adversely affect the public welfare, and will not adversely affect the general development of the area.

Seconded, J. B. Smith

Mr. V. Smith said that if it could be shown conclusively that failure to acquire this land for over-pass would endanger lives of people in the area, it would certainly affect the general welfare. Mr. V. Smith said he did not suggest denying the case, but to talk with the Commonwealth's Attorney before making any decision.

For the motion: T. Barnes, J. B. Smith

Against: Mrs. Henderson, Mr. Brookfield; V. Smith not voting.

Tie vote

DEFERRED CASES - Ctd.

Since this motion was lost the Chairman suggested a meeting with the Commonwealth's Attorney as proposed in Mr. V. Smith's motion.

Mr. Hansbarger objected to the January 8th - asked for an earlier date of deferrment.

Mr. V. Smith revived his original motion with the change of deferrment date to December 11th.

Seconded, T. Barnes

Mr. Hansbarger noted an appeal.

Mr. V. Smith said that since it had been brought out that the applicant has been refused a conference with the Highway Department on ingress and egress and the Ordinance requires approval of ingress and egress he thought there were many things necessary to be discussed with the Commonwealth's Attorney.

For the motion: V. Smith, J. B. Smith, T. Barnes and Mr. Brookfield.

Mrs. Henderson not voting.

Motion carried.

Mr. Hansbarger said - for the record - he would still note an appeal.

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MRS. L. L. DOTY, to permit erection of a garage within 25 feet of the Street property line, Lots 33 and 34, Block 3, Belle Haven, (19 Edgewood Terrace), Mt. Vernon District. (Urban Residence).

Mrs. Henderson moved to defer this case until December 11th at applicant's request

Seconded, J. B. Smith

Carried, unanimously.

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The following letter from Mr. H. F. Schumann, Jr., Director of Planning, was read - regarding the HOWARD DAVIS case, requesting a Marine filling station on his property in Gunston Manor:

"November 27, 1956

TO: Board of Zoning Appeals

FROM: Fairfax County Planning Commission

SUBJECT: Motion for re-hearing of application of HOWARD DAVIS for Marine Service Station - Lots 5 and 6, Block 1, Gunston Manor

Last night the Planning Commission considered the application of Howard Davis to rezone the subject lots to rural business.

After lengthy discussion of the matter the Commission passed the following motion:

'that the matter be referred to the Board of Zoning Appeals with the statement that the Commission thinks it to be within the jurisdiction of the Board. While the Commission is sympathetic with the applicant, it desires not to rezone this land for business. The Commission thinks from the facts presented to them that this matter should be the subject of a re-hearing by the Board of Zoning Appeals. In connection with such re-hearing the Commission recommends that the application be granted.'

DEFERRED CASES - Ctd.

HOWARD DAVIS - Ctd.

Letter from H. F. Schumann, Jr. - ctd.

This recommendation is submitted in the form of a motion for re-hearing as specified in Section 6-12 (h) 6, page #98 of the County Zoning Ordinance.

It is the conviction of the Commission that the Board is in a position to hold a re-hearing in that:

The Board had authority to act on October 3rd (the date of its decision) and therefore has authority to re-hear the case.

A motion for re-hearing is hereby made within forty-five (45) days of that date (October 23rd.)

The new evidence submitted is the Commission's recommendation which could not reasonably have been presented at the original hearing, in that this matter was not at that time before the Commission.

It would be appreciated if the Board would advise the Commission of its decision on the matter of a re-hearing of this case.

Very truly yours,

FAIRFAX COUNTY PLANNING OFFICE

/s/H. F. Schumann, Jr.,
Director of Planning"

The question of whether of not the Ordinance would cover the granting of this case was discussed - whether or not a "filling station" could be considered a Marine Service Station.

Mr. V. Smith moved to defer the consideration of reopening of this case, as suggested by the Planning Commission, until the Board members could consult with the Commonwealth's Attorney regarding their jurisdiction in this case.

Seconded, Mrs. Henderson

Carried, unanimously.

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It was suggested that the GANT, DAVIS and ROUSE cases be discussed with the Commonwealth's Attorney at the same meeting.

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The meeting adjourned.

John W. Brookfield

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, December 11, 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 Mr. V. Smith

DEFERRED CASES:

1- PAUL A. MILLER, to permit erection of carport and storage area within five feet of side property line, Lot 156, Section 4, Hollin Hills, (214 Martha's Road), Mt. Vernon District. (Suburban Residence).

Mr. Miller had telephoned that he would be unable to attend the meeting. This case was deferred for Mr. Miller to re-design his carport - which he stated by letter to the Board that he could not do. Therefore, Mrs. Henderson moved to deny the case, as no evidence had been presented of hardship.

Seconded, Mr. V. Smith

Carried, unanimously.

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2- SPRINGFIELD ESTATES, to permit dwelling closer to Street line than allowed by the Ordinance, Lot 9, Block 10, Section 1, Springfield Estates, Lee Dist. (Urban Residence).

This case was withdrawn as the applicant was able to re-subdivide and therefore conform to the Ordinance requirements.

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NEW CASES:

1- DAVID S. BOGER, to permit extension of Ancient Oaks Trailer Court (50 trailer lots), on south side of Lee Highway, immediately adjacent to Ancient Oaks Trailer Court, Falls Church District. (Rural Business).

Mr. Hansbarger appeared for the applicant asking that this case be deferred for 60 days, pending the adoption of a new trailer park Ordinance.

Mr. Barnes moved to defer the case for 60 days pending adoption of the trailer park Ordinance - deferred to February 12, 1957.

Seconded, Mr. V. Smith

Carried, unanimously.

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2- TULLY D. ATKINS, to permit operation of an auto repair shop, on north side #1 Highway, 425 feet south of Engleside Street, Mt. Vernon Dist. (Rural Bus.)

This business will be operated in the building now on the premises, Mr. Atkins told the Board. When he went for a license to operate a repair garage he was told it was necessary to have a permit from this Board, Mr. Atkins said. He had thought that since his property is zoned for Rural Business use he could operate the repair garage without further hearing.

Mr. Mooreland suggested that if the Board granted this it should be made clear to the applicant that he shall not operate the kind of business being carried on by Corbin Baker - which property is to the rear of this. That has become practically a junk yard, Mr. Mooreland continued.

2-Ctd. While wrecked cars necessarily have to remain on the property until the Insurance Company clears the job for work, Mr. Atkins told the Board, it is not necessary to maintain a junk yard. Mr. Baker sells whatever of the wrecked cars he can for junk and burns the left overs on his property. He has no intention of doing that, Mr. Atkins said.

There was no objections from the area.

He will use only this one building now, Mr. Atkins explained, however, he may wish to either expand or put up some other kind of building in the future - but he has no plan for that now.

Mr. V. Smith moved to grant the application under Section 6-16 of the Ordinance, and the conditions applicable to this permit. This is granted subject to the approval of the State Highway Department for ingress and egress and also subject to approval of the Public Works Department as outlined under the Ordinance titled "Ordinance to Regulate and Assure Orderly Subdivision and Development of Land in Fairfax County".

Seconded, Mr. J. B. Smith

Carried, unanimously.

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3- J. M. BEARY, to permit ~~proch~~ porch to remain enclosed, Lot 11, Section 1, Little River Hills, (#23 Estel Road), Providence District. (Rural Res.-Class I).

Mr. Beary explained the background of this error, saying that he made arrangements with his contractor to do this job - the contractor agreeing to get the permit - which he did. After the work was completed and inspected, he was told it was in violation. Inquiring into the reason for the error, Mr. Beary said, he found that the permit was issued in error due to the use of the wrong plats - on which the permit was issued. The plats used were the original construction plats which did not show that a garage had been constructed on the side of the dwelling. Had this plat been used, which shows the carport 9.3 feet from the side line - this permit would not have been granted, Mr.Beary continued. The records did not show that the garage had ever been cleared by this Board.

Mr. Mooreland recalled that there were three cases in this area which were in violation. For some reason this 9.3 foot setback was approved by his office - he could not account for that. But in making out the papers for this case - the plats, which showed the carport, were not used - but the original plats of the dwelling were pulled. This case was brought before the Board on the basis of the faulty use of the original plats which showed no violation and no carport nor garage. Now the garage addition is enclosed and used as living quarters.

There were no objections from the area. Mr. Beary said he felt that this actually improved the building and was in no way detrimental to neighboring property. He does not plan to have a garage now - and if he did think of one in the future the land is sufficiently level at the rear for such construction.

NEW CASES - Ctd.

3-Ctd. The present plats show that the porch enclosure - is at the rear of the garage enclosure with a few feet offset and is located about 13.7 feet from the side line.

Mr. V. Smith stated that in view of the apparent error in the approving of the permit and the expense to which the applicant has gone - in good faith - to enclose the carport and the porch.....

Upon examining the plats it was found that the enclosed porch was shown on the opposite end of the rear of the dwelling. Mr. Beary said his contractor had sent one of his men to get the permit - that individual had not seen the building and did not know there was an enclosed carport on the property and did not know where the porch was to go - he therefore drew it on the plat where he thought it would be located. That was in error. The porch is at the rear of the carport-garage - which, along with a storage area, is enclosed.

The inspector's report on the violation was read.

The Board again discussed the chain of circumstances that led up to the filing of this application. It was agreed that there was no similarity between the sketch presented for this case and the work that had been done and the man who got the permit was simply drawing in the work that he was to do - on the basis of the original plat - which he was shown in the Zoning Office, a plat which was in error.

There are most certainly mitigating circumstances in this case not of his making, Mr. Beary contended - there was no intention to evade the Ordinance nor to create a violation.

When he bought the house, Mr. Beary told the Board, the footings were already in for the porch - he built the porch over these footings.

Mr. V. Smith moved to defer the case until January 8th to view the property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

Mr. J. B. Smith asked that the builder be present at this meeting.

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4- ELLIS G. HARRINGTON, to permit storage shed to remain as erected two feet of side and rear property lines, Lot 4, Block 8, Section 3, Hollin Hall Village (406 Fairfax Road), Mt. Vernon District. (Urban Residence).

This little shed was moved from the Southern Iron Works, Mr. Harrington explained, the foundation was put down and the shed was erected before he realized it was in violation. It is about 10 x 10, constructed of galvanized aluminum. This is badly needed for tools since he has no basement. In fact several of his neighbors use it for their lawn mowers and tools since none of them have basements.

Mr. Harrington presented statements from three of his immediate neighbors stating they had no objection to this violation.

4-Ctd. Mr. Mooreland said there were several others in this area who had sheds in violation which have been reported. He has not yet been able to get in touch with all of them to make application for the variance. The people in the County think, Mr. Mooreland continued, that since a garage can be located two feet from the side line - a storage shed would surely come within the same limitations. There were no objections from the area - however, it was noted that most of the immediate neighbors use the shed.....

Mr. V. Smith moved to defer the case until June 11, 1957.

Seconded, Mrs. Henderson

Carried, unanimously.

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5- MELPAR, INC., to permit site for testing equipment developed for the Government at Melpar Research Laboratory at 3000 Arlington Boulevard, property 1/2 mile west of #658 and 700 feet from private road on Mr. Mitchell's Farm (Bull Run Farm), Centreville District. (Agricultural District Class I).

Mr. Brandon Marsh represented the applicant. After locating the proposed site, Mr. Marsh told the Board that they have equipment which needs testing which cannot be done at their main plant on Arlington Boulevard. This will be a similar type of testing to that done on the location previously granted except that for this particular equipment they need a large area and high ground, which will insure a clear atmosphere.

There are 491 acres in this farm (the Mitchell Farm) and Mr. Mitchell is fully advised of the proposed plans. The only homes within a long distance of this site are the Mitchell home and a tenant house, Mr. Marsh said.

There will probably be no permanent construction on the property, Mr. Marsh explained, they will use two big trucks and put up a guard shack. Later they may need a silo-type dome. As stated in his letter of November 14th to Mr. Schumann, which explains the desired use, there will be no radio nor television interference as there is no sending - this will be a receiving process.

The recommendation from the Planning Commission was read approving this use.

They are leasing this property for one year, Mr. Marsh stated, with the possibility of extending it to two.

Mr. V. Smith moved that the application be granted substantially as shown on sketch which shows Centreville, Manassas, and Johnson's Corner Shopping Center and the "X" mark indicating test site, and substantially as shown on another sketch titled "Proposed Test Site AN/TLQ-5" signed by M. Morris, dated October 26, 1956, and as outlined in the letter to Mr. H. F. Schumann, Zoning Administrator, dated November 14, 1956, signed by Mr. R. Brandon Marsh. This application is granted under Section 6-4, Subsection m, only the first paragraph applying; because of the large area involved and the isolated location of the site, etc., the other provisions of this section are not included. This is granted because it does not appear to affect adversely the health and safety of persons residing or working in the neighborhood nor the general welfare. This is granted for a period of five years.

NEW CASES - Ctd.

5-Ctd. Seconded, Mr. T. Barnes

Carried, unanimously.

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6- WILLIAM S. SAVOPOULOS, to permit erection of a carport within 11 feet one inch of the side property line, Lot 64A, Dunn Loring Gardens, Providence District. (Rural Residence).

This is a request for a two car carport, Mr. Savopoulos told the Board, and the neighbor most affected sent a statement that he has no objection to this variance. This is a deep lot, Mr. Savopoulos pointed out, and he has a frame building at the rear of his yard which is also about 10 feet from the side line, and which is not objectionable to anyone in the area. His house is a considerable distance from the house on the adjoining lot - approximately 150 feet.

Mrs. Henderson suggested buying a strip of land from this adjoining neighbor which would make this addition conform.

Mrs. Henderson moved that the case be deferred until January 8th, to give the applicant the opportunity to purchase more land to make his addition conform.

Seconded, Mr. T. Barnes

Mr. V. Smith said he would vote "no" on this because he could see no evidence of hardship, that there is room on the property for a carport at the rear - the topography is satisfactory. He thought the Board was in error to grant this. If the applicant wishes to contact his neighbor to purchase more land - that is his affair, Mr. Smith continued, but in his opinion Mr. Savopoulos is in the same position as many other people in the County, and he did not feel that the Board had the authority to grant this.

Mrs. Henderson withdrew her motion - Mr. Barnes agreed, and Mr. V. Smith moved to deny the case, because there is an alternate location on the property to build a two car garage or carport - or there is room to build a one car carport on the house. He felt that no evidence of undue hardship had been presented.

Seconded, Mr. T. Barnes

Carried, unanimously.

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7- GRACE B. & CUTLER SMITH, to permit duplex dwelling under 6-12 Sub. Sec. 6, at 3404 Virginia Avenue, Dranesville District. (Rural Res.-Class I).

Mr. Wesley Cooper represented the applicants, who were also present.

At the last hearing of this case, Mr. Cooper recalled, a question was raised as to the joint ownership of the property involved. Mr. Cooper presented a receipt showing that a one acre tract (which covers the area requirement for the granting of this application) is now recorded in the name of Grace and Cutler Smith.

Mr. Cooper gave a brief history of the case, stating that Mr. Smith had gotten a permit to build this house (a two family dwelling) in 1946. He did

7-Ctd.

not complete the house at that time but the house he is now living in, which has been completed by stages, is the house for which he obtained the permit in 1946. He did not go before the Board for the two family use - it was simply granted in the approval of his original plans, which were submitted with his original application, and which showed the two family units.

The house was actually built in 1950 and the Smiths and another family moved in in 1951. The second family was in the basement apartment. Some additions were made along the way but these changes were approved by inspections and the tax assessors records reflected the changes made.

Mr. Cooper was very firm in his contention that the original plans contained the two living units and that the permit was approved on this basis.

In fact the loan was granted also on the fact of this being an income bearing dwelling. Also, Mr. Cooper told the Board that a set of the original plans showing the duplex use is on file with the Clarendon Trust Company, the people who made the loan. He thought that could be produced.

The applicant had presented a set of floor plans, which he said was practically a duplicate of the original plans, showing the basement apartment, and the partially completed attic.

Mr. Smith told the Board that his wife's family had always lived with them, and it was his intention in building this house to have the apartment for either his or her family. When he moved into this house in 1951 his brother moved in with them, and since then various people have lived in this apartment. (Even Mr. Frogale, who is the chief objector, lived with them for a time). Mr. Smith detailed his expenses on the house and the resulting income from his rent - which he said was necessary to help him make his payments. The house would have been completed in 1950, Mr. Smith continued, but the contractor went broke - putting him in the hole deeper than ever. After a time he was able to re-finance and go ahead. With each addition to the house he obtained a permit, Mr. Smith said, and the proper inspections were made.

Mr. V. Smith suggested that all this financing detail had nothing to do with the case as far as the Board is concerned.

Mr. Cooper said they were simply trying to establish the fact that the duplex house had been allowed, and that there are plans to that effect and that the load was based on the duplex use. He said this would be a great hardship to Mr. Smith to be refused this use in view of the facts surrounding the erection of this type house. Mr. Smith was perfectly honest in his belief that he was within the regulations, Mr. Cooper continued, and had no intention to violate the Ordinance.

Mr. J. B. Smith asked to have the original permit brought before the Board. That would be the 1946, Mr. Mooreland said - those records have been put away in the attic.

7-Ctd. Mr. Herbert, who lives back of the Smith property - some little distance, told the Board that there had been a great deal of hysteria over this in the beginning, because people thought Mr. Smith could practically cover his property with duplex dwellings - but since they had learned that this permit covered only the one dwelling, objections were less.

The Recommendation from the Planning Commission was read, stating that the Commission did not approve the plans because a duplex use of this building will tend to affect adversely neighboring property, which is single family residential in character.

Mr. Cooper pointed out that the Ordinance contemplates the erection of duplex and provides for their location within a single family area, and since the applicant has built this house - apparently complying with all requirements - he felt the Board should exercise their reasonable judgment and consider the applicants vested rights in this. He also felt that the original permit should be produced.

Mr. Mooreland said he was in Mr. Ferguson's office during 1948 and 1950 and no plans were handled by that office at that time - only the application which told what would be built. They did not require plans.

A permit was produced, which showed an addition to a dwelling 13 x 47 feet, which had been issued to Mr. Smith in 1950 - which Mr. Smith said was for certain additions which were made to the original permit. This covered work on the second floor, but said nothing about a second kitchen.

Since there were other permits issued during construction, the Board adjourned for lunch - after which time the Board convened and Mr. Mooreland produced a permit issued to Mr. Smith in 1949 for a dwelling estimated at $7500 on 1.38 acres - permit signed by H. Eddy, Jr., with the notation that plats would be brought to the Zoning Office, but those plats were never produced. The permit issued in 1950 was for one dwelling to cost $8000, plats accompanying the permit showing a 23,000 square foot house.

During the intervening years between 1946 and 1950 - when Mr. Smith said he started to build, there was a conveyance of the property to another party - and it was a little later conveyed back to Mr. Smith. Mr. Smith still contended that the original plans were on file, and that the loan copy could be obtained from the Clarendon Trust.

Mr. Mooreland noted that the two permits which he had produced both said a one family dwelling. Another permit was issued later in 1950, Mr. Mooreland said, which was for a house 62 x 32 feet on the Crimmins property. Mr. Smith said he did not build that house.

Mr. V. Smith thought the Board should decide whether or not the permit was pertinent to this case. If the applicant has plans for a two unit dwelling he thought it should be produced to determine if that type of dwelling was approved.

NEW CASES - Ctd.

7-Ctd. Then it was brought out that a permit was issued in 1948. Mr. Smith said that application was made for a house for Mr. Heishman, who had the ground at that time - but that house was never built, and Mr. Heishman conveyed the land back to him. The first 1950 permit, Mr. Smith continued, was for another lot.

Mr. V. Smith suggested that the case be deferred for the applicant to contact Mr. Jones at Clarendon Trust - to try to get the old plans showing the two family units.

Mr. Frogale said he had the original permit which was taken out by Mr. Doyle and built by Earl Bailey. It is the house that was applied for and which was built. It was not for two families. He had supplied the materials for Mr. Bailey.

Mr. V. Smith suggested that the two sides get together and straighten out the chain of permits that led up to this application.

Mr. Cooper asked that the case be delayed for him to contact Mr. Jones.

The Board agreed - and therefore went on to the next case.

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6- DEFERRED: It was noted that again Mr. L. L. Doty could not stay for his case to come up.

Mrs. Henderson moved that this case be deferred until January 22,1957 - and that it be placed on the agenda at 10 o'clock.

Seconded, Mr. V. Smith

Carried, unanimously.

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DEFERRED CASES:

3- MILLER BUILDING SUPPLY COMPANY, INC. OF VIRGINIA, to permit erection of an additional sign 80 square feet in area, which will make the aggregate area of sign on the property in excess allowed by the Ordinance, Lots 2 and 3, Henry Williams Estate, (6430 Columbia Pike), Mason Dist.(General Business).

Mr. Miller represented the applicant. The size of the sign as re-designed has been reduced from 80 square feet to 60 square feet, Mr. Miller told the Board.

The new plats showed the storage shed on the side of the property, to be located 26.5 feet from the right of way - the setback should be 35 feet.

Mr. Mooreland thought it was not built in accordance with the permit issued.

The date of the plat for which this case was deferred, was questioned - since the Board had asked for revised plats showing the building and location of the sign. Mr. Miller said the same basic plat was used in making the change , and the date not changed.

Mrs. Henderson said she had driven by this property, and in her opinion the large signs were not necessary. Mr. Miller answered that in coming from the Barcroft area the trees do obscure the visibility. He has been told by many of their customers that the identification was not sufficient.

December 11, 1956

DEFERRED CASES - Ctd.

3-Ctd. Even the numbering on the sign is not of great value, Mr. Miller continued, as there are no other numbers near their property. In fact there is nothing along the highway to use as a landmark.

Mr. V. Smith suggested deferring the case for the applicant to re-design the sign, showing just "Kitchen Center" and the street address, however, he moved to grant the application as shown on sketch submitted by the applicant, reading "Showroom and Offices - Kitchen Center, 6430 Columbia Pike" to be placed on the sign not in excess of 4' x 8' and to be located not closer than 35 feet from the south right of way line of Columbia Pike. This is granted as it appears necessary for this size property, and the use being made of the property, that this size sign is needed. Granted because it will not affect adversely neighboring property.

Seconded, Mr. T. Barnes.

It was added that this permit will not be issued until it is known that the storage building conforms to the setback of the Ordinance.

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4- HAZEL G. GANT, to permit operation of an Antique Shop, Lot 4, Swart Farm, on north side of Lee Highway, approximately 3 miles west of Centreville, Centreville District. (Agriculture).

After discussing the authority of the Board to grant an antique shop with the Commonwealth's Attorney, Mr. Brookfield stated that it was his understanding that the Board does not have that authority.

Mr. Mooreland recalled that the Board had set its own policy on these cases since antique shops are not mentioned in the Ordinance, and recalled that the Board had granted some cases and denied others. When people make these applications he always informs them, Mr. Mooreland continued, that such a use is not listed in the Ordinance, therefore, he doubts the Board's jurisdiction to grant it - but people still wish to make applications, and it was his understanding that is their privilege. However, after the discussion with Mr. Fitzgerald, the Commonwealth's Attorney, he would refuse to take these cases.

Mrs. Henderson moved that the Board set a new policy with a clear slate and refund the money paid by Mrs. Gant for this hearing, and hereafter these cases will not be brought before the Board.

There was no second.

It was Mrs. Henderson's opinion that if the Board had no jurisdicition - the County has no right to take peoples'money.

Mr. Mooreland asked under what authority can the Board refund the money?

Mr. V. Smith suggested deferring the case until January 22,1957 to consult with the Commonwealth's Attorney as to whether or not the Board has the authority to refund the money.

DEFERRED CASES - Ctd.

4-Ctd. Mr. V. Smith therefore moved to defer the case until January 22,1957 to consult with the Commonwealth's Attorney regarding the refund of the fee paid by Mrs. Gant for this application, and that Mrs. Gant be advised that the Board of Zoning Appeals does not have jurisdiction over the granting of antique shops, but that the new Ordinance is being drawn and it is hoped that it will include the granting of antique shops.

Seconded, Mr. T. Barnes

Carried, unanimously.

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5- RANDOLPH D. ROUSE, to permit erection and operation of a motel (80 units) 425 feet east of Patrick Henry Drive off Route #50, Falls Church District. (General Business).

Mr. Hansbarger represented the applicant. Mr. Hansbarger showed the plats drawn to scale indicating the ingress and egress. He had talked with the Highway Department, Mr. Hansbarger told the Board, and the result was that the situation is not materially changed. At the present time this is apparently the place where they want the right of way, however, three alternative plans have been submitted to the Highway Department for location of the overpass right of way - which plans, he understands are under consideration. A letter was read from Mr. Bolton regarding a requested interview with the Highway Department by Mr. Rouse on the ingress and egress to this property. The letter stated that an interview had not been requested, and referred to Mr. Bolton's letter to Mr. Rouse.

Mr. V. Smith recalled that the applicant had stated that they had been refused an interview. Mr. Hansbarger said they had asked the Highway Department where they wanted the ingress and egress and Mr. Bolton had referred Mr. Rouse to Mr. Huddle without any definite statement on where they wanted the ingress and egress, that the owners of this property and the Highway Department have discussed the location of the overpass - and as far as they can determine, Mr. Hansbarger continued - the alternate locations are still being considered. Again, Mr. Hansbarger contended, that the location of highway right of way is not the concern of the Board of Appeals. Whatever the Highway Departments' requirements are - they will meet them. This is a half million dollar project, Mr. Hansbarger recalled to the Board, it is a good location for a motel, and it will be an asset tax-wise to the County. Mrs. Henderson pointed out the already dangerous traffic condition in the Seven Corners area, and questioned what this additional traffic would do to a serious situation which must be alleviated in some way.

Mr. Hansbarger agreed - but pointed also to the fact that practically any type of business could go on this property. The overpass will go some place in the area, but where..... These present plans are contingent, Mr. Hansbarger contended. The comparative cost of right of way acquisition and tax revenue from this business was discussed.

Mr. V. Smith moved that the application be granted as shown on plat titled

DEFERRED CASES - Ctd.

5-Ctd. "Parcel Eight, Willston South", dated October 1956 and revised November 28, 1956 and signed by G. B. Potterton, C. L. S., the Parcel containing 3.34886 acres, which plat shows the location of the proposed buildings and parking area. It is understood that the applicant has full knowledge of letter dated November 21,1956 addressed to Mr. H. F. Schumann, Jr., Director of Planning of Fairfax County, signed by J. E. Harwood (the applicant has the opportunity to view this letter at any reasonable time in the Zoning Office and also the map titled "relocation of Patrick Henry Drive - Route #50 - Project No. 1929-15). It is also understood that the applicant has full knowledge of the discussion of the possibility of this Parcel of land being in the path of the proposed interchange and roadways.

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Along with the letter from Mr. Harwood there is a plat, also in the file of this case, which is available to the applicant. The plat is titled "Relocation of Patrick Henry Drive - Route #50 - Project No. 1929-15", which shows a Parcel of land titled "Parcel B" which appears to be a tract of land similar to the plat submitted with the application and showing also the proposed roadway through Parcel B.

This case is granted under Section 6-16 of the Ordinance because it meets the requirements of Section D - 1 and 2; but it is subject to the applicant obtaining approval of the location and width of means of ingress and egress to and from the highway - the same to be so located that dangerous and objectionable conditions will not be created. This is also subject to approval by the Department of Public Works in conformance with the Ordinance entitled "The Ordinance to Regulate and Assure Orderly Subdivision Development of Land in Fairfax County, Virginia", and also shall be granted subject to the approval of the State Highway Department.

Seconded, Mr. T. Barnes

For the motion: V. Smith, J. B. Smith, T. Barnes

Voting "no": Mrs. Henderson and Mr. Brookfield

Carried.

Following is Mr. V. Smith's revised motion:

.....that the application be granted as shown on plat titled "Parcel Eight, Willston South", dated October 1956, revised November 28, 1956 and signed by G. B. Potterton, C. L. S. The plat shows Parcel Eight contains 3.34886 acres, location of proposed buildings and parking areas. It is understood that the applicant has full knowledge of letter dated November 21, 1956 addressed to Mr. H. F. Schumann, Jr., Director of Planning of Fairfax County, signed by J. E. Harwood; Applicant has opportunity to view this letter and map titled "Relocation of Patrick Henry Drive" - Route #50 - Project No. 1929-15 which are included as exhibits, during office hours at Zoning Office. It is also understood that applicant has full knowledge of discussions of the possibility of this parcel of land being in the path of the proposed interchange and roadways.

DEFERRED CASES - Ctd.

5- (Mr. V. Smith's revised motion - continued)

This case is granted under Section 6-16 of the Ordinance because it meets the requirements of Section D - 1 and 2; but it is subject to the applicant obtaining approval of the Department of Public Works of Fairfax County and Virginia State Highway Department of the location and width of means of ingress and egress to and from the highway - as outlined in Section 6-16 - C - 4. This is also subject to approval by the Department of Public Works in conformance with the Ordinance entitled "Ordinance to Regulate and Assure Orderly Subdivision and Development of Land in Fairfax County, Virginia".

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7- HOWARD DAVIS - Motion for Rehearing

This case was discussed with relation to the letter which had been received at the last meeting from the Planning Commission, suggesting that this case be re-opened and granted. The Commission considered the fact that they have recommended granting this is sufficient new evidence to re-open the case. Mrs. Henderson stated that it would appear that the Commission had considered this use and recommended the Board's granting it because the Board of Supervisors had turned down the rezoning application, which would permit business use. She did not think that sufficient new evidence to re-open the case.

In discussing an automobile filling station and a marine filling station - with the Commonwealth's Attorney, Mr. Fitzgerald had stated that excluding a marine filling station would be drawing the line a little too close - he therefore thought the Board had the right under the Ordinance to grant this. It was brought out that the Board of Supervisors had considered the covenants on this property in their denial and also had considered the ownership of the strip of land which was discussed in detail before this Board. They had considered that the granting of the rezoning application would affect neighboring property adversely. The fact that this was set up as a residential area and that certain property was set aside for logical business use, was discussed.

Mrs. Embrey was present, pointing out the other business locations which could be used, however, it was brought out that if those pieces of property were bought up for rezoning, objections would also arise.

The ownership of the strip of land along the water front was again discussed. Mr. Mooreland said the covenants restricting business uses were recorded in Liber M-10 Pg. 501 - however, there is nothing in this recording about the strip of land along the water front.

It was brought out also that the Board has no jurisdiction over the location of the pier - it can remain - the refusal of this case would mean that Mr. Davis could not use his tanks from which to sell gas.

DEFERRED CASES - Ctd.

7-Ctd. Mrs. Henderson moved that the application for a rehearing be denied because Section 26-1, Section 6 of the Ordinance states that no motion shall be entertained for rehearing unless new evidence is submitted which could not reasonably have been presented at the original hearing. In her opinion, Mrs. Henderson stated, no such evidence had been presented beyond the Planning Commission's letter of November 27, 1956.

Seconded, Mr. V. Smith

Carried, unanimously.

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FAIRFAX AMUSEMENT ASSOCIATION.

Judge Rothrock asked to be heard by the Board regarding a rehearing on the Fairfax Amusement Association. Judge Rothrock submitted the following letter as new evidence:

"John H. Rothrock, Esq.
Farr Building
Fairfax, Virginia

December 11,1956

Dear Judge Rothrock:

This is to advise that our client, Raymond R. O'Meara has withdrawn any objection that he might have to the placing of the drive-in theatre sign on that narrow strip of land located on the westerly side of Route #608, and containing 0.734 acres.

We hereby authorize you to forward this letter to the Board of Zoning Appeals, should you so desire.

Very truly yours,

Swayze and Conroy

By: James J. Conroy III"

Judge Rothrock recalled that the Board had denied this case on the grounds that it would adversely affect neighboring residential property - and pointed out that the large tract of ground across Route #608 is zoned and used for business purposes, and also the location of the prison camp to the north.

Mr. T. Barnes moved to reopen the case because of the new evidence.

Seconded, Mrs. Henderson

All voted for the motion except Mr. V. Smith, who did not vote.

Carried.

Mr. V. Smith said he was conscious of this business property when he made the motion, and the letter from Mr. O'Meara had not changed his feeling about the case. Mr. Smith pointed out the alternate locations for the sign on business property, which would be equally as good for the drive-in theatre, and which he thought would not cause any undue hardship.

Since the Board still has objections to this location, Judge Rothrock stated he thought it probably more satisfactory to put in another application for a location on the Adkerson property.

Mr. Barnes withdrew his motion.

Judge Rothrock stated that although the Board had granted the re-hearing, he will submit a new application with a new location, and would inform the Board of his withdrawal of the rehearing request.

It was left open - for Judge Rothrock either to exercise his right of a

DEFERRED CASES - Ctd.

FAIRFAX AMUSEMENT ASSOCIATION - Ctd.

rehearing - or to file another application.

It was agreed that if a rehearing is set - it could come up on January 22, 1957.

Motion, Mr. T. Barnes

Seconded, Mrs. Henderson

Carried, unanimously.

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NEW CASES - Ctd.

7- CUTLER & GRACE SMITH

The Board went back to the Cutler and Grace Smith case.

Mr. Frogale called attention to the Ordinance which states that the plans for a duplex must be approved by the Planning Commission. The plans in this case were disapproved by the Commission, therefore, Mr. Frogale asked - how can the Board approve this use?

The Board members expressed the opinion that the final granting of a use is not subject to the opinion of any other Board, that under the Ordinance it is free to act on its own appraisal of a case.

Mr. Frogale said he had called the Clarendon Trust Company on this matter and they have no plans with Mr. Smith's loan - that no plans were filed but the loan was granted on the basis of the applicant's information and his personality.

The Board adjourned for five minutes to try to find Mr. Cooper.

When Mr. Cooper came back to the Board he said he had talked with the Clarendon Trust who could not immediately find the plans, but that they are looking through the old files, and Mr. Cooper said he felt sure they would find the plans. These plans, Mr. Cooper told the Board, will show that these plans were submitted and approved in 1946.

A set of plans, dated 1950, had been presented to the Board, which were admittedly much like the original floor plans, but Mr. Frogale said it was not an actual copy of the original plans and actually proved nothing - as these plans carry the 1950 date.

If in the end, Mr. V. Smith said, the case hinges on whether the permit was granted on the two kitchen plan the Board would have to have the plans to substantiate that fact. But in his opinion, it should be known if the original permit was issued on a two kitchen dwelling.

Opposition:

Mr. E. T. Dickerson, who has lived near the Smiths since 1954.

Mr. Dickerson quoted from the Ordinance; Section 6-12-6 relating to the granting of duplex dwelling and stated that in his opinion such a use would adversely affect the neighborhood. He objected on that grounds.

NEW CASE - Ctd.

7-Ctd. A non-conforming use and a duplex use as opposed to apartment use was discussed, and whether Mr. Smith had abandoned the duplex use for 180 days. Mr. Dickinson thought the delay in searching for the early permits was simply a means of delay which has no bearing.

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The condition of the manner in which the Smith property has been kept was discussed. Mr. V. Smith asked if the people in the area would object to the duplex use, if the building and grounds had been kept in an attractive manner. The answer was "yes" - except that they probably would not have noticed it had Mr. Smith been more careful with his property.

Mr. Frogale again told the history of his objections, objecting mainly because he believes this use will deterioriate the neighborhood. He detailed his inability to sell his house because of the Smith property, and the necessity of reducing his price. He thought the great number of cars running in and out were dangerous to children in the neighborhood. He is now renting his house. Mr. Frogale recalled that part of the house was built by the plan of Earl Bailey - the balance was completed without plans and not in accordance with any original plan. He recalled that the application for a loan was for a one story dwelling. Now it has grown into a three story building. He felt that the Board was dealing with a house that had been built starting in 1950 - and completed in stages since that time. The apartment addition, Mr. Frogale stated, was started in 1954 - on the old permit - but not under Earl Bailey's plan.

In 1951 they (the Frogales) moved into the Smith's attic for about 30 days, while his house was being completed. He did some finishing during that time. The apartment in the basement was completed after that time, during 1954. Mr. Frogale again looked at the plans submitted by Mr. Smith, and which Mr. Smith said were practically a duplicate of his original plans. Mr. Frogale again said this was not Earl Bailey's plan. They did not learn of the two kitchens, Mr. Frogale continued, until about July 1956.

Mr. R. W. Wahl who lives at 5705 Virginia Avenue, objected for reasons stated. Mr. Wahl told of the unattractive additions to the Smith house, which he thought a detriment to the neighborhood. He felt the applicant could not claim hardship - since he had apparently built beyond his means - The only way of taking care of the added expense was to convert part of the house into an apartment.

Mr. Howard Smith, who was a tenant of the Smith's from April to December of 1956, told the Board that there were three kitchens in the house during his tenancy.

Mrs. Henderson moved that the application be denied in view of the recommendation from the Planning Commission dated December 11, 1956 - which recommendation is required under 6-12-F-6-c of the Ordinance, because this

NEW CASE - Ctd.

7-Ctd. is not in harmony with the general neighborhood and would tend to affect the general purpose and intent of the zoning map and regulations, and will affect adversely the use of neighboring property.

Seconded, Mr. V. Smith

Voting for the motion: Mr. V. Smith, Mrs. Henderson, J. B. Smith, Mr. Brookfield

Mr. T. Barnes voted "no"

Motion carried.

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The meeting adjourned

John W. Brookfield,

John W.Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, January 8, 1957 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 Mr. Verlin Smith

DEFERRED CASES:

1- P. K. BETTS, to permit carport to remain as constructed, Parcel A, Bett's Addition to Lake Barcroft, (corner Nevins Street and Knollwood Drive), Mason District. (Suburban Residence).

This case was deferred to view the property. Mrs. Betts called attention to the fact that this carport is 16 feet from the property line at the nearest point with an additional 15 feet to the curb, which puts her carport back a considerable distance from the actually traveled roadway. However, it was made plain that the only setback considered is from the right of way line. Mrs. Betts said this had been one of the points of confusion, as far as she was concerned, from the beginning. She did not understand from which line the setback was measured - the right of way or the curb. However, she discovered that it is the right of way.

Mrs. Betts recalled the statements she had made at the last hearing regarding the road, Knollwood Drive, which was put in along her property line by an adjoining developer - and how the road was located practically at the edge of her old carport - making it necessary for her to remove it - and subsequently to construct another carport. She had talked with several County officials who were inspecting the road location, all of whom thought the location of the new carport was perfectly satisfactory. No one suggested her getting a permit and since the need to re-locate the carport was brought about through no fault of her own - she mistakenly went ahead with the new construction. Also no one mentioned the required setback for this carport. Mr. Schumann agreed that this violation was due to circumstances beyond Mrs. Betts' control, that he and Mr. Rasmussen had talked with Mrs. Betts and she was very willing to cooperate with the County regarding drainage easements through her property. Mr. Schumann was of the opinion that Mrs. Betts was thoroughly justified in thinking she was on safe ground in relocating the carport because the new location of the carport had been discussed with County people, and no one had suggested that it might be too close to the road or that she would need a permit.

There was a difficult drainage problem in this area, Mr. Schumann explained, and it is very likely that the adjoining subdivider would not have been able to develop his land had it not been for Mrs. Betts' cooperation in dealing with this situation. In the midst of the more pressing problems, the working out of which required a number of meetings at the property and considerable discussion - the relocation of the carport was accepted as a necessity - but the details of making this relocation, Mr. Schumann continued, were not discussed.

DEFERRED CASES - Ctd.

1-Ctd. Mr. V. Smith asked if it was not customary in locating a street to note whether or not the right of way would be too close to a building? Mr. Rasmussen answered that it was - but when you make an inspection (which he did in this case) you are usually tramping over raw ground covered with brush. In this case the nearness of the carport was missed. They do not necessarily have a plat showing the adjacent property and what is located on that property.

It was noted that the old carport which was built in 1940 has been removed. There were no objections from those in the area.

It was recalled that the carport could not have been located on the other side of the house because of a severe drop-off and the only entrance to the house is on the opposite side.

A letter was read from adjoining property owners (Mrs. and Mrs. Don Wilkins) stating they have no objection to this violation, and giving their reasons therefore - viz: they considered this an attractive addition to the property and they felt that Mrs. Betts should not be penalized because the street location was the action of those other than the applicant.

Mr. V. Smith asked Mr. Rasmussen if it was not customary for the Planning Commission to approve a street too close to a building.

Mr. Schumann answered that the Public Works have nothing to do with where the street goes - that is up to Subdivision Control

Mrs. Henderson suggested to Mrs. Betts that in the future she make a point of obtaining a permit for construction or relocation of any structure on her property. Mrs. Henderson then moved to grant the application because of the chain of circumstances surrounding this case and because of the discussions between Mrs. Betts and County officials which gave no indication of the necessity of getting a permit for this relocation, and also because the carport could not be located on the opposite side of the house because of the terrain. This is also granted because it does not appear that this will adversely affect the neighborhood.

Seconded, J. B. Smith

All voted for the motion except Mr. V. Smith who voted "no".

The motion carried.

Mr. V. Smith asked if it is required in subdivision of property that the developer show buildings adjoining his property with respect to street location? Mr. Schumann answered - not entirely - except where a street goes through a building.

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DEFERRED CASES - Ctd.

2- FRANK R. DEAN, to permit carport to remain 9.8 feet from side property line, Lot 6, Block 16, Section 6, North Springfield (5411 Kempsville Street), Mason District (Suburban Residence-Class II).

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Mr. Mooreland told the Board that the applicant was able to make changes in his structure which would assure its conformance to requirements. The case was therefore withdrawn.

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3- J. M. BEARY, to permit porch to remain enclosed, Lot 11, Sec. 1, Little River Hills, (#23 Estel Road), Providence District. (Rural Res.-Class II).

Mr. Tankersley represented the applicant who was also present. Mr. Tankersley reviewed the case for the Board - recalling that a variance had been granted on the carport on this property. When the builder applied for a permit to enclose the porch and carport - inadvertently the wrong plats were pulled from the file in the Zoning Office - and this plat was used as a basis for issuing the porch enclosure permit. The plat did not show the carport variance.

When Mr. Connors, the builder, went to the Zoning Office, Mr. Tankersley explained, and presented plans showing what work was to be done, he showed plans which included the carport, but in the writing on the permit it said to enclose the porch only - not mentioning the carport. Mr. Connors thought this oversite was unimportant because the plan showed the carport. At that time the wrong plat was pulled - complicating the first error and Mr. Connors sketched in the porch to be enclosed - but sketching it on the opposite end of the rear of the house. Therefore, the permit was granted to enclose the porch - which according to the plat drawn by Mr. Connors was not in violation. The job was completed and Mr. Beary had a fully enclosed carport and porch. A little later the Building Inspector's Office discovered the violation - therefore this application was filed. The neighbors have no objections, Mr. Tankersley continued, in fact they think it is an attractive addition.

This violation is the result of a chain of errors, Mr. Tankersley continued, which came about through turning the job over to the contractor and without Mr. Beary following it through. If this is rejected, Mr. Tankersley added, Mr. Beary will be seriously injured because of mistakes not of his own making.

Mr. J. B. Smith thought the Zoning Office could not accept any appreciable degree of blame when the plats submitted by the builder did not show the carport at all and showed the porch on the wrong end of the house.

Mr. Tankersley admitted the error in the drawing. The builder could not explain the error either.

Mr. Tankersley did express the opinion that had the correct plats been drawn from the files when the builder went to the Zoning Office for a permit to enclose the porch and carport and had he seen that the carport was on the opposite side of the house and that a variance had been granted on the

DEFERRED CASES - Ctd.

3-Ctd. carport setback - he would have known that a variance was necessary to enclose the carport.

It was brought out that the carport variance was handled by Mr. Rouse in 1954. Mr. Beary said - he himself - in 1954, had no knowledge of any variance on setback on this house.

Mr. Connors, the builder was present. Mrs. Henderson asked him if after reading the language of the contract referring "in back of the carport, etc." did he wonder where the carport was, since it did not appear on the plat he had drawn?

Mr. Connors said he did not see the contract papers. All he knew was that he was employed to do the job. He didn't just recall what his thoughts had been about the carport. He probably had thought it was an integral part of the house.

The Board discussed at length with Mr. Connor and his partner, Mr. Spear, their method of getting permits in the District and the type of plats and plans they are accustomed to submit in other jurisdictions.

In answer to questions, Mr. Spears said that they did have a copy of the permit issued by the County, but they did not question the setback - as it was assumed to be correct - they had an enclosure to do on an existing structure - therefore they went ahead with their job.

The time of addition of the screened porch was discussed. Mr. Beary thought it was in the summer of 1953 - during the time when several other houses were being built in the subdivision - and the workmen working in the development - also put on the porch.

There were no objections from the area.

Mr. Tankersley told the Board that in his opinion there is evidence, even though there were mistakes made along the way, that this whole thing was handled in good faith and with no thought of trying to "get by" or of putting anything over on the County. He, therefore, asked the Board to exercise their right of granting relief to his client - from an extreme hardship.

Mr. V. Smith stated that in view of the exceptional situation and conditions which have been pointed out in the hearings of this application, he would move that the application be granted under Section 6-12-3-g of the Zoning Ordinance.

Seconded, Mr. T. Barnes

Carried, unanimously

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NEW CASES:

1- H. F. SCHUMANN, JR., to permit dwelling to remain as erected closer to Street property line than allowed by the Ordinance, Lot 9, Block 10, Section 1, Springfield Estates, Lee District. (Urban Residence).

Mr. Schumann recalled that at the Board of Appeals' meeting in November a variance was asked on several lots in this subdivision all of which were granted except Lot 9. That lot was deferred to work out less of a variance.

NEW CASES - Ctd.

1-Ctd. The subdivider came to his office, Mr. Schumann continued, and after carefully going over the conditions, it was determined that this matter could be taken care of by the Planning Commission office. Therefore, the applicant withdrew his case. A short time later, Mr. Schumann explained, they found that the advice given the subdivider was in error, and his office could not grant the relief which he had thought would clear up this variance. Therefore, Mr. Schumann made this application to the Board.

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They had planned to reduce the right of way of the street by reserving an easement which would set up the full width of the right of way, but would dedicate the lesser width which would make this building conform. That was possible under the old Ordinance, Mr. Schumann explained, but the newly adopted Ordinance does not give the Planning Commission staff this right.

Mrs. Henderson thought the house could be pushed back easily. However, since the Board members did not fully recall the reasons for this error, Mr. V. Smith moved to defer the case until later in the day in order that they might refer to the minutes of the previous meeting.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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It was moved by Mr. V. Smith and seconded by Mr. J. B. Smith that this be placed at the end of the agenda at which time certain matters would also be discussed with Mr. Rasmussen - on other matters.

Carried, unanimously.

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2- DARRELL S. PARKER, to permit operation of a dog kennel on a permanent basis, located on south side of Route 50, 1/2 mile west of Pender. Centerville District. (Agriculture)

Two years ago he was given permission by this Board, Mr. Parker recalled to the Board, to operate a dog kennel - for a period of four years. Last year he built a new and larger kennel with more space for inside working, he installed heat and other modern improvements. This larger kennel he located back farther from the highway and from his own home, than the location which the Board granted. In fact, Mr. Parker pointed out, the new kennel is located practically on the spot where the Board had suggested that it be located at the original hearing. It is within the property and is surrounded by woods. Since he is putting so much into the building and installation, Mr. Parker said, he would now like a permanent permit.

There were no objections from the area.

Mr. V. Smith said he considered dog kennels in the same category as antique shops - which are not mentioned in the Ordinance, and which it has recently been determined the Board has no authority to grant or deny.

It was called to Mr. Parker's attention, however, that he has two more years to go on his permit and by that time the Ordinance no doubt will be revised to give status to these presently unlisted uses.

2-Ctd. It was also brought out that kennels have been handled and granted by the Board - in fact that was done over a period of years - but the Commonwealth's Attorney has given his opinion that there is a question of the Board's authority.

The question of refunding Mr. Parker's money for the filing of this application, since the Board apparently has no authority to handle the case, was answered by Mr. Mooreland, who said - only the Board of Supervisors can refund money. Mr. Mooreland recalled to the Board that in all of these cases which are unlisted in the Ordinance, and the authority of the Board to handle is in question, he has warned the applicant that it is very possible that they will not get an answer. But people continue to file.

Mr. V. Smith moved that the Board not handle this application, but that they suggest to the applicant that he appeal to the Board of Supervisors for refund of the filing fee. /

Seconded, Mrs. Henderson

Carried, unanimously.

Mr. Parker was reminded that his present permit is good for two more years and that if during that period the changes have been made in the Ordinance he could appeal to the Board under the new provisions of the Ordinance.

Mr. Parker thought that a considerable risk to his investment since he has built the kennel and is now operating in that - in the new location.

It was asked how and why Mr. Parker changed his kennel site from the one granted by the Board. Mr. Mooreland answered that Mr. Parker had abandoned his old site and he had given him a permit for the new location because it was considerably farther back on the property (within the property) and surrounded by woods - where the Board had first suggested locating the kennels. Mr. Mooreland said he thought it a little rediculous for him to refuse the site location which was exactly in conformance with the wishes of the Board.

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3- WILLIAM M. ORR, to permit parking of a trailer to be occupied by an employee to protect livestock and buildings for a period of 12 months, on east side #611, opposite junction west #635. Lee District. (Rural Res.-Class II).

It has become necessary to have an employee living continuously on the Hayfield farm, Mr. Orr explained to the Board, to look after his cattle and the buildings. This is required by the insurance company who have proposed cancelling $50,000 worth of insurance - because a permanent caretaker is not on the premises. Since there is no building on the farm which could be used for the caretaker, the man he has now employed for this purpose has a trailer and is living in it. He would like to continue this use of the trailer for 12 months. The trailer is not interfering with anyone in the neighborhood

NEW CASES - Ctd.

3-Ctd. Mr. Orr continued, it is located 600 feet from the side property line and 800 feet from Telegraph Road. It is more sanitary than many homes, Mr. Orr contended, having septic field, water and electricity. He is asking for only one year's occupancy. After that time the property will no doubt be developed with homes - sewer lines, which Mr. Orr said he had been instrumental in bringing to this property, will be available and home development will be the logical use of this land. The cattle are there temporarily, Mr. Orr explained - to pay running expenses of holding the land. These are very fine cattle, Mr. Orr continued, and it is necessary that they be covered by insurance.

The County has fought the occupancy of trailers for dwellings outside of trailer parks for a long time, Mr. Mooreland told the Board, and the Courts have upheld the County. In his opinion, Mr. Mooreland continued, the Board has no authority to grant this. He had discussed this with Mr. Orr, making it plain that he thought the Board had no authority to grant this - however Mr. Orr filed the application to get a ruling from the Board.

Mr. Brookfield suggested that it would not cost much more to put up a small temporary house for occupancy of the caretaker - but Mr. Orr said he could not buy that - he felt that since the man had the trailer and it could be located with no detriment to anyone in the area, and since this is a temporary arrangement - a permanent house would be unreasonable.

Mrs. Henderson suggested making a couple of rooms in the Hayfield Barn available to the caretaker. Mr. Orr recalled that that building is leased and he thought all the room would be taken up with recreational facilities. If the Board feels that it has no authority to grant this, Mr. Orr stated that he was perfectly willing that the Courts decide.

Mr. Mooreland thought his office should not be put in that position - that they have been fighting trailer occupancy as dwellings on property other than trailer camps for four years - that he is in the process of serving a great number of trailer occupants in the County with notice that such occupancy is not in accordance with the County regulations - and such dwelling use must be vacated. To grant this, in his opinion, would serve to tear down what they have gained and would embarrass his office in dealings with trailer occupants. If this is granted, Mr. Mooreland continued, it would be going against the law as upheld by the Courts - that a trailer is not a dwelling according to the Ordinance definition of a dwelling.

Since this trailer is being used as a dwelling, Mr. Mooreland explained, he could not allow it to continue as far as his office was concerned, and run the risk of people saying he was not administering the Ordinance properly. He felt that now since we have a favorable decision from the Courts - it would be inappropriate to go against that..

There were no objections from the area.

3-Ctd. Mr.Verlin Smith said he felt strongly that this application is reasonable but because of Mr. Mooreland's statements he would move to defer the case until the next meeting (January 22nd) to get advice from legal council.
Seconded, J. B. Smith
Mr. V. Smith continued, saying that if a man cannot put a trailer on 175 acres where it is completely away from anyone - it would appear to him a little unreasonable and that while he thought this a valid request, he felt that the Board's authority to grant was in question.
All voted for the motion except Mrs. Henderson who voted "no".
Carried.
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4 & 5 STRATFORD BUILDING COMPANY,INC., to permit three carports as erected to remain closer to side property lines than allowed by the Ordinance, Lot 15, Block 6, Section 3, Stratford Landing, Lot 6, Block, 7, Section 3, Stratford Landing, Lot 9, Block 7, Section 3, Stratford Landing, Mr. Vernon Dist. (Suburban Residence).
STRATFORD BUILDING COMPANY,INC., to permit carport as erected to remain closer to side property line than allowed by the Ordinance, Lot 21, Block 3 Section 2, Stratford Landing, Mt. Vernon District. (Suburban Residence).
Mr. John Summers represented the applicants, discussing both cases. This request is made under Section 6-12-(g) (The hardship clause) Mr. Summers told the Board.
The house location plats were submitted to the County with the basic foundation plans, showing proper set backs, but when the builders started, for some unaccountable reason, they switched the floor plans - and in so doing the carports were in violation. This did not show up until the final certified location plats were made.
Mr. Summers called attention to the fact that these are all small violations - ranging from 9.50 foot setbacks to 9.71 feet - except the house on Lot 21. It is possible, however, Mr. Summers explained, that they may be able to resubdivide Lot 21 - to at least reduce the violation. These houses were all laid out and constructed at the same time, Mr. Summers pointed out, the foundations were dug for the entire house, including the carport. The roof line is continuous from the house proper over the carport. To remove the carport would be like removing a part of the basic house. There are V. A. and FHA loans on these houses and it would be an extreme hardship on the builder to remove the carport, as such a move would have a vital affect on the loans as well as the expense and the fact of practically destroying the appearance and utility of the house. Certainly this was no benefit to the builder to make these errors, Mr. Summers concluded.

NEW CASES - Ctd.

4& 5 Ctd. With regard to the resubdivision of Lots 21 and 22, Mr. Summers showed how he has planned to move the line between these lots. This will not wipe out the variance, but it will reduce it considerably. He cannot go farther into Lot 22, as it would cause a violation on that lot.

It was noted that the houses are actually too wide for the lots - expecially on Lots 6 and 21 - that the house could not be located on the property under any circumstances - and comply. Lot 9 would just meet requirements if it were placed properly..

These houses have been completed for about six months, Mr. Summers said, they have been sold and are now occupied. They have built 69 homes and have approximately 16 more lots to build upon.

The topography on these lots was shown to be comparatively level, but Mr. Summers contended that the carport could not be located in the rear because the roof line runs straight across the building. It would be like re-building 1/3 of the roof to remove the carport.

Whatever hardship is caused here, Mr. V. Smith pointed out to Mr. Summers, is not created by restrictions in the Ordinance - it is of the applicant's own making. That is true, Mr. Summers admitted, but in the reversal of the plans the workmen did not realize they were putting the carport on the wrong side, and therefore created a violation. Mr. V. Smith was still of the opinion that the developer was crowding too much house on these lots.

It was brought out that the loans were not held up because of these violations - the loan companies simply made a notation of the violations, which they considered negligible.

There were no objections from the area.

Mrs. Henderson moved that the requests for variance on these four lots (Lots 6, 9, 15 and 21) be denied because there are alternate locations on these lots for the carport, and any hardship on these lots has been self-created.

Seconded, Mr. V. Smith

Carried

Mr. Summers called attention to Section 6-12 where it states that if there is an "undue hardship" the Board has the jurisdiction to relieve that hardship. The Board did not consider a builder's mistake an "undue hardship". Mr. Summers noted that he would appeal the case.

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12- JOHN R. STEWART, to permit carport to remain as erected within 3 feet 1 inch of side property line, Lot 18, Block 3, Sec. 2, Springfield,(7004 Leesville Blvd.), Mason District. (Suburban Residence).

Mr. Mooreland stated that the applicant had sent word that since he was unable to stay through the hearings - his case be deferred and heard on Jan. 22nd.

Mr. T. Barnes so moved to defer until Jan. 22nd.

Seconded, J. B. Smith

Carried, unanimously.

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6- CHANDLER B. ESTES, to permit tool shed as erected to remain within 12.5 feet of the side property line, Lot 11, Block 35, Section 9, Springfield, (6301 Julian Street), Mason District. (Suburban Residence).

This is a small shed he built to take care of his tools, instead of crowding them into his garage, Mr. Estes told the Board. It is attractive, built of the same material as the upper part of his house and the neighbors do not consider it objectionable.

Since the newly drafted Ordinance will no doubt permit tool sheds the same setback as garages, Mr. V. Smith moved to defer this case until June 11,1957 pending adoption of the new Ordinance.

Seconded, Mrs. Henderson.

Carried, unanimously.

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7- LINCOLNIA PARK RECREATION CLUB, to permit swimming pool, bath house and other recreational activities, on S. W. side of Montrose Street, 1120 feet N. W. intersection of Montrose Street and Cherokee Avenue, Mason Dist.(Rural Res.-Class I).

Mr. Alexander French represented the applicant.

This project will accommodate 450 families, Mr. French explained, providing swimming pool, wading pool, bathhouse, and accessory buildings. This non-profit recreational association is formed for the purpose of promoting desirable recreational facilities and programs to encourage a better community life.

The site has been carefully selected, being centrally located and having sufficient acreage (7.75 acres), available water, electricity, sewer, good drainage, and telephone service. This is located reasonably near the homes of those whom it will serve and has good access roads. The entrance is safe, Mr. French pointed out - with good site distance - it separates the parking area which is designed for 200 cars, from the balance of the activities.

Mr. French pointed out that a wide buffer has been left on all sides of the pool - they have observed a 100 foot setback from Montrose Avenue, 115 feet from the west boundary and 400 feet from the rear line. The acreage will allow sufficient location for future base ball and tennis.

From an intensive canvas, Mr. French told the Board, practically all members of this group will come from the area - on the southwest side of Route #236 between Braddock Road and the Shirley.

This project has been well thought over and discussed since last August, Mr. French continued, the area has been well advised as to the plans. It is their hope to make this development an asset to the community.

The road shown on the plat, Mr. French explained, has been used as a private entrance to property in the rear. It has never been dedicated to public use.

7-Ctd. The change of location of the parking space was discussed.

Mr. Verlin Smith moved that the application be granted to the Lincolnia Park Recreation Association, Inc., a non-profit organization, as shown on plat dated December 17, 1956, prepared by Merlin F. McLaughlin, Certified Surveyor, (Mr. Smith held up completion of his motion for discussion of the fact that there is no stipulation in the application of what "other recreational activities" would involve. Mr. French listed the activities and Mr. Smith continued with the motion) to permit swimming pool, bath house, base ball, tennis, volley ball, badminton, shuffleboard, and childrens games as might be appropriate. The permit will also grant the sale of soft drinks. This is granted subject to the approval of proper authorities now having jurisdicition or any ordinance governing this use which may be adopted in the future. This is granted under Section 6-4-A-15-c and Section 6-12-2 - a and b, because it conforms to those requirements. This application is granted also - subject to the applicant furnishing the Zoning Office a copy of the Charter which shows it as a non-profit corporation.

Seconded, Mr. T. Barnes

Carried, unanimously.

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8- C. AND N. CORPORATION, to permit dwelling to remain as built 32 feet from setback line, Lot 30, Section 7, Salona Village, Dranesville District. (Suburban Residence).

Mr. Calvin Burns represented the applicant. Mr. Nesbett was also present. This error was caused by starting from a plat showing the wrong house. This is the only house in this area, Mr. Burns continued, which is in violation. They started with the plan to locate the house with a 52 foot setback, thinking they were completely within the regulations. However, that setback was figured from a straight front line measured between the two front stakes. It was not realized that this is on the curve of the cul-de-sac and the right of way bows into the property - thereby reducing the front setback. The houses around the cul-de-sac all have varying setbacks, in fact, Mr. Burns contended, seeing the houses all together this discrepancy is not noticed. On Lots 31 and 29 the houses are well back but there is a sheer drop on these lots of about 15 percent, which makes the irregularity in these setbacks less noticeable than if the houses were located on a straight, level street. Also due to the cul-de-sac the house is not directly across the street from another house - but being grouped around the cul-de-sac one is not conscious of any difference in setback. In fact, Mr. Burns contended, the slight irregularity gives an attractive appearance.

This house was practically finished when this error was discovered, Mr. Burns continued, they stopped work immediately upon notification of the error.

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8-Ctd. This is an expensive neighborhood, Mr. Burns informed the Board, and it would be an extreme hardship for him to change this, but he thought due to topography, the irregularity of setback on other houses around the cul-de-sac, and the fact that the road is a cul-de-sac and the encroachment is therefore not noticeable, and the curve in the road did create a misunderstanding and also the fact that this is the applicant's only error in this subdivision, Mr. Burns asked the Board to grant this request. Mr. Burns also noted that the side setbacks are all more than required.

Mr. Nesbitt called attention to the fact that the street had not been finished when the house was located. It was therefore natural to locate from a straight line between the two front stakes. Mr. Burns visualized the difficulty in working from streets which are unfinished and probably covered with brush and with steep grades - distances in such cases are misleading. However, both Mr. Burns and Mr. Nesbitt contended that this encroachment had no detrimental affect on the neighborhood.

There were no objections from the area.

Mrs. Henderson suggested sliding the cul-de-sac to the north giving Lot 30 the needed setback and cutting in on Lot 32 where it appeared that the house was set back farther than required. The entire curve of the cul-de-sac would necessarily have to be moved.

To make this change, Mr. Burns explained, it would first probably be difficult to get the Highway Department to concede part of their right of way because this cul-de-sac has been taken over by the State. It would involve not only negotiations with the Highway Department but also with the four lot owners on the Cul-de-sac. When you are in the position of having to buy land from individual owners, who probably do not care to sell - you are in a squeeze, Mr. Burns stated, and there is no limit to what one might have to pay for the land. They have a sale contract on this house, Mr. Nesbitt told the Board, which they are all ready to complete.

Mr. Verlin Smith moved to defer the case until January 22nd to give the applicant the opportunity to acquire additional land from near by lots for the re-location of the cul-de-sac and to give the Board the opportunity to view the property.

Seconded, Mrs. Henderson

Carried, unanimously.

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Mr. Burns said he would make every effort to do what he could but he felt it would be difficult to negotiate this change. He thought it might be cheaper to tear down the house.

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9- CARL E. PELANDER, to permit dwelling as erected to remain within 13.05 feet of the side property line, Lot 12, Section 4, Salona Village, Dranesville District. (Suburban Residence).

There is a storm drain easement on one side of his property, Mr. Pelander explained, which runs to Kurtz Road. He and his neighbor adjoining on this side, decided that rather than put in a slash ditch they would construct a catch basin which they thought would carry the water more satisfactorily. Mr. Victor Hanger from the County gave them the specifications on the catch basin and located it. They found when they located the dwelling that the catch basin rather than being in line with the easement was over on to Mr. Pelander's property. This necessitated pushing the house closer to the opposite side of the lot in order to take care of the drainage flow into the catch basin. As a result, instead of having 15-1/2 feet side setback on the opposite side of the house they had only 13-1/2 feet. This was not caught until the final certified survey was made by Mr. Burns.

This was an unintentional mistake, Mr. Pelander contended, which no doubt would never have happened had the catch basin been located in line with the drainage easement - instead of on his property.

The house on the adjoining lot is setback 20 feet from the side line. This neighbor does not object to the violation.

Mrs. Henderson moved to defer the case until January 22nd, to view the property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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10- GRANVILLE JONES, to permit operation of a funeral home in existing building, located on south side #694 and bounded on the east by #684, Springhill Road, Dranesville District. (Agriculture).

Mr. Mooreland told the Board that he had had a phone call from Mr. Jones requesting deferrment of this case for 90 days.

Mr. J. B. Smith moved to defer the case for 90 days.

Seconded, Mr. T. Barnes

Carried, unanimously.

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11- STOKELY AND SIMPSON, INC., to permit operation of a repair garage, on the south side of Lee Highway, 1000 feet west of Prosperity Avenue, approximately 75 feet west of Home Heating, Providence District. (General Business).

Mr. Lytton Gibson represented the applicant.

Mr. Gibson explained the background of the applicant's operations - stating that it was necessary for the applicants to make two moves before locating here. He therefore bought this 8 acre tract near Merrifield and proposes to use the building which is practically completed and which is located at one

11-Ctd. corner of the tract. This building was constructed for the use of Mr. Bemis and his operations, which are practically the same type of business as carried on by Stokely and Simpson. (Stokely and Simpson will occupy the building to the rear on this property - renting the front building - which is the subject of this application - to Mr. Bemis). Mr. Simpson installs gas lines and has a great deal of heavy equipment - Mr. Bemis has a sales office for heavy equipment and parts distribution center for this area. There is no question, Mr. Gibson continued, but what Mr. Simpson can lease this front building to Mr. Bemis and that Mr. Bemis could operate there without a special permit - as he is not conducting a repair garage. When Mr. Bemis sells or rents heavy equipment, Mr. Gibson continued, he has an agreement to repair and maintain that equipment - which is legitimitely a part of his operations and would not be considered in the category of a repair garage. For this type of repair he would not need a permit. But occasionally, Mr. Gibson went on, some other equipment may come in for repair. That has raised the question - is this a repair garage and should he come before this Board for a permit? Mr. Gibson thought not - but to forestall any future question he came before this Board.

This is a $250,000 installation, Mr. Gibson told the Board. The two businesses are to some extent connected. Mr. Bemis will do repair work on the Simpson heavy equipment. This application was made for the Board to make the determination on whether or not a permit is required and if this is in the category of a repair garage - and if so - the request is before the Board for that permit.

Mr. Mooreland explained that his office could not police this business to be sure that the repair work is confined to the operators equipment and that no repair work is being done on outside equipment. He suggested that the Board grant this application in order to cover questions which might arise in the future.

Mr. Simpson was operating on this property, Mr. Gibson pointed out, when Mr. Bemis came to him saying he was not satisfied with his own set up and a plan was worked out whereby they could work in conjunction.

It was noted that the Trent property is across the street from this property. The Trent property is residential while this is zoned for general business use. This is located about 300 feet from business zoning to the west. There were no objections from the area.

Also Mr. Gibson assured the Board that this will be no automobile graveyard. The property to be used for this purpose is about 300 feet by 150 feet. It will be fully fenced.

If this is to be granted, Mrs. Henderson pointed out, it would come under Section 6-16 of the Ordinance. She noted that the plat does not meet all requirements of paragraphs 2 and 3.

Mr. Gibson said he could furnish metes and bounds on the plat - indicating the exact property to be used and the location of the building. There will

11-Ctd. be no direct access to Lee Highway as they will use the side street which borders this property. However, Mr. Gibson asked the Board to take action at this meeting - subject to the presentation of complete plats - if the application is granted.

If the Board has the jurisdiction to handle this case, Mr. V. Smith stated, it would undoubtedly come under Section 6-16, but he thought the Board should have time to determine if they do have the authority to act on this. Mr. Gibson requested the Board to make that decision today - whether or not they had the authority to act - as he felt there was no reason in this case even to ask for a special permit - and that the Board therefore has no jurisdiction. He was perfectly willing, Mr. Gibson continued, to test in Court the right of the applicant to operate here as outlined in his presentation. If the Board felt they could not make the determination on their jurisdiction, Mr. Gibson suggested calling the Commonwealth's Attorney at this time for his opinion.

From the wording of the application, Mr. V. Smith said, he did not know that this was dealing with heavy equipment - he therefore moved to defer the application to January 22nd to give the Board the opportunity to study this application.

Seconded, Mr. J. B. Smith

Carried, unanimously.

If the Board does determine that it has the authority to act on this and if the case is granted under Section 6-16, Mr. V. Smith told Mr. Gibson, that the complete plats would be required - showing metes and bounds and the building setback from all lines.

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13- ERNEST L. BROOKS, to permit dwelling to remain as erected 39.57 feet of Illinois Avenue, Lot 1, Block 2, El Nido, Dranesville Dist.(Sub. Res.)

This is a very small violation which resulted from a mistake in placing the house on improperly located footings, Mr. Brooks told the Board. It was discovered in the final wall check. It does not obstruct visibility and there are no objections from the neighbors. Only one corner of the house is in violation.

Mr. J. B. Smith moved to grant the application because it affects only one corner of the property and the greater part of the building conforms to all requirements.

Seconded, Mr. T. Barnes

Carried, unanimously.

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14- Rose Hill, Inc., to permit recreational area, including swimming pool, tennis courts, snack bar, community center, summer theater and buildings accessory thereto, on west side of May Boulevard opposite intersection of Apple Tree Drive, Lee District. (Sub. Res.-Class II).

14-Ctd. Mr. Andrew W. Clarke represented the applicant. Mr. Morrell from the Company was also present.

This will be operated as a community center, Mr. Clarke explained. There have been 450 homes built and sold in the area, and about 1200 more homes are planned. This has been discussed with the Citizens Association with the thought of developing a non-profit organization to take over this center, which will serve the entire area. The building is the old barn which was formerly used on Rose Hill Farm. The barn will be remodelled with lockers at one end of the old stable and other facilities. They plan a spectators deck at one end of the building with the children's pool off to itself. The adult swimming pool will be located on a lower elevation. Mr. Clarke also pointed out the location of the snack bar, summer theatre, tennis courts, the wooded picnic area, and the parking space.

This is at present in the name of the Rose Hill Corporation, until preliminary plans are completed, then this will be turned over to the non-profit organization for operation, Mr. Clarke told the Board.

The swimming pool is being planned by the Paddock Company, a representative from that Company explained, the setting is a natural for the pool as the ground slopes down from the bathhouse. The children's pool will be on the same level as the bathhouse - this makes a good separation for the young non-swimmers. The spectator's deck will overlook both the children's and the adult pool. There is sufficient ground to construct a junior pool later - if the need arises.

Mr. Morrell pointed out that the barn is 100% fire proof - it is a very fine old building, having cost in the neighborhood of $65,000. It will be remodelled completely and will make a very safe and attractive building. Aside from the lockers in the barn they will have showers and rest rooms. There is good access from one end of the building to the other. The building is located more than 40 feet from the highway. The pool will be designed for 1000 families, and all facilities can be expanded if the need is there.

The Chairman asked if there was any opposition.

Mr. Hill appeared before the Board, representing the Rose Hill Farm Citizens' Association in the capacity of an observer. Mr. Hill asked if the Citizens' Association had 30 days in which to look this over and appeal any decision the Board might make. Mr. Hill was informed that if they object to the decision - they have the right of appeal to the Circuit Court. However, Mr. Hill made it plain that the Association was not opposing this - at this time.

Mrs. Henderson asked how and when this would be turned over to the recreational association? Mr. Morrell answered that they were going about establishing this in the easiest way - by doing the preliminary leg work first, so it could be hurried up for opening if possible in July. They submitted these plans to the Citizens' Association 30 days ago, Mr. Morrell continued, but they (the Association) cannot seem to come to any conclusion on it - so they are going ahead in order not to lose time. He is confident that the mechanics

NEW CASES - Ctd.

14-Ctd. could be worked out and that the Association will be satisfied when they have completed these initial steps.

Mr. Hill said the Association met last night and they feel that they have not been kept in touch with the plans - nor what has been done - therefore they do not know if they wish to take over the responsibility of this project at this time. They have never heard of the summer theatre.

The summer theatre is a very minor part of the project, Mr. Morrell explained. They had not thought of it in terms of an actual theatre - but more as an outlet for the hobbyist - under any circumstances - it is just a recommended use - it could very well be abandoned or used for something else.

It could happen, Mrs. Henderson suggested, that if this is not a successful venture and if the recreational association did not care to take it over - Mr. Morrell might find himself and his company in the position of having to run this project for profit.

In answer to Mr. V. Smith's questions, Mr. Morrell said that there was not as yet any corporation set up - this is now owned by Rose Hill, Inc., but this project is intended for the Rose Hill people and it is large enough to include people from the additional homes he is building.

Mr. Morrell described the areas surrounding this project - a power line 100 feet right of way is on one side, a stream on the other, where nothing will be built, and on the other side is the original Rose Hill farm house. There are homes at one end of the property.

Mr. V. Smith stated that it was clear to him that Rose Hill, Inc. is making the application, and if granted to them it could be operated as a commercial enterprise and apparently the Rose Hill Citizens' Association have not taken any concrete steps toward taking this over. He also asked for more information about the snack bar.

The parking area which is designed to take care of 200 cars was discussed. Mr. Morrell pointed out that the access road could be used, which will take care of an additional 100 cars.

It was also brought out that purchasers of the homes near this project have been informed of these plans and they have no objections.

Mr. Morrell made it plain that he had no interest whatever in getting into the recreation-park business - that this will be run entirely as a non-profit project for the people in the area.

Mr. V. Smith moved to grant the application for the uses outlined in the application: and as shown on plat dated 8-2-56 by Walter L. Phillips, C. E., which plat shows the pump house, pool, snack bar, community center, deck, kiddies pool, summer theatre, and area for the tennis courts, also parking area. This is granted subject to the applicant providing parking space on the property for all users of the use. Granted under Section 6-4-15-c and Section 6-12-2 -a and b of the Ordinance because it conforms to those

January 8, 1957

NEW CASES - Ctd.

14-Ctd. Sections of the Fairfax County Code.

Seconded, Mr. T. Barnes

Carried, unanimously.

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15- CAROLINE M. MATTHEWS, to permit extension of dance studio, Lot 8, Block 11, Section 5A, Springfield, (7018 Essex Avenue), Mason Dist. (Urban Residence).

Mrs. Matthews recalled to the Board that they had granted her a permit to conduct this dance studio one year ago - for a period of one year. She is now asking for an extension of that permit under the same conditions. There have been no complaints during that year of operation. (It was recalled that there were objections before the Board at the previous hearing). Miss Betty Cannon conducts the classes, Mrs. Matthews explained, and these classes are held here particularly for the convenience of children in Springfield, and she felt that the mothers of Springfield had considered this an asset to the community - saving long trips to Alexandria.

Mrs. Henderson asked Mr. Mooreland if the granting of this application as a dance studio would be affected by the fact of this being a permissive ordinance and not listing "dance studios". Mr. Mooreland said this would be classed as a private school - which is covered in the Ordinance.

Mr. V. Smith moved to grant the application under the same terms and conditions as the school was granted last year, viz: to the applicant only and extending the permit for a period of one year. This is granted subject to approval of the fire authorities and any other agencies applicable and also with the provision that there shall be no identification sign and no parking on other adjacent properties.

Seconded, Mr. T. Barnes

Carried, unanimously.

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16- FAIRFAX AMUSEMENT CORPORATION, to permit a sign (theater marquee) of approximately 300 square feet at the northeast corner #608 and 29-211, Centreville District. (General Business).

Mr. Mooreland told the Board that Judge Rothrock had thought this deferred case was to come up at the same time as his other case, which is scheduled for hearing before this Board on January 22nd. Since he had other committments at this time, Judge Rothrock had asked for a deferral on this until January 22nd.

Mr. T. Barnes so moved.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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January 8, 1957

DEFERRED CASES:

1- H. F. SCHUMANN, JR. (This case was deferred to re-read the minutes of the previous). Mr. Schumann again explained the recent change in the Subdivision Ordinance which does not now allow the Planning Commission staff to accept a road width which is less than the 50 foot requirement with the full width made up by placing on record an easement to cover the total width: recalling that he had advised Springfield Estates that this setback could be met by granting such an easement. The new amendment to the Subdivision Ordinance requires dedication of the full right of way. In view of Mr. Schumann's advice, the applicant had withdrawn his original application. Therefore, Mr. Schumann has made the present application.

Mr. Verlin Smith said the Board, after re-reading the minutes had considered Mr. Holland's statement at the previous hearing regarding the manner of handling this job - stating that this mistake resulted from "gross carelessness" and that "since this is a mass production project where they work fast - mistakes are almost inevitable....etc...". This type of work, Mr. V. Smith continued is most certainly not to be encouraged in the County.

Mrs. Henderson moved that the application be denied because no exceptional topographic condition exists on this piece of property that would place an undue hardship on the builder, nor is there any peculiar situation which might have a bearing on this application.

Seconded, Mr. V. Smith

All voted for the motion except Mr. T. Barnes, who voted "no".

Motion carried to deny.

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Mr. Schumann discussed the KIDWELL case with the Board, stating that the Planning Commission had discussed this situation and when they saw that the average lot size in Devonshire Gardens is 27,000 square feet they recommended that this case not be granted - in order not to set a precedent in the subdivision for similar cases. Since the lots in this subdivision vary from 15,000 square feet to 55,000 square feet, the Commission thought the division of this lot would be out of character with the development.

Mr. V. Smith moved that this application be referred back to the Planning Commission for their views on any subdivision of any of the remaining lots in Devonshire Gardens and also to get the opinion from Mr. Kipp what the subdivision of these lots might have upon the sewage system in this area.

Seconded, J. B. Smith

Carried

The Board asked that Mr. Schumann forward his report from the Planning Commission in writing.

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Mr. Schumann read a letter from Mr. B. C. Rasmussen (Department of Public Works) to him regarding TRAILER PARKS. Mr. Rasmussen was also present - stating that he would like to go over this letter with the Board in order to learn more nearly what the Board expects of his office, regarding control of trailer parks and what limitations and responsibilities the new Ordinance will place upon his office.

It was asked if the County would require the same standards in development of a trailer park as for a subdivision. Mr. Schumann called attention to the difference in road requirements.

The importance of drainage was discussed at length - the rapid runoff in a trailer park, and the expense to the developer of meeting high protective drainage standards. The need for such protection to trailer park dwellers was also discussed. The question arose - would the requirement of such high drainage standards prove so expensive as to prohibit trailer parks in the County.

Mr. Mooreland thought any law which would actually prohibit trailer parks in the County would not be upheld in Court.

Mr. Rasmussen suggested using a 10 to 13 year rainfall curve to determine a reasonable drainage requirement; that roads should be used for collecting drainage and should be planned with good circulation through the park with artery and feeder streets within the parks.

It is important to have control over the grading in these parks, Mr. Rasmussen stated, in order to control the run-off and to assure proper drainage, but it was also brought out that by filling in the flood plains and grading in a certain trailer park it could very well throw water on another piece of property which would be damaging. The rule for filling flood plains is necessarily flexible, Mr. Rasmussen said.

In discussing the three trailer park cases which have been referred to the Public Works Department, Mr. Rasmussen said his inspectors could take care of the work to be performed - which he thought should be supervised through construction. However, he did not have the personnel to inspect and supervise future trailer parks - and he did not know under what regulations his office was authorized to supervise these projects.

It was agreed by the Board that drainage should be figured on a 10 to 13 year rainfall curve - the same as used for subdivision.

Mrs. Henderson moved that when trailer cases are referred to the Public Works Department, some one in the Zoning Office pull the pertinent material in each case in order that Mr. Rasmussen's office will have full information.

Seconded, Mr. V. Smith

Carried, unanimously.

Mr. Verlin Smith stated that in his opinion the streets and roads in trailer parks should meet the same requirements as those in subdivisions. Mr. Rasmussen asked if the streets within the trailer parks are dedicated. The answer was "no". The question ~~of~~ was asked under what provision in the Ordinance the trailer park owner could be required to bring streets up to the same standards as a subdivision. Also Mr. Rasmussen questioned the authority of his office to inspect trailer parks - since they are not written into the Subdivision Ordinance.

Mr. Rasmussen also recalled the discussions now going on regarding engineers vs surveyors, and noted that one of the plats on the trailer parks referred to him was prepared by a surveyor, therefore it probably will not be acceptable.

It was agreed that neither the Public Works Department nor the Board were familiar with the new requirements being prepared for trailer parks - and since so many questions have arisen - and the question of authority - it was necessary to discuss many of these matters with the Commonwealth's Attorney. The question of a surety bond was also discussed - does the Board have the authority to require that.....

It was agreed that the Board arrange a meeting with the Commonwealth's Attorney to discuss trailer parks in general, the jurisdiction of the Board in placing requirements and the extent to which the Department of Public Works could go in control.

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The meeting adjourned

John W. Brookfield.

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, January 22, 1957 in the Board Room of the Fairfax Courthouse, at 10 A.M. with all the members present

The meeting was opened with a prayer by Mr. Verlin Smith

DEFERRED CASES:

1- L. L. DOTY, to permit erection of a garage within 25 feet of the street property line, Lots 33 and 34, Block 3, Belle Haven, (19 Edgewood Terrace), Mt. Vernon District. (Urban Residence).

The applicant explained that he is badly in need of a garage because his property faces on a very narrow street - which makes on-the-street parking impractical. The house was built with a garage under the porch, Mr. Doty pointed out, but that garage was converted to a room.

He had considered locating the garage at the rear of his house, Mr. Doty said, but there is a sheer drop immediately back of the house and on the side. It would mean considerable filling even to locate the garage to the side. Therefore, the only practical location is the side-front, which would necessitate this variance. Mr. Doty estimated the filling for a side yard garage in the amount of $1500. The Belle Haven Citizens' Association and the architect for the Association, have approved this location - as well as the neighbors most affected. He did not have a written approval of the Citizens' Association, the Architect, nor the neighbors, Mr. Doty said - but he was confident that he could get such a statement from all of them.

Mrs. Henderson moved to defer the case until February 12th to view the property because of the peculiar topographic situation, and for the applicant to get a letter from the Belle Haven Citizens' Association with their recommendation on this matter.

Seconded, Mr. V. Smith

Carried, unanimously.

It was stated that it was not necessary for Mr. Doty to appear - if he would send the letter to the Board meeting.

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2- HAZEL G. GANT, to permit operation of an Antique Shop, Lot 4, Swart Farm, on north side of Lee Highway, approximately 3 miles west of Centreville, Centreville District. (Agriculture).

Mrs. Gant was not present as she had been informed at the previous meeting that it was not necessary.

The Board was informed by Mr. Mooreland that only the Board of Supervisors has the jurisdiction to refund money in the case of a filing fee - and also it is the opinion of the Commonwealth's Attorney that the Board does not have the authority to handle antique shops - since they are not listed in the Ordinance.

January 22,1957

DEFERRED CASES: - Ctd.

2-Ctd. As to the refund of the money for filing fee, Mr. Mooreland recalled the statement he had made to the Board in other matters - that he has consistently advised people who make applications for uses unlisted in the Ordinance - that it is very probable that the Board will determine that they have no jurisdiction to act. Mrs. Gant filed knowing this.

Mr. V. Smith stated that in view of Mr. Mooreland's statement that the applicant was advised that she was taking a risk as to the Board's jurisdiction in this matter, he would move that the application be dropped.

Seconded, Mr. T. Barnes

Carried, unanimously.

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3- FAIRFAX AMUSEMENT CORP., to permit erection of a sign (marquee) larger than allowed by the Ordinance, (approx. 225 sq. ft.) at the N. W. corner of #29, #211 and #608, Centreville District. (Agriculture).

Mr. Mooreland told the Board that Judge Rothrock had asked that this case be put at the bottom of the list - and handled at the same time as the new case on the present agenda. The Judge would be in Court during the early part of the day. Mr. V. Smith moved that this case be put at the bottom of the list - just after the newly filed Fairfax Amusement Corp. sign case.

Seconded, Mr. T. Barnes

Carried, unanimously.

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NEW CASES:

1- THOMAS D. ALWARD, to permit operation of a repair garage, on south side #244 approximately 1500 feet east of Bailey's Cross Roads, Mason Dist.(Gen.Bus.)

Mr. Hugh Marsh represented the applicant. Mr. Alward was also present.

Mr. Marsh explained the history of this case - saying that Mr. Alward bought about one acre of ground from Mr. O'Shaughnessy in 1936 and built a repair garage - which he operated before the Ordinance was adopted. He continued after the Ordinance was adopted as a non-conforming use. However, some time ago this property was zoned to general business classification.

About 18 months ago the Highway Department, in the widening of Columbia Pike took a strip of Mr. Alward's land which resulted in the necessity of moving the garage building. In the end the building was taken down and he was paid for the loss of his building by the State. Mr. Alward now wishes to put up a new building and continue his business.

Mr. Marsh presented a petition to the Board signed by most of the property owners within 1000 feet of the Alward property stating they understood the situation and had no objection to the construction of a building to be used for a repair garage.

Mr. Alward showed by map the location of those who do not object and stated that this is generally a business district - both at the intersection at Bailey's Cross Roads and Dowden Center. Many of the business men in the area have made statements, Mr. Marsh continued, that this type of business

1-Ctd. is needed in the area. The business zoning on Columbia Pike runs some 1000 feet beyond this property - the garage would not join any residential property. Mr. O'Shaughnessy, who owns property to the rear of Mr. Alward stated he had no objection to the continuation of this business.

Also Mr. Payne, who owns considerable property at and near Bailey's Cross Roads had no objection, as well as Mr. Oliver and Mr. Dove. All stated that Mr. Alward had done repair work for them for many years - and they considered his business a necessary and needed one in the community.

There were no objections from the area.

Mr. Mooreland cautioned the Board to assure the fact, if they grant this application, no wrecked cars will be stored on the property. Mr. Marsh answered that Mr. Alward bought wrecked cars only to get the usable parts and that they got rid of the part of the car not used - that Mr. Alward has no intention of maintaining an automobile grave yard. By buying the old cars and using parts in repair, Mr. Alward is able to save his customers a considerable amount, Mr. Marsh continued - but he has no intention of creating a nuisance.

Mr. V. Smith quoted from the Ordinance, Section 6-16 which states with regard to repair garages that, "no storage of wrecked vehicles or wrecking of vehicles shall be permitted on the premises."

Mr. Alward agreed to abide by the Ordinance. He stated, however, that if he picked up a wrecked car on the highway - it was necessary to leave the car on the premises until the insurance company clears the case for repair. Sometimes there is a several weeks waiting period.

Mr. V. Smith moved to grant the application as shown on plat dated 11-26-56 prepared by D. H. Pearson, C. L. S., Lincolnia, Virginia. This is granted under Section 6-16 of the Ordinance and those Sections applying thereto - particularly Section A-1, because it conforms to the requirements of Section 6-16-D - 1 and 2. This is also granted subject to the applicant furnishing a plat signed by the Certified Surveyor - the same as the plat presented with the application.

Seconded, Mr. T. Barnes

Carried, unanimously.

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2- THE TEXAS COMPANY, to permit erection and operation of a service station and to permit pump islands 25 feet of Falls Church-Annandale Road, #649, parts of Parcels H and I, Section 2, West Lawn, Falls Church District.

Mr. Mooreland said it was his understanding that this case would be withdrawn because the property was not zoned to business use by the Board of Supervisors - but no letter of withdrawal has been received in his office.

Mrs. Henderson moved to deny the case. Seconded, Mr. T. Barnes.

Mr. V. Smith voted "no" - as in his opinion this case is not properly before the Board - since the property has not been zoned for business use.

The motion carried.

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CLARENCE L. & DOROTHY M. LEMKE, to permit dwelling to remain as erected 48.1 feet from cul-de-sac of Glenbrook Road, Lot 81, Section 4, Mantua, Providence District. (Rural Residence).

Mr. John Alexander represented the applicant. This property is located on a cul-de-sac, Mr. Alexander told the Board and the house was located measuring from the chord instead of the arc. The building was well up and they were attempting to get financing when the discrepancy was discovered. The house is now under roof.

When asked why they did not stop work immediately they found the house was in violation, Mr. Alexander said he had advised the applicant to continue the house to the roof stage in order to protect the partially completed building from severe weather.

Mr. Alexander explained that he had investigated the possibility of vacating a portion of the road to make the house conform but when he found that impractical - advised his client to come before the Board. It was during the period of investigation of the road vacation that he advised his client to continue building the house to the roof stage as he thought it would be possible to change the road sufficiently to make the house conform. However as soon as he found that impractical - he advised Mr. Lemke to come before the Board.

Moving the cul-de-sac was suggested - provided the house across the cul-de-sac is set back a sufficient distance to allow that. Mr. Alexander did not know the setback on the other houses on the cul-de-sac.

Mr. Alexander pointed out that the lot is large - having considerably more area than required, but it is very steep and much of it is waste as far as a building location is concerned. This location is on the crest of the lot - about the only place of sufficient size for the house.

To move the cul-de-sac all property owners would necessarily have to be contacted, Mr. Alexander explained. Mrs. Henderson thought all possibilities should be explored.

The idea of having a certified survey of the house location before the house goes into construction was discussed - also, if this could be speeded up and if some practical method of checking house locations earlier in construction could be accomplished, was discussed. Mr. J. B. Smith suggested that it is the responsibility of the engineer to give correct location as soon as the footings are set.

There were no objections from the area.

Mrs. Henderson moved to defer the case until February 12th, for the applicant to investigate the possibility of moving the cul-de-sac - if it is feasible - and to look into the possibility of negotiating for some land on the opposite side of the cul-de-sac and for the applicant to report back to the Board if this can be done and if not - why.

Seconded, J. B. Smith

Carried, unanimously.

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January 22,1957

NEW CASES - Ctd.

4- MILLER BUILDING SUPPLY COMPANY,INC., OF VIRGINIA, to permit storage building to remain as erected within 26.8 feet of the street property line, Lots 2 and 3, Henry Williams Estate, (6430 Columbia Pike), Mason Dist.(Gen.Bus.)

No one was present to support this application.

Mr. V. Smith moved to defer the case until February 26th - however, if the applicant should appear later in the day that this case be taken up.

Seconded, Mr. T. Barnes

Carried, unanimously

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5- PARKVIEW CORPORATION, Lot 2, Section 1, Munson Hill, to permit dwelling to remain 39.5 feet from Apex Circle and 14.3 feet from side property line, Lot 21, Section 2, Munson Hill, to permit dwelling to remain 39.5 feet from Munson Hill Road, Mason District. (Suburban Residence).

Mr. John Wright represented the applicant, stating that he bought these two houses from the Corporation - each with a 39.5 foot setback from the street right of way. These violations were discovered in 1955, Mr. Wright informed the Board, and when he bought the property he thought these variances had been cleared. He first heard that the variances were still uncorrected in November. Both houses are now occupied, Mr. Wright called attention to the fact that only one corner of each house is in violation.

On Lot 21 the driveway has been put in on the left side of the house leading up to the little stoop. On Lot 2 the driveway comes off of Apex Circle and also goes to the stoop. It would not be possible to put in a garage or carport on either house, Mr. Wright said - while the topography is fairly good - the addition would be too close to the line.

Mr. V. Smith noted that on Lot 2 the driveway could be continued on to the back of the house and a garage erected without a variance. Mr. Wright agreed.

There were no objections from the area.

Mr. V. Smith moved that the application on Lot 2, Section 1 of Munson Hill, as shown on plat dated 1-20-55, prepared by C. V. Carlisle, C.L.S. be granted because the error is only six inches and it would be a hardship for the applicant to move the building and the variance affects only one small corner of the building. On Lot 21, Section 2, of Munson Hill, Mr. V. Smith moved that the application be granted as shown on plat dated 3-28-55 by C. V. Carlisle, C. L. S.,because the variance is only six inches and it affects only one corner of the residence. These variances are granted because they do not appear to affect adversely neighboring property and it is understood from the applicant that a carport or garage can be built on either lot without a variance.

Seconded, Mr. T. Barnes

Carried, unanimously.

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DEFERRED CASES:

WILLIAM M. ORR, to permit parking of a trailer to be occupied by an employee to protect livestock and buildings for a period of 12 months, on east side #611, opposite junction west #635, Lee District. (Rural Res.-Class II). Since this case was deferred for decision after discussion with the Commonwealth's Attorney, Mr. Orr was not requested to be present.

Mr. V. Smith gave a brief resume of the Board's meeting with the Commonwealth's Attorney, the result of which was that while the Commonwealth's Attorney stated that the granting of this permit would appear to be reasonable for such use on a large piece of land for the purposes outlined in Mr. Orr's request, he did not make a recommendation to deny nor to grant. Mr. Fitzgerald stated that it was entirely up to this Board if they take jurisdiction in this case and grant or deny.

It was pointed out that the granting of this case would be the result of a peculiar and extraordinary situation, the large tract of land on which the trailer is located and the need to house a caretaker to protect the cattle - some of which have already been stolen.

Mr. Mooreland thought Mr. Orr's situation not greatly different from that of many other trailer dwellers - who, it is true, do not have the large area of ground - but they have no place to go. Mr. Mooreland informed the Board that he had talked with 21 people over the past week-end explaining to them why they must cease residential use of their trailers on private property. Now, Mr. Mooreland asked, where is the authority to grant a trailer - exactly like those he has been trying to remove. If you grant this case, Mr. Mooreland continued, the Ordinance goes out the window. What do you expect me to tell these trailer people?

Mr. Brookfield thought this not a parallel case with those Mr. Mooreland was discussing. This would be merely a temporary permit, Mr. Brookfield continued, for a specific purpose - therefore it should not affect the removal of trailers used as permanent dwellings.

There are five trailers in this immediate area, Mr. Mooreland pointed out, all in violation. Shall he tell those people to move - and let the Orr trailer remain?

Last week four people were in Court, Mr. Mooreland continued, who had been notified in November that they must get out of their trailers. They asked for more time, which the Court gave them at that hearing. When they came up last week - they asked for more time. The answer was "no". They were fined $50.00 each and costs and were notified to get out of the County by February 20th.

Mr. Barnes questioned the right of the Board to grant this if it is apt to cause such difficulties in Mr. Mooreland's office. If we are reaching a goal in controlling trailers, Mr. Barnes continued, this granting might seriously affect the good that has been accomplished.

Mr. V. Smith suggested reading the requirements on trailers in the Bocca Code to determine if this could be granted in accordance with those requirements.

4-Ctd. Mr. V. Smith moved to defer this case until later in the day to give the Board the opportunity to read the Bocca Code - and decision on this to be rendered after that reading.

Seconded, Mr. J. B. Smith

Carried, unanimously.

Mr. V. Smith made the statement that in his opinion Mr. Mooreland had done an excellent job in the performance of his duties as Assistant Zoning Administrator. He realized, Mr. V. Smith continued, that the administration of the Zoning Ordinance is a very controversial thing. However, he also realized that there are two sides to a situation like this,for his part he would rather be brought into Court than to turn this case down, since in his opinion it is fair and reasonable. Mr. Brookfield agreed.

Mrs. Henderson expressed the opinion that Mr. Orr had not shown why he cannot arrange a room or small apartment on the farm for the caretaker.

Mr. V. Smith recalled that the barn is leased.

It was also recalled that Mr. Orr had stated that $50,000 worth of insurance had been cancelled because no one was living in the barn.

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5- C. AND N. CORPORATION, to permit dwelling to remain as built 32 feet from front setback line, Lot 30, Section 7, Salona Village, Dranesville District. (Suburban Residence).

Mr. H. F. Schumann came before the Board recalling that this case had been deferred for the possibility of relocating the cul-de-sac in such a manner as to wipe out the violation on Lot 30.

Mr. Schumann introduced Mr. James Harris, title attorney, who read the following letter addressed to Mr. Schumann regarding the difficulty in making this change:

"Mr. Herbert F. Schumann
c/o County Planning Commission
Fairfax, Virginia

January 16,1957

Re: Lot 30, Section 7, SALONA VILLAGE

Dear Mr. Schumann:

We represent C and N Corporation, the owner of the above property. It is our understanding that the Board of Zoning Appeals postponed action on an application for the variance of the forty (40) foot setback line at a meeting which was held recently. The house which was erected on the property was inadvertently placed thirty- two (32) feet from the front line instead of forty (40) feet.

Our client has forwarded a sketch of the proposed location of Smoot Drive which was prepared by B. Calvin Burns, Certified Land Surveyor. The plat indicates that Lots 29, 30, 31 and 32, Section 7, and also Lot 40 of Section 3, Salona Village would be affected by the relocation of the cul-de-sac. In order to pass good title to the land which would be affected by the change, it would be necessary for every lot owner and every trustee and beneficiary of every deed of trust in Section 7, Salona Village and Section 3, Salona Village to join in the instrument. Section 7 contains thirty-three (33) lots and Section 3 contains sixty-one (61) lots and also Parcels A. B and C.

DEFERRED CASES - Ctd.

After due consideration and deliberation, I believe that you will agree that it would be an impossible task to get that many people to agree on anything, and , even if it were possible to get the approval of the owners and the trustees and the holders of the notes, many of the properties may have F.H.A. or G.I. loans , so that the holders of the notes would not sign the instrument unless we had clearance from the Federal Housing Administration or Veterans Administration, as the case might be.

For the foregoing reason it will be greatly appreciated if you will discuss the matter with the Board and explain the situation to them. We know that you, through your experience in real estate matters, fully realize the magnitude of such an undertaking, and it may well be that the Board did not realize at that particular moment what a tremendous task it would be to secure all of the signatures to such an instrument. We hope that after careful consideration that the Board will feel that it can grant the variance as requested, as the violation of the building setback line was due to an error on the part of the person who located the building and was not an intentional violation.

We will be glad to discuss the matter with you or the Board at any time which is convenient to you, or the Board, if you deem it necessary.

We will appreciate your advising us as to any developments in the matter and sincerely thank you for your courtesy in this matter as well as other matters which we have discussed with you in the past, we are,

Yours very truly,

/s/ James R. Harris
HARRIS & HALL"

The Board discussed the letter and its repercussions - agreeing that it would be practically impossible to accomplish a move of the cul-de-sac now that the road is completed, accepted by the State, and loans placed upon the houses affected.

While, in several cases, Mr. Schumann told the Board, changes of this kind have been affected, it is also true that they have been in error in making those locations. The Code also says, Mr. Schumann pointed out, that in change of road locations the approval of the governing Board must be obtained. Knowledge of this section of the Code was entirely unknown to him, Mr. Schumann said, until he had received this letter from Mr. Harris.

Mr. Harris stated also that it would be expensive to move the house because of the topography. He again recalled that the mistake had occurred in measuring the setback from a straight line between the two front stakes - instead of considering the curve in the road.

Mr. Nesbitt was also present, explaining how the foreman made the mistake in location. He pictured the rugged topography, the confusion of construction, piles of dirt which obscured the property lines and the fact that the street was not completed, and it was also possible, Mr. Nesbitt continued, that the foreman did not have a plat of the area at the time this house was staked out.

Mr. Harris discussed further the difficulties of large scale developments - the mistakes that creep in - even with the most zealous inspections.

Mr. V. Smith answered that a violation - is a violation - and if the law that requires certain compliances is unreasonable - then the law should be changed. He thought the mistake occurred because the builder was careless

5-Ctd. and in too great a rush to take sufficient care - therefore he missed the curve. That, Mr. Smith continued, he could not feel is a sensible reason for such a violation. Also Mr. Smith doubted the Board's jurisdiction to grant such a variance.

There was certainly no benefit to the builder in making this mistake, Mr. Nesbitt stated.

Mr. V. Smith moved to grant the application as shown on plat dated January 7, 1957, prepared by B. Calvin Burns. This is granted under Section 6-12-3-g because of the topographic condition - in that the lot slopes abruptly away from Smoot Drive. Also because this can be granted without substantial detriment to the public good.

Seconded, Mr. T. Barnes

Carried.

For the motion: Mr. Brookfield, V. Smith, T. Barnes

Against the motion: Mrs. Henderson, J. B. Smith

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6- CARL E. PELANDER, to permit dwelling as erected to remain within 13.05 feet of the side property line, Lot 12, Section 4, Salona Village, Dranesville District. (Suburban Residence).

The time lag in coming before the Board on this was discussed, Mr. Mooreland explaining the inability of his office to check each individual dwelling in large scale developments.

In getting building permits, Mr. Mooreland explained, the house location is shown on the preliminary plat presented in order to get the permit. The Zoning Office asks for a plat showing certified house location - which may come in any time - reasonable time - after the start of construction. If the certified plats do not come in within a reasonable time, a letter is sent to the builder asking for the plats. However, these certified plats are supposed to come to his office, Mr. Mooreland continued, before the building has progressed beyond the first floor joists. This is stated in the preliminary permit. This is required as a policy long established by the Planning Commission in order to carry out the intent of the Ordinance. It is not in the Ordinance, Mr. Mooreland explained.

Mr. V. Smith asked if there was a legal foundation for requiring this certified house location. Mr. Mooreland answered that an established policy is as good as a law - and in his opinion it would be upheld in Court. This has been challenged a few times, Mr. Mooreland continued, but in most cases the percentage of compliance has been high.

Mr. Pelander recalled the reason for this violation - it stemming from the incorrect location of the catch basin - which he had asked for and which was located by Mr. Victor Hanger of the County - not on the drainage easement at the edge of his property, but on his property. As a result of the incorrect location of the catch basin - they moved the house, Mr. Pelander explained, in order to put in a straight driveway which would enter his

6-Ctd.

DEFERRED CASES:

property just inside of the catch basin.

Mrs. Henderson questioned why Mr. Pelander had continued to build when he was notified that the February 1956 plat showed the violation. Apparently nothing was done about this violation until December 1956, Mrs. Henderson noted.

Mr. Pelander said he did not see the plat - and noted that the house was started when Mr. Burns came out to make the certified location check.

Mr. V. Smith read from the Permit which requires two certified plats showing the walls in relation to the side lines, etc. Mr. Smith asked if this is enforceable. Mr. Mooreland answered "yes" but it is not written into the Ordinance. Then, will it stand legal prosecution, Mr. V. Smith asked. Mr. Mooreland answered "yes, within reason".

It was asked what the Commonwealth's Attorney says about this. Since there have been no prosecutions, the Commonwealth's Attorney has given no opinion, Mr. Mooreland answered.

Mr. V. Smith moved that the Board of Zoning Appeals request that the Commonwealth's Attorney be asked if this permit is an enforceable part of the legal requirements of the building permit of Fairfax County.

Seconded, Mrs. Henderson

Carried, unanimously.

It was also requested that the opinion be given in writing.

Mr. Mooreland said he did not have sufficient personnel to assure the fact that builders do not proceed above the first floor joists before forwarding the certified location plat. However, he estimated that about 90% of the builders do send in the plats and they are cooperating in this better all the time.

It was also noted that Mr. Pelander did not have a foundation permit.

Mr. Pelander presented a letter from the neighbor most affected by this violation stating he had no objection to Mr. Pelander's house location.

It was brought out that when the builder discovered the house location was in violation - he told Mr. Pelander and Mr. Burns. Mr. Burns stated at that time that the violation was not a serious one and he thought it could be fixed without too much trouble. The builder then went ahead - probably thinking that - in some way the violation would be wiped out. Mr. Pelander said he also thought the violation was straightened out.

Mrs. Henderson moved to defer the case to February 12th, and requested that both Mr. Porter, the builder and Mr. Burns appear with an explanation for the violation.

Seconded, Mr.V. Smith

Carried, unanimously.

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DEFERRED CASES - Ctd.

7- STOKELY & SIMPSON, INC., to permit operation of a repair garage, on south side of Lee Highway, 1000 feet west of Prosperity Avenue, approximately 75 feet west of Home Heating, Providence District. (General Business).

Mr. Millsap represented the applicant in the absence of Mr. Gibson. Since this case had a full hearing at the previous meeting and he has presented the Zoning Office with the required plats, Mr. Millsap said he had nothing further to add.

Mrs. Henderson told the applicant that the Commonwealth's Attorney had offered the opinion that the Board does have jurisdiction to handle this case in that he thinks that this is a repair garage - in view of the fact of occasional work performed on equipment other than that of the applicant or those to whom he has sold or leased equipment.

There were no objections from the area.

Since the plats presented showing metes and bounds of the property to be used and the location of the building were not signed by the Engineer or Surveyor, Mr. V. Smith suggested that this could be granted - only - subject to that certification.

Mr. V. Smith moved that the application be granted under Section 6-16 of the Ordinance, and all sections applicable thereto, with the statement that this application is considered under the clause of Section 6-16-1, automobile repair shops in general - because it conforms to Section 6-4-b-1 and 2. This is granted subject to the applicant submitting to the Zoning Office certified plats showing the building location, the ingress and egress, and the boundaries of the property to be used, and these plats shall be substantially the same as those shown on plat dated November 5, 1956, by Walter L. Phillips, Certified C. E. and L. S., and another plat dated November 6, 1956 by W. L. Phillips, the latter titled "Preliminary Plat" showing on the property a dedication of a 50 foot street along the property of Stokley and Simpson. This plat also carried the notation "Revised December 11, 1956" but no details are given as to the revisions.

Seconded, Mr. T. Barnes

Carried, unanimously.

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8- JOHN R. STEWART, to permit carport to remain as erected within 3 feet 1 inch of side property line, Lot 18, Block 3, Section 2, Springfield, (7004 Leesville Boulevard), Mason District. (Suburban Residence).

No one was present to discuss this case.

Mr. V. Smith moved to defer the application to February 12th.

Seconded, Mr. T. Barnes

Carried, unanimously.

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DEFERRED CASES - Ctd.

9- FAIRFAX AMUSEMENT CORPORATION, to permit sign (theater marquee) of approximately 300 square feet at the northeast corner #608 and #29-#211, Centreville District. (General Business).

Judge Rothrock represented the applicant. Judge Rothrock read the two following letters - one from Mr. Kestner, District Engineer of the State Highway Department, and the other a letter from D. N. Rock, Landscape Superintendent for the State Highway Department.

"January 21, 1957

Mr. John A. Rothrock, Jr.
Farr & Chambliss
Attorneys at Law
Fairfax, Virginia

Dear Mr. Rothrock:

Your letter of January 17, 1957 to Mr. D. N. Rock, Landscape Superintendent, regarding relocation of Super 29 Drive-In Theatre sign has been referred to this office.

For your information we are attaching copy of memorandum from Mr. Rock, which we believe furnishes the information you desire.

We note that you need the information by January 22, 1957; therefore, we are mailing the information today and trust that you receive our letter in time.

We trust that Mr. Rock's memorandum furnishes all the information you need.

Yours very truly,

/s/ C. W. Kestner
District Engineer"

"January 16, 1957

TO: Mr. C. W. Kestner

FROM: D. N. Rock

SUBJECT: Fairfax Amusement Corporation
Sign - Super 29 Drive In Theatre
NE Corner Routes 608 and 29/211

I met with Mr. Rothrock yesterday and went over the proposed location for erecting the outdoor advertising sign. From the information received from Mr. Rothrock, I can see no objection to his applying for a permit to erect signs at the location. The location is at least twenty feet from the right of way on Route 608 and at least twenty feet from the right of way on Route 29-211.

Mr. Burnett and I also looked into this sign from a safety angle and we see no reason why it should interfere with sight distance. Of course I explained to Mr. Rothrock that he would have to get the approval of the Fairfax County Zoning Board first.

/s/ D. N. Rock,
Landscape Superintendent"

9-Ctd.

DEFERRED CASES - Ctd.

There were no objections from the area.

The new location of the sign was discussed as shown on the plat and met with the approval of the Board, since it is now proposed to be located at the corner of Dr. Adkerson's (Hunter Lodge) property - this property and the open air theatre property being in the same ownership.

Mr. V. Smith objected to the filling on the lower left side of the sign on the grounds that if this part of the sign is enclosed it would adversely affect visibility. Judge Rothrock thought the drawing was in error - that the sign now on the property and the one they will use - according to his memory - is supported by posts and not by a filled-in area.

Mr. V. Smith moved that the application be granted as shown on plat dated 6-16-53 by Walter L. Ralph C.L.S. and as shown on sketch of the sign submitted with the application titled "Super 29 Drive-In" - scale 1/2" - 1', but not to include the area on the left side of the sign shown as laminated or corrugated; this, for a height of 5 feet should be excluded from the sign and substituting therefore a column not in excess of 12 inches. This is granted subject to the applicant furnishing certified plat indicating the location of the sign substantially as shown on the plat mentioned above. This is granted because it does not appear to affect adversely neighboring property and the property on which the use is granted is in the same ownership as the open air theatre. This is also granted in view of the recommendation made by Mr. D. N. Rock, State Highway Landscape Superintendent.

Seconded, Mr. T. Barnes

Carried, unanimously.

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3- FAIRFAX AMUSEMENT CORPORATION, to permit erection of a sign (marquee) larger than allowed by the Ordinance, (approximately 225 sq. ft.) at the northwest corner of #29, #211 and #608, Centreville District. (Agriculture).

In view of the above granting, Judge Rothrock asked that this former case on the agenda for the Fairfax Amusement Corporation be withdrawn.

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TULLY D. ATKINS, to permit operation of an auto repair shop on the north side of U. S. #1, 425 feet south of Engleside Street, Mt. Vernon Dist.(Rural Bus.)

The motion passed on this case December 11, 1956, requested approval of the Highway Department for ingress and egress and also approval of the Public Works Department as outlined under the Subdivision Control Ordinance.

The following letter from Mr. B. C. Rasmussen explaining his inability to approve drainage on this property was read:

TULLY D. ATKINS - Ctd.

"January 10, 1957

Mr. H. F. Schumann, Jr.
Director of Planning and Zoning
Fairfax County
Virginia

Re: Motion by Board of Zoning Appeals on Tully D. Adkins case: Referred to Dept. of Public Works for approval.

Dear Mr. Schumann:

A field inspection was made on the above case, and I report as follows:

(1) The property faces on Route #1 and is bordered on the south by the north fork of Dogue Creek as shown on the plat prepared by J. A. McWhorter and Associates, dated Oct. 15,1954;

(2) apparently some fill has been placed and part of the building has been built in the natural flood plain of the stream (since I did not see or have any information on the land before it was improved I cannot determine the extent of the natural flood plain);

(3) it would require a detailed flood study to determine if the garage portion of the building will be flooded;

(4) the offsite drainage from the northerly side of this property has not been obstructed, however, no permanent provision has been made for this drainage;

(5) the drives and parking areas have been paved with asphaltic concrete (we do not know how the base was constructed or the type of material that was used before the asphalt was placed).

Considering the above report, I do not feel that this office can approve the existing construction. This report is being reviewed with Mr. Kipp and he concurred with this decision.

Very truly yours,

/s/ B. C. Rasmussen
Subdivision Design Engineer"

Mr. Mooreland gave a brief summary of the circumstances surrounding the granting of the original permit on this. The original permit was made in the Building Inspector's office for a repair garage. When it came to Mr. Mooreland's office the applicant was told that a repair garage would have to go before the Board of Zoning Appeals. Mr. Tully then indicated that he would operate a hardware store instead of a garage - therefore the permit was issued - but inadvertently the 'repair garage' was not changed on the permit. While the permit was actually issued for the garage - the intent was - and Mr. Mooreland said he was certain Mr. Tully understood, to issue a permit for the hardware store only. This error was also missed by the Building Inspector's office. Now, Mr. Mooreland continued, Mr. Tully claims he has a permit for the garage. It was then agreed to bring this before the Board of Zoning Appeals to clear the repair garage request. This application was granted subject to the two conditions - approval of the Highway Dept. for ingress and egress and approval of the Department of Public Works. The latter approval they cannot get.

TULLY D. ATKINS - Ctd.

Mr. Atkins said he did not have the written approval of the Highway Dept. although Mr. Halderman did give verbal approval of the driveway entrance and the asphalt which he put down.

Mrs. Atkins told the Board that since they had approval from the Highway Department, from the Building Inspector and for the electric wiring - and they have the permit for the garage. She could not understand why they cannot open this business.

Mr. Atkins said Mr. Rasmussen had thought that since the building was put up before the Public Works was established - they had no jurisdiction over the drainage. In this case - how could they get approval from that Department, Mr. Atkins asked.

The building had been damaged by hurricane "Edna", Mr. Atkins explained - but it had been remedied and approved. Also Mr. Atkins explained that he had done considerable filling on his property, which is now about two feet above the road, which places him about two feet above the high water mark.

Then, Mr. V. Smith questioned, with this raise in the elevation of the Atkins ground would it throw the water over to the other side of the stream - and perhaps on other property? Mr. Atkins thought not - that the water would follow the same course it had always followed, he had not changed the run-off nor interfered with the creek. Mr. Atkins noted that the water did come up to his filled ground.

In that case, Mr. V. Smith continued, the water would have to go some place in case of flood and it would appear logical to him if Mr. Atkins had been subject to flood and had filled his property the two feet - the water would be turned off on to other property. He felt the Board had no right to approve a situation which would cause a flood condition on other property - and therefore this should be worked out and approved by the Department of Public Works. Even though Mr. Atkins had bettered conditions on his own property, Mr. V. Smith stated, it is not a satisfactory situation if that filling will cause flood or washing on other property.

The bank on his side of the stream has always been higher than the property across the stream, Mr. Atkins explained - the filling had actually made no change except that his own property drains better. The land back of his property is low, Mr. Atkins said, and the back up water would flood on to his ground. Therefore, the water would flow down the valley just as it always has. There are no banks on that back land, Mr. Atkins continued.

Mr. V. Smith said it was clear to him that if the Board has before it an application with a flood plain or a fill which condition would result in damage to someone else, the Board has no right to grant that application until that condition is corrected. The applicant can use the building for other purposes, Mr. V. Smith continued -stores, etc., but he could not vote for something knowing that it very likely would do damage to someone else.

TULLY D. ATKINS - Ctd.

If Mr. Atkins wishes to use this building as a repair garage and he can have his engineers correct the condition - it would then put the Board in the position to grant that use.

Mrs. Henderson asked Mr. V. Smith if he thought the use of this building as a repair garage would affect the flooding of the area more than a hardware store - which is permitted. Mr.V. Smith called attention to the fact that a repair garage is granted under Section 16 - which refers to adversely affecting the neighborhood, health and safety, etc..... He felt that the granting of this without corrected drainage would be failure to see the overall picture, and failure to follow the section under which this would be granted.

This building was put in before we had regulations on flood plains, Mr. Mooreland told the Board - and also the filling was done before the controls were effective. He asked if the garage would change conditions. The Director of Public Works had no ordinance until 1956, Mr. Mooreland explained - and this condition happened two years before that. However, Mr. V. Smith noted that we had Section 6-16 at that time. Mr. V. Smith also stated that he could not sit on a Board and vote for something that would bring a hardship to someonelse.

The Board again discussed the condition of the property back of Mr. Atkins - the changing of the banks of the stream, and the swampy condition of the ground around Mr. Atkins property.

The Board agreed it would be necessary to view the property.

Mrs. Henderson moved to defer the case until February 12th - to view the property.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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4- WILLIAM ORR - With regard to the William Orr case - request for trailer on his property - the Board discussed the Bocca Code regarding trailers.

Mr. V. Smith read from the Code, 425.1; 425.2, page 83. After the reading it was questioned if this would apply to this case, since the Code says "two or more vehicles". The Code was not considered in this.

Mr. J. B. Smith moved to grant the application for use of a trailer as a temporary living quarters for an individual attending the cattle on this property - permit to be granted for a period of 12 months, and also for this person to stand watch over the barn-building which is located on the property.

Mr. V. Smith suggested that the following be added for reference in case of possible future Court proceedings: "That this is an extraordinary and exceptional situation where a man has 175 acres of land and it is proposed to locate the trailer 600 feet from the closest side property line and 800 feet from the closest road. It is noted that this particular applicant has

WILLIAM ORR - Ctd.

contributed a substantial amount of money to the service of the County by bringing the sewer line up to this property for future development of the area. This application shall be granted in accordance with plat submitted by the applicant, plat prepared by R. F. Kursch, C.L.S., dated April 21,1953 whereon the trailer is located as indicated above (800 feet from the roadway and 600 feet from the closest side line). This is also granted because of the temporary nature of the trailer."

Mr. J. B. Smith accepted this addition to the motion.

Mr. V. Smith seconded

All voted for the motion except Mrs. Henderson, who voted "no".

Mrs. Henderson said she voted "no" because she felt that there was no justification shown to grant this for a dwelling use even on a temporary basis, and that there was no evidence shown that the caretaker could not be lodged in the barn which is located on the property.

Motion carried.

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The meeting adjourned.

John W. Brookfield

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, February 12, 1957 at 10 o'clock a.m. in the Board Room of the Fairfax County Courthouse with all members present.

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The meeting was opened with a prayer by Mr. Verlin Smith

DEFERRED CASES:

1- DAVID S. BOGER, to permit extension of Ancient Oaks Trailer Court (50 trailer lots) on south side of Lee Highway immediately adjacent to Ancient Oaks Trailer Court, Falls Church District. (Rural Business).

Mr. William Hansbarger represented the applicant asking that this case be deferred indefinitely until a trailer park ordinance has been adopted by the County. In order to relieve the opposition from appearing unnecessarily, Mr. Hansbarger suggested that one or two names be submitted to the secretary for notification of the time for final hearing on this. It is his understanding, Mr. Hansbarger continued, that the trailer park ordinance is now in the hands of the Commonwealth's Attorney, and will very soon be ready for public hearing and adoption. If his client can comply with the ordinance as adopted he will then continue his case - if he cannot comply - the case will be dropped.

The opposition suggested through several spokesmen that since they have been to several hearings on this already - that the case be dropped at this time and if Mr. Boger feels he can comply with the ordinance after it is adopted - that he again apply and the case will be properly advertised and posted.

It was also noted by the opposition that it is possible a transitional zoning classification will be set up to protect residences from businesses uses. They were of the opinion that this type of zoning might work out on this property better than continuation of the trailer park to the very doors of their homes.

The opposition asked that the case be denied, and the applicant reapply, if he so desires.

Mr. Hansbarger said he could see no difference, as his client will either comply with the new regulations or abandon the proposed use. A deferrment would save the fee of re-applying. However, if the Board is of a mind to deny the case, Mr. Hansbarger said, he would feel obliged to present his case in full at this time.

Mr. Hansbarger withdrew the case.

Mrs. Henderson moved that the applican't request to withdraw the case be granted.

Seconded, J. B. Smith

Carried. Mr. V. Smith not voting. All others voted for the motion.

It was noted that a considerable amount of bull-dozing is going on at the present time on Mr. Boger's property. The opposition was told that this Board has no control over such activity.

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DEFERRED CASES - Ctd.

2- L. L. DOTY, to permit erection of a garage within 25 feet of the street property line, Lots 33 and 34, Block 3, Belle Haven, (19 Edgewood Terrace), Mt. Vernon District. (Urban Residence).

A letter was presented to the Board from the Belle Haven Citizens Association to Mr. Doty stating that the architect of the Association had passed on the construction proposed by Mr. Doty and has approved it.

Mr. J. B. Smith suggested that it would not be too difficult to locate the garage at the side of the house - with the same front setback as the main dwelling, if the garage were put on pier supports at the rear - over the ravine.

Mr. V. Smith noted also that the Ordinance allows a 10 foot encroachment into the front minimum setback for a carport.

Mr. V. Smith moved that the application be denied because the applicant can build a carport which encroaches 10 feet into the minimum front yard and because this is too gross a variance from the Ordinance.

Seconded, J. B. Smith

Carried.

Mr. V. Smith asked that it be called to Mr. Doty's attention that provisions are made in the Ordinance for this 10 foot encroachment.

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3- CLARENCE L. & DOROTHY M. LEMKE, to permit dwelling to remain as erected 48.1 feet from cul-de-sac of Glenbrook Road, Lot 81, Section 4, Mantua, Providence District. (Rural Residence).

Mr. John Alexander represented the applicant. He had explored every possibility of moving the cul-de-sac, Mr. Alexander told the Board, but in his opinion under the Code of Virginia, that the street cannot be moved because it has been taken over and is maintained by the State. Mr. Alexander read from the Code which states that if the Commonwealth has taken possession of a road it cannot then come under the vacation section. Also, Mr. Alexander explained, the cost of making this change would be prohibitive - since it would necessitate re-submission of the plan by the engineers, the relocation of the VEPCO poles and re-location of the wiring, re-submission of plans and profiles, it would be necessary to do a considerable job of bull-dozing and grading of the cul-de-sac and it would require getting the approval of the property owners involved along with first and second trust holders and re-submission of plans to the loan companies. It would be a collossal job, Mr. Alexander continued, all for a small violation affecting only one corner of the house in which the garage is located.

Mr. Alexander again called attention to the reason for this error - the curved street which mislead the engineers in the beginning, and to the fact that the front of the house does notface the cul-de-sac. This infringement does not throw the other houses out of line, Mr. Alexander noted, as there is an irregularity of locations on the other lots and a hilly terrain which makes this unnoticed. Mr. Alexander also noted that this house is further

3-Ctd. from the centerline of the street than houses which are on a 50 foot street. It is located 98.1 feet from the centerline of the cul-de-sac. Mr. Eakin, who owns two houses on this street, has stated he has no objection to this infringement, Mr. Alexander said.

Again the delay in coming before the Board was discussed, Mr. Alexander recalled what he had previously stated - that he was concentrating on the dedication of an easement - or some means of making a change to lessen the setback - however, Mr. Alexander admitted the fault of delay was entirely his. He had thought it necessary to get the house under roof before winter. There were no objections from the area.

The Board was reluctant to accept Mr. Alexander's justification for proceeding with the building in order to get the house under roof before the winter. Since the preliminary permit states that the house must not be taken beyond the first floor joists without a certified plat - the Board felt that that requirement should have been observed.

Mr. Alexander again detailed the difficulties and expense of relocating the street.

Mr. V. Smith moved to grant the application because it is a cul-de-sac street serving a limited number of homes and it does not appear to adversely affect neighboring property, and it would appear that shifting the cul-de-sac would create difficulties on the other lots due to the topographic conditions and the variance is only 1.9 feet. Also the lot is far in excess of the required lot size in this area and the violation affects only one corner of the building - and the garage is built as a part of the house.

Seconded, Mrs. Henderson

Carried, unanimously.

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4- CARL E. PELANDER, to permit dwelling as erected to remain within 13.05 feet of the side property line, Lot 12, Section 4, Salona Village, Dranesville District. (Suburban Residence).

Mr. Calvin Burns, Mr. Porter the builder, and Mr. Pelander were all present.

Mr. Burns explained that the house was staked with the 10 foot offset -which the builder misunderstood, thinking the 10 foot offset was from the side line - therefore when it became necessary to shift the house - because of the incorrect location of the catch basin on the opposite side of the lot - the builder thought he actually had 10 feet extra to play with on the violating side. This was caught when Mr. Burns made the certified house location survey for loan purposes. The house was framed out when the violation was discovered.

Mr. Burns called attention to the violation - which he thought could be ironed out without too much difficulty.

Mr. Burns explained the manner of making the different checks, which would account for the different dates on the plats. First, location of the footings -

4-Ctd.

the check made after the house is started and the certified plat - all of which can be shown on the same plat - by simply changing the word "proposed" - from the first plat. Sometimes they do neglect to change the date of the plat. The fact that the builder did not recognize the meaning of the 10 foot offset is perfectly understandable - Mr. Burns said - as different engineers use different signs in marking their plats.

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The delay in coming before the Board - Mr. Burns said, he knew nothing of - it was probably a matter of each thinking the other had handled the violation.

Mr. Porter stated that the mistake started from the incorrect location of the catch basin - that it would not have been necessary to shift the house had the catch basin been located at the end of the drainage easement - but even at that - he was sure the side setback was sufficient to take the change.

Mr. Porter said he had built mostly in the District, he was accustomed to conforming to requirements, and this mistake was entirely unintentional.

He recognized the Preliminary Permit form - and he recalled Mr. Burns telling him the house was in violation. But when Mr. Burns came out to make the check, the house was into the brick work. He could not recall exactly what he thought about clearing up the violation - he was under the impression that it was small and would be straightened out. He was so sure that the house was located properly in the first place - which was true - but thinking he had the extra 10 feet - he was still sure he was within requirements. Therefore, he kept on building. He discussed this violation with everyone - Mr. Porter said - but apparently he did not talk with the right people.

This is his first mistake of this kind, Mr. Porter continued, and he was very sure it was his last.

There were no objections from the area.

Again it was discussed just how the catch basin was located - Mr. Pelander explaining that he had called the County asking to have the catch basin located and asking for specifications of the catch basin. Mr. Victor Hanger came out - and located the catch basin - not at the end of the drainage easement, but on Mr. Pelander's property. Therefore, the house was shifted to allow for the straight driveway.

Mr. V. Smith noted that while Mr. Hanger located the catch basin - he said nothing about location of the property lines - therefore he did not feel the County had any responsibility for the error. A curved driveway could have been put in just as well, Mr. J. B. Smith suggested - he could not see the necessity for shifting the house in the first place.

Mr. Pelander noted that the house on the adjoining lot is set back 15.5 feet, which allows a distance of 29 feet between houses.

Mrs. Henderson moved that the variance be granted because it appears that it has occurred through a series of mistakes and because this is not a gross variance, and it does not affect adversely neighboring property and does not

4-Ctd. seriously affect the intent of the zoning map.

Seconded, Mr. J. B. Smith

For the motion: Mrs. Henderson, J. B. Smith, T. Barnes

Against the motion; Mr. Brookfield, Mr. V. Smith

Motion carried.

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5- JOHN R. STEWART, to permit carport to remain as erected within 3 feet 1 inch of side property line, Lot 18, Block 3, Section 2, Springfield (7004 Leesville Boulevard), Mason District. (Suburban Residence).

When he bought this house, Mr. Stewart said, he asked about having a carport put on. The salespeople had told him that he could have one put on - but it would probably be cheaper for him to do it himself at a later time. Therefore, he had thought that a carport could be added without violation. Then, Mr. Thompson came along, Mr. Stewart continued, selling aluminum awnings - and the carport was put on.

Mr. Thompson showed a picture of the awning-carport and a sample of the type of material used for the roofing. He did not investigate the mechanics of the installation of this, Mr. Thompson said, since this is not a permanent addition and because they do not consider it to be a structure - rather, in his opinion, it is just an awning.

Mr. V. Smith read the definition of a structure from the Ordinance -which would definitely classify this carport as a structure. Mr. Thompson asked how this would be classified if it had overhead supports and no columns. Mr. Mooreland answered that in that case it could project 3 feet from the dwelling. This structure comes within 23 feet of the neighboring house which is 18 feet from the side property line.

Mr. Thompson also noted that no building permit was taken out on this - thinking it was not a permanent structure.

This is his first experience in installing these awning-carports in the County, Mr. Thompson told the Board - he has worked previously in the District.

There is a considerable slope on this lot, Mr. Stewart explained - a terrace leads up to the house on adjoining property. The lot is wooded at the rear.

Mr. Steward presented a statement from people living in the immediate area indicating they have no objection to this carport.

If this were located at the rear - it would necessitate moving the driveway.

Mrs. Henderson moved to deny the case because there has been no evidence presented of undue hardship, and there is an alternate location for the garage or carport on the property.

Seconded, Mr. V. Smith

Carried, unanimously.

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NEW CASES:

1- NATALIE J. & C. ARTHUR FOWLER, to permit operation of a convalescent home in present building and permit building 51.9 feet from Clifton Street, Lot 47 and Parcel of 0.6147 acres, Clearfield Subdivision.(Rural Res.-Class I). This is a request both for a permit to operate the convalescent home and for a variance in front setback, Mr. Fowler told the Board. He has met with the citizens of the neighborhood, Mr. Fowler continued, explaining their proposition. They do not wish to locate in a commercial area which he believes is incompatable with the needs of a home of this kind.

Mr. Fowler stated that he is President of the State Association of Nursing Homes - and that he has continuously worked for the betterment of homes for the aged. There is a great need for modern and high-standard homes, Mr. Fowler continued, especially in this area. They do not wish to use a second class structure and they have spent a great deal of time looking over the County for a location that would be easily accessible to the hospitals and shopping areas - yet a location that would have a rural atmosphere. It has been exceedingly difficult to find a property which will meet all their requirements.

He has been operating "Briarwood Manor" on Route #29-211, but found that too far out for the patients. This house is solid brick, it can meet all fire and health requirements with a few minor changes, and he can handle nine or less patients. They hope to expand at some later time.

Mr. Fowler called attention to the fact that all setbacks except that from Clifton Street are far in excess of requirements - even with the addition of a new building to the rear - the setbacks will be observed. The side setbacks are about 175 feet and 125 feet with at least 300 feet at the rear. Sewers are available.

The Chairman asked for opposition: Mrs. John Christy, Chairman of the zoning committee of Indian Spring-Clearfield Citizens Association presented a statement to the Board detailing their opposition: This is a residential area which they do not wish to see invaded with the type of use requested; the type building proposed to be erected would not be in keeping with the size and residential appearance of the homes in the area; the changes contemplated on this building would preclude its return to residential use, if this use is abandoned, in that case to what use could this building be put; this would seriously affect lots in the area yet to be built upon and homes presently in the area by reducing values; they wish to maintain the rural atmosphere. Mrs. Christy presented two petitions opposing this use - containing 92 names.

Mrs. Christy said Mr. Fowler did come before these citizens groups with his explanation of his business and proposed future plans. The group still opposes this use.

NEW CASES - Ctd.

1-Ctd. Mrs. Christy made a special point of her objection to the proposed addition which she was advised was not under consideration - and which would require an additional hearing.

Mrs. May Carter, who lives directly across the street from the applicant, objected - stating that she had bought this property because of its rural character and had expected it to remain so. She also brought out that Braddock Road is narrow and heavily traveled - it is noisy and certainly not conducive to a quiet atmosphere for a nursing home.

Mrs. McClintock, who owns 20 acres at the back of the property in question, also objected, stating that they plan to develop this property some time in the future and she thought the presence of a nursing home on the Fowler property would be depreciating to her property values. She felt a purely residential area was not the proper place to locate such an institution. If Mr. Fowler builds on when sewage is available - that will further adversely affect their property. After the addition is put on, Mrs. McClintock went on, and if this should be abandoned for this use - the building would be entirely out of keeping with the neighborhood.

Mrs. Terrain objected for reasons stated, claiming that it would be logical to grant an extension on this business if it is successful. She objected to the addition also.

Mr. McFarland, owner of Fairfax Lodge (a nursing home on Route #50) asked the Board to favorably consider Mr. Fowler's application. Mr. McFarland is the Virginia representative to the Governing Council of American Nursing Home Association. Mr. McFarland commended Mr. Fowler as an individual - calling him a man of high caliber and ability.

Mr. McFarland spoke of the need for these homes in the State. He told of a survey made in the State four years ago taking the criteria of the Hill Burton Act - and cutting that criteria in half. They came up with a shortage of 150 beds in this area. Last year this shortage was increased by 8 beds. Now one 12 bed institution has been closed. It is a fact, Mr. McFarland continued, that hospitals cannot keep these people who are cronically ill and some facilities must be furnished for their care. Here, Mr. McFarland pointed out, is a man who is well qualified to do this.

Mr. McFarland noted also that these homes are located through-out the Country in good neighborhoods - they are allowed in a residential area by the Ordinance. If it should happen that Mr. Fowler should be unable to continue this use, he was sure someonelse would carry on. Mr. McFarland expressed the opinion that this is an excellent location for such a use and urged the Board to grant this use to Mr. Fowler.

Mrs. Carter again called attention to the medium priced homes in this area which would be out of keeping with this building if Mr. Fowler puts the addition on and abandons the use. It could never fit into the residential picture of the area, Mrs. Carter concluded.

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NEW CASES - Ctd.

1-Ctd. There were about five people peresent in opposition.

Mrs. Wm. Torry, who lives in Braddock Acres, stated that the children (about 25 in the neighborhood) use the woods adjoining this property for play - they are noisy, Mrs. Torry explained, playing Indian, and Cops and Robbers - she thought that would be disturbing to the old people in this home. Where she asked, will the children play in order to assure quiet for the Home, and how can they keep the children quiet? They have no objection to the old people, Mrs. Torry stated - they simply want free play for the children.....

Mr. J. B. Smith moved to defer the case until February 26th to view the property and the neighborhood.

Seconded, Mr.T. Barnes

Carried, unanimously.

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2- DOMINION DEVELOPMENT CORPORATION, to permit erection and operation of a service station and to allow pump islands 25 feet of right of way line of #123, part of Block 2, Ingleside Subdivision, Dranesville Dist.(Gen.Bus.).

Mr. Ralph Cawl represented the applicant. This is to be installed in connection with the Engleside shopping center, Mr. Cawl told the Board - it is the first step in development.

This is an 11 acre general business tract, Mr. Cawl went on, all of which will be developed - the filling station to be in one corner. Also Mr. Cawl pointed out that there is only one other filling station on Route #123 from Chain Bridge to Tyson's Corners - on the going out side of the street. A filling station is a great asset to a shopping center, Mr. Cawl pointed out - one compliments the other. This is also included in the master plan's designated area for business development.

There were no objections from the area.

Mr. V. Smith recalled that the Board had granted a filling station across from this with - he thought a 35 foot pump island setback. He did not like to grant a less setback here - also, Mr. Smith thought the Board should know the possibilities of widening Route #123 at this point. This is a heavily traveled route, Mr. Smith pointed out, and he felt every precaution should be taken to facilitate widening of the road, and assure proper handling of future traffic.

Mr. Cawl thought the Highway Department would not widen Route #123 at this point because of the proposed McLean by-pass. He was of the opinion that the filling station across #123 had a 25 foot setback on the pump islands.

Mr. V. Smith moved to grant the application as shown on plat dated January 18, 1957, prepared by B. Calvin Burns, C.L.S., provided the pump islands be moved back a distance of 35 feet from the property line adjacent to Route #123.

Seconded, J. B. Smith

Mr. Cawl suggested allowing thr 25 foot setback and if it becomes nemessary to move the pump islands back to the 35 foot line, they will move the island

NEW CASES - Ctd.

2-Ctd. bearing the full cost. The 25 foot setback will better serve the customers in getting in and out, Mr. Cawl explained, and in case of the widening they will immediately comply with the 35 foot setback.

Mr. V. Smith thought this would be the logical side on which to take the added right of way - also Mr. Smith recalled that on major highways service drives have been required - this property does not include a service drive. It was suggested that this be deferred until the status of the Highway is settled. Mr. Cawl suggested deferring this until they could examine the consequences of the 35 foot setback. They had not expected that - Mr. Cawl said, and they wish to comply with the requirements of the Board, but he would like time to go over the situation and know just how it would affect them.

Mr. V. Smith withdrew his motion, and moved to defer the case for 30 days (until March 12th) and that this be referred to the Planning Commission for suggestion and recommendation on the possibilities of widening of Route #123 and a recommendation on the setback on Route #123 and also for consideration of the possibilities of obtaining a service road along Route #123 in front of the shopping center, and for Mr. Cawl to consider whether or not he can change the location of the pump islands.

Seconded, Mr. T. Barnes

Carried, unanimously.

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3- DENNIS & BURNS, to permit division of lot with less area than allowed by the Ordinance, Lot 29, Section 2, Englandboro, Mason District. (Sub.Res.-ClassIII).

Mr. Hugh Cregger represented the applicant. Mr. Burns was present also. The total area of this lot is 32,574 square feet, Mr. Cregger told the Board and it is proposed to make two lots, one with 16,100 squ feet, the other with 16,474 square feet. The zoning on this area requires an average of 15,000 square feet. The one lot will lack 900 square feet in area - the other will lack 526 square feet in order to reach the average required. However, there are many other lots in the subdivision, Mr. Cregger pointed out which have 15,000 square foot area.

Mr. Burns will erect homes in the $27,000 class on these lots - he has built homes on several other lots in this subdivision ranging from $23,000 to $24,000.

Mr. Cregger presented a letter to the Board from Mr. McNulty, the owner of the adjoining Lot 28, stating that he does not object to the variance requested as long as the frontage of the lots is as required under the present regulation, and so long as the house built upon the property is of the type and value equal to his own home.

It was recalled that this was a 1/2 acre lot area before the Freehill Amendment changed this area to an average size of 17,000 square feet. However, the subdivision was platted and development had started in the 1/2 acre zoning classification.

NEW CASES - Ctd.

3-Ctd. In answer to Mr. V. Smith's question as to how many lots fall below the 1/2 acre size, Mr. Burns pointed out several lots in the subdivision that have about 15,000 square feet - especially those lots facing on Downing Street. It was noted on the plat of the subdivision that a great majority of the lots are in excess of 1/2 acres.

The Chairman asked for opposition.

Colonel Jones, Vice-President of the Englandboro Citizens Association, stated that this subdivision has 40 lots and approximately 26 of these lots are built upon. All but two of the home owners have asked that this variance not be granted. The average lot size of the 26 owners is 27,000 square feet. Colonel Jones went on to explain that people had moved into this area (most of them) when the area was zoned for 1/2 acre lot sizes. The majority of the lots are larger than that requirement. The people have been very zealous in maintaining a large lot - rural area, Colonel Jones continued, and have opposed vigorously any encroachment on the character of their neighborhood. The Freehill Amendment rezoned this area to an average of 17,000 square foot lots, Colonel Jones continued, but this proposed division would further set aside that amendment. While there are several 15,000 square foot lots in the subdivision - only three homes are built upon these small lots. The trend is to combine and enlarge the lots rather than to cut them up. On three of the 15,000 square foot lots a plan is under way to combine with adjoining property for larger lots. Such an arrangement would be far more in keeping with the character of the area than the proposed division. Homes in this area are in the $28,000 to $35,000 class, Colonel Jones concluded, he thought homes built upon these two small lots would have a tendency to reduce property values.

Petitions, with approximately 100 signatures, were presented from Englandboro and Pinecrest Subdivisions, objecting to this division. 75 percent signing were property owners and 25 percent represent the owners.

Mr. Paul Livingood, owner of land adjoining this property objected, telling of his having combined lots to maintain the large areas, all of which lots range from 22,000 square feet to 30,000 square feet. He also stressed the effort the builders in this area had all gone to ~~to~~ maintain large lot sizes and to build attractive homes.

Paul McLaughlin spoke for Pinecrest, objecting for reasons stated. He could see no advantage in the granting of this except to the applicant.

Mr. McGinnis objected, representing Mr. Enick and Mr. Kilgore, builders who have consistently put up a good class of homes - they have saved trees, used large lots and have worked to keep the area rural and attractive.

Mr. Enicks owns Lots 13, 14 and 27, the latter adjoining the applicant's property. Mr. McGinnis pointed out that the applicant bought this property knowing that it was platted as a single home lot and therefore would not be injured if this is denied. On the other hand, his clients would be greatly injured by depreciation of their property. Mr. McGinnis recalled the

NEW CASES - Ctd.

3-Ctd. original opposition to the Freehill Amendment, and to Mr. Rolfs when he came up with his small lot rezoning. The Board of Supervisors turned that zoning down, Mr. McGinnis recalled, evidently thinking the 17,000 square foot average was fair. However, the average lot in Englandboro actually runs from 25,000 to 30,000 square feet. He asked the Board to deny the case.

Mr. Cregger called attention to the fact that this is a variance for just these two lots - that if this were a plat for the whole subdivision it could go on record as the lots would have to average 17,000 square feet and could drop as low as 15,000 square feet. They are not asking for anything that cannot already be done in the subdivision, Mr. Cregger assured the Board. This is not a great variance from the lot sizes, Mr. Cregger continued, and since there is such a variation already in the subdivision (the range starting from 15,000 square feet and running to over one acre) these lots would not be noticed as being less in area and they certainly would not adversely affect the smaller lots in the subdivision, several of which are not too far from this property. If they were to put in a division of ground into three lots it would be creating a subdivision, Mr. Cregger explained, and the present zoning would allow an average area of 17,000 square feet. Therefore, Mr. Cregger contended, this is not an unreasonable request.

Mrs. Critchlow recalled Mr. Rolfs' consideration for the people in Englandboro and Pinecrest in that he agreed to the larger lots and better houses fronting these two subdivisions. She thought the applicant was not considering the people in the two subdivisions.

Mr. V. Smith moved to deny the case because it does not conform to the overall character of the subdivision in which the lots are located, and the lots would be irregular in shape. There has been no evidence of undue hardship.

Seconded, Mrs. Henderson

Carried, unanimously.

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The Board adjourned for lunch.

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Upon reconvening the Board took up: Julius Pruss as the applicants on the next three cases were not present.

7- JULIUS PRUSS, to permit erection of one sign with greater area than allowed by the Ordinance, (84 sq. ft.), S.W. corner of Arlington Boulevard and Sleepy Hollow Road, Falls Church District. (General Business).

The sign "Motel" which was erected on top of the building was blown off in the last wind storm, Mr. Pruss explained, and he would like now to re-locate it on an 8 foot pole about 6 or 8 feet behind the property line near the building. However, there was no plat showing the actual location of the sign on the property, nor was there a drawing showing the entire sign. The Board agreed that they could not handle the case without more complete plats.

Mr. V. Smith moved to defer the case until February 26th, pending proper plats.

Seconded, Mrs. Henderson - Carried, unanimously.

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NEW CASES - Ctd.

6- NORTHERN VIRGINIA ARCHERS, to permit an Archery Range, on east side #638, approximately 1-1/2 miles north of Shirley Highway at Hunter Station Interchange, Mason District. (Agriculture).

Mr. Walter Ralph represented the applicant, stating that the Archers are now operating on the Winkler Tract in Alexandria, but the property has been sold and they must vacate by March 1st. After considerable searching in the County, they have found this ground which suits their purpose in every way and for which they are requesting a permit.

There is a ravine about 400 feet from Rolling Road on the south side of the outlet road shown on the plat. Their targets are placed back and forth along the ravine, Mr. Ralph explained, so placed that all shooting will be directed into the bank. Mr. Ralph noted that the plat shows that no shooting will take place closer to Rolling Road than 600 feet. This is in error - the ravine is closer to Rolling Road than they had thought - however, no shooting will take place closer to Rolling Road than 200 feet. The targets are made of bags of straw, Mr. Ralph explained, they will be placed in a zig-zag manner across the ravine - always shooting into the bank. The distance between targets will vary from 20 feet to 20 yards. However, the bows have a shooting range of 125 yards, but at no time will the shooting take place toward the road. All activities will be carefully supervised. The shooting will follow the trails laid out for that purpose. The Lynch gravel pit joins this property immediately to the east.

This is an incorporated club, Mr. Ralph told the Board, of about 135 members. They plan to lease the property. They will be well covered with liability insurance and property damage. Their lease states that they cannot cut holly nor dogwood. The area is well wooded. It is planned to use about 30 acres of the entire tract.

A letter was read from the Upper Pohick Community League stating that they are acquainted with the purposes and scope of the Northern Virginia Archers, have discussed it with Mr. Ralph and other members of the club, and they feel that this use will not be detrimental to this area. The League passed a resolution unanimously that a letter be sent to the Board stating that they do not oppose this application.

This range was laid out by an Archer Range Master - who took all precautions Mr. Ralph stated, to assure complete safety and compliance with the National safety requirements. If the archer misses the target - or shoots over the target - the arrow will go into the bank. The ravine is about 50 feet below Rolling Road. Since they use aluminum arrows the archer is not likely to shoot arrows wild, Mr. Ralph explained. The people who are members of this club are experienced archers and are accustomed to controlled ranges. There were no objections from the area.

NEW CASES - Ctd.

6-Ctd. The direction of the arrows and the location of the target with relation to the banks were discussed at length - Mr. Ralph assuring the Board that with the deep ravine and the targets placed along the ravine - the arrows would be well within safety range. All shooting will be parallel to the ravine. Beginners would use a short range bow, which could not reach the road. The heavy long range bows are used only by qualified archers.

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The property will be posted and policed at all times, Mr. Ralph went on, only the members will know where the targets are and only the members will use the grounds.

Mr. V. Smith moved to grant the application as shown on plat by Walter L. Ralph, C.L.S., dated January 24, 1957 - the property involved shown to be 134.65 acres. This permit is granted for a period of three years, provided that no targets be located in such a way that the archer is aiming toward Rolling Road or abutting property, and so the archer will be less than 400 feet from the property line. This is granted because it does not appear to affect adversely neighboring property.

Seconded, Mr. T. Barnes

Carried.

All voted for the motion except Mr. Brookfield, who voted "no".

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8- PARKLAWN CIVIC ASSOCIATION, to permit erection and operation of a community swimming pool, bath house and accessory buildings thereto, Parcel C, Section 3, Parklawn, (270 ft. east of rear of Lot 56, Block T, Section 3, Parklawn), Mason District. (Suburban Residence-Class II).

Mr. B. M. Keith, President of the Civic Association represented the applicant. The corporation which will operate this pool has been incorporated under the laws of Virginia, Mr. Keith told the Board, they have been working since last November on prelimimary plans in order to open for use this summer. The 14.5 acres which will be used has been donated by Mr. Mace for this purpose. They have surveyed the area very thoroughly, Mr. Keith went on, explaining the plan, and find that the people in the community are highly in favor of this project. Mr. Keith displayed a petition with over 200 names all favoring this use. These signers are from Parklawn andDowden Terrace, and all adjacent property owners.

While this ground is within the flood plain area, Mr. Keith pointed out, it is perfectly satisfactory for this purpose as the ground is very firm and would dry out quickly in the case of inundation.

Mr. V. Smith asked if there is a plan for a Parkway up Holmes Run. Mr. Keith thought there was a plan for a Parkway on the opposite side of the Run - away from this property. He also noted that the swimming pool as located would be above the flood plain area, and also that the parking area could be located if it is in the flood plain.

8-Ctd. In answer to Mr. V. Smith's question on the width of the 20 foot outlet road - Mr. Keith said the grade was good, the road would be wider at the curve and he thought it would adequately serve the recreational area. Sewage is available and they will get water from Dowden Terrace.

There were no objections from the area.

Again the possibility of a Parkway through this area was discussed. Mr. Keith was of the opinion that a Parkway would not come through this area because of the natural terrain and because of the dam farther up on the Run.

Mr. V. Smith thought the Board should not grant anything that would result in a source of trouble in the future or which would be in the way of any highway plans.

At this time Mr. Schumann came into the room with maps of a Parkway along the Run, which he discussed with the Board. The plans for a Parkway along the Run may not be entirely fixed, Mr. Schumann said, but the plans as of the present are to take the Parkway - which would be an extension of the Alexandria Parkway - along the Run and through this property. Mr. Schumann pointed out the connection with the Jones Point-Cabin John Highway. While he did not know how far Alexandria had gone with their plans, Mr. Schumann continued, he understood that Mr. Dowden had dedicated a portion of the right of way for the Parkway. They have picked up the line from Alexandria and carried it on up the Run. This is no attempt to stop this application, Mr. Schumann assured Mr. Keith - he simply wished to show what information his office has at hand - but how definitely the Parkway is planned Mr. Schumann could not say. He did think, however, that Alexandria has been working seriously toward it. Mr. V. Smith stated that dedications have been made in Alexandria for this purpose.

Mr. Keith said they had been informed of a planned Parkway on the east side of the Run, but they knew nothing of any plans on the west side.

If the road is actually planned, Mr. Keith asked if it was known when it might be put through - in the foreseeable future - or was it a 1980 project? That - Mr. Schumann could not answer.

Mr. V. Smith moved to defer the case until February 26th for referral to the Planning Commission and to the Department of Public Works for their views or suggestions on this.

Seconded, J. B. Smith

Carried, unanimously.

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9- JOHN GIBSON, to permit two signs to be erected with an area of approximately 265 square feet, Lots 2 and 3, Luther A. Gilliam property (west side U. S. #1, 340 feet north of intersection of #628), Lee District. (Rural Business).

Mr. Howard Smith represented the applicant. This application will call for the construction of a restaurant to cost about $40,000, Mr. Smith told the Board, and employing 22 people. It will be located on Lots 2 and 3. They are requesting two signs, Mr. Smith told the Board - the one on the building

NEW CASES - Ctd.

9-Ctd. which will be on Lot 3 and the other a standing sign eight feet from the right of way on Lot 2.

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This is a national chain of restaurants, Mr. Smith continued, and this is the standard sign they use throughout the Country, which is recognized by their patrons. The Company have agreed to construct the building contingent upon the granting of these signs. The building, on which one sign is located, is back about 60 feet from the right of way and 75 feet from the hard surface of the highway. This is a purely commercial area, Mr. Smith explained, he located and named the businesses in the area. The building immediately to the north of this is located closer to the highway, and would therefore obscure the entrance to this restaurant unless the standing sign is located near the right of way.

If this is granted, Mr. Smith continued, it would result in the removal of three big billboards which are presently located on this property. It would also bring a substantial revenue to the County. Mr. Smith also noted that the flashing lights shown on the drawing will be eliminated.

In answer to Mr. V. Smith's question - why such a large sign - Mr. Howard Smith answered that this is the same sign used by this company's other 40 restaurants and is well known to tourists - therefore they feel that it is necessary to their business to have this particular sign, and also to attract south-bound traffic. The filling station on the lot adjoining and which Mr. Smith noted is close to the right of way - is a non-conforming building and therefore can remain in its present location - which works a hardship on his client - who must set back farther in order to have parking around his building. This large sign near the highway would put the public on notice that this business is here.

It was suggested that the large sign be put on top of the building.

Mr. V. Smith thought the continuous granting of such large signs on U.S.#1 was bringing this area in competition with the Baltimore Highway. He felt signs that are too numerous and too large are dangerous to traffic.

Mrs. Henderson asked if they would consider reducing the sign - she thought much of the printing not necessary.

Mr. Kinsey, from the sign company, explained that the sign told the entire story of this business - that it is large, the prices are reasonable, it gives the name, and their specialty product - he could not see where any of it could be eliminated.

The sign drawing showed an area of 225 square feet on the standing sign and 40 square feet in the one on the building.

The only reason given for granting this is because this is a large chain restaurant, Mr. V. Smith stated, with 40 restaurants in the United States - a reason he thought not sufficient. He could see no undue hardship.

This property is subject to a 20 to 40 year lease to these people, Mr. Smith told the Board, and they expect to put in about $75,000 worth of building and equipment - but they will not take up the lease unless the signs are granted.

NEW CASES - Ctd.

9-Ctd. Mrs. Henderson recalled that Robert Hall, whose building is just across this property, had cut the size of their sign at the suggestion of the Board. Mr. Howard Smith answered that certain types of business need larger signs - restaurants in particular have tremendous competition and this company feels that it is necessary to have their nationally known trade mark displayed. In fact, Mr. Smith continued, this sign is so important to the company that the completion of the lease is contingent upon the granting of this application, as they consider the success of their business dependent upon the sign.

The Chairman asked for opposition.

Mrs. Van Evra stated that she had come to the meeting at the request of the ~~Great Falls~~ Lacey Hollow Citizens Association, to oppose another sign case which was not heard - but she would like to place in the record the opposition of her Citizens Association to all over-sized signs. The granting of one - such as this - Mrs. Van Evra continued, would make it difficult to refuse another similar sign.

Mr. A. Slater Lamond, owner of this property, reminded the Board that by granting this sign they would get rid of three large billboards on this property - and the granting of this would bring a business into theCounty which would pay a substantial revenue.

Mrs. Henderson suggested discussing a small version of the sign with McDonalds - recalling that the Board had granted Robert Hall 159 square feet. The Board agreed that the sign as requested is too large - and that it contains too much unnecessary information - part of which could easily be removed.

It was suggested that the sign be cut to between 60 and 159 square feet and that the sign should be located on the building or on the building setback line rather than at the edge of the right of way.

Mr. V. Smith moved that this case be deferred for two weeks (February 26th) to view the property and to give the applicant the opportunity to present a more reasonable sign.

Seconded, J. B. Smith

Carried, unanimously.

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4 & 5- ROBERT CHUCKROW CONSTRUCTION COMPANY OF CALIFORNIA, INC., to permit erection of one sign with greater area than allowed by the Ordinance,(approximately 221.5 square feet) on north side of Arlington Boulevard, west of Cherry Street adjacent to Robert Hall Store, Falls Church District.(Gen. Business)

AND

to permit erection of one sign with greater area than allowed by the Ordinance (approximately 221.5 sq. ft.) on west side #1 Highway, 1140 feet north of

NEW CASES - Ctd.

4 & 5 Ctd southerly junction of #1 Highway and #628, immediately north of Luther A. Gilliam Subdivision, Lee District. (General Business).

These two cases were deferred to March 12th on motion of Mr. V. Smith and seconded by Mrs. Henderson, as no one was present to support the applications.

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Mr. Mooreland asked the Board if they would extend the time on the application of Mr. Jack Eakin - EAKIN PROPERTIES - for a filling station on the corner of Route #236 and Prosperity Avenue. Construction on this was held up, Mr. Mooreland explained, because the Highway Department could not make up its mind about the widening of the road at this point. Now they are acquiring right of way and the filling station can be located from the new right of way. This permit expired December 14, 1954.

Mrs. Henderson noted that the permit had expired considerably more than a year ago, and questioned the Board's jurisdiction to extend a dead permit. The Board took no action.

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2- DOMINION DEVELOPMENT CORPORATION, to permit erection and operation of a service station and to allow pump islands 25 feet of right of way line of #123, part of Block 2, Ingleside Subdivision, Dranesville Dist.(Gen.Bus.)

At the request of Mr. Cawl, Mr. V. Smith moved to reopen this case - for the reason of new evidence.

Seconded, J. B. Smith

Carried, unanimously.

They have checked with the Planning Office, Mr. Cawl told the Board, and found that the setback on the pump islands across the street from this proposed station is 30 feet, and they also learned from the Planning Office that a 30 foot setback on these pump islands would permit any widening presently contemplated on Route #123. If there is a further widening in the future, Mr. Cawl told the Board, the applicant will agree to move the pump islands farther back at their own expense - and with no cost whatsoever to the County.

Mr. Schumann stated that on talking with Mr. A. K. Hunsburger of the State Highway office at Richmond, he had been informed that the Highway's plan to improve Route #123 would not require more than a 66 foot right of way. If the highway has a 40 foot right of way at present, the State would want 13 feet from each side to make the 66 foot right of way. That would mean, Mr. Cawl said, that his company would necessarily move one pump island.

Mr. V. Smith moved that the application be granted as shown on plat dated January 18, 1957 by B. Calvin Burns, C.L.S., provided the pump island shown closer to Route #123 be located not closer than 30 feet from the property line and that if in the future the highway is widened that the use permit, so far as this pump island is concerned, shall be terminated and that no pump island subsequent to the widening of the road be located closer than 30 feet to the right of way - this to be applicable only to a total width

2-Ctd. of 66 feet on the widening of Route #123. This application is granted under Section 6-16 of the Ordinance and the provision for termination of the use of the pump island closer to Route #123 is covered by Section 4-D-2.

Seconded, Mr. T. Barnes

Carried, unanimously.

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O. K. NORMAN (Operation of semi-public swimming pool, Bonniemill Gardens Subdivision - granted August 17, 1954).

Mr. Norman was granted a restricted use of his swimming pool by which he might make a limited charge to neighbors and a few organized groups. Mr. Norman told the Board that he had received a letter from the Zoning Office saying he was operating in violation of the Zoning Ordinance because of a sign which he had placed at the intersection of the public highway (Rt.617) and the private road leading to his pool. Mr. Norman said he had removed the sign but would like to operate again this season on the same basis, as he had for the past three years - but he would like some kind of sign on his property near the highway.

Mr. Mooreland explained that the sign reads "Adults 50¢ - Children 35¢" and gives the hours of opening. The sign, Mr. Mooreland contended is not on the property used, and in his opinion the sign which Mr. Norman was using gives a commercial character to the enterprise. He cautioned the Board against granting any sign off the use - because of the number of similar requests which would follow this granting.

Mr. Norman said he had bought the land all the way to Route #617 - in fact he owns the road which leads into his house - which road six or seven other families also use. He not only owns but maintains the road and even though his pool is back 700 or 800 feet from the highway it is still on the use - since the ownership of the property from his pool to the road is continuous and is in his name.

As to the commercial aspect of this project - Mr. Norman said the pool was open for 748 hours last year and after paying for the life guard, insurance and other small expenses - there was practically no profit. He made it plain that this is not a commercial venture - his only reason for charging is to cover expenses of the two safety features - insurance and life guard. He felt that some kind of sign is necessary down at the road so people will know when the pool is open.

Mr. Schumann explained that Mr. Norman had acquired this land all the way to the road by two separate deeds. Had this been one purchase, Mr. Schumann continued, there would have been no question of the sign being located on the use.

However, Mr. Mooreland was still concerned over the commercial character of the signs. He thought that a sign reading "Pool Open" or "Pool Closed" would be sufficient. If the pool is used mostly by organized groups - surely they would know the hours and the prices, Mr. Mooreland contended. He

O. K. NORMAN - Ctd.

thought the prices along with the hours - was an open invitation to anyone. The Board took no action.

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Mr. Ed Holland came before the Board recalling that the application for a variance on Lot 9, Block 10 of SPRINGFIELD ESTATES which had been deferred by the Board on December 5th, 1956, was withdrawn without his knowledge because Mr. Yaremchuk had thought the setback on this house could be adjusted by the 10 foot easement dedication on a 40 foot road. Mr. Schumann learned a little later that the easement dedication clause had been removed from the Subdivision Control Ordinance and his office could no longer approve a plat with less than the full 50 foot road dedication. Mr. Schumann had then, in order to re-adjust the error, come before the Board with a request for variance on Lot 9 - which the Board denied.

Since the moving of the house would cost him about $16,000 and since he himself was not represented at any hearing after the original application was deferred, and since he had nothing to do with the original withdrawl of the case, nor the presentation of the second hearing on Lot 9 which the Board denied, Mr. Holland asked that the consideration of Lot 9 from the first application be again placed on the agenda in order that he might have a full hearing.

The withdrawl of the case came about from an honest misunderstanding of the new Subdivision Ordinance, Mr. Holland continued, and he made it plain that he was holding no one responsible. Mr. Schumann had re-filed, as an agent of the County, in order to rectify what he considered to be his error. Mr. Holland was not therefore present. He asked the Board to re-instate the original hearing.

Mr. Schumann suggested that since the original application pertaining to Lot 9 never did have a decision from the Board, it was entirely within the jurisdiction of the Board to put it back on the agenda.

Mr. V. Smith moved that this application on Lot 9 be placed on the next agenda.

Seconded, Mr. T. Barnes

Carried, unanimously.

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Mr. Schumann discussed with the Board the ability of the Zoning Office to enforce the permit requiring Certified Plats on building locations. The reason this requirement has not been made a part of the Ordinance, Mr. Schumann explained to the Board, is that an attempt was made to incorporate this into the Ordinance some time ago, and the Board of Supervisors refused to accept it. This permit was drafted in 1949 and by and large the developers have accepted it.

Mr. Mooreland estimated that his office had, during the past few years, had about 95% compliance. In his opinion an established policy drawn with the idea of carrying out the intent of the Ordinance would stand up in Court.

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Mrs. Henderson asked that the use permit granted to Mr. Poppleman on July 20, 1948 be placed on the next agenda with a request for revocation of that permit since the applicant has not met the terms of the permit. Mrs. Henderson read the motion granting the permit to Mr. Poppleman for erection of a community building and real estate office. The community building was never built, Mrs. Henderson continued, and the building on the property has not been used as a real estate office for over two years. She asked that the applicant be given ten days notice, at his last known address, of the revocation.

Mr. Schumann suggested consulting the Commonwealth's Attorney before revoking the permit.

Mr. J. B. Smith moved that the Board consult the Commonwealth's Attorney to learn what steps are necessary to take in order to revoke this permit.

Seconded, Mr. T. Barnes

Carried, unanimously.

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The following letter was received from Mr. John C. Sommers requesting a rehearing on Stafford Builders' case:

"January 29, 1957

Mr. W. T. Mooreland
Zoning Administrator
Fairfax County, Virginia

Dear Mr. Mooreland:

On January 8,1957, an application by the Stafford Building Company Inc., for a variance was denied on the following described lots:

Lots	Encroachment
Lot 15, Block 6, Sect. 3	Carport - approx. 2 ft.
Lot 6, Block 7, Sect. 3	Carport - approx. 2 in.
Lot 9, Block 7, Sect. 3	Carport - approx. 6 in.
Lot 21, Block 3, Sect. 2	Carport - approx. 8 ft.

The applicant was the vendor of the above described lots and, therefore, was the one who I felt could request a variance. However, inasmuch as the applicant was not the record owner at the time of the denial of the application and therefore not subject to the enforcement penalties resulting from the denial, it is respectfully requested that a rehearing be granted for the above applications.

At the hearing, I will present a resubdivision proposal for one lot together with other data regarding the advisability of allowing the variance, and I will notify the present owners of the lots to attend the hearing insofar as it affects their interests.

If this rehearing can be obtained, I would appreciate your advising me of the time and place thereof.

Thanking you in advance for your kind courtesies in this matter, I am,

Very truly yours,

/s/ John C. Somers"

Mr. T. Barnes moved to deny the rehearing because there does not appear to be new evidence which would justify a rehearing - this is in accordance with Section 6-13-6.

Seconded, Mrs. Henderson

Carried, unanimously.

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The TULLY ATKINS case was again discussed; the fact that the Public Works Department cannot give approval of this property because they do not know how much filling was done and do not know the original contour of the land; the question of whether a repair garage would damage the area more than a hardware store; the future possibilities of the County having to make reimbursements and correct a condition caused by locating a building in flood plain area, etc.....

Mrs. Henderson moved that the motion on the Tully Atkins case passed on December 11, 1956 to grant Mr. Atkins application subject to two conditions be rescinded.

Seconded, Mr. T. Barnes

Carried, unanimously.

Mrs. Henderson moved that the application of Mr. Tully Atkins to permit a repair garage on the north side of U. S. #1 approximately 425 feet south of Engleside Street be granted subject to provisions of Section 6-16 of the Ordinance and subject to approval of the Highway Department.

Seconded, Mr. T. Barnes

For the motion: Mrs. Henderson, T. Barnes, Brookfield, J. B. Smith

Against: Mr. V. Smith - Motion carried.

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The meeting adjourned

John W. Brookfield,

John W. Brookfield, Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, February 26, 1957 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 Mr. Verlin Smith

Mr. Mooreland read the following letters from Mr. B. C. Rasmussen regarding Trailer Parks - with relation to action to be taken by the Department of Public Works - and asking the Board to notify Mr. Rasmussen if the letter proposed to be sent out by Mr. Rasmussen is satisfactory to them.

"February 25, 1957

Mr. W. T. Mooreland
Zoning Administrator
Fairfax County, Virginia

Re: Trailer Parks

Dear Bill:

Attached hereto is a copy of a letter that I have written which will be sent to the Engineers that have submitted plans of trailer parks. I believe that it contains all of the instructions of the Board of Zoning Appeals on this subject, but I wish that you would confirm it at your next meeting.

Mr. Smith had certain questions that were to be resolved before I contacted the Engineers requesting detailed information for the required improvements. To this date I have not been notified to release the attached letter; however, I have had several inquiries from the Engineers pertaining to the requirements for trailer parks.

Please advise if this is satisfactory.

Very truly yours,

/s/ B. C. Rasmussen
Subdivision Design Engineer"

Following is a copy of letter which Mr. Rasmussen mentions will be sent to the Engineers:

"Date_____

Name_____

Address_____

Re: Trailer Parks-Review and approval for the Board of Zoning Appeals

Dear _____:

This office has been instructed by the Board of Zoning Appeals to review all plans on proposed trailer parks for streets and drainage purposes in the same detail and manner that subdivisions are reviewed. This will require:

(a) the normal street plans and profiles with pavement widths and typical cross-sections as approved by the Board of Zoning Appeals (the minimum inside turning radius shall be 40.0'),

(b) the normal storm sewer plans and profiles using the County's current basis of design with the appropriate impervious factors,

(c) site grading plans showing all proposed or required improvements - including existing and proposed contours and other related topography,

(d) and other drainage or flood studies where necessary. All plans and profiles are to be submitted by Registered Engineers in the same manner, detail, and scale used in subdivisions.

The construction or installation of required improvements will be inspected by construction inspectors from this office.

Very truly yours,

/s/ B. C. Rasmussen
Subdivision Design Engineer"

The Board asked that a copy of the letter be forwarded to each member for study - before a reply is drafted.

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A letter from CLAUDE KIDWELL was read asking that his case for division of Lot 67, Devonshire Gardens be withdrawn.

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DEFERRED CASES:

MILLER BUILDING SUPPLY COMPANY, INC., OF VIRGINIA, to permit storage building to remain as erected within 26.8 feet of the street property line, Lots 2 and 3, Henry Williams Estate, (6430 Columbia Pike), Mason Dist.(Gen.Bus.) Mr. Miller and Mr. Morrison, the builder were present to represent the applicant.

When they located this building, Mr. Miller told the Board, they measured from stakes which appeared to be the right of way of Columbia Pike. The building was located two feet farther back than the required 35 feet. Mr. Miller noted that the Pepco Company who were locating their poles at the same time, used the same right of way stakes. The stakes were labeled "property line" on one side and indicated the grade on the other side - therefore there was no question in their minds that the stakes had been put along the right of way line. They had discussed this with the Pepco men and both came up with the idea that they were following the correct right of way.

A plat was given to them when they bought the property, Mr. Miller said, but it was not certified. They had thought their property ran to the fence corner. The certified plat of the property was made when they located the new buildings on the rear of the property.

As to widening of Columbia Pike, Mr. Mooreland thought it was 80 feet at this point. Mr. Miller said he was of the opinion that they had given right of way without their knowledge - he could not understand the apparent change in the right of way.

This is a temporary building, Mr. Miller went on - (it has no sanitary facilities) - which they are using for storage only. At some later time they may remodel the building and use it for commercial purposes.

In answer to Mr. V. Smith's statement that it would appear a careless way to put up a building - to discuss the property line with some individual who has nothing to do with property lines - and build according to his advice; Mr. Miller said they had plenty of land and they had no intention of

DEF.CASES - Ctd.

1-Ctd. creating a violation, and he was sure he could meet all requirements. They have planned extensive development of this property, Mr. Miller told the Board, but have had difficulty with their loan committments - which are altered - therefore they cannot go ahead as they wish at this time. Since this building is temporary - to be used until such time as a more permanent development will be carried out on the property - they would at least like a temporary use of the building.

Mr. Morrison called attention to the fact that Columbia Pike varies from a four-lane to a two-lane just east of the Miller property. The confusion in the right of way was also evident to the Telephone Company - who moved their poles three times in an attempt to locate them within proper range of the right of way. The poles were not permanently located until after this building was completed.

The Board discussed the different dated on the plats.

There were no objections from the area.

Mr. V. Smith moved to deny the case as no evidence of undue hardship had been presented and the applicant apparently had made no effort to establish his property lines. Even though the building may be of a temporary nature no time has been set as to when it will be torn down.

Seconded, J. B. Smith

Carried, unanimously.

It was asked how much time the applicant would have in which to remove the building. Mr. Mooreland recalled to the Board that there is nothing in the Ordinance indicating the time to correct a violation - that that was entirely up to the Board. If left up to him - he had ususally set a 30 day period.

Mr. V. Smith moved to postpone decision on the period of time at which the building must be taken down until the Board consult with the Commonwealth's Attorney.

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES:

1- BRYAN H. HELLER, to permit enclosure of porch within 40 feet of the street property line, on south west corner of #50 and #608, Centreville District. (Rural Business).

Mr. Frank Swart represented the applicant.

This is a non-conforming building as far as the setback is concerned - only, Mr. Swart pointed out. The business has been operating for a very long time. The desire of the applicant is not necessarily to increase his sales space - but to render his building more attractive by glass-enclosing the little front porch. Mr. Heller wishes to do this, Mr. Swart continued, to take away

1-Ctd. the 'country store' look of his business and to meet at least some of the competition of the super markets springing up in the area.

Mr. Swart showed pictures of the store and pointed out the small change that would be made - enclosing the existing porch. There would be no further encroachment on the street right of way.

Mr. Swart read a letter from Mr. Karl Noerr, District Traffic Engineer, relative to the traffic hazard of this corner - in which Mr. Noerr stated that this intersection was not considered a hazardous one - since there had been only 13 crashes reported here over a period of nearly four and one-half years. He would, however, suggest certain changes to reduce the hazard of cars going west on Route #50, making a left turn into Route #608 - first by construction of an island along the centerline of Route #608 south of Route #50 - stop sign above the island, and delineator posts. Because of his studies on this intersection, Mr. Noerr did not feel that a traffic light was necessary.

Mr. Swart pointed out from the pictures of the property that it is not the store which obscures visibility at this intersection - it is actually the bordering trees. Mr. Swart also noted that the porch is 36 feet from the edge of the right of way of Route #50. However, it is considerably closer to Route #608, approximately 9 or 12 feet. Since this request is only for the improvement of the store - Mr. Swart contended, and is not bringing the building closer to the right of way - he asked the Board to grant this enclosure.

Mr. V. Smith called attention to the two buildings just to the west of Route #50, which the Highway Department have recently moved back, apparently for right of way purposes.

Mr. Heller said that previous owners of these two pieces of property had an old contract with the State that they would move the buildings back and purchase the right of way. When these properties were sold they forced the State to comply with the old contract. It was not his understanding that the State moved these buildings because they were acquiring right of way - but merely to comply with the contract. This contract was made about 1940.

Mr. Mooreland told the Board that in his opinion they had no authority to grant this application - that they did have authority to extend a use throughout the building but not to extend the building itself. However, Mr. Mooreland continued - the interpretation and decision on that is up to the Board.

Mr. Swart recalled that the building is non-conforming in location only - but that if the building is burned - it could not be built back.

There were no objections from the area.

Mr. Schumann told the Board that they have tentative plans from the State on the widening of Route #50. The Highway Department state that they have no funds at present to acquire right of way but the plans have been drawn up. Mr. Schumann displayed the plan. The Highway Department show the right of way running through the middle of this building, Mr. Schumann pointed out.

NEW CASES - Ctd.

1-Ctd. The plan also showed the right of way of Route #608 entering Route #50. If these plans are put into effect, Mr. Swart pointed out, this store would have to be torn down and the only affect this porch enclosure would have would be a small change in the value of the store property.

It was noted that this is the same application as that brought before the Board some time ago, and at that time, Mr. Swart stated, there was no answer on the widening of Route #50. This will get away from the old fashioned store appearance - it will cost in the neighborhood of $1000 - and while it will do Mr. Heller a great deal of good - it will not cause any substantial burden to the State in acquiring right of way.

Mr. T. Barnes thought that since this small change in value would have little adverse affect on the State's purchase and it was not causing any further encroachment on the right of way - it probably would be all right to grant. Mr. Barnes therefore moved that due to the fact of what Mr. Schumann has told the Board that the State Highway will take one-half of the store when the highway is widened and the porch is already on the building and this enclosure would not obstruct vision or create a traffic hazard - and this may be an asset to the store - the application be granted - for a period of three years.

There was no second.

Mrs. Henderson could see no change in circumstances since the original application on this was presented and denied by the Board in July 1956. No evidence of undue hardship has been presented, Mrs. Henderson continued, and it has been shown that the Highway Department has definite plans to widen Route #50 - she therefore moved to deny the application.

Seconded, Mr. J. B. Smith

For the motion; Mrs. Henderson, J. B. Smith, V. Smith, Mr. Brookfield

Mr. T. Barnes voted "no"

Motion carried.

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2- HEDRICK L. WOLFORD, to permit dwelling as erected to remain within 13 feet of the side property line, Lots 25 and 26, Block 6, Franklin Park, (on east side of Rhode Island Ave.), Dranesville District. (Suburban Residence).

This is a new home, Mr. Wolford told the Board on which he has done much of the work himself. To save money he staked out the house from his subdivision plat which was not a certified survey, but rather was a blow up of a portion of the subdivision. What he did not take into consideration at the time of staking the house was the inaccuracies in a plat of this kind. The plat which he used showed his side line to be at a 90° angle with Rhode Island Avenue. He therefore set the house parallel with his front property line and what he thought to be parallel with his side line. He discovered when

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2-Ctd. the final survey was made that the side line angled off to the north placing the rear corner of his house two feet in violation. The front corner is 15 feet plus from the line. The house is now under roof - ready for plastering. While he saw the preliminary permit, Mr. Wolford said, he apparently did not read it carefully, as he thought the final survey was to be submitted upon completion of the house.

The garage is on the opposite side of the house with a turn radius in the side yard, therefore he had put the house as far to this side of the lot as possible - apparently a little too far.....

It was noted that the blown-up subdivision plat which Mr. Wolford had used carried the notation "not to be used for survey purposes". He realized that, Mr. Wolford said, but he had so much room and he was so sure of his lines and of the correctness of the layout that he did not question the plat.

He also measured the distance from his neighbor's house and took into account the neighboring house setback - and placed his house - as he thought the proper distance from the line.

Mrs. Henderson moved to defer the case until March 26th for Mr. Wolford to negotiate with his adjoining neighbor with the idea of re-subdividing these two lots to make this setback conform.

Seconded, Mr. V. Smith

Carried, unanimously.

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Mr. J. B. Smith thought a small strip of land might be bought to the rear of the front corner of the house, as it is only the rear side corner which is in violation.

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3- HOWARD JOHNSON RESTAURANT, to permit erection of two signs with an aggregate area of 70.5 square feet which will make the total area of signs on property in excess of allowable area by the Ordinance. (aggregate area 360-1/2 square feet) north west corner #50 and Hillwood Avenue, at Seven Corners, Falls Church District. (General Business).

No one was present to support this case.

Mr. V. Smith moved and Mr. J. B. Smith seconded - that the case be put at the bottom of the list.

Carried, unanimously.

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4- SHELL OIL COMPANY, to permit erection of one sign which will make the aggregate area of sign in excess of area allowed by the Ordinance, (167 sq. ft.) property on N. W. corner #50 and #649, Falls Church Dist.(Gen. Bus.)

Mr. Charles Phillips represented the applicant.

This is one of their older stations, Mr. Phillips told the Board, which the Company is attempting to modernize - in order to go along with the new trend in building - without a complete re-modeling of the entire building.

4-Ctd. There is now one sign on the property but the new one to be erected will be the modern pilon-type attached to and made an integral part of the building, with the large "shell" the company trade mark, near the top.
This sign will add 55 square feet to the total sign area on the property.
Mrs. Henderson questioned the need for this sign - since the applicant already has signs on the property and identification at the intersection.
The building is back about 70 feet from the right of way, Mr. Phillips answered, and also there is a service road between his property and the main traveled highway. Actually, Mr. Phillips continued, the modernization of the building is as important as the sign. The sign on the building is the modern type which changes the character of the building.
Mrs. Henderson thought this too much sign along with what is already on the property - therefore she moved that the application for the pilon sign be granted with the provision that the other sign now on the property near the highway be removed.
The other signs on the building "washing" "lubricating", etc. were discussed. They were taken into consideration, Mr. Phillips said, in computing the total sign area - 167 square feet.
The motion as stated, Mr. Phillips told the Board, would preclude their using the pilon sign requested as the sign near the highway is the most useful to them. This is not to get more sign space, Mr. Phillips contended, it is merely to improve and modernize the property. It would be quite impractical for them to remove the sign near the highway.
Mr. V. Smith moved that the application be denied because there is no evidence of undue hardship in this case, and if the applicant feels agrieved from this decision he may appeal to the Board of Supervisors for a more adequate sign Ordinance to take care of signs along the highways.
Seconded, Mrs. Henderson
Carried, unanimously.
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5- SPRINGFIELD ESTATES COMPANY, to permit dwelling to remain as erected within 30.18 feet of Custer Street, Lot 1, Block 14, Section 1, Springfield Estates, Lee District. (Urban Residence).
Mr. Andrew Clarke represented the applicant. Mr. Ed Holland, Engineer, was also present.
Out of 250 homes built in this subdivision, Mr. Clarke told the Board there were 28 violations - all of which were corrected by re-subdivision except five. Four of these were granted by the Board. They are now at the point of making final settlement on this property but the title company will make no further move until this last violation is cleared up. This will finish the subdivision.

5-Ctd. Mr. Clarke called attention to the fact that no attempt had been made to squeeze a large house on a small lot. The lot is large and all setbacks are greater than required except the one which is approximately 5 feet off. This happened during the time when a Mr. Johnson was employed by Mr. Holland, Engineer on the job. Mr. Johnson had apparently been doing satisfactory work - but either he misunderstood the stakes or he did not find them and just went ahead. It is noticeable on the plat, Mr. Clarke pointed out, that the house is angled on the lot in such a way that it puts only one corner in violation.

There were no objections from the area.

Mrs. Henderson recalled Mr. Holland's statements at an earlier hearing on Springfield Estates houses that he was guilty of "gross carelessness". The Board is not set up, Mrs. Henderson continued, as a clearing house for such careless mistakes. She saw no undue hardship in this case. Therefore, Mrs. Henderson moved that the case be denied for the reasons stated.

Seconded, Mr. V. Smith - who made the statement that any hardship which may result from this error is not imposed by the Ordinance, but by the applicant himself.

Mr. Clarke told the Board that in his opinion they were penalizing a man who had tried to comply with the Ordinance. Mr. Holland had hired this man Johnson who had worked in the County for many years and was apparently a qualified and honest person. Now, Mr. Johnson has skipped the County and Mr. Holland is being penalized for the man's mistakes.

Mr. Holland said he had made the statement using the "gross carelessness" phrase - not in a casual irresponsible spirit - but he made the statement because he did not want anyonelse to suffer for a mistake for which he considered himself legally responsible. The blame was his, Mr. Holland continued, and in making this statement - it was his way of accepting that blame. He did not expect that a frank open admission of his mistake would be interpreted to defeat the point he was trying to present to the Board. It happens sometimes, Mr. Holland continued, especially in the large jobs, that a slab will slip before there is a definite identification of the house location. A slight slip to the side can change the setback and this can happen without realizing the slip. This will happen at times, no matter what precautions they take. This was not casual carelessness, Mr. Holland contended, they tried in every way to prevent slips - but at times such things do occur.

For the motion: Henderson, V. Smith, Brookfield

Against the motion: T. Barnes

Not voting - Mr. J. B. Smith

Motion carried.

// J.W.B.

6- ACME SUPER MARKETS, to permit erection of two signs with larger area than allowed by the Ordinance, on west side North Kings Highway, 506 feet north of Fort Drive, Mt. Vernon District. (General Business).

Mr. Kinder represented the applicant.

The sign on the building will be 44' 3", Mr. Kinder told the Board - this to be placed on an 80 foot building. This is the standard Acme sign used throughout the Country. The pilon sign (80 square feet) will be placed in the parking area - 10 feet from the right of way line of Kings Highway. They propose to locate the building approximately 214 feet from the highway. Due to the fact that Mr. Harnett of Gosnell Company has been ill and the sign is being made in Baltimore - Mr. Kinder said he did not have all the information he had hoped to present - however, the plats do show the request.

This is a request for about 300 square feet total sign area. They are asking for this area, Mr. Kinder explained, because the building would be hidden to traffic coming from U. S. #1 and the pilon would be the first means of identification. Also people walking over from the Jefferson shopping center would not normally see the building. The pilon located within 10 feet of the property line would make this visible both from the shopping center and from U. S. #1.

It was suggested that the sign be located back on the building setback line - Mr. Kinder answering that this property is at the point of the curve in the road and the buildings on either side of the Acme building would obstruct the view of any sign located back that far and also obstruct view of the building.

The Board discussed the requirements of the Bocca Code - which required that a sign be located on the building setback line, whereas it was agreed that a variance on setback could be allowed under the Zoning Ordinance.

There were no objections from the area.

Mr. V. Smith said he could see no undue hardship which would justify such a gross variance from the Ordinance. Mr. Smith suggested granting only the pilon - and requiring that to be on the building setback line - thus eliminating the sign on the building. The person acquiring this property for this purpose must have known of the sign Ordinance, Mr. Smith continued, there is no topographic condition here except the curve in the road.

Mr. Kinder objected to the building being left without a sign - stating that a large bare building set back 214 feet from the highway with no means of identification would look strange and would be most impractical - it would present an ugly naked front and would be entirely out of keeping with other Acme stores. He felt the building identification sign most necessary. The pilon is also necessary for direction but the big bare building without a sign would look like a warehouse, Mr. Kinder contended. However, if it is necessary they may be able to cut the size of the sign on the building, Mr. Kinder agreed, leaving the pilon as requested. But there again - the very

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6-Ctd. large building with a small sign would also look strange, Mr. Kinder pointed out.

Mr. Mooreland called attention to the fact that the building setback line here is 35 feet. It was noted that the pilon was not located on the plat.

Mr. J. B. Smith moved to defer the case for two weeks for plat showing location of the pilon sign and for measurements and re-drawing of the signs.

Seconded, Mr. T. Barnes

For the motion: J. B. Smith, T. Barnes, J. W. Brookfield, Mrs. Henderson

Against: Mr. V. Smith

Motion carried.

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7- FAIRFAX COUNTRY CLUB, to permit erection and operation of a swimming pool, bath house and buildings accessory thereto, on east side #237, 1600 feet south of Schuerman Road, #655, Providence District. (Sub. Res.-Class II).

Mr. Ed Gasson represented the applicant. Mr. Drexel, owner of the property, was also present.

Mr. Gasson pointed out that this property is shown on the McHugh map as best suited to a golf course or cemetery. The golf course is now operating on this property and it is the belief of the applicant, Mr. Gasson told the Board, that a swimming pool would be an attractive and logical addition to the present installation.

Mr. Gasson presented two plats, the plot plan and the architect's drawing - both of which incorporated features of the plans, indicating some changes that had been made since the first drawings. The plot plan, prepared by Ed Holland, showed that the pool had been pulled back from the highway to 41 feet. The existing building comes within 38 feet of the right of way.

Mr. Gasson stated that in his opinion this was a meritorious application - that much of this property (known as the Connolley tract) is now under development by the purchasers of the golf club. The ground was bought primarily with the idea of developing a subdivision - however, the purchasers do not expect to develop the golf course into homes at the present time. The pool will be operated presently by the owners of this property - but it is their intention to eventually turn it over to the people living in the area who will operate it on a 'non-profit-club' basis. It is not feasible to form the non-profit club at this time, Mr. Gasson continued, as the property is not fully developed and as long as the golf club is operating the pool will probably be operated by the golf club owners.

This is to be run for profit, Mr. Brookfield asked? Mr. Gasson answered - yes, and he thought no better place in the County could be found for such a use. The people in the area are highly in favor of this, Mr. Gasson continued, and the owners feel that it will be an asset in the sale and development of their ground. The pool installations will cost about $80,000. The pool will be located away from homes and therefore would not adversely affect anyone,

7-Ctd. it has a wide setback, the property will be well screened from the highway, and they have provided parking space for 150 cars exclusive of the Club parking. This is a project that can be granted, Mr. Gasson contended, without in any way adversely affecting neighboring property owners nor will it adversely affect the general purpose and intent of the Zoning Ordinance.

Mr. Drexel, owner of the Fairfax Club, pointed out that the people living in the area are very desirous of keeping the golf club - they prefer the Club to further development of homes. Their plan is, Mr. Drexel continued, to develop homes around the golf course and on property adjacent and they hope that the golf club may some day be a community project as well as the swimming pool. He agreed with Mr. Gasson's statements that this will be an asset to people living in the area - and that it will add a very interesting feature in the sale of the property they wish to develop into homes.

There were no objections from the area.

Mr. V. Smith noted that the plot plan did not show the extent of the property to be used for the pool nor the area to be used for parking and there is no approval of ingress and egress from the Department of Public Works.

Mr. Drexel stated that he had discussed this with the Department of Public Works and had been told that they had no jurisdiction in this. Mr. Drexel also pointed out that this property will be screened from the highway and will be attractively fenced.

Mr. V. Smith agreed that this appeared to be a very fine thing - but he assured Mr. Drexel that the Board must have an accurate plat before granting the project.

Mr. T. Barnes moved to defer the case - putting it at the bottom of the list (Mr. Holland has indicated that the proper plats could be presented before the day is over).

Seconded, J. B. Smith

Carried, unanimously.

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The Board adjourned for lunch

Upon reconvening the Board Chairman called the first case:

DEFERRED CASES:

1- NATALIE J. & C. ARTHUR FOWLER - which case had been withdrawn by letter from Mr. Fowler.

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2- JULIUS PRUSS, to permit erection of one sign with greater area than allowed by the Ordinance (84 square feet), S. W. corner of Arlington Boulevard and Sleepy Hollow Road, Falls Church District. (General Business).

This case was deferred for complete plot plans - which Mr. Pruss had presented to the Zoning Office.

This is an extreme hardship case, Mr. Pruss told the Board, resulting from the work on the Seven Corners underpass which, along with his sign which blew down, has reduced his tourist trade by about 50%. The original sign

DEFERRED CASES - Ctd.

2-Ctd. was on top of his building.

Mrs. Henderson suggested locating the sign at the edge of the office door - instead of in the flower garden - as shown on the plot plan. Mr. Pruss thought that would not give satisfactory visibility for those approaching - before they go into the underpass. Those are the people they wish to reach, Mr. Pruss said.

Mr. V. Smith suggested that even if the sign were located in the flower bed - it would hardly attract people before entering the underpass. Also if other business were to put their signs in a similar location it would obstruct his view, Mr. Smith observed.

Mr. V. Smith recalled that this highway is to be considered a part of the interstate highway system, and they do not permit signs on the property line - as proposed in this case.

Mr. Kinder volunteered the information that this restriction refers to new highways in which the Federal Government is cooperating in payment - these are partially nation wide super highways. Mr. V. Smith stated that this highway is to be part of that system, and questioned if this sign should be granted on that basis.

Mr. Pruss again stressed his need for this sign, saying that they are not usually subject to a great let-down in winter, that occupancy seldom drops below 50%. Since the sign has been down - occupancy has dropped to 20%. He felt that the sign is his main protection to his investment.

Mrs. Henderson asked if the sign at the corner of the building wouldn't have about the same result as the sign on top of the building. Mr. Pruss thought it would.

Mr. V. Smith read from the Bocca Code where it states that no sign shall be located closer to the right of way of a street than the building setback line.

At this point Mr. Brookfield left the room, and Mr. V. Smith took the Chair

There were no objections from the area.

Mrs. Henderson also suggested that Mr. Pruss remove one of the signs on the building - the one across the front nearest the Arlington Boulevard right of way. Mr. Pruss agreed to that. Also Mrs. Henderson suggested removing the round sign in the northeasterly corner of the property, which is located near the right of way of Arlington Boulevard. Mr. Pruss also agreed to that - saying he would remove all other signs on his property except that granted by the Board.

Another sign to the east of the building near the right of way of Arlington Boulevard was discussed. This, Mr. Pruss said, must belong to the repair garage - it was not on his property.

Mrs. Henderson moved that the application be granted with the provision that the sign be located at the northwest corner of the building on the Boulevard side of the office door adjacent to the building instead of in the flower

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2-Ctd. garden as indicated on the plat and provided that the applicant remove the sign "MOTEL" across the front of the building (the part of the building nearest Arlington Boulevard) and also that the applicant shall remove the circular sign which is located to the east of the building in the northeast corner of the property near Arlington Boulevard. This is granted as per plat dated January 14, 1957 and plat dated February 1957 by DeLashmutt Associates.

Seconded, Mr. T. Barnes

Carried - Mrs. Henderson, J. B. Smith and T. Barnes voting for the motion. Mr. V. Smith not voting because the plot plan is not certified and the plat does not show how many signs are on the property, and the Board has not been sufficiently advised as to the uses on the property.

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3- PARKLAWN CIVIC ASSOCIATION, to permit erection and operation of a community swimming pool, bath house and accessory buildings thereto, Parcel C, Section 3, Parklawn(270 feet east of rear of Lot 56, Block T, Section 3, Parklawn), Mason District. (Suburban Residence-Class II).

This case was deferred for further information regarding the Holmes Run Parkway and for recommendation from the Planning Commission. Mr. Schumann read the following recommendation from the Planning Commission:

".....At last night's meeting, the Commission reviewed a detailed drawing prepared by the City of Alexandria showing the proposal of a parkway facility in the Holmes Run Valley. To date determination has not been made as to the feasibility of the extension of this proposal into Fairfax County, so as to make connection with Columbia Pike. The Commission recommends that this application be granted as it is the belief of the Commission that in the overall plan for the Parkway, which is probably in the far distant future the development of this project would have an insignificant affect."

Mr. Schumann showed the detailed drawings received from Alexandria indicating the route of the proposed Parkway through Alexandria - up to the Fairfax County boundary line, the stream bed, the rights of way which have been dedicated, the portions of the road which have been built and those proposed to be built. It was noted that Alexandria has already acquired about 25 acres of right of way. Mr. Phil Hall had made the statement, Mr. Schumann told the Board, that the lanes would be on both side of the Run. However, Mr. Schumann explained that no studies of continuation of this Parkway into Fairfax County have been made.

Mr. V. Smith asked if the granting of this project would hinder the progress of the Highway. Mr. Schumann said there would probably be some conflict - but the Commission had felt that when the Highway becomes a feasible thing - this swimming pool would be an unimportant hinderance.

Mr. Keith from the Parklawn Association called attention to the fact that it would be 100 feet from the centerline of the stream to one corner of the permanent structure they are planning, which would leave room for the two lanes of highway.

DEFERRED CASES - Ctd.

3-Ctd. There were no objections from the area.

Mr. Brookfield returned and took the Chairmanship.

Mrs. Henderson moved that the application of the Parklawn Civic Association for erection of a community swimming pool be granted, according to the plat presented with the case - plat prepared for Mace Properties, by Pierre Ghent, dated August 22, 1956. This is granted in view of the Planning Commission's recommendation and is subject to the applicant conforming to the regulations of the existing Ordinance and with any subsequent swimming pool ordinance that may be adopted by the County in connection with swimming pools.

Seconded, J.B. Smith

For the motion: Henderson, J. B. Smith, T. Barnes, Brookfield.

Mr. V. Smith voted "no"

Motion carried.

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4- JOHN GIBSON, to permit 2 signs to be erected with an area of approximately 265 square feet, lots 2 and 3, Luther A. Gilliam property (west side U. S. #1, 340 feet north of intersection of #628), Lee District. (Rural Business).

Mr. Howard Smith, Jr. represented the applicant. This case was deferred for the applicant to consider reducing the size of the sign.

Mr. Smith recalled the important points of his application - that this is a national chain of restaurants and the sign which they propose to use is their trade mark, which is used throughout the Country, and they consider an important means of advertising.

The building will cost about $40,000, they will employ 22 persons, and the business will gross in the neighborhood of a quarter of a million dollars per year. This sign will be on two lots - each of which have 100 foot frontage, Mr. Smith pointed out.

The building will be set back about 60 feet from the property line and it will be necessary to have the one sign out on the property near the right of way in order to call attention to the business. North of this property is the Texaco filling station which has many signs on the property and one sign on top of the building - all of which tend to shield this property. To the south is a non-conforming business which building is set close to the right of way. Because of the curve in the road - that building also obscures the view for people coming from the south. Since this business is dependent upon the trade mark sign, Mr. Smith explained that the Company feel that without this sign it would be impossible to locate their business on this property.

As to the suggestion that the copy on the sign be reduced, Mr. Smith explained that it is the feeling of the company that each statement on the sign is necessary in order to properly advertise the restaurant and since this is their only means of advertising it is their feeling that the sign must

DEFERRED CASES - Ctd.

4-Ctd.

remain intact and that it must be prominently located. However, the area of the sign has been reduced to 150 square feet. If the Board does not see its way clear to grant the sign as revised near the right of way it will be necessary for this company to locate in either Arlington or Maryland. Since the building is necessarily located back 60 feet in order to accommodate the drive-in trade, the sign on the building will be practically useless for motorists on the highway. This sign will be practically the life-blood of the business.

Mr. Smith showed the revised drawing of the sign indicating distance visibility of the various sizes of lettering.

Reading from the Bocca Code, Mr. V. Smith stated that in accordance with that Code the Board could not grant a sign located closer to the right of way than the building setback line. In this case it would mean a 50 foot setback. Since the applicant would have to get a permit from the building inspectors office - it would be in conflict with that office to grant the sign closer to the right of way, Mr. V. Smith continued.

Mr. Howard Smith thought this Board could grant the variance under Section 6-15.

Mr. Kinder again discussed the relative location of the Texaco building;the fact that locating this sign on the building would obscure vision; the fact of the great need for this sign to attract the tourist trade as a communicating force between the public and McDonalds; also that since this is a high speed area the sign must be immediately visible - or people will not stop; the highly competitive restaurant business must tell its story completely and quickly. With the Texaco signs on the north and the close-to-the-roadway building on the south the building sign would be of little value, Mr. Kinder concluded. The only way they can locate in this area, Mr. Kinder said, is that they have adequate sign both as to size and location.

Mr. Mooreland told the Board that he had talked with the Assistant Building Inspector who told him that the only thing they require in the granting of sign permits is that the sign be constructed in a safe manner - that they are not concerned with setbacks.

Mr. Mooreland also reminded the Board that if certain restrictions are not spelled out in the Zoning Ordinance - the Board has no right to grant cases placing restrictions - which the Zoning Office cannot police - restrictions which are in other Ordinances.

Mr. V. Smith thought it a rediculous situation to grant variances which are in conflict with another ordinance.

At this point it was discovered that the sign restrictions which the Board had been quoting from the Bocca Code have been deleted from that ordinance.

DEFERRED CASES - Ctd.

4-Ctd. Therefore, Mr. V. Smith moved that the application be granted as shown on sketch submitted February 26, 1957 initialed VWS and to be located as shown on plot plan lay-out drawn for John Gibson, prepared by I. S. Porter and Sons, dated February 6, 1957 - granted so that the lettering and the insignia (the trade mark including 15¢) does not exceed 150 square feet in area and the height of the posts supporting the sign shall not be less than 9 feet. The sign shall be so located so that going in a northerly direction the 15¢ on the sign shall be visible for a distance of approximately 1300 feet. This because of the location of the Texaco station - immediately south of the property in question. However, the sign shall not be located closer to the right of way of U. S. #1 than 10 feet. This is granted because it does not appear to affect adversely the use of neighboring property and to adhere to the strict application of the Zoning Ordinance would work a hardship on the applicant.

Since there was confusion regarding the location of the Texaco building - which Mr. V. Smith had thought was to the south of this property - Mr. V. Smith withdrew his motion. It was brought out that the Texaco building is to the north and is set back 40 feet from the right of way. The building to the south of this property is non-conforming and is closer to the right of way. It is the signs on the Texaco property which obscure their view, Mr. Howard Smith pointed out, and the building to the south - which is too close to the right of way - also blocks the view.

Mr. V. Smith made the following motion:

That the application be granted as shown on plot plan layout for John Gibson, prepared by Irwin S. Porter and Sons, dated February 6, 1957 and as shown on sketch of the proposed sign dated February 26, 1957 initialed V.W.S.; provided the entire sign exclusive of the posts shall not exceed 150 square feet in area and that there shall be a clearance between the ground and the sign proper of at least 9 feet. Also provided that the sign shall be located a distance from the right of way of U. S. Highway #1 so it will be visible for a distance of 1300 feet north of the sign, as shown on plot plan dated February 6, 1957, but no closer than 10 feet to the right of way of U. S. #1. It is the intention of this motion to locate the sign the maximum distance off of U. S. #1 and still make the 15¢ visible for 1300 feet north of the sign. This is granted because it appears that it will not affect adversely the use of neighboring property and it would be a hardship on the applicant to adhere to the strict application of the Ordinance.

Seconded, Mr. T. Barnes

Carried, unanimously

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NEW CASES - Ctd.

7- FAIRFAX COUNTY CLUB was taken up:

Mr. Holland and Mr. Drexel were present with the revised plats requested by the Board. The plats showed the distance of the existing building from the right of way of Route #237, a 5 foot fence, the distance of the pool from the right of way, the area to be utilized by this project, and parking for 150 cars. The facilities will take care of a membership of 350.

They will partition off one wing of the existing building for the bathhouse, Mr. Drexel pointed out - they have all sanitary facilities in this room since it has been used for locker and shower room for the Golf Club. This will comply with all health requirements. Sanitary facilities have been discussed with Dr. Kennedy. This portion of the building comes within 38 feet of the right of way of Route #237 - which encroachment was caused by the widening of Route #237. However, Mr. Mooreland stated that this building was existing before the Ordinance and is therefore non-conforming in location. It was properly set back before the widening of Route #237.

Mr. V. Smith noted that the sketch presented was not an accurate survey - that the distances are shown in plus and minus markings. Mr. Drexel noted that the plat does not vary more than about 3% and it is correct in all the important details.

Mr. V. Smith moved to grant the application as shown on plat titled "Proposed location of swimming pool - Fairfax Country Club Estates" dated February 20, 1957 and revised and signed by Edward S. Holland, February 26th, 1957, as outlined in heavy blue lines with distances indicated by feet plus and minus, which was referred to in the discussion of the application. This shall be granted subject to the approval of the Department of Public Works for ingress and egress to Route #237 and the applicant shall provide parking for all users of the use. Also this shall be subject to the approval, except for location of the pool, of any existing or later adopted ordinance governing swimming pools.

Mr. Schumann suggested that the approval of ingress and egress was not necessarily the function of the Department of Public Works - that their approval would reach only to adequate drainage. The approval of ingress and egress, he considered to be the responsibility of the Zoning Administrator.

Mr. V. Smith withdrew his motion and moved that this case be deferred for discussion with the Planning Commission, the Board of Supervisors, and the Department of Public Works, and for further study by the Board.

A lengthy discussion followed regarding responsibility for proper entrance and exit to this property - Mr. V. Smith assuring the Board that he had no desire to take any responsibility away from the Zoning Administrator - which was rightfully his - but in his opinion too many inadequate entrances have been granted in the past - and since this could be a very hazardous condition here if not properly handled - his only thought was to have full assurance that the highway will be protected and that visibility will be sufficient.

NEW CASES - Ctd.

7-Ctd. It was brought out that the Public Works Department have jurisdiction only at intersecting streets - not in case of the entrance of a private driveway to the road.

Ingress and egress standards were discussed - who has such standards and who enforces them.

Mr. Holland explained that the Public Works have standards covering intersecting streets in subdivisions - this he noted is not a subdivision. However, Mr. Holland explained, in order for a private driveway to enter upon the highway the individual must have a permit for that entry. Also an existing driveway entering the highway cannot be changed without a permit from the Highway Department. That would require Mr. Drexel to get that permit in this case. Therefore, Mr. Holland continued, this entry way will come under the Highway Department rather than the Public Works Department. (This would require a bonded permit, Mr. Holland noted).

Mr. V. Smith stated that in his opinion the State Highway Department have granted many entrances to highways which are unsafe - he felt that the Board had a responsibility to the people of the County assure safe entrance here. With parking for 150 cars - this could cause a very hazardous situation, Mr. Smith continued, without adequate control.

It was agreed that the Zoning Administrator had the authority to require adequate protection - not by set rules, but Mr. Schumann thought this could be worked out satisfactorily with the applicant. He suggested that the entrance should have 300 foot visibility.

Mr. V. Smith reinstated his motion with the amendment that instead of approval of the Public Works Department - approval by the Zoning Administrator and that there be a site distance visibility not less than 300 feet from the intersection from the driveway and the right of way of Route #237. This is granted because it conforms to the requirements of Section 6-12-2-f-2 a.b.c.

Seconded, Mr. T. Barnes

Carried, unanimously.

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5-Ctd. SPRINGFIELD ESTATES COMPANY.

Mr. Ed Holland came before the Board on behalf of his application on Lot 9, Springfield Estates and Lot 1, Block 14 - the latter was denied earlier in the day. Lot 9 had originally been deferred - withdrawn, and later refused under request by Mr. Schumann who brought the case before the Board when he found that his advice in the withdrawl of the case was in error. The Board had reinstated consideration of Lot 9.

Mr. Holland made an earnest plea to the Board to reconsider these two cases favorably. He detailed the circumstances surrounding the mistaken location of the two houses - stating that while it was done by one of his employees - he felt himself legally responsible and bound to rectify the mistake by moving the houses if the Board does not grant the variance. These are slab houses, Mr. Holland explained, with the utilities built into the flooring

NEW CASES - Ctd.

5-Ctd. and the walls. He could salvage practically nothing from the moving - the loss to him would be about $29,000.

Mr. Holland admitted complete responsibility but explained to the Board that it was impossible to supervise every detail of every job handled by his office - that this had been a very unfortunate circumstance and one which he was most unhappy to have happen.

Mr. Holland gave a brief resume of his 20 years experience in the County - his attempts to get additional rights of way dedication, dedication for parks, and his constant position in favor of good planning and zoning. He felt that the situation he now finds himself in is most embarrassing both to his present business and to his future. To move these houses would be an unreasonable punishment, Mr. Holland contended, surely the law is not so strict but what there must be some justice in resolving mistakes which are unintentional and which will not work a hardship on anyonelse.

Mr. Mooreland explained the change in the Subdivision Ordinance which precluded the approval of change in the right of way which would have allowed this variance. This change, Mr. Mooreland continued, was not recognized nor entirely understood by anyone. It was not until this case came up that the new clause in the Ordinance was discussed and an opinion was given by the Commonwealth's Attorney.

Mr. V. Smith moved that the action of the Board with regard to Lot 9, Block 10, Section 1, Springfield Estates be rescinded as it was not properly before the Board.

Seconded, T. Barnes

Carried - all voted for the motion except Mrs. Henderson, who refrained from voting.

Mr. V. Smith moved that due to the circumstances surrounding this particular application and the change in the Subdivision Control Ordinance, and an error on the part of an engineer employed by Mr. E. H. Holland, the application as shown on plot plan of Lot 9, Block 10, Section 1, signed by Robert F. Kursch, dated September 14, 1956, be granted because it does not appear to affect adversely the use of neighboring property.

Seconded, Mr. T. Barnes

All voted for the application except Mrs. Henderson who voted "no".

Motion carried

Mr. V. Smith moved that the action of the Board taken this morning on Lot 1, Block 14, Section 1, of Springfield Estates be recinded because new evidence was submitted to the Board - evidence regarding the Grow amendment to the Subdivision Control Ordinance.

Seconded, Mr. T. Barnes

Carried - All voting for the motion except Mrs. Henderson who voted "no".

NEW CASES - Ctd.

5-Ctd. Mr. V. Smith moved that the application on Lot 1, Block 14, Section 1, Springfield Estates be granted as shown on plat by Edward Holland, dated January 25, 1957, because it does not appear to affect adversely neighboring property and there is sufficient room on the lot to locate the house and it would be an undue hardship on the applicant to move the house - and because there has been an apparent laxness in requiring location plans at the first floor level and this is granted also because only one corner of the house is in violation.

Seconded, Mr. T. Barnes

Carried - all voted for the motion except Mrs. Henderson who voted "no".

Mr. Holland thanked the Board for their consideration and fairness.

The Board discussed with Mr. Holland at length the possible means of forestalling such errors in the future - how house locations could be more accurately checked and reported, how this is accomplished in other jurisdictions. In the District, Mr. Holland explained that the builder is issued building permits of two different colors - one to take him through the first floor joists - the second of another color which he cannot get from the building inspector's office until he has complied with all requirements of the first permit. If the building has been carried beyond the first floor joists and the contractor does not display the appropriate colored permit for further construction - the violation is picked up by cruising police. This appealed to the Board as a likely possibility for this County.

The possibility of an amendment to the Ordinance covering changes in the issuance of permit was discussed - however, Mr. Mooreland suggested that it would be quite impossible to get anyplace with an amendment while the Ordinance is being re-written.

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3- HOWARD JOHNSON'S RESTAURANT

No one was present to support this application.

Mr. V. Smith moved to defer this case until March 12th.

Seconded, Mr. T. Barnes.

Carried, unanimously.

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The Board asked that copies of the letters from Mr. Rasmussen (discussed earlier in the day) be sent to them for further study.

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MR. GRANVILLE JONES, requesting a permit for a funeral home, asked that his case be withdrawn - because of opposition from the area.

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Mr. Mooreland asked the Board for interpretation on some of the problems arising in his office over materials sold by nurseries. Many nurseries in the County, Mr. Mooreland reported, are selling fertilizer, garden tools, seeds, peat moss and other articles related to gardens and planting. How far can a nursery go in this, Mr. Mooreland asked - when does the business stop being a nursery - and when does it grow into a hardware store?
He noted that in many nurseries a small amount of peat moss is sold - enough to plant the shrubs sold - or they sell cut flowers - which the Board thought legitimate - but if they advertise landscaping and stock tools he felt that they were getting out of the nursery classification.
Mr. V. Smith thought this should be discussed with the Commonwealth's Attorney.
Mr. Schumann suggested that Mr. Mooreland make a survey of the nursery situation in the County and report back to the Board for their interpretation of what constitutes a nursery. The Board was agreeable to this.
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Mr. Mooreland spoke to the Board stating that in his opinion they were going far afield when they bring other ordinances into their discussions of various cases. The Commonwealth's Attorney agrees with him, Mr. Mooreland stated, that the Zoning Office cannot police other Ordinances and this Board cannot grant anything - subject to approval of another Ordinance.
Mr. V. Smith pointed to Section 6-16 which says the Board of Appeals can place reasonable conditions upon the granting of a case.
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With regard to the Order received from the Commonwealth's Attorney's office on the VIGLIUCCI case - which is in Court - the Board passed the following resolution which was presented by Mrs. Henderson:
That Judge Arthur Sinclair be respectfully informed that the Board of Zoning Appeals, at its regular meeting on February 26, 1957, considered his Order of February 25, 1957, regarding the case of Michael Vigliucci; that the Board carefully reviewed the minutes of May 8, 1956 concerning this case and re-studied the sections of the Zoning Ordinance relating to non-conforming uses and the granting of variances; and that after due consideration, the Board agreed that its decision to deny the application was unchanged, for the reasons originally enumerated and because this application could not be granted under the provisions of Section 6-12 (g) of the Zoning Code.
Seconded, Mr. V. Smith
Carried, unanimously.
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The meeting adjourned

Vulin W. Smith
Acting Chairman
John W. Brookfield, Chairman

The Special Meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 19, 1957, at 9:30 a.m. in the Board Room of the Fairfax County Courthouse with all members present, Mr. Verlin W. Smith, Vice-Chairman, presiding.

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This meeting was called for the express purpose of discussing the newly proposed Trailer Park Ordinance - with the idea of forwarding suggested changes in the Ordinance to the County Board of Supervisors.

After discussing each item the following changes were recommended:

PAGE 1

Paragraph 18-a
The definition of a Trailer Park should come under Section 6-1-19 instead of 18-a.

Paragraph 19
The definition should include "Trailer Park and/or Trailer Camp".

PAGE 2

Paragraph A
Driveway materials should be referred for specifications to the Department of Public Works and should conform to requirements of the Subdivision Ordinance.

Paragraph B.1
Delete the words "surveyor or" - provided the Board adopts engineering requirements for the Department of Public Works on streets and profiles now under study - which will require conformance to the regulations now in effect governing the Department of Professional Occupational Engineers.

Paragraph B.1
Add Paragraph "C" to require complete requirements on drainage in accordance with the Subdivision Ordinance as amended Oct. 7, 1956 pertaining to street elevations, drainage, flood plain plans, storm sewers, etc.

PAGE 3

Paragraph 3
It is suggested that the Fire Commission be asked if the back yard requirement is sufficient.

Paragraph 5
After permanent markers add the words "legible from the street".

Paragraph 6
It should be added that ingress and egress shall be approved by the Department of Public Works.

Cul-de-sac streets should be provided with a 50 foot radius providing turn area for vehicles in the Trailer Park and for fire equipment.

PAGE 4

Paragraph 7
Lot area is referred to as 2300 square feet, while under General Regulations, Par. 1 - a, the largest-lot minimum area is referred to as 2100 square feet. Is this an oversight?

In the same paragraph the last of the final sentence should read; "shall be surfaced in accordance with specifications of the Department of Public Works and shall have unobstructed access to a public street or highway and so located that dangerous traffic or otherwise objectionable conditions will not be created."

PAGE 5

Paragraph c
Service buildings should be required to set back the same distance as trailers (20 feet) and add "surface treated walkways from the street to the entrance of the service buildings, shall be required."

PAGE 6

Paragraph 12
Add paragraph f - "Facilities for drying clothes shall be provided by means of drying machines and/or separate outdoor drying yards."

PAGE 7

Paragraph 13
The metal garbage cans should be described as; "of sufficient corrosion-resistive metal or other non-combustible containers with tight fitting covers. All waste and rubbish shall be disposed of daily by burning in an approved incinerator or as directed by the Health Officer." (As stated in the Bocca Code, Reference 425.9, page 84).

Paragraph 14
This should be referred to the Electrical Inspector and should provide for at least one safe outlet for each trailer.

Paragraph 16
The first sentence should read; "The purpose of this paragraph is to provide and maintain areas and facilities exclusively for recreational purposes.....etc."; adding the words "maintain" and "exclusively".

In the second paragraph of Paragraph 16 - at least 100 square feet of playground area, instead of 50 square feet, and the playground area in the last sentence should be changed from 2500 square feet to 5000 square feet.

Paragraph 18
Add - providing for "storage locker for tools and miscellaneous equipment".

PAGE 8

Paragraph D
The following shall be added at the end of the paragraph: "..... including approval of the Department of Public Works, Zoning Administrator, Health Department, Sanitary Engineer, Electrical Inspector, Building Inspector, and other agencies concerned."

The meeting adjourned.

Verlin W. Smith

Verlin W. Smith, Acting Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 12, 1957 at 10 o'clock a.m. in the Board Room of the Fairfax Courthouse with the following members present: Mr. Verlin W. Smith, J. B. Smith, Mrs. M. K. Henderson, A. Slater Lamond (newly appointed member). Mr. T. Barnes was absent.

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Since Mr. Brookfield, the Chairman of the Board, had been replaced as the Planning Commission member of the Board, it was agreed that the election of a permanent Chairman would not take place until a full Board is present.

Mr. Verlin W. Smith, Vice-Chairman, presided.

DEFERRED CASES:

The first two cases filed by ROBERT CHUCKROW CONSTRUCTION COMPANY of California were not supported. Mr. Mooreland told the Board that he had notified the applicant of the deferral date.

Mr. Mooreland also called attention to the fact that the two JAKE SNIDER SIGN COMPANY cases - which are listed later on the agenda - are handling the same signs as the Robert Chuckrow cases - that the Chuckrow cases were put in during construction of the building in order that footings may be poured. He thought these two cases would probably be withdrawn by the applicant.

Mr. Lamond asked if the Board had set a policy of granting no more sign area than 159 square feet. Mr. Mooreland said the Board had no authority to set a policy on sign size, that would be amending the Ordinance, but that each case was handled on its own merits.

Mr. Verlin W. Smith called attention to the fact that over-sized signs can be granted only under a proved hardship.

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NEW CASES:

1- VIRGIL H. DILLON, to permit dwelling to remain as erected within 14.9 feet of the side property line, Lot 10, Block 2, Section 2, Retlaw Terrace, Dranesville District. (Suburban Residence District).

This is only a 1.8 inch variance, Mr. Dillon pointed out. The error in location probably came from the fact that there is a fill on his property at this point, the front corner. He could not see where such a slight discrepancy in the house location would adversely affect any other property This is a corner lot.

There were no objections from the area.

It was noted that the house on the adjoining lot is located 15 feet from the line, which puts about 29' 9" between the two dwellings.

It is possible that the stakes were pulled out during the filling process at this corner, Mr. Dillon said.

Mr. Lamond moved to grant the application because this is a small variance and in his opinion it would be unreasonable to deny it.

Seconded, Mr. J. B. Smith

Carried, unanimously.

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NEW CASES: - Ctd.

2- JAKE SNIDER NEON SIGN COMPANY, to permit erection of three signs with an aggregate area in excess of the allowable area by the Ordinance (329 sq. ft.) on north side of Arlington Boulevard, west of Cherry Street adjacent to Robert Hall Store, Falls Church District. (General Business).

Mr. Mann represented the applicant.

These are the same signs used by the Kinney Shoe stores all over the Country, Mr. Mann told the Board - the same signs are now being erected on stores in Prince Georges County. The pilon is separate from the building, Mr. Mann said, however, it was noted that the framework for the pilon is now up attached to the building. This was done, Mr. Mooreland told the Board in order that the footings for the building and the pilon could be put in at the same time.

The pilon sign is proposed to have 160 square feet and the sign on the building an area of 120 square feet - about the same as the Robert Hall signs, Mr. Mann stated, however, the 'Open until 9' wording would add an additional 30 square feet to the pilon.

Mrs. Henderson stated that she was not in favor of any pilon sign on Arlington Boulevard. She thought the Board should protect that highway from beoming another U. S. #1 or Baltimore Road.

It was noted that the total area planned for these two signs would be considerably larger than Robert Hall and also that Robert Hall has a longer frontage.

Mr. Lamond thought the type of advertising now being used - on stores such as this and Robert Hall - was a distinct improvement on the old signs which were glaring and unattractive.

Mr. Mann explained that great care is being taken with these signs that they be in good taste and architecturally in keeping with the building and that the coloring is not too obtrusive. These signs will have a combination of dark maroon with cream letters. The 'Open until 9' will be made of a plexiglass, in silhouette very much like a marquee. That part of the sign will be changeable.

The need for 'Open until 9' was discussed, Mrs. Henderson noting that Robert Hall removed that part of their sign - resulting in what the Board considered a more dignified sign.

The square footage and height of the Robert Hall signs were discussed.

It was noted that the Kenny Stores are usually located near Robert Hall stores.

In checking the Robert Hall file it was found that the store on U. S. #150 was granted a 100 square foot pilon sign standing 43 feet high and the sign on the store 120 square feet in area.

Mr. Verlin W. Smith suggested that some definite justification for the granting of these large signs should be presented to the Board - simply that Kinney Shoes has large signs in other localities is not sufficient. It does not necessarily follow that that large sign is needed in this area. It should be shown, Mr. Verlin W. Smith continued that it would be a hardship

NEW CASES - Ctd.

2-Ctd. on the applicant to conform to the Ordinance requirements.

Visibility in order that traffic will have time to slow down, Mr. Mann answered, is their need. This sign (with 4 foot lettering) would be visible for from 900 to 1500 feet, Mr. Mann continued and it would require a distance of about 90 feet for a driver to make up his mind to turn in after seeing the sign. The elevation of the sign would also affect visibility. If the sign is at roof level it would be shielded from on-coming traffic. About 5 feet above roof level would give good visibility from a distance and for close traffic as well.

Mr. Lamond suggested that this business should be given the same consideration as Robert Hall. Mr. Verlin W. Smith agreed - provided the applicant shows the need. Because Robert Hall needed the large sign it does not necessarily follow that it is needed here.

There were no objections from the area.

Mrs. Henderson moved that the application for a sign on the building be granted to read "Kinney Shoes" with an allowable area of 120 square feet, as shown on plat by Jake Snider Neon Sign Company, and related to the plat plot-plan which is dated December 12, 1956 - Office of C. E. Tilton, Architects.

Seconded, Mr. J. B. Smith

Carried, unanimously.

Mr. Lamond moved that the pilon sign to read "Kinney Shoes" only be granted for an area of 100 square feet, revising the sign to leave out the word "Family" and the "Open until 9" portion of the sign shall also be eliminated. This is granted as shown on plat by Jake Snider Neon Sign Company, and related to plat plot-plan dated December 12, 1956 - Office of C. E. Tilton, Architects. This is granted as it appears that a sign this size is needed to be properly seen up and down the highway.

Seconded, J. B. Smith

For the motion: Lamond, J. B. Smith, V. W. Smith

Mrs. Henderson voted "no"

Motion carried

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3- JAKE SNIDER NEON SIGN COMPANY, to permit erection of three signs with an aggregate area in excess of the allowable area by the Ordinance (329 sq.ft.) on west side of #1 Highway, 1140 feet north of southerly junction of #1 Highway and #628, immediately north of Luther A. Gilliam Subdivision, Lee District. (General Business).

The applicant was represented by Mr. Mann, who noted that these are practically the same signs as requested on the Arlington Boulevard location. This property has a 187 foot frontage while the Robert Hall property has 250 foot frontage, but the stores are identical with the buildings on Arlington Boulevard.

There were no objections from the area.

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NEW CASES - Ctd.

3-ctd. Mr. Lamond moved to grant the application for a sign on the building to read "Kinney Shoes" with an allowable area of 120 square feet as shown on plat by Jake Snider Neon Sign Company, and a pilon sign to read "Kinney Shoes" only - omitting the word "Family" and also removing the words "Open until 9" - also as shown on plat by Jake Snider Neon Sign Company, and related to plat plot-plan prepared by John R. Gumthrie & Louis Steinberg, dated Dec. 20,1956 signed by Cecil J. Cross, Professional Engineer and Land Surveyor.

Seconded, Mrs. Henderson

Carried, unanimously

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4- ELIAS BURNSTEIN, to permit erection of an addition to dwelling within 48 feet of the street property line, Lots 28, 29 and 30, Block D, Collingwood Manor, (227 Collingwood Avenue), Mt. Vernon District.(Rural Res.-Class I)

Mr. Burnstein called attention to the fact that his house is placed on three lots in this old subdivision, which gives him a good sized lot. The addition which he has planned will be located at the side of his house with the front portion of the addition violating the required setback by only two feet. This has been carefully planned, Mr. Burnstein told the Board with the idea of getting the best use out of the added area at the most economical cost. The two foot violation has been made necessary in order to locate the rooms with convenience to the bath and stairway to the basement.

Mr. Burnstein presented a sketch of his home with relation to the two houses on either side of him. The home on the corner lot, one lot away, has a 28 foot setback from Collingwood Avenue. He is asking for a 48 foot setback on only a portion of his house. The back door of this corner dwelling faces Mr. Burnstein's side yard - the side on which this addition is to be located. The house on the opposite side of Mr. Burnstein is set back 50 feet from Collingwood Avenue.

It was asked why the dwelling on the corner was given a permit to come 28 feet from the right of way. This is an old lot of record, Mr. Mooreland explained, which is less than the required minimum. They did the best they could with this size lot - which resulted in a variation from requirements which his office could grant on this size lot.

In answer to Mrs. Henderson's suggestion that this addition be located on the rear of the house - Mr. Burnstein explained that was not possible because of the need of a stairway leading to the basement and entrance to the bath - it would not work in with the house plan except with this arrangement. Mr. Burnstein stated that he had done the best he could - the house was built when he bought it, and they have done considerable figuring to get this addition within requirements. As it is, Mr. Burnstein continued, it did not interfere with anyonelse and it did not depreciate the neighborhood. There were no objections from the area.

NEW CASES - Ctd.

4-Ctd. Mrs. Henderson stated that she could not see where the applicant had shown evidence of undue hardship - and that is the only justification the Board has for granting this variance - under Section 6-12-9 of the Ordinance. Therefore, she would move to deny the application.

No second.

Mr. Lamond stated that from the plats presented it would not appear that the Board would be violating the regulations to any appreciable degree and the plan as worked out by the applicant fits his living needs, and in his opinion it would create a hardship not to grant this application. Therefore, Mr. Lamond moved to grant a two foot variance on this application - as it is noted that the house on the adjoining lot has such a great variance from the Ordinance.

Seconded, Mr. J. B. Smith

For the motion: J. B. Smith, A. Slater Lamond

Against: Mr. Verlin W. Smith and Mrs. Henderson

Since this was a tie vote it was agreed to defer the case until March 26th, until Mr. T. Barnes could be present.

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5- J. T. MOTON REALTY, INC., to permit garage to remain as erected 8.57 feet of rear property line, Lot 10, 1st Addition to Brookland Estates, Lee Dist. (Suburban Residence).

Mr. Moton appeared before the Board, saying that the house in question was located by an engineer, the garage was built in the side yard and when it was connected with the house - by breezeway - the violation occurred. The house is sold, Mr. Moton told the Board, and occupied. The Finance Company said nothing about the violation - it was Mr. Mooreland's office who informed him of the encroachment. They tried to purchase additional land in the rear, but the owner of that land had recently died and the property is intestate - and land could not be sold.

Mr. Moton did not know about the plot plan and permits - recalling that he had been ill and out of circulation for a couple of years. However, Mr. Moton continued, the plot plan was signed by him and that plot plan was made from the original grading plan of the subdivision.

The question was asked - when was this error discovered. Mr. Mooreland read copies of letters he had written - starting in 1955 through 1956 asking for plats to show the certified location of the house. They finally got the plats in November 1956 and Mr. Moton was notified immediately of the violation. After considerable discussion with Mr. Moton's office - still nothing was done, Mr. Mooreland stated, to correct the violation. It was after this that it was determined to take the case to Court.

Mr. Wesley Ridgeway is his engineer, Mr. Moton stated, and he thought Mr. Ridgeway had taken care of this. It was suggested that Mr. Ridgeway should make some explanation of the error and of his delay in handling it.

NEW CASES - Ctd.

5-Ctd. In answer to Mr. Verlin W. Smith's desire to see the original permit in order to learn just how the house was located originally on the lot, Mr. Mooreland said those old permits are probably no longer available as they are usually distroyed when the final certified location plat is turned in.

Mr. J. B. Smith moved to defer the case to March 26th and requested that Mr. Ridgeway be present at that meeting to give the Board whatever information and explanation he has on the background of this case.

Seconded, Mr. Lamond

Carried, unanimously.

Mr. Verlin W. Smith also asked that the applicant bring the original permit of the house location plot plan if possible, in order that the Board may see what was approved in the beginning.

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6- SIDNEY A. ROSENBAUM, to permit operation of a physician's office in an apartment building, Building C, Springfield Apartments. (6114 Amherst Avenue), Mason District. (Urban Residence).

This apartment in which he wishes to conduct his office has been used as a rental office, Dr. Rosenbaum told the Board, explaining that it has its own private entrance which will assure no annoyance to other occupants of the building in the coming and going of his patients. He would use only one room which will be divided into the two rooms as shown on the plats, having a waiting room, bath and examination room. This would include an area of 20' x 14'. He will not live in the building.

Dr. Rosenbaum noted that there are two other physicians in this development, with offices granted by this Board - neither of whom lives in the apartment building.

Mrs. Henderson asked Mr. Mooreland under what section of the Ordinance this could be handled. Mr. Mooreland answered - under no section of the Ordinance and in his opinion the Board has no authority to handle these cases, however, Mr. Mooreland continued, since the Board has ruled that they do have the authority to handle such cases, and has repeatedly granted them - he has to accept applications to come before the Board.

There were no objections from the area.

It was asked if people in the apartment house knew of this proposed use. Mr. Mooreland said he did not know - all requirements of the law as to notification by posting and advertising had been complied with.

Mr. Lamond suggested that this appears to be a clear violation of the Ordinance, and he did not see how the Board could grant it. If the applicant were living in an apartment and using part of that apartment for his business it would meet the requirements, but this is a residential district and therefore the encroachment of this business would be a violation of the intent of the Ordinance. Therefore, Mr. Lamond moved to deny the case.

Seconded, Mrs. Henderson Carried, unanimously.

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NEW CASES - Ctd.

W. W. OLIVER, to permit erection and operation of a service station and to permit pump islands 30 feet of right of way line #244, Columbia Pike, Lots 17, 18 and 19, Block A, Courtland Park, Mason District.(General Business).

Mr. Paul Herrell and Mr. Dodge represented the applicant.

Mr. Herrell explained that the applicant would withdraw the request for the pump islands to be located 30 feet from the right of way. They can meet the 35 foot setback.

This entire tract is being prepared for development of a good commercial area. This application will not increase filling stations along Columbia Pike, Mr. Herrell pointed out, but the present occupant of the filling station on this property, who has a 16 year lease, will accept a site on Lots 17, 18 and 19 which will leave the area clear for the construction of a Hot Shoppe with a large parking area on this tract. Mr. Oliver is preparing to remove the older buildings on this property and put in new and modern buildings. It will be a distinct improvement to Columbia Pike, Mr. Herrell pointed out. The construction of the Hot Shoppe is conditioned upon the moving of this filling station.

There were no objections from the area.

There will be no parking of wrecked cars on this property, Mr. Herrell assured the Board, and no facilities for repair of cars. The large parking area shown on the map of the entire tract presented by Mr. Herrell is to be reserved for parking for future shopping development.

It was noted that the building is 79 feet from the right of way.

Mr. Schumann was present and stated that there is a plan for service drive along here which he thought these plans would not affect.

It was also noted that it is incorporated in the Hot Shoppe lease that a service road shall be put in all along the frontage of this property. That service road will extend on to Oak Street.

Mr. Verlin W. Smith thought the service road should be shown along all primary highways and since there will be a great deal of parking on this property it should be provided for at this point.

The taking for the service road, Mr. Schumann explained, would be 18 feet, which would be perfectly feasible with the 79 foot setback of the building and therefore if the service road right of way is taken the pump islands will be 17 feet from the right of way.

They are working with Mr. Oliver now on this, Mr. Schumann advised the Board - attempting to get what he wants in the working out of the plans and also what the County wants. If they can get the land the County wants, that is the important factor, Mr. Schumann continued, even though the pump islands are there. These are paper plans so far, Mr. Schumann explained, but he thought progress was being made and that they would get together with Mr. Oliver.

NEW CASES - Ctd.

7-Ctd. Mr. J. B. Smith suggested moving the pump islands back 8 feet farther. Mr. Harrell answered that he could not agree to that without consulting Mr. Oliver and the Oil Company interested in the lease.

It was noted that the plat indicates the inclusion of a depth of only 110 ft. on the three lots - however, Mr. Harrell said it was intended that the entire lots be included. The full depth was advertised, Mr. Mooreland informed the Board, however, Mr. Mooreland further advised - the Board could grant the use on a lesser portion of the lots than advertised, if they so desired.

The 110 foot depth would be satisfactory, Mr. Harrell stated.

Mr. Lamond moved to grant the use permit for a filling station on Lots 17, 18, and 19, Courtland Park to a depth of 110 feet, provided the pump island shall be located no closer than 35 feet from the right of way, because by granting this the County is getting a development on this tract which is planned and orderly rather than a sprawling development which has just grown and in his opinion the end result will be a greater benefit to the County. This is granted under Section 6-16 and granted as per plat dated February 1957, prepared by Thomas Chamberlin, C.L.S.

Seconded, J. B. Smith

For the motion: Lamond, J. B. Smith and Mrs. Henderson

Mr. Verlin W. Smith not voting

Motion carried.

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8- L. G. MELTZER, to permit temporary operation of a property yard and permit two temporary sheds and fence to remain as erected as shown on plat, Lot 1, Section 1, Colonial Acres, Mt. Vernon District. (Sub. Res. Class III).

His company is presently operating on this lot, Mr. Meltzer told the Board, and they did not get a permit. This is their first operation of this kind in the County, and they did not know it was necessary to have the permit. The open millwork shed, and a small frame office building are the main buildings on the property, Mr. Meltzer continued. The shed is 25 feet from the side line and the office building is 15 feet from the line. It was noted, however, that the office building is one and a fraction feet from the right of way of Route #623. The plat also showed a large fenced area in which materials used in the construction of homes in Sulgrave Manor are kept. Their operations are held near the side and corner of this lot, Mr. Meltzer explained, as there are many large trees on this lot which they do not wish to cut, since this is a temporary use and it is their wish to preserve the lot for the best possible future development. This is convenient for their purpose, Mr. Meltzer pointed out, it is immediately adjoining their subdivision. They operate neatly - the materials will be kept within the compound, and this use will be abandoned when the subdivision is completed - probably within six months or one year.

NEW CASES - Ctd.

8-Ctd. In answer to Mr. Lamond's question on the necessity for the Board handling this case, Mr. Mooreland said a subdivider does not usually come before the Board on temporary property yards which are operated during construction, because these yards are usually located on the property being subdivided. This, however, is located in Colonial Acres - while the property being developed and owned by the developer is the adjoining Sulgrave Manor. Therefore, he felt he could not grant this permit without a hearing before the Board. This is not in the Ordinance, Mr. Mooreland told the Board, that this must come before the Board, but it was his only solution when the applicant requested to cross the property line.

It was noted that Route #623 is about six feet below the lots and it would be difficult to enter the property on that side. Lot 1 in Colonial Acres is level, Mr. Meltzer stated, and easily accessible. While the buildings are visible from the Memorial Highway, Mr. Meltzer admitted, in answer to Mr. Lamond's question - they are not too unattractive. They could move them farther within the lots, but at the cost of losing the trees. The open shed is 10' x 20' and the office is 8' x 15'. They cannot use Lot 1 in Sulgrave Manor, Mr. Meltzer explained, as it is already built upon.

The Chairman asked for opposition.

Mr. Anthony, representing the people of Colonial Acres, objected to the use of a lot in Colonial Acres for this purpose. They necessarily enter by means of Colonial Drive, Mr. Anthony told the Board, which is the only entrance road to the Subdivision. This is a gravel road which will not stand up under heavy trucking, Mr. Anthony continued, it has been difficult to keep the road in condition for the normal passenger-car traffic.

The compound, Mr. Anthony continued, is ugly. It is made of 175' x 176' logs and is about 6 feet high, with barbed wire around the entire compound. The shed and office building are not neat and attractive, Mr. Anthony contended - quite the contrary - they are depreciating to the neighborhood.

Colonial Drive is about 35 feet wide and the people coming and going to this project will necessarily have to park along both sides of the road. There is not room for cars or the people who live in this street. This is creating a hazardous condition, Mr. Anthony continued. All this traffic, the parking of machinery, noise from the buzz-saw, and the unpleasant repercussions from this project will seriously harm the 22 homes on Colonial Drive. This project will certainly take more than the six months or one year, Mr. Anthony contended, judging from the rate of development so far. He predicted at least a $1000.00 loss to any property owner in the area who wished to sell.

This has come just at a time when they are beginning to get together in their area to improve the subdivision, Mr. Anthony explained, they wish to put up an attractive entrance sign and carry out other small improvements which will add to their property values. This will cause people to lose interest.

450

8-Ctd. This project has nothing to do with this community, Mr. Anthony insisted, why should it be thrust upon them?

Mrs. Parsons, who lives directly across the street from these sheds, told the Board that her nine windows look out upon this ugly mess, and it is a mess - Mrs. Parsons contended - the place is littered with garbage, trash, beer cans, and miscellaneous rubbish. She also stressed the danger trucks would cause for the children walking to school.

Mr. Ivester, living on Lot 9, objected for reasons stated. With over 100 acres which the developer might use - it would seem unnecessary to allow this project to operate in the midst of an area of homes and in an entirely different subdivision, Mr. Ivester contended.

Mr. Meltzer called attention to the fact that the barbed wire is on the top of the compound fence - therefore not hazardous to children. They have requested all people parking near their property to use only one side of the street - however, they might park on the Curtis-Martin Lot 1, which would relieve that condition.

During construction of a home project, it is true, Mr. Meltzer admitted, that someone is bound to be inconvenienced, but this location is a great convenience to them as they need the buildings to be so located that the trucks can get in and out easily. On any other lot it would be difficult since the roads are under construction and there is a considerable amount of filling necessary in other parts of their subdivision.

It was noted that school patrol had recently been moved here to take care of the children.

Mr. J. B. Smith moved to defer the case until March 26th to view the property.

Seconded, Mr. Lamond

For the motion: J. B. Smith, Lamond, Mrs. Henderson

Mr. Verlin W. Smith voted "no" because the people in Colonial Acres say this is detrimental to them, and that it creates a traffic hazard and this is shown to be a bad intersection for the children, as evidenced by presence of the school patrol.

Mr. Lamond agreed that this should not be on Colonial Acres property - however, Mr. Mooreland pointed out that the Board could not keep the applicant from coming in on Colonial Drive.

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9- NORMAN E. PUMPHREY, to permit carport to remain enclosed within 8.60 feet of the side property line, Lot 22 and part of Lot 23, Block E, Courtland Park, (1006 Oak Street), Mason District. (Suburban Residence).

Mr. Pumphrey, the father of the applicant, represented the case. When his son negotiated for this house, Mr. Pumphrey told the Board, the carport had

NEW CASES - Ctd.

9-Ctd.

been constructed with the roof and two sides. He asked the builder to enclose the carport, thinking - when the builder agreed to do so - that he would be able to get the permit. He left that to his builder.

The room is actually more like a porch, Mr. Pumphrey explained, being enclosed with jalousies and screening. After the house deal was completed, his son was transferred to Florida, and he then put his house up for sale or rent. The violation was then discovered.

Mr. Pumphrey pointed to other enclosures in the area, some of which come within 7 or 8-1/2 feet of the side line. Some of these are porch enclosures and others are solid rooms, which become an integral part of the house. As far as he knew, Mr. Pumphrey said, this is the only enclosure on Oak Street. (It was noted that these are 71 foot lots - while many lots in this old subdivision are of considerably less width).

Mr. Mooreland explained that there are many discrepancies in this old subdivision in which building has been going on for over 20 years. Some built upon 50 foot lots in the early days - then people began adding a half lot - then certain builders bought up several lots combining and re-subdividing. Many of these houses were allowed to come 7 feet from the side line, when the lot size was increased - but still was below the Ordinance requirements. He had asked them to stay farther from the side line, Mr. Mooreland explained, but on the 50 or 60 foot lots many have observed the 7 foot side setback. Generally he did not grant the 7 foot setback on lots as wide as 65 feet, however, Mr. Mooreland expressed the opinion that if some setbacks were granted less than they should be - one wrong does not justify another. He has tried to keep these houses as far apart as possible, Mr. Mooreland continued, in keeping with the policy of the Board.

Mrs. Jones, who lives next door to this property in question (the carport side) thought the enclosure an attractive addition, and that it created a better view from their home than an open carport. She asked why the discrimmination - one person can have a lovely room-addition and another - under apparently the same conditions - cannot.

Because of the lot width, Mr. Mooreland explained.

Mr. Pumphrey thought the fact of this being an old subdivision with irregular setbacks, this should be considered favorably. However, the Board was apprehensive of other requests which might follow the granting of this.

There were no objections from the area.

Mrs. Henderson stated that in her opinion no undue hardship had been shown by the applicant - giving the Board powers relative to granting a variance, therefore, she moved to deny the case. No second .

Mr. Lamond stated that in view of the fact that there are so many additions or houses in the same neighborhood that have a 7 or 8 foot side setback, he would move to grant the requested variance. No second.

NEW CASES - Ctd.

9-Ctd. Mr. J. B. Smith moved to defer the case until March 26th to view not only the property, but other property in the neighborhood in order that the Board get its own picture of setbacks in this subdivision.

Seconded, Mr. Lamond

Carried, unanimously.

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The Board recessed for lunch.

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DEFERRED CASES:

3- HOWARD JOHNSON'S RESTAURANT, to permit erection of two signs with an aggregate area of 70.5 square feet which will make the total area of signs on property in excess of allowable area by the Ordinance, (aggregate area 360-1/2 square feet), northwest corner #50 and Hillwood Avenue, at Seven Corners. Falls Church District. (General Business).

No one was present to discuss this case - for the second time.

Mrs. Henderson moved to deny the case since for the second time no one was present - nor had the applicant sent word to the Board.

Mr. Mooreland suggested notifying the applicant that the case will be heard at a later date - and if no one is present it will be denied.

Mr. Lamond moved to defer the case until April 9th - and that the applicant be notified that unless he is present - the case will be denied.

Seconded, Mrs. Henderson

Carried, unanimously.

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4- ACME SUPER MARKETS, to permit erection of two signs with larger area than allowed by the Ordinance, on west side of North Kings Highway, 506 feet north of Fort Drive, Mt. Vernon District. (General Business).

Mr. Kinder and Mr. Roseman represented the applicant. Also Mr. Charles Harnett was present. This case was deferred for complete plats and for the applicant to reduce the size of the signs.

Mr. Kinder stated that the applicant will move the sign back to the 35 foot building setback line. Mr. Kinder showed plats of the Acme stores with relation to the existing buildings in the adjoining shopping center, pointing out that as one approaches the Acme Store from the intersection the store is obscured by the existing buildings - particularly the filling station and the bank. If the sign is located on the 35 foot setback line it will be visible both from the highway, Mr. Kinder stated, and from the shopping center. He also showed pictures of other stores with the sign across the front identical to the one planned on this property.

They have reduced their sign area to 80 square feet for the pilon and 152 sq feet area in the building sign, Mr. Kinder informed the Board - totaling 225 square feet. This is a large store, Mr. Kinder continued, and it requires a

DEFERRED CASES - Ctd.

4-Ctd.

large sign to be in keeping. The store is 125 feet frontage/x 144 feet deep. They will provide parking area for 183 cars. The lot, exclusive of the drive-way, contains 112,548 square feet. The entire project is large, Mr. Kinder pointed out - the store, the lot, and the setback is deep - only a large sign would be in balance, and they believe it is necessary to furnish proper identification. These stores, Mr. Kinder continued, with so much area did not exist when the Ordinance was written - it is therefore quite natural that a sign ordinance enacted some years ago would not fit present needs.

Mr. Charles Harnett, Vice President of Gosnell, owner of this property, said they had been impressed by the plans and fine type of store planned to be erected here. He asked favorable consideration for the signs requested, expressing the opinion that they would not in any way detract from the area. Mr. Harnett also felt that to reduce the sign to "Acme" only would be confusing, as that word is used in other businesses. A smaller sign would be lost on the large building. This sign is used throughout the Country, Mr. Harnett continued, and is familiar to shoppers in all areas.

Mr. Roseman agreed with Mr. Harnett's statements.

Mr. Mooreland called attention to the fact that a 40 foot store setting 35 feet from the right of way can have 120 square feet of sign area. This building is set back such a long distance from the right of way, and the store building has over 18,000 square feet, he felt business of this type should be encouraged.

Sight distance on the pilon, Mr. Kinder said, would be 2000 feet under ideal weather conditions.

Mrs. Henderson moved that the application be granted to the Acme Market Co. for a sign not to exceed 152 square feet on the building as per plat numbered 52-92 and that the pilon be granted in accordance with plat numbered 55-81 said sign to be located not closer than 35 feet from the property line as shown on the new location plats, and granted in the amount of 80 square feet, area with a height not to exceed 35 feet. This is granted as it appears that these size signs are needed for visibility, because of the location of the store and the store is obstructed by other buildings in the neighborhood.

Seconded, Mr. Lamond

Carried, unanimously.

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Mr. Mooreland handed the Board members the following report on nurseries in the County, which was discussed at length. It was noted that Capper's Nursery on Route #7 has made every effort to comply with the intent of the Ordinance - something which could not be said of all nurseries in the County,

Mr. Mooreland's Report on Nurseries:

"March 7,1957

Report of Survey of Greenhouses & Nurseries in the County

All but two of the locations visited are operating under the intend of the Ordinance as I interpret it, but I think this report should be made and an interpretation be made by the Board in the form of a resolution, so I may have something concrete to work with.

In most of the establishments visited there were no displays of dusts, sprays, fertilizers or hardware.

Not all of them sold cut flowers and sprays, those that did said they raised between eighty-five and ninety percent of the flowers used, and the survey bore out this contention.

I would like the Board to set certain criteria that I may be guided, such as;

Size of property if possible
Products to be sold including allied products <u>if any</u>
Advertising, size and location

The following is a list of the things displayed by some:

Fertilizers, peat moss and plant foods
Dusts and sprays
Garden tools and sprayers
Carts, hose and sprinklers
Seeds and bulbs
Hoes, rakes, mattocks and scythes
Flower pots, all sizes
Plant supports
Ornamental fencing

Respectfully,

/s/ W. T. Mooreland"

The percentage of plants grown on the premises and what could be imported were discussed.

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With regard to signs, the Board agreed that under Section 6-4-a-14 where it mentions 10 feet in area - that that shall be interpreted by the Board to mean 10 square feet.

Mrs. Henderson moved that the sign area as applied to Nurseries be the same area as defined under Section 6-4-a-14, and not as defined under Section 6-15-e-2 where it says 18 square feet.

Seconded, J. B. Smith

Carried, unanimously.

With regard to things which can be sold in these Nurseries, Mrs. Henderson moved that retail sales be limited to trees, shrubs, plants and cut flowers grown on the premises.

Seconded, Mr. Lamond

Carried, unanimously.

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Mrs. Henderson brought up the case of CLAUDE COOPER for a storage shed which was denied by the Board on June 12, 1956. Mrs. Henderson recalled that she had made the motion to deny this case - then at the next meeting inadvertently moved to grant another similar shed which is located next door. This second shed was described at the hearing as being a part of the retaining wall, Mrs. Henderson stated, which she learned later was not so. It is completely free standing. Also in this area, seen from Mr. Cooper's back yard are two storage sheds which look like little out-houses. These were constructed before the Ordinance and nothing can be done about them. Under these circumstances, Mrs. Henderson continued, the Board had, in her opinion done an injustice to Mr. Cooper. Also the fact of requiring a shed to be 10 feet from the property line while a garage may be located 4 or 2 feet from the line, Mrs. Henderson thought was unfair. She, therefore, suggested that Mr. Cooper's case be reopened and reconsidered - with the idea of granting it. Mr. Mooreland told the Board that Mr. Cooper is in the hospital at this time and he therefore had not pushed the removal of this shed.

Mrs. Henderson moved to reopen the C. B. Cooper case, which was denied on June 12, 1956 - because of new evidence.

Seconded, J. B. Smith

Carried, unanimously.

The new evidence, Mrs. Henderson explained, is the fact that the storage shed granted next door is not as pictured and there are two other storage sheds in the area about which nothing can be done, as they were built before the Ordinance - therefore, this was an injustice to Mr. Cooper. Mrs. Henderson moved that the Cooper case be granted because it does not adversely affect neighboring property.

Seconded, J. B. Smith

Carried.

For the motion: Mrs. Henderson, J. B. Smith, Verlin W. Smith

Mr. A. Slater Lamond not voting.

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Mr. Mooreland brought up the case of the STRAW CORPORATION, a carport in Parklawn, which is 6-1/2 inches off the required side setback line and which the Board denied. Mr. Mooreland said he had been unable to do anything with Mr. Mace - he had written him and Mr. Mace has refused to move the structure. Mr. Mooreland then wrote up a warrant which the Commonwealth's Attorney thought would be laughed out of Court - prosecuting such a small variance especially when the Board has granted many greater variances from the Ordinance. Mr. Mooreland called attention to the fact that most other jurisdictions allow the Zoning Administrator a certain lee-way in granting these small variances.

Straw Corporation - Ctd.

It was brought out that the applicant could easily comply on this - as he could move the two posts the few inches and comply. The Board saw no hardship. No action was taken on this.

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The Board started to discuss the proposed Trailer Park Ordinance, but because of the lateness of the hour, agreed to hold a special meeting to go over the Ordinance with the idea of making recommended changes to the Board of Supervisors. It was agreed to meet at 9:30 a.m. Tuesday, March 19,1957.

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Meeting adjourned

Verlin W. Smith

Verlin W. Smith, Acting Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held Tuesday, March 26, 1957 in the Board Room of the Fairfax County Courthouse at 10 o'clock a.m. with all members present: Messrs. Verlin W. Smith, A. Slater Lamond, J. B. Smith, T. Barnes, and Mrs. Lawrence J. Henderson, Jr.

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The meeting was opened with a prayer by Mr. J. B. Smith

Mr. Verlin W. Smith presiding as acting Chairman, called for election of officers.

Mrs. Henderson said she would first like to welcome Mr. Lamond as the new member of the Board appointed by the Board of Supervisors from the Planning Commission, stating that she felt his experience on the Commission would make him an especially valuable member.

Also Mrs. Henderson expressed appreciation for having served on the Board with Mr. Brookfield (to which other members of the Board heartily agreed) and suggested that a letter be sent to Mr. Brookfield indicating the Board's appreciation of his work on the Board. Mrs. Henderson was delegated to write the letter.

At this time, Mr. Lamond also suggested that a Resolution be adopted and sent to Mrs. S. Cooper Dawson expressing the sympathy of the Board in her loss of Mr. Dawson, and also commending Mr. Dawson for his valuable services to the County. Mr. Lamond made this in the form of a motion.

Seconded, J. B. Smith

Carried.

Mr. Lamond was asked to draft the Resolution.

Mrs. Henderson nominated Mr. Verlin W. Smith for Chairman of the Board.

Seconded, J. B. Smith

Carried, unanimously.

Mr. Verlin W. Smith thanked the Board, stating that he would do his best - but he felt it difficult to follow in the footsteps of Mr. Brookfield and Mr. Dawson.

Mr. J. B. Smith nominated Mr. A. Slater Lamond for Vice-Chairman.

Seconded, Mrs. Henderson

Carried, unanimously.

Mr. Lamond also thanked the Board

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DEFERRED CASES

1- HEDRICK L. WOLFORD, to permit dwelling as erected to remain within 13 feet of the side property line, Lots 25 and 26, Block 6, Franklin Park, (on east side of Rhode Island Avenue), Dranesville District. (Suburban Residence).

This case was deferred to give the applicant the opportunity to negotiate with the adjoining property owner regarding purchase of ground to make this setback conform.

DEFERRED CASES - Ctd.

1-Ctd. Mr. Wolford read a letter from Mr. Davis, the adjoining property owner who stated that while he was not willing to sell the property, he considered the variance very small and had no objection to it. Mr. Davis said it was their plan to construct a 50 foot house between 15 and 20 feet from their south line to allow as much room as possible for a drive with a 90 degree turn into their garage on Mr. Wolford's side of the lot. With this plan there would be about 48 feet between the two houses which he thought ample.

Mr. J. B. Smith moved to grant the application as the variance is so slight he could not see where it would injure anyone.

Seconded, Mr. Lamond

Carried, unanimously.

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NEW CASES:

1- SOCONY MOBIL OIL CO.,INC., to permit extension of permit granted 4/10/56 to permit erection and operation of a service station and to permit pump islands 25 feet of right of way line of #644, north side of #644 and adjacent to west side of Springfield Estates, Lee District. (General Business).

Mr. Hobson represented the applicant. (Mr. Hobson congratulated the newly elected officers). This use was granted a year ago, Mr. Hobson told the Board but they ran into financial difficulties and have not been able to get going - therefore they need a little more time on the permit - six months, Mr. Hobson suggested would be sufficient.

There were no objections from the area.

Mr. Lamond moved to grant the extension of this permit for a period of six months under the same conditions as the original granting of the application. (The original motion granted this use with the pump islands 25 feet from the property line and granted as shown on plat dated January 1956 and certified March 22, 1956 and amended by Merlin McLaughlin, March 1, 1957.)

Seconded, J. B. Smith

Carried, unanimously.

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2- MAT H. SNEAD, to permit two existing signs to remain with larger area than allowed by the Ordinance, (Total area 64 sq. ft.) on north side of Lee Hwy. 814 feet west #608, Centreville District. (Agriculture).

They had had signs on the property, Mr. Snead told the Board but they were not especially attractive and when they were practically worn out they put up the two new signs - not knowing there were restrictions on the size. Mr. Snead showed pictures of the signs indicating that they are located in the extreme corners of his property on the fence which borders his property. They have almost 500 feet frontage, Mr. Snead pointed out and the property

2-Ctd. lies on the crest of a hill. The signs are so located that only one is visible at a time, because of the rise in the ground. These signs will be visible for a sufficient distance to allow time for people to slow down without hazard and make the turn into this property. While they have only the one entrance to the property the cut-across in the highway is such that a turn can easily be made near the entrance for cars going east from Centreville.

These signs were erected with great care and at considerable expense, Mr. Snead continued, and they have had many compliments on them. They have also noticed a considerable increase in their business since the erection of the signs.

Mrs. Snead stated that it is important to have the wording complete as the signs stand - as they do not board dogs - they have stud service and the sale of dogs only.

There were no objections from the area.

Mrs. Henderson asked under what section this should be handled. Under Section 6-4-a-14 in an Agricultural District the Ordinance says 10 sq. ft. in area for advertising services shall be permitted. While under Section 6-15 under an agricultural district the Ordinance says a limit of 1/10 of a square foot area is permitted for each lineal foot of frontage - which would give the applicant 47-1/2 sq. ft. of sign as opposed to the 64 sq. ft. requested. (It was noted that these signs have a square footage of 32 each - making a total of 64 sq. ft.) Under which section does the Board operate, Mrs. Henderson asked.

The location of the signs with regard to the right of way was discussed. Mr. Snead said he was well back from the traveled roadway and from the right of way - that a drainage ditch was between his fence (on which the sign is located)and the right of way .

Mr. Lamond stated that this is a use which is tolerated and expected in an agricultural district, and while it is well to have the sign well set back- there are many signs in this area which are practically on the right of way therefore, he did not think this objectionable. Mr. Lamond moved to grant the location and size of the signs as requested in the application because of the fact that it is not out of keeping with other sign sizes and locations in the area, and therefore would not be injurious to the area. If the other over-large and incorrectly located signs were requested to be moved - it would be logical to refuse this, but since that is not being done, he thought this should be granted. The signs are not unsightly and they are within the maximum allowed.

Mr. V. Smith thought the necessity shown was not sufficient to warrant this granting. If such necessity is not shown Mr. V. Smith considered the 47-1/2 square feet should be observed.

NEW CASES - Ctd.

2-Ctd. Mr. Snead answered that they needed the two signs because of the hill - cars coming from Fairfax could see the sign at the entrance very well, but from Centreville, because of the hill, the one sign would not be visible until after crossing the hill, and by that time the car would be too far beyond the cut-across entrance to turn in.

Mrs. Henderson suggested reducing each sign to 24 square feet. Mrs. Snead answered that the letters would have to be the size shown on the signs to be quickly seen. Many of their customers are from the State Department or agencies in Washington where foreign people are employed, and who do not read English readily. She felt these signs to be very necessary for that business.

Mr. Lamond added to his motion that this case be granted as per plat showing a 5.0852 acre tract, dated July 15, 1953 - the property located on the north side of Lee Highway 814 feet west of Route #608.

Seconded, J. B. Smith

Carried.

For the motion: Mr. Lamond, J. B. Smith, T. Barnes

Against: Mrs. Henderson and Mr. Verlin W. Smith

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3- MAGAZINE REALTY COMPANY, INC., to permit construction and operation of a Highway Hotel, (234 units), at the southeast intersection of #648 and Shirley Highway. Lee District. (General Business).

Mr. William Moncure represented the applicant. Mr. Moncure recalled to the Board that a use permit on this property had been granted in September 1951 for a motel, but which was never used.

Mr. Moncure pointed to the revenue accruing to the County from a project of this type and magnitude - a revenue badly needed and a source of income which would help pay for the education of children coming from homes where taxes do not cover school expenses. The homes near this property are in the $14,000.00 class, Mr. Moncure pointed out - these are homes which this project would help to balance the school cost. Aside from taxes on the property this project will bring tourist dollars into the County. This might be a fine area for a park, Mr. Moncure suggested - but being in a General Business classification it is far too expensive property for such consideration. Since this area has General Business zoning a shopping center or practically any other retail business use could go in here without a special use permit and without a public hearing - it could take uses which might be fare more objectionable than a motel.

It was well known, Mr. Moncure continued, when people bought in the adjoining subdivision that this area was zoned for commercial uses as it was so posted. (This property has been business zoned since 1951). As a matter of fact, Mr. Moncure pointed out further, a motel is one of the least objectionable business uses open to this property - it asks few services, it does not generate excessive traffic nor excess trucking, there is little trash or garbage disposal - as with most businesses. It is a quiet, clean operation.

3-Ctd. The nearest homes will be 600 feet away, and it will bring revenue of a 1-1/2 million dollar investment,to be completed in two phases.

Mr. Moncure pointed to the good reputation of Magazine Brothers who have operated in the County for many years - developing Bren Mar Park, Willston and Fordham Village, among other subdivisions. They will give a 10 acre school site at the end of Hershey Lane - adjoining this tract. These are reputable people, Mr. Moncure continued, their willingness to cooperate with the County has been demonstrated over a period of many years.

As a matter of fact, Mr. Moncure pointed out, the people nearest this project will not be able to see it because of the fringe of trees, the elevation in the land and because of the distance. However, they can see many other operating businesses in the area, some of which are operating on industrial property, and also the Northern Virginia Gravel pit - which probably could be reopened.

This is a logical use for this business property, Mr. Moncure urged. At the intersections along the Shirley where there is business zoning - that is the only location for tourist services, motels, service stations, and restaurants. There are already motels at practically all these intersections - namely the Skylark, Key, and at Lincolnia. Where else would one expect such services, Mr. Moncure asked.

The hotel of the future, Mr. Moncure contended, is a project like the Marriott - which is very like a hotel with all its conveniences and services but still a motor hotel. You could have a hotel here, Mr. Moncure pointed out, without a public hearing - why discriminate against a motel which is in reality less objectionable.

Mr. Moncure asked the Board to favorably consider this requested use.

Mr. Sheldon Magazine showed renderings of the type of building they plan - an attractive two story brick, completely fire proof structure. They will have all the services of a hotel, Mr. Magazine told the Board, but will also incorporate other features - the rural atmosphere for suburban living, a pool and attractive grounds, which they believe will attract people for a prolonged stay. They also believe it will fill a need for people living in the area to take care of their over-flow guests. They plan 234 units.

The Chairman asked for opposition. About 14 were present objecting - Mr. Ratner acting as their main spokesman.

Mr. Ratner handed each Board member a copy of the following Resolution passed by the Bren Mar Park Civic Association on March 19, 1957, unanimously opposing this motel:

> "The following resolutions were passed by a unanimous vote by the membership of the Bren Mar Park Civic Association at the regularly scheduled meeting held at Bren Mar Park on March 19, 1957 and do so appear in the official minutes of the Civic Association:
>
> RESOLVED:
> (1) That the Civic Association send representatives of the Association to the Zoning Hearing on March 26, 1957 to request a continuance of 30 days....

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3-Ctd. Bren Mar Park Civic Association Resolution - Ctd.

(2) That the Civic Association authorize these representatives to completely oppose the motel on March 26, 1957 if the request for continuance is denied, and to attempt to secure a petition signed by residents of Bren Mar Park opposing the motel action.

CERTIFIED TO BE A TRUE AND CORRECT COPY:

/s/ Frances Crawford
Acting Secretary

/s/ J. Young Chennault
President"

This continuance is asked, not to organize opposition to this project, Mr. Ratner explained, but it is for the purpose of checking into the impact of a larger scale motel development in other locations and in other jurisdictions on the adjoining residential area and to learn for sure if they do object to such a development. They did not get notice of this plan until ten days ago, Mr. Ratner continued, which has not given them sufficient time for the research they feel they should do. However, it was agreed that all legal requirements have been met with regard to posting and advertising of this proposed use.

This is important to their community, Mr. Ratner continued, and they would like to have some first hand information on the affect of similar projects. The petitioners have had unlimited time - naturally, Mr. Ratner said, but they have over 1000 people in Bren Mar Park who will be affected by this and they feel a thorough investigation should be made by them before they can intelligently evaluate the impact of this use.

Since the requirements of posting and advertising have been met, Mr. Verlin W. Smith stated, if the ten days notification is found to be insufficient, it might be appropriate for the objectors in this case to so inform the Board of Supervisors that ten days is not adequate notification and request that a change in the Ordinance revise this time lapse. However, since requirements have been met - Mr. Verlin W. Smith ruled that the case proceed for hearing.

Mr. Ratner explained that when people bought in Bren Mar Park they were told that this commercial area would be developed into a shopping center. In fact, the shopping center promise was a great selling point for the developers. They would welcome a shopping area now - Mr. Ratner continued - but not the motel.

This is within 600 feet of their homes, Mr. Ratner pointed out, it is a transient business, not a part of their community, they do not need it to take care of their over-flow guests. It is a business which would be open 24 hours a day - seven days a week. Lights would be on all night and people would be coming and going, additional traffic night and day. This would also be a traffic hazard to the children (there are over 400 children in the area), going to the school - which site the Magazine Brothers have dedicated adjoining the business property. The people do not feel that this is in the best

NEW CASES - Ctd.

3-Ctd.

interests of the welfare and safety of their area - as evidenced by a petition which Mr. Ratner presented to the Board, containing 233 signatures (representing that many homes) from people living in Bren Mar Park.

If this motel goes in, although there is still room on this tract for a shopping center, Mr. Ratner, said he believed the development of the shopping center would be very slow as the motel would make money - therefore the developers would not feel the need to go ahead with the shopping center for some time to come. Mr. Ratner labeled this use a nuisance to the area and no advantage to the County.

Mr. T. Barnes could not see where this would be dangerous to health and opposed to the public welfare.

The houses in this area range from $15,000 to $20,000, Mr. Ratner advised the Board, which he thought would come near paying their way. But this project will be detrimental to homes in the area - therefore while it will bring in tax revenue to the County, it will by the same token reduce tax values on the adjoining homes - thereby the advantage to the County would be lost.

There are plenty of motels now on the Shirley, Mr. Ratner continued, and under any circumstances, he asked, is it necessary to use this land just because it is zoned for business. Why not let it lay? Others have done that. Transients bring in all kinds of people, Mr. Ratner cautioned the Board - the undesirable along with the desirable. They have a quiet law-abiding community now with very few burglaries and house-breakings - it is not impossible that some of the undesirables from this project will wander out into their community.

With regard to the guarantee as to the type of buildings the applicant would put up, Mr. Verlin W. Smith informed Mr. Ratner that the Board could tie the granting of a use permit to the plans and renderings presented with the application.

Mrs. Henderson asked Mr. Ratner if in his opinion a motel would bring more traffic to the area than a shopping center. Mr. Ratner answered - yes - since the motel is open 24 hours a day, while the shopping center would close on Sundays and by nine in the evening. Again he stressed the noise from a motel, the 24 hour lighting, and the fact of the probable addition of a swimming pool, which could serve as an attractive nuisance to children. This, Mrs. Henderson answered, would be taken care of by the new swimming pool Ordinance. Mrs. Henderson also noted that the "no vacancy" lights go on when the motel is filled - which would probably be early in the evening, and the larger lights are turned off.

Mr . Herbert Harris, Vice President of the Bren Mar Civic Association also spoke in opposition, restating Mr. Ratner's objections and calling attention to the desire of the Civic Association to maintain the character of their

3-Ctd. residential community without the intrusion of a project which would cater to tourists.

Mr. Harris called attention to the fact that all the Magazine Company's houses were sold before any plans of the motel were announced. The understanding had been that this would be a shopping center. There are 350 homes in Bren Mar, Mr. Harris pointed out - and there are plans for 234 units in this motel - the two types of development would be in complete conflict, in his opinion. Out of the 350 homes 234 have signed the petition opposing this. This represents a tremendous opposition. They had a conference with the Magazine Brothers two weeks before these plans were brought out, Mr. Harris continued - and nothing was said about the motel plans at that time. He considered this misrepresentation. People have bought in this area thinking they were protected from this type of project - and now - what do they get? This project, as it is located, will force the shopping area against their homes - when and if it is developed, Mr. Harris continued. Mr. Harris said he lives across the street from this project, and when he bought his property the plans showed either homes across from them, or a 200 foot buffer strip, which would remain undeveloped.

Mr. Verlin W. Smith informed Mr. Harris that those plans are not before the Board. He also recalled that the property was zoned for general business uses at the time they purchased their property.

Mr. Harold Nissels, who lives on Hershey Lane, objected for reasons stated, and assured the Board that this project would not fit in with their way of life in this rural community. He too thought the shopping center was to be developed on the commercial property - to which he did not object.

Mr. Elvin Howes spoke in opposition, telling the Board that he thought this amounted to a direct misrepresentation. He recalled that Mr. Katz of Magazine Brothers had told him of the shopping center plans which were supposed to be in operation within two years.

Mr. E. R. Larkin asked about the entrance from the motel to the highway. That will be approved by the Highway Department, Mr. Moncure answered - they plan only one entrance to the motel, which is shown on the plat - as a proposed road to Edsall Road.

A shopping center is a matter of economics, Mr. Moncure told the Board. It is necessary to get leases and while they have 50 acres on which they can very well develop a shopping center - it must be feasible to do so. A great deal is involved in planning a shopping area - the lenders must be satisfied - the lessees and the developer.

The lights, to which the community objects, Mr. Moncure said, will certainly go out early in the evening. The traffic generated from the motel will be mostly late in the evening or early in the morning - before and after school hours. Mr. Moncure considered it an academic question - which would cause

3-Ctd. more traffic or noise - a shopping center or a motel. In his opinion neither would be objectionable. The traffic would be from the Shirley Highway to the property only - that would not affect Bren Mar, Mr. Moncure said - whereas a shopping center would generate traffic in all directions and through the subdivision.

The purpose of these commercially zoned intersections along the Shirley, Mr. Moncure continued, is so the traveling public can get off the highway for services.

As to the attractive nuisance - Mr. Moncure recalled the pistol range near Bren Mar.

He noticed that the opposition did not mention the revenue to be derived from this 1-1/2 million dollar motel - they did not compare the cost of educating a child with the tax income from the average home - they also have said nothing about the reputation of Magazine Brothers in the County as reputable builders. The opposition have not refuted the fact that this is a logical place for a motel; they have not mentioned the filling station just near the subdivision which is a considerable more hazard than this would be. These people object, Mr. Moncure continued, but their reasons are not sound and there are many logical reasons for granting this project. It would be discrimination to refuse this project, and it would be against the best interests of the County to refuse to allow this tax revenue and the tourist dollars, which would accrue to the interests of the County, and which would help in meeting the rising cost of education in the County.

The density coverage was discussed - that, Mr. Moncure stated, will be worked out by the County authorities - they will not be allowed to exceed a certain percentage.

The question of differentiation between a hotel and motel were discussed, Mr. Moncure pointing out that a hotel could be erected here without a special use permit or public hearing. This is patterned after the Marriott Motel, having the same type of services as a hotel. As a matter of fact, Mr. Moncure stated, in his opinion this could be classed as either a hotel or a motel. Most of the rooms are entered from the inside - some from the outside.

Mrs. Henderson asked about the width of the ingress and egress. That Mr. Moncure stated will conform to the State Highway requirements.

It was agreed that the roof shelter shown on the plot plan which would bring the front of the building closer to the Shirley Highway line would have to either be removed or the building located back farther - in order to retain the full 100 foot setback from the highway. The applicant agreed that that could be done without difficulty.

Mr. William Moss suggested that the opposition was in the position of the remark - "If you don't understand something - oppose it". They are opposing this because they do not know what to expect from it - what impact it will have on their community and what repercussions to expect. In his

3- Ctd.

opinion, Mr. Moss continued, the law is not sufficient in giving people time for study and understanding of such cases. These people are reluctant to object, Mr. Moss explained, but they feel that they need more time to look into the results of this large a project in their midst. If they had more time, Mr. Moss continued, they might find that this land could be put to much more objectionable uses - and therefore could very well withdraw their objections. A two or three weeks delay, Mr. Moss thought, would not work a hardship on anyone and it would satisfy the people in the area, who have great concern and this would give them the opportunity to submit whatever evidence they may find. This property has been zoned for commercial use for many years, Mr. Moss continued, and he thought in deference to the people in the area it might be well to give them the time they desire and to satisfy themselves as to whether or not this will be a good or a detrimental use in their area.

Mr. Magazine objected to a delay, saying he had offered to go before the Civic Association to explain their project - but they did not care for that. The Civic Association was advised of the general plans, Mr. Harris said, they did not need the information Mr. Magazine could give them - they merely want the time to investigate similar projects in other locations to learn what might happen here. He thought three weeks would give them time to arrive at an intelligent approach to this. If they find that it would not have an adverse affect upon their area they may withdraw their objections. Mrs. Henderson suggested that a two week deferrment might result in a happier relationship between the Magazine Brothers and the people in the area.

Mr. Moss commended the Magazine Brothers on their fine cooperation with the County and suggested that in view of their excellent reputation he did not think they would care to force something which might jeopardize the relationship between them and the people.

Mr. Moncure stated that they were reluctant to agree to the deferrment, that they have mature plans and are ready to go ahead with this at the earliest possible date, and that they do object to the relevancy of the reason for delay.

Mr. Lamond recalled that a 12 story hotel could go in here if the applicant so desired - without objection from the area - he thought this was more desirable than a hotel and that it is a logical use and of benefit to the County at large.

The people dont know what they want, Mr. Harris answered - they know only that they want time to make their studies and decision.

Mr. Magazine said he felt - in view of their responsibility to the County and to the community - that a two weeks delay would not inconvenience them too much.

NEW CASES - Ctd.

3-Ctd. In view of the fact brought out, Mrs. Henderson moved to defer the case until April 9th.

Seconded, J. B. Smith

Carried, unanimously.

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8- MT. VERNON YACHT CLUB, INC., to permit construction and operation of a Yacht Club, boat basin, swimming pool and buildings accessory thereto, Lot 1, Block H, and Parcel A, Yacht Haven Estates, Mt. Vernon Dist.(Rural Res.-I)

Mr. Spellman, representing the Mt. Vernon Yacht Club, asked that this case be deferred for 30 days, as the people applying for this use, being inexperienced in this, have not had sufficient time to prepare their case.

Mr. Lamond moved to defer the case for 30 days (until April 23)

Seconded, J. B. Smith

Carried, unanimously.

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4- McLEAN-LANGLEY SWIMMING ASSOCIATION, to permit construction of a community swimming pool with accessory structures thereto, north side of Moxley Dr., approx. 600 ft. north of Langley Forest, Dranesville Dist.(Rural Res.-II)

Mr. James Whytock represented the applicant. Mr. Whytock noted that the name of this applicant has been changed to "Langley Club, Inc." This change came about during incorporation. Also the wading pool has been cut from 60 feet in diameter to 40 feet, and the bath house has been reduced from 29' x 44' to 22' x 38'. These changes were made on the plats.

This project is a three acre tract located at the end of a private road leading off of Route #193, adjoining River Oak Subdivision. It will have only the one access. They plan a $75,000 development which will be financed through memberships, rather than stock. They will charge $10.00 per adult person and $10.00 a year dues for adults - $5.00 for children. The initial expense will be taken care of by initiation fees and loans from the members which will be paid back within 30 years.

This tract is now surrounded by woods - part of which will probably be developed at some future time, Mr. Whytock continued. The owners of this property have no objection to this use. The pool will conform to the swimming pool Ordinance with a flash deck, and a filtration system. It will drain into the spring drainage way. This plan has been approved by the Health Department.

Mr. Saunders, the adjoining property owner and the engineer on this project told the Board that they have planned this project with appearance in mind with an attractive bath house and good planting. The deep woods will retard the noise, Mr. Saunders stated, they intend to keep the bordering trees. This will be an ultra modern project in every way and they will meet all County requirements. They will have a membership of approximately 300 families.

NEW CASES - Ctd.

4-Ctd. Mr. Howard read a resolution passed by the Langley Forest Citizens' Assn. at their meeting of February 19, 1957, in which they state that this group has no objection to this project as planned.

Mrs. Henderson questioned the adequacy of the parking lot - which would take care of only 50 cars. That could be expanded, Mr. Whytock explained, if the need arises - they have sufficient area.

Also Mrs. Henderson questioned - what concessions? Only soft drinks, candy, and ice cream, Mr. Whytock answered. They have no intention of going into the sale of food.

The private road was discussed, Mr. Whytock explaining that Moxley Road was put in originally to serve the property in the back and to be maintained privately. The membership of the Swimming Club will agree also to help maintain the road. It is an 18 foot gravel right of way now. There is a $5,000 sum set aside to widen this road and for more gravel.

The Chairman asked for opposition.

Mr. Tracey, living on Benjamin Street about 800 feet from this site, stated that they had moved to this location hoping for a quiet residential area. They had not expected the encroachment of this type of enterprise. He felt the noise would be objectionable. They live in their back yard a great deal in the summer, Mr. Tracey stated, which would face this pool area - he thought the noise and traffic would be unpleasant. He suggested an alternate site which might be available in Section 1 or 2 of Langley Forest.

Mr. Henry Makel said he wished there was a category which could be called neither for nor against this use, as that is the position in which he found himself. He was representing Southland Corporation, which owns the property over which the 18 foot road passes. They will develop this property probably within another two years, Mr. Makel continued, and will at that time build the street which will lead to this site. They want protection for the lots which will back up to this property - that is their concern. If the fence were moved to the other side of the parking lot it would help them greatly, Mr. Makel suggested. (Mr. Makel thought the tract a little small for the purpose proposed.) They will dedicate this road to public use when they develop this property, Mr. Makel continued, and at that time it will be built to County specifications.

Mr. Tracey noted that this is supposed to be a community pool, but there are only 80 homes in Langley Forest - therefore there must be many members coming from outside the area. A purely community project he did not think too objectionable - but he thought it should not take in other families.

Mr. Whytock noted that Mr. Tracey had been completely unsuccessful in getting a petition against this project signed. Mr. Whytock agreed that the deep setbacks which they will provide are a proper protection for the property described by Mr. Makel. They will also have screening around the area which would further protect adjoining property.

NEW CASES - Ctd.

4-Ctd. Mr. Saunders said there was no other property in Langley Forest available to them because of topographic conditions. This pool will be 900 feet from the nearest house, Mr. Saunders noted.

Mr. Burling, the westerly adjoining property owner, was not contacted regarding these plans.

Mrs. Henderson moved to grant this use to the Langley Club, Inc., according to the changes that have been made on the map prepared by Joseph Berry, dated February 26,1957 - indicating the changes in size of the wading pool to 40 feet in diameter, and the reduction of the bath house to 22' x 38'. This is granted because it conforms to the following sections of the Ordinance: Section 6-4-a as amended; 15-c as amended; and Section 6-12. This is granted because it does not appear that it will materially affect adversely persons residing or working in the neighborhood and that it will not adversely affect property in the neighborhood. This is granted subject to conformance with the new swimming pool Ordinance and Health Department regulations governing swimming pools.

Seconded, Mr. Lamond

Carried, unanimously.

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DEFERRED CASE:

3- J. T. MOTON REALTY,INC., to permit garage to remain as erected 8.57 feet of rear property line, Lot 10, 1st Addition to Brookland Estates, Lee Dist. (Suburban Residence).

Mr. J. T. Moton, whose case was deferred to this date, asked the Board to defer his case until April 23rd.

Mr. Lamond so moved

Seconded, J. B. Smith

Carried, unanimously.

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NEW CASES - Ctd.

5- PEOPLES SERVICE DRUG STORES,INC., to permit erection of three signs with an aggregate area in excess allowable by the Ordinance, (184 sq.ft.), on north side of #29 and #211 at Kamp Washington, Providence Dist. (Rural Business).

Mr. Roger Wells represented the applicant. A letter from Peoples Drug Stores was read asking for three signs totaling 184 square feet to replace the existing sign on the store which has a total area of 100 square feet. This is a new type of sign, the letter stated, which the company plan to use on their larger stores. It will have plastic face and diffused lighting.

Mr. Wells showed two pictures, Exhibit A and B, A showing this sign which is presently installed on the Arlington store, and Exhibit B, which showed the inadequacy of the sign at the Kamp Washington store, which store is located 155 feet from the right of way.

NEW CASES - Ctd.

5-Ctd. Mrs. Henderson asked what hardship requires the 184 square foot sign. The square footage is not as important as the aesthetic values to be derived from the change from a sign which is not particularly well designed nor is it attractive, Mr. Wells answered. This new type of sign is the one used at the Seven Corners store, and it is obvious, Mr. Wells stated, that is far superior to the one now at Kamp Washington.

Mrs. Henderson granted that, but still suggested that it be cut in size. These letters are custom made, Mr. Wells answered, they have made the molds and it would be expensive to change them. They hope to use this sign on all their larger stores, and therefore the same molds would be used. They have gone to a great deal of expense and care to design these signs, Mr. Wells continued - they consider it attractive and effective advertising and an asset to the community. They feel that the old type of sign has become obsolete - they therefore wish to start a new era in a more effective and a more attractive sign. This particular sign has been noticed and highly complimented by the National Association of sign people.

Mr. Wells showed a series of pictures starting from the early signs - and indicating the progress - culminating in this sign which they believe superior in every way.

Mrs. Henderson agreed again that most companies want as large and as attractive signs as possible, but she still questioned an adequate reason for such a large sign.

Mr. Wells noted that there are many other signs in the County larger than this on buildings which are closer to the street right of way. Mr. Wells considered the setback which they have allowed for parking and for the free movement of traffic - to be a sufficient hardship.

There were no objections from the area.

Mr. Lamond stated that due to the fact of the size of this store and the setback from the Highway right of way he would move that this variance be granted.

Seconded, Mr. J. B. Smith

Mr. J. B. Smith asked about the actual size of the letters - he thought if the letters alone were figured the area would be considerably less. Mr. Wells showed how this could actually be put in as three signs, which would greatly reduce the area.

Since this is the first request in the County for this new large sign - Mrs. Henderson suggested that a flood of requests for this same sign would follow if this is granted. Since this has been an expensive venture for the Company they most certainly will use it to the fullest, Mrs. Henderson continued.

Mr. Wells answered that this sign would be used only where it is appropriate and on their larger stores. They often buy signs locally, Mr. Wells continued, especially on their smaller stores.

5-Ctd. Mr. Lamond added to his motion that this be granted as per blue print submitted with the case dated March 4, 1957.

Mr. J. B. Smith accepted the addition.

For the motion: Lamond, J. B. Smith, T. Barnes

Against: Mrs. Henderson, Verlin W. Smith

Motion carried.

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6- TOPS FAIRFAX, INC., to permit erection of one sign with an area of (172-1/2 square feet), Part of Lot 1, East Fairfax Park Subdivision, at Fairfax Circle, Providence District. (Rural Business).

Mr. H. F. Miller represented the applicant. Mr. Wells also supported the case. Mr. Miller presented each Board member with a copy of a letter from Mr. James Matthews, President of this Company, detailing this request for the larger sign. The total area will be 172-1/2 square feet. It will be a free standing pilon type sign. This is a chain restaurant and they are asking for the pilon, which is the trade mark they use in other locations.

Mr. Miller showed photographs in color of the proposed sign. He also showed pictures of the existing building on the property, which they will add to. They need this large sign in order to have visibility for sufficient distance that people may slow down without hazard. This is on the approach to the circle, Mr. Miller explained, where traffic is converging and it was his opinion that a considerable sight distance was necessary.

Mrs. Henderson asked what evidence Mr. Miller could offer that the 120 square foot of sign area would not be sufficient. It is merely the need to protect traffic - so people can see the sign far enough away to begin slowing up and get into the proper lane so as not to obstruct the natural flow of traffic. The present building is 50 feet from the right of way - and the sign about 30 feet from the highway right of way. However, the exact location of the right of way was uncertain at this point, Mr. Miller said - they tried very hard to get the exact width of the highway at this point but are not sure that they are correct. They measured from the black top and believe that the sign is located back 30 feet.

Mr. Mooreland said the total right of way here is 250 feet, therefore they could locate the sign on the right of way - as 1/2 the width of the right of way, or 125 feet, would be at the property line. Mr. Mooreland noted that the right of way widens out as it splits at the circle.

The inadequacy of the present sign Ordinance was discussed.

Mr. Wells recalled that he had volunteered his services a few years ago to help in drafting a new sign Ordinance. However, his offer was not taken up. Mr. Wells noted that in other jurisdictions the larger lot will take a larger sign - which he thought equitable. This lot has a 220 foot frontage which should give them a larger sign area. However, the sign size is not so important, Mr. Wells continued, it is the type of sign - the sign which is attractive and quickly understood or as in this case, a sign which is familiar to the traveling public. Mr. Wells said he would still be glad

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6-Ctd.

to work with the County in setting up a sign Ordinance which would eliminate many of the cases which now find it necessary to come before the Board. (Mr. Verlin W. Smith thanked Mr. Wells for his offer.)

There were no objections from the area.

It was noted that the McDonald restaurant has a frontage of 216 feet.

Mrs. Henderson asked if the applicant could reduce the sign to 150 square feet. These are standardized pattern signs, made from molds and used throughout the Country as their trade mark, Mr. Miller answered. They would like the same sign. They now have two such signs in Arlington.

Mrs. Henderson moved to deny the case as this is a gross variance from Section 6-15-c-1 of the Ordinance.

There was no section.

Mr. Lamond moved to defer the case for the applicant to study the case and see if he can get along with 150 square feet of area.

Seconded, J. B. Smith

This to be deferred until April 9th, Mr. Lamond Added.

They will accept the 150 square foot area, Mr. Miller told the Board.

Therefore, Mr. Lamond changed his motion to state that the application be granted for a sign with an area of 150 square feet.

Seconded, T. Barnes

Carried

Mrs. Henderson and Mr. Verlin W. Smith not voting, No.

Mrs. Henderson not voting because there is a 20 mile per hour speed limit at this point, and she thought the 60 square foot sign would be adequate.

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7- SUNSET DRIVE IN THEATRE, to permit erection of an additional sign to existing marquee which makes the aggregate area in excess allowed by the Ordinance (214 sq. ft.) north side of #7, approx. 1/2 mile east of Bailey's Cross Rds. Mason District. (Rural Business).

Mr. Gallo represented the applicant. This extra sign is needed, Mr. Gallo explained, as the area is large and open and the speed limit at this point is 45 miles per hour. It is felt that it is necessary to have a sign which will alert the public for a reasonable distance before they reach the theatre in order to slow down without hazard. This will be located about in the center of the property frontage. They have two entrances and one exit.

The total sign area on the property was discussed, Mr. Gallo stating that the 214 square feet named in the application included the entire sign area. The pilon sign has an area of 80 square feet, the sign on the back of the screen has 18" letters and probably about 30 square foot area, and the attraction panel - 120 square feet.

This is a small sign area compared to other Drive-In Theatres, Mr. Wilson, President of the Drive In Company, told the Board - because this was the

NEW CASES - Ctd.

7-Ctd. first drive-in in Virginia and at that time the large signs were not in use. Now they feel that they are in competition with the newer type signs which will require more area.

Mrs. Henderson thought the sign on the screen tower was adequate for site distance. Mr. Wilson pointed out that the letters are parallel to the highway, and are therefore not visible up and down the highway. The pilon would slow down traffic - which Mrs. Henderson thought not particularly necessary - since a Drive-in usually is well known.

There were no objections from the area.

Mrs. Wilkins asked under what Section of the Ordinance this could be granted. Mr. Verlin W. Smith quoted from the Ordinance 6-12-7-g (page 96) saying it would be necessary for the applicant to show an undue hardship.

Mrs. Wilkins asked if the Board could grant a variance three times that allowed in the Ordinance - and still call that a variance - or would that be called amending the Ordinance?

To what extent the Board can vary - has not yet been determined, Mr. Verlin W. Smith answered. That is a question the Board would like to have an opinion on, Mr. Verlin W. Smith continued - when does a granting become an amendment to the Ordinance.

This sign size is necessary, Mr. Wilson continued, because competition is now too keen to operate on the old obsolete signs they now have. They have a large tourist clientele who do not know where the theatre is located and they believe this would help. Mr. Wilson also noted that most theatres exclude the attraction panel - while they have figured that in their total.

Mr. T. Barnes moved to defer the case for 30 days to give the Board time to study the case and to find out just what the situation is on the property - to investigate the entrances and exit with relation to the proposed location of the sign.

Seconded, Mr. J. B. Smith (Defer until April 23rd)

Mr. Verlin W. Smith noted that the Board had required other applicants on signs to show all the existing signs on the property and their location - also the Board should have a plat showing ingress and egress.

This was added to the motion that the applicant bring plats showing the location of all existing signs, the total sign area of each and to show the location of the proposed sign, and also the ingress and egress.

Mr. J. B. Smith accepted this addition.

Carried, unanimously.

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9- CLARENCE R. & IRVIN PAYNE, JR., to permit erection and operation of a service station and permit pump islands 25 feet of the street right of way lines, at the N. E. corner #7 and #244 at Bailey's Cross Roads, Mason Dist. (Gen. Bus.)

Mr. William Moncure represented the applicant. Mr. Irvin Payne was present also.

9-Ctd. Mr. Moncure explained to the Board that the State had changed the traffic pattern at the intersection of Route #7 and Columbia Pike (which is greatly improved) but in doing so they have cut this area of the Payne property to 21,960 square feet. Therefore the applicant feels that the only thing he can use this property for is a filling station. While this is a very desirable location for a filling station, the roads are now so arranged that the only right turn into the property is from Leesburg Pike, and going east on Columbia Pike. The traffic from Washington would have no ready access. With this limited access there should be no traffic hazard, Mr. Moncure assured the Board. The exits would be at the far corners of the property, Mr. Moncure pointed out. With the pump islands located near the property line it would give room for the cars to turn within the property and go out on either Route #7 or Columbia Pike.

They now have commitments for the filling station from Standard Oil, Mr. Moncure told the Board - with a good rental and percentage. It would appear Mr. Moncure contended, that this would be good revenue for this property and for the County.

There were no objections from adjoining property owners, nor from the area. It was noted on the plat which Mr. Payne showed that the curb cuts indicated more than the two exits and entrances. Mr. Payne was not entirely certain what was being planned.

Mr. Verlin W. Smith asked about the other buildings shown on the plat - which apparently have nothing to do with the filling station.

Those will be left as they are, Mr. Payne answered, used for storage only - no employees are in the buildings. Therefore there would be no parking question. It was noted that Mr. Payne has 1000 square feet of parking space.

Mr. J. B. Smith moved to defer this case until April 9th for proper plats - which will show the parking area for the warehouse.

Seconded, Mrs. Henderson

Carried, unanimously.

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10- A. H. & FRANCES L. TINKLE, to permit existing sign to remain at present location with larger area than allowed by the Ordinance, in front of future Lot 13, 1st Addition to Aura Heights Subdivision, Mason District.(Sub. Res.)

Mr. Clyde Dews represented the applicant, stating that there are two violations on this application - first, they did not obtain a permit for the sign - second, the sign as presently erected is too large.

Mr. Dews gave a brief history of his sign operations. In August of 1955 they received a permit from the Zoning Office for two 60 square foot signs to be located on their property along Route #7, and subsequently erected the two signs. One year later, when they realized that the signs were ineffective they made plans to put up another type of sign. They contacted the Zoning Office who told them their signs could be rebuilt and relocated under the old permit. The signs they erected were actually too large for the amount

NEW CASES - Ctd.

10-Ctd. of frontage this subdivision had on Route #7. Opposition to these signs developed. Mr. Mooreland then told the applicant that the two signs could be put back to back, creating one sign, which would come within the Ordinance requirements.

Again, this year, Mr. Dews continued, the applicant felt that his sign was not effective. They again re-designed the sign and put it in a different location. They did not get a permit nor did they talk with the Zoning Office. This sign is larger than allowed by the Ordinance. It is about 82 square feet.

Since this sign was put up they have dedicated the first addition to this subdivision and have dedicated the property for a service drive along Leesburg Pike. The sign is now located in the future service drive area - they are fully conscious of that, Mr. Dews continued.

There are 51 lots in this subdivision, Mr. Dews went on, on which they are building homes ranging in price from $23,000 to $30,000. Since they have only 320 foot frontage on Route #7, and since there is a high hedge along the right of way, the only way a sign can be seen for any appreciable distance is to give it height - which they have done. They feel that the sign even with the height has a minimum of visibility. Mr. Dews showed pictures of the sign illustrating the hindrance of the hedge. The sign now is actually visible for only about 200 feet in one direction, and 500 feet in the other. With a 55 mile speed limit at this point, Mr. Dews considered this sign barely effective in its present location.

The Real Estate and Builders Industry have proved that road signs are two-to-one the best form of advertising, Mr. Dews continued. He therefore considered it necessary to have an adequate size and an attractive sign to attract the public.

They are up-grading the type of homes they are building, Mr. Dews continued, and find it imperative to bring attention to their houses. Mr. Dews said they sincerely regretted the violation.

"And now you want this Board to give you permission to leave this over-sized sign on property which is dedicated to the State", Mr. Verlin W. Smith asked? Mr. Dews answered - "yes" - even a temporary permit. While the service drive is dedicated it probably will not be on the State records until late this year - therefore, he thought a temporary permit would solve their problem and would not affect the State property.

Mr. Don Wilkins appeared in opposition.

Mr. Wilkins called attention to the fact that this sign is on Lot 13 which has a frontage of 107.52 feet - which if figured according to lineal frontage would give the applicant a sign of 10.75 square feet. Mr. Wilkins also discussed the background of this sign, stating that the original sign permit was issued in error - as the applicant did not have the frontage to warrant the size sign he was allowed.

NEW CASES - Ctd.

10-Ctd. Mr. Wilkins also recalled the applicant's request for a waiver from service drive requirements before the Board of Supervisors, which was refused. He also called attention to the bond requirement and agreement between the applicant and the Board of Supervisors which has not been met. This is an illegal sign, Mr. Wilkins contended, and the applicant has been perfectly conscious of that fact. It is on State property in the middle of the service drive dedication, and is not more than 20 feet from the right of way of Route #7. The applicant has met none of his committments, Mr. Wilkins continued, yet he expects the County to grant him an illegal sign.

Carrying out the statutes and the proper enforcement of the laws of the County and State are the function of this Board, Mr. Wilkins continued. The 107.52 foot frontage on Lot 13, which will 'permit' a sign with only 10.75 square feet figured on a lineal foot basis, renders this sign entirely out of keeping with requirements. The sign as erected contains approximately 82 square feet. It is a monstrosity, Mr. Wilkins continued, which is better adapted to Coney Island or a Carnival - than to this area. It is many times the size allowed and it is located on public property and in his opinion entirely outside the jurisdiction of the Board to grant.

This Board can grant an over-sized sign, Mr. Wilkins pointed out, if a hardship exists - but not a self-imposed hardship.

Mr. Wilkins mentioned the Betts property which is located farther from the highway, but which had legal size signs and was sold out without hardship - the product sold itself. The hardship here is the hardship of competition which has nothing to do with this Board.

Mr. Reno, who lives across the street from the sign, concurred in Mr. Wilkins' statements and urged the Board to deny the case.

Mr. Dews granted that the frontage on this might be debatable. However, they would like the temporary permit and would move the sign when the service drive is put in. Mr. Dews admitted that they had been transgressors and ignorant of the law, but they thought they were in the clear and did not violate the Ordinance wilfully. It would be a hardship to move the sign, Mr. Dews continued, but they will abide by the Board's decision. He suggested that the upper 10 feet of the sign could be removed, which would bring the sign more nearly within the Ordinance requirements.

Mr. Lamond moved to deny the case because it does not conform to the requirements of the Ordinance.

Seconded, Mrs. Henderson

Carried, unanimously.

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NEW CASES - Ctd.

11- RIVER TOWERS, INC., to permit multiple housing with greater density than allowed by the Ordinance on 26.8424 acres, south end of Potomac Avenue (Belleview), Mt. Vernon District. (Urban Res. Class I).

Before hearing the applicant, Mr. Verlin W. Smith suggested that the Board discuss its jurisdiction to handle this case, and make a determination if possible, whether or not the permit granted originally on this tract is still in effect.

Mr. Schumann told the Board that he had discussed this case with the Commonwealth's Attorney, and had been informed by him that in his opinion the applicant had complied with Section 6-12-d-2-a-b of the Ordinance, that permits were granted and buildings completed in accordance with those permits and that the applicant is in a position to continue on that original permit provided the density variance is allowed by this Board.

Mr. Verlin W. Smith said - in other words if an applicant gets a permit for 100 buildings and completes one building, his permit is good for an indefinite time? Mr. Schumann said the Commonwealth's Attorney had emphasized 'a' building - that if the applicant had completed a building granted on the original permit - his permit continues in effect.

Mr. Verlin W. Smith asked if the case file on the original granting of this project is still available. Mr. Schumann answered that it was out of file and they have not been able to locate it, however, the minutes of the Board of February 25, 1947 show that the case was granted.

The minutes of February 25, 1947 regarding the original granting were read.

Mrs. Henderson suggested that there are several things which in her opinion should be cleared with the Commonwealth's Attorney. It was brought out that Mr. Fitzgerald discussed this case with Mr. Schumann, but he had not read the Minutes of February 25, 1947. She felt that the presently planned project should conform to the architectural design of the original application - as shown in the Minutes - the same type project as Fairlington. This is an entirely different type of project. Also, Mrs. Henderson questioned whether a new application should have been filed in case of change of ownership of property. She asked if River Towers is Olmi and Landrith.

Mr. Verlin W. Smith questioned if the use permit issued in 1947 was still in effect, if the density granted was used up - and if this exceeds the total density originally granted.

Mr. Schumann noted that in the Minutes it did not state that the application was granted for the applicant only. He thought change of ownership was of no importance. However, Mr. Verlin W. Smith noted that the type of development was clearly stated in the original hearing and that is being varied from. Mr. Schumann stated that these applicants are asking the Board to vary from the terms of the original granting, that is the question before the Board. The Board passed a Resolution stating the applicant could build with a certain type of architecture. These people want something different in architecture - therefore this is not a variance from the Ordinance, Mr.

11-Ctd. Schumann continued, it is a variance from the Resolution passed by the Board on February 25, 1947.

Mr. Verlin W. Smith noted that the present application says nothing about architecture nor density. When the application is explained, Mr. Schumann told the Board, it will be brought out that the architecture and density are to be varied from the original application.

Mr. Lamond thought this should be discussed with the Commonwealth's Attorney if he could be contacted during Court recess. The Board recessed to see Mr. Fitzgerald.

Upon re-convening, Mr. Verlin W. Smith told those present that Mr. Fitzgerald had stated that when he gave Mr. Schumann his opinion - he had not read the Minutes of the previous case, nor had he considered the previous use permit granted in 1947 - therefore his opinion was not pertinent to that part of the application, regarding type of architecture. Therefore, it was suggested that the case be deferred for further discussion with Mr. Fitzgerald.

Mr. Lamond moved to defer the case until April 9th - provided the Board is able to contact Mr. Fitzgerald by that time.

Seconded, Mrs. Henderson

Carried.

The following people left their names with the Clerk to be notified if the hearing is to be on April 9th: Ralph D. Rocks, James S. Keith, Gilbert S. McCutcheon, Mrs. Carolyn Groce, Edward J. Kelly, Ray Van Hook, J. W. Foristel.

The Board instructed the Clerk to forward the following questions relative to this case to the Commonwealth's Attorney, asking for his opinion by the next meeting:

"Considering this case under Section 6-12-D-2-a-b, if the evidence as presented in the first application and upon which the permit was granted, holds today provided the present evidence shows that application is being made for a project completely different from the original application as to type and architectural design, as described in the Minutes of February 25, 1947

In the Opinion of the Commonwealth's Attorney how far can the Board of Zoning Appeals go with a variance from the density granted in the original application? The original application granted 1208 units. The present application request 981 units. If the evidence shows that the applicants have gone beyond the original density granted, would this necessitate filing a new application?

What percentage of variation from the strict application of the Ordinance is the Board empowered to grant? If the granting should allow 981 units as requested is this in effect amending the Ordinance?

The Board also requests an opinion on height limitations. How do you reconcile Section 6-14-b with Section 6-11-2 which says in part '.... no dwelling shall exceed 45 feet or three and one-half stories in height and no building not a dwelling shall exceed 75 feet in height.'

Would a change in ownership from the original grantee affect the permit, especially if the original permit was used up in density and the type of project changed?

What effect will the lack of the original plans, layout, sketches, and renderings, etc., as mentioned in the Minutes of February 25,1947 have on this case should they not be available?"

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DEFERRED CASES

2- ELIAS BURNSTEIN, to permit erection of an addition to dwelling within 48 ft. of the street property line, Lots 28, 29 and 30, Block D, Collingwood Manor, (227 Collingwood Avenue), Mt. Vernon District. (Rural Res.-Class I)

This case was deferred to view the property. It was recalled that this is only a two foot variance, and that the house on the corner, which is located 28 feet from Collingwood Avenue, was granted by Mr. Mooreland without public hearing. However, that house faces on West Boulevard Drive - the back yard facing Mr. Burnstein's property.

Mr. Mooreland explained that he had granted that because it is a corner lot and he had worked with the owner to get the best possible location for the house.

Mrs. Henderson said she saw no evidence of hardship on this since it would appear that the addition could be located at the rear of the house. However, Mr. Burnstein had stated that this was a matter of economics and the arrangement of his rooms - with relation to the stairway to the basement and the bath entrance.

Mrs. Henderson questioned if this was a reasonable hardship - and noted that other similar homes across the street had conformed to required setbacks.

Mrs. Henderson moved to deny the case, because no evidence of hardship had been shown.

No second.

Mr. Lamond stated that in view of the existing house on the corner lot being so placed on the lot he would move that this case be granted.

Mr. Verlin W. Smith questioned setting a precedent in granting this.

Mr. Lamond thought the Board was perfectly justified in granting this as the arrangement of the existing house made it impossible for the addition to be put on in any other way and still have the stairway to the basement and accessible opening to the bath. In his opinion it would be a hardship not to grant the application.

Seconded, Mr. T. Barnes

For the motion: Mr. Lamond, T. Barnes, J. B. Smith

Against: Mr. Verlin W. Smith and Mrs. Henderson

Motion carried.

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4- L. G. MELTZER, to permit temporary operation of a property yard and permit two temporary sheds and fence to remain as erected as shown on plat, Lot 1, Section 1, Colonial Acres, Mt. Vernon District. (Suburban Residence-Class II).

Word was sent to the Board that the opposition, headed by Mr. Anthony, has been withdrawn in accordance with the following agreement with the operators

> "In the interest of a neat, orderly, and presentable appearance at the entrance of Colonial Acres, Mt. Vernon District, and in behalf of the residents of said community, it is hereby agreed by Mr. Fleisher, developer of adjacent Sulgrave Manor and custodian of building material compound located on lot number one, at the entrance of Colonial Acres, that Mr. Fleisher will maintain the compound and its immediate area in a presentable manner at all times. That he will cause the area to be kept policed and free of unnecessary eyesores, that he will provide trash receptacle for the immediate compound area. That, he will refrain his

4-Ctd.

employees from littering or cluttering the grounds. That, he will allow no vehicles pertaining to his activity to park less than one hundred feet from the intersection six twenty-three on Colonial Ave. That, he will provide a parking lot for his employees vehicles so as to prevent safety hazards and road congestion on Colonial Ave. That, he will provide some suitable shrubbery to screen the perimeter of the compound from the public eye.

Further, Mr. Fleisher agrees to remove all vestage of compound structure (this includes sheds, poles in ground and any debris) at the completion of his proposed building project but not later than two years from this date.

Further, Mr. Fleisher agrees to cooperate with the spirit of this document to the satisfaction of the residents on Colonial Ave. And that all matters and transactions pertaining to this agreement will be dealt only with CWO G. L. Anthony representative of the residents of Colonial Acres.

SULGRAVE MANOR DEVELOPMENT CORPORATION

BY: /s/ L. G. Meltzer, President

Witness:
/s/ Louis G. Zuchelman

NOTORIZED:

In acceptance of Mr. Fleisher, cooperation and efforts and in the best interest of harmony, we the residents of Colonial Acres agree to make no further protests to the Fairfax County Zoning Board as it pertains to the location and site of the builders compound.

/s/ G. L. Anthony, (Representative)"

In view of the signed Agreement between the Sulgrave Manor Development Corp. and the people in the area who had been opposed to this use, and who have stated that the original objections have been removed, Mrs. Henderson moved to grant the application, with the provision that the terms of the Agreement be adhered to. This is granted for a period not to exceed two years.

Seconded, J. B. Smith

For the motion: Mrs. Henderson, T. Barnes, J. B. Smith, Mr. Lamond

Mr. Verlin W. Smith not voting

Motion carried.

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5- NORMAN E. PUMPHREY, to permit carport to remain enclosed within 8.60 feet of the side property line, Lot 22 and part of Lot 23, Block E, Courtland Park, (1006 Oak Street), Mason District. (Suburban Residence).

Mr. Pumphrey, father of the applicant, reviewed the case, recalling his son's negotiations with the builder to construct this enclosed porch, at the time he bought the house, the son's subsequent transfer to Florida and his desire to sell the house. The violation then came to light.

Mr. Pumphrey called attention to many other similar violations in the subdivision, which was originally laid out in smaller lots - and which subdivision was recorded before the Ordinance. On the street just back of Oak Street, on which this house faces, many homes are built with enclosed proches located from 7 to 8-1/2 feet from the side line.

There were no objections from the area.

Mrs. Jones, the next door neighbor, and the one most affected, stated she had no objections and could see no reason for not granting this when so many others have the same setback.

DEFERRED CASES - Ctd.

5-Ctd. Mr. Mooreland explained that he could grant a 7 foot setback in the case of fire-proof materials and if the lot is below the required lot sizes. This meets neither of those requirements, therefore, he could not grant it.

Mr. Nagel, who lives on the other side of Mr. Pumphrey also had no objection and he felt that this was an asset to the house and to the neighborhood.

Mr. Lamond moved to grant the application because it would appear that from 7 to 8-1/2 foot side setbacks prevail throughout the subdivision.

Seconded, J. B. Smith

For the motion: Mr. Lamond, J. B. Smith, T. Barnes

Against: Mrs. Henderson, and Verlin W. Smith

Motion carried.

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A letter from Calvary Presbyterian Church was read requesting continuance of the variance granted on March 20, 1956, which would permit an addition to their Church on Lots 2 and 3, Section 1, Penn Daw Village.

Mr. Mooreland noted that this is the third request for an extension.

Mr. Lamond said this group had had a great deal of difficulty with their finances, and he thought the Board should be lenient. He therefore moved to grant the extension for the usual period of time - one year.

Seconded, T. Barnes

Carried, unanimously.

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MILLER BUILDING SUPPLY CORPORATION, with regard to the time within which the building on this property should be torn down or removed, Mrs. Henderson stated that the Commonwealth's Attorney said that it would be difficult to place a definite time which would cover all cases, that it would be reasonable to move a small shed within a short time, whereas a brick building might take several months. He felt the time element was up to the judgement of the Board.

Mrs. Henderson moved that Mr. Miller be given 60 days in which to move his building.

Seconded, J. B. Smith

Mr. Verlin W. Smith thought Mr. Schumann or Mr. Mooreland should be consulted as to their policy in this. However, it was stated that Mr. Mooreland had indicated some time ago that he had usually allowed at least 30 days - when he had no definite instructions from the Board.

Mr. Verlin W. Smith thought this might be discussed with Mr. Pomeroy.

For the motion: Mrs. Henderson, J. B. Smith, T. Barnes.

Both Mr. Verlin W. Smith and Mr. A. Slater Lamond refrained from voting.

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The Board discussed a testimonial dinner for Mr. Brookfield and appointed Mr. Verlin W. Smith to work with representatives of other Boards or Commissions on which Mr. Brookfield had served, with the idea of formulating plans. Other members of the committee suggested were Mr. Keith Price, Lewis Leigh, Charlie Robinson, John Taylor, John Rust; Mrs. Henderson agreeing to take care of the invitations.

A tentative date of May 10th was set.

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The meeting adjourned.

Verlin W. Smith

Verlin W. Smith, Chairman