May 26, 1959

The regular meeting of the Board of Zoning Appeals was held on Tuesday, May 26, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, all members were present. Mrs. L.J. Henderson, Jr., Chairman presiding.

NEW CASES

1- NORTHERN VIRGINIA COUNCIL OF GIRL SCOUTS, INC., to permit erection and operation of a day camp, on northerly side of #672 approx. 1 1/2 miles west #674, Providence District. (Agricultural)

Mrs. Ertel and Mrs. Higgins represented the applicant. Mrs. Ertel stated that this property was deeded to them by Mrs. Crowell for a summer day camp. There is a house on the property which they have used for a number of years, not knowing that it was required to have a permit. A lodge, shelters, and an open pavilion are on the property. The permanency of retaining the property is contingent upon their using it for a summer camp; otherwise, if this use is abandoned, the property will revert to some other group. Last year 389 girls and 89 adults used the camp for day activities; 770 camped over week ends. Total number using the camp for the year, 2500 girls. There are 8000 girls in the council. This is not what is called a resident camp. It is used only for day camping and troop camping. The activities will continue the same as in the past.

Mr. Mooreland said he had not heard any complaints on this.

Mrs. Hanes, one of the neighbors, was present, stating they have no objections to the activities.

Mr. Lamond moved that the application of the Northern Virginia Council of Girl Scouts, Inc. to permit erection and operation of a camp on the northerly side of Rt. 672 approximately 1 1/2 miles west of Rt. 674 be approved as it does not appear that this would adversely affect the surrounding community and it is understood that the operations will not be enlarged from its present status. Seconded, Dan Smith. Carried unanimously.

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2- JACK COOPERSMITH, to permit building to be 35 feet from Evergreen Lane instead of 50 feet, part of Lots 21 and 22, Alpine, Mason District. (Rural Business)

No one was present to support this case. Mr. Lamond moved to put the case at the bottom of the list; seconded, Dan Smith. Carried unanimously.

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Mr. Mooreland said he had had an application for erection of a house on a 30 x 75 ft. lot. The house would be set back 5 ft. from each side. This is an old lot of record with less width and area than required by the Ordinance. He is allowed to grant a 7 ft. setback. Mr. Mooreland asked the Board if they would approve the 5 ft. setback. He identified the property as being back of Hillwood Avenue, South Gate. Mr. Lamond moved that the Board approve Mr. Mooreland's action in granting this small variance and that no formal application need be brought before the Board. Seconded, Dan Smith. Carried unanimously. This is granted due to extenuating circumstances.

Mr. Lamond asked if one could operate a lawn sharpening business on residential property on which he is planning to file a rezoning. This would be a temporary permit, just during the interim before the rezoning becomes effective. Both the Board and Mr. Mooreland agreed that no temporary permit could be issued.

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3- ROSE HILL DEVELOPMENT CORPORATION, to permit lots with less area than allowed by the Ordinance, Proposed Lots 2A, 3A, 4A, 5A, 6A and 69A Section 1, Rose Hill Park, Lee District. (Suburban Residence Class 2)

Mr. Morrell represented the applicant. He presented two plats of the section. When this section was recorded the Land Planning Office asked that they give a 10 ft. dedication to widen Telegraph Rd. Mr. Morrell said they agreed to that and another plat was submitted with the dedication shown and requesting building permits. They got the permits but when they were examined by the loan company they stated that they could not approve the loans because of this 10 ft. dedication, which, if ever taken up would reduce the size of the lots below the required area in this zone. They then tried to resubdivide the lots but the sewers had already been installed and there was not room to rearrange the lots. While there are the six lots affected, these lots will be in violation only when this easement is taken up. They have not made the dedication yet but will do so if this is granted. They have made loans before under similar circumstances without question, Mr. Morrell stated, but for some reason they are tightening up. Mrs. Henderson suggested making each lot a little larger and drop one lot. That would necessarily change the frontage of the lots on this street, Mr. Morrell stated and would not tie in with the other development. These lots are above the minimum now, to increase the frontage on this street would throw the subdivision out of line. These

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3-Ctd. are $21,000 houses, they are upgrading the area considerably, but it is not practical to upgrade it beyond a reasonable point, so as to be out of line.

Mrs. Henderson noted that the lots across the street from these are larger than these which Mr. Morrell has planned. That, Mr. Morrell answered, is dictated by topography. The larger lots are necessary. There were no objections from the area.

Mr. Morrell pointed out that this entire variance would include only about 680 sq. ft. The average of lot sizes in the three sections of Rose Hill will be approximately 13,870 sq. ft. after the 10 ft. easement is taken out. This is 1370 sq. ft. over the required average for this zoning, an overall 10 per cent above requirement.

Mrs. Henderson still felt that the 680 ft. could be absorbed and eliminate the variance.

Mr. Lamond moved to approve the application of Rose Hill Development Corporation to permit lots designated in this application with less area than allowed by the ordinance, due to the fact that Mr. Morrell has already dedicated 10 ft. for public street purposes and that this variance of from 90 to 105 sq. ft. would not adversely affect the remaining lots in the section and due to the fact that Mr. Morrell has produced lots which are over the required square footage in this entire subdivision and lots also with more than the required frontage. Seconded, Mr. Barnes. Carried.

For the motion: Mr. Lamond, Mr. Barnes, Mrs. Carpenter and Mr. Smith. Mrs. Henderson refrained from voting as she thought it would be possible to take out the end lot and divide that area among the remaining lots. Motion carried.

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4- SUBURBAN OIL CORPORATION, to permit erection and operation of a service station, and to permit pump islands 35 ft. from Rt. 123 right of way, S.E. corner Rt. 123 and Palmer Street, Providence District. (Rural Business)

Mr. Earman represented the applicant. They have discussed the possible widening of Rt. 123 with the Highway Dept. and have found that they have no plan for changing the present right of way in the foreseeable future. Mr. Earman pointed out that they have set the building back 83 feet from the present right of way and have located two pump islands, one of which can be moved at the time widening takes place.

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4-ctd. Mr. Smith thought the layout an especially good one, noting that the Gulf station on 123 has two pump islands, both of which are located 25 ft. from the right of way.

Mr. Earman pointed out that they had found it necessary to buy this entire property (1.616 acres) although only the front 200 ft. along Rt. 123 is zoned for business. They have no plans for the balance of the property.

Mrs. Henderson asked that the zone line be shown on the plats.

There were no objections from the area.

Mr. Lamond noted that the "proposed property line" on the plat which was indicated as a possible widening point for Rt. 123 should be treated as the present line and the island should take its setback from that point. They are using this 15 ft. strip for channeling traffic in other places, Mr. Lamond continued; it might very well be used here.

Since the State has been so changeable on Rt. 123 right of way and they have no plans for widening, Mr. Earman urged the Board to allow the island to stand as shown on the plat, with the assurance that they will move the island when the widening occurs.

Considerable discussion followed. Regarding the location of the building, Mr. Earman stated that it could go back further, but it would give them very poor visibility and it is not unlikely that they may want another pump island on the property. They have sufficient area. The widening may be many years off.

Mr. Smith moved that the application of Suburban Oil Company to permit erection and operation of a service station with pump island 35 ft. from Route 123 right of way on property located at the SE corner of Rt. 123 and Palmer St. be approved with the following condition that any time that Rt. 123 is widened or the existing property line is changed the nearest pump island should be at no time less than 35 ft. from the right of way. It is understood that any moving of the pump island will be done at the expense of the property owner. It is also understood that no other business may be carried on on this property except that of a filling station. There shall be no storage of trucks, trailers or similar vehicles. Seconded, Mr. Barnes. Carried unanimously.

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5- SUBURBAN OIL CORPORATION, to permit erection and operation of a service station, permit 20.5 feet from side line and permit pump islands 25 ft. from right of way line Rt. 236, N. side Rt. 236, approx. 250 ft.

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5-Ctd.

West of #699, Prosperity Avenue, Providence District (Rural Business)

Mr. Earman was asked to explain why he was asking the variance on the building when if it were located farther to the east the variance would not be necessary. This was done so cars can drive in directly to the bays; the curbs are already cut, Mr. Earman answered.

Mr. Smith suggested that because of the lack of depth of the property is is only 111 ft. the applicant should revert to one pump island; that would allow the building and pump island both to meet setbacks.

The zoning to the rear is commercial, Mr. Mooreland noted, to the West is a part of Little River Pines still unsubdivided and to the east is commercial. The setback on the west (because this is a filling station) should have an additional 25 ft. making it 45 ft. from the property line, Mr. Mooreland continued.

The Board went into further discussion attempting to eliminate the need for the side variance. Mrs. Henderson noted that if the building were moved to the east of the lot it could even be located on the property line since this is joined by business zoning. The building could be reversed so the bays would be on the east of the building she suggested.

Mr. Earman claimed that would destroy the feasibility of operation and the continuity of the balance of the layout. A left-handed building has proved impractical, he stated.

Mr. Pites from Little River Pines Subdivision presented an opposing petition signed by 26 persons.

Mr. Earley spoke against the granting of this, saying there is no need for this development, for the reasons that it would depreciate property values. This is a dangerous location. There are too many entrances to Little River Pike already. They do not object to the store, but they want no expansion of commercial facilities. (However, it was noted that the tract is zoned for business and many other uses could operate without a special permit.)

Mr. Berle, read a letter written to him from the Secretary of the Wakefield Forest School PTA opposing this use. They were concerned over the safety of the children.

Mr. Payne recalled that the Norfolk Store immediately adjoining has had pumps for many years. However, he thought another business such as an ice cream stand would have much more appeal for children than a filling station.

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5-Ctd. Mr. Smith moved that the application be deferred until June 23 to give the applicant an opportunity to work this over and come up with a layout that is acceptable to the Board. The Board does not feel that it can grant the present proposal. Seconded, Mr. Lamond. Carried unanimously.

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6- ALBERT W. LOUGHRIE, to permit resubdivision of lots as proposed, Lot 89 and part of Lots 1 and 88, Annandale Acres, Mason District. (Rural Residence Class 2)

Mr. Loughrie explained the background of this property division. In 1946 a house was built on Lot 89. Subsequently an addition was put on in 1954. Later in that year a permit was taken out to build a house on the rear of Lots 88 and 89. (This lot is presently called 89A) At that time the lot was probably not surveyed; it was simply one piece of property with two houses on it. It is now planned to separate the property into individual lots. While the present zoning requires ONE acre lots, Mr. Loughrie pointed out that all the lots in the subdivision near this property are approximately 1/2 acre. To the north are lots of 15,000 sq. ft. and Crestwood is developing across Backlick Road on 10,000 sq. ft. lots. On that basis, Mr. Loughrie continued, it would not be illogical to put these lots into from 24 to 26,000 sq. ft. All would have more frontage than required on 1/2 acre lots. However, it was noted that this is actually a matter of zoning although this is an old subdivision.

Mr. Lamond moved to defer the case until June 9 to view the property. Seconded, Mrs. Carpenter. Carried unanimously.

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7- MARTIN & GASS, to permit erection of building 25 ft. from Old Lee Highway #744 and 10 ft. from side line, east side #699 between Old Lee Highway and Lee Highway, Providence District. (Rural Business)

Mr. Don Wilkins represented the applicant.

Mr. Wilkins described the triangular piece of ground which faces on Lee Highway, U.S. #211 and Old Lee Highway, Rt. 744 and Ilda Rd., Rt. 699. The owners of this property have produced a layout which will make the best use of this ground and will cause the least hazard to the traveling public, Mr. Wilkins went on.

The equipment building would be set back from 25 to 27 ft. from Old Lee Highway with the parking space in front of the building with restricted entrance into Rt. 744. By granting this setback, it will enable the applicants to at some future date locate five store buildings along Lee

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7-Ctd. Highway well back from the right of way. This will also provide parking space for 52 cars with a ratio of 2+ to one.

Mr. Wilkins said, in his opinion that this would not set a precedent for future requests for reduced setbacks as this property has a most unusual topography, being bounded by three roads and triangular in shape. It is the most economical use of the land and is not in conflict with good planning practices. Mr. Wilkins also pointed out that the present office building and the proposed equipment storage building face on Ilda Road and not on Old Lee Highway which has the effect of creating a side line variance and not a road frontage variance.

Also it was pointed out that by locating the equipment storage building in this location it is well screened from Lee Highway.

The plan is worked out with two entrances on Lee Highway and two entrances on Ilda Road which is a little traveled secondary road which minimizes entrances insofar as possible; the equipment building is well screened from Lee Highway and the land is planned with adequate on site parking, this, Mr. Wilkins contended, would appear to be a logical development and in keeping with the area.

Mr. Lamond moved that the application of Martin and Gass to permit erection of a building 25 ft. from Old Lee Highway and 10 ft. from the side line be granted. Seconded, Mr. Barnes. Carried unanimously.

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8- BRIAN CONSTRUCTION, INC., to permit erection and operation of a swimming and recreation club, part of Lot 7, 10 and 11, Hickory Hall Estates, Falls Church District. (Rura. Residence Class I)

Mr. William Kagan represented the applicant. After presenting his letters of notification to adjoining and nearby property owners, Mr. Kagan showed renderings of the elevations and the type of construction he proposed to put on this property. Mr. Kagan also filed with the Board a copy of the letter he had sent to people in the area explaining the type of development he proposes.

This is a non-profit organization, Mr. Kagan stated, with a limited family membership. It will be developed as a Cabana Club in luxury style. There is nothing like this development in the County, Mr. Kagan continued; they will have three swimming pools, one 50 x 100 with a depth of 3 to 8 ft.; one 30 x 50 ft. pool with a depth of from 4 to 12 ft.; two diving boards; and one pool 10 x 30 ft. with a depth of 12 to 18 inches. Surrounding the pool area would be a large apron of concrete

8-Ctd. for sun bathing and fringing the entire pool area would be a series of nine cabana buildings containing fifty lockers for each building; a snack bar restaurant would be located in another building, also ladies' and men's rest rooms.

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They also plan three regulation size tennis courts and a children's play area with ping-pong tables and shuffleboard. All of this will be surrounded by a perimeter of trees and the entire property will have a 7 ft. anchor fence with an entrance gate so the property will be adequately protected. The cabanas will be placed among the trees; each will be a different pastel color. The landscaping will be natural and will be spacious, yet all will be immediately accessible. They will provide ample storage space for chairs and equipment when the club is not in use.

They plan to have a membership of 500 families at $400 pr. share, one membership to a family with annual dues of $50 per family. This would entitle each family to one locker and one sun chair. This will result in a yearly income of $25,000; they estimate expenses at approximately $12,600 to $13,000 per season. This will give sufficient income to take care of current expenses and allow for expansion of facilities.

Mr. Kagan said he did not go about with a petition, he wanted to explain this to the people in an honest and impartial way. He therefore sent out the letter which he had presented to the Board along with his letters of notification of this hearing. He sent out return cards with these letters and had had a very large and enthusiastic response. He could not see where this would have anything but an advantageous effect on the neighborhood as it will be done up in excellent style and it will fill a great need in the County. He will build homes in the area for speculative sale.

The Board members asked about the Allshouse property which divides this property except for a 25 ft. easement.

Mr. Allhouse had bought here knowing of the project Mr. Kagan said. He read a letter from Mr. Allshouse in which he stated that he considered this a "wonderful community establishment."

Mr. Kagan showed a plat of the original subdivision which he explained he could not subdivide on the size lots required because of the expense of development costs on one half acre lots.

Mr. Kagan showed pictures of expensive homes adjoining another Cabana Club, indicating that the area was not depreciated by the Club. It is his plan to do the leg work in getting this established under way, then turn it over to a non-profit organization. He will pay the expenses

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8-Ctd. of operation until such time as the corporation goes into effect. When this is turned over to the Board of Directors, he will retain only his membership.

Mr. Allshouse stated that in his opinion during the time of construction and in the early steps of development this project may have some depreciating effect, but he was willing to take that risk. He recalled other clubs which went through a short period of depreciation but in the long run had developed into very fine areas. He thought the same thing would happen here, with the undeveloped land.

The Chairman asked for opposition.

Mr. William Bennet stated that they own part of Lot 6 and would be 50 ft. from this project. He read a prepared statement detailing his opposition that Hickory Hall is an area of large tracts suitable for comfortable, wholesome family life with spacious vistas uncluttered by commercialism; there are 33 homes in Hickory Hall Estates; this project would be central to this area. It would disrupt the community with increased traffic, noise and confusion, crowds of people swimming, dancing and parking; intense lighting, signs, and would detract from the appearance of the community as well as create safety hazards.

People bought here for the rural and residential character of the neighborhood. Smaller lot sizes have continuously been rejected by the Board of Supervisors; this would depreciate investments; Mr. Bennet questioned if there are sufficient families in the neighborhood to support this club. Therefore this club would have to draw from outside areas, adding to traffic, destruction of quiet now existing in the neighborhood and resulting in a blighted area. This is not a community club; it appears to be poorly disguised as a commercial undertaking. It is a rank departure from land use in the area; from the cost of membership and the number expected to join the club it would appear to be a profit making venture for the construction company that is sponsoring it. Estimates on depreciations have been set at from 15 to 20 per cent, resulting in a loss value to the County of approximately $99,000. If this is granted, it should result in a re-evaluation on residential property in the area. If the land is developed with good homes it could raise the tax level of the County considerably. The Board of Zoning Appeals refused to allow a nursery school on part of the property. They desire to preserve the residential character of the area and maintain their property values.

8-Ctd.

It was noted that while the parking area was supposed to be designed for 250 cars, it would not hold more than 150, which would not appear to be sufficient.

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The following letter from Greater Holmes Run Park Citizens Association along with an opposing petition containing 74 names was presented to the Board:

Mrs. L. J. Henderson, Jr., Chairman
Fairfax County Board of Zoning Appeals
Fairfax County Office Building
Fairfax, Virginia

Dear Mrs. Henderson:

As President of the Greater Holmes Run Park Citizens' Association, I wish to voice the objections of numerous members of the Association to the erection and operation of a swimming and recreation club in Hickory Hall Estates, Falls Church District. These members will be seriously inconvenienced by the nuisance of such a gross intrusion into a residential area.

All meahdsats who are interested in swimming already have two swimming pools with other recreational facilities available to them in this area and I understand there is a pool in Broyhill Park which is the community on the other side of Hickory Hall Estates. Therefore, a fourth pool would most likely be forced to attract a substantial number of non-residents and in so doing might well become a public hangout of great detriment to the community.

(S) Carl M. Skonberg, President"

A letter from Mrs F. D. Giambattista opposing this use was read.

Mr. Halverson supported Mr. Bennet in his opposition, also Mrs. Fisoni and Mrs. Kerns.

All of these objections were contained in Mr. Bennet's presentation: the desire to maintain the residential character of the community; objection to attraction of members of other localities; the depreciation of property values; and the fact that this is not a community sponsored club, and there is no further need for a pool club to serve this area.

Mr. Kagan waived his right to rebuttal, saying he was sure the Board was well aware of the facts and would render their decision accordingly.

A report from the Planning Staff stated that if this property is divided again, it will necessarily come under subdivision control.

Mr. Mooreland recalled the granting of a pool-club, sponsored by the developer in Rose Hill which was set up on much the same basis as this one. The situation resulted in the formation of a second community swimming club since the one planned by the developer did not conform to the wishes of the community. He thought the same danger might arise here, since the community appeared to be opposed to the establishment of this. The idea is good, Mr. Moreland continued, if it works, but if it does not, problems arise.

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8-Ctd. Mrs. Henderson objected to the lack of Articles of Incorporation and a definite plan of how the club will be turned over to a permanent corporation which will operate under a Board of Directors.

Mr. Kagan answered that if this is granted he will put this in the hands of an attorney and have the Articles of Incorporation drawn up for an immediate transfer.

Mrs. Carpenter moved that this application for permission to erect and operate a swimming and recreation club be denied because in the opinion of the Board it will adversely affect the use of neighboring property, there appears to be adequate recreation facilities in the area, and it does not appear that sufficient parking has been provided. Seconded, Mr. Lamond. Carried.

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9- EDWARD J. BARRETT, to permit erection of a carport within 4 feet of a side line, Lot 34, Section 1, Belvedere, Mason District. (Suburban Residence Class 3)

Mr. Barrett showed pictures of his property which indicated that there is a steep slope in the back which would make it impossible to locate a carport behind the house. Also he showed two trees which he wishes very much to retain, and which would have to be removed if the carport is pushed to the rear. The neighbor on this side has no objection. Mr. Barrett considered topography to be his hardship.

Mrs. Henderson observed that granting this would encourage many others in Belvedere to ask the same variance, but Mr. Barrett answered that topography is not a consideration in most of the other homes in Belvedere. The great majority of homes are on reasonably level land.

Mr. Mooreland called attention to the fact that these houses were built under Suburban Residence Class II zoning but the area has now been put in Suburban Class III classification which makes a difference of 5 ft. in the side setback.

If the carport is moved to the other side of the house where it might be possible to locate it the arrangement would be awkward as that is the bedroom side and they would not have convenient access to the carport.

Mrs. Henderson recalled that much of Belvedere is hilly; she thought the topography was not peculiar to this lot, and the only hardship Mr. Barrett has presented is topography and the location of trees.

Mr. Lamond made other suggestions for location of the carport, none of which Mr. Barrett thought practical. It was observed also that the plat was not to scale, that the proportions were out of line, therefore

9-Ctd. Mr. Lamond moved to defer the case until June 9 for the applicant to try to work out a better plan of location for the carport with less variance and for the applicant to present plats which would give the complete picture of the situation; seconded, Mr. Smith. Carried unanimously.

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10- RANDOLPH LEE KNUPP, to permit erection of dwelling 45 feet from Johnson Avenue, Lot 51 and 52, Ratcliffe, Centreville District. (Rural Residence Class 2)

The house faces Pickwick Street with one side toward Johnson Avenue, Mr. Knupp explained. He wants the breezeway attached to one side of his house and by doing so if he meets the setback, it would reduce the setback from Johnson Avenue by 5 feet. The breezeway is planned especially for a place more or less apart from his home where he can bring the boys from his school (he is a coach at McLean High School) for meetings and discussions.

Mrs. Henderson suggested turning the house the long way of the lot facing Johnson Avenue. While that is possible, Mr. Knupp answered, Pickwick Street is paved and the logical entrance way, while Johnson Avenue is not yet cut through; entrance from that street would be almost impossible. He could not change the plan of the house in any way as this is a ready cut house and is not subject to changes.

This is an old subdivision, Mr. Mooreland told the Board, and while Johnson Avenue is dedicated it may never be built. These buildable lots have been created by putting two lots together. In view of that some of these side streets may never be cut through. All of the lots on Johnson Street are part of lots that face on another street, therefore it may never be necessary to use this street.

There were no objections from the area.

Mr. Lamond suggested giving a 5 ft. variance on the carport side; this would allow a 50 ft. setback from Johnson Avenue. This was agreeable to Mr. Knupp. Mr. Lamond moved to grant the applicant a 10 ft. setback on his carport side of the house (opposite Johnson Avenue) which would allow for a 50 ft. setback from Johnson Avenue; seconded, Mr. Smith. Carried unanimously.

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DEFERRED CASES

1- I. AND HILDA KATZ, to permit erection of an office building on property line of Elm Street and 13 feet from Electric Avenue, Lot 6, and part Lot 5, Block 4, Ingleside, Dranesville District. (General Business)

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Mr. Katz had asked the Planning Commission for a deferrment on this. Mr. Lamond moved to defer the case until the Board has a report from the Planning Commission. (Defer indefinitely) Seconded, Mrs. Carpenter. Carried unanimously.

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2- SHELTERED OCCUPATIONAL CENTER OF NORTHERN VIRGINIA, to permit operation of a vocational guidance center and occupational training and mentally retarded and handicapped children, property at south intersection Route 694 and Route 684 at Odricks Corner, Dranesville District. (Rural Residence Class II)

The applicant asked that this case be put over until Mr. Knickmeyer arrived. Therefore the Board went on to the next application:

3- ARLINGTON AUTO BODY COMPANY, to permit operation of an auto repair and body shop, Lot 10, Section 1, Dowden Center, Mason District. (General Business)

Mr. Leoni represented the applicant. This was deferred to work out a better situation on the parking. Mr. Leone thought he could do no better than what his original plan showed. He felt that the parking he has shown is sufficient both for employees and customers. They can use all of the other vacant land they wish, until he builds on it, Mr. Leone stated. He offered to guarantee off-street parking, no matter what he builds on the property.

But, Mrs. Henderson objected, there must be land to go along with the building to show adequate parking; that must be a part of the lease. The Board must have a plat designating that parking space and know that it is sufficient.

Since the land is subject to further development, unless this area is set aside in definite terms, with the parking indicated, the Board felt that it could not go along with the statement that the open land can be used with no limitations on the leased land and the area that will be put to some other use. The land is available now, but when Mr. Leone builds there may not be enough parking space for both businesses. Also the possibility of Mr. Leone selling the property was discussed. Mr. Leone cited others who do not provide off-street parking; he did not think it necessary for him to do so. Some have built on 75 ft. lots

3-Ctd. It was recalled that this parking situation was to have been discussed with Mr. Schumann. The two had not gotten together, therefore Mr. Lamond moved to defer the case for two weeks for Mr. Leone to discuss this with Mr. Schumann; seconded, Mrs. Carpenter. Carried unanimously.

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4- JOHN C. AND NORMA HARLAN, to permit erection of warehouse 25 feet from Center Street and 14 feet from Moncure Avenue, part lots 17 and 18, Section 1, Dowden Center, Mason District. (General Business)

Mr. Roy Swayze represented the applicant. This case was deferred for the applicant to revise his plans to more nearly conform to requirements. Mr. Swayze presented a plat showing the 35 ft. setback from Center Street. By placing the building parallel to Moncure Street it would allow a 20 ft. setback. By revamping the building to the parallelogram shape, it will give the same amount of workable space, Mr. Swayze explained and will encroach only 15 feet on Moncure Avenue.

Mr. Mooreland thought the parking insufficient. Since they will have only four employees and this is not a business where people come and go, Mr. Swayze insisted that the parking would be adequate and they could use the 20 ft. setback on Moncure Street for parking also.

Mr. Swayze and the Board still could not get together. Mr. Swayze said they had tried in every way possible to reduce the variance needed and still get a practical building and the Board was not willing to grant such a variance. On a traveled street, one which was carrying any considerable amount of traffic, Mr. Swayze said he would not ask for a variance. But this street is little used and probably never will be an important street, and it did not appear logical not to allow this man a full use of this land.

Mr. Lamond moved to deny the application saying such a variance is not within the jurisdiction of the Board and that the applicant must comply with the ordinance; seconded, Mrs. Carpenter. For the motion: Mr. Lamond, Mrs.Carpenter and Mrs. Henderson. Against the motion: Mr. Barnes, and Mr. Smith. Motion carried to deny.

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5- RICHARD FERRANTI, to permit operation of kiddie rides through the month of September 1959, N.W. corner of Bland St. and Brandon Ave. (Lynch shopping center)Mason District. (General Business)

Mr. Ferranti said he had been operating here for about eight weeks. This is a temporary thing, until Mr. Lynch builds his stores which will probably be September 1959. Mr. Ferranti said he works with

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5-Ctd. the merchants in Springfield and they are all in favor of his continuing and as far as he knew there was no objection to his operation.

A letter was read from Mr. Ragland, property manager of the Lynch property, stating that the Lynch Brothers have no objection to this; people like and want it in the community.

Mr. Mooreland said he had had no complaints regarding this.

Mr. Lamond moved that the Board approve Mr. Ferranti's application for a permit to operate kiddie rides project through the month of September 1959; granted to the applicant only. Seconded, Mr. Smith. Carried unanimously.

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2- SHELTERED OCCUPATIONAL CENTER OF NORTHERN VIRGINIA (Description on page 13)

Mr. Frank B. Helman, Coordinator for Special Training for the Arlington County School System, discussed the case in the absence of Mr. Knickmeyer, Chairman of the General Organization Committee. (Mr. Knickmeyer came to the meeting later in the hearing)

Mr. Helman gave a resume of the aims and plans for this center: These centers are established for the purpose of providing facilities to meet the needs in the community. Their main purpose is to train handicapped people in such a manner that they may take their place in the community both by making a living and in social adjustment. They will provide guidance and education toward certain skills within their scope. If they are able to produce certain articles which will sell the proceeds will come back to them in the form of wages.

This center is under the sponsorship of three jurisdictions: Alexandria, Arlington and Fairfax Counties. Other interested civic clubs will help. They are under the State Department of Rehabilitation. This is a center for young people under 16 who cannot benefit further from the public schools. It will be under the supervision of people who are tolerant and understanding and it is the aim of the center to aid them in becoming a part of the community. Whatever profit may be realized from their work is secondary.

Mr. Helman said they had looked all through Fairfax County and Alexandria for a location and this seemed the most reasonable place. The building is ideal for their purposes. No houses are close within the area; it will be necessary to put in modern facilities but it would require very little remodeling inside the building.

There is nothing like this in the area, Mr. Helman went on, these young people need these facilities badly. Very often they can be helped to

2-Ctd. become self-supporting; it can be a means of keeping them out of State institutions. They hope to make contracts for such things as folding, stapling, wrapping coat hangers and the like. These people cannot be helped by the public schools; this takes the form of adult education. It is an earnest effort to fit these handicapped people for a life that will make them useful to the community and give them surroundings and work which will give them a certain degree of belonging and serving. Handicapped individuals are found in all walks of life and within any type of family; it is a thing that could happen to anyone; it is a community and a state problem.

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They can meet all health anf fire restrictions; they plan to landscape and beautify the grounds which will no doubt enhance the entire community. Mr. Helman showed an aerial map indicating the location of homes within 400 ft. intervals. The map disclosed that there are very few homes within a radius of 800 ft.

It was recalled that this hearing was deferred from the previous Board of Zoning Appeals meeting in order that Mr. Swayze might complete his survey and study for those in opposition. Mr. Helman said they had met with Mt. Swayze and explained the nature of the training center. The center will be conducted on a regional basis; it is non-sectarian, non profit, and is open to any individual who is handicapped who can qualify and who can profit from the facilities. They would operate from 9 to 4 five days a week. Their facilities will accommodate between 50 and 60 pupils.

This center would be directly under the three jurisdictions all of whom are members of the National Association for Retarded Children. While they contribute a certain amount of money to the National Association they are not helped by them in any way. There will be a tuition and scholarships, approximately $50.00 per month tuition. Certain organizations and groups within the three jurisdictions will be concerned with the scholarships.

This is not yet under United Givers Fund; they have applied to become a member and hope to be accepted within a year. They must demonstrate first their own ability to raise a certain amount of money and hope to be able to meet that next year.

As to transportation, Mr. Helman said that was dot definitely settled yet; it would probably be up to the parents.

No articles will be sold on the premises. Whatever work is done by those in attendance will be taken to the firm or individuals for whom the work is done and sold. These profits will come to the individual

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2-Ctd. workers; the center itself will be supported by the three jurisdictions and from their fund drive.

Mr. Carl Knickmeyer, Chairman of the Organization came into the room at this time. In describing the setup of this center, he told the Board that the Board of Directors is elected by the membership of the Corporation. (There is a $10.00 fee for membership) There are from 15 to 25 Board of Directors, who will come from service clubs and business people. The Board will manage the finances and direct the money drives. Mr. Knickmeyer went back over many of the things covered by Mr. Helman. Mrs. George Hoffman spoke in support of the center, saying in her opinion the location is ideal.

The Chairman asked for opposition which responded in the person of Mr. Roy Swayze representing the community. Mr. Swayze said his group have nothing but admiration for Mr. Knickmeyer and this association and after the meeting with them the people in the community were deeply impressed with the worth of this venture. The opposition is not to the project itself but only to the location of it.

Mr. Swayze pointed out that this request is being heard under Section 6-4-15 of the Ordinance, but Mr. Swayze argued, this project has no semblance of being a school. This organization is providing a place where retarded people can find a place to work. They obviously cannot go out and compete in the business world; therefore this serves an employment center. However good it may be, Mr. Swayze contended, it is a place of employment. It has no course of study, no curriculum, no formal instruction; it is the same as any other work shop. The only difference is that these people are defective. No one would attempt to conduct this thing for people who are not retarded, therefore, why because of the charitable character of this work should this kind of project be allowed in this area?

There are no teachers in this center, only supervisors. The word "school" does not imply that sort of organization. People go to school to study either a vocation or other things. A person could start here and go on the rest of his life. It is a fine thing for these people, Mr. Swayze continued, but the case is not presented under any section of the ordinance. No place in the ordinance is it covered and therefore the Board has no basis for granting the use. Mr. Swayze referred to the "benevolent organization" amendment of 1956 which this might have been applied for, but contended that it does not meet any of the requirements of that amendment of the Ordinance.

2-Ctd. It is up to the Board to say under which section of the Ordinance they wish to consider this, Mr. Mooreland stated. The Board has the jurisdiction to consider this under "general welfare" he concluded.

Mr. Swayze disagreed with Mr. Mooreland on this. He pointed out in detail how the request cannot meet requirements under either section of the ordinance under which it could be filed.

Mrs. Henderson stated that in her opinion this is no different from many types of schools. The people are being taught something so they can make a living, or simply being instructed in certain types of skills. That could be compared to a nursery school.

These people are being taught activities of daily living, Mr. Helman suggested; the many activities are under the guidance of the State. Many of those who have attended these centers have been placed in positions where they can make a living and take their place in the community. They can acquire simple skills that are needed in all communities. The ultimate aim of the project is to adjust them to life, however, there is no bar against people who cannot be absorbed in an outside life. Those people can work here.

That is their claim, Mr. Swayze agreed, that those people can stay here for all time and work. Again he stated that the Board has no jurisdiction to grant such a use, showing where the use does not come within any section of the Ordinance. (This cannot meet setbacks, plans have not been submitted for drainage nor off street parking, no study of flood plain areas to provide for proper drainage, no plans and designs are submitted to the Board for approval)

Mr. Swayze discussed at length the two sections under which this case may be filed since it appears to be a borderline case between a "school" or a "benevolent organization" the final answer could be had only by decision of the court.

Surely this center does not wish to come in here if the people do not want them, Mr. Swayze insisted. This is an old established colored community. They have lived here unmolested over a period of many years and have built up a community spirit which is very fine and very active. They feel that this project, immediately across from their church and from the acreage they have recently bought for community purposes would be detrimental and disrupting to their way of life.

Mrs. Delaney Weaver presented an opposing petition to the Board, representing Odricks Citizens Association. She read a letter from the Association opposing the use because such an institution would have a

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2-Ctd. bad psychological effect upon people in the community; it is contrary to wishes of the people who are striving to maintain a residential area; it would be of no service to the community; it would cause friction in the community and would depreciate property values.

Reverend Roger Bush spoke in opposition, presenting a petition from members of the Shiloh Baptist Church, which stated that an institution of this type would not be wholesome in the community and they objected to it being located across from the church and their recreation center. People have invested in their homes which they hope to be a permanent place to bring up their children; this institution with people who are mentally defective would have an unhappy effect upon their young children. They have 288 people on their rolls at the church.

Mr. B. F. Weaver, resident of the area and developer of homes, showed pictures of homes he had built and which are occupied by many present in opposition. He claimed that there are 40 homes in the area which this project would affect. There are 14 homes within the 800 ft. radius. The community within 1/2 mile of the church is developed with nice homes ranging to $25,000.

Mr. Weaver said he was interested in building for his people and helping to better their situation. He pointed out that his people are restricted in where they can live; they cannot abandon an established community and move elsewhere. He wished to do everything he could to help maintain what they have.

Mr. Swayze presented three opposing letters to the Board: from Mrs. Hall who lives nearest to this property, and a letter from the Elgins and Edna Wollridge.

Mr. Swayze objected to the fact that this location is not near the center of the area it will serve. While he realized that this place is offered to this organization without rent he thought the location illogical. He asked the Board to protect the interests of these people who are limited in their choice of a community.

Mr. Knickmeyer told of the friendly meeting with these people and stated that they had no desire to take anything away from them. He pointed out that there is no danger in these mentally ill people, they do not mature to that degree. Those who have any tendency toward violence are not admitted and if violence develops they are taken away. Mr. Knickmeyer said he could not see where this service to these people is foreign to Christian undertaking; this is a godly act and should be so considered as it has a common purpose with the church.

2-Ctd. Asked if they would fence the property, Mr. Knickmeyer said they would. They will have two instructors, the doctor and the assistant. Eventually they would have a psychiatrist. They could grow to about 70 but would start with 40. If expansion grows beyond 70 they would need another location. Aside from the doctor and the assistant the other help will be volunteer people from clubs, schools and organizations. They will serve no lunches. Pupils will bring lunches and prepare small things, soup, salads and soft drinks. That would be part of their training.

020

Mr. Smith asked how these people are admitted.

Mr. Helman answered that each person would be screened by a board comprised of a physician, psychologist, phydiatrist, an educator and others who will be able to evaluate the capabilities of these people.

Asked if the project would be integrated, it was stated that this is a private organization over which the state has no control over race but that the charter does not prevent integration. As to social activities, they would have a Christmas party and small amusements, nothing noisy. It was noted that these people always have adults with them because their intelligence is limited and they need care.

Mr. Smith asked if there was any possibility of the applicant and the opposition getting together.

If they were not so close, Mr. Swayze thought, yes, but across from their recreational area in the center of this community, he was afraid not. If they were farther away the church would be glad to hold services for them, but the people do not want it so close and they wish to keep their community purely residential in character.

Mr. Weaver said he felt so strongly about that that he would be willing to give these people a piece of property he owns near Burke rather than have them in this community.

Mr. Mooreland complimented Mr. Weaver on his dealings with his office saying he had found Mr. Weaver to be consistently honest and cooperative.

Mrs. Katherine Davis stressed the need for such an institution to help those handicapped people to help themselves, their need for understanding and guidance. She commended the applicants for their unselfish contribution to this fine work and told of the help other centers have given to these unfortunate people. Mrs. Davis pointed out the fact that these handicapped people are just as fine and sweet as any other human beings; they are just in need of more help. She told of the efforts of public schools to establish this same type of service.

Marshall Gorden spoke asking the Board to deny this case.

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2-Ctd. Mr. Barnes spoke saying he was sure he was expressing the feelings of the Board in saying that they had the deepest sympathy with these rehabilitation efforts of the applicants to give handicapped people a useful purpose but he felt that people from this community have brought out certain facts such as the limited amount of property available to them. Mr. Barnes said he knew this community and it is a good area of good homes and the people take a serious interest in their community. He felt that this is not the right place for this project; therefore he moved that the Occupational Shelter as applied for be denied. He went on to suggest that if Mr. Weaver wishes to give the property he owns in Burke to these people that they make an effort to work out something on that ground. He thought that might be a far more suitable location. Seconded, Mrs. Carpenter.

Mr. Knickmeyer asked to withdraw the case before the vote was taken. Mr. Swayze objected.

The motion to deny carried unanimously.

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No one was present to support the Jack Coopersmith case. Mr. Lamond moved to defer the case until June 9. Seconded, Mrs. Carpenter. Carried unanimously.

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Mr. Mooreland recalled to the Board the case of Mrs. Llewellyn which was granted by the Board of Zoning Appeals on April 28 and was granted in accordance with plat presented with the case. They find now if they locate the building according to the plat it will be in the middle of a swale. He asked the Board if he may approve the permit if the house is relocated. Mr. Lamond moved that the change in house location as suggested by Mr. Mooreland be approved. Seconded, Mr. Barnes. Carried unanimously.

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Colonel Townsend had questioned the 100 ft. at the rear of the property in the Poladian case which was heard by the Board on April 28. Mr. Mooreland asked if the motion meant "100 ft. from the rear property line," that no activity should take place within that 100 ft. The Board agreed that that is so.

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Mrs. Henderson announced the annual meeting of the Virginia Citizens Association on June 18, 19 and 20 at Danville. Reservations should be made through Mrs. Lawson.

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May 26, 1959

022

Mrs. Henderson read an opinion of the Commonwealth's Attorney regarding conditions attached to special exceptions granted. This opinion had been requested from Mr. Fitzgerald in response to a letter to Mrs. Henderson from Mr. Burnett of the Springvale Citizens Association.

"May 25, 1959

MEMORANDUM TO: Mrs. M. K. Henderson, Board of Zoning Appeals

IN RE: Conditions Attached to Special Exceptions Granted

In response to your question concerning the attaching of conditions to exceptions granted under Sections 6-4(a), 15, I refer to my previous opinion contained in a letter to Judge Hamel, which is set forth in the minutes of the Board of Zoning Appeals of February 14, 1956.

It is my opinion that the attachment of such conditions does not void the granting of the permit but makes the condition attached unenforceable.

In a case where a use in the opinion of the Board should not be granted because of its effect upon surrounding properties as the application is presented, it is my opinion that the applicant should be advised that the proposition is unacceptable because of whatever reasons make it so. The applicant would then be required to amend or correct his application so as to remove the objectionable features, in which event, the application could be granted exactly as shown and presented by the applicant. I believe this would accomplish the same protections as are sought by the Boards' attaching conditions.

In the matter of the Legion Post #176 application, it would appear from our conversation that the applicant actually presented the matter of the screening as part of its application, although the permit granted makes it a condition. Inasmuch as this permit is coming back to the Board for renewal if the Board sees fit to renew the permit, this problem could be corrected at such time by having the applicant present an application with a plan showing exactly what is proposed to be done in the way of screening, etc.

(S) Robert C. Fitzgerald, Commonwealth's Attorney"

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The meeting adjourned.

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

June 9, 1959

The regular meeting of the Board of Zoning Appeals was held on Tuesday, June 9, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse, all members present. Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

NEW CASES:

1- CONGRESSIONAL SCHOOL OF ARLINGTON, INC. to permit operation of a day camp, on southeast corner Route 237 and Scheurmann Road, Providence District. (Suburban Residence Class 2)

Mr. William Johnston appeared for the applicant, recalling that the Board had granted the applicant a permit to operate a private school on these grounds in 1957. They now wish to operate a day camp for the summer only. This will be a very limited activity, pony rides for the small children and planned play. The camp will operate from 12:00 until 3:00 five days a week, and from 9:00 to 12:00 on certain other days. They will have about 250 children; however, not all will be on the grounds at one time.

Correspondence between the Department of Public Works and Mr. Johnston was read, especially regarding installation of plastic pipe, the use of which Mr. Johnston said they had abandoned. All utilities will be available to the property.

There were no objections from those present.

Mr. Lamond moved that the application of Congressional School of Arlington to permit operation of a day camp be granted on the 27 acres located at the southeast corner of Scheurmann Road and Rt. 237 for temporary operation running from June 14 to August 31, five days a week. Seconded, Mr. T. Barnes. Carried unanimously.

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2- MELPAR, INC. to permit extension of building and parking area, 3000 Arlington Blvd. (44.0725 acres) Falls Church District. (Suburban Residence Class 2)

The Chairman read a letter from Mr. Schumann requesting deferrment of this case until June 23 for further study. Mr. Smith so moved; seconded, Mrs. Carpenter. Carried unanimously.

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3- FALLS CHURCH GOLF CLUB, INC., to permit operation of a golf course, N. side Lee Highway, approx. 1000 ft. W. of Mary Street, Providence District. (Suburban Residence Class 2)

3-Ctd. Mr. Roy Swayze represented the applicant. Mr. Fred Botton, the applicant and operator of the present driving range on this property was present also.

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The property was located as being part of the Shockey Estate and immediately westerly adjacent to Oak Hill Restaurant.

Mr. Swayze presented a statement acknowledging receipt of notice of this hearing and signed by thirteen people living within the immediate neighborhood and on adjoining property, all saying they desire to see this application granted. Also Mr. Swayze presented a statement from Mrs. Ruth Nicholson, owner of the property and also owner of Oak Hill Restaurant, agreeing to this use.

This is a 59 acre tract, Mr. Swayze stated, part of which is now used for the driving range. It does not adjoin anything in particular other than undeveloped land. The ground is rolling, especially adapted to development as a golf course. A subdivision to the south dead ends into this property. The use would not adversely affect anyone. The people in the area want it as they think it would substantially improve the neighborhood.

This will be a regulation nine-hole course operated by a membership corporation. The profit will revert to the Club. A club house will be constructed near the first tee. Mr. Swayze made it plain that the Oak Hill Restaurant is entirely separate from this operation.

Mrs. Henderson called attention to the fact that the plat was not complete in that it did not show the location of the creek running through the property nor the location of the adjoining restaurant. She thought the board should have a better picture of what is on the property.

The Board generally agreed that a golf course is a very desirable use and that it almost invariably enhances the value of surrounding property. Mr. Botton said he had 350 ft. frontage on Lee Highway exclusive of the restaurant property, however, it was observed that the plat did not indicate that. It was not plain to the Board whether or not the frontage would provide safe ingress and egress, nor just how much of the frontage on Lee Highway belongs to the applicant.

Mr. Lamond moved to defer the case until later in the day in order that the applicant might contact the engineer and bring in more detailed plats which would show accurately the road frontage, ingress and egress, the streams, etc. Seconded, Mr. Smith. Carried unanimously,

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June 9, 1959

NEW CASES - Ctd.

4- COLIE'S MOBIL HOMES, to permit operation of a one lot trailer park, 1308 Richmond Highway, Mt. Vernon District. (Rural Business)

Mr. Cox, General Manager of Mr. Colie's trailers represented the applicant.

After locating the property and indicating the operating business in the immediate area with a view toward establishing the fact that this use would not adversely affect the area, Mr. Cox stated that Mr. Colie has from 20 to 25 trailers parked on this lot at all times for sale purposes. Some of the trailers sell for as much as $10,000. It was his contention that it is necessary to have someone living on the premises in order to protect the trailers from vandals. All utilities are available. They can comply with all County regulations under the Trailer Park Ordinance.

The personnel working there consists of a manager, assistant manager, service manager and two other part-time employees. One of the employees would live in the trailer. This may be a married man with children. He will keep the trailers clean and deliver them when sold. The important feature is that he will live on the property as a means of protection to the trailers. It is necessary to have someone there permanently and at all times. It is necessary because of the location on U.S. #1. If the trailers are left unguarded at night, wheels or tires or even a trailer might disappear.

If this were granted, Mr. Lamond observed, it will affect all other trailer sales lots up and down U.S. #1.

Any other operator would be perfectly justified in coming in with the same request. Mr. Lamond could see no justification for this and he also spoke of the Board of Supervisors' distaste for trailer parks of any kind. They have all but asked the Board of Zoning Appeals to eliminate them. He felt this Board should not act contrary to the policy of the County and contrary to the best interests of the County. He thought granting this would depreciate the area.

Mr. Cox protested that others do not object. He stated also that this is a million dollar a year business which should be continued in the interests of county finances. He also noted that Mr. Beard at Nightingate has a resident manager. Mr. Lamond pointed out that Mr. Beard had built his office with living quarters. The manager is not living in a trailer.

4- It was suggested that Mr. Colie could do the same thing.

Mrs. Henderson read from the Trailer Park Ordinance which states that a trailer park must have a minimum of 80,000 sq. ft. of ground area. This lot contains only 3,972 sq. ft.

That, the Board agreed, is a requirement the applicant apparently has not met, therefore Mr. Lamond moved that the application be denied because it is not in keeping with the surrounding area and this application does not meet the requirements of the trailer park ordinance.

Seconded, Mr. Barnes. Carried unanimously.

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5- MRS. FREDA M. HENDERSON, to permit lot with less width than allowed by the Ordinance, Third Addition to Brookland Estates, proposed lot 1, Lee District. (Suburban Residence Class 2)

Mr. Andrew Clarke represented the applicant.

This is a parcel of approximately 28,000 sq. ft. which was left over when this subdivision was put on record, Mr. Clarke explained. The 74 ft. frontage falls short of requirements. It is not possible to buy land on either side to meet requirements. Mrs. Henderson stated that she can put a house on the lot and meet all setbacks. She has a contract to purchase contingent upon this granting. Route 613 will ultimately be widened and Mrs. Henderson has agreed to dedicate and has so shown on her plat, 15 ft. for that additional right of way.

Mr. Mooreland called attention to the fact that the lots surrounding this parcel are developed in such a way that this long narrow strip could never be used for a road.

Mr. Lamond wanted it made very plain that Mrs. Henderson would ask for no setback variance on any buildings she might put on the property.

Mr. Clarke answered that they would submit a letter to that effect if the Board wished.

The Board did not ask for the letter.

Mrs. Carpenter moved to grant Mrs. Freda Henderson a permit to have a lot with less width than allowed, property known as Lot 1, 3rd Addition to Brookland Estates, as it does not appear that this would adversely affect neighboring property.

Seconded, Mr. Smith. Carried unanimously.

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6- MCLEAN CITIZENS ASSOCIATION, to permit erection and operation of a recreation area, Lots 1 and 2, Section I, Anderson Knolls, Dranesville District. (Suburban Residence Class 2)

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June 9, 1959

6-Ctd. Mr. Alfred Trueax represented the applicant. Hr. Hansborough was also present.

Mr. Trueax located the property showing it to be on Ball's Hill Road between the American Legion property and the Langley School. This is actually a continuation of the use already in operation on the American Legion property which is dedicated to Boys' Club Activities. The Association buying this land will put in tennis courts, horse shoe, volley ball, foot ball, badminton, baseball and softball. The parking area adjoins the American Legion property. This also joins the Little League Park, Mr. Trueax continued. These activities have become increasingly successful, each recreational group has cooperated very well with the others and they believe that this can be made into a very fine center for a great variety of recreational facilities. There has been no rowdiness nor vandalism; the activities have been well supervised and orderly.

Asked if they plan to fence the property, Mr. Hansborough said they had not planned to do so, but would if the Board thought it necessary. Mrs. Carpenter said the Langley School did not want a fence as their land all runs together, it is like one large tract. She also stated that Langley School would cooperate on the parking if needed.

Mr. Hansborough expressed the opinion that this could grow into a very find development, under the combined sponsorship of the various groups. Already the Legion and the Little League have done an excellent job and with all these additional activities it could become a great thing for the entire McLean area. They have discussed this with Dr. Thompson, Recreational Director of the County, asking how this could be tied in with his work. Dr. Thompson was very enthusiastic and encouraged them to go ahead with it and to include other communities if possible. He considered this is a real pioneer recreational development which could serve a great purpose especially until the County can do more. He also thought the idea of different groups working together was excellent, a good example for other areas.

When the County recreational program becomes more active this project may be turned over to them, Mr. Trueax stated.

Mrs. George Westby spoke in opposition. She located their 17 acres as being immediately across from this project. She told of their sitting here for the purpose of building a home for retirement living, the coming first of the American Legion Post, then the Langley School.

6-Ctd. The School has not been too disturbing, Mrs. Westby observed, but the Legion and its activities have been noisy and a nuisance. They had considered their property very salable and at a good price, but the installation of this project will no doubt depreciate the value of their home. Now they feel they are in an untenable spot, shall they sell at whatever they can get, or shall they stay here and build and accept the nuisance which is being added.to? Mrs. Westby said they did not wish to deprive anyone of anything, but this ruins their land for what they wish to use it, they want peace and quiet which if this is granted can never be theirs. They had planned to build a $30,000 or $40,000 house here. Now they are uncertain what to do.

Mr. Chilton called attention to the storm drainage easement across the property which will no doubt require some filling. He suggested that if this case is granted it should be made subject to approval of the Public Works Department for drainage.

Mr. Trueax recalled that the Westby's had purchased this property after the American Legion had been given a use permit; he pointed out that the Legion had not been noisy nor rough. They have about eight parties a year and then only 25 or 30 attend. The place is not too active from the social standpoint. The membership is small. The Scout council and the citizens group meet there when other halls are not available, in fact it is a very unobjectionable place, he insisted. Mr. Trueax said he regretted deeply that this made the Westby's unhappy and he could appreciate their position, but he sincerely believed this project would not be objectionable nor that it would depreciate their property.

Mr. Hansborough said they had made a study of the drainage situation and were sure it could be worked out.

Parking as shown on the plat provides for 35 cars, Mr. Hansborough noted, but they can use the American Legion lot whenever necessary.

It was also noted that there would be no night activities and no night lights. They will have no refreshment stand; people can get hot dogs, etc. from the American Legion.

Mr. Dan Smith moved to approve the application of the McLean Citizens Association to permit erection and operation of a recreational area on Lots 1 and 2, Section I, Anderson Knolls, subject to approval of the Department of Public Works and provided that off-street parking shall be provided for all operations and that spectators of any in attendance at this project will not park on Balls Hill Road. Seconded, Mr. Barnes. All voted for the motion except Mrs. ~~Henderson~~ CARPENTER who did not vote.

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028

7- WILLIAM A. CLEM, to permit operation of Gravel Pit, west side #635, approx. 500 ft. N. intersection Beulah Rd. #613, Lee District. (Rural Residence Class 2)

Mr. Ed Holland represented the applicant. After locating the property in question as lying between the RF & P RR and Rt. 635 near its junction with Beulah Rd. Mr. Holland told the Board that they have asked the RF&P RR to use their service road(running parallel to the railroad) up to the point where it comes onto Rt. 635 as an access for their trucks. Mr. Holland stated that they have a verbal agreement with Mr. P. A. Rice of the RF&P that they may use this service road and will have a written confirmation of this within a few days which will be filed with the case.

This means of access will take the trucks out Rt. 635 to Franconia Rd. at a point where there is good sight distance in both directions and where there is a considerable amount of commercial development. At present they do not want direct access to Rt. 635 from the gravel pit property. By carrying the trucks by way of the service road to Rt. 635 they will not annoy the neighborhood.

This land is too poor to farm. Mr. Holland stated it would appear that the best use of the land would be to remove the marketable material there, grade the rough areas to suitable grade and put the property in shape for future development. It has been thought in some of the land use studies that this may be suitable for industrial development. In the land the drainage would be well cared for. As a matter of fact they would improve the drainage on the Capital Fleet Club property as they would divert some of the water that flows over their property and which is creating something of a drainage problem there and continue it on through their own property into the proper channel.

Mr. Holland discussed their agreement with the railroad and their offer to grade the railroad land in conformance with their own grading program.

Mr. Holland also stated that this gravel pit area would be screened from any houses in the area and that they will leave trees on the front. The grading operations will be so screened they will not be seen by anyone. They will use the overburden to cover the areas which have been penetrated and will plant vegetation in such a way that the operations will not even be seen. The land will be practically rehabilitated as they go along and by time operations are completed it will be leveled and filled in accordance with County requirements.

7-Ctd. Mr. Clem owns this land and he wishes to develop it to its best use when these operations are completed.

The service road along the railroad will be 24 ft. wide. Mr.Holland stressed the point that they are not carrying the gravel through any subdivisions, that this is a well protected, well screened, isolated operation which will have no detrimental effect on anyone.

Mr. Lamond noted, however, that the trucks would have to pass homes before they reach Franconia Road.

Mr. Holland insisted that there is already a considerable amount of traffic on Rt. 635 and that they would contribute very little more, but that they would contribute largely to the taxes of the county and that this operation would ultimately benefit the County in that practically unusable land will be developed. The operations would last from two to two and a half years.

The Chairman asked for opposition.

Mr. Condon, President of Franconia Citizens Association, spoke stating that his Association had met last evening and he was asked to be present at this meeting to protest the application. Membership of the association is approximately 250 people.

Mr. Condon located the elementary school with relation to the gravel pit site and contended that it would be an attractive nuisance to the children. Another school south on Beulah Rd. will be built in 1961. These operations will depreciate their property and cause a serious traffic problem.

There have been many gravel pits in this part of the County, Mr. Condon went on, they have hoped they were running out and the ground could be leveled and put to other uses. But this is not being done. Rt. 635 is very dangerous, he contended, one of the worst wroads in the county. These dangers have concerned them greatly, the heavy trucking, the small shoulders and no sidewalks for the children. They have hoped that applications for gravel pits could wait for adoption of the Pomeroy Ordinance Mr. Condon continued, so more rigid control could be exercised over their operations.

They feel strongly about this, they feel that the area should be developed for its natural use, homes. Homes in this section are greatly in demand. The Association asked the denial of this request.

Mr.Condon objected to the speed and recklessness of truck drivers over whom no one has control.

Mrs. Henderson recalled that gravel removal had taken place on a portion of the Rose Hill development. She suggested that the County has very few

030

7-Ctd. natural resources. Mr. Condon agreed but questioned if the resulting detriment to homes justified the removal of gravel.

It was also suggested that the gravel would have to be hauled to a washing plant which would create even more trucking. 031

Mr. Holland pointed to other ground from which Mr. Clem has removed gravel and subsequently rehabilitated and developed; he has a reputation for honesty and responsibility. He has conducted his operations in a safe and satisfactory manner.

Mr. Lamond suggested that in this case it might appear that residential land has encroached upon industrial land.

It was noted that the operations would not last for a period of more than 2 1/2 years than the ground would be put in shape for either residential or other uses.

Mr. Mooreland read excerpts from the report from the Department of Public Works, with comments as follows:

"The following conditions were found:

(1) The topographic map received in this office was submitted by Holland Engineering, Certified Engineers and Surveyors. It is apparently correct. The topography of this site is hilly and is covered by medium size trees and underbrush.

(2) No access road was indicated by the Engineers. This office feels that the best location for it would be about 100 ft. north from the southeast property line, between Mr. Clem's property and the property of Broders. This would give approximately a 300 ft. side vision, both north before the curve to the west of State Rt. #635 and approximately 300 ft. from the intersection with Beulah Rd.

(3) On the triangle of land formed by Beulah Rd. and State Rt. #635 there is a subdivision on record named Franconia, First Addition. Two houses exist on the adjoining property on the southeasterly corner of this property. On the north there exists a recreational club called Capital Fleet Club.

(4) We observed several test holes some of which indicated gravel.

(5) We have no knowledge of the amount of soil overburden, which will be encountered on this site before the gravel is exposed, and we have no information pertaining to the planned operation of this pit except as shown on the attached topo.....

The following comments on the above are offered for your consideration:

(1) That a revised grading plan be prepared for the protection of the Capital Fleet Club and the honoring of the natural drainage divides as shown by the topos submitted by the Engineer and as found on the fieldinspection of the property and by inspection of aerial photography,

(2) That adequate provision should be made with the Department of Highways to insure safe traffic control at the ultimate intersection of the access road and State Rt. #635, and

(3) Every precaution should be taken to prevent erosion on the site in conformity with the County Siltation Ordinance.

(S) C. M. Garza"

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7-Ctd. Mr. Holland stated that he could not understand the letter from Public Works nor the purpose of the letter. It was discovered that the applicant did not have proof of having sent the required letters of notification. Mr. Holland was sure the return receipts were in his office, he told the Board he would have the receipts sent out immediately if they would defer action until later in the day.

Mr. Lamond moved to defer action on the case until the end of the day in order for Mr. Holland to produce the letters or proof of notification. Seconded, Mr. Smith. Carried.

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8- MRS. JAMES B. ARMENTROUT, to permit operation of a kindergarten, NW. corner of Hanover Ave., and Monticello Blvd. Mason District (Rural Res. Class 2)

The kindergarten requested will be conducted in St. Christopher's Episcopal Church, Mrs. Armentrout told the Board and while the Church will provide the building and the facilities, this will be a privately operated school. To the rear is the Baptist Church, on one side are three homes. These people have been notified of the hearing and have no objection. They will have a play area at the rear of the church. The children will either walk to the school or come in car pools. Mrs. Armentrout said she expected to have about 20 children to start. She will hold the school from 9:00 to 12:00 five days a week like the public schools, with the same holidays. A regular assistant will be in attendance.

This will be a self-sustaining venture, no financial help from the church except the facilities. It is usual that a school of this kind does not pay for the first year therefore the church has agreed that she may use the facilities for one year; at the end of that time she will discuss plans for the future with the church.

Mrs. Armentrout pointed out the natural bowl-like area at the corner of the church which will be used for the play area. She will put a limited amount of play equipment in the yard.

The rector from St. Christopher's stated that the Vestry and he were in accord with this. They have not thought it practical for the church to operate a kindergarten themselves; they are pleased to have Mrs. Armentrout conduct her school here. She is taking the financial risk, but the church is giving her full cooperation. There were no objections from the area.

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8-Ctd. Mrs. Carpenter moved to grant the use permit to Mrs. Armentrout to operate a kindergarten as applied for as it does not appear that this project would adversely affect the use of neighboring property. Seconded, Mr. Lamond. Carried unanimously.

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9- GLENN R. DICKERSON, to permit erection of dwelling closer to Swinks Mill Rd. than allowed by the Ordinance, on W. side Swinks Mill Rd. approx. 2200 ft. S. of #193, Dranesville District (Rural Residence Class 1)

Mr. Dickerson said he had notified his neighbors of this hearing and had heard of no objections. The lots on both sides of him are undeveloped. Mr. Dickerson discussed the topography of his lot stating that the ground has a steep slope from Swinks Mill Road to a small stream. Because of this slope it is difficult to locate the house 60 ft. back from the road. On the north side of the lot the ground levels off but they would have no access and the house would be too far from the road. They can meet the 50 ft. setback for the house proper but the carport would necessarily be 40 ft. from Swinks Mill Rd. (The 60 ft. setback is required because Swinks Mill Road has a 40 ft. right of way.)

Mr. Dickerson showed photographs of his property, indicating the slope which was estimated to be 33 1/3 % at the 60 ft. setback line. At that distance back an approach driveway would be unusable, as it would be too steep to get in and out with safety. It would not be practical to level off the hill as the lot is not above the road. If they graded the entire lot it would mean cutting out practically all the trees.

In answer to Mrs. Henderson's question, Mr. Dickerson said the lot on one side of them would have no problem as the slope is back farther on the property, but the lot on the other side would have a worse condition than his lot.

Mr. Warwick who lives a short distance away stated that the development in this area is good, the lots are large and the houses well-spaced. He did not think this, if granted, would adversely affect the area, because of the bank along the south end of the lot, the variance would never be noticeable.

Mr. Lamond suggested that the Board view the property before making a decision.

Mr. Smith moved that the application be deferred until the Board can view the property (June 23). Seconded, Mr. Lamond. Carried unanimously

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10- JOHN K. MCADAMS to permit existing carport to remain 7.6 feet of side line, Lot 118, Section 3, McLean Manor, (5825/Old Chesterbrook Rd.) Dranesville District. (Suburban Residence Class 2)

Mr. McAdams explained to the Board that they bought this house not knowing that the carport was too close to the sideline. When they discovered the violation and contacted their attorney, he said he would take care of it.

Mr. Mooreland stated that this is one of four houses built by a contractor who went bankrupt. The house changed hands a couple of times and someone put the carport on. The present owner obviously did not do it, but they have been unable to learn which owner did add the carport, therefore they have not been able to prosecute the violator. It is necessary that the encroachment be cleared up, therefore the present owner has made the application for a variance. The houses were built in 1957, all four were in violation.

There were no objections from the area.

Mr. Smith moved that the applicant be permitted to retain the existing carport which is located 7.6 ft. from the side line, Lot 118, Sec. 3, McLean Manor. This is granted due to the unusual situation where the present owner bought the house from the previous owner and the violation existed at that time and due to the fact that this does not appear to adversely affect neighboring property and it is noted that similar cases have been granted by this Board. Seconded, Mr. Barnes. Carried unanimously.

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11- ROBERT B. SPRINKLE & STANLEY W. JETER, to permit miniature golf course, pond, boat rides, snackbar to sell frozen custard, hot dogs, hamburgers, soft drinks and coffee, north side 29-211 easterly adjacent to Hunter's Lodge, Centreville District. (Rural Residence Class 1)

Mr. Roy Swayze represented the applicant, opening the case with a brief history of Mr. Sprinkle's operations on this property, recalling that he had obtained a permit for certain activities along with a snackbar. He built a very complete and attractive little building for the snackbar, costing approximately $8,000.

Mr. Dithrum was the first operator, along with Mr. Sprinkle. Mr. Dithrun sold to Mr. Jeter who is presently associated with Mr. Sprinkle. They lease the property from Mr. Garwood who has no objection to the activities. After Mr. Jeter came into the business they came to the zoning office for the occupancy permit. During the discussion it came up - what would be sold in the snackbar?

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11- Ctd. When Mr. Mooreland suggested that it appeared to him that they were expanding the snack bar into a restaurant the case was brought before the Board.

Mr. Swayze called attention to the plat which indicates all the activities they wish to carry on. The original permit included only the pony ring and accessory structures; at a second hearing other activities were added. They understood that the snack bar was included as an accessory structure and therefore a granted use.

Mr. Swayze contended that they still aim to have only a snack bar, certainly what they plan could not be termed a restaurant. They have a special pony ride ticket which includes a hot dog, since they cater to Boy Scouts and similar organizations this type of thing is very popular. The property was located as having a common boundary on two sides with commercial zoning.

Mr. Sprinkle told the Board that he had spent a considerable sum in fixing up the property; the snack bar, fencing, installation of pony ride activities. It would be very simple now to add the boat rides and golf course, etc. He felt that he must do all he can to attract people as the profits on each activity are small. He can and does conform to all health regulations. Mr. Sprinkle continued that it is his desire to do something worthwhile for young people, to give them clean, interesting activity under good wholesome conditions. He had suggested adding frozen custard to his snack bar, but Mr. Mooreland had objected, saying others are building frozen custard stands in business districts and to allow this would be discriminative; Mr. Sprinkle did not agree, saying this is merely an accessory to the other things he has on the property--to have frozen custard was no more than any other small food he sells in the snack bar.

Discussion on the difference between a restaurant and a snack bar continued. Mr. Mooreland insisted it was up to the Board to determine if the applicants could sell frozen custard and still be a snack bar. Mr. Swayze suggested that it might be up to the court to determine that.

Mr. Dan Smith distinguished between a restaurant and a snack bar by saying a snack bar may serve only packaged or previously prepared foods, nothing prepared on the premises. Asked if they might sell hot dogs and hamburgers, Mr. Smith answered--No, not if they were prepared on the premises. A snack bar would normally sell cold drinks, packaged crackers and cookies, wrapped sandwiches, candy bars, potato chips, and the like. It is not fair to restaurants to go farther than this in stocking a snack bar, Mr. Smith stated.

11-Ctd. Mr. Smith complimented Mr. Sprinkle on his operations saying it is a good thing for people in the neighborhood and in the County. It is a safe operation, one of the best he has seen.

Mr. Garwood heartily endorsed the project and the expansion planned by Mr. Sprinkle. He thought it an especially good place for both parents and children to enjoy an outing.

Mr. Pannel, owner of the Drive-In Theater asked that there be no night lights on the property which would disturb his movies. Mr. Sprinkle agreed to this.

Mr. Price suggested that the motion on this be very plain as this question very well could come up in other similar cases.

Mr. Lamond moved that the application of Mr. Sprinkle and Mr. Jeter be granted to permit the operation of a miniature golf course, pond, boat rides, all uses indicated on the plat submitted with the case and it is understood that the snack bar will serve only packaged food such as wrapped sandwiches, packaged crackers, packaged cookies and potato chips, and soft drinks; no food shall be prepared on the premises. Seconded, Mr. Smith. Carried unanimously.

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12- PAYNE BROTHERS PROPERTY, to permit erection and operation of a building to be used under the Melpar amendment, north end of Hardin St., Mason District. (Suburban Residence Class 2)

Mr. Clarke had asked that this case be deferred until June 23. The Board agreed.

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13- FREDERICK J. HARDBOWER, to permit erection of a building 38 feet from South Street, property at S.E. intersection of Kings Highway and South Street, Mason District. (Suburban Residence Class 2)

The applicant had neglected to send notices to adjoining and nearby property owners, therefore the case was deferred until June 23.

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DEFERRED CASES

2- JACKAGOOBERSMITH, to permit building to be 35 feet from Evergreen Lane, instead of 50 ft., part of Lots 21 and 22, Alpine, (Evergreen Lane) Mason District. (Rural Business)

The applicant had requested that this application be deferred until July 14. Mr. Lamond so moved. Seconded, Mrs. Carpenter. Carried unanimously.

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036

1- RICHARD G. WIGGIN, to permit erection of dwelling 30 feet from Linda Lane, Lot 49B, Section 4, Pleasant Ridge, Falls Church District. (Suburban Residence Class 2)

037

This case was deferred for inspection by Public Works. Mr. Mooreland read the following report from Public Works:

> "With reference to your memorandum of 12 May 1959, pertaining to the above subject matter, the attached plat, as prepared by this office showing Lots #49A, #49B and #80 of Pleasant Ridge Subdivision, Section Four, shows the existing houses as taken from the building permits and the proposed house location. It also shows the sanitary sewer and existing sanitary sewer easement.
>
> A field inspection of this area indicates that approximately 17.4 acres of surface drainage concentrates at the northerly lot line and at the stream which meanders through this lot. Using this information and the present storm drainage requirement of the County of Fairfax, Division of Streets, Drainage and Subdivision Design, the total "Q" at the north side of the lot is 43.4 cubic feet per second that can be expected on a ten (10) to thirteen (13) year rainfall.
>
> It is the opinion of this office that the maximum flood plain required by this stream from its centerline is as follows: on the east side to the far side of the existing 15 foot sanitary sewer easement and on the west side 15 feet from centerline as shown on the attached plat. Also, the houses on both Lots #49A and #80 are erected to the present setback requirement and several other vacant lots in the subdivision have moreor less the same topography as Lot #49B.
>
> It is the conclusion of this office that there is no necessity for a variance to the zoning ordinance because of future flooding conditions.
>
> The sanitary sewer easement is recorded in Deed Book 1606, Page 517.
>
> (S) B. C. Rasmussen"

Mrs. Henderson recalled that this was deferred for information regarding the extent of the flood plain.

The lot becomes very steep within a short distance of the road, Mr. Wiggin pointed out, he did not wish to grade and fill to any great extent as he would lose some very lovely trees and would lose the natural contour of the ground and change the character of his yard.

Mr. Lamond stated that this is a case where topography has a definite bearing on the case. The ground falls away from the street in such a way that it would not be practical to grade and fill, he thought it advantageous to the owner and to the neighborhood to allow this variance. He moved that Mr. Wiggin be allowed to locate his house as shown on the plat presented with the case (the wall of the house proper being 40 ft. from the right of way and the small projection extending to 30 ft. from the right of way.) This is granted as per plat presented with the case as it does not appear that this granting will adversely affect neighboring property. Seconded, Mr. Smith. For the motion were Messrs. Lamond, Smith, Barnes, and Mrs. Henderson. Mrs. Carpenter voted no as

1-Ctd. she considered this not to be an exceptional case and in many other cases where a similar topographic condition has existed the applicant was made to conform. Motion carried.

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Mr. Wiggins said he would like it to be recorded in the minutes that (this statement had been made to the secretary before the Board convened from lunch) he was greatly impressed as he listened to cases presented before this Board with the objectivity and fairness with which each case was handled. He wished to congratulate each member on the excellent work he is doing for the county.

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3- ALBERT W. LOUGHRIE, to permit resubdivision of lots as proposed, Lot 89, and part of Lots 1 and 88, Annandale Acres, Mason District. (Rural Residence Class 2)

This case was deferred to view the property.

Mr. Lamond reported as follows--that after walking over the property and seeing the lots surrounding, in his opinion, to grant this would not be out of harmony with the neighborhood. Therefore he moved to grant the resubdivision of lots as requested as such a division of the property would not adversely affect neighboring property.

Seconded, Mr. Barnes. Carried unanimously.

Mr. Loughrie stated that the 12 ft. outlet road is a permanent thing, not just an easement.

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4- EDWARD J. BARRETT, to permit erection of a carport within 4 feet of a side line, Lot 34, Section 1, Belvedere, Mason District. (Suburban Residence Class 3)

The Board had considered this too much of a variance and had deferred the case for Mr. Barrett to come up with a better plan.

Mr. Barrett presented another plan which would bring the carport all the way to the house, thus reducing the variance on the side setback.

Mr. Barrett noted that the house on the adjoining property is 30 ft. from the property line which leaves a considerable space between the two houses.

The Board discussed the topography of Belvedere and the fact that if this is granted many others would ask the same variance. It was agreed that there was nothing exceptional or unusual about this lot, as so many in the near neighborhood are very like it. It was noted also that there is room in the back for a carport which conforms to all requirements.

4-Ctd. Mr. Barnes moved to deny the case as there is an alternate location for a carport and because it is not within the jurisdiction of the Board to grant such a large variance; seconded, Mr. Smith. Motion carried.

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5- ARLINGTON AUTO BODY COMPANY, to permit operation of an auto repair and body shop, Lot 10, Section 1, Dowden Center, Mason District. (General Business)

This case was deferred until July 13 at Mr. Schumann's request.

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NEW CASES - Ctd.

3- FALLS CHURCH GOLF CLUB, INC. - Ctd.

Mr. Swayze returned with a new plat on the case. The Staff had thought there might be some involvement in the cloverleaf on the highway, but have found that the idea of a cloverleaf in this area has been abandoned. The new plat showed the location of the proposed building, location of the adjoining Oak Hill Tavern property, outlet road and the amount of frontage on Lee Highway. It was shown that by the relocation of the highway in front of this property a small triangle was left between the property line and the highway right of way. It is not yet determined who owns this strip but the plat also showed that a sufficient amount of uncontested frontage does exist, approximately 100 ft., which would give adequate access.

Since this portion of the road has been abandoned, Mr. Swayze thought at least half of the roadway would revert to this owner, but nothing has been accomplished on it yet. If a part of this triangle belongs to the Chiles people, they will try to buy it.

Mr. Lamond moved to grant the application of Falls Church Golf and Country Club as per plat presented with the case dated 6-9-59 prepared by Osbo C. Paciulli indicating the ingress and egress to the property to be within the 100 ft. frontage immediately adjacent to Oak Hill Tavern property which abutts the highway. It is also understood that the applicant shall provide sufficient parking on the property for all users of the use. The plat to which this case is tied is the second plat presented by the applicant bearing the date of May 19, 1959 (original date of plat) however, that is the original plat which was revised as of this date in order that the 100 ft. frontage and location of ingress and egress would be shown. Seconded, Mr. Barnes. Carried unanimously.

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The Board agreed to meet on July 13 instead of the 14th, election day.

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The meeting adjourned.

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Mary K. Henderson

Mrs. M. K. Henderson
Chairman

June 23, 1959

The regular meeting of the Board of Zoning Appeals was held on Tuesday, June 23, 1959 at 10:00 a.m. in the Board Room, Fairfax County Courthouse, all members present, Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

NEW CASES

1- GRAYSON A. AHALT, to permit erection and operation of a Gasoline Service Station only with pump islands within 25 feet of Arlington Boulevard right of way, south side Arlington Boulevard just east of Fairfax Circle, Providence District. (Rural Business)

Mr. Ahalt located the property as being across from Howard Johnson's at Fairfax Circle, adjoining the Esso station. The property line is 100 ft. from the centerline of Arlington Boulevard, the building located 50 ft. from the front property line. They are asking a 25 ft. setback from the right of way for the pump islands. Mr. Ahalt called attention to the island which divides two 50 ft. entrances. Orchard Street is in the process of being vacated. Mr. Ahalt noted that the cross-over in Arlington Boulevard is immediately opposite his entrances.

Mr. Jack Chilton from the Land Planning Office stated that he had talked with the Highway Department regarding future treatment of this area and was told that they plan a service road directly in front of this property. Mr. Chilton displayed a plan which has the approval of the Highway Department which would close off the cross-over which now exists in front of this property and install another cross-over immediately in front of the entrance to Howard Johnson's. This would logically give an entrance to this property directly in line with the cross-over. Ultimately there would be only the one entrance to the boulevard from the service road, but until development to the east on Arlington Boulevard takes place the State would give a second temporary entrance to the Blvd. The service road would be constructed by Mr. Ahalt.

Mr. Ahalt said he was completely surprised at this as the Highway Department had informed him that his plan was satisfactory; he was apprehensive as to what this would do to his business.

Mr. Chilton stated that in his opinion he would be better off in the long run; he would have the entrance directly across from Howard Johnson's; the other cross-over up near the circle would also be closed off. The State is trying to limit entrances to Arlington Blvd. but this entrance would appear to be especially good, Mr. Chilton continued. He would have added safety control for his customers because of the service road.

1-Ctd. Mr. Ahalt questioned why he should develop a service road on state property. This is expensive and his plans have been made on the basis of his own approval of the Highway Department. He asked if this was mandatory for him to build the service road and change his entrances.

Mrs. Henderson answered that one of the conditions in granting a filling station is that it have safe ingress and egress.

However, Mr. Chilton noted that since this does not come under Subdivision Control his office cannot require that the service road be built. But it was agreed that this Board has the jurisdiction to place the requirement on their granting.

Mr. Ahalt had stated that he intended to pave all the front of his property up to the used property line of the highway. It was suggested that it would be no more expensive to build the short service road; he would have a very acceptable entrance because of his nearness to the cross-over and he would have the second temporary entrance to the Boulevard.

The Board discussed whether or not Mr. Ahalt should present another plat showing the plan as revised and approved by the State.

Mr. Lamond moved to defer action on the case for submission of a new plat showing the distances, entrances and setbacks in conformance with the plat displayed by the Planning Staff. If Mr. Ahalt can present these plats before the day is over, Mr. Lamond stated that the case would be taken up again--if not, the case would be deferred until the special meeting June 30. Seconded, Mrs. Carpenter. Carried unanimously.

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DEFERRED CASES

3- PAYNE BROTHERS PROPERTY, to permit erection and operation of a building to be used under the Melpar amendment, north end of Hardin Street, Mason District. (Suburban Residence Class 2)

Mr. Andrew Clarke asked that the Payne Brothers case be deferred. Mr. Lamond moved to defer the case until June 30. Seconded, Mr. Smith. Motion carried.

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NEW CASES - Ctd.

2- W. W. OLIVER, to permit one triangular sign 172 square feet each face, on southerly side #7, approx. 300 feet from #244, Mason District. (General Business)

Mr. Hulse represented the applicant.

The Board discussed whether or not this was an entirely new application or if it was simply a resubmission of the application refused by the Board within the past month. Mr. Lamond thought a motion should be made to

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2-Ctd. rehear the case as after denial the applicant could not come back without a lapse of six months. Mr. Mooreland contended, however, that this is submitted as a new application, noting that the size and type of sign are both different.

Mr. Hulse pointed out that they have cut the sign about 28 per cent. The total of the three sides come to 516 square feet. It was noted, however, if the sign is made back to back the area could be cut still farther and perhaps would be just as effective.

Mr. Lamond protested that the case should not be heard as a new case, that since it is within the 45 days the denied case could be reopened. This is the same sign, the same applicant, the same location, Mr. Lamond went on, as denied. He therefore moved that the matter be reconsidered at this time, in order that the Board might hear the case properly.

The Board discussed this at length, resulting in a ruling by the Chairman that this is a new application and would be heard as one.

Mr. Hulse stated that if the Board wished he would amend his application to request a double faced sign instead of three sided. It was agreed by the Board that the triple faced sign was out.

By eliminating the X and the large V back of the lettering the total sign area on one side would be 117 square feet.

Mrs. Carpenter moved that the applicant, W. W. Oliver, be granted a double faced sign with a total area of 117 1/2 square feet on each side of the sign and that the X and V be deleted. The sign would include only the three panels reading Bailey's Crossroads Center. This sign would include the clock. It is understood, however, that the lights on the sign, other than on the clock, will be turned off by 11:00 p.m. Seconded, Mr. Barnes.

All voted for the motion except Mr. Lamond who voted no because in his opinion this case was decided at a previous hearing and this case was not properly before the Board. Motion carried.

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3- TRESSIE GRAY SANDERS, to permit division of property with 43,082 square feet in each lot, east side Leigh Mill Road, 3rd and 4th houses south #193 Dranesville District. (Rural Residence Class 2)

Mr. Schlegel represented the applicant. He reviewed the background of the case: this tract, a total of 1.978 acres, was bought by Mrs. Sanders in 1935. In 1940 she built one house on part of the ground. In 1952 she built a second house. The land was in one half acre zoning at the time

3-Ctd. both houses were built. The land has never been divided as there appeared to be no reason to do so. Now Mrs. Sanders wishes to sell one of the houses and she is short of the total area for two one-acre lots by approximately 478 sq. ft. on each lot. (This area was changed to one-acre zoning at the time of The Freehill Amendment.)

One house sets back 48 ft. from the front right of way and the other 73.9 ft., otherwise they are located approximately equal distance from the side lines.

There were no objections from the area.

Mr. Dan Smith moved to approve the application of Mrs. Tressie G. Sanders to permit division of property with 43,082 sq. ft. in each lot, property located on the east side of Leigh Mill Road. This is granted because the first house was built prior to the present zoning ordinance and both houses are on lots that are very slightly below the area required for one-acre zoning; seconded, Mr. Lamond. Carried unanimously.

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4- FRANK D. McCARSON, to permit division of lot with less area than allowed by the ordinance, S.E. corner Madron Lane and Dunn Loring Road, Providence District. (Rural Residence Class 2)

Mr. Mooreland asked that this case be deferred as they had posted the wrong property. Mr. Lamond moved that the case be deferred until July 13. Seconded, Mrs. Carpenter. Motion carried.

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5- MRS. MARY A. BREEDLOVE, to permit operation of a teen-age charm school, Lot 23, Block 67, Sec. 20, North Springfield (7421 Murilla Street) Mason District (Suburban Residence Class 2)

The applicant wished to withdraw the case; Mr. Barnes moved that the request for withdrawal be accepted; seconded, Mrs. Carpenter. Motion carried.

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6- SAMUEL W. ENGLE, to permit erection of a dwelling with carport 10 ft. from side property line, Lots 14 and 15, Collingwood Manor, Mt. Vernon District. (Rural Residence Class 1)

Mr. Engle stated that he had bought this lot this spring and was given to understand that the side setbacks were 15 ft. They did not question the setbacks as the lot widths in this subdivision vary from 67 to 125 ft. The 15 ft. setback was compatible with what was around him.

Mr. Mooreland explained that this is an old subdivision which was originally set up in 50 ft. lots. Some of the lots have been combined or

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6-Ctd. re-subdivided, accounting for the varying widths. The Ordinance allows the Zoning Administrator to grant a 7 ft. setback in cases where the lot frontage does not meet requirements. On smaller lots he has allowed a 15 ft. setback but on lots which do not have less width than required in this zoning, the Zoning Administrator is not allowed to grant a variance. This is a 100 ft. lot. Mr. Switzer, who is building on the adjoining lot will locate that house on the property so as to allow 30 ft. between houses. This man has his loan for this particular house and construction is all ready to go, Mr. Mooreland continued. If the Board has any suggestion as to how this could be handled without a variance, Mr. Mooreland said they would be very glad to have it, but as a matter of fact this, as applied for, is not out of keeping with the area and the situation was misleading because of the variation in lot widths and setbacks. If this is not granted, Mr. Engle would be released from the loan commitment and would have to redesign the house and start all over. As far as the ordinance is concerned, Mr. Lamond said he could see no hardship; the land is substantially level and he has a good frontage.

The old plat was made up under the old zning, Mr. Engle noted, and the building restriction lines were considerably less. Mr. Engle said he had discussed this with Mr. Massey who stated that he would consider this a hardship case; he thought this lot should be treated the same as others in the area.

Mrs. Henderson suggested doing away with the breezeway or putting the carport in the rear. Mr. Engle said he had one difficulty after another in this; he had already gone to considerable expense and it wouldbe an added expense to put the carport in the rear. Mrs. Henderson answered that the Board was not sitting for the purpose of correcting Real Estate agent's mistakes.

Whatever the Board decides would be acceptable to him, Mr. Engle said; he had signed the contract with the builder and the bank but he could not go ahead without this approval. It would seem arbitrary not to grant this in view of other houses in the area. But all these commitments are contingent upon this approval, Mr. Lamond observed, nothing has actually beenn started yet. Mr. Engle agreed.

The Board noted these facts: that the breezeway could be cut down and that many other 100 ft. lots in the area did have conforming houses on them, and that the loan could be revised if the bank understood the situation; the Board could not justify this under the hardship clause.

6-Ctd. The smaller lots which may be difficult to use can be handled by the Zoning Administrator but this lot with 100 ft. frontage would appear ample for a conforming house.

Mr. Engle recalled that Mr. Grenadier had been given a variance; he asked how?

Mr. Lamond moved to defer the case to view the property and to look over the subdivision plat. Case deferred to July 13. Seconded, Mrs. Carpenter. Mobion carried.

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7- ARTHUR L. BLOOMQUEST, to permit erection of porch 26.9 ft. from 5th Street, Lot 1, Block 8, El Nido (5903 Hill Avenue) Dranesville District (Suburban Residence Class 2)

Fifth Street is undeveloped and probably never will be used, Mr. Bloomquest told the Board, although it is still on the books since it has been dedicated. Proceedings are now under way for its vacation. This is a very small variance for the porch-- 3 ft. 3 inches.

Mrs. Henderson thought the applicant should delay any action on construction of the porch until the street has been vacated; then he would have no reason to request a variance.

Mr. Lamond moved that the Board take no action on this case until such time as the Board is advised that the street has been vacated, to defer the case indefinitely. Mr. Bloomquest could report to Mr. Mooreland when he gets a definite answer on the road vacation. Then if a variance is required, Mr. Mooreland could put the case back on the agenda. Seconded, Mr. Barnes. Motion carried.

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8- DR. WILLIAM N. ELAM, JR., to permit physician's office as a non-resident Lot 606, Sec. 1, Hollin Hall Village (101 Lafayett Drive) Mt. Vernon District. (Suburban Residence Class 2)

Mr. John Harris represented the applicant.

Mr. Harris told the Board that there are only three doctors in the Mt. Vernon area and they are all located around Bellview. There are approximately 25,000 people to be served. There is only one doctor south of Bellview - Dr. Elam. He is now located in a basement with no windows. Adjoining and above him are a barber shop, beauty shop and dry cleaning establishment; it is not a desirable place for a doctor's office. The basement is cold and damp. Now Dr. Elam is buying a brick dwelling at Ft. Hunt Rd. and Lafayett Drive; the lot is 125 ft. x 88 ft. sufficiently large to provide parking. This lot is practically surrounded

8-Ctd by commercial zoning (to the east and north) with the Hollin Hall Shopping Center at the back. The residence in which Dr. Elam now lives is not large enough for both his home and office.

Mrs. Henderson suggested that the doctor might apply for C-O zoning, since the Board has no authority to grant this use on residential property.

The Board agreed that since the C-O zone was set up especially for professional transitional uses, and since it is permissible for the doctor to operate in his own home, if it is used also as his dwelling, and since there is a considerable amount of available space in the Hollin Hills Shopping Center it would hardly seem logical to allow this use.

Dr. Elam answered that there was nothing available in the shopping center which would be suitable to his use--the stores would be too large.

At one time the Board granted such uses, Mr. Lamond explained, when there was little available space and no special zoning for this type of use, but now that the C-O zone is available it is not logical to continue spreading professional office buildings into residential areas.

Dr. Elam presented the Board with a petition signed by twenty-eight persons in the neighborhood stating that they approved of this application.

There were no objections from the area.

Since this is located in a generally residential area and in view of the fact that the County now has a C-O zone which is especially designed for professional offices and there is a chance that this particular property might be rezoned to C-O classification, Mr. Lamond moved to deny the case, believing that the Board has no jurisdiction to grant it; seconded, Mr. Barnes. Carried unanimously.

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9- RACHEL SUGARMAN, to permit extension of nursery school, Lot 97, Sec. 6, Broyhill Crest (1504 Oliver Avenue) Falls Church District (Suburban Residence)

Mrs. Sugarman recalled to the Board that her first permit to operate this school was granted in 1953. Conditions are substantially the same as they were at that time. The duration of the permit (after two other extensions) has expired. She is asking an extension for an indefinite period. Mrs. Sugarman said she was granted the right to have 36 children but does not exceed 30-- she operates five days a week.

9-Ctd. There were no objections from the area. Mr. Mooreland said he had had no complaints on this school.

Mr. Lamond moved to approve extension of the permit to Mrs. Rachel Sugarman only, to operate a nursery school on Lot 97, Sec. 6, Broyhill Crest, known as 1504 Oliver Avenue, for an indefinite period. Seconded, Mrs. Carpenter. Carried unanimously.

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10- MRS. LUCILLE E. AUGUSTINE, to permit operation of day care in present dwelling, Lots 207 and 208, Block F, Memorial Heights, (113 E. Preston Ave.) Mt. Vernon District (Suburban Residence Class 2)

Mrs. Augustine said she has been working in Washington but wishes to leave her present position and start a nursery school so she can be home with her adopted child. She had run a nursery school at one time in Alaska. Their carport has been made into a child's playroom. She has three bedrooms and two baths; the yard is fenced. She should like to have about 15 children for five and one-half days a week. It may be possible that they will pick up some of the children, if they do not have transportation. The children would range in age from infants to ten years of age. The Richmond office has told her that they will give her a license, but she has not yet discussed this with the fire marshal nor the health department. She would conform to the county requirements. She has contact with a nurse who will help her when necessary.

There were no objections from the area.

Mrs. Carpenter moved to grant Mrs. Augustine a use permit to operate a day care for children in her present dwelling on Lots 207 and 208, Block F Memorial Hts., known as 113 E. Preston Ave., with the requirement that she meet all health regulations and requirements of the fire marshal and that she be State licensed. This is granted for a period of three years with a maximum enrollment of 15 children. Seconded, Mr. Barnes. Carried unanimously.

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11- MRS. JACK LAUGHLIN, to permit erection and operation of private school, 800 ft. NW #675, 800 ft. off #7, Providence District (Rural Residence Class 2)

Mrs. Laughlin told the Board that her plans are to start with groups three mornings a week. This will probably grow into five mornings a week. They also plan a little later to build a library, at which time they will have older children coming in after school to read. They intend to use the entire four acres for various activities. At present the school will

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11-Ctd be conducted in the basement of the house which is presently existing on the property.

Mrs. Henderson considered the plat presented with this case inadequate. It did not show what is planned on the property, the length of the road, and if it is intended that the entire four acres be used, that also should be shown.

Mr. Lamond suggested that the case might be deferred until later in the day if Mrs. Laughlin could bring in the proper plats. He therefore moved to defer the case until later in the day for proper plats. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Moutoux who lives in the neighborhood stated that the people in the neighborhood asked that this school be limited to not more than 30 children and that activity is limited to this use.

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DEFERRED CASES:

1- SUBURBAN OIL CORPORATION, to permit erection and operation of a service station, permit 20.5 feet from side line and permit pump islands 25 feet from right of way line Rt. 236, N. side Rt. 236, approx. 250 ft. W. of Rt. 699, Prosperity Avenue, Providence District (Rural Business)

Mr. Mooreland read a letter from the applicant asking that this case be deferred indefinitely. The Board took no action.

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Mr. Ed Holland asked if the Board would handle the case of William A. Clem before taking up the Melpar case, as all information is before the Board. Only the motion remains to be passed.

4- WILLIAM A. CLEM, to permit operation of Gravel Pit, W. side #635 approx. 500 ft. N. intersection Beulah Road #613, Lee District. (Rural Residence Class 2)

Mr. Holland presented his notices to adjoining property owners, which he did not have at the earlier hearing.

Mr. Lamond moved that the application of William A. Clem for permit to operate a gravel pit on the west side of Rt. 635 approx. 500 ft. north of its intersection with Beulah Rd. (Rt. 613) be granted with the understanding that a tree buffer will be planted along the property which borders on Rt. 635 and contingent upon the submission and approval of a grading plan which is satisfactory to the Department of Public Works and also with the understanding that the trucks will use the outlet road which runs parallel to the RF & P RR instead of Rt. 635. Seconded, Mr. Barnes. Carried unanimously.

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1-Ctd. Grayson A. Ahalt.....Mr. Ahalt returned to the Board with his revised plats showing the building to be set back 50 ft. from the right of way and incorporating the suggestions of the Planning Staff.

Mrs. Carpenter moved to grant Mr. Ahalt a permit to erect and operate a filling station only, with pump islands 25 ft. from the Arlington Boulevard right of way, on property located on the south side of Arlington Boulevard just east of Fairfax Circle. This granting is tied to the recommendation shown on the plat, drawing submitted by the Planning Staff as to ingress and egress. This is also granted subject to construction of the service road as shown on the Planning Staff plat. Seconded, Mr. Lamond. Carried unanimously.

// DEFERRED CASES - Ctd.

2- MELPAR, INC., to permit extension of building and parking area, 3000 Arlington Blvd. (44.0725 acres) Falls Church District (Suburban Residence Class 2)

Mr. Brandon Marsh, Director of General Services, Melpar, represented the applicant. He presented proof of notification of date, time and place of this hearing, indicating that he had contacted 14 persons in the immediate area of Melpar. Mr. Marsh also presented each Board member with a brochure of the case complete with photographs and articles.

After a brief statement reviewing the history of Melpar's coming to Fairfax County, the cooperation of County government, the steps of development and growth of Melpar and their negotiations with Pine Spring Citizens Association in this matter, Mr. Marsh presented Mr. Mitchell, Civil Engineer, who explained Plan "A" and Compromise Plan "B" which Melpar representatives had presented to Pine Spring Citizens Association.

Mr. Mitchell pointed out the differences in the plans showing that on Plan "A: the road was 30 ft. wide, tree buffer of 90 ft., except in one short stretch which would drop as low as 55 ft., the first parked car to the west of the property line would be 120 ft.

Compromise Plan "B" showed a tree buffer ranging from 90 to 132 ft. along the property line, a 20 ft. road and 130 ft. to the first parked car.

Mr. Mitchell also displayed a sketch indicating location of the extended variance requested along the rear of Melpar's property line, pointing out that a complete buffer of trees, except for a break for sewerline would follow the rear line of the parking lot.

DEFERRED CASES - Ctd.

2-Ctd. Mr. Marsh introduced Mr. Austin Roe, Attorney, who reviewed the requirements placed on Melpar under the County zoning regulations, and showed in each instance where Melpar has met those requirements, having requested and received one setback variance only. With construction of the new wing, proposed in this application, Melpar will still be well under the land coverage regulations.

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Mr. Marsh introduced General Grow, from the Chamber of Commerce, who in the absence of Mr. Nevisor, President of the Chamber of Commerce read a statement from him. (A full statement of these remarks is on file with the records of this case.)

General Grow stated that he considered the traffic situation the most pressing problem in this case. For that reason, he along with others, had contacted the State Highway Department regarding a possible access to Melpar along the circumferential, between Rts. 50 and 66, but were advised that such access could not be immediately accomplished. Since there will be no access to Gallows Road because of the Circumferential, it becomes necessary, General Grow continued, to have a service road along the east side of the circumferential. General Grow recalled the 100 ft. road right of way dedication which Melpar had made at the time the original application was granted. It would seem logical then, General Grow continued, that a service road would become a reality.

As population and industry increase, he went on, traffic problems become acute and they must be studied and resolved as soon as possible. A service road along the circumferential would take care of a considerable amount of Melpar traffic and this possibility will be explored further.

A resolution from Mt. Vernon-Lee Citizens Association was read endorsing the plans as presented.

Mr. William Wrench, Executive Director of the Economic and Industrial Development Committee, was next introduced by Mr. Marsh. Mr. Wrench said he had stated his position on this before the Planning Commission and requested that the same statements be read into the records at this time. (Full text of Mr. Wrench's statement is on file in the records of this case.) Mr. Wrench's statement said in part: An expansion such as contemplated represents a faith on the part of Melpar that Fairfax County is a desirable place in which to live and in which to prosper; it represents a great deal of time and effort on the part of Melpar to compromise this situation.

DEFERRED CASES - Ctd.

2-Ctd. The question resolves itself into this-- is the request of Melpar within the framework of the present ordinance and is any variance they may be asking reasonable? The answer is with the Board; Melpar believes that it is.

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Mr. Wrench stated that he was concerned over the publicity this request has engendered and with any disagreements which have arisen and he noted with interest the concern of other neighboring jurisdictions. The attempts of Melpar to resolve and compromise the differences with its neighbors are indicative of the desire of Melpar to be a good neighbor. These attempts have gone far beyond what most companies would do.

Mr. Wrench suggested that if there is an argument over this expansion, that argument is with the ordinance, not Melpar.

Mr. Wrench commended Melpar highly and stated that unless it is found that this request clearly violates the ordinance, it should be granted.

Mr. Schumann read the following report from the Planning Commission to the Board of Zoning Appeals dated June 23, 1959:

> "The Planning Commission recommends approval of the expansion proposal under the following conditions: (1) that the easterly screening area be used for the purpose to widths shown on Plan B, submitted as a supplement to the original application; (2) that the existing screening in this area be supplemented by a type of screening approved by the County Soil Scientist, and by method of screening approved by the Board of Zoning Appeals before the building is occupied; (3) that there be no encroachment on this screening area by either buildings or parking; (4) that the power line near the easterly boundary shall not be relocated nor supplemented without approval of the Planning Commission; (5) that lighting on the site be reflected or shaded away from residential areas; (6) that if parking is permitted within 20 ft. of the north line of the property, this be done provided the north line common to the school property be screened: with a type of screening approved by the County Soil Scientist and by method of screening approved by the Board of Zoning Appeals before the building is occupied, and provided further that this line also be fenced before the building is occupied; (7) that a complete site plan showing incorporation of Plan B be submitted before building permit is issued.
>
> This matter has been discussed with Fred Burroughs, Resident Engineer, Virginia Department of Highways. His comment: (1) It is recognized that the proposed expansion will increase traffic and accentuate existing problems; (2) However, this is no more than what should be reasonably expected in connection with existing use of this land.
>
> The Commission recommends that the Board request the County Traffic Department to consider traffic control measures to minimize passage of traffic through subdivisions to the east."

Mr. Schumann discussed the possibility of an industrial road from Melpar north to Lee Highway. There is legislation now on the books, he stated, which permits the Highway Department, under certain conditions to build roads from industrial plants to certain arteries. Mr. Schumann showed on a map how connection could be made between Melpar and Lee Highway.

DEFERRED CASES - Ctd.

2-Ctd. In order to get this road, Mr. Schumann continued, first the Highway Department must have the right of way. They cannot condemn right of way for this purpose. Then the Board of Supervisors is required to request the Highway Department to build the road. The industrial use must be existing.

The Highway Commission will necessarily see the existing need and give their approval. In order to assure the Highway Commission that the need for this industrial road exists the Highway Department must make a survey of the situation. These are the steps necessary to be taken before the road could be started.

Mr. Schumann stated that Melpar has proposed to relocate Holmes Run and plans have been submitted to Public Works for this relocation approval.

Mr. Schumann suggested that the Board request the traffic department to make a traffic survey east of Melpar.

The Chairman asked for opposition.

Mr. Robert Rice, 344 Cedar Hill Road, Pine Spring, acting president of the Pine Spring Citizens Association presented Mr. Greenberg who acted as spokesman for the Pine Spring citizens association.

Mr. Greenberg read a statement prepared by Major Kairns stating the views of the Association: (The full text of this statement is on file in the records of this case.)

Briefly, the statement set forth the following facts: Pine Spring considers Melpar a good neighbor, good relations (which they hope to continue) have existed between the Association and officials of Melpar. While Melpar is described as a model company and is of great benefit to the County, Pine Spring also prides itself on its prize-winning model community. The citizens of Pine Spring are largely of the professional group; they are people with a high sense of civic responsibility and integrity.

Regarding Plan "B", does the Melpar amendment of November 1952 permit construction of a central administrative building serving the entire activities of Melpar? How binding are the provisions of the Use Permit granted to Melpar by the Board of Zoning Appeals in December 1952? Is not a zoning variance needed for extension of the parking to within 20 ft. of the school property line? This application is for a special exception.

DEFERRED CASES - Ctd.

2-Ctd. The Association asked for a ruling from the Commonwealth's attorney on these questions. It is to be noted that these were all answered by the Commonwealth's Attorney in a letter read before the Planning Commission on June 22. Pine Spring considered that no legal questions exist, therefore the Commonwealth's Attorney's opinion was not read at this hearing.

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Mr. Greenberg continued-- While sympathetic with Melpar's desire to expand, Pine Spring asks maximum protection, better than that offered by Plan B. If forced to accept Plan B, the Association requested that provision be made to prevent further encroachment; that the nature and amount of screening and parking lot lighting fixtures be shown in detail and that maximum protection be provided for; that the traffic problem be solved, prohibiting cars parked in Melpar to exit through Pine Spring.

He gave these reasons for these requests: Pine Spring residents were informed that the buffer of 1952 would be maintained (approximately 270 ft.) In 1955 Pine Spring residents were again reassured that the buffer would not be disturbed. Pine Spring then requested the buffer to be dedicated to the County. Melpar answered that such a procedure would be a "complex administrative job" which was actually unnecessary as they had no intention of using this land.

If the 270 ft. buffer zone was sound planning in 1952, why is it not, today?

When will this expansion stop?

They requested the following conditions: to prevent further reduction in the buffer zone; specify the nature and amount of screening and parking area lighting fixtures to afford maximum protection; to screen now. As to traffic, an exit road to Lee Highway without passing through Pine Spring.

The statement continued with traffic counts through Pine Spring, traffic generated by Melpar; the number of children exposed to this traffic volume; danger to school crossing; the refusal of A.S. Aloe Company rezoning across Arlington Boulevard largely because of possible truck travel through Pine Spring; inability of the streets in Pine Spring to carry the load of heavy traffic.

The construction of an outlet road to Lee Highway was urged. The statement closed with a plea for three major conditions to be considered, buffer zone, specifications on screening and lights, and traffic problem solution. Until these three conditions are met Pine Spring will oppose this construction plan. The Board is fully within its authority to impose

2-Ctd. conditions which will make secure - health, safety, comfort, convenience and general welfare of the community.

Mr. Greenberg stated that while they are not necessarily asking for a fence along the property line, the number of trees and the distance apart, and the kind of trees is important to them as there are many vacant spots along the Pine Spring property line. A 90 ft. buffer of trees he considered shockingly small.

Mrs. Shield McCandlish spoke, favoring a dense screening.

Mr. Maroni, 329 Pine Spring Road observed that the solution of this screening will set a precedent for other residential areas. He asked that they have permanent trees. While it is difficult, he stated to write standards for tree screening he pointed to ordinances in other areas where it is done satisfactorily. He also suggested that a highly restricted industrial zone could reduce to a minimum the unpleasant impact of a use such as Melpar. Deep setbacks, landscape covenants, controlled parking and wide buffers can and have been used effectively. While this county is competing with other areas for business it is also important that the county be restrictive in order to attract the right kind of industry. Poor types of industry will attract low salaried people who would in the long run reduce county income and prosperous growth. This case will set a precedent, Mr. Maroni stated, it is a matter of extreme importance to protect a good community.

Mrs. June Greenberg spoke as an individual, reading an excerpt from a statement by Mr. Burrage to Mr. Massey recommending that this type of use be eliminated in the Pomeroy Ordinance in a residential area and that such a use be allowed in an I-I district. Mrs. Greenberg suggested that this is being pushed through before adoption of the Pomeroy Ordinance. She urged that this case be deferred for adoption of the Pomeroy Ordinance.

Mrs. Johns stated that their home is immediately overlooking Melpar and any trees they might plant could shield their view very little. Now, with a 270 ft. buffer of trees, it is still not enough; especially in winter they can see the entire building.

Mr. Rice summarized the foregoing, stating that the 90 ft. buffer is not adequate. He showed pictures indicating distances and tree density. He suggested that further study be made to develop standards which would meet the situation and insure carrying out the Melpar amendment,

2-Ctd. and maximum protection. He stated that certain people in the Pine Spring area had lost a sale because of this situation. He also insisted that it is imperative that Woodbury Lane be vacated at the end adjoining the parking lot, so it can never be opened to the parking area. The screening and lighting plans should be developed and passed on before this is granted, not after.

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The traffic problem should be solved before this is approved. It may be impossible to carry out any of the suggestions made, the industrial road to Lee Highway is only a thought. It might be another ten years before that could be accomplished. They feel that the problem is an immediate one, one with which they have to live now. They want concrete solutions to all these problems, not approval of indefinite hopes for some future time. They are merely asking for solutions which are in the best interests of the county. Also he noted that no report has been received from the Department of Public Works regarding relocation of Holmes Run. Therefore, Mr. Rice asked the Board to deny the case at this time and that it be approved only after answers to these problems have been resolved.

Mr. Greenberg read a statement from Mr. Lethbridge, Architect, which is on file in the records of this case. Mr. Henry Lorenstern from Holmes Run Acres read a statement urging requirement of wide buffers around this type of use.

Mr. Marsh read the following from the Fairfax County School Board:

"June 19, 1959

Dear Mr. Marsh:

Your letter of June 11 advising of your application for use variance to permit expansion of your present plant is herewith acknowledged. We note that this application will be heard before the Fairfax County Board of Zoning Appeals on June 23.

This office is grateful for the opportunity to meet with officials of your firm to go over the plans in detail. The followint details stand out as a result of our conference on June 17 in which we as adjacent property owners are interested: (a) You plan and agree to erect a chain link fence between Melpar property and School Board with appropriate screening, to separate your parking area from our Pine Spring School property. (b) You operate your plant on a single shift basis with half of your shift working from 7:45 a.m. to 4:30 p.m.; the other half working from 8:00 a.m. to 4:45 p.m. and that you have no plan to vary those hours. That means your employee traffic in the morning will have ceased by 8:00 a.m. and will not start up again until after 4:30 p.m. Since our normal school hours are 9:00 a.m. to 3:20 p.m., we have an hour or more of separation of school and Melpar employee traffic at each end of the day. It is pointed out that for the pastyear Pine Spring School operated from 8:30 to 2:50, a half hour ahead of our regular hours, to accommodate to the early schedule of Falls Church High School, since both schools use the same school buses; it is not to be assumed that the past year's class schedule

2-Ctd.

at Pine Spring School will necessarily be followed in subsequent years, since this schedule is quite flexible up to an hour's variance.

From the above items and from further knowledge of your operations in the past, we must conclude that nothing is apparent in your present plans for expansion which would adversely affect the operations of the Fairfax County School Board at our Pine Spring Elementary School.

(S) W.T. Woodson, Div. Superintendent"

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Mr. Roe stated that the Pomeroy Ordinance and ordinances in other counties do not apply to this case. This case is being heard under the present County ordinance. The major emphasis, Mr. Roe continued, is on what is maximum protection under the Melpar amendment. But it appears that maximum protection standards have been set up by Pine Spring to protect themselves. The pictures shown earlier in the hearing are misleading, Mr. Roe continued, as Pine Spring is not surrounded by a dense forest as might be construed from the pictures. He proceeded to point out just what borders Pine Spring on each side.

The sale of homes in Pine Spring has not been jeopardized by Melpar, Mr. Roe insisted, homes there have increased in value by from 15 to 20 per cent.

Mr. Marsh stated that they have made a great effort in Plan B to meet Pine Spring's objections but that they have another Plan, C, which they might bring in if this is not to be granted. However, he noted that while Melpar has made a serious effort to compromise this situation, he felt that Pine Spring should also be willing to accept some compromise.

The Board adjourned for lunch.

Upon reconvening Mr. Lamond made the following statement -- After due consideration and hearing the pros and cons in this case, he would move that the recommendation of the Planning Commission be approved by the Board as this recommendation includes all the problems surrounding this case which have been discussed during this hearing. It is understood that every effort will be made by the County working with the Highway Department to arrive at a solution which will take the Melpar traffic out of Pine Spring. Seconded, Mr. Barnes. Mr. Lamond also stated that this motion is tied to Sec. 6-4, Par. 15m of the Zoning Ordinance and that the motion also includes granting the variance requested, 20.5 ft. from the rear property line which adjoins the School Board property. This is an extension of a similar variance previously granted by this Board. This is granted under Sec. 6-12g of the zoning ordinance. Mr. Lamond said he moved to grant this application as in his opinion the present Plan B as shown will not further adversely affect the neighboring com-

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2-Ctd. munity. In fact, he continued, it would appear that better control would be exercised over traffic flow through Pine Spring after the terms of this motion become effective.

Mrs. Henderson stated that the Board stands ready at any time to consult with Melpar, if they wish it, and if Pine Spring would like to meet with this Board and Melpar and the Planning Commission, the Board would be very glad to do so.

Mr. Smith suggested that if Pine Spring wished to leave a name of one of their Citizens Association members who would like to consult with this Board, the Board would be pleased to have that contact.

Mr. Barnes asked how long the night lights would be kept on.

Mr. Marsh answered that they have no night shift; the lights are set on a time clock. However, some of the people coming in att4:00 find it necessary to park some distance from the building and if the lights are turned off early, it makes it difficult for them. Mr. Marsh noted that the new lights are greatly improved as they are completely controlled; vapor type lights with a special lens, the illumination is concentrated and does not glare. He was certain the lights would not be offensive.

The motion carried unanimously.

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3- PAYNE BROTHERS PROPERTY, to permit erection and operation of a building to be used under the Melpar Amendment, north end of Hardin St., Mason District (Suburban Residence Class 2)

This case was deferred to the June 30 special meeting.

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5- GLENN R. DICKERSON, to permit erection of dwelling closer to Swinks Mill Rd. than allowed by the ordinance, on west side Swinks Mill Rd., approx. 2200 ft. south of #193, Dranesville District (Rural Residence Class 1)

This case was withdrawn by the applicant.

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6- FREDERICK J. HARDBOWER, to permit erection of a building 38 feet from South Street, property at SE intersection of King's Highway and South Street, Mt. Vernon District. (Rural Business)

Mr. Lloyd Onion represented the applicant, identifying this location as the old Hilltop Motel property. He presented the proof of notification of this hearing and pointed out the location of their property, stating that no one had objected to this variance.

DEFERRED CASES - Ctd.

6-Ctd. They are planning two large buildings on the property, an A & P, and Drug Fair and several smaller stores. While a portion of the building will come within 38 ft. of South Street the greater part of the building will be considerably farther than that because of an intervening strip of land between the Hardbower property and South Street. They have put the entrance approximately 300 ft. from the intersection of South Street and King's Highway in order that the entrance to the stores will not be immediately opposite homes across South Street.

The parking was shown on the plat to be to the south and east of the buildings with an entrance to the parking lot direct from U.S. #1.

The building is located as far as possible from #1 where the buildings face in order that they have front parking, which they consider necessary and by setting the building well back it removes any question of interference with sight distance.

The hardship here is caused by the shape of the land which cuts in sharply away from King's Highway. It was noted that there will be no entrance from King's Highway. It was noted that all setbacks can be met except on this one short stretch on South Street.

Mr. Beegleman owns the property immediately adjoining and he will develop along with the Hardbower tract using the same architect. Mr. Onion showed pictures of the proposed development.

There were no objections from the area.

Mr. Lamond moved that this variance as applied for be granted as it does not appear that it would adversely affect neighboring property. The South Street entrance which comes in at the back of the stores will serve a good purpose in getting the traffic in and out of the rear parking lot. This is an irregular shaped lot which cuts into the rear line of the property creating a sharp angle at one corner. This is granted under Sec. 6-12-9. Seconded, Dan Smith. Carried unanimously.

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A letter from Mr. Schumann requested the indefinite deferment of the next three cases:

7- MRS. C. L. CRIM, to permit duplex dwelling to remain as erected, Lots 25 and 27, Wellington Subdivision, (35 Northdown Road), Mt. Vernon District (Rural Residence Class 1)

8- PAUL J. ZIRKLE, to permit two family dwelling to remain as erected, Lot 3A, Resub. Lots 2, 3, and 4, Block 2, Pimmit Park Addition to El Nido, Corner of Hitt Avenue and 7th Streets, Dranesville District (Suburban Residence Class 1)

9- ANNIE E. MUCH, to permit conversion of existing single family dwelling to two family dwelling with less frontage and area than allowed by the Ordinance, on west side of Rt. 712, 1/4 mile north of Rt. 236, Mason District (Suburban Residence Class 3)

Mr. Lamond moved that the three cases just named be deferred indefinitely. Seconded, Mr. Smith. Carried unanimously.

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New)11-Ctd. Since Mrs. Laughlin could not produce the proper plats at this time, Mr. Lamond moved that the case be deferred until July 13. Seconded, Mr. Barnes. Carried unanimously.

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10- KARLOID CORP., to permit operation of a Biological Research and Development Laboratory, northerly side of Rt. 7 opposite Rt. 676, Dranesville District (Agricultural)

Mr. William Hansbarger represented the applicant. Mr. Mooreland reviewed the history of the Hazleton Laboratories. Dr. Hazelton started operating here several years ago as an agricultural use; he was advised by his attorney that he did not need a permit since this property was in an agricultural zone and the nature of the work was agricultural experimentation. However, Dr. Hazelton did come before this Board two different times for expansion and at the last hearing two years ago the Board ruled that he did not need to come back again as long as he stayed 100 feet from all his property lines. Now Dr. Hazelton wishes to make an extensive revision of his buildings, the addition will double the size of his main building. He will clear out the old buildings and come under the Melpar amendment.

Mr. Mooreland told the Board that in his opinion Dr. Hazelton and his operations have been one of the greatest assets the County has. Many people have had to go out of the farming business in the County and Dr. Hazelton has given employment to many of them. There have been no objections to these operations.

Mr. Hansbarger stated that Dr. Hazelton wishes to come under the Melpar amendment because he is actually constructing almost an entirely new building. He can easily meet all requirements of the amendment. He has found that financing is difficult to obtain under his old non-conforming status, also Dr. Hazelton feels that his investment is better protected if he is operating under the Melpar amendment.

Mr. Hansbarger showed pictures of the property including the old buildings

10-Ctd. which will be removed, the pond, parking space and the laboratory which will be remodeled into a new and modern laboratory.

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Asked what becomes of the waste from his experiments Dr. Hazelton said they are cremated. There is no smoke nor odor from this.

Mr. Wrench told the Board that he has been greatly impressed with Dr. Hazelton and his organization and if this is within the restriction of the ordinance he would recommend the granting of this request.

The following recommendation from the Planning Commission was read:

> "The land has been used for this purpose for several years. The use was established prior to the adoption of the "Melpar" amendment.
>
> In order that the present use be permitted to expand it is necessary that application be made under the provisions of this amendment.
>
> With the opinion that this use is an appropriate one in this location and so as to permit proposed expansion, it is recommended that the application be approved."

Dr. Hazelton's plats gave a very detailed explanation of his plans, the location of his own home which is the only residence near the laboratories, parking space and ingress and egress to the property.

Mr. Smith moved that the application of Karloid Corp. to permit operation of a biological research and development laboratory located on the northerly side of Rt. 7 opposite Rt. 676 be granted. This is granted under the provisions of the Melpar amendment. The Board recognizes that some of the buildings now on the Hazelton property are non-conforming but it is understood that they will be disposed of as soon as practical. Seconded, Mr. Barnes. Carried unanimously. (See below)

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Mr. Lamond observed that the applicant had presented no landscaping plan with the application.

Mr. Mooreland said they could not bring in anything on the landscaping until some of the buildings and shrubs are removed. They will make so many changes in the property that it would be impossible to anticipate the exact future landscaping.

Mrs. Henderson suggested that the landscaping around the new building could be shown.

Mr. Smith moved to reopen the case. Seconded, Mr. Lamond, who stated that the Board must have supporting papers to meet the restrictions of the Melpar amendment. Carried unanimously.

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Mr. Hansbarger showed elevations of three sides of the proposed building, the sketch also included a certain amount of landscaping which is already on the property. This being an addition there is very little change in

10-Ctd. the grounds. Eventually, when the other buildings are taken out the landscaping will naturally be changed in the areas of the old buildings. At present they will leave the shrubbery which is already around the building, adding a few trees, but they do not have a detailed plan at the present time for landscaping in the future.

062

Mr. Lamond thought the Board should hold to the requirements. He observed that the Planning Commission had apparently overlooked the lack of landscaping plans. He thought it important, however, that the Board know something more about the future plans. Mrs. Henderson agreed, saying that while this is a large tract, over 90 acres, it is conceivable that a subdivision could spring up on adjoining land and that development should be thoroughly protected.

As the land is developed, Mr. Hansbarger stated, and as each building is put up, they will have to come back to the Board for approval. At that time the landscaping for the area around the building being erected would be submitted. Now they are only asking for the use permit and the right to come under the Melpar amendment. They had not considered that this was a permit for a special building. Mr. Lamond disagreed with that, saying the the Board in the granting included the entire scope of the Melpar amendment. But it would be a little difficult to include all this 90 acres, Mr. Hansbarger continued, Mr. Hazelton runs cattle on this land. There is no attempt at landscaping it. He wants only the permit for this use.

The Board agreed that it was not necessary to submit landscaping for the entire 90 acres, but that it is necessary to have landscaping for the site to be used for the new building.

As each building is put up, Mr. Hansbarger explained, the applicant will necessarily bring in his complete plans. At that time it will be carefully screened to be sure that all phases of the Melpar amendment are met, then each addition will come to this Board. He thought there was no question but what the landscaping is controlled.

Discussion continued, the Board contending that plats should be presented showing ingress and egress, driveway to the parking lot, and parking space, and that it should show the location of trees and other landscaping.

Mr. Smith moved that the application be deferred to give the applicant time to bring to the Board proper site plans showing landscaping, parking area, proposed addition to the present building, ingress and egress, existing landscaping and the required parking spaces. Deferred to special meeting on June 30. Seconded, Mr. Barnes. Carried unanimously. (10:00 June 30)

The Chairman read the following letter from Mrs. Freda Henderson to the Board of Zoning Appeals: (dated June 12, 1959)

"Mrs. L. J. Henderson, Jr., Chairman
Board of Zoning Appeals
Fairfax County
Fairfax, Virginia

Dear Mrs. Henderson:

I want to thank you and the Board for granting my appeal so I can now build on a lot located just off Rt. 613. Mr. Clarke recommended that I send you this letter assuring you and the Board that I will build my house in conformity with sideline setbacks and will not ask the Board for any further exceptions in the matter.

Thanking you I remain,

Freda M. Henderson"

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The Board agreed to meet Tuesday, August 4; only one meeting during that month.

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The meeting adjourned.

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

A special meeting of the Board of Zoning Appeals was held on Tuesday, June 30, 1959 at 10:00 a.m. in the School Board Room of the Fairfax County Courthouse, all members present; Mrs. L. J. Henderson, Jr., Chairman, presiding

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

DEFERRED CASES:

1- KARLOID CORP., to permit operation of a biological research and development laboratory, northerly side of Rt. 7 opposite Rt. 676, Dranesville District (Agricultural)

Mr. Hansbarger presented a site plan showing various setbacks and distances from side property lines, showing parking, etc. and landscaping around the building. He also showed pictures of the building now on the property. The Board members were quite pleased with the information presented by Mr. Hansbarger. They had conformed the plat to the requirements of the Melpar amendment, Mr. Hansbarger explained to the Board; they have provided for 128 spaces for parking for 150 employees. He showed a rendering of the buildings to be located on the property stating that no part of a building would exceed 60 ft. in height and the highest part of any building would be the chimney.

Mr. Lamond moved that the application of KARLOID CORP. be approved to allow them to put the extension on their building in line with plans presented, as it conforms to the Melpar amendment. It was added to this motion that this permit now presumes that the entire 96 acres is part of the operation and that it is coming in under the Melpar amendment. It is assumed that the non-conforming buildings now existing will be removed as soon as feasible. The total land area is 94.916 acres. Granted according to plat dated June 25, 1959 filed with the case; seconded, Mrs. Carpenter. Carried unanimously.

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2- PAYNE BROTHERS PROPERTY, to permit erection and operation of a building to be used under the Melpar Amendment, north end of Hardin Street, Mason District (Suburban Residence Class 2)

Mr. Andrew Clarke represented the applicant. He stated that he had turned in the required notices on June 9. He presented a map showing the location of the property, stating that Melpar is at the present time occupying the five buildings now on the property. Mr. Payne recently acquired the O'Shaughnessy land, a total area of 52 acres. Now they are asking for a special use permit as provided for under the Pomeroy ordinance to erect two buildings as shown on the map. Mr.

2-Ctd. Clarke stated that there is no dedicated street to Columbia Pike--there is before the Planning Commission a dedicated 84 foot right of way coming to Columbia Pike. This matter came up before the Commission on June 29. He stated that the Planning Commission had recommended that the parking as planned in front of the building be eliminated, and they have agreed to this. The buildings do not exceed 65 feet in height, Mr. Clarke continued, and necessary parking would be on Mr. Payne's property, 100 feet from all property lines. He read the signed agreement to be presented to the Board of Supervisors by the Payne Brothers.

Mr. Mooreland read the following recommendation from the Planning Commission:

> "The applicant has submitted a site plan showing among other things proposal to landscape the site, together with the drawing showing the exterior appearance of the proposed buildings. The plans also show that the project will conform with the requirements of the zoning ordinance except in two very minor respects.
>
> The applicant has drawn an indenture to which the Board of Supervisors is made a party, which indenture will guarantee the construction of Hardin Street through from the Leesburg Pike to Columbia Pike. The indenture guarantees completion of construction in accordance with the requirements of the County Subdivision Control Ordinance before any portion of the proposed building shall be occupied.
>
> The site is within the area recommended by the Planning Staff for inclusion in the proposed I-I district at Bailey's Crossroads.
>
> RECOMMENDATION OF THE PLANNING COMMISSION: The Commission recommends approval of the application provided: (1) the aforementioned indenture be executed as proposed; (2) the parking area in the front of the west, buildings 1 through 5 excluded, as shown on the site plan submitted with the application be eliminated, (3) the project comply with the said site plan in all other respects, and (4) the project comply with drawing submitted with the application showing exterior appearance of the proposed building."

Mr. Clarke stated that before getting the occupancy permit they would have to prove that they have adequate parking. He showed a drawing of the five buildings all under one roof. No one was opposed to this application.

Mr. Lamond stated that the Planning Commission had recommended this with certain provisions, among others was the dedication and erection of the street to Columbia Pike and no parking in front of the building.

Mr. Smith asked if this indenture had been approved in principal. Mr. Clarke replied that the Planning Staff had approved it.

Mrs. Henderson wanted to know what the maximum personnel occupancy of the buildings would be. Mr. Marsh replied that the easiest way to figure it would be 100 square feet to a person, roughly 1,040 people.

DEFERRED CASES

2- Ctd. Mr. Smith moved that the application of Payne Brothers be approved in accordance with recommendations of the Staff and the Planning Commission and upon the approval and acceptance by the Board of Supervisors of the Indenture read to the Board today. Seconded, Mrs. Carpenter. It was pointed out that a variance will be needed on the line adjoining commercially zoned land now owned by the Payne Brothers and the encroachment on the theater. That will be filed today, but will come up later. Existing variances will have to be approved. Carried unanimously.

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The Board decided that the only August meeting of the Board of Zoning Appeals would be the first Tuesday, August 4.

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The meeting adjourned.

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Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Board of Zoning Appeals was held on Monday, July 13, 1959 at 10:00 a.m. in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

NEW CASES:

1- RALPH MILLS AND MARTIN HURLEY, to permit division of lots with less area than allowed by the ordinance, proposed lots 191A and 191B, Springvale, Mt. Vernon District. (Rural Residence Class 2)

Mr. John Testerman represented the applicant. While the zoning in this subdivision calls for one acre lots, Mr. Testerman stated, most of the lots are divided into 1/2 acre. In the case of this requested division each lot will have 23,300+ sq. ft. area with 105+ frontage. The few lots in the subdivision which are larger than 1/2 acre have that area because of a topographic condition. If these lots are allowed, there will be no question of meeting all setbacks. The lots immediately adjoining have 23,000+ sq. ft. area.

The Planning Staff report stated that "any resubdivision or other division of lots in this section (Sec. 3) will require plats to be approved by the Land Planning Office."

Mr. Testerman stated that that was perfectly satisfactory to his client. He had not gone any further with the engineering work until having assurance that this was granted by the Board.

There were no objections from the area.

Mr. Lamond moved to approve the division of lots with less area than allowed by the Ordinance, proposed Lots 191A and 191B, Springvale, as shown on plats presented with the case. It is understood that these lots as divided will be approved by the Office of the County Planning Engineer. Mr. Lamond said he moved to grant this because most of the lots in this subdivision have been recorded as half acre lots and those larger have been so plotted because generally they have a topographic condition; seconded, Mrs. Carpenter. Carried unanimously.

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2- W. E. WHORTON, to permit operation of Kiddie Rides, north side of Kings Highway and west side of #1 (1731 Richmond Highway) Mt. Vernon District (Rural Business)

They have installed the pony rides at this location, Mr. Whorton told the Board and now wish to move in the balance of their equipment. This is the same project the Board granted on another location which was temporary. He will bring in the little trains and airplanes. This, Mr. Whorton said,

NEW CASES

2-Ctd. he hoped would be his permanent location. He will be open until 9:30 p.m. While the ingress and egress were not shown on the plat, Mr. Whorton said there would be a circular driveway coming in on one side of the property from U.S. #1 and going out at the other corner. There is sufficient area for full parking on the property.

068

Mrs. Carpenter moved that the application of Mr. W. E. Whorton to permit operation of kiddie rides, north side of King's Highway and west side of #1 be granted as it does not appear that this will adversely affect the use of neighboring property. Seconded, Mr. Lamond. Carried unanimously.

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3- BLUM'S INC., to permit two signs of 357 sq. ft. each total sq. ft. 714, Lots 43 thru 52, Rock Terrace (unrecorded) east side of Gorham St., between #7 and Seminary Road, Mason District (General Business)

Mr. Mooreland told the Board that the applicant had had so many inquiries from the Federal Aviation Commission that he felt it necessary to defer this case until he had checked with them to get clearance for these signs. He asked to defer the case until the next meeting.

The owner of the drive-in theater across the street stated that he was not opposing this, but would request the Board to take into consideration the location of the lights on these signs to be sure they do not interfere with his movie screen.

Mrs. Carpenter moved to defer the case until July 28 at the applicant's request; seconded, Mr. Barnes. Carried unanimously.

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Since the Board was ahead of its agenda, Mrs. Henderson read a letter from Mr. Hoover, relative to the Board's action in allowing Dr. Provenzano to operate with two doctors in his home. No action was taken.

4- MISS ALVA C. BIRMINGHAM, to permit operation of private school, (7300, Gallows Road) Falls Church District (Suburban Residence Class 2)

Miss Birmingham stated that she had changed her location from the one shown on the agenda to 7300 Gallows Road which is three houses away. The application has been changed, to the new location, the advertising is on the new property and the property was properly posted. The only discrepancy before the Board is that shown on the agenda. She has notified five people in the immediate area among with several other nearby property owners, all of whom do not object to this use.

Mr. Mooreland said the case is perfectly in order, the change came in too late to get it on the agenda. All other changes were made.

4-Ctd. Mr. Lamond moved that the Board hear the case with the change in address as indicated on the application, as all requirements of the ordinance have been met. Seconded, Mrs. Carpenter. Carried unanimously.

Miss Birmingham told the Board that she has been a teacher for many years; she expects to retire within one year and this project is being established as a source of income and interest for her retirement. A young teacher will conduct the school. Miss Birmingham will live in the house and will be present much of the time. She will not take active part in the teaching, but it is her project and she will manage the school. She made the following statements: that the suggestions of the fire marshall will be met; lighting has been increased to five tubes; heating has been approved by the inspector who has installed the system. He says it is sufficient; there are no steps for children to climb; there are two doors, one leading outside and one going upstairs to her quarters; the class will have from 10 to 15 children and will be held 3 hours in the morning and 3 hours in the afternoon, children ranging in ages from 4 to 6. The play area will be fenced.

The house is now being built for occupancy September 1. The driveway will come in on one street and go out on the other. There will be no street parking.

Mr. Barnes moved that Miss Birmingham be permitted to operate a private school on the corner of Gallows Road and Brookcrest Place, 7300 Gallows Road, as it does not appear that this would adversely affect the community. It is understood that the number of children will not exceed fifteen children in the morning and fifteen children in the afternoon. It is also understood that all inspections will be met by the fire and health authorities. This is granted to the applicant only, and there shall be no parking on Gallows Road nor on Brookcrest Place. Seconded, Mr. Dan Smith. Carried unanimously.

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5- D. J. WELTMAN, to permit operation of a cemetery, 100+ acres, west side #609, approximately 400 feet north of 29-211, east side #621, approximately 1000 feet north of 29-211, Centreville District (Rural Residence Class 2)

Mr. Mooreland read a letter from Mr. Weltman which stated that because of the July 4 holiday and summer vacations he had been unable to notify five people in the immediate area of this hearing. He asked deferral until July 28.

5-Ctd. Mr. Lamond suggested that since the case is to be deferred that the applicant should bring to the Board a soil survey as to the suitability of this soil for cemetery purposes. Mr. Lamond thought the Board should require this type of report on all cemetery cases.

Mr. Barnes moved to defer the case until July 28 as requested and for the presentation of a soil survey report, seconded, Mrs. Carpenter. Motion carried.

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6- J. E. THOMAS, JR., to permit erection of a roofed patio within 3 feet of side line, Lot 179, Section 2, Loisdale Estates (7741 Jerome Street), Lee District (Suburban Residence Class 2)

All the houses on this street have carports, Mr. Thomas told the Board, except his. This is the only practical place to put his patio as the blacktop driveway comes into his house on this side. He would have an entrance door directly to the patio. This is a corner lot 85 x 105 ft. which gives very little lee-way in view of the two street setbacks. His house is set on an angle and the house on the lot adjoining, which has a carport on this side, is set square with the lot line, therefore this variance would not affect that house except at one corner.

It was suggested that the patio might be located on the other side of the house and project in front of the house.

That would not do, Mr. Thomas answered, as the ground is not the same level as the house and it would be different from other houses on the street--it would look odd. Also at the rear on the driveway side the ground slopes down to such an extent that it would not be practical to get in and out, and the patio would have to be built on filled ground. Also he would have no entrance door from the house. To build the ground up in the rear might cause a drainage problem; it would probably throw the water on adjoining lots.

The carport next door is about 17 feet from the property line and with this one corner of his patio being three feet from the line the variation would still leave a reasonable distance between houses.

There were no objections from the area.

Since this is such a large variance, Mrs. Carpenter said she would feel better if she saw the property before making a decision; she therefore moved to defer the case until July 28 to view the property. Seconded, Mr. Lamond. Carried unanimously.

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July 13, 1959

NEW CASES

7- MID-ATLANTIC PETROLEUM CORP., to permit erection and operation of a gasoline station and to allow less setback of pump islands 30 feet from Franconia Road than allowed by the ordinance, south side of Franconia Road, approximately 500 ft. west of its intersection with Backlick Road, Mason District. (General Business)

Mr. Norman Keith represented the applicant. Mr. Keith pointed out that they do not want the variance suggested on the plat presented with the case which says a 30 ft. setback from Franconia Road. They can meet the 35 ft. setback with the first pump island. However, Mr. Mooreland noted that this is a 30 ft. road and therefore the island would have to be 45 feet from the right of way to meet the required 60 ft. setback from the centerline of Franconia Road.

It was noted that the setback of the four pump islands is staggered along Franconia Road from 30 to 40 feet and that the entry to the pump islands is at right angles to the street, which, Mr. Smith suggested is good. It allows people to come in and out with less obstruction, there would be no lining up of cars, and backing into the street, and it affords good visibility.

Mr. Keith explained also that they will have a self-service for battery check and for washing. These self-service bays are located at the rear. Mr. Smith suggested moving the whole operation back farther, to assure the required setback in front. Mr. Keith thought that could be done, especially as they propose to buy more land on the rear.

Dr. Viscido who claimed he owns the land immediately to the east objected stating that he plans to put up a medical building on his property and he objected to having a filling station next to him as it would tend to reduce the value of his property and would not be in keeping. Mrs. Henderson called attention to the fact that the medical building at Seven Corners is next door to a filling station which didn't seem objectionable to the owners of the building.

Dr. Viscido also thought there are too many filling stations in the area. After further discussion it was discovered that Viscido does not owne the property adjoining the applicant, as a 20 ft. strip separates the two tracts.

Mr. Keith suggested that the 20 ft. strip would act as an effective buffer, if Dr. Viscido thought their operations would be objectionable. However, he pointed out that this is a different type of operation; they do no repair work, no lubrication, and no changing of tires. They would

7-Ctd. have no equipment or cars around the yard--it is purely a gas service. Their grounds are always well-kept with a certain amount of planting. Mr. Downey, representing Springfield Corporation stated that his client owns the entire property surrounding this tract, that is on two sides and his client was not notified of this hearing. Mr. Downey recalled that his property had been recommended for C-O zoning and that there is another medical building planned in addition to Dr. Viscido's. That, too, would be next to this filling station. Mr. Downey pointed out that there are eight filling stations within 400 yards of the intersection of Rts. 617 and 644. After further examination of the plats and an overall plat of the area, it was brought to light that this filling station is located on only a portion of the full tract belonging to Mr. Redmond. There are other owners immediately adjoining this property who were notified of the hearing. Mr. Keith discussed the type of filling station they plan to have which is not self service as far as gas service is concerned. They are located away from the busy intersection where this use could cause no traffic congestion.

Mrs. Henderson read from the ordinance the part regarding filling stations... "Such uses as far as possible should be located in compact groups...." This is on the edge of the growing development at Routes 644 and 617.

Mr. Smith moved that the application of Mid-Atlantic Petroleum Corporation to permit erection and operation of a gasoline filling station on the south side of Franconia Road be granted but that the setback on Franconia Road for pump island shall be not less than 40 feet at the nearest point from Franconia Road. It is understood that there will be no trailers parked on the property and no mechanical work other than the self-services made available to the public for their own use at no cost. This is granted as per certified plan dated December 17, 1958 Plan No. 396E 37. Seconded, Mr. Barnes.

All voted for the motion except Mr. Lamond who voted no because he considered that by granting this the Board was scattering business up and down the highway and he believed that there are ample filling stations in this general location now. By granting this, it may encourage others to string on down the road. The motion carried.

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NEW CASES

8- DR. W. KREBSER, to permit extension of dwelling for doctors' offices, part of Robert C. Cline property, off Old Dominion Drive #309, on Ingleside Avenue, Dranesville District (Suburban Residence Class 2)

073

Both Dr. Krebser and Dr. Alvig were present. One of the doctors will move into the house which they are using now and it will crowd their facilities too closely, therefore the doctors wish to make an addition to the building. This will add about 5000 sq. ft.

It appeared to the Board that the original garage on this house had been converted to a bedroom and the setback is in violation. Dr. Krebser said the bedroom was there when they went into the house and they knew nothing of the violation. Mr. Mooreland stated that his office had no record of this conversion from garage to room.

Mrs. Henderson recalled that she had been opposed to this when it was granted in January. The C-O district is now in effect, Mrs. Henderson continued, and this might very well be put in for a rezoning to that classification. This is now an office building in a residential district, which in her opinion the Board had no authority to grant.

Mr. Lamond said he had considered this a hardship case in January and had voted for it, but now that the C-O district is available, he thought the applicant should ask for a rezoning. That zone was set up especially for professional people, Mr. Lamond continued, it should not be too difficult to get that zoning particularly since the location of this house is not suitable for residential purposes in view of the location of the circumferential highway. The house is very well isolated and such a zoning would not adversely affect other property.

The following report was read from the Planning Staff:

"The application does not indicate how many doctors and employees are proposed to occupy the building. The application also does not indicate any provision for off-street parking. This office suggests that at least five parking spaces be provided for each practitioner, plus one space for each employee."

Mr. Lamond moved to defer the case indefinitely pending the outcome of the rezoning before the Board of Supervisors. Seconded, Mr. Barnes. All voted for the motion except Mrs. Carpenter who voted no. Motion carried.

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water, the ground takes a septic very well. The lots will have a

July 13, 1959

NEW CASES

9- C. G. GILBERTSON, to permit erection and operation of a golf course with structures accessory thereto, approximately 60 acres+, east side of Roberts Road at south boundary of Town Line, Providence District (Rural Residence Class 2)

074

Mr. Henry Mackle represented the applicant. This is planned for additional recreational facilities for the County, Mr. Mackle told the Board. Across Roberts Road is a community swimming pool; there is no public golf course in the immediate area of Fairfax now since the Fairfax Club has been sold to the Army-Navy club. It is felt that this will fill a real need, Mr. Mackle continued; the golf course will be public at the present time, but it is likely that in time it may be converted to a private club. They will have no clubhouse at present, just the golf course.

The entrance and exit would be from the intersection of Roberts Road and the 20 foot outlet road. (This entrance was not shown on the plat.) They have parking for 30 cars or more on the property; that could be increased to allow full parking on the property.

Mr. Lamond moved to grant a permit for erection and operation of a public golf course to C.G. Gilbertson, granted on 60.824 acres located on the east side of Roberts Road at the south boundary line of the Town of Fairfax. This is granted with the understanding that there will be parking on the property for all users of the use. This is granted because it does not appear that it would adversely affect neighboring property. Seconded, Mr. Barnes. Carried unanimously.

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10- ROCKDALE COOPERATIVE, INC., a subsidiary of Greenbelt Consumer Service, Inc., to permit erection and operation of a gasoline station and automobile inspection station, on west side of Kings Highway in Penn Daw Shopping Center near Poag Street, Mt. Vernon District (Rural Business)

Mr. Bateman represented the applicant. He said they had contacted Mr. Burroughs of the Highway Department regarding Rockdale dedicating another traffic lane along the entire frontage of their property up to the intersection of Kings Highway and U.S. #1 to help relieve the traffic situation. He noted that they are not asking for a variance on the pump island setback.

The following report was read from the Planning Staff:

NEW CASES

10-Ctd. "The entrances to this gas station and the Co-op Store proposed on the rear of this property can be improved to decrease the anticipated traffic congestion as a result of a new traffic generator so close to a major intersection. This office suggests that if this Board grants this application that it be granted subject to the approval of the County Planning Staff and the State Highway Department to all entrances and exits from both the service station and the remainder of the shopping center to all public roads."

Mr. Bateman said he had met with the traffic coordinator at Richmond and discussed this, showing him the plat of his property. This plat as presented with this case is the result of his discussions with the traffic coordinator. They will dedicate and construct the road to the intersection.

Mr. Chilton said his office had been studying this with regard to channelization of traffic. He thought there was no problem as far as the filling station is concerned, but thought they might all get together on the traffic talks.

It might be, Mr. Chilton continued, after their discussions and studies that a different location for the pump islands would be recommended.

Mr. Bateman said they would be very willing to meet at any time.

Mr. Smith thought these things should be cleared up before any approval is given, especially the traffic channelization and the entrances. Therefore, Mr. Smith moved that this case be deferred to give the Planning Staff and the applicant the opportunity to finalize the plot plan showing approved entrances etc. which will be satisfactory to the County and the Highway Department. Defer till July 28. Seconded, Mrs. Carpenter. Carried unanimously.

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DEFERRED CASES:

1- FRANK D. McCARSON, to permit division of lot with less area than allowed by the ordinance, SE corner Madron Lane and Dunn Loring Road, Providence District (Rural Residence Class 2)

While this property is now in one acre zoning, Mr. McCarson said he had understood it was zoned for half acre lots at the time he bought the property. There are more than 12 houses on both sides of Madron Lane which are on half acre lots; this is the only lot left on Madron Lane which is not built upon. Both lots could be served with city water, the ground takes a septic very well. The lots will have a

DEFERRED CASES

1-Ctd. frontage on Madron Lane of 160 feet and 159.5 feet respectively. It was noted that the septic field for the house which is presently on one of the lots is within the boundary proposed for that lot.

076

There were no objections from the area.

The following report was read from the Planning Staff: "The division of this tract will be subject to the County Subdivision Ordinance, and a plat will be required to be approved by the County Planning Engineer. The proposed width of Dunn Loring Road is 80 feet (a major thoroughfare), which will require 40 feet from the centerline."

It was noted that the house on the property is set back 76 feet from the right of way which would allow for the widening of Dunn Loring Road.

Mr. Mooreland called attention to the fact that these lots would probably be divided in half after the dedication to Dunn Loring Road is made, therefore the square footage would not be exactly the same as it is now. The second lot may be the same, but the first would be minus the dedication width. The Board, if this case is granted should leave the actual division to Subdivision Control.

Mr. Barnes moved that Mr. McCasson be permitted to divide his property located at the corner of Madron Lane and Dunn Loring Road with less area than allowed by the ordinance, as shown on the plat dated March 14, 1957 and this division of the property shall be subject to approval of Subdivision Control and to the approval of the County Planning Engineer. Seconded, Mr. Smith. Carried unanimously.

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2- SAMUEL W. ENGLE, to permit erection of a dwelling with carport 10 feet from side property line, Lots 14 and 15, Collingwood Manor, Mt. Vernon District (Rural Residence Class 1)

This case was deferred to view the property.

Mr. Engle said that if he had an 80 ft. lot he could put this house on it, as he assumed then that the side setback would be 15 feet. Mr. Mooreland answered that the setback in this zone was 20 feet. If the lot had less width and area than required, a less setback could be granted after a review and consideration of all angles, it was deemed reasonable.

Mrs. Henderson told the Board that she had carefully checked through the Collingwood Manor files and had found that there are only ten lots in this subdivision which do not conform and none of the lots with 100 ft. frontage have houses that do not meet the setback.

2-Ctd. Mr. Engle complained that he had had a series of troubles with this purchase, the property had been misrepresented to him from the beginning. Members of the Board expressed their sympathy, but it was felt that nothing further could be done by the Board. Mrs. Carpenter stated that in her opinion this was not a case of undue hardship caused by the ordinance. She moved to deny the application. Seconded, Mr. Barnes. Carried unanimously.

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3- MRS. JACK LAUGHLIN, to permit erection and operation of a private school, 800 ft. northwest #675, 800 ft. off #7, Providence District (Rural Residence Class 2)

Mrs. Laughlin presented new plats which showed that the school would be operated on six acres, part of the 20 acres in the same ownership. Mr. Paciulli, engineer for Mrs. Laughlin, stated that she now has access on old Route 7, but she is buying the property between her present right of way and Route 7, which will give her full access on the highway. This has no effect upon the case, Mr. Paciulli stated, it is just a matter of fact.

Mrs. Laughlin said it was perfectly satisfactory to her to have the number of children limited to thirty, ages 3 to 5 from 9:00 to 12:00. She will operate the nursery and kindergarten in the morning, then in the afternoon she will use the same facilities for after-school recreation, for an older group. These children will start at six years and run to 10 to twelve years. These children would come in from 3:00 to 5:00 in the afternoon. This operation would be in the nature of recreation-educational activities. They will have a library which will have membership cards. Their plan is to build a house for the school and the library will be established in part of the house. In time they want to build a secondary building.

Mr. Mooreland asked the Board that if Mrs. Laughlin starts operating now in the one building and later puts up the new building and has the same number of children, would he be allowed to issue the permit for use of the second building on the strength of this granting? The Board agreed that he would; this would cover the new building, provided the grounds are used for the same number of children, a total of 30.

Mr. Barnes moved that Mrs. Jack Laughlin be issued a permit to operate a private school and children's library for no more than 30 children at any one time. This is granted as shown on plat dated 7-13-59, prepared by

3-Ctd. O. C. Paciulli, Engineer (Berry Engineers). The property as designated consists of six acres plus, which is part of a 20 acre tract. It is understood that the library is to be part of the school, run in conjunction with the school. This is granted to the applicant only; seconded, Mrs. Carpenter. Carried unanimously.

078

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4- JACK COOPERSMITH, to permit building 35 ft. from Evergreen Lane instead of 50 ft., part Lots 21 and 22, Alpine, (Evergreen Lane), Mason District (Rural Business)

Mr. Martin Weissberg represented the applicant; Mr. Coopersmith was also present. Mr. Weissberg explained their request: This will be a small office building, one and one-half story, about 30 ft. high. They do not wish to observe the required 50 ft. setback from Evergreen Lane, because the building of the Atlantic Refining Company which is on the lot next to them at the corner of Columbia Pike and Evergreen Lane, is set back only 35 ft. If the office building is set back 50 ft. from the filling station building would block the entrance for people coming in from Columbia Pike and down Evergreen Lane. They could locate the building about five feet behind the filling station building and still be all right.

The question arose that this zoning is rural business and the map shows that practically everything else in the area is general business. Mr. Dan Smith suggested zoning this lot to general business rather than to grant the variance.

Mrs. Henderson thought the applicant should present complete site plans, showing location of the proposed building on the property, however, Mr. Coopersmith said it is sometimes difficult for the small man to follow site plans exactly; changes are often dictated by economics.

The Board questioned why the adjoining property had a 35 ft. setback when that property is zoned rural business. Mr. Mooreland brought the minutes covering the granting of the filling station and it was revealed that no variance was granted on the setback. The permit showed a 50 ft. setback from Evergreen Lane. This was granted July 22, 1958. The minutes specifically stated"no variance on the building setback....", etc. Then Mrs. Henderson observed, the plan shown on the Coopersmith building has no validity, there is apparently no reason to request the 35 ft. setback, or any setback less than 50 ft. It was suggested that Mr. Coopersmith withdraw his application; Mr. Coopersmith did so. Mrs. Carpenter moved that the applicant be allowed to withdraw his case.

DEFERRED CASES

4-Ctd. Mrs. Carpenter's motion was seconded by Mr. Barnes and the motion carried.

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5- ARLINGTON AUTO BODY COMPANY, to permit operation of an auto repair and body shop, Lot 10, Section 1, Dowden Center, Mason District (General Business)

Both Mr. Schumann and the applicant asked for an indefinite deferment on this application.

Mr. Smith moved that the case of Arlington Auto Body to permit operation of an auto repair and body shop be deferred at the request of the Planning Staff and the applicant until July 28. Seconded, Mr. Barnes. Motion carried.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held on July 28, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members present, Mrs. M. K.Henderson, Chairman, presidéng.

080

The meeting opened with a prayer by Mr. Lamond.

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NEW CASES

Mr. Lamond stated that the case of ESSO STANDARD OIL COMPANY was incorrectly posted therefore he asked to defer the case to August 4. However it was agreed to take no action on this until the proper time on the agenda.

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It was brought to the attention of the Board that the Arlington Body Company scheduled for 12:30 would be deferred for further study on the parking.

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1- ROCKDALE COOPERATIVE, INC., a subsidiary of Greenbelt Consumer Service, Inc. to permit erection of pump islands 25 feet from Kings Highway right of way line on west side of Kings Highway in Penn Daw Shopping Center, Lee District. (Rural Business)

No one was present to discuss the case. Mr. Lamond moved to hear the case along with the permit request which was seheduled at 12:20. Seconded, Mrs. Carpenter. Carried unanimously.

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2- GERALD LURIA, to permit erection of an office building on side property line, part of Lots 2 & 3, Buffalo Hills, Mason District (Commercial-Office)

A letter from Mr. McGinnis was read requesting that this be heard last on the agenda as he is in court earlier in the day. Mr. Lamond moved that the Board comply with Mr. McGinnis' request. Seconded, Mrs. Carpenter. Carried unanimously.

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3- RICHARD L. & HELEN N. BURTON, to permit operation of a nursery and kindergarten, Lot 77, W. R. Reynolds 3rd Addn. to Golf Club Manor, (4030 N. Stuart St.), Dranesville District (Suburban Residence Class 3).

This case was withdrawn by letter from the applicant.

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The Board requested Mr. Mooreland to take definite action against Mr. Alward as he has done nothing toward complying with County requirements. It was agreed that Mr. Mooreland notify Mr. Alward to appear before the Board on Sept. 8 to show cause why he continues to operate his business in

defiance of County regulations.

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Mr. Smith moved that the case of ARLINGTON AUTO BODY COMPANY not be deferred after August 4 and that it be stated to the applicant that action will be taken on that date. Seconded, Mr. Barnes. Carried unanimously.

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4- KENNETH B. GATES, to permit remodeling of garage to be used as a dwelling, 2.6 ft. from side property line, Lot 8, Gustafson Subdivision (120 Gustafson Road), Lee District, (Suburban Residence Class 3)

Mr. Gates told the Board that he wished to convert the garage which is attached to his house into living quarters. He has used it as a rumpus room.

After settlement was made on his house, Mr. Gates stated, he discovered that the garage was four inches over his property line on to his neighbor's land. He had the garage wall moved back on to his own property. It is still too close to the line and is not usable as a garage. He wishes to seal the inside and remodel it. Mr. Gates showed pitures which indicated the change in the wall. The pictures also revealed the fact that Mr. Gates had removed the garage door and put in a front wall with two doors and two windows. He said it would be a considerable job now to remodel it into a garage.

Mr. Gates explained that the last owner of the house had built this garage with the thought of using it to repair cars, but found such vehement objections from his neighbors that he abandoned the idea. The garage was completed when Mr. Gates bought the house in June 1954. He came to the courthouse to get a permit to remodel the garage for the rumpus room but he had not asked for a permit to enclose the front.

It was noted that a fence is erected within the adjoining neighbor's property line and the neighbor's house is some distance from the fence. No one could say how this violation occurred, a garage located 4 inches over the side line. Mr. Mooreland suggested that it was probably done before his office had adequate personnel for inspections.

Mr. Gates stated that he had five children who are fast growing up. He plans to convert this to a kitchen and turn his present kitchen into a dining room. He suggested that the setbacks required by the county are one means of controlling fire hazard. This, he urged would be less a fire hazard if used as living quarters than if it were a garage. The neighbor's house adjoining is about 25 feet from the side line.

NEW CASES

082

4-Ctd. The Board agreed that this was a case which should be handled strictly on its merits. This is an old subdivision with narrow streets and many irregularities. The garage was built before adequate inspections were made. This man had no part in the original violation, and it was not reasonable to apply regulations to conditions which existed prior to the time of the present controls.

Mr. Lamond moved that Mr. Gates be permitted to remodel his garage into dwelling space.

Mrs. Henderson called attention to the fact that if this is remodeled into a kitchen, it must not be used as a second kitchen. It should be understood that this would be a substitute for the present kitchen. Mr. Gates agreed. Seconded, Mr. Smith.

For the motion: Mr. Lamond, Mr. Smith, Mrs. Carpenter, and Mr. Barnes.

Mrs. Henderson refrained from voting, stating that she agreed that Mr. Gates had a good case but she could not vote for so large a variance bringing the house so close to the line. Motion carried.

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5- HILDA B. HATTON (Benjamin Acres School), to permit extension of private day school, on north side of Rt. 236, opposite Lee Forest, Providence District (Rural Residence Class 2)

Mrs. Hatton recalled that she came before this Board in 1952 for a permit to erect a building addition to Benjamin Acres School. They did not build at that time and now that they are ready to go ahead with construction it is necessary to move the location of the addition. It will face on the old County road which comes in on the edge of the Benjamin Acres property off Rt. 236. This addition will increase the school by about 25 children. The structure will be of cinderblock construction. When the highway construction is completed all access to this property will be from the side road.

They have approximately 132 children with a maximum of 150 in winter. They are all day pupils. They serve lunch to the younger children.

There were no objections from the area.

Mr. Smith moved that the application of Hilda Hatton to permit extension of a private day school known as Benjamin Acres be granted as it will not adversely affect the surrounding neighborhood. Seconded, Mr.T. Barnes. Motion Carried unanimously.

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NEW CASES _ Ctd.

6- ESSO STANDARD OIL COMPANY, to permit erection and operation of a service station and to permit pump islands 25 feet from right of way line of #1 Highway, property at SE corner of #1 Highway and Rt. 235, Mt. Vernon District (Rural Business)

083

Mr. Hansbarger was present to represent the applicant.

Mr. Lamond again reported that this property was improperly posted and moved that the case be deferred till August 4. Seconded, Mr. Smith. Carried unanimously.

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7- JACK W. BESS, to permit erection of an addition to dwelling 10.6 ft. from side property line, Lot 24, Woodland Park, Mt. Vernon District (Rur. Residence Class I)

Mrs. Bess appeared before the Board. This has been a two-family dwelling she explained, which they wish to convert to a single-family house. In order to do that they need a utility room on the side. While the house on the adjoining property is 10 feet from the side line it is 33 ft. closer to Woodland Lane than the Bess house. This addition could not possibly affect these neighbors adversely.

The wiring was not put in the house according to the present code. They intend to rewire in conformance with the County code. They will also have an interior stairway in the utility room.

Mrs. Bess noted that they own Lot 25 which is immediately adjoining their house lot. Mr. Mooreland stated that Lot 25 was tied up in the granting of a two-family dwelling, however, that would be released if this is granted.

Mrs. Henderson suggested an addition on the other side. Mrs. Bess said it would not be workable and that the septic is close to the house on that side. The septic field is entirely contained on this lot. The rear would not be feasible either. They would have to redo the entire heating system.

In this area Mr. Mooreland suggested that such a variance would not be unreasonable because the house is so far back from the road, approx. 160 feet. The rear yard runs down to Little Hunting Creek.

Mrs. Henderson suggested cutting down the 19 ft. width of the utility room and picking up that area by extending the room to the rear flush with the rear line of the house.

8- That would throw the lines of the house out of balance, Mrs. Bess contended it would be so narrow the little addition would not look like part of the house. They are planning a flat roof which needs more width to balance out with the hous. The top cdeck of the addition would be almost level with the road; there is a considerable slope from the road toward the creek. This is a two level house and the new room will actually be down two stories below the front of the house.

Mrs. Carpenter suggested that since it was difficult to get an accurate picture of the situation the Board should defer the case to view the property. She moved to defer the case until August 4 to view the property. Seconded, Mr. Smith. Carried unanimously.

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8- JAMES W. & WILLIAM L. SMITH , to permit operation of an auto repair garage in existing building, Lot 13 and part Lots 12 and 13, Southern Villa, Mason District (General Business)

Mr. W. Kelly represented the applicant. He stated that the brick building presently on the property is being used for a grocery store and filling station with a party wall between. The applicant wishes to do away with the grocery store and convert the entire building to garage use. The existing building on the rear of the property is not in use at present.

This property was zoned general business in 1955, Mr. Kelly continued, on one side and across the street is commercial zoning. This property has been used for business purposes for a long time. Originally it was a non-conforming use and later rezoned.

Mr. Mooreland recalled the history of this property saying it has been continuously in business use and now everything is in order except the permit for a repair garage from this Board.

Mrs. Henderson called attention to Section 6-16 under which this case could be granted, which says "no wrecked vehicles shall be stored on this property."

Mr. Kelly answered that the applicant had no intention of storing cars, but noted that wrecked cars pulled in for repair are often held for a certain period of time until insurance adjustment is made or until a sheriff sale is made. However, Mr. Kelly agreed that the applicant would comply with the ordinance.

085

NEW CASES

8-Ctd. Mr. Lamond moved to grant a permit to James W. and W. L. Smith to operate an auto repair garage in the existing building on Lot 13 and part of Lots 12 and 14, Southern Villa. The granting of this application is tied to Sec. 6-16 of the ordinance; seconded, Mr. Barnes. Carried unanimously.

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9- DRUG FAIR, INC., to permit erection of one sign larger than allowed by the ordinance (232 sq. ft. total area) Lot 9, Sec. 5, Salona Village, Dranesvilld District (General Business)

Mr. Hulse represented the applicant, stating that they are asking for the Standard "Drug Fair" sign which has been granted not only in other jurisdictions but also in Annandale and Vienna. It would have interior illumination with plexiglass face.

In checking the sign case granted Drug Fair in Annandale it was recalled that the company had removed the Coca Cola signs, thereby reducing the square footage by 43 sq. ft. This request could be reduced to 176 sq. ft. by removing the Coca Cola lettering.

Mr. Mooreland called attention to the fact that the applicant could withdraw his application now and under the new ordinance which becomes effective in September, this sign would be allowed.

The Chairman asked for opposition.

Mr. C. L. Duval, from the McLean Citizens Association, representing over 300 citizens and members from Salona Village spoke in opposition.

He prefaced his remarks by saying the sign is too large and is offensive to people in the area.

Mr. Duval recalled the history of the Safeway sign which was granted and erected without opposition from the neighborhood. When the sign was completed it was found to be entirely out of keeping with the area and distasteful to those living nearby. They started negotiations with Safeway and the company voluntarily cut the sign back to the symbol "S". Such an action on the part of Safeway in showing consideration for the wishes of the people in the area Mr. Duval stated, was greatly appreciated and he believed Safeway would benefit both financially and from the standpoint of good public relations. He believed the same thing would happen with Drug Fair.

Mr. Duval read the sign resolution passed last year by the McLean Citizens Association:

NEW CASES

086

"Resolution regarding voluntary sign standards adopted by McLean Citizens Association on March 10, 1958:

WHEREAS, the McLean Citizens Association believes that a modern business center can be compatible with an attractive residential area without adversely affecting adjacent and nearby properties, and that such a situation, beneficial to businessmen and residents alike, may best be obtained and maintained by establishing a set of standards, to be complied with on a voluntary basis;

NOW THEREFORE, BE IT RESOLVED BY THE MCLEAN CITIZENS ASSOCIATION, that business firms now established or planning to locate in McLean be encouraged to adhere to a voluntary set of standards, incorporating the following suggestions to the extent practicable or possible:

1. There be no variances from the limitations on size, character, and placement of signs now embodied in the county zoning ordinance;
2. No sign be higher than the roof line of the building;
3. Signs be attached to the face of the building, without projecting an excessive distance, and simply give the firm name and kind of business;
4. Eliminate redundancy of signs which confuse rather than aid the purpose intended;
5. Use of gaudy colored neon lighting be avoided;
6. Outdoor lights be hooded or otherwise subdued so that illumination does not spill into the adjoining street or property;
7. That the planting of street trees and attractive landscaping be encouraged and maintained wherever feasible, so as to blend the commercial center with surrounding residential community.

AND BE IT FURTHER RESOLVED, that representatives of this Association meet promptly with representatives of the McLean Business Association to explain the motives and objectives of this Resolution and to seek the cooperative effort of the businessmen of McLean in attaining our mutually desirable results."

Mr. Duval went on to say that he had been negotiating with Drug Fair for many months regarding this sign. He presented the Board with copies of his letters to the president of the company and a reply from Mr. Elsberg, president, dated June 16, 1959 and quoted as follows:

"Dear Mr. Duval:

We have thoroughly investigated the sign and illumination of our new store being erected in McLean, Vienna.

It has always been and will continue to be our policy to cooperate with the members of our communities. The resolutions of the McLean Citizens Association has been carefully followed and it is our intention to go even further. We have instructed the builders to use opaque glass at the top of the windows and have also completely cancelled our agreement for the erection of the road pylon sign. The front sign will be attached to the face of the building in accordance with your paragraph 3 of the resolution. It will not be gaudy colored neon, but just simple fborescent tubes behind plexiglass. I have been advised by our lighting expert that the light will noy cast reflections into any of the adjacent houses--first, because of the distance--secondly, because of the light being thrown by the parking lot lights both in our center and the one across the street in front of the houses.

We have every intention of cooperating with the area and we do feel that the changes we have made will be both pleasant to the community and beneficial to us.

(S) Milton L. Elsberg, President
Drug Fair Drug Stores"

9-Ctd.

Mr. Duval presented an opposing petition to the Board signed by thirty people.

Mrs. Cecile Reeves, who lives two houses away from Route 123, objected, also Mrs. Clarke Warburton, whose property overlooks the Drug Fair property. She recalled their friendly dealings with Safeway and stated that when Safeway removed their oversized sign they asked that the area protest any new store coming into the community offering to put up a sign larger than Safeway. Mrs. Warburton thought that was a reasonable request and she assured the Board that the people in the entire area agreed with her.

Mrs. Mary Robinson who lives across the street and to one side of Drug Fair protested. She read the following letter from the Salona Village Citizens Association:

"July 25, 1959

Mrs. L. J. Henderson, Jr., Chairman
Fairfax County Board of Zoning Appeals
Fairfax, Virginia

Dear Madam:

Your attention is directed to the scheduled hearing on 28 July 1959, pertinent to the application of the Drug Fair, Inc., for the placement of a store front sign considerably larger than allowed by existing ordinance (232 sq. ft.) for their new store on Lot 9, Sec. 5, Salona Village, Dranesville District, Fairfax County Virginia.

The Salona Village Citizens Association, composed of residents in the immediate area of the new Drug Fair store, is strongly opposed to the requested variance in the existing ordinance for a larger store front sign. Such an increase in an illuminated sign will cause considerable disturbance to the residents in the adjacent area. The proposed sign will also be considerably larger than any other store front sign in the Salona Shopping Center.

It should be noted that the management of Safeway, located immediately to the left of Drug Fair, was most cooperative with this Association in reducing the size of their store front sign. The members of the Association sincerely appreciate this action on behalf of the Safeway management, and it has resulted in considerable community good will and patronage.

We feel sure that Drug Fair management is most concerned with the future success of its new store in this area and, accordingly, they would not be objective if the Board does not approve a variance in the existing ordinance for this particular application.

Accordingly, it is respectfully requested that the Board deny the subject application, and require compliance with existing zoning requirements which were presumably adopted for the welfare of the County after careful consideration.

(S) Donald J. Halloran
President
Salona Village Citizens Assn."

Mr. Hulse insisted that the light from the sign would not project across the street. Mr. Hulse also stated that he had no knowledge of the president of Drug Fair's letter to Mr. Duval. He asked that the Board extend

9-Ctd. this until the next meeting in order that he might discuss the sign with the company. He thought the sign could be cut to 128 sq. ft. by taking out the center insignia and removing the two Coca-Cola signs.

Considerable discussion followed resulting in a motion by Mrs. Carpenter to defer the case until August 4 to give an opportunity for the president of Drug Fair, and the McLean Citizens Association to get together on a satisfactory compromise. Seconded, Mr. Smith. Carried unanimously.

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10- CLARENCE W. GOSNELL, INC., to permit erection and operation of a sewage pumping station, Parcel 22C, Section 8, Waynewood, Mt. Vernon District (Suburban Residence Class 2)

Mr. Charles Harnett represented the applicant.

Mr. Lamond recalled at the Planning Commission hearing on this the question had come up regarding infringement on the Mt. Vernon Memorial Highway. However, Mr. Harmett answered that the map presented at the meeting was in error; the pumping station is located at least 250 ft. away from the Memorial Parkway.

Mr. Harnett located the station, stating that it is situated in a hollow where it is visible to no one. This parcel, Lot 22C, was set up on the original plat as a pumping station site; it is shielded by dense woods.

Mr. Price stated that the Planning Commission had heard the case and approved the site which does not appear to adversely affect anyone. It is a necessary facility for development of this subdivision, and it will offer opportunity for more hook ups to the sewer line which the County needs.

Mr. Harnett told the Board that the building would be of brick construction and that they would leave all the surrounding trees they can in connection with the construction so the station will be well screened.

There were no objections from the area.

Mr. Lamond moved that a permit be granted to Clarence W. Gosnell, Inc. to erect and operate a sewage pumping station on Parcel 22C, Sec. 8, Waynewood, the building as specified by Mr. Hanett and that screening be added across the front of the property to act as a screen for the people across from this facility and that sufficient trees now existing be left to provide a natural screening around the station and to render it less objectionable. Seconded, Mr. Barnes. It was also added to the motion and agreed to by Mr. Barnes, that the architecture of the building shall be in conformity with homes in the area and that the station shall be similar to Station #1. Carried unanimously.

DEFERRED CASES

1- BLUM'S INC., to permit two signs of 357 sq. ft. each, total sq. ft. 714, Lots 43 thru 52, Rock Terrace (unrecorded), east side of Gorham St., between Rt. 7 and Seminary Rd., Mason District (General Business)

089

Mr. Bernard Fagelson represented the applicant. He introduced Mr. Kann, Mr. Stuart, Mr. Blum and Mr. Roseman.

Mr. Fagelson stated that Fair Lanes, Inc. is a large bowling lane chain, operating this business in many parts of the country. He went on to say that the need for the large signs would be developed later but first asked Mr. Roseman to discuss the type of signs proposed to be used.

Mr. Roseman explained that the signs would be individually and internally lighted. They would be constructed of plexiglass which assures no glare. He described the construction, color and materials to be used, stating that the type and location of a business determines the height and width of the sign necessary for adequate advertising.

In answer to Mrs. Henderson's question, Mr. Fagelson answered that they have asked for so large a sign area because of the nature of the business. Bowling must attract a transient type of people, not people driving through the area (tourists) but people who do not necessarily live in the area but perhaps go back and forth to work or who constantly drive this way. It must be something to catch their eye. While the sign area is large the overall ground area is also large, a small sign would be lost. The signs are comparable to those granted to Tops and Grants, Mr. Fagelson pointed out. This is a congested area of many businesses. Sign competition is keen. In some places a sign 1/10 the size of this would be effective, Mr. Fagelson insisted, but here it is on a par with and in competition with other large signs.

They are concerned both with realities and aesthetics, he went on. A business must be effectively advertised but at the same time they have attempted to keep the sign simple in design and attractive.

Mr. Fagelson pointed out also that the sign on Seminary Road as first located interfered with the flight pattern of the airport. The location of the sign was changed to meet that objection. They have also been very conscious of the effect of their lights on the Sunset Drive In Theater. They have assured the fact that there will be no interference from glare.

Mrs. Henderson pointed out that the new shopping center at Baileys Crossroads has only 120 sq. ft. of sign area.

DEFERRED CASES

1-Ctd. This sign has very little lettering, Mr. Fagelson pointed out, but each line is very important. The company has spent 40 years establishing the trade name "Fair Lanes". It is necessary that that be on the sign. It "Liddle Griddle" is also a well-known trade name. These names have a following in other parts of the country and this is the standard sign used in other places.

090

Mr. Blum spoke urging the granting of their request.

Mrs. Henderson objected to the granting of this large sign area, especially just before the new sign regulations go into effect. She suggested that the sign could be cut and still be adequate.

Mr. Lamond recalled the large sign granted on Bargain City, justifying that by the size of the building and the long setback from the road. Such reasons have no application here, he noted.

Mr. Fagelson commended the Board on its integrity but insisted that each case stand on its own merits and they must have a sign sufficiently large to meet their purpose. He pointed out the revenue to the County from a profitable business, a business that requires no services.

Discussion continued at length, the opening wedge the granting of this would cause; other businesses which are operating profitably without extra size signs; the possibility of putting the sign on top of the building which it was thought would interfere with the flight pattern of the airport; on the face of the building would be too low; over the entrance was unacceptable as being parallel to the highway.

The Board turned to consideration of the second sign on Seminary Road which was redesigned and relocated to fit FAA specifications and to suit the owner of the airport.

Mr. Ben (owner of Washington-Virginia Airport) told of his talks with the applicant, FAA and the Virginia State Aviation people. The original plan was for a sign 39 ft. ~~sign~~ from GRADE TO TOP. The height and size were reduced and relocated to assure the safety of oncoming planes. He considered Blum's very cooperative. It was noted that the filling station granted by the Board of Zoning Appeals is a hazard to the flight pattern. The Board regretted that they were not advised of this at the time the station was up for hearing.

Various ways of reducing the size of the Route 7 sign were discussed; removal of "liddle griddle"; changing the circle background to squares; reducing size of the large letters. It was agreed that a reduction could be made, but the Board still was not favorable to the excessive area requested.

1-Ctd. The reduction agreed upon by the applicant was from the 712 sq. ft. requested to 312 sq. ft.

There were no objections from the area.

Again the Board discussed putting the sign on top of the building; Mr. Fagelson said it would be too high. The building would not support a heavy sign and FAA would object to any increase in height above the building line.

Mr. Kann and Mr. Roseman participated in this discussion, Mr. Kann emphasized the need of such a large sign area because of the nature of this highly competitive business; he compared the psychology of people going to restaurants and drive-in theaters with those going to a bowling alley.

The applicant agreed to 96 sq. ft. of sign on the Seminary Rd. sign and 216 sq. ft. on Leesburg Pike.

Mr. Lamond moved to defer the case for the applicant to further study the possibility of getting this sign located on the building, suggesting that they talk with FAA and see if some arrangement could be worked out.

Seconded, Mr. Barnes.

It was requested that the applicant bring written approval from FAA.

The applicant and Mr. Fagelson were not content with this motion. They thought it impossible to locate the sign as requested and considered this tantamount to a refusal. Mr. Fagelson suggested that this was not a realistic approach to their problem.

Mr. Henderson suggested having only the word "Bowl" on a pylon and placing the text on the building.

The motion carried unanimously.

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Mr. Fagelson asked if the motion meant to put the sign on the building if possible but not necessarily reduce the size of the sign.

Placing the sign away from the highway, it could be larger, Mr. Lamond explained, but not as large as applied for. He recalled that the applicant had agreed to 96 sq. ft. plus 216 sq. ft. for the total area. He thought a reduction to approximately 300 sq. ft. total would be satisfactory.

Again, Mr. Roseman objected, saying the construction of the building would not support the sign. Mr. Lamond suggested poles at the side of the building for support.

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DEFERRED CASES - Ctd.

2- D. J. WELTMAN, to permit operation of cemetery, 100+ acres, west side of #609, approx. 400 ft. N. of 29-211, E. side #621, approx. 1000 ft. N. 29-211, Centreville District (Rur. Res. Class 2)

This case was deferred to September 22 at the request of the applicant.

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3- J. E. THOMAS, JR., to permit erection of a roofed patio within 3 ft. of side line, Lot 179, Section Loisdale Estates (7741 Jerome St., Lee District) Suburban Residence Class 2

Mr. Koontz represented the applicant.

Mr. Smith reported the result of viewing the property; that the house was so situated on the lot that it apparently was never intended that a carport would be built, nor was this house or other similar houses down the street designed for the addition of a carport. He considered the drop behind the house which Mr. Thomas had mentioned at the last hearing, to be minor and that it could be graded very easily and made practical for a carport which could conform to requirements.

Therefore Mr. Smith moved that the application of J. E. Thomas to permit erection of a roofed patio within 3 ft. of the side line on Lot 179, Loisdale Estates, be denied because there is an alternate location on the property which could be used. Seconded, Mrs. Carpenter. Carried unanimously.

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3- ROCKDALE COOPERATIVE, INC., a subsidiary of Greenbelt Consumer Service, Inc., to permit erection of pump islands 25 ft. from Kings Hwy. right of way line, on west side of Kings Hwy. in Penn Daw Shopping Center, Lee District (Rural Business)

4- ROCKDALE COOPERATIVE, INC., a subsidiary of Greenbelt Consumer Service, Inc., to permit erection and operation of gasoline station and automobile inspection station, on W. side of Kings Hwy. in Penn Daw Shopping Center near Poag St., Lee District (Rural Business)

Mr. Bateman was present representing the applicant. Mr. Lamond told the Board that the Commission had been unhappy with the Board of Zoning Appeals for having so consistently granted the 25 ft. setbacks for pump islands.

Mrs. Henderson recalled that both the Highway Department and Mr. Mooreland had stated many times during hearings on such requested variances that the 25 ft. setback was actually a safety measure as it would prevent parking between the right of way and the pump islands which creates a driving hazard.

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4-Ctd. Mr. Mooreland said he did not say a 25 ft. setback was always better than the required setback. He thought the setback should be cut so there could be no parking at all between the right of way and the islands.

Mr. Bateman said his company has built many service stations, most of which have 15 ft. setback for the pump islands and no parking is allowed between the island and the right of way.

Mr. Lamond said he was distressed over the required 50 ft. setback in the new ordinance, but the Planning Commission was not in agreement with him and had criticized the Board on this many times.

Mr. Smith suggested that the Commission members may not realize the danger in the deeper setback; he thought the closer to the road the safer for all concerned.

Mr. Chilton, from the Planning Staff, displayed a plan for ingress and egress and islands as worked out with the Highway Department and approved by them.

The Staff Report recommended that if this is granted it should be subject to entrances and islands as indicated on the drawing prepared by his office. No center entrance should be permitted as this would be too close to the intersection with Route 1. One entrance on North Kings Highway and one entrance on South Kings Highway should be located at the extreme ends of the property. Center islands should divide these entrances to separate cars entering and leaving. A header curb or small island should be constructed between the service road aisle and the parking lot and gas pumps. Adequate directional signs and pavement marking should be provided to facilitate rapid traffic movement off the highway.

Mr. Bateman objected to the plan as presented. He said the object of his business was to sell gas and they could not sell gas without sufficient entrances to the highway. The entrances as shown on the plan would render this permit useless to his company; they would never get customers if people have to go so far to make the turn into their lot. The highway Department has approved four driveways.

Mr. Bateman said they have agreed to provide an additional traffic lane to facilitate the flow of traffic at this intersection; they have worked out a plan of entrances and exits which Mr. Burroughs said was satisfactory. They would not have bought the property had they realized their business would be only partially accessible. Mr. Bateman compared his plan with that presented by the Planning Staff and explained the handicap to their

4-Ctd. business with the limited access proposed. Such a plan would be perfectly satisfactory for many other types of business, Mr. Bateman continued, but not a filling station. Competition is so keen they must have quick and easy access.

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Mr. Chilton said he had no doubt but what the Highway Department would approve Mr. Bateman's plan as it is not contrary to Highway's requirements, but the Highway Department feels that his plan is better and they would therefore prefer to have it put into effect.

Considerable discussion and comparison with other similar intersections followed. The Board did not wish to grant a business, then choke it off with inadequate access, yet all members were loathe to grant the Bateman plan without approval of the Planning Staff.

Mr. Chilton said that while Mr. Bateman's plan, if granted, may prove to be perfectly satisfactory, he could not change the Planning Staff recommendation as it had been worked out by Mr. Schumann and he felt it was up to Mr. Schumann to change his mind on a recommendation if the report were to give approval to Mr. Bateman's plan. However, Mr. Chilton said he would take this back to Mr. Schumann if the Board wished, and discuss it again.

Mr. Barnes moved to defer the case until August 4 to see if the Staff could work out something which might compromise the situation to some extent. Seconded, Mr. Smith. Carried unanimously.

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2- GERALD LURIA, to permit erection of an office building on side property line, part of Lots 2 & 3, Buffalo Hills, Mason District (Commercial Office)

Mr. Robert McGinnis represented the applicant.

Mr. McGinnis showed a plat of the property and Mr. Mooreland pointed out that while property on both sides of these lots is zoned residential this area has all been set up on the future plan in a C-O district. When the property adjoining this is zoned C-O, which he considered inevitable, there will be no side setback. This lot is 75 ft. x 150 ft.

Mr. McGinnis pointed out that only one lot away is general business zoning. Between the general business zoning and this commercial office zoning is a lot 50 ft. wide zoned Suburban Residence Class II. That lot is too small for residential use.

This building will be used for a real estate office and professional offices. Mr. Luria's office will be moved here from Arlington to occupy the first fbor. The second floor will be for tenants.

DEFERRED CASES - Ctd.

2-Ctd. The Planning Staff stated that two parking spaces at the rear of the building are blocked by other spaces and the spaces along the east boundary are only 8 ft. wide. The Staff sugested that spaces be a minimum of 8 1/2 ft. wide or preferably 9 ft. The minimum number of required spaces (24) will still be available even if the two spaces at the rear are dropped and the other spaces widened.

There were no objections from the area.

Mr. Smith moved that the application of Gerald Luria to permit erection of an office building on side property line, Part of lots 2 and 3, Buffalo Hills be approved subject to approval of the County Planning Office with regard to the correct amount of parking space and the width of the parking spaces.

Mr. Smith noted that the residential lot abutting this property is only 55 ft. wide, less than the area required for a lot in this area and therefore unusable as a residential lot and this area is recommended for C-O zoning by the Planning Staff.

Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Board of Zoning Appeals was held on August 4, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present, Mrs. M. K. Henderson, Chairman presiding.

The meeting was opened with a prayer by Mr. Lamond

NEW CASES

1- CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, to permit erection and operation of a dial center, north side of Keene Mill Road, Route 644, approximately 1800 feet east of Route 638, Mason District (Suburban Residence Class 2)

Mr. Price, Chairman of the Planning Commission stated that under Section 15-a-231 of the Code it is now necessary for the Planning Commission to review and make a recommendation on all public facilities before a request for implementation is granted by any quasi judicial body. The applicant in this case being a public utility, it will be necessary for this, if granted, to be made subject to approval by the Planning Commission. This would eliminate unnecessary delay as the Commission could handle the case within a week.

Mr. Lillard was present representing the applicant. He stated that the original plats presented with this case have been corrected-- he filed new and corrected plats with the Board. He also presented a rendering of the proposed building, the proof of notification to adjoining property owners, and statements from the owner of Westpring, Inc. and the School Board saying they have no objection to this installation.

The building will be of fireproof construction, without basement, one story , brick exterior with a front of precast stone paneling. The rear will be wood studs and asbestos shingles to permit future expansion to the rear. The building will be 118' x 93'.

Mr. Lillard presented Mr. Jordan, Mr. Baldwin and Mr. Harrison from C & P. Mr. Jordan from the C & P Planning Division, stated that their long-range economic studies indicate that this area is in need of an additional switching center and that this is the most advantageous and economical spot for such an installation. It will serve from 6,000 to 7,000 people in the beginning and will necessarily be expanded as the need arises.

Mr. Andrew Clarke asked how many people will be employed in the building. Mr. Lillard answered -- 6 or 7 regularly employed people. There will be a few service people coming in now and then. They will have parking for employees only. The location of the parking area has not yet been worked out, Mr. Lillard continued, but they have ample space.

1-Ctd. Mr. Clarke noted that the applicant had no layout to show the location of the building and the parking area. Mr. Clarke said he was not present to object to this, but that Mr. Carr owns the property adjoining and he was interested in protecting any homes that might be built adjoining this property. He also called attention to the fact that Mr. Carr would dedicate right of way for widening Old Keene Mill Road.

Mr. Lillard stated that the trees shown to the rear in the rendering, will not be removed except what is necessary for the location of the building and the parking.

In answer to Mr. Smith's questions about the type of exchange this will be, Mr. Lillard said it would be a new dial center. Several existing exchanges will be handled as well as some new exchanges from time to time. It will be a central exchange. This will be one of several central exchanges which will be needed throughout the County.

Mr. Baldwin discussed the construction of the building also, stating that no exposed entrance cables would come into the building. They would all be underground.

Mr. Lamond suggested fencing the property, however, the other Board members suggested that an attractive building with a screening of trees and landscaping was more in keeping with a residential area than a fence. Mrs. Carpenter spoke of the dial center at McLean which was unfenced and which was very suitable in the area.

Mr. Jordan assured the Board that there would be no storage of equipment on the property, only a few small things which would be kept in the building. The employees will be engineers and maintenance personnel.

Mr. Harrison, the local manager, offered to answer any further questions.

Mr. Clarke read a statement from Mr. Carr, owner of Westspring, Inc. which stated that Mr. Carr sees no objection to this center. In fact he feels that it is essential. However, Mr. Clarke went on to say that since no parking area is shown on the plat he would ask that Mr. Schumann and Mr. Mooreland should approve the site plan for the parking and to assure screening protection for the homes in Westspring. While they mean to leave the trees it often happens that trees are inadvertently destroyed. He urged the Board to assure the fact that the screening will be done by the applicant.

Mr. Lillard told the Board that this will include a 50 ft. road running along the west boundary line of this property and that the parking area would depend upon the development of that road.

NEW CASES

1-Ctd. Mr. Clarke stated that that road is tentative. There is a 50 ft. strip along the west boundary leading off of Old Keene Mill Road but it is not known yet what the Planning Commission will do on that.

It was agreed that the ultimate future of the road would necessarily be worked out by the Planning Staff. Mr. Lillard stated that the C & P Company would cooperate and consult with the Planning Staff.

There were no objections from the area.

Mr. Smith moved that the application of the C & P Telephone Company to permit erection of a dial center on the north side of Keene Mill Road approximately 1800 feet east of Rt. 638 be approved subject to the approval of the Planning Commission and subject to the approval of the Planning Staff with regard to adequate screening and parking arrangement. Seconded, Mr. Lamond. Carried unanimously.

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2- HORNE, INGERSOLL & NAISBITT, to permit erection and operation of a motel, (156 units) and permit parking in residential zone. Permit buildings 30 ft. from right of way line of Arlington Blvd., and permit canopy 10 ft. from Arlington Blvd. right of way line, on S. side of Arlington Blvd. approx. 266 ft. E. of Patrick Henry Dr., Mason District (General Business)

Mr. Mooreland read a letter from the applicant asking tbe defer this case to September 8 as they have not sent notices to adjoining property owners.

Mrs. Carpenter moved to defer the case until September 8. Seconded, Mr. Lamond. Carried unanimously.

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3- J. J. DIPBOYE, to permit division of lots with less width and area than allowed by the Ordinance, Lot 79 and portion of Lot 87, Valley View Subdivision, Lee District (Suburban Residence Class 3)

Request filed to defer to September 8. Motion by Mr. Lamond. Seconded Mrs. Carpenter. Carried unanimously.

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4- ALEXANDRIA SCHOOL FOR HANDICAPPED CHILDREN, to permit operation of a school for handicapped children, at the corner of Lincolnia Rd. and Sano Street (6805 Lincolnia Rd.) Mason District (Suburban Residence Class 2)

Mr. William Cleveland represented the applicant. He stated that this is a non-profit organization which has been operating in Alexandria for six years. They are leaving their present site in order to have more play

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4-Ctd. area. This is one-half acre of ground. The house is fireproof. The property will be fenced. The school is operated cooperatively mostly by the parents of the children attending. Mr. Cleveland described the school. The present location at 3010 Duke Street is too close to the street. They have not been able to find suitable property that is within their means. The children are at the school from 9:30 until 12:30, a few staying on until 2:30. None are kept overnight. None of these children are violent or dangerous in any way. The attendance runs between 15 and 18, but not all are there at one time as they have a great deal of absenteeism from colds and children's diseases. They will have five instructors.

Mrs. Esther Thomas, director of the school, stated that the children are well behaved and well supervised. They range in age from 4 to 15 years.

Mr. Cleveland said they will have no parking problem as he transports all the children in his station wagon. No one will live on the property. The garage which is attached to the house by a breezeway will not be used as a classroom but will be fitted up for crafts, particularly for use as a ceramic kiln.

The plan of the school is to give the children instructions in crafts and a limited academic training. The children are by and large uneducatable.

Mr. Cleveland stated that this organization is made up of parents with handicapped children who attend the school. They get support from the City of Alexandria and from other interested organizations. This will be the same school they have been conducting, only with a new location.

There are presently five children in the school from Fairfax County.

They cannot handle more than twenty children.

If this is granted they will go into requirements of the Fire Marshal and the Health Department and will meet all regulations.

There were no objections from the area.

Mrs. Thomas stated that the play area would be in the back. She noted particularly that these children are neither noisy nor destructive.

Mrs. Carpenter moved to grant a permit to the Alexandria School for Handicapped Children, to operate a school for handicapped children at the corner of Lincolnia Road & Sano Street (6805 Lincolnia Rd.) as it does not appear that this use would affect adversely the use of neighboring property. This is granted subject to approval of the Fire Marshal and Health Department. It is noted especially that this is a very worthy venture, Mrs. Carpenter concluded. Seconded, Mr. Lamond. Carried unanimously.

August 4, 1959

NEW CASES

5- L. G. MELTZER, to permit erection and operation of a sewage pumping station, property adjoins Warren Woods on the west and south of Westmore Elementary School, Providence District (Suburban Residence Class 2)

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Mr. Alfred Hiss represented the applicant. Mr. Hiss told the Board that the owners, surveyors and engineers, and the real estate sales agent were all present if the Board had questions for them.

Mr. Hiss located the property and presented a letter from the Town of Fairfax, quoted as follows:

> "Mr. Meltzer:
>
> This is to inform you that on March 9, 1955 the Town Council agreed that the Town of Fairfax would serve the area south of Warren Woods Subdivision containing 167 acres and formerly owned by Rust, etc...with sewer and water.
>
> The developers of the property would be required to construct the sewage pumping station approved by the Town, lay all necessary sewer and water lines, and pay the standard connection fees at the time of the construction.
>
> (S) Glenn Saunders, Town Manager"

Mr. Hiss recalled that this property was some years back zoned Suburban Residence Class II with the idea that a pumping station would be located here when the need became evident. They are ready now to go ahead with construction and it is necessary that they locate this pumping station now in order that the lines can be mapped out to serve the lots adequately. This case was heard before the Planning Commission and they agreed that this is a facility necessary to construction of the subdivision. They will meet all requirements of the County.

Mr. Byron Massey, Consulting Engineer, stated that the Town has agreed to take this sewage by pumping station. Treatment will take place at the Scheurman Road plant.

This plant will be located 75 ft. back from the line adjacent to the rear yard of the adjoining lot and 75 ft. from the closest house.

The structure will be fireproof, about 12 ft. to the top of the building. This building will be constructed before the houses are built.

Mr. Price reported from the Planning Commission hearing on this. He recalled that this area which was first rezoned by the Board of Supervisors to Suburban Residence Class II was put into larger lots by the Freehill Amendment. The Board later rezoned this back to the 12,500 classification on their own motion.

The property cannot be developed without sewage as the lots are too small for septics. The Commission agreed that this installation would not have an adverse effect on anyone and it is a necessary facility in the development of this land. They recommended that the Board of Zoning Appeals

NEW CASES

5-Ctd. grant the request.

Mrs. Livingston, who lives near the present pumping station asked how far this station would be from her property. She had no objection to the present pumping station; however, she noted it does overflow at times. She was only asking for information.

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Mr. Hiss pointed out on the map the locations requested.

That overflow will be corrected by the installation of this station, Mr. Massey volunteered.

Mr. Lamond moved to grant L. G. Meltzer a permit to erect and operate ~~a permit to erect and operate~~ a sewage pumping station on property adjoining Warren Woods on the west side and south of Westmore Elementary School, as it is a needed facility in this development and does not adversely affect the neighboring property; seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

1- ROCKDALE COOPERATIVE, INC., a Subsidiary of Greenbelt Consumer Service, Inc., to permit erection and operation of a gasoline station and an automobile inspection station, on west side of Kings Highway in Penn Daw Shopping Center near Poag Street, Lee District. (Rural Business)

2- ROCKDALE COOPERATIVE, INC., a Subsidiary of Greenbelt Consumer Service, Inc., to permit erection of pump islands 25 feet from Kings Highway right of way line, on west side of Kings Highway in Penn Daw Shopping Center, Lee District (Rural Business)

Mr. Bateman was present representing the applicant.

Mr. Jack Chilton of the Planning Staff displayed a drawing indicating the changes they had made in the entrances and exits. The plat showed that they have added one one-way exit from the property and an island provided along the right of way between the service road and the service area, thus creating a buffer between the service road and the pump islands. The islands should be from 40 to 43 feet from the right of way.

Mr. Bateman said the plat as drawn was perfectly satisfactory to him. They could meet the 43 ft. setback for the pump island.

The plan showed two two-way entrances and exits plus one extra exit slanting into the highway.

Mr. Dan Smith made the following motion (including both applications).

1 & 2-Ctd. He moved that the application of Rockdale Cooperative, Inc. to permit erection and operation of a gasoline station and automobile inspection station on the west side of Kings Hwy. at Penn Daw Shopping center be granted subject to the entrances and exits tentatively accepted by the applicant as drawn on the plat presented at this hearing, prepared by the applicant and the Planning Staff, dated July 30, 1959.

The use permit shall be approved for erection of the pump islands to be located a minimum of 40 ft. from the right of way line of Kings Highway between Penn Daw and the shopping center. It is understood that the service road and islands will be constructed in accordance with the abovementioned plat.

Seconded, Mr. Barnes. Carried unanimously.

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3- ESSO STANDARD OIL COMPANY, to permit erection and operation of a service station and to permit pump islands 25 feet from right of way line of #1 Highway, property At SE corner of #1 Highway and Rt. 235, Mt. Vernon District (Rural Business)

Mr. William Hansbarger represented the applicant. This property owned by Mr. Peary is under contract to Esso Standard to operate a service station, he stated. He pointed out the business zoning in the area--rural business across the street on which property a motel is in operation, to the northeast is rural and general business. Also, Mr. Hansbarger located the residential property, Woodlawn and Ft. Belvoir with relation to the property. The property has a 261 ft. frontage on Rt. 235. Mr. Hansbarger showed an aerial photograph of the area, and pictures of the property and adjoining buildings.

This tract was zoned for commercial use in 1955, Mr. Hansbarger told the Board. Shortly after that the Board of Supervisors zoned 15 additional acres for business, in the immediate area. In 1958 a petition was filed to rezone the land back to residential use; however, that request failed to pass.

Esso plans to deviate from its usual blue and white building in this construction.They have employed an architect who has designed an attractive building, colonial in style which would be set well back from both highways and would be in keeping with the area. They have discussed their plans with Gen. Scott, Mr. Wall and the Director at Woodlawn, all of whom are completely unopposed to this use. He presented a rendering of their building. Mr. Hansbarger pointed out that Esso has put in stations very similar to the one planned here at Williamsburg and they have never been considered

3-Ctd. detrimental in any way.

It is probably true that no business should go in here, Mr. Hansbarger continued, but as long as the property is commercially zoned, the owner pays commercial price taxes on it, and the property has a high value. It is obvious that some business will go in and they believe a development such as planned would do as little harm to the area as any other business.

They feel that an attractive well-planned station, done up in Colonial style, will set the pattern for the balance of the fifteen acres which are zoned for business use, but largely undeveloped. The design of the building is very like Woodlawn, Mr. Hansbarger pointed out. Whatever stipulations the Board chooses to put on the granting of this use they are willing to comply with, landscaping, architecture, and setbacks.

Mr. Robert Duncan, real estate operator, told the Board that he had talked with the head of Woodlawn and offered them this land but they were not interested in the purchase, as they are not worried about this installation, feeling that it is in good hands.

Mr. Hansbarger submitted the following letter from the Department of Health, Education and Welfare (Future Farmers of America):

"July 21, 1959

Mr. W. H. Hansbarger
156 Hillwood Ave.
Falls Church, Va.

Dear Mr. Hansbarger:

This will acknowledge receipt of your letter of July 16 concerning the hearing on the application of Esso Standard Oil Company for a permit to construct a service station at the intersection of U.S. Route #1 and Virginia State Route #235 Woodlawn, Virginia.

On behalf of the National Organization of Future Farmers of America, and as Chairman of the Board of Directors, you are advised that I have already had the opportunity of reviewing the plans for this station and can assure you we will be very happy to see it erected at that point. You may register the Future Farmers of America as being very much in favor of the erection of this particular station at the point indicated in your letter.

(S) W. T. Spanton, Director
Agricultural Education Branch"

Mrs. Henderson read from the recommendation of the Planning Staff:

"This property is now a 1.598 ac. tract and if in the future the service station is conveyed out or the tract is otherwise divided then it will be subject to the Subdivision Ordinance. At that time dedication and construction of a service road will be required on both Route #1 and on Route #235. The service road will be required in front of the service station as well as the remainder of the tract."

It was noted that on the old road (235), a ~~the~~ 45 ft. strip lies along 235

3-Ctd. between the present right of way and this property. Forty feet will be taken off of this property along both Rt. 235 and Rt. 1 for service drive and widening. It was also noted that the 45 ft. strip along Rt. 235 and a 70 ft. strip along U.S. #1 (the two frontages) are not zoned Rural Business; this, it was observed cuts down the business areaof the property considerably. According to the plats presented with the case the pump islands were located within the residential zoning.

They will move the pump islands back if U.S. #1 is widened, Mr. Hansbarger stated. They will do this at their own expense. It is not sensible to use that front 70 ft. strip for residential purposes, he continued, nor is it sensible to set the pump islands back 70 ft. from the right of way.

The condemnation of property for highway purposes has shown that a strip of residential property between the right of way and the commercial zone line is condemned at the same price as though it were commercial, Mr. Hansbarger stated, because the property has no practical residential use.

As to the service road requirement, he continued, if they divide the property as stated in the Planning Commission report, they realize it would come under subdivision control and the service road would be required. They would comply with this. If this residentially zoned strip were in the back, it would effectively act as a buffer against non-commercial property and would have some practical value, Mr. Hansbarger went on, but in front-- it becomes the entrance to the commercial and is not a protection to anyone and it has no advantageous effect whatever. It can logically be used only for service road and widening.

It was noted that the 30 ft. extension allowed under the present ordinance does not apply in this case because the property does not have frontage on a street.

Mr. Lamond objected to locating the pump islands on residentially zoned property.

Mr. Hansbarger agreed to observe the 70 ft. setback.

The Board discussed the conditions of granting this use under the new Ordinance, effective September 1; the setbacks and controls, Mr. Hansbarger pointing out that the Board according to his interpretation has more control under the present ordinance over the ingress and egress, landscaping and design of the building than under the new ordinance.

Mr. Robert Brown showed a plat indicating that proposed plans of the Interior Department and State Government on Route 235 would include a large portion of this property in a cloverleaf. The National Capital Planning Commission

3-Ctd. has approved this layout but nothing can be done until legislation can be passed.

Mr. Wall has also stated that the National Capital Parks have also approved the road plan; they are waiting for legislation and appropriations.

Mr. Brown stated that the Park Service has prepared the plans and the State has agreed to make the right of way available. The Regional Planning Commission has also approved the plan. It is thought that the widening will go ahead very soon.

However, Mr. Price called attention to the fact that right of way cannot be held out of use for possible future use; such an action would result in confiscation.

Mr. Hansbarger told the Board that they would far rather see the development Mr. Brown described than an Esso station here, but that is not yet a reality, he went on; it may be years in the making. They will assign their interest in this property to the National Park and Planning Commission when the time comes, at the present land value. They will go along with anything that is reasonable as far as this land is concerned. As a matter of fact they would now amend their request before the Board and delete the variance and ask only for the permit to erect the filling station. The setback would comply with the Ordinance. They would locate the pump island 70 ft. from U. S. 1 and 45 ft. from the Rt. #235, if the Board desires that. As a matter of fact, they may go father than that and put the first pump island 12 ft. beyond the 70 ft. setback in order to get the cars in.

Mr. Brown asked if this would be a company operated station or would it be sub-leased and would the company be on notice that these highway changes may take place and take this property for the cloverleaf.

Mr. Hansbarger assured Mr. Brown that if anything concrete develops, they (Esso) would be advised of it and would assign their interest in this contract. The station will be company owned with their own manager to operate it.

Mr. Rinehart, from Esso Company, said they have their own two-month training program for managers of these statinns. They inspect the operation and management regularly to be sure the managers meet Esso standards.

Mr. Smith asked if the company would build in accordance with the architect's rendering presented with the case; Mr. Hansbarger said they would.

Mr. Lamond moved that Esso Standard Oil, Inc. be granted a use permit to erect and operate a colonial type filling station at the SE corner of U.S.#1

3-Ctd. and Rt. 235, Mt. Vernon District. It is noted that this permit is being granted with no variance in setback. The entire operation shall be carried on within the Rural Business zoning. It is also required that this use be screened and landscaped according to the picture presented with the case at this hearing. It is also understood that this is granted for a filling station only; seconded, Mr. Barnes. Carried unanimously.

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4- JACK W. BESS, to permit erection of an addition to dwelling 10.6 feet from side property line, Lot 24, Woodland Park, Mt. Vernon District (Rural Residence Class 1)

Mrs. Bess appeared before the Board. After seeing the property, Mrs. Henderson said it appeared very close to the line; and after another room is put on top of this addition, it would look entirely too close. She suggested cutting the addition down to about 15 feet.

Mrs. Bess listed the things she planned to put into this room--a stairway, heating plant, washer, dryer, tubs, ironing and sewing machines, canning supplies, workshop, power tools and storage space; she thought it would be difficult to cut down. She was not at all sure if they could expand this addition to the room on top.

The Board was not inclined to go along with the 19 ft. room requested. Since the topography did justify some variance, Mr. Lamond moved to grant to Jack Bess the right to bring the addition to within 14.6 ft. of the side property line instead of the 10.6 ft. as requested. This is granted because it is not possible to put the addition on the other side of the house because of the septic tank. Seconded, Mr. Smith. Carried unanimously.

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5- DRUG FAIR, INC., to permit erection of one sign larger than allowed by the Ordinance (232 sq. ft. total area) Lot 9, Section 5, Salona Village, Dranesville District (General Business)

Mr. Hulse represented the applicant, saying a sign 89 sq. ft. would be satisfactory to his client. It would be made of white plastic; would be 3 ft. high.

Mrs. Henderson read the following letter from Mr. Johnson, Vice President of the Salona Village Citizens Association:

5-Ctd.

"August 3, 1959

Mrs. Lawrence Henderson, Chairman
Fairfax County Board of Zoning Appeals
Fairfax, Virginia

Dear Mrs. Henderson:

Reference is made to the request of Drug Fair Inc. for variance to permit erection of a sign larger than permitted by the Ordinance on their new store in the Salona Village Shopping Center.

It is our understanding that Drug Fair Inc. will modify their original request for variance, which was considered by the Board on July 28, as follows:

1. Eliminate Coca Cola panel on each side of the sign.

2. Eliminate illumination of center panel of sign which is located between the word DRUG and the word FAIR.

3. Use letters approximately three ft. high, similar in style to those of the Hahn Shoe Store sign at Seven Corners, for the wodd DRUG and FAIR.

The Salona Village Civic Association has no objection to the granting of a variance to Drug Fair Inc. if the design of their sign is modified so as to be in accord with this understanding.

(S) Donald J. Halloran, President
Salona Village Civic Association
By: Livingston L. Johnson, Vice President"

There were no objections to this.

Mrs. Carpenter moved to grant to Drug Fair, Inc. a permit to erect a sign larger than allowed by the Ordinance, sign dimensions as submitted on the drawing presented at this meeting which shows the sign to contain 89 sq. ft. in area. This drawing as presented is dated July 31, 1959 No. M-4730. Seconded, Mr. Barnes. Carried unanimously.

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6-

BLUM'S INC., to permit two signs of 357 sq. ft. each, total sq. ft. 714, Lots 43 thru 52, Rock Terrace (unrecorded) east side of Gorham St. between Rt. 7 and Seminary Rd., Mason District (General Business)

Mr. Fagelson recalled that the Board had suggested that the sign might be placed on top of the building and if it were so placed they might go along with a larger sign. This building is right next to the airport, he pointed out, and anything increasing the height of the building might affect the flight pattern and therefore would be unsatisfactory to FAA. Representatives of FAA have said that they would object very much to increasing the height of the building. They do not have that statement in writing, Mr. Fagelson said, but FAA agreed that they could be quoted. Mr. Fagelson said he considered that they had made every effort to cooperate in this, he didn't know what else they could do.

Mr. Collins from the Regional FAA office said they were greatly concerned over interference with the flight pattern. The Seminary Rd. sign is not objectionable.

4-Ctd. Mr. Fagelson discussed other signs in the area and on Rt. 7 which are larger than requested here; the sign needs peculiar to a bowling alley; color; their efforts to meet requirements of the Board and the need for wording on the signs as requested. They have reduced the sign as first requested but they feel they must have identification that will be effective. They could go back to 25 ft. from the right of way but more than that would be injurious to them.

Colonel Morviski from FAA and Mr. Benn discussed the whole situation at length with the Board, showing the airport flight pattern and how the sign would interfere; they discussed various locations and/or a pylon; the need to put the signs parallel with the runways.

Mr. Lamond moved to grant a 178 sq. ft. double faced sign to be placed at the corner of Rt. 7 and Gorham St. and located 25 ft. off the property lines and the sign to be placed parallel with Gorham Street.

On Seminary Road the applicant is granted a sign 72 sq. ft. with the letters BOWL to be placed on the property line parallel with the East-West run way of the airport; seconded, Mr. Smith.

All voted for the motion except Mrs. henderson who voted no, saying in her opinion the sign area granted is too large. Motion carried.

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7- ARLINGTON AUTO BODY COMPANY, to permit operation of an auto repair and body shop, Lot 10, Section 1, Dowden Center, Mason District (General Business)

Mr. Schumann showed two drawings to explain what the Staff would recommend in the way of off-street parking. He suggested that if the Board considered that this is a logical place for the repair shop that it be approved subject to the off-street parking shown on the drawings presented by the Planning Staff and subject to the approval of the Department of Public Works for all plans of construction of the parking area and islands as shown on the drawing, and that it be subject to construction completion to be accomplished not later than October 15.

Mrs. Henderson asked Mr. Leone how he happened to be operating now without a permit. He answered that he thought he could go ahead as soon as he had the property rezoned.

Mr. Schumann pointed out that the drawing which he had presented, shows that 91 ft. width will be used instead of the 50 ft. originally planned for this use.

Mr. Leone said the lessees do not want to take more land than the 50 ft. They claim they do not need it. He questioned how he could deal with them.

7-Ctd Mr. Harlow from Sunset Manor was very apprehensive as to what this area was going to become. It is already beginning to look like another Alward case. He asked the Board to safeguard interests of the residential property owners in the area. This use could become a nuisance, he continued, but he thought it could be controlled by reasonable hours and no Sunday work. He also thought there should be no outside work which is disturbing to the homes adjoining and nearby. He suggested building an 8 ft. solid fence along all the commercial property bordering Sunset Manor. If there is outside spray painting, the spray should be prevented from coming into the residential area; it is easily carried by the wind and becomes a nuisance.

He also suggested that there be no outside storage as the homes in Sunset Manor are only about 65 ft. from Mr. Leone's property line.

Mr. Leone objected to the fencing, saying the property owners in the rear could put up a fence if they wished. He felt no obligation to do that as he was operating here before the homes were built and the purchasers knew this was commercial property.

It was noted that Mr. Walker had put up a fence, but Mr. Mooreland said that was done because of a covenant on the property requiring a fence.

If a business is imposed upon residential property, Mrs. Henderson explained to Mr. Harlow, the Board could require a fence, but since the homes came later, the Board would have no jurisdiction in that.

A lengthy discussion followed, Mr. Harlow charging that this has become practically a junkyard. He questioned if the zoning permitted that.

It was noted that in granting this under Section 6-16 the area would be protected as the Board could designate certain conditions pertaining to health, safety, etc. The question of the spray painting with relation to fire hazard was discussed. Mr. Smith thought outside spray painting would not be allowed, especially near homes.

Mr. Mooreland asked that the Board make a decision at this meeting, otherwise he would have to stop the operation entirely.

Mr. Lamond thought that might be the answer, this has been in violation from the beginning. The fact that Mr. Leone did not understand the law is no excuse for going ahead with this business.

Mr. Smith moved that the Arlington Auto Body Company be granted a permit to operate an auto repair and body shop on Lot 10, Section 1, Dowden Center, subject to the drawing submitted at this hearing August 4, 1959,

DEFERRED CASES

to the Board of Zoning Appeals prepared by the Planning Staff and it is understood that the applicant will meet the off-street parking requirements as set forth and required by the Planning Staff. It is understood that the plans of the contractor for entrance to Center Street shall be approved by the Department of Public Works and that the construction will be completed not later than October 15, 1959 and it is further understood that the business will be so conducted as to not create a nuisance to the adjoining residential property owners, such as late working hours and there shall be no Sunday working hours. There shall be no air compressors of noisy outside machinery after working hours. The off-spray from automobile painting must be so directed that it will not create a health hazard to adjoining property owners and the off-spray painting shall be confined to the painting booth on the inside of the building. (It is understood that Mr. Mooreland, Assistant Zoning Administrator, and his Inspectors shall be the sole judge of what constitutes a nuisance.) It is understood that this use permit must conform to Section 6-16 of the Ordinance. Seconded, Mr. Barnes.

For the motion: Mr. Smith, Mr. Barnes, Mrs. Carpenter and Mrs. Henderson. Mr. Lamond voted no, saying that the County has an ordinance and penalties and he could see no reason in not invoking those penalties. This has been hanging over for a long time and there has been no reason for the applicant not complying with the ordinance. Mr. Smith said he had tried in his motion to give the Board some teeth--so if the applicant does not comply with the requirements, something can be done about it.

Motion carried.

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The meeting adjourned.

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

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September 8, 1959

The regular meeting of the Board of Zoning Appeals was held on September 8, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present, Mrs. M. K. Henderson, Chairman presiding.

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

NEW CASES

IRVIN REISLER, to permit enclosure of carport 12.5 feet from side property line, Lot 29, Section 1, Barcroft Terrace, (7503 Fairfax Parkway), Mason District. (Sub. Res. Cl.2).

Mrs. Henderson called attention to the fact that the Board was operating under the new Ordinance which was adopted by the Board of Supervisors and made effective September 1, 1959.

The Chairman questioned the validity of hearing cases on September 22 as the Ordinance requires that the Planning Commission review Board of Zoning Appeals cases 30 days before the date of hearing. Mr. Moreland stated that many of those cases were filed before September 1 for the September 22nd hearing.

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RICHARD G. KING, to permit division of lot with less frontage than allowed by the Ordinance, Lot 2, Great Falls Heights, (on east side of 603 approximately 1/2 mile north Route 193, Dranesville District (Agriculture).

Mr. Jack Chilton reported from the Planning Staff that since this property is in a recorded subdivision any re-subdivision or other division of lots will require that plats be approved by the Planning Engineer.

The entire tract is approximately five acres with 335' frontage, Mr. King stated, which would not give the required 200' frontage for each lot. He planned to leave a 20' right of way on the side of the front lot from River Bend Road to the rear lot rather than to have a roadway running down the middle of the property. The end result would be 2+ acres in each lot.

Since the lot width is reckoned at the building set-back line, it was noted that the rear lot would actually have only 20' frontage (the width of the right of way) at the building set-back line. However, it was noted that many other lots in this subdivision are developed in this same manner and while it appears technically to be a very large variance on the lot frontage, the actual lot width at the end of

2 cont'd the roadway is about 350'. It was suggested that the roadway be put down the center of the property in accordance with State specifications ending in a cul-de-sac, and Mr. King answered that that would be expensive and it would serve no purpose beyond that of the 20' road. Mr. King also stated that people adjoining him on two sides who own 5 acre tracts have no objection to his plan of division of the property.

Mrs. Henderson called attention to the steps under consideration of a variance (page 56 of the Ordinance) and suggested that the Board could not progress beyond step one of the requirements since it does not appear that the applicant had presented a special hardship or any particular reason or necessity for this division.

Mr. King told the Board that he had tentative approval of his subdivision which he described and which would comply with the Ordinance in effect before September 1, 1959. (His papers were filed and tentative approval granted before the new Ordinance went into effect). Mr. King was not entirely satisfied with his plan of development - therefore filed this case.

Although Mr. King offered to withdraw the case, Mr. Lamond moved to deny the application for a variance of 180' as the applicant had presented no evidence of hardship before the Board. Seconded by George P. Barnes. Carried unanimously.

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3 - GRAHAM VIRGINIA QUARRIES, INC., to permit extension of quarry operations, with blasting operations between 5 and 6 P.M., State Police Controlled, on West side of Route 123, north of Occoquan Creek, Lee District. (Rural Residence C1.2).

The following letter from the Planning Commission Staff was read:

"September 8, 1959

"MEMORANDUM
TO: Fairfax County Board of Zoning Appeals,
FROM: Fairfax County Planning Commission.

The Planning Commission considered this matter at its meeting of September 3. There was considerable citizen opposition before the Commission relative to this proposal.

The Commission recommends that the Board defer action on this application until October 13, 1959 in order to provide time for:

(1) the Planning Staff to secure advice and information from available sources on appropriate safeguards and performance standards which may be applied to the operation.

3,cont'd

(2) the objectors and the applicant to work out some solution to objections raised at the Commission hearing, and
(3) The Commission to study the proposal further.

Sgd. H.F. Schumann, Jr.
Deputy Director of Planning"

Mr. Andrew Clarke, who was present representing the opposition, stated he had no objection to a postponment. Also Mr. Gordon Kinchelee, representing R. H. Hall, did not object to a continuance.

A letter from the director at Lorton was read offering no objection to the deferral.

Mr. Lamond moved to defer the case to October 13. Seconded by Dan Smith. Deferred at the request of the Planning Staff. Carried unanimously.

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4 - VERNON M. LYNCH, to permit operation of a gravel pit on 35.22 acres of land, approximately 300 feet west of south end of Route 770 and south of Franconia Road, Route 644. Lee District (Rural Resident Cl.2).

"September 8, 1959

MEMORANDUM
TO: Fairfax County Board of Zoning Appeals
FROM: Fairfax County Planning Commission.
Attention of the Board is directed to the provisions of Section 11.12 of the new zoning ordinance effective September 1. This section reads as follows:

"The clerk of the Board of Zoning Appeals shall transmit to the Planning Commission a copy of every appeal or application made to the board, and shall also notify the commission of the date of the hearing thereon. The Planning Commission shall have 30 days from and after the recommendation to the board. If, prior to the time of the hearing, the Planning Commission submits to the Board of Zoning Appeals a recommendation (1) that an application for a special permit be denied, or (2) that specified conditions be prescribed in connection with a particular special permit or (3) that specified conditions be prescribed in connection with a particular variance, the Board of Zoning Appeals shall not act contrary to such recommendation except by a majority vote of all the members of the Board."

The Commission has decided to formally consider every application filed for a special permit use. This application will be considered by the Commission at its meeting of September 14. It is therefore recommended that the Board defer action on it until September 22, 1959.

Sgd. H. F. Schumann, Jr.
Deputy Director of Planning"

September 8, 1959

NEW CASES, cont'd.

4-cont'd Mr. Barnes moved to defer the case to September 22nd at the request of the Planning Staff. Seconded by Dan Smith. Carried unanimously.

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5 - LEONARD R. BROWN, to permit erection carport within 3'8" from side property line, Lot 22, Sherry Heights, (7210 Landess Street, Mason District. (Suburban Residence Cl.2).

Mr. Brown stated that he has a family of five and no dining room. His plan is to add a kitchen, convert his present kitchen to a dining room and put on the carport adjoining the kitchen. Architecturally, it would enhance the appearance and value of the house and of the neighborhood. The neighbors are 100% in agreement with the proposed variance. However, no topographic condition exists. The lot is level.

Mrs. Henderson noted that the required setback in this zone is 12' and she could see no hardship which pertains in any way to the land or to the building which is an uncommon situation. Mrs.Henderson quoted from Section 11.5.4 of the Ordinance regarding variances, which sets forth the steps to be considered in granting variances.

Mr. Brown stated that it would be impossible to put the addition to the rear as the septic tank and field are very close to the house, the tank about 10'. The house is practically in the center of the lot which will require a variance on either side for any addition.

It was suggested that the carport could be detached and located at the rear of the house, however, Mr. Brown objected, saying it would add nothing to the appearance of the house or convenience to his family. He noted that similar additions have been made in the neighborhood, on larger lots however.

There were no objections from the area.

Mr. Smith moved that the application of Leonard R. Brown to permit a carport within 3'8" of the side line on lot 22, Sherry Heights, be denied due to the fact that the applicant has shown no unusual circumstances or hardship and the Board of Zoning Appeals has no authority to grant such a request under Section 11.5.5 -- this does not comply with the requirements under the said Section. Seconded by George Barnes. Carried unanimously.

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September 8, 1959
NEW CASES, cont'd.

6 - MISTER DONUT SHOP, to permit erection of donut shop closer to Street lines than allowed by the Ordinance, (Total area 339 sq. ft.), south triangle of U. S. #1 and Old U.S. #1, Mt. Vernon District, (General Business).

Mr. Andrew Clarke represented the applicant.

Mr. Clarke recalled the history of this case. When the applicants bought this property it was zoned Rural Business, requiring a 50' setback from both streets. They came before this Board for a setback variance and it was suggested that application be made for General Business Zoning, to get the 35' setback. This was done and the General Business zoning was granted by the Board of ~~Zoning Appeals~~ County Supervisors.

After the adoption of the Pomeroy Ordinance, Mr. Clarke revealed that this property had been placed in the C-G classification which requires a 50' setback. Mr. Clarke said he had discussed this with Mr. Burrage and he considered it a case for the Board of Zoning Appeals.

When they first brought this before the Board of Zoning Appeals, the applicant owned only 11,200 feet. Since then he has purchased more property and now has 22,000 feet and with a frontage of 217'and 213'. For many years an electric generator for a motel has been operated on this property.

Mr. Clarke presented plats showing two different plans of development -- one showing a 43'.31" setback from U. S. #1 and coming to within 22'.6" of Old #1 which is now practically abandoned -- requesting the variance on the one street only. They have worked this over very carefully, Mr. Clarke went on, and find these are the only plans which would allow use of the land for this purpose. (It was noted that the 43.'31" setback was not measured perpendicular from the highway right-of-way).

While Mrs. Henderson agreed that this is a peculiar shaped lot, she also pointed out that it appeared to be too much building for the land. This is only a 30' building Mr. Clarke pointed out -- not many businesses are smaller.

The Board applied the steps in the Ordinance related to granting variances. Mr. Smith suggested that the Board consider this application on the basis of unusual circumstances and the best possible use of the land, as outlined in Section 11.5.5. Because of the unusual shape of the land, if all setbacks are observed, a building of only approximately 2' depth could be built and therefore to maintain the setbacks would deprive

September 8, 1959

NEW CASES, cont'd.

6, cont'd the applicant of use of the land. Mr. Smith moved that the Board consider that conditions under Section 11.5.5 , steps 1 and 2, exist and therefore proceed to consider the variance further. Seconded by Lamond. Carried unanimously.

Step 3. Mr. Clarke stated that Mr. Burrage will consider changing the Ordinance on this. Mr. Burrage said that where there is no possibility of ever widening a road as in this case of old #1, the 50' setback on U. S. #1 is the practical solution as it leaves that Highway setback intact.

There is nothing on old #1, Mr. Clarke continued except old buildings and nothing will ever be done toward further development; therefore the least objectionable to all would be to grant the variance on Old #1 and meet the full required setback from U.S. #1. This would bring the building to within about 4' of Old #1.

Mr. Clarke pointed out that this property is surrounded by business zoning and business uses. It would not be detrimental nor out of keeping with the area.

It was noted that there are about 17' between this building and the motel buildings on adjoining property.

The following comment from the Planning Staff was read: recommending only one entrance from U.S. #1 and that cars leaving parking spaces not be permitted to back through an entrance on to the highway.

Mr. Clarke said that was agreeable to his client.

Mr. Chilton suggested an entrance on U.S. #1 and exit on Old #1.

There were no objections from the area.

Asked if this plan would provide adequate parking, Mr. Chilton answered that it more than meets the Ordinance requirements. However, this type of business would probably require more parking than the Ordinance sets forth - but it complies with the Ordinance.

The Board went into considerable discussion regarding the possibility of acquiring more land along the strip adjoining the motel, thereby giving more space to move the building away from Old #1.

Mrs. Abernathy, owner of the motel, stated that the service road running in to her motel, is on the property line - the apartments are very close to the service road.

Mr. Clarke said they had bought all the land they could, right up to the road, if they moved in farther there would be only about 7' between the building and the apartments which is not enough to service the apartments.

NEW CASES, cont'd.

6-cont'd Had it been possible, Mr. Donut would have bought more land, he continued. He also noted that the size of the building has already been reduced below the standard Mr. Donut shop.

Mr. Clarke suggested a 45 ft. setback from U.S. #1 and add 5 ft. to the setback from Old No. 1.

Mr. Smith moved that the application be deferred in order that the Board might view the property before making a decision. (Defer to September 22) Seconded, Mr. Lamond. Carried unanimously.

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DEFERRED CASES

1- MISTER DONUT STORES, INC., to permit erection of two signs with larger area than allowed by the Ordinance, (Total area 339 sq. ft.), south triangle of U. S. #1 and Old U. S. #1, Mt. Vernon District. (General Business.)

This case was not handled as the new Ordinance makes no provision for granting of sign variances.

Mr. Lamond moved that no action be taken on the sign request of Mr. Donut due to the fact that the new Ordinance prohibits the Board from taking action on sign variances - this in accordance with Section 11.5.2 of the Ordinance. Seconded by Dan Smith. Carried unanimously.

2 - HORNE, INGERSOLL AND NAISBITT, to permit erection and operation of a motel, (156 units), and permit parking in residential zone. Permit buildings 30 feet from right of way line of Arlington Boulevard and permit canopy 10 feet from Arlington Boulevard right of way line, on south side of Arlington Boulevard, approximately 256 feet east of Patrick Henry Drive, Mason District (General Business).

It was noted that the original zoning on this property was General Business, which would permit erection of a motel. When the Pomeroy classifications were applied, this property was designated C-D which does not permit establishment of a motel. The C-D-M district was set up particularly to allow motels.

The Board and Mr. Andrew Clarke, who represented the applicant, discussed the use and the zoning at length. The only alternative, it developed, was to hold this case in abeyance until the applicant had obtained C-D-M zoning.

The report from the Planning Staff was read:

2, cont'd

"HORNE, INGERSOLL & NAISBITT: This property is now zoned C-D in which district motels are not permitted. Parking is indicated in a residential zone, which will require approval of the Board of Supervisors. Parking is indicated within the front yard setback on Warren Street, which is not permitted. Only one entrance should be provided from the service road to Arlington Boulevard between Patrick Henry Drive and the east end of the service road. All entrances to the property should meet State Highway Department standards. The Patrick Henry Drive-Arlington Boulevard overpass is proposed to go through the center of this property."

Mr. Clarke asserted that the Highway Department has abandoned the whole idea of the overpass at Patrick Henry Drive. However, Mr. Yaremchuk contradicted Mr. Clarke saying that the overpass is temporarily set aside because of lack of money, that the road will be built; that it is in the Highway plans; that it is simply delayed.

Mr. Barnes moved to defer the case indefinitely -- because the use requested is not permitted in the present zoning of the property.

Seconded by Dan Smith. Carried unanimously.

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3 - THOMAS D. ALWARD, to show cause why the permit granted to you on January 22, 1957, to operate a repair garage, should not be revoked, on south side #244, approximately 1500 feet east of Bailey's Cross Roads, Mason District. (General Business).

Mr. Harrell, attorney, appeared with Mr. Alward.

Mrs. Henderson pointed out that this is the seventh time this case has come before the Board. She told Mr. Alward that he was before the Board because he has not complied with the permit granted to him in January of 1957.

Mr. Harrell recalled that Mr. Alward was given six months in which to clear up the property. He has hauled about 24 loads away and there are only a few vehicles remaining on the property. Mr. Alward has brought in some fill dirt and has done a considerable amount of grading. His place is in much better condition than it was. It takes time to clear out a place like this, Mr. Harrell, went on. Asked why it took so long, Mr. Alward said a great deal of the stuff is good and could be salvaged.

Mrs. Henderson pointed out to Mr. Alward that the Board had given him every benefit of time and patience; that he was still in bad condition;

3-cont'd.

there are still wrecked vehicles on the property and she felt he had made little effort to comply with his permit.

Mr. Alward discussed his plan to complete his galvanized iron 3-sided building which will serve for storage. The building will be up against the bank -- the front of the building will be enclosed. He went back over his hardship, telling of the State taking 43' and part of the old building. That was when he came in for a permit to erect the new building and found he could not get one without going before the Board. He has had one delay after another, Mr. Alward insisted, most of which were not of his own making. He is in a position now to go ahead with the building and to comply with the Ordinance.

It was agreed that he could keep the cars on the outside of the building which were yet to be worked on but all the cars being worked on would be kept within the building. It was agreed also that no junk would be in the yard.

Mr. Alward said he was licensed for a used car lot. Most of the cars he works on are wrecked cars he buys from insurance companies; puts them in good shape and sells them. He very often makes one car out of two or three broken-up cars.

Mr. Alward asked for 60 days in which to complete the job. After which time, the Board agreed, if it is not completed, the permit will be revoked immediately, without a public hearing.

(To clear up the status of this case, Mrs. Henderson stated that Mr. Alward has a permit for a repair garage but that he is operating illegally -- it is not a non-conforming business).

Mr. Harrell contended that the original use -- a junk yard - was actually never lost but to comply with County regulations, Mr. Alward will operate a repair garage rather than a junk yard.

Mr. Alward admitted that he had continued to operate the junk yard which has been operated here for twenty years. But now he is converting from the junk to a repair garage. Mr. Alward said he had operated a non-conforming junk yard all along until the State took a part of his property .

The location of the building with relation to the school was discussed, Mr. Alward stating that he needed to have the back open to facilitate the work.

Mr. Dan Smith moved that the time extension of the Alward case, granted in January, be extended 60 days from today in order to permit Alward to complete removal of all

3, cont'd the wrecked vehicles from the outside of the property connected to the repair garage. At the end of the 60 day period, if these conditions are not complied with, the Board will have no alternative but will revoke the permit without further notice. Seconded by George Barnes. Carried unanimously.

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4 - J. J. DIPBOYE, to permit division of lots with less width and area than allowed by the Ordinance, Lot.79 and portion of Lot 87, Valley View Subdivision, Lee District, (Suburban Residence Class 3).

Mr. Brooke Howard appeared with the applicant.

The property consists of lot 79 and part of 87. Including the entire area of lot 79, the lot is buildable but the portion of 87 which they own is not a buildable area. By this division, both lots will have in excess of 10,000 ft and a house can be built on each lot meeting required setbacks. There is an abandoned dwelling on the line between lots 79 and 87 which precludes insurance and jeopardizes the title to either lot unless the division is made. That house will be improved and a second dwelling will be erected on the portion of lot 79 facing Spring Drive. The neighbors would like very much to see something done about the old house. Therefore, they are all in favor of this proposal.

Mr. Howard said he was not entirely sure how lot 87 became divided -- probably by Mrs. Dodd, the original owner. When the property was subdivided there was enough area in lot 79 for a dwelling -- then when the Ordinance was changed, the area was revised somehow -- part of lot 87 was conveyed leaving an unbuildable portion of that lot. The mistake was made when the house was put astride the lot line.

Mr. Dipboye listed the lot sizes in the surrounding area indicating that this division would create lots which conform. He also explained the topography -- the steep slope in the rear of lot 79 which would add nothing to that lot. He presented pictures which indicated the topo.

Mr. Lamond was of the opinion that a condition exists which needs to be remedied and this division would appear to utilize that land to the best advantage. He suggested that step 1 and 2 of the requirements under the granting of variances have been met. He so moved. Seconded by Mrs. Carpenter. Carried unanimously.

September 8, 1959

DEFERRED CASES, cont'd.

4-cont'd Mr. Lamond moved to approve the plot as submitted as being the minimum variance that will afford relief. This is granted according to plat dated July 13, 1959, which shows division of lots 79 and 87. (Plat prepared by Wesley Ridgeway). It appears that this division is in harmony with the intent and purpose of the Ordinance and it will not be injurious to the neighborhood. Seconded by Mrs. Carpenter, carried unanimously.

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Mr. Marcus Beckner appeared before the Board asking that the effective date of the permit granted by this Board in the matter of Kraft and Stitchman be clarified.

He recalled that the original permit was granted in June of 1958, with certain restrictions as to architecture. Subsequently it was found that the original company, Sinclair Oil Company, who had agreed to put in the filling station, could not comply with the architectural requirements. They then gave up the lease. At Mr. Beckner's request the case was reopened and the arthitectural restrictions removed. That was in November, 1958. When these restrictions were lifted, another - Standard Oil Co. - took over the lease. They were under the impression that the permit was re-issued and had a new effective date when the restrictions were lifted -- that the permit dated from November instead of June. Mr. Beckner stated that he also had considered that the permit effective date was transferred from June to November in view of the reopening and regranting of the permit. However, when Standard Oil applied to the Zoning Office for a permit, they were told that it had expired in June.

The fact is, Mr. Beckner went on, that these people had a permit which they could not use. When the case was granted under a new motion it would appear that the permit should run for the full length of time rather than date back to a permit which was unusable. Mr. Beckner said he had discussed this informally with the Commonwealth's Attorney and Mr. Fitzgerald agreed with him that the new motion changed the effective date of the permit; that the permit was granted at two different times -- June and November -- but the permits were different. There were two different conditions placed upon the granting, Mrs. Henderson stated, but it was all the same permit and for the same purpose. The applicant got a permit for a filling station -- simply

September 8, 1959

Kraft and Stitchman, cont'd

changing the color or the architecture of the structure had nothing to do with changing the date of the permit; it was merely a change in conditions. The applicant could have built a filling station any time betwen June and November -- the permit was fully in effect during that time.

Mr. Beckner contended that it was not economically feasible to build the filling station with the restrictions attached, although it was pointed out in several instances where the big oil companies have revised their stations to comply with local architecture and it apparently had not been uneconomical.

The Board held up on this case while Mr. Mooreland sent for the Minute Book in order that the Board might go back over the background on this.

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Mr. William Mooreland told the Board that a Golf Club on Route 29 (granted at a recent hearing) asked if they can use the old residence on the property for a Club House. The building has been used as a restaurant -- it was so used at the time this case was granted.

It was recalled that the property on which the restaurant is located was not included in the Golf Club area. The line was specifically drawn between the building and the Golf Course. This building was discussed at the time of hearing and was excluded, the applicant agreeing.

Mrs. Carpenter moved that the operator of the Golf Club must come in with a new plat and make application for the use of the building and show what additionalland he wishes to include. Seconded by Dan Smith; carried unanimously.

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Mr. William Mooreland read the minutes on Kraft and Stitchman hearings. Discussion on the permit date continued. Mr. Smith and Mrs. Henderson contended that the June permit was valid -- it could have been used -- the only change in November being that the Board generously lifted the restrictions and Mr. Beckner stating that the first permit was unusable -- only the second permit could be built upon. Mr. Beckner also stated that he had notified people in the area of the November hearing date and had considered it as a new application though Mrs. Henderson pointed out that there was no formal application made and no advertising nor posting.

It was recognized that it was not wise to open the case officially as

September 8, 1959
Kraft and Stitchman, cont'd

a new hearing in view of the opposition which had been generated at the original hearing. However, Mrs. Henderson contended that in her opinion the permit has expired and a new application should be filed. Mr. Smith stated that the only question before the Board is - has the permit expired? He moved that the applicant make a new application to the Board for a new use permit and furnish plats as required, locating the structures on the property. There was no second.

Mr. Lamond thought the Board was in a better position to deal with these people as they are willing to put up a type station that would conform to the neighborhood -- not porcelain but colonial in design.

It is not a question of the type nor design of the filling station, Mr. Smith observed. The only question before the Board is -- the effective date of the permit. The Board should have plats showing what they will build and where, he continued.

Mr. Lamond thought the Board should have the benefit of the Commonwealth's Attorney's opinion on this. Therefore he moved to defer the case and seek the advice of the Commonwealth's Attorney -- defer to September 22. Seconded by Mrs. Carpenter. For the motion: - Lamond Carpenter, Barnes. Against the motion: Henderson and Dan Smith. Motion carried.

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Mr. Mooreland asked if the Company could get a permit and start construction assuming November to be the expiration date.

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Mrs. Henderson asked that a member of the Board either volunteer or be appointed to transmit the six months summary of Board of Zoning Appeals cases to the Board of Supervisors. Mr. Lamond volunteered to take on the job.

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Meeting adjourned.

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

September 22,1959

The regular meeting of the Board of Zoning Appeals was held on September 22,1959 at 10:00 A.M. in the Board Room of the Fairfax County Courthouse. All members were present, Mrs. M. K. Henderson, Chairman presiding.

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

NEW CASES

1 - CARROLL-KIM AND ASSOCIATES, to permit dwelling to remain as erected, Lot 15, Block 3, Section 1, West Springfield, Mason District. (R12.5)

The Board took no action on this case as the variance (less than 10%) was handled in the office of the Assistant Zoning Administrator -- in view of the provisions of the new Ordinance.

2 - VIRGINIA SAND AND GRAVEL COMPANY, INC., to permit removal of sand and gravel, on 52.2 acres of land, on north side of Route 644, between West Street and E. F. Cannon subdivision, Lee District. (R-12.5)

Mr. Andrew Clarke, representing the applicant, told the Board that the Planning Commission had continued this case until October 19. He suggested that the Board view the property along with Mr. Rasmussen of Public Works, and assured the Board that the topography will be left with the same contours as presently exist. He also suggested that the Board see other property which has been and is being rehabilitated by the applicant, especially the property which was approved by the Planning Commission for extension of gravel pit operations.

Mr. Lamond commended Mr. Ball for the work he has done on the east side of Shirley Highway, and on both sides of Route 236 and back of Rose Hill. The banks are graded and the ground is restored as the work progresses. The operations have caused little or no disturbance to people in the area. So much can be done with this ground after the gravel is removed, he continued, it is not practical to leave the land untouched.

The Staff has asked for a deferral on this; Mr. Lamond stated, in order to make a complete study of the impact of gravel pits and to suggest standards. This decision was arrived at as a result of the discussions from people in the area and questions brought out by the Planning Commission members.

Mr. Clarke said his client would concur in the deferral.

Mr. Barnes moved to defer this case until October 27 at the request of the Planning Commission. Seconded by Mrs. Carpenter. Carried unanimously.

NEW CASES, cont'd

2 -cont'd Mr. Clarke asked that the record show that he requests that the acreage involved be increased from 52.2 acres to 53.3 acres -- this is done at the request of the Public Works department. Mr. Clarke said he would refile and pay an additional fee to have this re-advertised and posted. Mr. Mooreland stated that the case would be handled in the same manner as a new case -- re-advertised and posted.

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Time on the agenda:

Mr. Mooreland stated that Rev. Bradford has asked if his church could rent a house in a subdivision in which to conduct a Sunday School. This is not adjoining the church, no one would live in the house. The building would also contain a church office. Mr. Mooreland said he did not know the name or location or size of the church. It was agreed to take this up later when more time was available.

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DEFERRED CASES

1 - D. J. Weltman, to permit operation of a cemetery, 100 plus acres, west side of #609, approx. 400 feet north of 29-211, east side #621, approx. 1000 feet north 29-211, Centreville District. (RH-1)

The following letter from Lytton Gibson was read requesting deferment on this hearing:

> "Ladies and Gentlemen:
>
> .....
>
> This is to advise you that we still do not have either the information you requested or other information we have been attempting to obtain in order to properly submit this matter to you and, accordingly, it would be appreciated if you would again defer hearing the matter.
>
> In view of the difficulty we are having in getting the information together, I would suggest that if you see fit to defer the matter, to simply remove it from the Agenda and permit me to make arrangements to place it on the Agenda again when we have all the necessary information. We appreciate your past consideration in this matter and would appreciate your favorable consideration of this request for deferment."

Mr. Henderson observed that this is the third deferral in this case, which she thought unnecessary and inconvenient to the people concerned with the disposition of the case. She suggested that Mr. Weltman be advised that he not come back to the Board until he is ready to present his case and that there should be no more deferrals. Mr. Smith thought the deferrals unnecessary as the information requested by the Board is material which can easily be obtained here in the County offices. He questioned why so much time has been

September 22, 1959

DEFERRED CASES.

1 -cont'd requested.He suggested that a definite date be set and the people be notified and that there be no further deferments.

Mr. Smith moved that the case be deferred for not more than 60 days and that the applicant be put on notice that there will be no further deferrals; and if the applicant is not prepared at the end of the 60 days, the case will be automatically denied. Seconded by George Barnes. Carried unanimously.

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2 - VERNON M. LYNCH, to permit operation of a gravel pit on 35.22 acres of land, approximately 300 feet west of south end of Route 770 and south of Franconia Road, Route 644, Lee District. (RE-1).

The following letter was read from Mr. H. F. Schumann:

> "The Planning Commission considered this matter at its meeting of September 14. After considerable discussion and hearing of opposition, the Commission asked the Staff to study the matter further and defer action on it until October 12, 1959. It is therefore recommended that the Board of Zoning Appeals also defer action until October 13."

Mr. Lamond moved to defer the case until October 13 at the request of the Planning Commission. Seconded by Dan Smith. Carried unanimously.

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Time on the agenda:

Mr. Mooreland asked the Board members to read page 44, paragraph 7.4 (c) (pylon), d-II and advise him the setback of the banjo sign used for filling stations.

This was read and left for discussion later.

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3 - MISTER DONUT SHOP, to permit erection of donut shop closer to street lines than allowed by the Ordinance, south triangle of U.S. #1 and Old U. S. #1, Mt. Vernon District.

Mr. Andrew Clarke represented the applicant.

Mr. Clarke told the Board that in his opinion this is one of the few cases that can meet the requirements under a variance granting.

Mr. Clarke said he had discussed this thoroughly with Mr. Burrage who agreed that it is very likely that an amendment to the Ordinance should be proposed to give relief in matters of setback in commercial zones -- when there is no question of needing a deeper setback for road widening.

Mr. Burrage had agreed that the Fairfax Ordinance is too restrictive in this. Mr. Burrage has also agreed to work out an agreeable amendment.

September 22, 1959

DEFERRED CASES:

3-cont'd This is an area where all along the highway businesses are set back 35'. The property fronts on two streets. If this were a newly developing area or if they were asking something out of line with other setbacks -- or if there was a possibility of future highway widening, Mr. Clarke, continued, he would have no reason to ask a variance. Mr. Donut bought his property in good faith, thinking it could be used. He even added a triangle of property to give a better entrance from U.S. #1.

Mr. Lamond said he and other members of the Board had seen the property and had measured from the cabins to the property line and found that there are about 23' between the line and the corner of the building. This was disputed by both Mr. Duncan and Mrs. Abernathy.

Mr. Clarke said Mrs. Abernathy was willing to give Mr. Donut another 5' strip on this side to allow a little more setback but that she could not give more than that and Mr. Donut had said very positively that he would buy no more gound. He had already bought the triangle and felt that was enough.

It was not plain just how much land exists between the cabins and the property line. Mr. Clarke said the plats were hastily drawn and probably were not entirely accurate. However, he considered this a hardship case- that it would be advantageous to the county to get the old building off of this property and hav~~ing~~e a going business in operation. He again spoke of his discussions with Mr. Burrage and Mr. Burrage's willingness to consider amending the Ordinance which would relieve cases of this kind.

Mrs. Henderson agreed that the case meets the first two steps under the variances, but the third step -- what is the minimum variance required to give relief? In any case, Mrs. Henderson continued, this property would demand a variance -- even under the old Ordinance with the required 35' setback from the two roads -- no usable commercial building could be erected and meet setbacks.

The Board went into prolonged discussion on possible locations of the building, considering where the reduced setbacks would be the least damaging. It was agreed that to place the building facing the apex of the triangle with a 17" setback from Old #1 and 50' from new U.S.#1 and allow approximately 5' from the cabin to the building (since no side yard setback is required) might be satisfactory. This would mean acquiring more land. It was noted however that the 5' would allow room for serving the cabins.

DEFERRED CASES.

3-cont'd Mr. Clarke suggested a 35' setback from U. S. #1, which he said is comparable to other setbacks along U.S. #1. This would give good site distance and would not be out of line.

The Board and Mr. Clarke discussed the original purchase of this ground (Rural Business) which carried the 50' setback and it was revealed that at the time of the original purchase it would have been impossible to use the ground for this purpose without a variance. But Mr. Clarke contended that they were very sure they could get a variance for a 35' setback since others in the area had that setback on General Business zoning.

In any case, Mrs. Henderson stated this will take variances if this size building is to be put on the property. The question is: What is the minimum variance that will afford relief? It should be known exactly how far this building can be put from the cabin.

Mr. Clarke suggested that the Board give him an acceptable setback from U. S. #1 and Old U. S. #1 and he would try to work out something.

It was suggested that a survey might be necessary . It was brought out that since this property is an outright sale and not contingent upon this approval, Mrs. Abernathy has no further interest in the property financially. However, she would give Mr. Donut another 5' but no more.

Mr. Clarke agreed to get the setbacks of the motel and other nearby property along U.S. #1. Therefore, Mr. Smith moved to table further discussion on this case until the end of the agenda and go on to the other cases. Seconded by Mrs. Carpenter.

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Mr. Smith suggested that if anyone coming before the Board quotes as authority the Commonwealth's Attorney or Mr. Burrage or others, he should bring a written opinion rather than second or third hand statements. Mrs. Henderson suggested that such an opinion was probably given in the hope of influencing the Board and such statements should not be considered too seriously.

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The Board resumed consideration of Mr. Donut while waiting for Mr. Beckner to produce a letter from the Commonwealth's Attorney in the <u>Kraft and Stitchman case.</u>

Mr. Clarke had invited Mr. Burrage to appear before the Board, who Mr. Clarke stated, had called for additional studies on commercial setbacks - and discussions to be held with the Chamber of Commerce and Annandale business men regarding setback changes in the Ordinance.

September 22, 1959

DEFERRED CASES.

3-cont'd. Mr. Burrage agreed with this statement. He also discussed setbacks on commercial property in Maryland where no additional setback is required except in cases of needed right of way for street widening.

Where there is an adopted plan of highways, it is recommended that the zoning run to the proposed new setback, but generally, Mr. Burrage stated, if there is no setback established on a map for widening of highways, the setback is the property line in business districts. Mr. Burrage stated that there is considerable concern over the 50' setback for commercial property and he is willing to discuss revision.

Mr. Smith asked Mr. Burrage if he was sympathetic with the 35' setback. Mr. Burrage said he had not yet discussed this with the Staff nor the Planning Commission members, but he felt it was very well worth discussion. However, he added, nothing tangible has been done up to this time.

Mrs. Henderson recalled the plight of the Board over the sign ordinance when everyone admitted it was wrong -- yet no one did anything about it and the Board granted many (too many) variances and were severely criticized for it. However, the Board is bound by the new ordinance in the case of the setback, she continued, and there is not much that can be done until a revision of the Ordinance is accomplished.

Mr. Burrage discussed hardship cases and the Board's jurisdiction. Discussion continued, Mr. Burrage stating that clearly some variances were necessary but cautioned against granting buildings that are too large for the property. He asked if this property is unusable for any other purpose.

Mr. Hanawalt, from the Oil Company, stated that this could be used for a filling station with variances, but not with meeting the 50' setbacks.

After further discussion of the need for Mr. Donut to purchase more property, Piedmont's position (as mortgage holder) in this, the availability of more ground, cutting off the road back of the cabins, a complete plat showing actual ground between the cabins and the proposed building, the Board came to the conclusion that they knew none of these things and did not have sufficient information to pass an intelligent motion on this.

Mr. Clarke agreed to get an accurate plat, etc.

Mr. Barnes moved to defer the case for two weeks for plats showing an adjustment of the setbacks and to hear from Piedmont to see if they would release the ground area in question. Seconded by Mr. Smith. Cd. unanimously.

September 22, 1959

DEFERRED CASES.

3-cont'd

Mr. Mooreland said he would like to have a differentiation between a banjo sign and a pylon -- is the banjo sign a pylon?

Mr. Smith suggested that Mr. Mooreland discuss this with Mr. Burrage to learn what was his intent in the ordinance.

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4 - KRAFT AND STITCHMAN - for determination of effective date of permit.

Mr. Beckner read the following letter from the Commonwealth's Attorney:

"September 22, 1959

"MEMORANDUM:

To: Board of Zoning Appeals
From: The Commonwealth's Attorney
Re: Effective date of use permit.

In June of 1958 a use permit was issued for the erection of a filling station which contained certain restrictions and conditions. The owner was unable or unwilling to comply with the restrictions and came back before the Board on November, 1958 to have these conditions lifted. From the June to November hearings there was no attempt to construct a building under the original use permit. The November hearing was advertised in the same manner as the June hearing and a public hearing was held in the same manner. At the November hearing the same use permit was granted without the restrictions or the restrictions were lifted leaving a use permit without restrictions or conditions.

On the above set of facts you request my opinion as to the effective date of the use permit.

Under the Ordinance prevailing at the time, a time limitation was imposed upon the commencement of construction from the granting of a use permit which was intended to require reasonably prompt execution of the use permit granted for obvious reasons but at the same time gave the grantee a reasonable time in which to prepare his plans, obtain his financing and do the many other things necessary to be done between the time the use permit was granted and construction could begin. Whether you consider this an amendment to the original permit or the granting of another permit, it is my opinion that the effective date should begin from the action of the Board in November of 1958.

In a different situation, I believe the reasoning is clear. For example, if a person obtained a use permit for a building and commenced the building within the time allowed but after the time had expired and before the building was completed found that a condition imposed was no longer possible or reasonable and came back before the Board to have the condition lifted and the Board agreed with such granting of an amendment, the effective date would of necessity have to run from the date of the granting of this new or amended use permit."

In view of the opinion of the Commonwealth Attorney, Mr. Lamond moved that it is the opinion of this Board that this permit runs from the November date. Seconded by T. Barnes.

SEPTEMBER 22, 1959

DEFERRED CASES.

4 - cont'd The Board discussed the Commonwealth's Attorney's letter.

Mr. Smith, who was not on the Board when this June action was taken asked what was the intention of the Board at that time.

Mr. Lamond who made the motion answered that it was his intention to make the people in the community happy which the motion attempted to do. He had thought the original motion to be a mistake and his interest was that the permit run from November.

Mrs. Henderson stated that in her opinion there was no indication at the time that a new hearing was being conducted; it was simply a matter of lifting the restriction.

Mr. Beckner noted that the minutes reflected that the new notices had been sent out. He himself had treated it as a new case; had sent out the notices and considered that the case was in the nature of a rehearing or the same as a refiling.

Mr. Lamond restated his intent that the permit date from November.

Mr. Smith thought that the only important consideration.

For the motion: Lamond, Carpenter, Barnes. Mrs. Henderson voted no and Mr. Smith refrained from voting. Carried.

Mr. Henderson added that she voted no as she was opposed to the filling station in the beginning and in the lifting of the restrictions it was, in her opinion, only that -- and the permit was still effective from June, 1958.

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Mr. Hanawalt said he would recommend the construction of a colonial station.

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The Board went back to the discussion of the Sunday School and office. The Board ruled that the office is out but that the applicant would necessarily file an application in the regular manner before the Board of Zoning Appeals for a special permit for the Sunday School.

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With regard to the sign case which Mr. Mooreland had brought up earlier, Mrs. Henderson pointed to page 44 and 45 where the Ordinance states that a sign must be back 50' and it was agreed that no variance could be granted. The Board agreed (without motion) on the 50' setback for the sign. Mr. Smith thought Mr. Burrage's intent in this matter also should be known.

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The meeting adjourned.

Mary E. Henderson

Mrs. I. J. Henderson, Jr.
Chairman

October 13, 1959

The regular meeting of the Board of Zoning Appeals was held on October 13, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present; Mrs. M. K. Henderson, Chairman, presiding.

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

NEW CASES

1- T. WILFRED ROBINSON and FRANCIS E. JOHNSTON, to permit a sand and gravel operation on 35.6876 acres of land, 3500 ft. north of south intersection of South Kings Highway and Telegraph Road, Lee District (RE-1)

The applicant asked for deferral until November 24. Mr. Lamond moved to defer the case to November 24 as requested by the applicant. Seconded Mrs. Carpenter. Carried unanimously.

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2- AMY BRIGGS BALDWIN, to permit the use of a building formerly Beulah Methodist Church for conducting classes in art and other creative subjects such as dramatics, music and dancing, on northerly side of Lawyers Road, Route 673, 1.8 mile westerly from Route 123, Providence District. (RE-2)

Mr. Ed Prichard, attorney for Mrs. Baldwin, requested deferral in order to comply with requirements of the Health Department.

Mr. Lamond moved to defer the case to November 10. Seconded, Mrs. Carpenter. Carried.

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Mr. Mooreland asked the Board to review Sec. 4.4.8 (page 22) of the Ordinance with the view toward giving him an interpretation.

The situation, Mr. Mooreland stated, he has run into is on corner lots where a less setback cannot be granted, and by observing the deep setbacks required the developer is forced to build a less expensive house than others in the subdivision. The average price home on interior lots would run from $35,000 to $40,000 while on the corner lots the houses, because of the restricted area, would be in the $17,000 or $18,000 class. Mr. Mooreland said the variance to allow a larger house cannot be granted because the subdivision is not 25 per cent built.

There was no answer at this time.

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3- CITIES SERVICE OIL COMPANY, to permit erection and operation of a service station and variance from setback requirements on pump islands, and permit rear yard less than required by the Ordinance, on west side of Brandon Avenue, 775 feet north of Bland Avenue, Mason District (C-N)

NEW CASES - Ctd.

3-Ctd.

Mr. Beall represented the applicant. He presented a written statement detailing the reasons for this request. He claimed this filling station is harmonious with the purposes of the plan of land development and is not detrimental to the character and development of adjacent land. The contiguous area to the north is under shopping center development. The site is surrounded by extensive commercially zoned areas. This will be developed with the highest standards of layout and design.

Mr. Beall pointed to sections in the Ordinance which he claimed were conflicting, stating that in his opinion a pump island is eliminated from the 50 ft. setback requirements. He also cited the shallowness of the lot as a reason that full use cannot be made of the property if the 50 ft. setback is observed as it would preclude having more than one pump island. Normal competition requires two pump islands, Mr. Beall contended.

He presented photographs which indicate the curvature in Brandon Avenue. Southbound traffic entering the station would be compelled to make a sharp turn to reach an island set back 50 ft.

Since the pump island is the primary sales floor of this business Mr. Beall contended that they are exempted from the normal prohibition against display, sales, services, etc. and that this is so recognized in the Ordinance.

They also need the small variance in the rear of the building in order to have the building back sufficiently far to give free circulation in front. It was noted that the plat does not show the requested rear setback.

Mr. Lamond contended that the ground area was not large enough for a filling station, especially since the Board is committed to require the 50 ft. setback as established in the Ordinance. He suggested that the applicant attempt to get additional land.

That, Mr. Beall said he thought would not be available.

The Board agreed, however, that getting additional ground should be explored.

Mr. Simms stated that this property was purchased in 1959 with the understanding that it could be used under a General Business classification.

3-Ctd. The Pomeroy Ordinance rezoned this to a C-D district. It was thought at the time the Pomeroy classifications were designated that this was part of the Carr property and therefore should be in a C-D district, part of a designed shopping center. This is now part of the general plan on the basis of the old ordinance, however, there are many things which were allowed in the old General Business zoning which are not now allowed in a C-D district. Under General Business it would not be necessary to get a permit from the Board of Zoning Appeals for this use. Mr. Simms said he considered that there are the mechanics in the Ordinance to make variances possible.

There were no objections from the area.

It was noted that no permits for a filling station have been issued in this designed area.

Mr. Beall asked deferrment on this until the applicant can prepare a corrected plat and reflect a compromise treatment of the variance situation and also to explore the question of additional land. He suggested that they might minimize the variance by having one large island instead of the two.

Mr. Lamond moved to defer the case at the request of the applicant until November 10 for the applicant to bring in new plats showing relocation of the pump islands and the building and for the applicant to explore the possibility of getting additional land. Seconded, Mrs. Carpenter. Carried unanimously.

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4- NORTHERN VIRGINIA CONSTRUCTION CO., to permit extension of use permit granted September 25, 1956, southerly adjacent to Guilford and Silver Springs Subdivisions, Lee District. (RE-1)

Mr. Andrew Clarke represented the applicant. This use was granted in 1956, Mr. Clarke recalled, for a period of three years. This is an extension of the original permit. The area is not extended. It will require about two more years to remove the gravel in this area.

Mr. Clarke recalled that when this case first came up for a permit approximately 300 people were present in protest. When this extension came before the Planning Commission there were no objectors.

The trucks have been going out Cedar Street and during the past year the running of the sewer line down Cedar Street has cut up the surfacing and caused considerable damage to the street. Mr. Ball has tried to keep it in repair. They had planned for another exit but were blocked by one property owner.

4-Ctd. Mr. Clarke stated that this operation has not been injurious nor hazardous to the area.

Mr. Ball stated that they run about nine trucks to and from the operations. They have plans now to subdivide this land when the gravel is removed.

The Chairman asked for opposition.

Mrs. Hay who lives on Cedar Street representing other property owners on Cedar Street presented a petition with sixty-eight signatures listing the following objections: these operations create a negative impact upon the neighborhood; safety hazard; devaluation of property; and cause nuisance. The petition quoted from the Ordinance, Section 12; 12.2; 12.8.1.6(b) all of which outlined the restrictions governing the granting of gravel pit use permits. Mrs. Hay contended that these operations were not harmonious with the neighborhood. They are detrimental to the character of development of adjacent land, not in line with the purposes of the Ordinance; it is hazardous, in conflict with normal traffic of the residential streets, undesirable access, and detrimental to the access streets, all of which are in direct conflict with the Ordinance.

Mr. Dale Hay objected to the lack of use of a dust deterrent; breaking down of the shoulders of the road; and gravel falling from trucks on the street.

He discussed further the heavy trucking, the problems which arise from workmen in the neighborhood and the nuisance such operations have caused to property owners.

Mr. John Sullivan from Cedar Street objected for reasons stated, adding that while the ground is being rehabilitated, the area is left barren of planting. The rehabilitation, however, has taken place only recently. Up to a short time ago the area was known to have hazardous cliffs and pits. The mud and silt have been extremely objectionable, he continued; the trucks are noisy and he considered this operation a health hazard. He discussed further points which were previously brought out.

Mrs. William Hock from Cedar Street concurred in the objections; also Leroy Reno, each detailing personal experiences of hardship resulting from these operations. Mr. Reno, read a truck count made at different times during October. He also objected to a pit 15 or 20 feet deep

14-Ctd. which has standing water. This he pointed to as a serious hazard. He termed this an industrial use in a residential area which he labeled not honest.

If this is granted he suggested a two year limitation and strict adherence to the ordinance and also that another access be provided, perhaps a private industrial access.

Mrs. Hay submitted a written statement from a builder in this area saying that these operations had caused great difficulty in the sale of one of the homes he has built. This letter was signed by A. J. Pratt. She also quoted another builder as saying that if this were granted he would no longer buy land and build in this area. This individual would not testify in person against this case sime he has business dealings with the applicant.

A letter was presented from Paul Meyer, pastor of St. John's Lutheran Church objecting to the harm done to the County from this use and the fact that it would tend to stagnate growth.

In rebuttal, Mr. Clarke stated that Mr. Ball had done everything he could to get another access. He had bought all the right of way for the access except one strip where the owner of the property (Mr. Green) had refused to sell. They have gone back many times to Mr. Green but have been unable to obtain the right of way. Therefore they were compelled to use Cedar Street.

Mr. Clarke pointed to the high priced land in Fairfax County stating that Mr. Ball would necessarily rehabilitate this land and subdivide it, it would be uneconomic not to do so.

Mr. Clarke also recalled the days when there were no controls over gravel pits during which time Mr. Ball rehabilitated the ground and developed it. Public Works will see that he does the same thing here on this property. He pointed to other areas Mr. Ball has rehabilitated and developed where in the long run the property in the area has been greatly enhanced in value.

These people have had an excellent safety record, Mr. Clarke pointed out, and while there have been some annoyances resulting from this operation there has been no visible detriment to the neighborhood. Homes have sold well during the period of operations and some of the people present in opposition bought their homes after this gravel pit started and the builders have remained here building and selling because it has been profitable.

NEW CASES - Ctd.

4-Ctd. This is a permitted use in a residential zoning, he went on to say; these things are in keeping with the Zoning Ordinance requirements for development after the gravel is taken. The slopes will be controlled by this Ordinance. Mr. Clarke predicted that when this area is completed, they would ask for a permit to dig gravel on other parts of the tract.

Mr. Ball dismissed his work in the County, his operations and his interest in rehabilitation of the ground, his part in getting the Dogue Creek sewer line, and in developing and improving the area. This land could not be developed for homes as it is, he went on. He discussed further his attempt to get another outlet.

The use of another road or an entirely new access was discussed. It was agreed that this, one of the County's few natural resources should be used and it is necessary therefore to arrive at the best solution to remove the gravel with the least adverse effect.

It was recommended that Mr. Ball and Mr. Mooreland continue the search for another outlet.

Mr. Lamond moved that the Board grant a temporary permit not to exceed 90 days during which time the applicant will explore the possibility of getting a new access road which will not touch the subdivision and at the end of the 90 day period the Board will consider the extension of this permit. Seconded Mrs. Carpenter. Carried unanimously. //

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DEFERRED CASES

1- VERNON M. LYNCH, to permit operation of a gravel pit on 35.22 acres of land, approximately 300 feet west of south end of Rt. 770 and south of Franconia Road, Route 644. Lee District (RE-1)

Mr. Lamond moved to defer the case at the request of the Planning Commission. (Defer to December 8) Seconded, Mr. Barnes. Carried unanimously.

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2- MISTER DONUT SHOP, to permit erection of a donut shop closer to street lines than allowed by the Ordinance, south triangle of U.S. #1 and Old U.S. #1 , Mt. Vernon District (C-G)

Mr. Andrew Clarke represented the applicant. He presented a plat showing other businesses in the immediate area and their setbacks, as instructed at the earlier hearing. Mr. Clarke also revealed that

2-Ctd. Piedmont would not sell any of their ground without payment of the trust.

Mr. Clarke also showed revised plats of this business with a 35 ft. front setback; 14.87 ft. setback and 14 ft. from Old Mt. Vernon Road and 5 ft. from the motel.

The Board discussed at length other methods of placing the building on the property in an attempt to lessen the variance; the purchase of the ground before the Pomeroy Ordinance; the need for variance even under a rural business zoning; and the fact of depriving the applicant of the use of his ground. Mr. Clarke contended that all conditions in the Pomeroy Ordinance governing the granting of variances have been met; that Mr. Donut has followed the advice of the Board of Zoning Appeals in obtaining a rezoning and has tried in every way to do exactly as the County wants. However, Mr. Lamond contended that the building should be elastic enough to be readjusted to fit on the ground. Mrs. Henderson insisted that this is too much building for the area.

Mr. Clarke asked the Board to tell him the variance they would be willing to grant and Mr. Donut would adjust to that. While this is the standard size building which has already been cut down they will cut farther if necessary.

It is difficult to set the size of the building, Mr. Smith suggested, since the Board has no knowledge of the equipment necessary to operate this business; how small can the building be cut, he asked and still be practical? The Board would wish to grant the very least amount of variance consistent with practicality.

Mr. Smith suggested deferring this for the applicant to bring in a plat showing 17 parking spaces, one entrance from U.S. #1 which would be approved by the Planning staff, take off a corner on Old U.S. #1 to give a 15 ft. setback from the right of way and deserving a 50 ft. setback from U.S. #1 and bringing the building to the property line on the side of the motel. He suggested that the Board might act on that, approval to be contingent upon presentation of a plat showing these restrictions. It was noted that the additional 5 ft. has been acquired on the motel side. Mr. Barnes moved to approve this variance provided a plat is presented showing the recommendations just listed: 50 ft. setback from #1 no closer than 15 ft. from Old #1 and to the property line on the rear; seconded, Mr. Lamond.

2-Ctd. For the motion: T. Barnes, Mr. Lamond, Mr. Smith and Mrs. Henderson. Mrs. Carpenter voted no. Motion carried.

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3- GRAHAM VIRGINIA QUARRIES, INC., to permit extension of quarry operations, with blasting operations between 5 and 6 p.m., State Police controlled, on west side of Rt. 123, north of Occoquan Creek, Lee District (RE-1)

Mr. Lytton Gibson represented the applicant. Mrs. Henderson stated that three members of the Board had been present at the Planning Commission hearing on this and while all who wished to speak would be heard, the technical testimony given at the Planning Commission hearing and the report submitted by Dr. McCabe would not be reviewed.

Mr. Gibson asked Mr. Hellwig to explain the map of the area included within this application. The map indicated the topography, location of Route 123, Occoquan Creek, asphalt mixing plant, area of operations, the roads through the property, Alexandria Water Company, chemical laboratory and processing plant, and Vepco sub-station. Mr. Hellwig indicated the 50 ft. setback along Rt. 123 within which area the quarry does not operate. This land, he stated, must remain as it is, without destruction of trees and must be restored to its normal drainage contours. Mr. Gibson gave a brief history of quarry operations on this land saying that the overall sixty acres has been in the Clark family for 75 years. It is leased for quarry purposes. The estimated rock on this thirty-six acres amounts to approximately 17 million tons. This land has been quarried almost continuously since around 1900, handled by different companies and for a time by Fort Belvoir. The applicant started operations in 1956.

At the first hearing on this application before the Planning Commission the Commission suggested (because of serious objections from the area) that a consultant be employed to report on the operations of the quarry and to make recommendations. Mr. Burrage suggested Dr. McCabe, entirely unknown to both the applicant and the opposition, but who is a well known expert in this line. Mr. Gibson said he recognized that the people in the area had a basis for objection therefore they agreed to the hiring of a consultant, agreed to bear the cost and to abide by whatever recommendations he might make. The report has been submitted and they still agree to meet the recommendations made by Dr. McCabe.

The case was deferred for study of the report, heard again by the Planning Commission who agreed to grant the case contingent upon the actual spelling out of the controls which would be placed on the operations

DEFERRED CASES - Ctd.

3-Ctd. coincident with the granting of the permit. Mr. Gibson read a listing of requirements, suggesting one change in paragraph 4. (Change from 15,000 lbs. to 10,000 lbs.)

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"PROPOSED CONDITIONS OF GRAHAM-VIRGINIA QUARRIES USE PERMIT"

1. Graham-Virginia Quarries to use calcium-chloride treatment on roads whenever necessary to control dust on roads.

2. Graham-Virginia Quarries to install covers on conveyor belts at transfer points.

3. Graham-Virginia Quarries to install Johnson-Marsh dust control system for balance of crushing machinery, provided the same will result in an end product that meets State Highway specifications and if the end product does not meet State Highway specifications, then other dust control system of equal adequacy shall be installed which will meet the requirements of the State Highway specifications.

4. Graham-Virginia Quarries to use no charge in blasting in excess of 15,000 pounds.

5. All operations to be conducted between the hours of 7 a.m., and sunset, or 7 p.m., whichever is earlier, except that in no event shall drilling operations be conducted beyond the hour of 7 p.m.

6. Blasting (vibration) and dust pollution controls shall meet the requirements set forth in Sec. 9.2, entitled vibration, and 9.4 entitled other air pollutants, of the Zoning Ordinance of Fairfax County, effective September 1, 1959, familiarly known as the Pomeroy Ordinance.

Items Nos. 1, 4 and 5 above to be complied with immediately. Items Nos. 2, 3 and 6 above to be complied with as soon as possible, and in no event beyond six months from date of issuance of permit.

Permit to be granted for a period of three years."

While they have not yet used more than 6,000 lbs. blasting charge the rock varies and they might need to use 10,000 lbs. in certain places. Also under strong competition it may be necessary at times to use the heavier blast to produce more rock.

Mr. Gibson also discussed the time (#5).

Items 1, 4, 5 they could comply with immediately. The others will be put into effect as soon as possible, as soon as the equipment can be manufactured which will not exceed six months. If the Johnson-Marsh equipment does not work satisfactorily they will put in another type of control. They will spend $30,000 immediately for these controls and for the calcium chloride treatment, he went on, therefore they cannot live with further continuance of this application.

The question has been raised, Mr. Gibson stated, as to why these controls have not been used before this. The answer to this was given by Dr. McCabe -- people have become more conscious of these things, especially as an area increases in population.

3-Ctd. This is a natural resource, a very valuable one; this rock has been mined for many years. It is not a new thing to this area. The rock has been used for State Highway Department, asphalt, for airport purposes, for R.F. & P. RR., Ft. Belvoir, and in control of beach erosion to protect the coast line. It is a big business, a necessary business. September was the biggest month they have had; the demand will be at its peak during the next ten years. They must keep operating and are willing to do whatever is fair and equitable to remove or control any unpleasant repercussions resulting from the operation.

Mr. Gibson related only one accident when a small rock flew over into the town of Occoquan. Their accident record is excellent. The people of Occoquan have certain just complaints and the operators are willing to do everything humanly possible to remove any reason for objection.

Mrs. Carpenter called attention to page 72 of the Ordinance regarding excavations of 10 ft. or more. That, Mr. Gibson answered, does not apply to a quarry, but rather to a gravel pit. To get the rock it is necessary to go deep. But wherever they are working they have watchmen on duty 24 hours a day, including Sunday. They have a very large over burden and as they finish excavation at one spot the land is rehabilitated before they move on. If it is necessary they would fence the entire operations.

Mr. Andrew Clarke represented the Town of Occoquan. He went back into the history of this situation, saying that this Town was here long before the quarrying came. In the beginning of these operations, Mr. Clarke pointed out, there were no objections and had the operations continued in the same manner there would not have been objections. Consequently, when the present operators weht in, in 1956, only one person objected. The people of the town thought this would be good for their area and that the operation would continue as it had been doing and that the business would help the town. But there have been no safety controls put into effect, the operations are dangerous to the health and safety of people living nearby.

Mr. Clarke showed aerial photos of the Town, indicating its relationship to the quarry operations.

Mr. Clarke urged the Board to spell out the controls, if this is granted, so the company and the people will know exactly what is expected and the people will be assured of a minimum of nuisance.

DEFERRED CASES - Ctd.

3-Ctd. The council and individuals complained many times of the operation of this plant, Mr. Shalup appeared before the Council and the company said controls must be used, but nothing was done.

Mr. Clarke called the following people who spoke in opposition:

Mr. Wallace Lynn who stated the belief that the Johnson-Marsh control would not be effective; he criticized the dust test made by Dr. McCabe, saying it was done under the most favorable conditions and charging that the company reduced operations to lessen the dust; he objected to the noise, trucks, falling stone on the roads, and also the danger to the Alexandria Water Supply and the VEPCO installation.

The original permit was granted without controls--now the Ordinance can control such uses; he urged the Board to require compliance with stated controls; he also urged a good neighbor policy with Prince William in seeking these controls. Mr. Wallace identified his home as the nearest to the quarry. He asked the Board to control these operations so the work may continue and assure protection to the people.

Mrs. Lynn listed her objections: noise, dust, mud, nuisance from trucks, damage to their investments across the creek, complaints from people using the marina. She asked the Board to study means of giving effective control. Mrs. Lynn also questioned the fairness of the tests. Who will enforce the controls, she asked? She suggested that the operations proceed in another direction, away from the Town. The 50 ft. setback is valueless because of the straight cut. The hours, she insisted, are too long. The operations have caused plaster cracks, a thick coating of dust on trees and shrubbery as well as in homes, danger to highways and unbearable noise.

Mrs. McMaster related her unhappy experiences with dust and noise and devaluation of property. She considered that these operations have ruined the Town of Occoquan.

Captain Joyce concurred in statements made by others.

Mrs. Randall asked the Board to consider the rights of the people of Occoquan, if privileges are granted to this company.

Mr. Hall told of $2100 worth of damage done to his business building. He also noticed less dust during the testing period. He told of danger in the narrow curved road, and of large rocks falling into the stream, and objected to the long hours.

Mr. Clarke asked the Board to give time and consideration to the controls and to the requirements under Sec. 9.2 and 9.4 of the Ordinance.

Three years of this operation have given these people many reasons for

3-Ctd. objections, Mr. Clarke stated; he urged the Board to give serious consideration to these things, and to assure the people that whatever controls are required that they will be carried out and enforced.

Mrs. Henderson read a resolution from the Town of Occoquan and one from the Board of Supervisors of Prince William opposing this use and a letter from the Supt. of the House of Correction which was not in opposition. (A letter had also been received from the director who expressed no objection.)

Mr. Gibson answered Mr. Lynn's objection to the Johnson-Marsh control system by saying it was recommended by Dr. McCabe in his report. If this causes damage to the rock so the State Highway will not accept the rock they will change to another system of control. That has been stipulated.

They have had no complaints from the Alexandria Water Company nor from VEPCO, therefore it is assumed that they have not been hurt, Mr. Gibson stated.

As to the Town of Occoquan being hurt, Mr. Gibson read population figures from 1900 showing that the population has declined every year until 1950 when it had its first increase in fifty years. The quarry was operating all during this time and with no objections.

Mr. Gibson again discussed the agreement to get the report from an expert, selected by a disinterested person; the report and the company's willingness to abide by the recommendations. They are not present to misrepresent anything; the tests were made as directed and the report given. They have tried to do something to improve the operations and make it more palatable to the people of Occoquan. It is not perfect. Life near any rock quarry is never the best, he continued, but this rock must be taken where it lies and this report appears to be the solution. They cannot live with a 30 to 90 day permit, too much expense is involved to install the controls.

They have agreed to the controls and they can live with them; they feel the compromises have been just and fair to all concerned.

Mrs. Henderson read the resolution from the Planning Commission. She stated that she had listed what she believed would be adequate controls: (This list has been misplaced, however, the motion as adopted is substantially the same as the conditions set out in Mrs. Henderson's suggestions.)

DEFERRED CASES

3-Ctd. Mr. Gibson objected to #5 as heavy equipment abusiness must work on Saturdays -- this was collaborated by Mr. DiGuillian.

It was agreed that there would be no drilling nor blasting on Saturday but other work could continue.

Mr. Gibson objected to #9, that Graham Virginia shall pay for expert service to determine degree of compliance. Since statements had been made at this hearing questioning the integrity of the tests, Mr. Gibson said he would not agree to pay for any testing of the degree of compliance-that, he stated, is up to the State or the County. It was agreed to take this out, the State or the County to be responsible for proof of non-compliance. Mr. Gibson also stated that he did not agree to the 7 a.m. to 6 p.m. hours in paragraph 5. However, that was not removed.

It was agreed to remove #10. Mr. Clarke made no objection.

Mr. Dan Smith made the following motion:

That the Graham Virginia Quarries, Inc.'s permit to extend quarry operations between the hours of 7 a.m. and 6 p.m. be extended for a period not to exceed three years and this be granted to the present operator only and that the stipulations agreed upon and the one not agreed upon (listed below) be made a part of this permit, also that the requirements in the ordinance shall be complied with.

1.) Treat roads within quarry confines with calcium chloride as often as needed. 2.) Install dust control covers on conveyor belts 3.) Install within six months the Johnson-Marsh (or other dust control system) to collect at least 95% of the dust. 4.) No blast shall exceed 10,000 lbs. and the average shall be no more than 6,000 lbs. 5.) There shall be no operations before 7:00 a.m. and none after 6:00 p.m. and no drilling or blasting on Saturday. 6.) There shall be no further removal of trees within 50 ft. of Route 123, nor rock removal within this limit. 7.) Supervision during blasting and discipline of personnel shall be exercised vigilantly to prevent flying rock. 8.) All operations at this plant shall conform to the applicable performance standards detailed in Sec. 9 of the Fairfax County Zoning Ordinance. 9.) At the end of 9 months from the issuance of the permit extension, the Zoning Administrator shall make a thorough check on compliance with the restrictions herein detailed. 10.) Provisions of Sec. 12.8.1 (2) (b) (Specific Requirements in stone quarrying) and Sec. 11.6.2 of the Ordinance relating to revocation of permits will be strictly enforced. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

4- SOCONY MOBIL OIL CO., to permit erection and operation of a service station with building 50 ft. from Old Courthouse Road and pump islands 25 ft. from Rt. 123, N.W. corner of Old Courthouse Rd., Rt. 677 and Chain Bridge Rd., Rt. 123, Providence District (C-G)

Mr. Fisher represented the applicant. This case was filed last March long before the new ordinance became effective, Mr. Fisher told the Board but was deferred indefinitely because of difficulties regarding the subdivision ordinance. It was therefore held up until after the new Ordinance and now comes the question of the variance in pump island setback. They need the two pump islands but without the reduced setback maneuvering space within the property would not be available. Mr. Fisher contended this case should be given special consideration because it was filed before the Ordinance became effective although it was not put up for hearing until after September 1.

Mr. Mooreland said he had questioned Mr. Burrage on whether cases filed before the Pomeroy Ordinance became effective but heard after the ordinance became effective should be handled under the old Ordinance or the Pomeroy Ordinance. Mr. Mooreland said he was not sure just what stand Mr. Burrage took on this. He thought the Board should be consistent and not make varying decisions on similar cases.

The Board agreed that this should be discussed with Mr. Burrage before action is taken.

Mr. Smith moved to defer the case until the next meeting, October 27, in order that the Board may confer with Mr. Burrage to see if this is consistent with his policy and to see what his policy will be in the future on these things. Seconded, Mr. Barnes.

For the motion: Messrs. Smith, Barnes and Lamond.

Voting no: Mrs. Henderson and Mrs. Carpenter. Motion carried.

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Mrs. Henderson read a letter from Mr. Massey suggesting the Board of Zoning Appeals amend their policy of notifying adjoining and nearby property owners at least ten days before the hearing date. This would be in conformity with the policy of the Board of Supervisors. Mr. Smith moved that this request be complied with and that property owners be notified of hearing dates at least ten days in advance of the hearing. Seconded, Mr. Lamond. Carried unanimously.

The meeting adjourned.

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, October 27, 1959, at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present; Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

Mr. Lamond asked to speak on the Virginia Sand and Gravel case scheduled for 11:40. Since a large number of people were in the room preparatory to waiting for the Virginia Sand and Gravel hearing, Mr. Lamond told the Board that the Planning Commission had at their meeting of October 26 recommended a six month deferral of this case in order to complete a study of sand and gravel operation in the county. If the Board was of a mind to defer the case, he suggested that action might be taken to that effect to save those present from an unnecessary wait.

Mr. Lamond moved to defer the case for not longer than six months. Seconded, Mr. Barnes.

Mr. Clarke, attorney for the applicant asked that instead of an outright six month deferral the Board continue the case for thirty days at a time. He agreed, in that case, to notify interested persons 10 days before the Board hearing date. The motion to defer for thirty days was carried unanimously. (November 24, 1959)

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NEW CASES

1- ISAAC KATZ, to permit gasoline station to be built 18 ft. from Old Dominion Dr. and 20 ft. from Elm St., and pump islands 15 ft. from Old Dominion Drive and 26 ft. from Elm St., Lot 6 and part Lot 5, Block 4, Ingleside subdivision, Dranesville District (C-G)

Mr. Martin Morris represented the applicant. He explained the plats which showed Old Dominion to have a 100 ft. right of way including Electric Avenue, and Elm Street to have a 30 ft. right of way. The building would set 18.34 ft. from the edge of Electric Avenue and 20 ft. from Elm Street. The filling station building would be located 182 ft. from Route 123.

Mrs. Henderson recalled that considerable discussion had taken place at a former hearing on this regarding the vacation of ~~Elm Street~~ Electric Avenue. However, Mr. Morris answered that it would be impossible to do that as the State wants the entire right of way of Electric Avenue to increase its width on Old Dominion Drive.

Mr. Morris told the Board that this store has been in operation

1-Ctd. continuously for 50 years and Mr. Katz has owned it for 15 years. At the time of purchase they tried to get additional land on the rear but as shown in the pictures he handed to the Board, that ground is in use for another purpose.

Mr. Smith asked if the Highway Department wanted this small strip of ground between the two streets. Mr. Morris said they have no plans to use the strip nor to do anything about it.

Mr. Morris suggested that Sec. 11.5 of the ordinance regarding the size and shape of the lot applied to this property. It is a small triangular shaped piece of ground bordered by roads on two sides. He urged that the only realistic approach to this was to grant a variance, otherwise the property is unusable. He recalled that the Commission staff had asked for a deferral on this to make a study and determine the best use for the land. They came up with a service station with a single pump island. The ground area is not sufficient to provide parking for any other business.

The applicant is not pleading financial hardship Mr. Morris assured the Board, but the fact is that since the new Safeway and other stores have come into the area Mr. Katz's grocery store business has dropped off 37%. It is not therefore practical to continue in the grocery business. Mr. Katz has held on to the land with the hope of doing something with it and the filling station appears to be his only alternative. He could not observe the 50 ft. setback no matter what kind of a business goes in. The building as proposed contains approximately 1200 sq. ft. Mr. Morris pointed out that traffic is well regulated at this point as there are two traffic lights. The entrances have been approved by the Highway Department.

There were no objections from the area.

Mr. Schumann suggested that this was a matter of looking at this very old and dilapidated store until it falls down or improving the property without substantial detriment. The use proposed here and the setbacks more than justify the change. The owner of this property has a right to use his land, Mr. Schumann went on, he can put in a filling station as a matter of right, he is before this Board for the setback's variance only.

Mr. Schumann said he had talked with the Highway Department with the thought of working out the best location for the entrance from Old

NEW CASES - Ctd.

1-Ctd. Dominion Drive. The Highway Department do not say they will purchase any part of this land. They have no objection to this use. The Staff recommended to grant the application.

It was noted that the existing business requires the use of public land for parking purposes, the filling station would do away with that.

Mr. Katz said the filling station would be white porcelain of standard design.

It was suggested moving the pump islands 5 ft. down to Elm Street in order to give a little better setback from Old Dominion Drive. Mr. Katz pointed out that that would place the pump island in the way of cars backing out from the bay.

Mr. Lamond moved that the Board finds this property is eligible for consideration of a variance due to its irregular shape and its physical characteristics. Seconded, Mrs. Carpenter. Carried unanimously.

Mr. Smith stated that in his opinion this is the most appropriate use that can be made of this property, the 18.34 ft. from Old Dominion Dr. and 20 ft. from Elm St. for the building; the pump island being 15 ft. from Old Dominion Dr. and 26 ft. from Elm St. is about the best the Board can do as it is evident that the applicant cannot use the land without these variances. The use proposed would serve to clean up an old eyesore and it would appear that site conditions at the corner would be improved. The Staff has done a considerable amount of work on this case and they have found the filling station to be the best use for this property and there are no objections from the Highway Dept. Therefore Mr. Smith moved that the application be granted as submitted. This is granted in accordance with plat presented with the case prepared by the Texas Company dated 8-18-59 (N.F.K. 3071) Seconded, Mr. Barnes. Carried unanimously.

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2- MRS. HELEN HUDDLE, to permit operation of a beauty parlor in her home as a home occupation, Lot 21, Block 23, Sec. 16 (12 Tracey Court) Lee District (R-10)

Mrs. Huddle outlined her plans saying this would be a one-chair beauty parlor and she would have no sign. She will be the only operator and the shop will be open four days a week. She has adequate parking space in the driveway which is 30 ft. long, sufficient for two cars. It would be impossible to arrange parking in the rear as the ground drops off abruptly. Mrs. Huddle said the customers could use the driveway as

2-Ctd. she would probably never have more than two people in her shop at one time. Her family car could be parked on the street when it is not in use. The Board was not entirely satisfied with the assurance of off-street parking.

Mrs. William Orr urged the Board to grant this permit stating that that there is plenty of room on the circle--this is a cul-de-sac and practically no traffic comes and goes. She thought parking in the street was not at all objectionable in this case. Mrs. Orr also spoke of an illness from which Mrs. Huddle is recovering and which precludes her from going out to work. This small business would help to pay for her expensive medication.

Mr. Lamond suggested deferring the case to view the property. He so moved, to defer until November 10 to give the Board the opportunity to view the property, particularly to check upon available parking space; seconded, Mrs. Carpenter. Carried unanimously.

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6- NORMAN P. HINGES, to permit carport 7.8 ft. from side property line, Lot 119, Section 3, McLean Manor, Dranesville District (R-12.5)

Mr. Hiss asked the Board to defer the case for two weeks as he had failed to send notices to adjoining property owners. Mr. Barnes so moved; seconded, Mr. Smith. Deferred to November 10. Carried unanimously.

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3- STANLEY E. PETERSON, to permit operation of a junk yard which was denied by the Zoning Administrator, S.W. side of Old Dominion Dr. approx. 575 ft. north of Springhill Rd., Dranesville District (RE-1)

Mr. Carl Marshall represented the applicant. He filed a petition with the Board signed by ten persons stating they have no objection and in fact favor this use.

Mr. Marshall gave the history of this ground, attempting to establish the fact that the property in question has been used as an automobile graveyard for many years. He also read three letters collaborating his contention--one from Annie Peterson, wife of Walter Peterson, deceased, who was the brother of Stanley Peterson. This letter stated that Stanley Peterson had purchased this lot on or about March 29, 1934. The lot was later sold to Mr. Salmon but that Stanley Peterson used this property together with the adjoining property, which he had purchased to store automobiles from the time of the

3-Ctd. purchase up to the present time (Letter dated October 26, 1959).

A letter from the Salmons (August 14, 1959) stated that Stanley Peterson had used this lot during their ownership, February 1947 to May 1950, for a junk yard.

Also a letter from Mrs. Blanche Houtz saying she had lived in Spring Hill approximately 27 years and that Stanley Peterson has used this lot continuously ever since the date he acquired it for storing of old and used automobiles.

Approximately 4 1/2 acres have been used by Mr. Peterson since 1939 for automobile storage and junk. They had a permit for this use. He now wishes to fence this area and continue the use which the Zoning Administrator has denied, saying this area was not used for junk and therefore not included in the original junk area. Mr. Marshall contended that there is no basis for the denial since the land has been included from the beginning as a part of the graveyard area. No property lines were descernable, Mr. Marshall stated, but the junk use had spread over all of this ground.

In opposition Mr. Mooreland stated that this is not a permitted use and it is not non-conforming. It could continue if it were non-conforming. He recalled the background of this use, stating that he had dealt with Mr. Peterson in 1943 in the purchase of war-scarce articles. At that time there were very few cars on the property. He gave the approximate location of the cars stored on the ground at that time. After the war Mr. Peterson began an extension toward Great Falls. This property in question today was not reached with the stored vehicles and junk until in the 1950's. During that time Mr. Mooreland investigated a complaint lodged against Mr. Peterson relative to the parking of a trailer in the roadway. There was no junk then on this property. Nor was this property used for junk when another investigation was made. During the years between 1934 and 1947 this property was not used.

Mr. Mooreland recalled that this property was sold to the Salmons and resold back to Peterson in 1950. This property was not used until March 1956.

Mrs. Houtz who lives near this property and knows it well said there were no cars on this property during the 1940's. Others collaborated this statement.

Mr. Mooreland said the property was sold during the years 1947 - 1950 and it was not used. Mr. Peterson therefore has no claim to this use.

3-Ctd. The Board discussed the conflicting statements regarding the period when the property was used for junk in an effort to determine the true facts.

While the Salmons were living in North Carolina during the time they owned the property, Mr. Marshall said they were back and forth and knew the property was being used for junk.

However, the Board noted in the Salmons' letter that the property was so used "to the best of our knowledge."

The amount of junk stored, how many cars were handled, to what extent the yard grew, the possibility that junk was stored on the property and bought and sold without the neighbors noticing were discussed. However, Mr. Peterson contended that junked cars were on the property continuously since 1940, that he was actually in business all the time. Mr. Mooreland insisted there were no cars on the property before the property was sold to Salmon and none there during the time Salmon owned it. He was on the property many times during that period.

Mr. Smith stated that on the application of Stanley E. Peterson to permit operation of a junk yard which was denied by the Zoning Administrator, property located on the south side of Old Dominion Drive he would move that the decision of the Zoning Administrator be upheld, because the Board has not been satisfied that this use has been continuous since 1941. There is a period where the only thing the Board has to go on is the statement of Mr. Stanley that there were cars on the property and during that period Mr. Mooreland has stated that there were no cars on the property. Seconded, Mrs. Carpenter. Carried unanimously.

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Deferral of the Virginia Sand and Gravel case was again discussed. Mr. Carlson, opposition leader, indicated that while they were not happy with a deferral they would raise no active objection. It was agreed that the opposition would be notified when the Planning staff presents its report and recommendation to the Planning Commission.

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4- JOHN J. YOUNG, to permit operation of a riding stable and sale of horses, plus the standing of stallions, NW corner of Hunter Mill Rd. and Washington Old Dominion RR at Hunter Station, Centreville District (RE-1)

Mr. Young appeared before the Board.

4-Ctd. Mr. Young told the Board that he felt that the property owners in the area had not had time to consider this project sufficiently and that he would like to defer the case in order to explain his proposed plans in detail. He had notified two adjoining property owners of his plan plus three others, but had failed to notify Mr. McDiarmid, one adjoining owner, until the night before the hearing.

Mr. McDiarmid made a statement to the Board opposing this use. Mr. Young does not own the land he noted; he is a lessee from Reid Thomas. He charged that Mr. Young had not complied with the requirements of the Ordinance in not notifying him since he has a 1/2 mile common boundary with Mr. Young. He asked that the case either be heard on its merits or dismissed with prejudice.

Mr. Young explained in detail those whom he had notified and the Board determined that he had complied with the policy established for notification.

Dr. Wilbur, who lives across Hunter Mill Road objected to the proposed use as detrimental to him and to the area.

Mr. Mooreland said the case was duly advertised and the property well posted, both in accordance with requirements.

Mr. Lamond moved that the Board proceed with the case since all requirements have been met. The Board agreed to proceed.

Mr. Young, questioned by Mr. Barnes and Mr. Smith, explained that this is not planned to be a big business; he has horses for his own pleasure and this would be a side issue with him, something in the nature of a hobby. He is in the real estate business. He has a large area, ample room for parking and all facilities. He would have about 10 or 12 riding horses and would board a few. He also has a stallion. He and his family will live in the house. The closest neighbor is more than 300 ft. away. All facilities are well back from property lines. He has about 130 acres. He would have one small sign.

Dr. Wilbur advised the Board that stallions are dangerous if not well taken care of. The present fencing, he said, is inadequate. (It was noted that it is not necessary to have a permit to have a mare bred by a stallion; that, Mr. Mooreland said, is an integral part of an agricultural use.)

Mfr Young said his lease included riding and a hunt club. They plan to have a few fox hounds.

Dr. Wilbur discussed the possibility of this becoming a highly commercial project, out of keeping with the neighborhood. Mr. Mooreland stated that

4-Ctd. he would be allowed a 24 sq. ft. sign.

Mr. McDiarmid also objected to the commercialization of the area which is purely a high priced residential neighborhood. He urged the Board to exercise its protective powers and assure property owners that they would not be damaged. They have one stable in the area, he continued, which is well operated and which is sufficient.

Mrs. Henderson pointed to sections in the ordinance which allow certain uses in residential areas, including stables.

Mr. McDiarmid insisted that this, a commercial use of horses, did not come within the intent of the Ordinance, that it would damage property values and that this would not be considered the best use of the land. He again objected to Mr. Young operating here as a lessee.

Being a lessee has no bearing on the man's right to operate this use under a permit, Mr. Mooreland answered, and he can have as many horses as the ordinance allows. He can have racing horses and sell them, and he can have the stallion and take a fee for breeding. These are all farm uses, he contended.

Mr. McDiarmid referred to the Code of Virginia, stating that it prohibited this use if property owners to the front and to the rear of the project object.

Mr. Young said he would have about twenty horses, total 10 or 12 for riding, 4 or 5 boarders and the stallion. He will have horses for children and adults. They will ride on his own leased land; he will also offer riding instruction.

Mr. Baker who lives across the road from this property stated that he has no objection to this use.

Mr. Barnes moved that the application of Mr. J. J. Young, to permit operation of a riding stable, etc., on property located at the NW corner of Hunter Mill Rd. and Old Dominion RR at Hunter Station be granted to the applicant only, to operate a riding stable; that this permit shall not exceed three years and that the number of riding horses for hire shall not exceed 15; seconded, Mr. Smith. Carried unanimously.

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5- WILLIAM S. and GEORGIA R. FARRIS, to permit buildings to be erected 35 ft. from 29-211, 40 ft. from Rt. 50 and 2 ft. 9 in. from property zoned R-12.5, between 29-211 and 50 in rear of Esso Service station at Kamp Washington, Providence District (C-D-M)

5-Ctd. A letter from Mr. Weissberg stated that the applicant is out of town and would like a deferrment to November 10. Mrs. Carpenter moved that the case be deferred to November 10; seconded, Mr. Smith. Carried unanimously.

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After reconvening from lunch the Board took up the case of

7- FAIRFAX QUARRIES, INC., to permit quarrying of stone, the scheduled time of blasting being between 12 and 1 PM every two weeks, on south side of 29 and 211 just west of Rt. 621 on 42.1618 acres of land, Centreville District (RE-1)

Mr. McCandlish represented the applicant. He said the plat on this extension has been approved by the Department of Public Works under certain conditions written on the plat:

1. Total area of tract to be used for this operation is 42.162 acres.
2. Existing vehicular access into Rts. 29-211 to be used with this permit.
3. No water pockets will be left on site and no natural drainage divides will be honored during and upon completion of operations. (Mr. McCandlish questioned the last stipulation.)

This is one of the oldest quarries in the County Mr. McCandlish told the Board, having been operated since 1924. It was originally opened to furnish stone to build Fairfax County roads. This area has been quarried under various leases each of which has been recorded. The present lessee came in in 1938. The operation has been continuous. The only residences in the area have been constructed since the quarry operations started. None are near.

Stone is a natural resource of the County Mr. McCandlish continued; it is greatly needed. They are asking for no additional access to 29-211, merely an extension of the area to be used. There will be no access to Rt. 621.

This is a large investment ($3/4 million dollars).

It was pointed out that the Highway Department had put a guard fence along the highway.

Mr. Smith expressed concern over the danger to children which these large operations cause. He thought the old operating area should be fenced as well as the extended area.

Mr. McCandlish stated that Mr. Luck, the operator, will comply with fencing around all of the operations if the Board wished.

NEW CASES - Ctd.

7-Ctd. They will continue the same pattern of blasting, once every two weeks between the hours of 12 noon to 1 p.m. They use 4000 lbs. in each blast.

There were no objections from the area.

Mr. Luck told the Board that there are many changes in types of blasting, that they used the most modern methods. They have put in a sprinkling system to control dust.

In the nine years of this operation, since he has been in the County office, Mr. Mooreland said he had had no complaints of these operations. No use permit has been issued, Mr. Mooreland stated since the operations have been continuous since 1924.

Mr. Lamond moved to grant a permit to Fairfax Quarries for extension of their operations for a period of five years, blasting to take place every two weeks between the hours of 12 noon to 1 PM and that this operation shall meet the specific requirements of the Pomeroy Ordinance and the requirements listed on the plat approved by the Department of Public Works as follows:

1. Total area of tract to be used for this operation is 42.162 acres.

2. Existing vehicular access into Rts. 29-211 to be used with this permit.

Note: The third condition was eliminated.

Seconded, Mrs. Carpenter; carried unanimously. The operator agreed to fence the old portion of the operations.

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8- JOHN K. HILL, to permit dwelling addition to come within 21.83 ft. of rear property line, Lot 12, Block 5, Sec. 1, Belle Haven, (16 Edgewood Drive), Mt. Vernon District (R-10)

No one was present to support the application. Mr. Barnes moved to defer the case until November 10 and that Mr. Hill be notified it will be necessary for him to be present at that meeting to discuss this case. Seconded, Mr. Smith. Carried unanimously.

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9- COMMUNITY BUILDERS, INC., to permit dwellings to be built closer to Street lines than allowed by the Ordinance on the following Lots 11, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 29, 30, 32, 33, 34, 36, Block B, Sec. 2, Lots 19, 20, 25, 26, 27, Block C, Sec. 2, Lot 11, Block D, Sec. 2 Lots 12, 13, 14, 17, 18, Block C, Sec. 3, Lots 23, 24, 25, 26, 28, 29, Block E, Sec. 3, Lot 31, Block E, Sec. 5, Lots 11, 12, 16, 17, 21, 23, 24,

9-Ctd. Block F, Sec. 5, Lots 14 and 15, Block G, Sec. 5, Sleepy Hollow Woods, Falls Church District (R-12.5)

No one was present in support. Mr. Smith moved that the case be put at the bottom of the list; seconded, Mrs. Carpenter. Carried unanimously.

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10- FALLS CHURCH GOLF CLUB, INC., to permit use of residence on property to be used as a club house, on north side of Lee Highway, approximately 1000 feet west of Mary Street, Providence District (R 12.5)

Mr. Wilkinson represented the applicant. Under Sec. 12, Group VIII it was noted that this use must be approved by the Planning Commission. The Commission had never discussed the case and therefore sent no recommendation. It was also brought out that the Health Department approval is required before the Board of Zoning Appeals can act, even though the building has been operated as a restaurant for some time.

If the Board wished to act on the case at this time, Mr. Mooreland assured the Board, that no occupancy permit would be issued before approval of the Health Department has been secured.

There were no objections from the area to this use.

Mr. Wilkinson said they had leased the old restaurant and could renovate it to make it usable for a club house in connection with the golf course. He was aware of the fact that they must present a site plan to the zoning office before the permit can be issued. The parking will be shown on that plan.

Mr. Lamond moved that the application of the Falls Church Golf Club, Inc. for use of the residence as a club house be approved subject to a favorable recommendation from the Planning Commission and also subject to approval of the Health Department. This is granted subject to the procedure requirements in the Ordinance Sec. 12-4-a-b. Seconded, Mr. Smith. Carried unanimously.

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11- VIRGINIA SAND AND GRAVEL COMPANY, INC., to permit removal of sand and gravel on 53.3 ac. of land, on north side of Rt. 644, between West St. and E.F. Cannon Subdivision, Lee District (R-12.5)

For the benefit of those who may not have been present earlier, Mrs. Henderson announced again that the Virginia Sand and Gravel case had been deferred for 30 days.

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DEFERRED CASES

1- WILLIAM W. KOONTZ, to permit erection and operation of a nursing home, Lot A, A.J. Dean Subdivision, Falls Church District (RE-0.5)

Since Mr. Koontz was not present to discuss the case, the Chairman called the case of:

2- SOCONY MOBIL OIL COMPANY, to permit erection and operation of a service station with building 50 ft. from Old Courthouse Rd. and pump islands 25 ft. from Rt. 123, NW corner of Old Courthouse Rd., Route 677 and Chain Bridge Rd., Route 123, Providence District (C-G)

Mr. Fisher represented the applicant. He spoke from his prepared statement, pointing up the following facts:

This property was proposed to be sold in order that the owner of the property may build a new welding shop to the rear on other land. This would remove an unsightly business from the corner. In order not to come under the Subdivision Control Ordinance a lease agreement has now been effected.

The first public hearing was deferred to notify adjoining and nearby property owners of the impending hearing and to consider further a lease which would not require the dedication imposed by the Subdivision Ordinance if the property were sold and therefore subject to Subdivision Control.

This has now been accomplished. The owner of this property and operator of the welding shop will now build a new building to house his materials and move the present hut back on his property. A great deal of the so-called "junk" on this corner property has been necessary to his welding business, therefore the owner, Mr. Stinnett, found it necessary to sell a considerable part of the junk, which Mr. Fisher contended, was a hardship on him.

Mr. Stinnett told the Board that his business had changed from a farm clientele to families needing household repairs. He therefore found it necessary to convert his equipment and in that conversion he will get rid of the unsightly accumulation on the lot and will work within the new building, which this deal with the Socony Mobil people will make possible through the lease. Since he has only one acre of ground he cannot let the oil people have more ground there than that shown on the plat, however, if he can have the variance in setback the two businesses can operate adequately on his one acre. They have water and gas and hope some day to have sewer.

DEFERRED CASES - Ctd.

1-Ctd. Asked if he could push the building back farther, Mr. Fisher said he would have to talk to the Company.

Mrs. Henderson stated that under the new ordinance there would appear to be no justification for granting this, however, Mr. Smith thought that this was a rather special case, it has been around for a long time. It was deferred indefinitely, and a plan has been worked out. He thought it should be given some consideration.

Mr. Fisher pointed out the ultimate advantages to the area, the new building; the corner would be cleaned up; the old buildings would be removed, and if the road is widened the company would assume the cost of moving the pump islands.

The Board discussed the merits of the case further, the fact that it is not a new applicant seeking a variance, does the Board have jurisdiction under the new ordinance,etc....

Mr. Smith moved that the case of Socony Mobil Oil Company to permit erection and operation of a service station with building 50 ft. from Old Courthouse Road and pump islands 25 ft. from Rt. 123 be granted due to the unusual circumstances of this application, that the application was made last March and deferred indefinitely by the Planning Staff and the Board of Zoning Appeals and the fact that the owner of the property is cleaning up an unsightly building and an unsightly area at this corner. Therefore Mr. Smith was of the opinion that this granting is justified. Seconded, Mr. Barnes.

For the motion: Mr. Smith and Mr. Barnes.

Against the motion: Mrs. Carpenter, Mrs. Henderson, Mr. Lamond.

Motion denied.

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9- COMMUNITY BUILDERS, INC., to permit dwellings to be built closer to street lines than allowed by the Ordinance on the following Lots 11, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, 29, 30, 32, 33, 34, 36, Block B, Section 2, Lots 19, 20, 25, 26, 27, Block C, Section 2, Lot 11, Block D, Section 2, Lots 12, 13, 14, 17, 18, Block C, Section 3, Lots 23, 24, 25, 26, 28, 29, Block E, Section 3, Lot 31, Block E, Section 5, Lots 11, 12, 16, 17, 21, 23, 24, Block F, Section 5, Lots 14 and 15, Block G, Section 5, Sleepy Hollow Woods, Falls Church District (R-12.5)

Mr. Dewberry represented the applicant. After locating the property he displayed a large map of the subdivision indicating the status of

9-Ctd. the 270 lots; houses completed, houses under construction, and those needing the variance which would permit dwellings to be located in accordance with the old ordinance and in accordance with original subdivision plans and development.

This subdivision was started in early 1958, Mr. Dewberry told the Board; they had planned to complete the work in 1959. About half of the permits were obtained under the old ordinance. All the preliminary work had been completed and they expected to get all the permits before the Pomeroy Ordinance went into effect. The plans and profiles were not approved until August 20. They submitted application for the land so they could record the subdivision, but the land was not approved in time. Therefore they could not get the building permits. The plat was recorded in September 1959.

Mr. Dewberry showed a small scale model house of the type they are putting on the property. This house was designed for the 40 ft. setback. He called attention to the fact that the main part of the house conforms and under the old Ordinance the porch could project 10'.

All he is asking, Mr. Dewberry continued, is to locate these houses the same distance from the front property line as those already built. If they conform to the new Ordinance they would run into a footing problem. This would amount to a 4' variance on each house. The ground falls off rapidly at the rear of these lots and to locate them back farther would increase sewer and water costs, also the driveway. They would necessarily have to cut more trees.

The plans were all complete and approved, Mr. Dewberry explained; it was a matter of their own bad luck that the land was not approved on time. They had made a great effort to push this through but certain people who work in the bonding company were on vacation and this case was not acted upon in the usual time.

Mrs. Carpenter suggested taking off the front porch, which Mr. Dewberry said could be done, but the porch adds a great deal to the appearance of the house.

Mr. Mooreland said Section 4.4.8 (page 22) would have to be changed, probably to read 25% of the subdivision instead of 25% of the houses in the block. That is unrealistic, he said, builders are handicapped and often cannot continue the price of the house they have started because of the reduced setbacks.

9-Ctd. Mrs. Henderson recalled that the Board had denied individuals similar variances; she thought it unfair to do that and at the same time grant a wholesale variance to a builder.

After considerable further discussion, considering trees, topography, and the fact that the applicant is not being deprived of the use of the land, that others will undoubtedly ask the same thing if this variance is granted, the requirements in the ordinance and the fact that this case does not meet the regulations set up for granting a variance.

Mr. Lamond moved that this application of Community Builders be denied because the applicant has not shown undue hardship and this would not deprive the applicant of a reasonable use of his land and the fact that the property can be built upon with a setback which conforms. The point made in support of this is mostly a matter of cost rather than the use of the land. Seconded, Mrs. Carpenter. Carried unanimously.

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1-Ctd. WILLIAM W. KOONTZ, to permit erection and operation of a nursing home, Lot A, A.J. Dean Subdivision, Falls Church District (RE-0.5)

Mr. Koontz explained that this is not a request for a hospital as shown on the application. He asked that the wording be changed to request a nursing home.

Dr. Thompson and Mr. Vosbeck were both present. (Mr. Vosbeck is the architect.)

Mr. Koontz said he had inadvertently neglected to send notices to property owners as required by the Board and asked that the case be continued, to permit him to comply with this regulation.

Mr. Lamond moved to defer the case to November 10. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Moore land recalled the granting of a private school to Flint Hill on the Fox property. He asked the Board if they considered it permissible under the school curriculum to allow a rifle range which would be installed under the regulations of the National Rifle Association. They would use small box rifles.

It was noted that while this is not usually a part of school curriculum the project would be closely supervised by individuals from the National Rifle Association; this is in the county where safety is not a consideration; and there is nothing in the Ordinance to control the curriculum of private schools. This would be conducted in the basement,

Mr. Mooreland stated. Mr. Lamond moved that the school apply for expansion of school facilities to include this operation. The Board agreed.

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Mr. Mooreland asked for advice on a church putting up a shaft with a cross on it. Will that be governed by height and setback? The Board agreed that it would be.

Mrs. Henderson suggested that in the future when it is known that the Planning Commission will request deferral of a case it should not be scheduled until the Planning Commission report or recommendation is completed. If the case is to be heard, it should be done on its merits but the people should be informed that no decision will be rendered until the recommendation of the Planning Commission is ready. The Board agreed.

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The meeting adjourned.

Mary R. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

November 10, 1959

The regular meeting of the Board of Zoning Appeals was held on Tuesday, November 10, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present, Mrs. L. J. Henderson, Jr., Chairman presiding.

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

NEW CASES

1- HANNA E. HADEED, to permit extension of motel (3 units and office) part Lot 1, Parcel A, Section 3, Boulevard Courts, Providence District (C-D)

This extension would provide for three units and an office, Mr. Hadeed told the Board. With the coming of so many new large motels in the area, Mr. Hadeed said he was not getting his share of the tourist trade as he has only 14 rooms to rent, not enough to give him a reasonable profit. This addition would back up to the plumbing business adjoining on the east. He has sufficient room for this addition to meet the required setback (50 ft. under the new Ordinance) and for parking.

The Planning Commission staff report stated that this property is part of Lot I, Section 3 which was divided in violation of the Subdivision Control Ordinance. A plat will be required to be approved showing this resubdivision before further construction can be authorized.

It was noted that a site plan would also be required, the approval of which Mr. Schumann stated, could be made a contingent part of the motion if this is granted.

Mrs. Orr stated that when this permit was granted, Mr. Hadeed could have covered almost all of his land if he had had the money at that time to finance a larger building. She considered refusing him further expansion at this time would be inequitable and a hardship; the plumbing business on adjoining property has injured Mr. Hadeed's property and she urged that he be not further penalized.

There were no objections from the area.

Mr. Smith moved that the application of Mr. H. E. Hadeed to permit extension of his motel, located on part of Lot I, Boulevard Courts be approved pending approval of the Planning Staff of the resubdivision of the lot and approval of the site plan. It is also included, Mr. Smith continued, that the setback of the current Ordinance must be met - 50 ft. from the right of way. Seconded, Mrs. Carpenter. Carried unanimously.

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NEW CASES

2- HENRY SMOOT, ET AL, to permit erection and operation of a service station and permit pump islands 25 feet from right of way line of new Chain Bridge Road, part Lot 6, Section 5, Salona Village, Dranesville District (C-D)

Mr. Fisher and Mr. Hansbarger represented the applicant. Since the matter of setback requirements on pump islands is now under discussion between the Planning Commission staff and others, Mr. Hansbarger asked for a 45 day deferral on this pending the outcome of proposed amendments to the Ordinance which would permit the Board to grant variances. The matter of an amendment will come before the Board of Supervisors on November 18. If an amendment is proposed it could be incorporated into the Ordinance by January. He asked to defer the case to January 13, 1960. Mr. Lamond moved to defer the case to January 13, 1960. Seconded, Mrs. Carpenter. Carried unanimously.

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Mr. Schumann asked to discuss the Esso Standard Oil case at Route 123 and Old Dominion Drive, the Carper property in McLean.

The motion granting this case required a 67 ft. setback from Old Dominion Drive and 30 ft. from the 30 ft. road on the east. With these setbacks it is impossible to get the building on the property. It has been determined, however, that if the applicant be allowed 22 ft. from the 30 ft. road on the east, maintaining the 67 ft. setback from Old Dominion they can get the building in. Mr. Schumann noted that these people have been very cooperative in this and are doing the very best they can with the property. The original plat of this property was in error. He asked the Board if they would modify their first motion to allow the 22 ft. setback instead of 30 ft. The building will be the same size as originally proposed, but it is the only way they can keep the 67 ft. front setback. It was not thought that traffic on the side road would be hazardous since the road is needed only for a cut off.

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3- ESSO STANDARD OIL COMPANY, to permit extension of use permit, granted by Board of Zoning Appeals 12/9/58 for service station, NE corner of Kings Highway and Telegraph Rd., Lee District (C-N)

Mr. Ed Gasson represented the applicant, stating that less than one year ago extension was granted on the existing permit.

3-Ctd. This property was purchased for future development, Mr. Gasson told the Board. They knew at the time of purchase that development justifying this station might be slow. They had the property rezoned, obtained a permit and asked for one year extension. Now they find they cannot build on the property and meet the required setbacks in the present Ordinance. This is a triangular shaped piece of ground with roads on two sides. If the original permit is extended and they can observe the setbacks required under that permit they can go ahead.

Mr. Hanawalt told the Board that the management of his firm had asked him three years ago to make a survey of good locations in the County. Many of these locations, Mr. Hanawalt explained, they knew were premature, but they wished to work out a future overall plan for filling station locations, stations which could be located coincident with development. They got permits on their stations, but development was retarded for one reason or another. Now that this permit is about to expire the time is just about ready for development of the filling station. But they need to keep the permit alive until they can get going.

They feel that this is a good policy for overall planning, Mr. Hanawalt went on, the company gets good locations and it is known where filling stations are planned, but in places where growth is slow they must come back at intervals for extensions to keep their permits alive. They cannot afford to allow the permit to expire, Mr. Hanawalt continued, they would have no assurance that the Board would grant the permit if they came back with a new application. However, he noted that if they do not get the extension they will go ahead on the existing permit which expires December 9, 1959.

The Board discussed this further with both Mr. Hansbarger and Mr. Hanawalt but was reluctant to continue extensions indefinitely.

This is not a question of the merits of the case, Mr. Gasson suggested, it is only that the company does not wish to go ahead with something that is not ready and they also wish to use the old setbacks. He also recalled that some of the reason for delay in development of this area was caused by uncertainty and delay in getting sewers. The sewers are completed now.

Considerable discussion followed -- questioning whether - if an extension is granted-- the setbacks would come under the new ordinance or if the setback required at the granting of the original permit obtained. The Board was of the opinion that the current setbacks would be effective.

NEW CASES

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

Mr. Smith stated that in view of the adoption of the Pomeroy Ordinance he moved that the application of Esso Standard Oil Company to permit extension of the use permit granted by the Board on 12/9/58 for a service station on the NE corner of Kings Highway and Telegraph Rd. be denied. It should be said, Mr. Smith stated, that this is an extended permit at the present time (as it exists) and no evidence has been presented to show that the building will be started immediately. Seconded Mr. Lamond. Carried unanimously.

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4- ESSO STANDARD OIL COMPANY, to permit extension of use permit, granted by B.Z.A. 12/9/58 for service station, SE corner #608 and #657, Centreville District (C-N)

Mr. Gasson and Mr. Hanawalt represented the applicant. This property was also purchased with a view toward future planning and development, Mr. Hanawalt stated, and development in this area also has been delayed because of the airport. They hope to open their station the same time the airport opens. The property was bought with that interest.

The Planning Commission staff reported that if this service station site is divided from the original tract, the site will come under subdivision control and a plat will be required to be approved. However, according to Mr. Hanawalt, it was noted that the plat had been filed but had not yet reached the papers with this case.

In light of the circumstances surrounding these extensions, Mrs. Henderson stated that she did not think the Board had jurisdiction to grant such extensions. The Board agreed.

Had the company waited to purchase the property until development is ripe, Mr. Smith observed, the price would have been considerably higher. Therefore since the ground was bought for a low figure the company would not feel an economic loss if they went ahead with construction a little in advance of development in the area. It actually results in better planning to select sites early, he continued. However, to extend the permit would place this under the Pomeroy restrictions; it would therefore appear better for the company to construct the station under the existing permit.

Mrs. Carpenter moved that the extension of this permit to Esso Standard Oil Company be denied as the evidence brought out before the Board does not justify the granting of the extension; seconded, Mr. Lamond. Carried unanimously.

NEW CASES - Ctd.

5- DOROTHY E. MURPHY, to permit operation of a nursery school and kindergarten, approximately 400 ft. south of Swamp Rd. #628 and approximately 1 mile W. of Fort Hunt Rd., across from A.H. Tinkle Subdivision, Mt. Vernon District (R-12.5)

Mrs. Murphy told the Board that she had plans to take care of 20 or 30 children in her home. The one building on the property is of cinderblock construction, 35' x 50'. She would keep the children from 6:30 a.m. to 6:00 p.m., children from two to five years old. She would provide transportation and serve lunch. The property has sufficient space for parking, and all activities will be at least 25 ft. from all property lines. Sewer and water are available. She will live in the house. Mrs. Murphy said this is her first experience with this type of work. She will have experienced help.

There were no objections from the area.

Mr. Lamond moved to grant the requested permit to Mrs. Murphy only with the understanding that she will comply with all State Health regulations and the fire regulations and all other agencies applicable. Seconded, Mr. Barnes. Carried unanimously.

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6- MARU E. ISENBECKER, to permit teaching of ballet in Annandale Firehouse from Monday thru Saturday, 10:00 a.m. - 9:30 p.m. on N. side of Columbia Pike, next to Annandale Elementary School, Falls Church District (R-10)

Mrs. Isenbecker stated that she will conduct a ballet class here one afternoon a week for the convenience of people in the area. Her full time dancing studio is in Arlington. She will chose one day a week suitable to the firehouse. She noted that she is not sponsored by the firehouse or any organization -- she is paying for use of the building.

Mr. Mooreland noted that the firehouse is located on a residentially zoned piece of land which is surrounded by commercial zoning. If Mrs. Isenbecker were in a commercial district she could operate this class without a special permit. The fire department is very eager to have this dancing class, as it is a means of revenue and will not affect their operations.

There were no objections from the area.

Mrs. Carpenter moved that this application be granted to permit Mrs Isenbecker to teach ballet dancing in the Annandale Firehouse from Monday through Saturday, as it does not appear that this use would be detrimental to any of the surrounding neighborhood. Seconded, Mr. Barnes. Carried unanimously.

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NEW CASES - Ctd.

7- SYDNOR PUMP AND WELL COMPANY, to permit location of well and to erect pump house, Lot 40, Wellington Estates, Mt. Vernon District (RE 0.5)

Mr. Robert Ryan, General Manager represented the company. He stated that his company serves water to about 140 families in this area; they are now on only one well. The subdivision has built up to the point now where they need a second well, as shown last summer when there was a shortage of water. This well was put down in order to give good WATER. It is 484 ft. deep and has a good flow, put in at an expense of approximately $4000.

The tank, Mr. Ryan went on to say, as shown in pictures, is above ground. Some have objected to this saying it should be underground. A part of the tank will be covered with a 9'x 9'x 9' cinderblock building painted white. The tank is approximately 6' in diameter and 24' long; it will be set in a cradle. He did not think the tank would be noticeable as it faces the street head-on and they will plant whatever shrubs the people wish for screening and will do a certain amount of landscaping. They have no plan to put this underground, he continued, as that involves a problem of sanitation and the State Department of Health objects. These tanks are more practical above ground as it is easier to service them and get to the controls and they are less expensive to install.

Mr. Lamond objected to the open man hole which he labeled a hazard to children.

The Chairman asked for opposition.

Mr. Stover, who lives across the street from the well property, presented an opposing statement making the following observations: No request in this case was made to the State Health Department for underground installation and the original permit granted on this provided for an underground installation. He asked for a ruling from the Health Department on this.

The people in the area do not oppose the well installation; however, they are concerned over the fact that the well company has ignored the wishes of the people who own property on all sides of this installation. The ground is high and it is obvious that no health nor sanitation problem would result from an underground tank. The people ask that either the type of structure put up be approved or that the installation be put underground.

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November 10, 1959

NEW CASES - Ctd.

7-Ctd. Mr. Ryan defended his opposition to the underground tank saying that water could seep into the well if anything went wrong with the pump causing a pollution problem.

However, Mr. Lamond said these tanks are very tight and well protected against any seepage.

Mr. Ryan admitted that their #1 tank was underground, put there by special permission.

Mr. Lind, who lives next door to this property objected for reasons stated and recalled that people buying here are restricted on the type buildings they put up, to which they do not object. He thought this project should be restricted also. He thought this would depreciate his property.

Mr. Lockett, Mrs. Lockett and Mrs. Gallows all objected, concurring in above objections. All agreed that they had no objections to a well, they knew a well would go here and they realize these people are obligated to sell water, but they do not want an eye-sore on the property, nor a hazard to their children caused by the open end tank. The well should either be underground or the building should be in keeping with the neighborhood and the yard planted.

Mr. Ryan answered the objectors by saying that this type of building is on all their other tanks. These people need the water and it is not practical to put the tank underground. This is like any other utility--telephone or electricity; it is not beautiful but it is necessary. He described the lot as being wooded and not unattractive. He said the revenue from this area did not justify going into an expensive building. However, he admitted that if they must choose between a building, suitable to people in the area, and an underground installation, the latter would be less expensive.

It was noted that the Planning Commission had approved this site but made no mention of the building nor did they recommend an underground installation.

Mrs. Henderson suggested deferring the case for Mr. Ryan to get a letter from the Health Department saying they will or will not permit an underground tank.

Mr. Lamond moved to defer the case for 30 days pending receipt of information from the Health Department regarding an underground installation (this information to be obtained by the applicant.)

Seconded, Mr. Barnes. Motion carried unanimously. Defer to Dec. 8, 1959.

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DEFERRED CASES

7- T. WILFRED ROBINSON & FRANCIS E. JOHNSTON, to permit a sand and gravel operation on 35.6876 acres of land, 3500 ft. north of south intersection of South Kings Highway and Telegraph Road, Lee District (RE-1)

Mr. Lamond read a letter from the Planning Commission staff asking deferral until December 22, 1959. Mr. Lamond so moved. Seconded, Mr. Barnes. Carried unanimously.

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1- CITIES SERVICE OIL COMPANY, to permit erection and operation of a service station and variance from setback requirements on pump islands, and permit rear yard less than required by the Ordinance, on west side of Brandon Avenue, 775 feet north of Bland Avenue, Mason District (C-N)

A letter was read from Mr. Beall asking deferral until January 1960. Mr. Barnes moved to defer the case to January 12, 1960. Seconded, Mr. Smith. Carried unanimously.

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2- MRS. HELEN HUDDLE, to permit operationoof a beauty parlor in her home as a home occupation, Lot 21, Block 23, Section 16, Virginia Hills (12 Tracey Court), Lee District (R-10)

This was deferred to look into the parking situation.

Mr. Ocerbeck, adjoining neighbor to Mrs. Huddle, appeared before the Board with Mrs. Huddle. Mrs. Huddle presented a letter to the Board from Mrs. Olson, adjoining on the opposite side, offering the use of her driveway for the beauty parlor customers.

Mr. Overbeck stated that he lives on one side of Mrs. Huddle and he, too was agreeable to any parking arrangements the Board considered satisfactory. His driveway was also available for day time parking. There are five driveways on the circle and more than enough space for parking for everyone. He assured the Board that the few extra cars coming to Mrs. Huddle's would not be objectionable to anyone and no one objected to her shop as she plans it with just the one operator. Mrs. Huddle has been operating this shop without any detrimental affects. She has no sign. The customers are personal friends and neighbors.

Mr. Lamond reported that the back yard could not be used for parking because of the hill. He also noted that this is a short street which carries very little traffic.

Mrs. Henderson read the parking requirements in the Ordinance relative to this type of use which Mr. Mooreland said were generally thought

2-Ctd. to be too restrictive and impossible to meet. He went on to say that in the short time given him to revise the Ordinance, Mr. Burrage had not had time to revise these requirements. He felt sure that would be done.

It was agreed that the listing of the beauty parlor in the Ordinance should not be in the same category as carnivals, for example, and that it should be put in the ordinance where restrictions are applicable to this kind of use.

Mr. Lamond moved that the application to permit operation of a beauty parlor in the home as a home occupation be approved with the use of the adjoining driveways for parking, as this property in question, at the rear, cannot be used for parking since the ground is too steep for that purpose. It is the understanding that the neighbors of Mrs. Huddle have offered her cooperative parking. This is granted to the applicant only, and it is to be understood that there will be no signs advertising this use and there shall be no expansion of the business. Seconded, Mr. Smith. Carried unanimously.

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3- WILLIAM S. & GEORGIA R. FARRIS, to permit buildings to be erected 35 feet from 29-211, 40 feet from Rt. 50 and 2 feet 9 inches from property zones R-12.5 between 29-211 and 50 in rear of Esso Service Station at Kamp Washington, Providence District (C-D-M)

Mr. Farris and Mr. Weissberg appeared before the Board.

Mr. Farris said he bought this property seven years ago when the land was zoned General Business which allowed a 35 ft. setback. Their plans for development require variances on these sides. There is a cemetery at the rear from which they must set back 25 ft. Otherwise this land is located between two commercial pieces of property.

The commercial property on to the west on 29-211 is developed and has a setback 35 ft. from the right of way. They need the same setback so they can provide sufficient parking and because of the triangular shape of the land which minimizes the availability of the ground. They want also to put the building as far back as possible on the property to leave a wide clear space in front.

The Planning Commission staff recommended that the parking spaces be no less than 8.5' wide with 25 ft. aisles (preferably 9 ft. stalls with 23 ft. aisles). The number of spaces is adequate but width of the aisles is inadequate. Also the Staff report stated that no off-street loading spaces have been indicated. The "service drive" indicated

3-Ctd. behind the buildings does not appear to be wide enough for truck parking and maneuvering. Regulations require 12 off-street loading spaces. After considerable discussion covering the former zoning, best location for the building, setbacks, shape of the property, the 35 ft. setback at the "Hilltop" Shopping area, Mr. Smith stated that he felt it was all right to allow use of the additional land at the rear for off-street loading but in front, since the land will be used for parking only on the two streets, he thought the Pomeroy Ordinance setbacks should be observed. He recalled that the Board had required that on another similar application within the past 30 days.

With regard to granting the variances, Mr. Lamond moved that the Board finds that unusual circumstances are present in this case because of the triangular shape of the property and the rear line abuts residential property which is wedged in between two commercial zones. Seconded, Mr. Barnes. Carried. (Therefore Step 1 is complied with.)

The Board agreed that because of the cemetery in the rear and the filling station in front of this property and commercial zoning to the west, it is practical to get the best possible use of this land and also that it is necessary to grant some relief in this case. The question asked was, what is the minimum amount of variance that would give relief?

Mr. Farris said they would get the required number of parking spaces if it meant dropping one of their stores.

Mr. Lamond moved that the variance be granted on the rear of the property to allow a 2 ft. 9 in. setback (between the Giant Food Store and the cemetery) but that no variance be allowed from Rt. 50 and 29-211. It is also understood that parking requirements will be met including 9 ft. stalls and 23 ft. aisles. Seconded, Mr. Barnes. Carried unanimously.

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4- NORMAN P. HINGES, to permit carport 7.8 ft. from side property line, Lot 119, Sec. 3, McLean Manor, Dranesville District (R-12.5)

Upon request of the attorney this case was deferred to November 24, 1959.

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The Board recessed for lunch.

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November 10, 1959

DEFERRED CASES - Ctd.

5- JOHN K. HILL, to permit dwelling addition to come within 21.83 ft. of rear property line, Lot 12, Block 5, Sec. 1, Belle Haven (16 Edgewood Dr.) Mt. Vernon District (R-10)

Mr. Hill stated that he is asking a variance on this rear line because the Alexandria Water Company lot which adjoins him on the rear was cut out of this lot which left him a depth of only 90 ft. as against the other lots on adjacent property which have 150 ft. depth. The water company property on which is located an elevated tank could never be used for residential purposes. The Water Company has no objection to this variance. Mr. Hill noted also that since this property also includes the adjoining half lot the granting of this variance would affect only the Water Company which is used only for water storage.

Mrs. Henderson stated that formal action need not be taken on each step listed under variances but that the final motion cover the full requirements.

Mr. Lamond suggested that the fact that this rear yard has been reduced by the Alexandria Water Company lot and the applicant has been injured to some extent by carving the Water Company lot from Lot 12 were items to be considered and had a direct bearing on the need for relief in this case. The Board agreed that only the Water Company will be affected; they also agreed that the presence of the water tank had affected the value of the lot.

Mr. Lamond moved that the variance as applied for, which is less than 4 ft. be approved as a portion of the existing lot has a greater depth than the part on which the house is located and it is noted that the lot is shallow on the part immediately back of the house and the Alexandria Water Company installation is located in the far corner of the lot they are using. Granting this provides the applicant full and reasonable use of his lot, a part of which is of adequate depth but he cannot take advantage of his full depth and because it is detached from his already existing house, therefore this granting appears to the Board to be reasonable. This grants a 22 ft. setback from the rear property line (a 3 ft. variance.) Seconded, Mr. Smith. Carried unanimously.

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6- WILLIAM W. KOONTZ, to permit erection and operation of a hospital, Lot A, A. J. Dean Subdivision, Falls Church District (RE-0.5)

Mr. Koontz corrected the application, stating that this is a request for a nursing home, not a hospital. He showed a drawing of the proposed building. He also introduced Dr. Thompson, Resident Administrator, the

architect and others interested in this project.

Mr. Koontz described the need in this county for a modern convalescent home to take care of the older people who have an increasing population, many of whom have no place to live except alone. He told of other counties and states where significant studies have been made in care for old people. Virginia is doing practically nothing. Hospitals cannot take care of these people, he went on, they do not have the room and they are expensive. They have found this location which appears to be ideal; it is central to the area. It is on a major highway and they have five acres or more.

The existing building will not be used for the nursing home. They will meet all requirements of the County and State in this. The building will be 290 ft. long (60 units) by 40 ft. wide. Sewer is available. They will run a 900 ft. sewer line. The exterior construction will harmonize with the area. It will have the appearance of a home. The main part of the building will be one-story, two-story in the rear. They have provided 30 parking spaces, six to be used by employees. They will have six employees per shift.

These people will have their own doctors. If they become ill they would go to a hospital; they do not furnish hospital care. They will meet all health and fire regulations.

Dr. Thompson stated that they would have nurses on duty, around the clock; also, nurses'aides.

Mr. Lamond moved that the application be approved as submitted. He noted that adequate parking is provided and it appears that the application meets all requirements. Seconded, Mr. Barnes.

Mr. Smith suggested that the motion be amended to have approval of the Planning Staff on the parking as the report from the staff indicates that the application does not show the number of parking spaces to be provided and does not indicate the ratio of parking spaces to beds.

Mr. Lamond and Mr. Barnes agreed to the amendment.

Motion carried as amended.

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It was noted also that the one building on the property within the 100 ft. setback may be used.

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November 10, 1959

DEFERRED CASES - Ctd.

8- AMY BRIGGS BALDWIN, to permit the use of a building formerly Beulah Mehhodist Church for conducting classes in art and other creative subjects such as dramatics, music and dancing, on northerly side of Lawyers Road, Route 673, 1.8 mile westerly from Rt. 123, Providence District (RE-2)

A letter from Mrs. Baldwin asked that this case be deferred to an indefinite time.

Mr. J. J. Ramey, who lives across the road from Mrs. Baldwin discussed this case at length; however, he had no serious objection to the deferral. He wished to be informed of the deferral date in order that he might have an opportunity to oppose the case.

Mr. Smith moved that the case of Amy Briggs Baldwin to permit use of a building, formerly Beulah Methodist Church for conducting classes in art, etc... be deferred to the meeting of December 8, 1959 and that Mrs. Baldwin be so notified that if she does not appear on this date the application will automatically be denied. Seconded, Mrs. Carpenter.

Carried unanimously.

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The Board again took up the Carper filling station case brought to the Board earlier in the meeting by Mr. Schumann.

Mr. Lamond moved to reconsider the motion made regarding the Esso Standard Oil. Seconded, Mr. Barnes. Motion carried.

Consideration of reducing the variance from a 30 ft. setback to 22 ft. -- this at recommendation of the Planning Staff, because the original plat was in error, it did not show the property as it actually is. In order to get the building on the land it would require a 22 ft. setback from the 30 ft. road.

Mr. Lamond moved that the variance be granted to a 22 ft. setback from the 30 ft. black top street instead of a 30 ft. setback as originally granted. This is granted upon recommendation of the Planning Staff, because of error in the plat; seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from Mr. Hugh McDiarmid severely criticizing the decision of the Board in the Young riding stable case heard at the last meeting of the Board of Zoning Appeals.

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Mr. Smith asked to discuss the matter of deferrals. It is not unusual he stated, for people to call in or send a letter a day or so before the scheduled hearing asking a deferral or withdrawal. This is often incon-

venient and annoying to people who have gone to a great deal of trouble to make arrangements to attend the hearing. He thought no deferrals nor withdrawals should be granted unless the applicant or his representative is present on the scheduled hearing date to request the deferral.

The Board agreed that both in cases of deferrals and withdrawals, the applicant or his representative must appear before the Board and make his request.

Mr. Lamond thought the Board should also set a policy on whether or not the Board will hear a case which is deferred by the Planning Commission. If it could be known at the Planning Commission meeting where a case is recommended to be deferred that the Board of Zoning Appeals will not hear the case and if it could be said at that time that the Board would also defer the case, it would save many people an unnecessary trip. The Board discussed this at length, suggesting various ways of synchronizing deferrals with Board hearings, to ease public inconvenience and came up with the agreement that cases should not be put on the Board agenda until decision has been made by the Planning Commission. The Commission should have all its information available for report to the Board before the case is scheduled.

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The meeting adjourned.

Mary R. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Board of Zoning Appeals was held on Tuesday, November 24, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present, Mrs. M. K. Henderson, Chairman, presiding.

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

DEFERRED CASES

1- VIRGINIA SAND AND GRAVEL COMPANY, INC., to permit removal of sand and gravel on 53.3 acres of land, on N. side of Rt. 644, between West Street and E. F. Cannon Subdivision, Lee District (R-12.5)

The Chairman announced that the case of Virginia Sand and Gravel scheduled for 11 o'clock would be deferred for 90 days (first meeting in March 1960) at the request of the Planning Commission.

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NEW CASES

1- W. B. MADDOX AND ROBERT WILSON, to permit operation of a boat marina and club house and gas storage for boats with three or more pumps, Lots 52 and 53, Harbor View Subdivision, Mt. Vernon District (RE-2)

Mr. Tolbert and Mr. Andrew Clarke represented the applicant.

Mr. Tolbert made the following statements: that marina facilities in the County are very limited and the demand for such a use is growing rapidly; that this will be operated in conjunction with Harbor View Subdivision on a private membership basis for those living in the subdivision and others who qualify. They will dredge the channel of Occoquan Creek and construct four or five piers. Parking spaces will be provided for 112 vehicles. They have planned a two-story club house. The project will be approved by the Health Department, the Department of Public Works and the dredging will be under supervision of the Army Engineers.

The question was asked -- under which group in the Ordinance is this case being heard, group 7 or 8? It was noted that restrictions under Group 7 are not met, according to the plat. It was agreed that this is a quasi commercial project, recreational in character which would logically come under Group 8.

Mr. Tolbert said that no gas will be sold to others than members or those who qualify to use the facilities. It was brought out that there would be very few actual members in the beginning as the subdivision is not completed. There are 172 lots in the subdivision, covenants run with the lots that purchasers are to have the right to become members

1-Ctd. of the Marina Club. Mr. Clarke said he would maintain control of this project in order to keep it from having a commercial aspect. (He owns the subdivision.) They will have additional slips along the piers but the only ones who can use them would be owners of lots or those who have been approved. This will be operated on a membership fee basis. The owners of property will have priority for the slips. They have every intention of keeping this a non-commercial and a high class operation. The subdivision lots are expensive and will attract a good class of homes. Whatever goes in here must be kept free of commercial uses and free of unrestricted membership. They would provide for about 100 boats, of an average size of 16 ft. to 25 ft. It was also noted that no one could tie up at the piers and live in his boat.

Mr. Wilson discussed the Club House, saying it would be located on a slope; one story in the front and two stories at the rear on the down slope. On the corner level would be storage and supplies. They would do small repairs and people could work on their own boats, repair and paint. They have no plan for a snack bar, but would probably need a vending machine for ice.

Mr. Smith questioned how far the repair facilities would go -- would they employ mechanics?

Mr. Wilson said they had in mind mostly that individuals would work on their boats. Whatever other work done there would be very limited, preventative repairs only.

Mrs. Henderson read the Planning Staff report:

> "Lot 53 is restricted from development until a site grading plan has been approved by the appropriate County officials. Both lots have a drainage easement across the back.
>
> Parking stalls and maneuvering aisles are of adequate size.
>
> If customers with boats on trailers are anticipated this office recommends that the entrance be a double entrance without the sharp curves in the driveway, and that additional area be provided for trailer storage while launching and for trailer parking."

Maneuvering and trailer launching space were discussed. Mr. Clarke said they would modify the entrances if necessary.

Mr. Lamond moved that this application for a boat marina and club house and gas storage for boats with three or more pumps, Lots 52 and 53, Harbor View Subdivision be granted subject to the comment of the County Planning Engineer, as it does not appear that this would adversely affect the surrounding community but rather that it would be an asset to the area; this is granted subject to approval of

NEW CASES

1-Ctd. the Public Works Department and the Health Officer. Seconded, Mrs. Carpenter.

Mr. Smith thought the motion should show that no major repairs are performed on the property. Major boat overhauling does not come under Group 8, Mr. Smith noted. He objected to any commercial infiltration.

Mrs. Henderson observed that this will no doubt develop into a fine residential area, large lots and good development. She thought that this project should conform to that pattern. She noted on page 59 of the Ordinance that "conditions to insure conformity" with the community could be placed by the Board.

Mr. Lamond argued that boat repairs were made in other marinas without detriment. This will have to maintain a high standard, he went on; the neighborhood will require it, but he also thought adequate and practical facilities should be available.

Mr. Clarke said he, himself, would be most affected by what goes on here and he was not of a mind to depreciate his own property. The boat repairs will be done on the lower level of the building and out of sight; it will be kept clean.

However, Mrs. Henderson noted that this application would not be granted to Mr. Clarke, but rather for possible further change in ownership.

Mr. Clarke suggested that perpetual covenants would assure protection. He agreed to draw up covenants to run with the lots as soon as this permit is granted.

Mr. Lamond amended his motion to state that no boat building nor major overhauling shall be done on the premises and all repairs on boats shall be done on the inside, confined to the work shop; Mrs. Carpenter agreed to the amendment. Motion carried unanimously.

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Mr. Mooreland announced that the following cases have been covered by the emergency ordinance passed by the Board of Supervisors at their last meeting and therefore had been withdrawn:

4- R. H. STOWE, to permit buildings to be built 41 ft. from front property lines, Lots 74 & 75, Sec. 2, Potomac Hills, Dranesville District (RE-1)

5- REYNOLDS CONSTRUCTION CORP., to permit buildings to be built closer to street lines than allowed by the Ordinance, Lots 19 and 35, Sec. 1, Potomac Hills to be built 35 ft. on one side and 40 ft. on the other, Lot 64, Sec. 2, Potomac Hills to be built 40 ft. from street lines, Dranesville District (RE-1)

NEW CASES

2- PRESTON S. MILLARD, JR., AND WILLIAM H. KRESS, to permit erection of dwellings closer to street lines and closer to side lot lines than allowed by the Ordinance, Lot 4 and pt. 5; part Lot 5, all of lot 6 and 7; Lot 11 and pt. Lot 12; part Lot 12 all Lot 13 and pt. Lot 14; part Lot 14, all Lot 15; Lot 16 and pt. Lot 17; part Lot 17 all Lot 18 and pt. Lot 19; part Lot 19 all Lot 20 & pt. Lot 21; part Lot 21 & Lot 22; part Lot 22 all Lot 23 & pt. Lot 24; part Lot 24 all Lot 25; Lots 26 & 27; Lot 28 and pt. Lot 29; part Lot 29 all Lot 30 & pt. Lot 31; part Lot 31 all Lot 32 & pt. Lot 33; part Lot 33 all Lot 34; all Lot 35 & pt. Lot 36; part Lot 36 all Lot 37 & 38, Mt. Vernon Estates, Mt. Vernon District (RE-0.5)

Mr. Millard stated that this is an old subdivision with 40 ft. lots. They do not wish to build on that size lot so they have resubdivided in order to get lots which will have at least a 70 ft. frontage. While this does not meet the present zoning, it would result in a greatly improved division of property. It was observed that other houses in the area have a 35 ft. setback rather than 50 ft. They have brought this action upon advice of the Commonwealth's Attorney in order to exhaust their administrative remedies.

It was noted that the front setback must have a variance and that the side setbacks would come under a special permit. It was also noted that the Board could require proper drainage and streets.

The setbacks were discussed lot by lot, the Board agreeing that if any of the house locations could be adjusted to require less variance, it should be done as the Board is under obligation to grant the least variance that would afford relief. The Board also agreed that they did not wish to reduce the size of the houses which would necessarily reduce the quality of the development.

After a close examination of each lot and each setback, Mr. Mooreland asked that the findings of the Board be inserted in red on one of the plats presented with the case - which plat would be approved by the Board and which he would follow in issuing the permits.

It was noted that this case was being heard under Section 4.4.5 (page 59) of the Ordinance "subject to conditions, etc...." the conditions being that the streets (Curtis Avenue and Sexton Street) conform to the new requirements of Subdivision Control under RE.5 amendment adopted by the Board of Supervisors on November 18, 1959. The roads shall be built to

2-Ctd. those specifications and storm drainage shall be approved by the Department of Public Works.

Mr. Smith moved that in the application of Preston M. Millard and William H. Kress the Board refer to the plot plan that has been initialed and marked as to the date (November 24, 1959) for variances and in consideration of the special permit the developer comply with the subdivision street standards as approved by the Board of Supervisors on 11/18/59 as to surface treatment of the roads -- "Surfacing shall be composed of a base course of eight inches of compacted pit gravel or six inches of compacted crushed stone or other approved stabilization material, except when conditions warrant a lesser or greater depth as specified by the Director, and a wearing course of asphaltic plant mix to a minimum depth of one and one half inches. Asphaltic plant mix, pit gravel and crushed stone shall be in accordance with the current specifications of the Virginia Department of Highways."

It is also required that storm drainage shall be approved by the Department of Public Works; seconded, T. Barnes. Motion carried unanimously.

Lot setbacks are as follows:

Lots 687, 485, 11 and 12, 13 and 14: all 35' front and 10' side setback.

Lots facing west side of Curtis Avenue: all to have 50' front setback and Lot 36, 37, 38: 13' side setback.

Lots 35 and 36, 33 and 34, 31 and 32, 29, 30, 31, 28 and 29: with 10' side setback.

Lot 26 and 27: 13' side setback and 25' rear setback.

Lots facing the east side of Curtis Avenue: Lot 14 and 15 - 35' front setback. Lot 16 and 17: 40' front setback and 10' side setback.

Lot 17, 18 and 19: 45' front setback and 10' side setback. Lots 19, 20 and 21; 21 and 22, 22, 23 and 24, all with 50' front setback and 10' side setback.

Lot 24 and 25: 50' front setback and 20' or 14' on either side.

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3- KEYSTONE MOTEL, INC., to permit extension of motel (total 29 units) 4311 Richmond Highway, Lee District (C-G)

Mr. Campbell represented the applicant. Mr. Fein was also present. He explained the manner of expansion planned. The group of separate buildings on the west side of the property would be connected to make one continuous structure; the additions between the existing buildings to be developed into rental units and storage space. This would give five

3-Ctd. more units, a total of 29 units.

Mr. Fein read a letter from Mr. Frank Lea, the adjoining property owner, whose property is zoned for residential use, stating that he had no serious objection to this expansion if the 25 ft. setback line from adjacent property is maintained.

Mr. Lamond noted that there are existing buildings which come closer to the line than 25 ft. - viz 18 ft. It was agreed that no building should come closer to the line than any of the existing buildings. However, it was also noted that the required side setback on this property is 20 ft.

Under the present Ordinance (page 85) Mrs. Henderson observed that any extension of this use should have site plan approval by the Planning Commission, if the Board so interpreted the Ordinance.

Mr. Fein called attention to the fact that these vacant places between the buildings have been used by the tenants for car parking. He has provided adequate parking at the rear of the buildings.

Mr. Lamond moved to grant the application subject to approval by the Planning Commission of the site plan and also with the stipulation that the buildings on the west side of the property, the side adjoining Mr. Lea, shall be set back a distance not less than 20 ft. from the property line. Seconded, Mrs. Carpenter. Carried unanimously.

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6- BERNARD W. CRUSE, to permit extension of motel (total 19 units) 2815 Richmond Highway, Lee District (C-G)

Mr. Lockowaundt represented the applicant. Mr. Cruse purchased this property with the intent to revamp the buildings into a one-roof structure and to remodel extensively. The motel was built just after the war and the cabins need a modernizing job. He presently has 14 units. The new construction and remodeling will give him 20 units total. They are asking no variances. The structures are set well back from all property lines. The parking will be under roof.

There were no objections from the area.

Mr. Lamond moved that the application of Bernard W. Cruse to permit extension of his motel be granted, subject to approval of the Planning Commission for a total of 20 units; seconded, Mrs. Carpenter. Carried unanimously.

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November 24, 1959

DEFERRED CASES

1- VIRGINIA SAND AND GRAVEL COMPANY, INC., to permit removal of sand and gravel on 53.3 ac. of land, on N. side of Rt. 644, between West Street and E. F. Cannon Subdivision, Lee District (R-12.5)

Since the Planning Commission had asked for a three months deferral on this, Mr. Lamond moved that the application be deferred until the first Board of Zoning Appeals meeting in March of 1960. (Second Tuesday in the month.) Seconded, Mr. Smith. Carried unanimously.

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2- NORMAN P. HINGES, to permit carport 7.8 ft. from side property line, Lot 119, Section 3, McLean Manor, Dranesville District (R-12.5)

Mr. Hiss represented the applicant.

Mr. Mooreland told the Board that this was the last of the four cases where people had bought homes with carports on them which carports were in setback violation. No one knows who built the carports.- When they were built - or who approved them. The other three cases have been granted by the Board as the violation was considered no fault of the purchasers and it would appear unfair to require them to be removed.

Mr. Hiss stated that Mr. Hinges bought this house from Mr. McDonald who went into bankruptcy. Mr. Hinges knew nothing of the violation. He has been in the house for two years and is now in process of selling the place. He cannot give good title without a clearance on the set-back violation. The carport which is in violation on the house next door faces this carport. That neighbor has no objection.

Mr. Hiss said Mr. McDonald built the house - Mr. Walters took the place over during Mr. McDonald's bankruptcy. The violation apparently was not picked up during financing.

Mr. Hinges said he actually bought the house from Mr. McDonald but before the deal was closed Mr. Walters foreclosed on Mr. McDonald and he then completed the purchase from Mr. Walters. The carport was on the house when he first saw it.

There were no objections from the area.

Mr. Smith moved that the application of Norman P. Hinges to permit carport 7.8' from side property line, Lot 119, Sec. 3, McLean Manor, be approved because the three properties adjoining and across from this property have requested and been granted a similar variance by this Board and according to the present property owner the carport was built and the violation was created by the builder who in turn sold the house. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

3- D. J. WELTMAN, to permit operation of a cemetery, 100+ acres, W. side of #609, 400 ft. (approx.) N. of 29-211, east side #621, approx. 1000 ft. N. 29-211, Centreville District (RE-1)

Mr. Lytton Gibson represented the applicant who was also present. Mr. Gibson said he had come into this case several weeks after the first scheduled hearing and was not entirely sure that the notices to adjoining property owners had been sent, as evidence of these notifications were not in the file, however, from the opposition present and the opposing petition the Board agreed that the neighbors had been fully informed. The Chairman ruled that notification was sufficient and the case was heard.

Mr. Gibson stated that Mr. Weltman feels that if the people in the area and the Board have good reason to believe that this is not a good place for a memorial park cemetery, he does not want them to grant this use, but Mr. Gibson said he believed that this is an especially proper location for a membrial cemetery (entirely without tombstones) and that it would not be detrimental to the area.

Mr. Gibson presented a statement regarding soil conditions on this property from Henry Adams, Assistant to the Director, Soil Survey Operations which listed the following items to be considered in selecting land for a cemetery site:

"Bedrock should be at least six feet below the surface.

The water table should be more than six feet below the surface at all times.

The land should not be subject to inundation by flooding streams or by the accumulation and ponding of water from surrounding highlands.

Other obstacles to digging in the six-foot section, such as large boulders, hardpans, or tough clays are not insurmountable, but should be avoided, if possible.

Very sandy soils, with low content of silt and clay are apt to slump or cave in readily, requiring the use of shoring to make a grave with vertical walls that will permit the use of casket lowering equipment.

Medium textured soils, consisting of mixtures of sand, silt and clay and falling into the classification of sandy loams, loams, or silt loams will usually have the desired characteristics for excavation and also for establishing and maintaining grass and ornamental plants.

The soils should be well drained so that muddy conditions do not prevent access to graves in some seasons of the year, and also to reduce the danger of subsidence of heavy monuments."

The following report from Mr. Coleman, the County Soil Scientist was filed:

DEFERRED CASES

3-Ctd. "48Al - Iredell Silt Loam, Nearly Level Phase (48Bl)*

This soil is a brown somewhat poorly drained, moderately deep soil that is commonly called "Black Jack Land". It is underlain by a hard medium grained diabase rock. It has a yellowish brown surface soil about 10 inches thick, and a strong brown to olive brown, tough, sticky, plastic clay pan subsoil 12 to 16 inches thick. It is fertile but very difficult to cultivate. Productivity is fair and conservability is good to fair.

Suitability:

This soil is best suited for permanent pastures. It produces slow growing timber of low quality and can be used for the production of small grains and hay crops, except alfalfa. Fescue and ladino clovers grow well. It is very poorly suited for septic tank drainage fields and road beds.

*48Bl differs from 48Al by having slightly steeper slopes"

The Chairman asked for opposition.

Mrs. Marsh, who owns 240 acres adjoining this property said she did not object to a cemetery as such, if it is in the proper place and if it is needed. She thought the County was already well supplied with cemeteries. She listed other developed cemeteries. She also said a cemetery in this location would be detrimental to her property. (It was shown on the plat, however, that the Marsh property does not join the 100 acre tract proposed to be used for the cemetery.) She presented an opposing petition with 26 names.

The Board recalled other cemeteries where homes have been built after the cemetery was put in, homes which have sold well and at a good price. In fact, in several places the homes were well above the normal price level.

Mr. Aljan, whose motel property lies between this tract and Rt. 29-211 objected vehemently. He discussed at length his career as a brilliant criminal lawyer, his age, his wife's age, the money his wife has put into development of his motel, and the fact that this project would ruin their investment. He threatened the Board with court action if this is granted, saying he would be represented by ex-Governor Battle. Mr. Aljan went on to say that Mr. Wells who also adjoins Weltman objects; also Mr. Gerber.

Mr. Gibson offered no rebuttal.

Mr. Smith suggested that Mr. Weltman move the cemetery to another part of his land. Mr. Aljan objected to that also.

Mrs. Henderson stated that the fact of no need for more cemeteries in the County could not be taken into consideration in granting this case. As to the location in this particular spot, that Mrs. Henderson stated, is a matter of taste and emotion, an individual matter. She thought,

DEFERRED CASES

3-Ctd. however, that the most important factor to be considered here is the soil.

Mr. Aljan offered to bring in his own soil scientist.

The Board agreed that from the reports it was not entirely clear whether or not the soil scientists consider this land satisfactory for a cemetery. Mr. Coleman's report was more in the nature of an agricultural report rather than an analysis of the soil as related to a cemetery. It was clear, however, that the land did not take a percolation test, but does that mean it is not good for cemetery use?

Mrs. Carpenter said she would rather see Mr. Weltman withdraw his case than for the Board to deny it; however, she was not convinced that this is not a good thing. Several Board members agreed with Mrs. Carpenter.

Mr. Lamond moved that Mr. Gibson be permitted to withdraw the case. Seconded, Mr. Smith. Carried unanimously.

Mr. Gibson agreed and withdrew Mr. Weltman's case.

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Reconvening after lunch the Board discussed how far one can go in selling or displaying for sale articles handled in one's home - as cosmetics, clothing, rugs, kitchen utinsels, etc. Is it permitted to have samples or many articles on display and call this a home operation?

POLICY It was suggested that no sign nor storage of materials would be allowed. The Board agreed that if one has nothing but samples and is not actually handling the goods in the home and has no sign, it is permitted to carry on a limited sale of articles as a home occupation.

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Mrs. Henderson stated that neighbors of Mr. Leonard Johnson (Tea Room on the Crewe property) are complaining about people parking in the street when Mr. Johnson has provided parking space on his property. It was agreed that the Board could do nothing about this.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, December 8, 1959 at 10:00 a.m. in the Board Room. All members were present; Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

1- VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection of and operation of a power distribution facility, south side #644 westerly adjacent to power line right of way, on 3.87 acres, Mason District (RE-1)

Mr. Hugh Marsh represented the applicant. He presented a petition signed by adjoining property owners stating that they have no objection to this use and at the same time presented a map on which all the surrounding and nearby property owners were located.

Mr. Marsh presented Mr. J. A. Rawls, Manager of Engineering and construction, employed by VEPCO since 1926, and discussed the needs for a substation in this area. He traced the growth of VEPCO, the substations presently located in the County, the areas covered, and the areas to be relieved by this substation. He showed by charts, maps, and photographs the location of each substation with relation to the area it serves and the location of this use with relation to development in the area. He filed Exhibits A, B, and C.

Mr. Rawls described the construction of the station and the operation, saying it would be fully automatic fenced, screened with shrubs, no storage of equipment or material, very little traffic to the station. He also pointed to the access road leading to Franconia Road.

(A full copy of Mr. Rawls' statement is on file.)

Mr. Walter Cameron (owner of radio and television shop) read a statement detailing tests made at various hours, showing by means of photographs, that these sub-stations do not have an adverse effect on radio and television.

More pictures were offered as exhibits.

Mr. Ernest Priest questioned the fact that he was not notified of this hearing, as an adjoining property owner. It was found that the applicant was within the requirements.

Mr. Samuel Epstein represented several property owners in the area, asking for adequate screening, a buffer area, and that the ground be well maintained. With these guarantees, Mr. Epstein said they would have no objections to this use.

Mr. Marsh said they would agree to any reasonable requirements the Board might make. They would be perfectly willing to screen the sides

1-Ctd. that are not covered with natural growth, with good evergreen trees. The area immediately surrounding the substation itself would be screened.

Mr. Lamond reported that the Planning Commission recommended to grant this provided the natural growth was maintained and thatthe property is well screened.

Mr. Lamond made the following statement: "In accordance with Sec. 15-923 of the Code of Virginia and Sec. 11.12 of the Fairfax County Zoning Ordinance, the Planning Commission at its meeting of November 23, 1959, heard the application of VEPCO to permit construction of an electrical substation at the intersection of Keene Mill Road and the VEPCO Idylwood Transmission line in Mason Magisterial District, Fairfax County, Virginia, and adopted a resolution approving the application and that resolution has been filed with the Fairfax County Board of Zoning Appeals."

The evidence presented by VEPCO demonstrated that the applicant had proved its case under all of the applicable provisions of the County Zoning Ordinance and has also complied with Section 15-923 of the Code of Virginia - therefore Mr. Lamond offered the following Resolution:

That the application of VEPCO, for construction of an electrical substation at the intersection of Keene Mill Rd. and the VEPCO Idylwood Transmission line in Mason Magisterial District, Fairfax County, Virginia, be granted with the provision that the area be properly screened; that the applicant retain all the natural growth which would provide screening and that they plant cedar trees as a screening on the sides of the property where there is no natural growth and that the substation itself shall be fenced in accordance with plat "Exhibit C" presented with the case.

Seconded, Dan Smith. Carried unanimously.

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2- AMERICAN OIL COMPANY, to permit erection of gasoline filling station and allow pump islands to be within 25 ft. of front property line, and building to be within 15 ft. of rear line, Lots 55, 56, 57 and 58, Block B, Memorial Heights Subdivision, Mt. Vernon District (CDM)

Mr. Henry Noyes and Mr. McCleod represented the applicant. The establishment of this station will give a second outlet in this area for his company, Mr. Noyes stated. This is part of an expansion

2-Ctd. program. This property was rezoned under the Pomeroy Ordinance and it was stated before the Board of Supervisors at that time that it would be used for a filling station. However it is obvious now that a filling station cannot be put on the property if it is required that they meet the pump island setback of 50 ft. frmm the right of way. Mr. Noyes said he realized that the county is now studying the idea of an amendment tothe Ordinance which would allow the Board to grant variances on pump islands to the extent of a 25 ft. setback. They have put in this application with the thought that this amendment would soon become effective. The building will be located 59.5 ft. from the right of way of U.S. #1.

Mr. Noyes said he realized that the building should be back as far as possible, but they have felt it necessary to have a 15 ft. rear yard. However, Mrs. Henderson noted that this rear setback should be 45 ft. because of the adjoining residential property. That, Mr. Noyes said, would be impossible to meet.

The need to buy additional property to meet these setbacks would require the purchase of the adjoining lot on which a house is located.

The owner of that property does not object to this use, but Mr. Noyes said he thought it too expensive to buy the property. This is the same amount of land used in many instances in the County for filling stations, Mr. Noyes continued, and it has not appeared that it was not enough land to meet the needs of the business.

Since there is an amendment pending which would probably cover some of the variances requested here, Mr. Lamond suggested that the application be deferred until the outcome of the amendment is known. As it is, Mr. Lamondsaw no way to make the station fit the ground.

The Chairman asked for opposition. Mrs. Giles, who lives immediately south of this property objected, stating that she considered this lot too small for this purpose, however, she had no objection to commercial uses of the property. She objected to seeing the area developed with small businesses crowded on a minimum of land. Mrs. Baumgartner who lives two lots away from this property also objected. Discussion between Mr. Noyes and the two objecting women brought out circumstances irrelevant to the case.

Mr. Lamond moved to defer the case indefinitely pending a report from the Planning Commission and the Board of Supervisors that the Ordinance has been amended. Seconded, Mr. Smith. Carried unanimously.

2-Ctd. Mrs. George P. Giles, 2406 Richmond Highway, Alexandria asked that she be notified when this case comes before the Board again.

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3- ABRAHAM N. AND MORRIS S. SCHWARTZ, to permit extension of Use Permit granted 9 December 1958 for service station, Lot 1, Unit 2, Fairfax Park, NW corner #644 and #638, Falls Church District (C-D)

Mr. Schwartz related something of his past 44 years of living in the County noting that they pioneered in development through a period when there were very few facilities and when there was very little interest in the County from other areas. They have held on to this property knowing that the time would come when business development would be needed here. They now wish to put in the filling station which people in the area want and which will be the beginning (if allowed by the County) of a well developed little shopping center. The lot is large, it allows for a 150 ft. setback for the building and a 50 ft. setback for the pump islands, anticipating the widening of Keene Mill Road.

The original permit granted on this will expire during December 1959. They have several oil companies ready to make a contract to erect the station. Water and sewer will be available by June 1960. Mr. Schwartz said he believed a larger shopping area would go very well here within five or ten years, but at present the filling station will serve a need.

Mrs. Carpenter moved that the application be granted to extend the use permit to Messrs. Abraham and Morris Schwartz for a filling station located on Lot 1, Unit 2, Fairfax Park, the extension to be for a period of one year. Mrs. Carpenter said she considered this a reasonable request; motion seconded, by Mr. Lamond. Carried unanimously.

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4- BLUM'S INC., to permit pump islands to remain 24.9 ft. of Gorham St., Lots 43 and 44, Rock Terrace, Mason District (C-G)

Mr. Charles Kettler represented the applicant. Mr. Kettler explained that he was the general contractor on construction of this station and admitted that his company is responsible for a mistake in locating the setback line for one of the pump islands. Upon completion of the job a survey was made and the error detected. The mistake was the result of confusion over the various plot plans which had been drawn up. One plan showed a 12 ft. setback; another 25 ft.

NEW CASES - Ctd.

4-Ctd. The construction plans with the 25 ft. setback from Gorham Street had been stamped by the building inspector's office - this was on the original plans. Nothing on the plan implied that it was not acceptable. He therefore went ahead with construction. It was stated, however, by someone from the Sinclair Oil Company that the setback should be 35 ft. Mr. Kettler said he had built many stations in the metropolitan area and had built under the regulations of many different jurisdictions and this was his first error. He admitted that the responsibility was his - he should have gone into this further, but he relied on the plans the building inspector had approved.

Mr. Mooreland said the building inspector's office was not concerned with the setback requirements and knew nothing of the part the Board of Zoning Appeals plays in these cases. The plans had been approved by the building inspector, merely on the basis of the accuracy of the plans.

Operating under so many different regulations, Mr. Kettler said he did not attempt to know the setback requirements in each one; he relied on the approval of the plans by the building inspector. In this case he said he would have saved his company money had he located the island correctly as it would have taken less connecting pipe.

If the Board made a change in this setback, Mr. Mooreland asked that it be clearly marked on the plot plan.

Mr. Kettler said they would not now move the island back to the 35 ft. setback because it would be over the underground tank and the weight would be too much. He also called attention to the fact that this is only a one block street and that another pump island within a block has a 25 ft. setback.

Mrs. Henderson could see no justification under the requirements of the Ordinance to grant a 10 ft. variance.

Mr. Kettler again discussed the ramifications of the error which according to the construction contract placed the responsibility on him, however, he considered the mistake simply a human error which if rectified by this Board would have no adverse effect. Gorham Street, he continued, is dedicated, but not in the State system. It is unimproved.

Mr. Lamond pointed up the integrity of these people.

In answer to Mr. Smith's questioning, Mr. Kettler said it is not customary to put a pump island closer than 3 or 4 ft. from the underground tank and to put the island over the tank was entirely impractical -

NEW CASES - Ctd.

4-Ctd. the 18 inch thick concrete upon which the pumps set would make a concentrated load which if it settles could very well shift the pipes and break the joints. However, it was agreed that the tanks could be moved.

Mr. Smith moved that the application of Blum's Inc. be denied as the applicant has failed to show any reason other than that a mistake was made by the contracter involved. Seconded, Mr. Lamond. Carried unanimously.

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5- IDA GARASIC, to permit operation of a nursery school, kindergarten and first grade, Lot 52, Sec. 1, Fairfax Acres, (Hill Street) Providence District (RE-0.5)

Mrs. Garasic told the Board that she has contracted to buy this property which is now being used for a private school, conducted by Mrs. Murphy as Linden Knolls. She wishes to continue the school. The present owner now has 12 children who are being taught in the rear wing of the house. Mrs. Garasic said she did not know if a permit was issued to the school or not, however, she understood that the owner had the right to expand to twenty-five children. Mrs. Garasic said she would like to have more than the present twelve and would probably add the first grade. She now has only nursery school and kindergarten. Mrs. Garasic said she had operated a similar school in Maryland for about five months, which she would sell if this permit is granted. (The school operated at this location was thought to be conducted either as "Linden Knolls" or under Mrs. Murphy, Mr. Mooreland said he could not locate a permit under either name.)

Mrs. Henderson thought the Board should have more information on this - Mrs. Garasic is planning to take over something which very little is known about - how many children have been permitted here? what are the hours? and who is Mrs. Murphy? She should be here to tell the Board how this school has been operating - under what permit - and what terms.

Mr. Smith moved to defer the case to December 22 to give the applicant time to get additional information from the present holder of the permit. He suggested that the Board be shown pictures of the house; is it on well and septic, and the permit to operate should be produced. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES.

1- SYDNOR PUMP AND WELL COMPANY, to permit location of well and to erect pump house, Lot 40, Wellington Estates, Mt. Vernon District (RE-0.5)

A letter was read from the Bureau of Sanitary Engineering, State Health Department, Richmond, giving Sydnor Pump and Well Company the right to put this tank under ground. Those objecting to the request in this application agreed that they had no objection to the well - it was to the structure as planned. They were satisfied if the tank is placed under ground.

Mrs. Henderson read a letter from Frederick Carson in foreign service objecting to the structure.

Mr. Lamond moved that the application of Sydnor Pump and Well Company be approved with the understanding that the installation shall be underground and that the applicant shall properly and adequately screen the property and also that the property shall be kept in such a condition that would prevent erosion. It is also understood that the ground shall not be allowed to become overgrown nor shall weeds be allowed to grow up and catch trash. The property shall be mowed at least once a month; seconded, Mr. Barnes. Carried unanimously.

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Mr. Lamond cautioned the applicant that the proper procedure in these cases is that application should be made to this board before a well is put down.

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2- AMY BRIGGS BALDWIN, to permit the use of a building formerly Beulah Methodist Church for conducting classes in art and other creative subjects such as dramatics, music and dancing, on northerly side of Lawyers Road, Route 673, 1.8 mile westerly from Route 123, Providence District (RE-2)

The Chairman read a letter from the applicant withdrawing this case.

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The Board discussed the need to notify applicants in the Board of Zoning Appeals cases of the requirements of the Ordinance. Many of the regulations take a considerable time to meet and people should be warned of the probable time and expense involved.

Mr. Smith objected to last minute withdrawals or deferrals, saying the inconvenience to other interested parties is unnecessary. Mrs. Henderson recalled the Board's resolution on this very subject.

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Mr. Mooreland discussed the case of the sign location on the filling station property adjoining the Virginia Airport.(Benz property) He showed the maps and plot plan of the case as granted and told the Board that the sign was not located as granted by the Board and as shown on the plot plan.

Mr. Benz said these people would not locate the sign at the 25 ft. setback line because it would have been in the middle of the driveway. They said since they could not locate it there they did not know where else to put it, so they took it off the property. The sign had been located by the Board with special intent to protect the oncoming planes, Mr. Benz said, but located as it now is, has created a real hazard. They have a temporary light on the sign.

No one was present from the sign people - Blum's. However, the company representative had said they would move the sign if they could get a spot for it, preferably on the other side of the driveway which Mr. Benz said would be satisfactory to him. But they would necessarily need to have permission from the Board to locate it in that spot.

Mr. Lamond moved that the sign be placed at a distance not to exceed a point 52 ft. from Route 7 and no closer to Gorham Street than 5 ft. and not farther than 77 ft.

Mr. Lamond went on to say that this variance in sign location was made purely on the safety factor basis as any other location would interfere with the flight pattern of the air field. Seconded, Mrs. Carpenter. Carried unanimously.

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In the matter of the Keystone Motel where the Board had placed a side line restriction at a former meeting, Mr. Mooreland called attention to the fact that the property adjoining on this side is commercially zoned, therefore, the applicant could continue his structure to the property line. The Board, however, could place certain restrictions on motels.

Mr. Lamond moved to remove that part of the motion on the Keystone Motel case relating to the setback and that the case be granted as shown on the plat - 14 ft. setback.

Seconded, Mr. Smith.

Carried unanimously.

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Mrs. Henderson suggested that the Board might wish to issue an order that the sign in the Benz matter be removed immediately.

Mr. Smith stated that a considerable amount of work and time was involved in moving a sign, however, if it is considered urgent by Mr. Benz the Board could have the sign pulled down and relocated later.

Mr. Benz agreed that if it is done by 7 days it would be satisfactory to him, December 15 at 4:00 p.m. was suggested. All agreed to this.

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Mr. Mooreland read miscellaneous letters upon which no action was taken.

The Board adjourned.

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Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

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Board of Zoning Appeals

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, December 22, 1959 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present, Mrs. L. J. Henderson, Jr., Chairman presiding.

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

NEW CASES

1- MARGARET KUNZE, to permit operation of a nursery school, Lot 19, Block 59, Section 16, Springfield, (7624 Nancemond Street), Mason District (R-12.5)

The applicant was represented by Mr. Edward Kinsey.

Mr. and Mrs. Kunze were also present.

Mr. Kunze located the property as being the last house on a dead end street across from Brookfield Park. To the left of the property is a wooded area. Essex Avenue runs across the rear of the Kunze lot - that street is very low - only the roofs of the houses are visible from Nancemond Street. The only immediate neighbor is to the right.

Three years ago Mrs. Kunze said she started a small cooperative nursery school for her own children. A very few in the neighborhood brought their children but for the most part it was a means of giving her own children companionship and guided play. The next year several other neighbors asked her if she would start a regular nursery school. Mrs. Kunze said she called the courthouse (she did not recall which office) and asked what steps she would have to take to have a school of this kind. She was told there were no requirements governing a nursery school. She then proceeded with the school. She had six children last year and has five this year. They meet twice a week - Tuesday and Thursday - from 9 to 12. The children are all five years old. The school is conducted inside the building with about 15 minutes outside play during the morning. Two months ago they received notice of a complaint against the school and therefore filed this application.

Mrs. Kunze filed a petition signed by practically all the people who would be affected by the school, all favoring continuance of the school. Also a letter was read from George Schlegel who lives next door stating that he has no objection - he thought the school a good thing.

Mrs. Carpenter asked Mrs. Kunze if she contemplated enlarging the school. She answered no, not at this time. She would like permission to have six children. There would be no sign on the property nor any other indication of a school. Three cars bring the children.

Mr. Lamond asked the nature of the complaint.

1-Ctd. Mr. Mooreland said he had received a letter asking why he did not enforce the Ordinance - but there was no specific complaint against the school. Mr. W. I. Stemwell, writer of the letter, was present to discuss his complaint. He lives at 7610 Nancemond Street. Mr. Stemwell said he did not complain about the school, he had simply asked a question. He considered this school located in a residential area, to be operating in violation of the Ordinance. He wished to make no comment on the school, merely to raise an academic question of zoning.

Mr. Stemwell said he expected this to be his permanent retirement home and he did not like a creeping paralysis of zoning violations to enter the neighborhood. He thought this could lead to the opening of an antique shop, or barber shop, or a similar business .

Mrs. Henderson explained that the regulations permit a private school if granted by the Board of Zoning Appeals, but under no circumstances would an antique shop or barber shop or a similar business be allowed except in a commercial zone. Mrs. Henderson went on to say that this school is in violation of the Ordinance now, but that if permitted by the Board it would not be in violation.

Since Mr. Stemwell still contended that allowing this commercial use may have a tendency to break down good zoning. Mrs. Henderson suggested that his complaint should be made to the Board of Supervisors to change the Ordinance, that the only way the right of the Board of Zoning Appeals to grant such a use could be TAKEN AWAY IS by change in the Ordinance which is the function of the Board of Supervisors.

Mr. Lamond moved that the use permit be granted to Mrs. Margaret Kunze to operate a nursery school - the permit to be granted to the applicant only. The school shall be limited to an enrollment of ten children. This is granted subject to approval by the Fire Marshal. The operating hours of the school will be from 9 to 12 a.m. and shall also be limited to two days a week; seconded, Mr. Barnes. Carried unanimously.

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The case of IDA GARASIC, to permit operation of a nursery school, deferred from the last meeting was handled in his office, Mr. Mooreland told the Board.

Dorothy Murphy had been granted a permit to operate a nursery school on this property several years ago and the case had been granted - not to the applicant only. It was granted to the property, therefore Mr. M Mooreland said he was obliged to give Mrs. Garasic a permit.

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December 22, 1959

The Board discussed the Alward case, recalling that Mr. Alward had been given 60 days to clean up his place. He has made little progress. The question was asked - should the Board revoke his permit or carry this on?

Mr. Smith suggested that Mr. Alward be advised of specific things to be done; since he has made a token start on the clean up he might think he has complied with the Board's requirements.

Mr. Mooreland said the place was 80% better than it was at the time of the last discussion on this - he thought Mr. Alward was trying. He is slow, Mr. Mooreland continued, but he thought a considerable amount of progress had been made.

Mrs. Henderson suggested that the Board members read the minutes on the last meeting with Mr. Alward - before the next meeting - then decide what they think about the progress Mr. Alward has made. The Board agreed to review the minutes and discuss this at the next meeting.

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The meeting adjourned.

Mary R. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

Minutes of the Board of Zoning Appeals

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, January 12, 1960 in the Board Room of the Fairfax County Courthouse. All members were present, except Mr. Lamond. Mrs. L. J. Henderson, Jr., Chairman, presiding.

The meeting was opened with a prayer by Mr. Smith, in the absence of Mr. Lamond.

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The Chairman opened nominations for Chairman for the year 1960. Mr. Smith stated that in view of the skillful handling of the Chairmanship during the past year he wished to nominate Mrs. M. K. Henderson; seconded by T. Barnes. Nominations closed. Carried unanimously.

Mrs. Carpenter nominated Mr. Lamond for Vice - Chairman; seconded, T. Barnes. Carried unanimously.

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NEW CASES

1- ROADSIDE, INC., to permit erection and operation of a service station, permit building 10 ft. from rear property line and permit pump islands 25 ft. from Road right of way line, on the N. side of Rt. 236, approx. 200 ft. W. of Prosperity Ave., Rt. 699, Providence District (C-N)

Don Hall, represented the applicant, stating that his company would supply the applicant with gas if this permit is granted. He presented the layout of the filling station. He recalled that a request for a filling station on this property was presented and withdrawn about nine months ago.

Mr. Hall noted that the property is approximately 111 ft. deep. In accordance with the newly proposed amendment they wish to place the building 75 ft. back from the right of way. To do that they will need a variance from the rear property line. They are also asking the 25 ft. front setback for the pump islands and will agree to move the island back when and if it becomes necessary.

Under the present Ordinance, the Board agreed, they have no authority to grant the 25 ft. setback therefore Mr. Barnes moved to defer the case indefinitely pending adoption of the proposed pump island amendment. Seconded, Mrs. Carpenter. Carried unanimously.

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2- MRS. MAE WOODWARD, to permit operation of a beauty parlor in her home as a home occupation, Lot 79, Sec. 3, Sunset Manor (5702 Seminary Rd.) Mason District (R-12.5)

2-Ctd. Mr. Spitler represented the applicant. Mr. Spitler pointed out the zoning in the area, commercial zoning next door, a filling station across the street, 4 1/2 acres of business property in the immediate area, and a real estate office indicating that this is not entirely a residential area. He presented a petition signed by five property owners (adjacent owners) saying they feel no adverse effect would result from this use.

Mrs. Woodward stated that this would be a one chair operation, which will be carried on in her basement which has an outside entrance. She would operate five days a week from 9 a.m. to 5 p.m. with a possibility of some night appointments. She estimated that no more than two customers would come to her house at one time and assured the Board that her driveway which is about 60 ft. long would take care of the parking. If necessary, however, she suggested they could asphalt the area between her driveway and the adjoining property which is commercially zoned to take care of parking.

Mr. J. E. Pond appeared before the Board in opposition, stating that he lives on Lot 77, adjoining this property on the rear and facing Magnolia Lane. His house sets back 89 ft. from the right of way which brings his back door very near the Woodward rear yard.

He objected to any attempt to bring commercial uses beyond that commercial zone already established. To allow this encroachment would detract from home values in the area. He noted that the entrance to the basement is in the rear of the Woodward house which would bring most of the activity very close to his home. He could foresee that parking in the rear might develop. He called attention to the porch on the side of the house noting that the driveway actually ends at the porch which would not allow room for cars. With customers coming and going he thought it more likely that three or four cars would be there at a time. He objected to extension of the parking to the rear.

Mr. Mooreland noted that with an operation of this kind parking would have to be held back 25 ft. from the property lines.

Mr. Harlow from the Sunset Manor Citizens Association objected for the group and stated that with so much commercial property in the immediate area he could not see a justification for extending a commercial use into a home. He could see this as a beginning of small changes which could grow into many other requests for similar activities, all of which would be

depreciating to the area. How far can they go with home occupations, he asked? The Association feels that this could very well be the first of a group of decisions which may be hard to stop. This is a good chance to decide whether or not these small creeping commercial uses are to be allowed in Sunset Manor, uses to which the people object.

Mr. Spitler said another beauty parlor was already operating on Denny's Lane - it has been there for four years. It is only a one chair operation and has never been considered objectionable, he continued. Mrs. Woodward is merely asking the same thing. Mr. Spitler contended that this was not a request for a big commercial project - it is a very limited operation and it is not out of keeping with the area, considering the adjoining commercial ground, the 4 1/2 acres of business, the filling station and the airport not too far away - this is not in the middle of the subdivision, it is actually in the middle of a commercial area.

(It was brought out that Mrs. Woodward is not yet living in the house.

Mrs. Henderson recalled that the Board did recently grant a small beauty parlor operation in a purely residential area. It was wanted by the community and it was considered a convenience and service to neighbors and friends. This, being near a commercial area, would have a great advantage over beauty parlors established in business areas and carrying commercial overhead. It appears that Mrs. Woodward is not an established member of this community - she is setting herself up in business in a residential area, which is not the intent of the Ordinance to allow.

Mr. Smith objected to granting this under the guise of a home occupation. It is purely a commercial venture adjoining commercial property. It is not set up in a residential area to serve people who do not have easy access to business areas.

Mr. Lamond moved that this application be denied as from the evidence presented at this meeting this use would not be in harmony with the comprehensive plan of land use as embodied in the Ordinance; seconded, Mr. Barnes.

Carried unanimously.

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3- FRED D. AND VIOLA L. BEAN, to permit operation of a kindergarten and elementary school through 4th grade (1631 Great Falls Road) Dranesville District (R-12.5)

There is a private school now in existence in this building (it is

4-Ctd. on 4+ acres of ground) the use was granted by this Board to Mary Llewelyn. Mr. and Mrs. Bean are purchasing the property and wish to carry on the same kind of operation. While the permit was granted for up to and including the fourth grade the school now has pupils only through the first grade. Mr. Bean would like to add the second grade; at present, the school has 48 children. The Beans will live in the house. Mr. Bean has been operating the school for Mrs. Llewelyn. They showed pictures of the building and rooms where the school is conducted. Kindergarten runs from 9 to 12, first grade is out at 2:00, and they hope to add classes from 2:00 to 4:00 p.m. They serve no lunches. The classes will run from 18 to 25 children. The ultimate capacity of the school, with expansion into other rooms would be about 100 children. In time they may apply to build more buildings as they have the large land area. The house has three bedrooms. Sewer is now available.

They have a circular driveway with adequate parking space in the rear.

Four teachers are employed.

There were no objections from the area.

Mrs. Carpenter recalled that when this application was first presented, there was opposition from the neighborhood. However, the case was granted and it would appear that the people no longer object as no one has appeared in opposition. Mrs. Carpenter moved to grant the application to Mr. and Mrs. Bean only to operate a kindergarten and elementary school through the fourth grade (1631 Great Falls Road.)

Seconded, Mr. Barnes.

Carried unanimously.

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4- GRAHAM SQUIRES, to permit erection of one building (total units 8) (3565 Old Mt. Vernon Rd.) Mount Vee Motel, Mt. Vernon District (D-G)

Mr. Ed Prichard represented the applicant. There are presently 38 units in the motel. The request is for one building containing 8 units. Mr. Prichard showed aerial and ground photographs of the property showing the location of the proposed building; at the back of the property a considerable distance from U.S. #1. It would overlook a small pond. The old buildings are of a colonial type - this addition will follow the same architecture.

The plat showed the addition to be approximately 900 ft. from U.S. #1 and 700 ft. from Old Mt. Vernon Highway.

4-Ctd. Mr. Deck, contractor, will build the new structure and will lease the property.

Mr. Prichard noted that this is a very limited density as far as land coverage is concerned. This property could take 45 dwelling units under the present zoning on the 15 acres. The motel coverage is considerably less. He called attention to the spacious grounds, the large parking areas, and the fact that all setbacks are met. This is joined by commercial property on both sides.

Mr. Deck said this motel has been operating since 1933 - he noted particularly that it has been well taken care of and is surrounded by very beautiful grounds.

There were no objections from the area.

Mr. Smith moved that the application of Mr. Graham Squires for a permit to erect one building with a total of 8 units, be granted as it would not adversely affect adjoining property and it comes within the uses allowed by the Ordinance; seconded, Mrs. Carpenter. Carried unanimously.

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5- W. L. DONALDSON AND PAUL BABINGTON, to permit operation of a riding school, on N. side of Lawyer's Road, adjacent to Town of Vienna Providence District (RE-1)

Both applicants appeared before the Board. This is a request to instruct in riding and keep horses for hire. They plan to have 12 horses. Mr. Babington will live in the house on the property. The front of the property is mostly fields and some woods. It is all woods in the rear. They are leasing the property from Mr. Kenyon (68+ acres). Mr. Donaldson said that all adjacent property owners had signed that they have no objection. He located the homes of the signers on his plat. The trails will be through their 68 acres. Most of their activity, however, will be directed toward teaching riding in that they would use the ring at the back of the buildings away from the road.

There were no objections from the area.

Mrs. Carpenter moved that the Board grant a permit to W. L. Donaldson and Paul Babington only, to operate a riding school as it does not appear that this would be detrimental to surrounding property. Seconded, T. Barnes. Carried unanimously.

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6- O. V. CARPER, to permit erection of incinerator 16 ft. from Cedar St., Lot 3, Ingleside, on Old Dominion Drive, Dranesville District (C-D)

6-Ctd. Mr.Mooreland gave the background of this case, stating that Mr. Carper was granted a variance in setback to come within 20 ft. of Cedar St. (30 ft. wide) as it was known that it would never be a through street since it operates only between Mr. Carper's shopping center and that of Mr. Kaul but since the variance had been involved, Mr. Mooreland felt that it was necessary for Mr. Carper to come before the Board on this.

Mr. Carper said Cedar Street is at the back of his commercial buildings. It has served almost exclusively for delivery entrance. He is putting in the incinerator to cleanup a trash problem created in the rear of his buildings. He showed pictures of the type incinerator he will install (Model VIF-125 Vulcanor) which will meet requirements of the County Code and is highly recommended by Mr. Croy, Building Inspector.

Mr. Carper also read a letter from Mr. Ralph Kaul saying this was a good solution to a bad situation.

Mrs. Carpenter asked what safeguard is guaranteed against vandalism.

Mr. Carper said he could not say - it would be installed against the building and probably no more subject to vandalism than any other part of the building.

This will be an automatic job - it will burn raw and wet garbage. It will be equipped with locks on the firing doors.

Mrs. Henderson asked if children playing around the incinerator might be in any kind of danger.

The safety factor was discussed at length - Mr. Smith saying this is as good a burner as can be bought, that it is widely used and has never been considered a safety hazard.

Mr. Carper said he was willing to install any safety measures the Board might suggest and agreed to talk with the sales company regarding extra safety features.

(Mr. Lamond took his place with the Board for the balance of the meeting.) After discussing and suggesting various safety means, Mr. Barnes made the following motion - that a permit be granted to Mr. O. V. Carper to erect an incinerator 16 ft. from Cedar Street, Lot 3, Ingleside, on Old Dominion Drive with the provision that a chain be installed across the doors of the incinerator and that it be kept locked at all times except when in use. Seconded, Mr. Smith.

It was noted also that a previous variance has been granted on this

6- building. It is the belief of this Board that the installation of this incinerator will help to correct an unsightly condition here.

All voted for the motion except Mrs. Carpenter who refrained from voting because she was not entirely sure that the safety factor is taken care of satisfactorily. Motion carried.

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7- R. H. STOWE, to permit location of street closer to existing dwelling than allowed by the Ordinance and lot with less width than allowed by the Ordinance, Proposed Falls Hill Subdivision, Sec. 10, on Virginia Ave., Providence District (R-12.5)

Mr. Chilton said this has been asked by the Subdivision Control Office in order to give access to Falls Hill Subdivision. The exit as formerly planned will be cut off by Rt. 66 and the only way adequate access can be given is by putting a road through along the side lot line of this old dwelling (Homer property). This would change the side lot line of the Hoover property into a front line and would put the old house about 20 ft. from the street line. This would also make this a non-conforming lot with less width than required under the Ordinance. Only the one lot is involved in this change. It would make this a corner lot.

The only other access to Falls Hill would be the long way around. (Mr. Chilton indicated this on the map) This would not be practical. This is an old house in which the owner lives only part of the year.

Mr. Mooreland asked what would happen if this old house were replaced - could a new dwelling be placed on the lot? He noted that the Board would be setting up a non-conforming lot.

Several alternate suggestions were made, moving the road farther toward the back line, farther to the west to give more width to the Hoover lot, taking the street off at an angle and possibly lose a lot.

Mr. Stowe said he did not even want the street here, let alone move the street and lose a lot. He was here because he is required to be by the Subdivision Office - he would rather keep the circulation within the subdivision; then they would have only a dead-end community Mr. Chilton objected, with a long way to get out and with no way for fire equipment to get in and out quickly. The Ordinance requires an exit.

Mr. Stowe said he could gain three more lots by not having this exit.

Mrs. Henderson said she was not in favor of creating a lot too small in area and having to grant two variances if another solution were possible.

NEW CASES

7-Ctd. Mr.Stowe said he owns all this property except the Hoover lot - and Mr. Hoover will not sell.

Mr. Chilton said they could not approve the plat without an exit - the subdivision regulations require it. They must provide outlets at intervals not too far apartm

Mr. Smith moved that a permit be granted to Mr. Stowe to allow location of a street closer to existing dwelling than allowed by the Ordinance and to allow a lot with less width than allowed by the Ordinance.

This is granted upon recommendation of the County Planning Engineer as this will improve the access and general flow of traffic in the surrounding area.

The Planning Commission recommends that this be granted - this appears to be the only workable solution to this problem. Seconded, Mr. Barnes. Carried unanimously.

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8- HENRY SMOOT, ET AL, to permit erection and operation of a service station and permit a variance on rear yard, and permit pump islands 25 ft. from right of way line of Chain Bridge Rd., part Lot 6, Sec. 5, Salona Village, Dranesville District (C-D)

Mr. Jack Estes represented the applicant, asking that this case be deferred to March 8 pending the outcome of the proposed amendment on pump island setbacks.

Mrs. Carpenter moved to defer the case to March 8. Seconded, Mr. Smith.

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DEFERRED CASES:

1- CITIES SERVICE OIL CO., to permit erection and operation of a service station and variance from setback requirements on pump islands, and permit rear yard less than required by the Ordinance, on west side of Brandon Avenue, 775 ft. N. of Bland Avenue, Mason District (C-N)

Mr. Beall represented the applicant. He said they had reworked the plans and come up with what he considered a good compromise. They eliminated one pump island. One island has been moved to a 35 ft. setback which would still require a 15 ft. variance. They moved the building forward to get a 17 ft. rear yard at one end.

Mr. Beall referred to page 56 of the Ordinance, Sec. 11.5.4.

He noted that this property was contracted for in June 1959 before they knew what the limitations of the Pomeroy Ordinance would be.

2-Ctd. Therefore, Mr. Beall contended that this Board has the authority to grant this variance. He noted also that Brandon Avenue is dedicated to a 66 ft. right of way, so there would be no conflict with future road plans.

Asked if his company could purchase more land in the back, Mr. Beall said they had discussed that with the owner and it would cost about $12 or $13,000 to get just a small strip and the property would have no utility whatever to them.

But, Mrs. Henderson contended, there is still a reasonable use of the land if a filling station is refused.

Mr. Lamond stated that Simsco still had a great deal of land for sale, in fact they are trying to subdivide into lots which would be within reach of the small businessman.

If you buy land before the present Ordinance for a specific purpose and the present Ordinance prevents the use of the land for that purpose - does that not give the Board the right to grant a variance, Mr. Beall asked?

Discussion followed on this point.

Mr. Barnes moved to defer the case pending adoption of the new amendment to the Ordinance (re pump island setbacks). Seconded, Mr. Smith. Carried unanimously.

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2- // NORTHERN VIRGINIA CONSTRUCTION COMPANY, to permit extension of use permit granted September 25, 1956, southerly adjacent to Guilford and Silver Springs Subdivision, Lee District (RE-1)

Mr. Andrew Clarke represented the applicant. He recalled that this application had been deferred for 90 days for location of another outlet.

Mr. Clarke said they had acquired more land for the access road running parallel to Triplett Road and had gotten clearance from the Highway Department to come out onto Rt. 613. They have good visibility on Franconia Rd. This will take the truck traffic off Cedar Street entirely.

There is something of a drainage problem which must be taken care of with relation to the construction of the new road, Mr. Clarke said, which work cannot be started immediately - probably not until March - but they could have the road completed and in use by July 1, 1960.

Mr. Lamond thought that a long time for construction of a short piece of road. However, Mr. Ball explained just what needed to be done and said it is possible they can complete this before July 1, but they wanted to set a date which they could meet without having to ask for an extension.

DEFERRED CASES

2-Ctd. Mr. Vale Hay from Cedar St. said he was present purely for information purposes. They are pleased with the progress made on this; however, they too would like to have the road completed before July 1. He suggested blocking off the present access to Cedar Street when the new road is completed. Mr. Clarke agreed to that.

Mr. Ball also agreed to rework the shoulders on Cedar Street. Mr. Ball explained that in building an entirely new road there are times when you put the traffic on to the road to roll and pack the road bed, then during other construction work the traffic would go back on Cedar Street. He wanted the people to understand that. But all traffic would be off by July 1.

Mr. Smith moved that the application of the Northern Virginia Construction Company to permit extension of use permit granted September 25, 1956 be granted for a period not to exceed five years from this date with the provisionthat an access road be constructed, surfaced, completed and in use as soon as possible but not later than July 1, 1960.

After this date the applicants' trucks will cease to use Cedar Street or any other street in the area to transport material from the excavation point; it is understood that the new access road provides the sole access to the property. It is understood that all provisions of the Ordinance and the application will be met; seconded, Mr. Barnes carried unanimously.

The Board agreed that the Northern Virginia Construction Co. has gone to considerable expense and trouble in this in their desire to meet objections of people in the area. Mrs. Henderson suggested that the people on Cedar Street express their appreciation to the ~~County~~ L. Company. //

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The Board agreed to defer the ALWARD case until next meeting and in the meantime view the property.

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The meeting adjourned.

Mary E. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

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The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, January 26, 1960 at 10:00 a.m. in the Board Room of the County Courthouse. All members except Mr. Barnes were present, Mrs. L.J. Henderson, Jr., Chairman, presiding

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

NEW CASES

1- A. J. LEONE, to permit buildings closer to property lines and less parking area than required under the Ordinance, Lot 10, Section 1, Dowden Center, Mason District (C-G)

Mr. Thomas Gray represented the applicant.

Mr. Schumann announced that the Planning Staff would request a deferment on this case for two weeks as the engineer working on the drawings to be presented has not completed the work.

Mr. Gray said he appreciated that but he had just had a short talk with Mr. Harlow, who is the chief objector to this variance, and he thought they had arrived at an agreement whereby Mr. Harlow would withdraw his objections. Mr. Harlow had stated that if the cedar fence is continued along Cedar Street he would consider that more important than the reduced setback and would therefore withdraw his objections. Mr. Gray suggested that adequate parking be worked out between Mr. Mooreland and Mr. Schumann.

Mr. Mooreland said he could not grant a variance on the parking requirements, that would be up to the Board. Mr. Schumann thought Mr. Leone did not have sufficient ground to meet parking requirements.

There will be two new buildings here, Mr. Gray pointed out, one on each side of the old building and three separate businesses. He thought this should be worked out on an overall basis.

Mr. Harlow discussed his suggestions for the 8 ft. fence. He said also that the setbacks and the parking do not concern him. He suggested that the same kind of fence be erected as the one near the bakery and warehouse and that THIS warehouse might be located at the 10 ft. setback line. There should be only the emergency exit and that rear area should not be used for work nor storage. Mr. Harlow said he had understood through Mr. Gray that Mr. Leone was agreeable to the fence but he also wanted the fence erected before any construction takes place. Mr. Gray hedged on that; however, Mr. Schumann suggested that could be handled by the Board of Zoning Appeals requiring that the fence must be erected before occupancy of the building.

1-Ctd. Mr. Lamond thought no action should be taken on this, even though everyone seemed to be in agreement, without having the plats. He therefore moved to defer the case until February 9 for proper plats; seconded Mrs. Carpenter. Carried unanimously.

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2- FOREST LAKE COUNTRY CLUB, to permit erection and operation of a golf course with club house and recreation facilities, on east side of #681 between #603 and #682, Dranesville District (RE-2)

Mr. Hardy represented the applicants. He explained that this is a new corporation (non-profit) set up for the purpose of operating this club. Since it is so new they do not yet have firm plans on many phases of the project. The site for the club house is not yet tied down - he noted on the plat Site A and Site B. The other uses, swimming pool, tennis courts, golf course and driving range and the parking lot were not shown on the plat. When the consultant completes his study of the entire layout they will have maps which will show the whole picture. Mr. Hardy said this he hoped to have completed by February 5. They could bring the planned layout to the Board of Zoning Appeals at that time and have the site plan for the Planning Commission by March 15. They plan to have 750 members to begin with. They may have a social membership also. Play and use of facilities would be restricted to members.

Ninety acres are in open ground.

The Board questioned this applicant coming before the Board with no plats and such nebulous plans.

Mr. Mooreland said they were simply asking for the use of the land for this purpose - if the use is approved they will go ahead at once with site plans.

Mrs. Henderson said she hesitated to go ahead with any action on this with only a large plat which gives no permanent information. She suggested that the hearing was premature.

Mr. Ault, consultant, builder of many golf courses in the metropolitan area, said they have run a preliminary plan on this and know that the ground can be well developed for this purpose. The area will be utilized to the maximum - the entire 155 acres. They propose one of the finest golf courses in the county. He considered this very appropriate to the community. The plans and specifications will conform to all county regulations. The permanent location of the club house cannot be made

2-Ctd. until they are sure it will be suited to the topography. The other facilities are closely related to the club house and their location is necessarily contingent upon the club house. Also the entrance and exit will determine to some extent the location of facilities. They want to ease traffic conditions by means of separate entrance and exit. The Board considered this a very desirable development but were reluctant to grant anything without knowing the location of facilities and entrance and exit.

Mr. Ault said they could have the plats within two weeks. However, Mr. Hardy said they had a limited time on the contract.

Mr. Lamond said he felt sure the Board looked with favor on this development and thought it would be desirable to have, provided it meets all county requirements. He thought the applicants might use that statement as a basis for going ahead with settlement, however, he did not wish to see the Board commit itself any further.

There were no objections from the area.

Mrs. Deuss asked about the parking. (She owns adjoining land.) She stated that she was concerned over the traffic - she suggested that it be distributed out on to two or three roads.

Mr. Smith moved to defer this for 2 weeks for actual location of the club house and surrounding facilities, exits and entrances. Mr. Lamond suggested that the Board should know something about percolation tests. Mr. Ault said that could be taken care of because they will accommodate so many people they will have a septic system comparable to a small treatment plant. Seconded, Mrs. Carpenter. Carried unanimously.

Mr. Schlegel said he knew this land well and that it has been tested and passed percolation tests.

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3- RAPID, INC., to permit operation of a golf course on Rt. 623 opposite Dogue Creek Treatment Plant. Mount Vernon District (RE0.5)

Mr. Dreisen represented the applicant. He said he had owned this land for twenty years. The idea of developing it for recreational purposes had been given to him by Mr. Packard of the Park Authority. He contacted all the citizens associations in the area who would be concerned and contacted many more property owners in the area than required. There are no objections - the reaction has, in fact, been very favorable.

Mr. Ault is also his consultant.

Mr. Driesen located the land showing that it is adjoining land which was

3-Ctd. purchased for a school and found not satisfactory for that purpose. That area is now being used for recreational purposes. He read a letter from Mr. Packard stating that the projected use is a good one.

Mr. Driesen said he was not sure if this would be a membership club or a pay-for-each-play system but it will be restricted in some way.

Mr. Lamond noted that the entrance was not noted on the plat.

Mr. Dreisen said there is a very old house (Walnut Hill) on the property which would probably be restored and used as the club house, The entrance would be to that house.

Mr. Ault said there was ample room for parking, especially as many will walk to the course. There are apartments very near. This is not a social club. It would therefore not require so much parking. It will be purely for golfers. However, if they need more parking it can be provided, Mr. Ault stated. Mrs. Henderson cautioned against parking along the road.

The Board discussed drainage, and entrances and exits (which they suggested be one-way).

Mr. Lamond moved that the application of Rapid, Inc. to permit operation of a golf course on Route 623, opposite Dogue Creek Treatment Plant between U.S. #1 and Rt. 235, known as Old Mill Road be approved as per plat which has been initialed as to the location of the club house and parking area. The entrance and exit are shown on the map in pencil location.

There shall be one entrance and one exit only, both of which will be one way and which shall be located in the area on plat designated as "parking area".

The club house shall be used for members and participants only. It is specified also that the setbacks required under Section 12, Group VIII 4. Recreation ground (page 82) shall be met, particularly noting that all structures and parking space shall not be located within a distance of 50 ft. from any property line. It is also understood that the applicant shall provide sufficient parking for all users on the use. The application is approved provided the applicant meets all requirements of the ordinance and that the site plan is approved by the Planning Commission; seconded, Mr. Smith. Carried unanimously.

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NEW CASES

ALWARD: The Board discussed this at length in an attempt to arrive at a decision as to what could be accomplished toward settling Mr. Alward's status. It was agreed to arrange a conference with the Commonwealth's Attorney before taking further action.

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Mrs. Henderson suggested that the Board establish a policy regarding withdrawals in conformity with that recently adopted by the Board of Supervisors.

Mr. Lamond made the following motion: that if a case is withdrawn at the applicant's request, before the date of hearing, the same case shall not be heard by the Board of Zoning Appeals within a period of twelve months, except that the Board determine that a very special condition exists in which case the Board may accept the application for hearing. Seconded, Dan Smith; carried unanimously.

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The meeting adjourned.

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Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

Board of Zoning Appeals Minutes.
The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, February 9, 1960, at 10:00 A.M., in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

NEW CASES

1. SOCONY MOBIL OIL CO., to permit location of pump islands 25 feet from right of way line of Route 123, n.w. corner of Route 123 and Old Courthouse Road, Route 677, Providence District (C-G).

Mr. Fisher appeared before the Board and asked a deferment of this case until the amendment on reduction of setbacks for pump islands becomes effective.

He asked also that the Socony case which had been deferred at a previous meeting until March 8th, be deferred and handled at the same time.

The Planning Staff report outlined restrictions on this property if it is conveyed - at which time it comes under Subdivision control. This would require a plat, service road and entrances 30' wide, a site plan to be approved by the Planning Commission.

Mr. Chilton said he understood that this was an option to buy -- when the sale takes place, the Subdivision Control Ordinance would govern development.

Mr. Fisher said they actually have no intention to buy at this time - but that the option is their means of protection. It is the company's policy with all filling station property which they do not buy outright.

Mr. Lamond moved to defer the case until March 22, at the request of the applicant. He also included the other case Mr. Fisher had mentioned (Henry Smoot) to be deferred until March 22nd.

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2. THE ALEXANDRIA WATER COMPANY, to permit erection of one water storage tank 14 feet from side property line, 375 feet east #617 on an access road and approximately 4000 feet south Route 236, Mason District. (Re-0.5)

Mr. William Koontz and Mr. Dowdell, Manager of Alexandria Water Co., appeared before the Board.

Mr. Koontz recalled the history of this case saying they bought this land in May, 1951, and a few months later got a permit to erect a 95' x 38' tank. In 1956 they applied for three more tanks on this lot. The permit was granted and they built one tank. Since that time, because of the tremendous expansion in their service area, it has become more feasible and practical for their purposes to construct one 5,000,000 gallon tank

2, ctd. rather than the two 1,000,000 gallon tanks. This tank would be 151' x 37½'. It will be of welded steel construction. This is necessary for this area, Mr. Koontz continued, because of the expanding population and the need for water storage. It was noted on the plat that this tank would be 14' from the north property line.

Mr. Koontz called attention to the sparsely settled area and the fact that adjoining neighbors do not object to the installation.

Mr. Dowdell discussed at length the need - indicating on maps the present water lines and service area, the location of other tanks and the need to have a large storage tank to assure adequate supply at all times. He recalled that during one year, the tanks dropped to as low as 2½ feet of water which is dangerously low for adequate supply and fire protection. With a large tank, they can refill and store water when the load is on. He stressed the seriousness of lack of water storage in case of fire and the need for adequate pressure. They have the pumping capacity and the lines, Mr. Dowdell stated - but at present they lack storage facilities.

Mr. Lamond stated that this case was brought before the Planning Commission, which approved the tank but did not handle the variance, considering that the function of the Board of Zoning Appeals. It also was suggested by the Planning Commission that adequate screening be provided.

The cost of one large tank or the two smaller tanks was discussed, Mr. Dowdell saying there was little difference, but probably a little more cost if the two tanks were used. The Board and Mr. Dowdell also discussed maintenance.

Mrs. Henderson read a report from the Planning Commission which said they recommended approval of this case provided, before a building permit is issued, plans showing methods of landscaping treatment on the site be submitted to and approved by the Planning Staff, and that the species of planting be in accord with recommendations of the County Soil Scientist. It was recommended that certificate of occupancy not be issued until after required landscaping treatment is accomplished.

There were no objections from the area.

Mr. Lamond was called from the meeting to sit on a condemnation case.

Mr. Smith moved that the Alexandria Water Company be granted a permit to erect one water storage tank 14 feet from the side property line on property located 375 feet east of Route 617 on an access road as shown on plat presented with the case.

2, contd. This seems to be a very necessary project and the erection of the one tank as requested would actually be a saving to home owners because of the economics involved. The need for adequate water storage for protection of homes and the surrounding community is evident. The tank being of a type and design which assures the fact that it is safe and in no way could be considered a hazard - therefore he moved to grant the 6' variance. Mr. Smith also incorporated the recommendation of the Planning Commission as to screen-planting and landscaping and that the selection of trees be made by the County Soil Scientist.

Seconded, T. Barnes Cd. unan.

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3. FALLS CHURCH GOLF CLUB, INC., to permit operation of a golf course and permit erection and operation of a club house, north side Route 50, starting approximately 300 feet east of Route 645, Centreville District. (Re-1).

Mr. Roy Swazye represented the applicant. Mrs. Henderson noted that the very large plat presented with the case had nothing on it -- club house was not shown nor the exits and entrances. Mr. Swazye agreed to have the Club house put on the plat, also existing buildings, parking, ingress and egress, if the Board would defer the case to later in the day.

There were no objections from the area.

The Board agreed to call the case up later in the day.

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4. EDSALL PARK SWIMMING CLUB, INC., to permit erection and operation of a swimming pool and bath house, adjacent to Section 2, Edsall Park on the South and at the end of Montgomery Street, Mason District. (RE-0.5).

Mr. Thurman Hill and Mr. Saldit represented the applicant.

The tract, given by the Northern Virginia Construction Company, has 3+ acres, Mr. Hill stated. They consider that it will be a great asset to the Community and that it will serve as an effective buffer between residences in Edsall Park and the operations on the property of the Northern Virginia Construction Company. They have left a buffer of trees for 35' or 40' immediately behind the homes that would back up to this property. Most of the people adjoining the Club have become members. They will have about 250 members ultimately - 160 have already joined.

The Board discussed parking and the 25' setback required. Mr. Saldit said they had not shown a great deal of parking as most of the people will

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4.cont'd walk to the club. It will be a real neighborhood facility. However, he showed that they can provide more parking if it becomes necessary -- in fact, they could move the whole plan of development farther to the east and add the parking on the west, still providing the 25' setback. The plan showed approximately 51 parking places.

As to the 30' construction easement shown along the property, Mr. Saldit explained that the Northern Virginia Construction Company will run a 60' private road in through this area and they want a 30' off-set to grade down to the road level. They intend to maintain as many trees as possible and will conform to all requirements as discussed with Mr. Clayton regarding swimming pools.

Mrs. Henderson suggested that this membership should have 80 or 85 parking spaces.

Mr. Bob Spatz and Mr. William Young spoke for the Club. All agreed that the facilities could be moved to give enough parking and still have room for future tennis courts or other games.

Mr. Smith moved that the Edsall Park Swimming Club, Inc. be given a permit to erect and operate a swimming pool and bath house on property in Edsall Park, Section 2, and that at least 72 parking spaces be provided for the membership. No parking shall be permitted within 25' of the property lines. All regulations of the Zoning Ordinance shall be met, screening shall be provided in accordance with the wishes of the Planning Staff and upon approval of the Department of Public Works. Sec. T. Barnes. Cd. unan.

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5. Shell Oil Company, to permit erection of an addition 20 feet from rear of property line, N.E. corner of Arlington Boulevard and Falls Church - Annandale Road, Route 649, Falls Church District (C-D).

Mr. Joe Dergert represented the applicant.

The addition to the existing filling station would be at the rear of the building, and they would move the fence to the back property line. They need this additional facility to take care of the customers, Mr. Dergert told the Board. They are unable to buy more property at the rear as that land is held by an estate and the heirs are scattered. There is an old house on that property but that land is commercial in character and in time will be so zoned.

This addition, to cost $11,000, would be used for storage and for another bay for lube service.

5 cont'd Mrs. Henderson said she could see no justification for this variance. Mr. Dergert argued that the variance would not adversely affect the property in the rear -- the old house will be torn down in time and no doubt that land would be zoned commercial. It is too expensive to remain as it is. There is no objection from the owners. They are hemmed in as they are and are not getting the full return on their investment if they cannot expand to take care of customers.

There were no objections.

Mr. Smith said he couldn't see the real need for this -- he thought the applicant should exhaust every effort in getting additional land and have it zoned.

The present operator of the station discussed the need for this expansion and the convenience to the area of having an inspection station here for which this addition would provide space. They do small mechanical work - about 80% of their mechanical work is done for their regular customers.

The Board recognized the fact that the hardship discussed is not created by the Ordinance, but rather is a desire to serve more customers.

Mr. Lamond moved that the application be denied as the granting of the variance is not necessary for the reasonable use of the land. Seconded, T. Barnes. Cd. unan.

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6 - Annandale Masonic Temple Corp., to permit erection of a Masonic Temple closer to side lot lines than allowed by the Ordinance, on south side of Columbia Pike, 500 feet east of Annandale Methodist Church opposite Rose Lane, Mason District. (R-17)..

Mr. William Kelly and Mr. Fox represented the applicant.

Mr. Kelly explained that they had bought the property and planned to start construction of the building about three years ago. At that time, they could have built within 15' of the side lines. They did not start the building because of lack of money. They bought the property in 1954 and got a permit in 1955 -- the plans were completed in September, 1959. They had paid $10,000 for the property but didn't have the money to go ahead until 1959. By that time, the Pomeroy Ordinance had gone into effect and the 100' side setbacks were required.

Mrs. Henderson asked why not reverse the building and place it the long way of the property -- so the side lines would conform.

Mr. Kelly said that could be done except that it is the ancient Masonic law that their temples be placed north and south so the interior faces

6. the east. This is an old law and is always observed. Mr. Kelly also said that the long, thin building with the short end facing the highway would be unattractive and they want to put up something that will add to the community. This building will be used for many activities other than Masonic meetings -- Eastern Star, Job's Daughters and others. Mrs. Henderson thought the variance was too great -- that they should try to acquire more property. She asked Mr. Kelly to state the hardship.

Mr. Kelly said two things entered in -- the requirement that the building be placed East and West and that they had bought this land and planned the building under the old Ordinance that did not require the 100' setback.

Mr. Smith thought unusual circumstances existed; -- the location of the building and the fact that a permit had been issued in 1955 -- he appreciated the fact that organizations have difficulty in money raising and must plan years in advance.

Mr. Charles Wood said they had purchased this lot contingent upon getting the permit from the Board of Zoning Appeals, which they did get in 1955 and therefore completed the purchase of the ground. It was unfortunate that they could not go ahead as planned. He thought it would be most undesirable to break the old Masonic Law and set the building the long way on the lot -- while they may get a special dispensation from the Grand Lodge to do that, it is something just not done. The building planned is 40' x 91'. Mr. Wood noted the deep front setback of the building which conforms to the house on adjoining property.

There were no objections from the area.

Mr. Wakefield, who sold them the land, and who lives on the property adjoining, has stated that the only thing he wants on this land is a Masonic Temple, Mr. Wood told the Board. Therefore, according to their purchase contract, they could not sell the land for some other use. They could have sold it for $20,000 for commercial uses but they have stood by their contract with Mr. Wakefield.

Mr. Barnes observed that by refusing this, the Board would deprive the man of the intended use of his property.

The Board recessed for five minutes -- upon reconvening, Mr. Smith stated that, due to unusual circumstances, applying to the physical conditions of this building - to deny this application would be to deny the organization a reasonable use of the land and that the only thing

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6,contd. the Board could do would be to give a minimum relief in this case. After going over this in detail, the Board is of the opinion that it has the right to give this relief. Therefore, he moved that the Annandale Masonic Temple Corp. be granted a permit to erect a Masonic Temple and to allow the Masonic Temple to come closer to the side lines than permitted by the Ordinance. It is understood that the variance granted will conform to the plan submitted with the case labeled Project 924 and dated 9-29-59.

Seconded, T Barnes. Cd. Unan.

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DEFERRED CASES

1 - A. J. Leone, to permit buildings closer to property lines and less parking area than required under the Ordinance, Lot 10, Section 1, Dowden Center, Mason District (C-G).

Mr. Thomas Gray represented the applicant.

Mr. Gray told the Board that parking is no longer a problem on this-- that has been resolved and the plat redrawn showing the required parking spaces.

Mr. Gray also said that the applicant would accept the screening terms for the rear of his property as outlined by Mr. Harlow. Mr. Leone will continue the same type of fence as that on the adjoining property, to the full length of his rear line.

Mr. Gray showed the revised plat with the 10' rear setback for the new building.

Mr. Leone started on this last August, Mr. Gray recalled, not knowing that the Pomeroy Ordinance was about to be adopted. Mr. Mooreland objected to his parking. By the time Mr. Leone came back with a revision in his parking, the new Ordinance was in effect and he could not get a permit because he didn't meet the new parking requirements. Mr. Leone was upset, claiming he should not have to come under the new Ordinance. He was on the verge of filing suit when Mr. Gray persuaded him to try working out another method. Mr. Leone will use the building on the east for his own operations with three employees. He is leasing the building on the west to a glass installer. That business will have four or 5 employees.

1, contd. Mr. Schumann said Mr. Leone will have about 57 parking spaces, which is sufficient.

These buildings will all have a 35' setback, the same as other buildings on this side of the street. Mr. Gray pointed out that this is substantially a warehouse area; development is not particularly good -- he considered Mr. Leone's proposed buildings an improvement - at least it will clean up this property. He showed pictures of the area.

Mr. Gray recalled that Mr. Harlow was the mild opposition in this, but Mr. Harlow has stated that he would rather have the 10' setback and the fence than to have the 20' setback and no fence.

Mr. Harlow had suggested an 8' fence but Mr. Gray thought such a high, practically solid fence might present a wind problem. However, they will continue the same kind and height as the fence on the adjoining property.

Mr. Schumann said he considered this a reasonable use of the property.

Mr. Smith stated that upon recommendation of the Planning Staff and from the presentation it appears that this is the best possible use to be made of the land. A great deal of work has been put into the design and planning of this, he continued, and it appears to be in harmony with the existing building. He noted that the owner of this property has proposed certain uses which should be tied to the granting of the case. This is a narrow lot which might have been considered unusable, but the Planning Staff has gone to a considerable amount of work to get the proper use of this land and in doing so, has come up with a plan of development showing the parking spaces required - and which the Staff feels will be adequate to serve the businesses. The setbacks conform and are harmonious with existing setbacks. The granting of this will clean up an undesirable situation and the adjoining people in the subdivision and the rear have agreed to the 10' setback instead of 20' because it does away with a space for collecting junk. The applicant has agreed to erect a fence on the rear lot line. This has met with the approval of the people adjoining the property. Mr. Smith said he considered that the Staff has done a magnificent job in placing the buildings on the property and he believed the development will be an asset to the County. Therefore, he moved that a permit be granted in accordance with the plat dated January 26th, 1960, prepared by Carpenter and Cobb, showing the existing building and the proposed improvements. In view of the granting of this variance,

DEFERRED CASES

1, contd. the owner agrees to use the buildings for what he proposes to use them for and nothing else. The fence shall be of solid cedar and no less than six feet high. It is to be placed along the entire rear line. Seconded T. Barnes. Cd. unan.

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2 - Forest Lake Country Club, to permit erection and operation of a golf course with club house and recreation facilities on east side of #681 between #603 and #682, Dranesville District. (RE-2).

Mr. Harty presented the Board with revised plats, indicating the area, 150+ acres, showing that the ingress and egress will be by way of Rt.603 - with a 50' right of way from Rt. 603 to the Club House, which was also located on the plat. Mr. Harty said the visibility on to Rt. #603 is excellent - 1400' in one direction and more than 500' in the other.

Parking area and swimming pool were located on the plat.

They plan to have 100 life members and 600 other members. They have plenty of room to take care of this number of people and expansion, if necessary, will be no problem. They also plan to put in a lake.

The two owners of adjoining land are in favor of this development.

Mr. Lamond moved that a permit be granted to Forest Lake Country Club to permit erection and operation of a golf course with club house and recreation facilities as it appears that this will not be detrimental to the character of the adjoining land. It is understood that the location of the Club House and access road shall be as shown on the plat presented with the case, dated 2/9/60 - initialed as of this date. Seconded, T. Barnes. Cd. unan.

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NEW CASES

2, contd. Mr.Swayze returned with complete plats on Falls Church Golf Club.

He noted that the old house on the property will be used as a dwelling and that it is not included for use in this application.

It was noted on the plat that entrance and exit will both have one way traffic only. (Mr.Swayze said visibility was very good at the access points).

It was noted that no parking will take place within 50' of the right of way.

There were no objections.

Mr. Lamond moved that a use permit be granted to the Falls Church Golf Club, Inc. (also known as White Oak Country Club) to permit operation of

February 9, 1960

NEW CASES

2, cont'd a golf course and permit erection and operation of a club house on the north side of Rt. 50, approximately 300' east of Rt. 645, as this use permit will not be out of harmony with the surrounding neighborhood. Sec. T. Barnes. Cd. unan.

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Mrs. Henderson stated that members of the Board had met with the Commonwealth's Attorney and discussed the Alward case. She asked Mr. Mooreland to pursue the matter as outlined in Mr. Fitzgerald's office, to act on the basis of this being an auto graveyard.

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The meeting adjourned.

Mary K. Henderson
Mrs. L. J. Henderson, Jr
Chairman

Blank

The regular meeting of the Board of Zoning Appeals was held on February 23, 1960, at 10:00 A. M., in the Board Room of the Fairfax County Courthouse. All members were present, Mrs. M. K. Henderson, Chairman, presiding.

February 23, 1960

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

1. VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection of and operation of a power distribution facility, a substation, on the east side of Route 635 and adjacent to power line right of way and intersection of VEPCO Idlewood line and Route 635, Lee District (RE-1).

In accordance with Section 15-923 of the Code of Virginia as amended and Section 11.12 of the Fairfax County Zoning Ordinance, the Planning Commission, at its meeting of February 8, 1960, heard the application of Virginia Electric and Power Company to permit construction of an electrical substation at the intersection of Virginia Electric and Power Company's Jefferson Street-Occoquan line and Route 635, adjacent to said power line, in Lee Magisterial District, Fairfax County, Virginia, and adopted a resolution approving the application. That resolution has been filed with the Fairfax County Board of Zoning Appeals. The following quotation is from the recommendation of the Planning Commission:

> "From the evidence presented by Virginia Electric and Power Co. the Commission considered that the applicant had demonstrated conclusively that the applicant had proved its case under all of the applicable provisions of the County Zoning Ordinance and has also complied with Section 15-923 of the Code of Virginia and since this site is in an isolated location where it would have no adverse effect upon homes, it is a facility which the County needs and the applicant had met all requirements of the Ordinance, the following resolution was offered:
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> "That the application of Vepco for the construction of an electrical substation at the intersection of Route 635 and Virginia Electric and Power Company's Jefferson Street, Occoquan high tension line right of way in Lee Magisterial District, Fairfax County, Virginia, be granted and approved, which resolution was unanimously adopted."

There was offered by the Virginia Electric and Power Company, and considered by the Board of Zoning Appeals, the testimony of Mr. James A. Rawls, Manager, Engineering and Construction, Virginia Electric and Power Company, the testimony Of Mr. Carroll Wright, real estate expert, and the testimony of Mr. Walter S. Cameron of Cameron's Radio and Television Company, as well as the maps and exhibits referred to in the testimony of Mr. Rawls. There were further considered by this Board the pictures taken by Mr. Paul Sale, photographer, of the area, which pictures were introduced in evidence. (Copy of the full statements made by Mr. Rawls, Carroll Wright and Walter S. Cameron are on file in the records

1, contd. VEPCO.

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of this case.)

The Board of Zoning Appeals also considered the evidence of Mr. Rawls to the effect that there were within one mile of this site two C-N districts, a C-G district and an I-S district; however, in view of the statement of Mr. Rawls, and the exhibits with his testimony and the zoning map, this Board reached the conclusion that the location of a substation in any of the aforesaid districts would be utterly impractical, both from a standpoint of good electrical engineering practice, and from an economic standpoint, and further that the construction of the proposed substation on said proposed site would not injuriously affect any of the surrounding property nor have an adverse effect on the neighborhood and therefore this Board reached the conclusion that there is a substantial showing that it is impossible for satisfactory service to be rendered from an available location in the aforesaid districts.

The evidence presented by Virginia Electric and Power Company demonstrated conclusively that the applicant had proved its case under all of the applicable provisions of the County Zoning Ordinance and has also complied with Section 15-923 of the Code of Virginia - thereupon Mr. Lamond offered the following resolution:

> That the application of Virginia Electric and Power Company for the construction of an electrical substation at the intersection of Route 635 and Virginia Electric and Power Company's Jefferson Street-Occoquan high tension line right of way in Lee Magisterial District, Fairfax County, Virginia, be granted and approved, which resolution was unanimously adopted.

Seconded, Dan Smith. Cd. unan.

2 - McLEAN SWIMMING AND TENNIS ASSOCIATION, to permit erection and operation of a community swimming pool and recreational facilities, 540 feet west of Davidson Road and approx. 450 feet south of Westbury Road, at the end of Cecil Street, Dranesville District (R-12.5)

Mr. William Hansbarger represented the applicant.

Mr. Hansbarger located the property - indicating that it is immediately back of the McLean High School at the end of Cecil Street Extended. This tract was sold to the Association by Mr. Northern out of a larger tract upon which Mr. Northern has his home. He is the neighbor immediately to the north. Cecil Street is dedicated to a 50 ft. width but it is not yet put through. There will be another access to the property when the adjoining subdivision is developed -- but as it

February 23, 1960

2, cont'd McLEAN SWIMMING AND TENNIS ASSOCIATION.

stands, this property does not have access on a public highway. However, it does have access. Mr. Hansbarger said he would go to the Board of Supervisors on the 27th for right to waive that required access. The Planning Staff will recommend that the waiver be granted.

This will be restricted by charter to a 350 family membership - they expect a 300 family membership in the beginning. They have provided a 75 car parking lot, which could be expanded if necessary. However, since this is located within a settled area, close to many homes - it is thought that many will walk and no more than the 75 car lot will be needed.

It was noted that the pond on Mr. Northern's property runs over on to this tract. Mr. Northern said he had plans to fence the pond - it is about 4 ft. deep in places.

There were approx. 15 people present, favoring this project.

The Chairman asked for opposition. Mr. Holbik and Mr. Saunders were present, both stating that they are not actually in opposition, but being inexperienced in this kind of a development, wished to discuss certain things with the Board.

Mr. Holbik said he had a 178 foot back yard common line with this property. He asked what is the future of the open space adjoining him - could the Association put in a baseball diamond or picnic area between the tennis courts and his line?

Mr. Hansbarger said they are restricted in uses to what is shown on the plat - if they wish to expand their uses, they would necessarily come back to the Board. The Board can limit their uses or the location of those uses.

Mrs. Henderson noted that there are 130 feet between the tennis courts and the property line - she thought it unlikely that the Board would restrict this area against any reasonable use.

Mr. Holbik stated that he is a member of the Association and a member of the Board of Directors, but he objects to a baseball diamond or a similar use abutting his property. His house is about 60 feet from the rear line. His lot has 17,000 sq. ft. area. (This is West Lewinsville Heights subdivision). If no restrictions can be placed upon the use of this adjoining area, Mr. Holbik said he would be in opposition.

One of the members of the Association stated that this had been discussed with Mr. Holbik, and realizing his opposition, they had moved the pool to the other side of the tract. They had shown a badminton court on the plat on the west side of the property, but they removed that also in

February 23, 1960

2, contd. McLEAN SWIMMING AND TENNIS ASSOCIATION.

deference to Mr. Holbik's objections. He noted that if this area were restricted, it would mean that an area of 130 x 145 feet would be of no use to them.

Mr. Dan Smith suggested a solid fence long the property line between the pool area and Mr. Holbik - 6 foot, solid cedar. This would act as something of a sound barrier, Mr. Smith stated, and would close off any activity.

Mr. Saunders had the same objections as Mr. Holbik. He stated that he had no objection to the present layout - but was looking to the future of this area.

Mr. Holbik agreed that the fence would help but it would not do away with noise and nuisance. It was noted that an old barbed wire fence now surrounds this area.

The height and extent of the proposed fence was discussed, Mr. Holbik noting that there was approximately one or two feet slope in the property and that actually a 6 foot fence would not be more than a five foot fence on his side. He thought an 8 foot fence would be necessary to be effective.

The Board discussed with the applicants just who was notified of this proposed use, and it was found that there were no objections and all those most affected were notified. Two houses were closer to the property than Mr. Holbik.

Mr. Smith urged that an agreement be reached with the two objectors and the Association. It was agreed that probably a six foot fence would be sufficient. Mr. Lamond suggested that any differences should be resolved between the members of the Association and that the result of their discussions be brought back to the Board.

Mr. Northern again agreed to either fence the pond or drain it. He said it would be taken care of by time this project is completed.

Discussion of the fence was continued - it was the opinion of most of the Board members that the entire property should be fenced. Mr. Hansbarger suggested that this area on the west be left unfenced until it is used. A fence is expensive, Mr. Hansbarger said, and would add a considerable amount to the costs for the Association.

Mr. Lamond moved to defer the case for two weeks for Mr. Hansbarger to get together with the Association and come back with a recommendation to the Board with which the Association members could agree, particularly with regard to the fence.

February 23, 1960

2 cont.d McLEAN SWIMMING AND TENNIS ASSOCIATION.

Mr. Hansbarger urged the Board to complete the case at this hearing. Mrs. Carpenter seconded the motion to defer.

For the motion: Lamond, Carpenter.

Against the motion: Henderson, Barnes, Smith. Motion to defer - lost.

Mr. Smith suggested that the applicant be given an hour to work out differences, the Board to hear the case later in the day.

It was noted that this open area to the west could be used for parking expansion, if it is needed -- however, no parking could take place closer than 25 feet from the side line.

Mr. Smith moved that the application of McLean Swimming and Tennis Assn. to permit erection and operation of a community swimming pool and recreational facilities, be approved with the following stipulations: That the entire property be fenced with a 6 foot fence; the existing pond to either be drained or fenced before use of the swimming pool facilities; that the plat plan by Paddock Engineering Co. of Arlington, Va. dated Jan. 19, 1960, be adhered to; that authority for future installation of badminton courts and any additional uses of the property particularly on that area 130 feet deep on the west side of the project, must have an additional permit from the Board of Zoning Appeals for any use other than parking. It is also agreed that all other provisions of the Ordinance will be met. Seconded, Lamond. Cd. unan.

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3 - EDMUNDO G. MORALES, to permit office of a non-resident physician in an apartment, Jefferson Village Apartments, 801 Monticello Drive, Falls Church District. (RM-2).

Dr. Morales stated that this is a request for extension of his permit. At the previous hearing it was stated that effort by the Planning Commission would be made to rezone the buildings in this block to a C-O classification. Therefore, Dr. Morales said he had made no effort to find another location since he had expected to hear from the County on the progress of this application. However, he has investigated possibilities of another location and has found there is no office space in this area. There were no objections from the neighborhood.

The Chairman read the following statement from the Planning Staff:

> "The Board is advised that the Planning Commission has authorized advertisement for public hearing on its own motion the matter or rezoning to the C-O (office building) classification, the block of buildings including Dr. Morales" present office. Though the matter has not yet been set for public hearing, it is expected that such hearing will be held in the near future."

3, contd. EDMUNDO G. MORALES.

Mrs. Carpenter moved that Dr. Morales be granted a temporary permit to occupy this apartment in Jefferson Village until the matter of rezoning this property to a C-O classification has been resolved. Seconded, Lamond. Cd. unan.

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4 - CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA, to permit erection and operation of a dial center (Repeater Station), on the west side of Route 605, approximately 700 ft. north of the Dulles Airport, Centreville District. (RE-1)

The applicant was represented by Mr. Gordon Kincheloe.

Mr. Kincheloe located the property which is very near the Chantilly Airport and the Loudoun County line - a very strategic and important location in view of the expected development both in and around the airport. The nearest similar station is at Fairfax.

It was noted that the plats did not show location of the building, size of the building, location of nearest C and I zoning, there was no recommendation from the Planning Commission, no vicinity map showing utility system or other dial centers. Mrs. Henderson read from the Ordinance the section which sets forth these requirements, and that such information shall be before the Board before making a decision.

Mr. Lamond moved to defer the case until March 8th for complete information and a recommendation from the Planning Commission. Seconded Mrs. Carpenter. Cd. unan.

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5 - A. A. MIZELL, to permit erection of dwelling 15 feet from side property lines, Lot 38, Block 3, Mt. Vernon Terrace, Mt. Vernon District (RE-0.5)

In addition to notifying five people in the immediate neighborhood of this hearing, Mr. Mizell also filed a statement signed by five adjacent and nearby neighbors, saying they have no objection to this variance and assuring the Board that the granting of this request "will create no hardship nor misunderstanding in the community."

Mr. Mizell stated that lot 37 immediately adjoining him on one side is owned by Mr. Green. This lot cannot be used as it cannot be sewered and it cannot pass the percolation test. It was suggested that this lot may originally have been set up as a community lot. Mr. Mizell said he would tie into the sewer line.

Mrs. Henderson asked Mr. Mizell under what hardship he was applying.

5, contd. A. H. MIZELL

Mr. Mizell answered that last July he had contracted to buy this lot. He signed for it in October. In the meantime, he had gone to the zoning office to check on his setbacks in order to plan the house accordingly. He was told the required setback was 15' on each side and was given a printed copy of setback requirements for ~~all zones~~ lots of less width than required by the ordinance. After getting the assurance that he could put the house he had planned on this lot, he took title to the property and made application for a building permit in January of this year. His application was marked "15'" side line - exception necessary". He was then told that the setback should be 20' in this zone, as the lot width did meet requirements.

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Mr. Mizell said he had been granted his loan permit and all commitments have been made. It was an unfortunate error, Mr. Mizell went on, which unhappily put him in a very bad spot. He would not have bought this lot had he known he would have to meet the 20' setback as it would have meant redesigning his house. He has gone so far with everything now - it is difficult to change plans and he is ready to go immediately .

Mr. Mooreland said he did not know how the wrong information was given to Mr. Mizell -- he didn't know what question Mr. Mizell had asked when he came to the office. It could have been a misunderstanding all the way around.

Mr. Mizell again discussed the fact that Lot 37 cannot be used and suggested pulling the house 5" closer to that side line to give the full 20' on the side upon which a dwelling is built. Mr. Mizell said he had seen letters from the Sanitary Engineer and Health Department, saying Lot 37 could not be sewered and that it would not take a septic field. Mr. Green will not sell even a small strip of the lot - he wants to use the grounds for his boat and picnicking for his family.

Mr. Mizell, a builder for 33 years, stated that this is to be his permanent home, the ground is expensive, and the house he plans will add a great deal to the area. He thought the small variance would have no adverse repercussions.

The house is designed to fit the contours of the ground, two story in the back and one in front. It could not be set lengthwise on the lot. This is the only buildable lot in this area along the river.

Mr. Lamond said he would like to see the property - and defer to March 8th.

Mr. Mizzell went on to say that the commitment from the bank has a limitation which gives him a very few days. He called attention to the fact that banks are very independent and loans are not easy to come by. However, he agreed to ask for an extension of time.

February 23, 1960

5, contd. Mr. Lamond moved to defer the case to March 8th to view the property. Seconded, T. Barnes. (Mr. Lamond was called from the meeting)

The motion was changed to defer to March 8th unless Mr. Mizell cannot extend his loan commitment in which case the Board would set up an emergency meeting date prior to March 8th, after viewing the property. Seconded, T. Barnes. Cd.

It was agreed to meet Thursday the 25th to view the property.

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Mr. Mooreland read a letter to Mr. Chaskins regarding his compliance with fence requirements which Mr. Mooreland said his inspectors reported he has not done. The letter asked him to appear before the Board, March 8th. Mr. Chaskins called, saying he would be in Europe at that time - and for a period of two months. Mr. Mooreland then suggested Mr. Chaskins come before the Board today - but he was not present.

Mrs. Henderson had understood from Mr. Chaskins that he would plant the screen - fence of trees as required along the fence before March 8th. Mr. Mooreland said it should be in the record that when the fence is planted, "it will be maintained". That he considered very important. It was agreed that nothing could be done until March 8, the date Mr. Chaskin is scheduled to appear or have installed the tree-fence.

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The meeting adjourned

Mrs. L. J. Henderson, Jr.,
Chairman.

Mary K. Henderson

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, March 8, 1960 at 10:00 a.m. in the Board Room of the County Courthouse. All members were present, Mrs. L. J. Henderson, Jr., Chairman, presiding

The meeting was opened by a prayer from Mr. Lamond.

NEW CASES

1- FAIRFAX SCHOOL, INC., to permit extension of use permit granted April 12, 1955, for private school, on east side of Glen Forest Drive, approximately 321 feet north of Route 7, opposite Glen Forest Subdivision, Mason District (R-12.5)

Mr. John Wood represented the applicant. Mr. Wood recalled that a permit for operation of the school was granted by the Board five years ago. It has been a successful venture operating without complaint and they are now needing to expand. They purchased the ground on which the building was located and have made improvements totaling approximately $45,000. In this extension they will spend another $25,000. This has grown into a big thing, Mr. Wood stated, with a large payroll and investment; it has been well run and is without question, he continued, an asset to the County and it is well received in the neighborhood.

Because of their sizable investment Mr. Wood asked that a time limitation on this use not be placed on the granting.

Mr. Mooreland said he had had no complaints in the five years of operation. It was noted that no contemplated changes would encroach upon any of the property lines.

Mr. Lamond moved to grant the application without limitation as to time but that the permit be extended to the present owners only. Seconded, Mrs. Carpenter.

Mrs. Henderson pointed out that if the enrollment increased to the extend that additional buildings may be needed the applicant would then come back to the Board. She asked if sufficient parking has been provided on the property.

Mr. Reiss, one of the officers and owners of the school, said they were presently parking some cars on the side street but that they are enlarging their parking facilities on the property which additional space will be ready as soon as they complete the circular driveways.

It was pointed out also that all parking must be kept at least 25 ft. from property lines.

Mr. Lamond added to his motion that "parking for the school shall be on the school property." Mrs. Carpenter agreed. Motion carried unanimously.

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NEW CASES

2- T. S. BYINGTON, to permit carport to remain 9.93 ft. from side property line, (5805 Dawes Avenue) on south side of Dawes Avenue) on sodth side of Dawes Avenue adjacent to Dowden Terrace Subdivision, Mason District (R 12.5)

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Mr. Byington submitted letters from adjoining neighbors and pictures of his home showing location of the carport with relation to the adjoining neighbor and also indicating that the property slopes off abruptly immediately back of the house which would preclude locating a carport or garage at the rear.

When he started the construction, Mr. Byington said he thought he had complied with all County regulations. When he discovered the violation he immediately made this application. He pointed out that this is an angular shaped lot, the side line slanting closer to the rear line of his house than at the front. It creates the violation only at the rear corner of the carport. The property owner adjoining has no objection to the violation.

Mr. Mooreland noted that this is an .07 ft. violation since the carport setback could be 10 ft. from the side line.

Because of the brick wall around the carport Mr. Byington said he could not change the setback by moving the posts in as it is actually the brick that violates, the posts are 3" from the corner.

It was noted on the plat that the full right of way has not yet been taken. It is reserved for that purpose.

Mr. Byington emphasized the fact that the error came from the angled line of the lot. Had the line run perpendicular to the street there would have been no problem in setback. The contractor told him he could have an 18 ft. carport.

Mr. Lamond noticed that the certification of the engineer had been scratched from the plat. He suggested that the Board should have a certified plat showing location of both the house and the carport.

Mr. Byington stated that the plat is a copy of the one used when he bought the property and was part of the records, requiring a certified plat, when he took title to the property. When the carport was drawn in the certification was removed. He was very sure that the carport setback as shown is correct.

No one in the area objected.

The Board agreed that it would be necessary to have corrected plats before taking action on this case.

NEW CASES

2-Ctd. Mr. Lamond moved to defer the case until March 22 pending presentation of a certified plat showing location of the carport. Seconded, Mr. Dan Smith. Carried unanimously.

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3- LLOYD E. AND GRACE A. WALLINGFORD, to permit erection and operation of a kindergarten, first and second grades, on the east side of Falls Church-Annandale Road, Rt. 649 adjacent to State Hill and Masonville Heights Subdivisions, Falls Church District (R-12.5)

Mrs. Wallingford presented pictures of the existing building and the site of the proposed building and recreation yard.

Mrs. Wallingford said they had been surprised to discover that there is opposition to their proposed project, therefore she wished to revise her application to ask merely for the use of the existing building at this time and will present their plans later for the new building which she said would present the outward appearance of another dwelling. She thought the objection had come from the fact that the building they had proposed would look too much like a commercial type building.

If the permit is granted, Mrs. Henderson explained that the school could be operated in the building, so it would not be necessary to amend the application.

Mrs. Wallingford described the school as planned. They would have kindergarten, first and second grades, 175 children, half of them come in the morning, the other half in the afternoon, from 1 to 4 p.m. (They are now operating at 1735 Annandale Road at Raymondale.) They have been at this location for three years but have outgrown their quarters. It would be their plan to move complete operations to this location. With the new addition planned they may have a total of 240 pupils, 120 in the mornings and 120 afternoons. They operate buses, some families carpool and some children walk. In another one or two years, if they enlarge the school they will necessarily have more buses but there is sufficient area to park all buses and cars on the property. Eventually they would also build their own home on the property and use the existing building for school purposes entirely. They would not move the entire school here now, as they would live in the house and use only three rooms for school purposes.

3-Ctd. Mrs. Wallingford noted that there is a 20 ft. outlet road along the side of their property which goes to a dwelling to the rear of this tract. It is their plan to build one room onto the building now on the property. 236

The Chairman asked for opposition.

Mr. LaRue Van Meter represented a group of people from Masonville Heights which subdivision adjoins this property on the south.

Mr. Van Meter said the opposition was not directed at the applicants themselves, but they have tried to take an objective approach to the operation itself in this location. Therefore they have made a study, which he admitted is limited because of severe weather conditions, but he thought it pointed up some pertinent facts applicable to this situation.

Mr. Van Meter observed that 100% of the people living in State Hill Subdivision and 90% of those in Masonville Heights are opposed to the school locating here. He presented Dr. Williams from Department of Education who owns property immediately adjoining this site.

Dr. Williams presented petitions from State Hill Subdivision and from Masonville Heights, containing 159 signatures, all living in the immediate area and all opposed to this project. They believe the noise and the traffic would be increased because of the two sessions; the private cars, service trucks, garbage trucks, deliveries and maintenance trucks would all help to completely change the character of this semi-rural area. It would adversely affect the value of their homes and make it difficult to sell their homes. People would not wish to settle here because of the school.

Dr. Williams noted that the State Law does not provide restrictions nor standards for private schools, neither education-wise nor for construction. The law requires (for public schools) three acres of ground for kindergarten through the third grade and an additional one acre for each additional 100 children enrolled. According to that, this school should have 4.2 acres. He thought any private school should meet standards for state schools. He considered the Virginia Standards a minimum. Dr. Williams also criticized the shape of the property, with relation to the ratio of length to width. It should not be more than 5 to 3. This property is 5 to 2 or less.

It is greatly preferred to have land that is more nearly square. This ground is long and narrow with an easement along the side. Mr. Reagan, who lives at the rear and uses this easement is a contractor. This would be hazardous to the children. He noted the lack of sidewalks for walking children and location of bus parking.

3-Ctd.

Dr. Williams pointed out the lack of level ground on this property, the slope in the ground and the necessary grading which could cause a serious drainage problem. He deplored the lack of room for grass areas and hard surfaced playground. He suggested that they should have gardening space and other outdoor activity which could not be provided. This is undesirable educationally and physically, Dr. Williams charged. He questioned what their future expansion might be, houses, and swimming pools and other additions.

They have outgrown their other location, they want more pupils and more activities. Will they crowd this land to the top of its capacity? He insisted that the site is already too cramped for so many children.

Mrs. Dorothy Patterson objected, also stating that they have a 400 ft. common boundary with the school property. Their land is immediately to the north. She objected to encroachment upon a single family development of a commercial project which would produce noise, nuisance and traffic hazards.

Mr. Reagan who lives at the end of the 20 ft. outlet road objected to the danger of driving the length of this property with the continual threat of hitting one of the children. He is the only one who would ever use this road. His one truck goes in and out once a day and his own family car once or twice. His work hours are from 7:00 a.m. to 4:30 p.m. The vacant property to the rear would not use this road as an outlet.

Mr. Van Meter returned to sum up the objections. He listed 25 other schools within 12 minutes of this school, 15 of which they had checked and most of which he considered detrimental in one way or another, either property would not sell and lay unused or people were unable to sell or the neighborhood had depreciated and therefore property values had lessened. He noted two schools in a commercial neighborhood which he considered harmonious. Some of the schools had voluntarily put in screening which he considered effective. He urged the County to adopt standards for private schools and outline effective methods of screening and reducing the impact upon residential neighborhoods. The question remains, he continued, if these schools should be allowed in residential neighborhoods because of the social and economic

NEW CASES - Ctd.

3-Ctd. problems which inevitably arise.

This is not suitable he continued, because of the road-easement; it would take away the privacy of the people adjoining; there is insufficient land; the existing house should face the new school building so thennoise would be concentrated between the buildings. He also objected to the questionable uses over week-ends, when the school would not be in operation. People would congregate there, it would be used as a lovers lane, it would cause distress and discomfort to those living nearby; it is inharmonious with the neighborhood; depreciating to property values; it would result in an intruding commercial project. He objected to the ugly yellow buses parked on the property rear week-ends. He suggested at least a 100 ft. setback from all lines for all activity. The size and kind of the land he considered inadequate.

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Mr. Van Meter listed the schoolsthey had checked and told why their study had revealed they were incompatible in their location. Among these discussed were Juniper Lane School, Donna Lee, ~~Dallinates~~ PALNEZ, Humpty Dumpty, Stony Hill Day School, Flint Hill, Mary Downs, Valleybrook, Fairfax Day School, etc.

Mr. Foreman of State Hill discussed many of the items already brought out. Also Mr. Tambour and Robert Dugal spoke, opposing, discussing particularly the limited curriculum and the effect of the private schools checked have had on their neighborhoods.

Mrs. Henderson read the following report from the Planning Staff:

"A plat will be required to be approved by the Planning Office before a building permit can be issued on this property. The property is in violation of the Subdivision Ordinance as a result of a conveyance in 1948 which was not approved at that time."

Mr. Chilton explained that approval of the plat would have to be given by Public Works ~~on~~ for drainage, and by the Sanitary Engineer, this being a part of a larger tract out of which these parcels were sold.

Mrs. Wallingford was distressed at the opposition and assured the Board that she was amazed to find herself in such a situation but she had made a down payment on the property and was at a loss what to do about it. It was suggested that a denial of the application would no doubt release her from the sale and she could get a refund on the down payment.

Mrs. Wallingford minimized the nuisance her school would cause saying there would be no summer nor week end sessions. They plan for no

3-Ctd. horses nor swimming pool, their expansion is merely for more pupils. She gave a brief picture of the conduct of the present school where she has operated for three years without complaint and with a high degree of commendation from the patrons. The school has grown because there has been a demand for this type of school and the need is still great. They have seven teachers. The school runs six buses. The new building would be 46 by 75 ft.

Mr. Lamond recalled the 30 sq. ft. of floor area per child which is required by the State, noting that Mrs. Wallingford does not equal that. The Board took a five minute recess. Upon reconvening Mr. Lamond moved that the application of L. E. and Grace Wallingford to permit erection and operation of a kindergarten, first and second grades on the east side of Falls Church-Annandale Road adjacent to State Hill and Masonville Heights, be denied because the Board is of the opinion that it would not conform to the neighborhood and because of the hazard to traffic, both pedestrian and vehicular and for reasons found in Section 12.2.1: "The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the predominant residential character of the neighborhood or be incongruous therewith or conflict with the normal traffic on the residential streets of the neighborhood, both at the time and as the same may be expected to increase with any prospective increase in the population of the neighborhood, taking into account, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections, and the general character and intensity of development of the neighborhood." For these reasons because the case does not conform to this section of the Zoning Ordinance the case is denied. Seconded, Mr. Smith. Carried unanimously.

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4- WAYNEWOOD RECREATION ASSOCIATION, to permit erection and operation of a swimming pool, wading pool, bath house, childrens play area, tennis courts, and other recreational facilities, Parcel 21C, Section 7, Waynewood Subdivision, Mt. Vernon District (R-12.5)

March 8, 1960

NEW CASES

4-Ctd. Mr. Robert Moss, Secretary, and Mr. Seth Brewer, appeared before the Board.

This is a non-profit Virginia Corporation formed for the purpose of taking title to this ground which was set up by the developer (Mr. Gosnell) for this purpose. They now have 200 paid members. Mr. Moss showed the location of the nearest homes, on one side of the property; (no homes are yet build on the other sides) and indicated that these people living nearest the grounds have become members of the Club. When the subdivision has reached full development it will have approximately 750 homes. There are 8 1/2 acres in this tract. They are planning on a membership of 5e0 families; however, Mr. Gosnell will take over about 100 memberships which will be sold to people buying the new homes. Membership fee is $250. They have made arrangements to get the necessary money to go ahead and if this is approved by the Board the Manchester Corporation who have submitted bids will go ahead with the project. The total cost will be approximately $115,000. There will be one entrance and exit on Waynewood Boulevard.

Mrs. Henderson read the Commission recommendation: the parking stalls indicated on the plan are only 8.03 ft. wide which is too narrow. This office recommends that the minimum be 8.5 ft. preferably 9.0 ft. wide.

Mr. Chilton from the Planning Staff said he would revise that and say the stalls should be 9 ft. wide.

The open area at the south end of the tract will probably be used for softball, Mr. Moss stated. They will landscape the area, put in walkways and picnic areas and ultimately will probably fence the entire property. The trees in the front of the property will be retained insofar as possible, in fact all trees will be left wherever possible.

Mr. Moss presented a copy of the Articles of Incorporation and the By-Laws.

There were no objections from the area.

Mr. Lamond moved that the application of the Waynewood Recreation Association to permit erection and operation of a swimming pool, wading pool, bath house, children's play area, tennis courts and other recreational facilities at Parcel 21C, Sec. 7, Waynewood Subdivision shown on the plat presented with the case dated 12-21-59, revised 1-8-60 and 2-8-60 be approved and that the parking space for each car shall have a minimum width of 9 ft. No parking shall be closer than 25 ft. from any property lines; seconded, Dan Smith. Carried unanimously.

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DEFERRED CASES

1- CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, to permit erection and operation of a dial center (Repeater Station) on west side of Rt. 605, approx. 700 ft. north of Dulles Airport, Centreville District (RE-1)

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Mr. Gordon Kincheloe asked the Board to defer this case until after adoption of an amendment to the Ordinance which would include repeater stations. The amendment is now prepared and ready for hearing by the Planning Commission and will be heard by the Board of Supervisors early in April.

Mr. Lamond moved to defer the case until April 12, or until the amendment to the Zoning Ordinance becomes effective. Seconded, Mr. Barnes. Carried.

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Mrs. Henderson asked the Board to consider the deferred case of A. A. Mizell for erection of a dwelling 15 ft. from the side line on Lot 38, Block E, Mt. Vernon Terrace.

Mrs. Henderson said several members of the Board had seen the property and it appeared to them that the Ordinance did not give the Board authority to grant this request; however, she opened the hearing for any information that could not have been presented at the earlier hearing.

Mr. Hiss represented Mr. Mizell, who was present also.

Mr. Hiss stated that with respect to the Board's authority in this, legal authorities have said that if the Board believes in its own mind that a condition exists here which should be relieved, the Board can take jurisdiction. Jursidiction is a matter of the Board's own discretion.

Mr. Mizell stated that because of the fact that he made every attempt to determine the requirements and restrictions on this lot before he bought it and was incorrectly advised in the Courthouse, his advisers have stated that the Board has the right to take jurisdiction if they so determine.

The Commonwealth's Attorney is of the opinion that the first step in the granting of a variance can be met by the fact that the lot adjoining can never be used because of lack of sewer or septic, Mr. Hiss stated. However, Mr. Lamond stated that he had information that this lot could be sewered, by digging the ground out and filling with material that would take a septic.

DEFERRED CASES - Ctd.

1-Ctd Mrs. Henderson read letters from both the Sanitary Engineer and the Health Department saying this lot could not be sewered. However, the Board considered that a strong possibility existed that the lot could be used.

The reason for a side setback requirement, Mr. Hiss stated, is to protect houses from encroaching too close upon each other. This is a very small encroachment which would have no adverse effect even if the lot were used for a dwelling. But if the house were placed 20 ft. from the existing house and 10 ft. from the lot upon which it is very likely no dwelling would be placed and since there are no objections from anyone it is evident that the Board can handle this if they so determine.

Mr. Lamond said the Commonwealth's Attorney had said this could be argued either way.

Mr. Hiss insisted that the Board could even consider financial hardship in its own discretion.

Mr. Lamond stated that the Board had gone to great lengths to consider this from all standpoints; they had seen the property, had talked with the Commonwealth's Attorney, and had discussed it at length, he considered that there are unusual circumstances existing. He felt, after talking with the Commonwealth's Attorney that the Board should not deprive the applicant of a reasonable use of his land, to say he cannot put up the kind of building he has planned for is unreasonable.

Mrs. Henderson insisted that that argument could not be used, the man is not deprived of putting up another kind of house.

It was stated, however, that there were unusual circumstances since the man is already involved with the architect as to design and the time on his commitments.

If the Ordinance were used without the discretionary powers of the Board, Mr. Hiss suggested, no one could get a variance for anything. The human element enters into all these cases, he continued, and it is practically impossible to consider such cases without taking that into consideration.

The unusual circumstance here, Mrs. Henderson observed, is the fact that Mr. Mizell was given the wrong information in the beginning.

Mr. Lamond discussed step one under variances (page 56 - 11.5.5).

Before purchasing this property the applicant investigated well the

1-Ctd. the requirements for building on this lot and was given wrong information by the Zoning Office, that is that a lot with 100 ft. setback could have a 15 ft. setback. He was given a sheet of paper which indicated that in his case the 15 ft. setback was allowed. He relied upon that information.

In view of the foregoing statements it was determined that this was an unusual circumstance applying to the application; Mr. Lamond therefore moved that step one had been met. Seconded, Mr. Barnes. Carried unanimously.

Step 2: With regard to Step 2, that is arguable, Mr. Lamond went on, but that is where the Board may use its own discretion. The Commonwealth's Attorney has said that the function of the Board of Zoning Appeals is to give relief in such cases as they feel in their own discretion is right and equitable. It is equitable, Mr. Lamond continued, that a purchaser should be entitled to what is considered the reasonable and intended use of his land.

Mr. Lamond continued -- inasmuch as the applicant has secured certain information from the Zoning Administrator's office indicating that the building he had designed could be placed on the lot. This would be the reasonable use of the land as interpreted in the Ordinance, and denial of a variance would be depriving the applicant a reasonable use of the land.

Mr. Smith made the following summary: Based upon information received from the Zoning Office the applicant acquired certain basic plans, purchased the land and hired an architect to design a house predicated upon the information he had received. He then obtained financial commitments from loan organizations and obtained permission to hook onto the sewer system of the County and it was only in the last stages of getting the final permit that the error was discovered. Therefore Mr. Smith moved that to deny the requested variance would deprive the applicant of the intended use of the land. Seconded, Mr. Lamond. All voted for the motion except Mrs. Henderson who voted no.

Step 3: Mr. Smith felt that if the Board could be assured that no dwelling could be built upon the adjoining lot, there would be no question of granting the variance, but the usability of that lot is still undetermined. Mr. Lamond moved that the Board determine that the minimum amount of relief it can give is to have the house placed within 15 ft. of each side line; seconded, Mr. Barnes. All voted for the motion except Mrs.

March 8, 1960

Henderson who refrained from voting. Carried.

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Mrs. Henderson announced the Virginia Citizens Planning Association to be held May 8, 9, 10 - the 10th being the regulat meeting day of the Board of Zoning Appeals.

Mr. Lamond moved that the Board meeting dates for May be placed at May 17 and 31. The Board agreed.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

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Board of Zoning Appeals

The regular meeting of the Board of Zoning Appeals was held on Tuesday, March 22, 1960 at 10:00 a.m. in the Board Room. All members were present except Mrs. Henderson, the Chairman. Mr. Lamond, Vice Chairman, presided.

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

NEW CASES

1- HARRY F. HARRIS, to permit erection and operation of a service station with pump islands 25 ft. from front property line, on west side of Dunn Loring Road, Rt. 650, approximately 250 ft. north of Post Office Providence District (C-N)

Mr. Harris filed a petitionwith the Board signed by 55 people living in the neighborhood favoring the granting of this request. The signers of the petition live within 7 or 8 blocks of this location and Mr. Harris said he knew of no objections. He showed pictures of his proposed location which indicated that there is an operating grocery store on the north of him and a post office building near. He is surrounded on three sides by commercial zoning. He recalled that the two filling stations located at Rt. 7 and Dunn Loring Road had been forced to move because of right of way for the Circumferential therefore they are all without a filling station in this neighborhood. The nearest one is at Merrifield. Since this is commercially zoned property and a small business area is already developing here a filling station is a logical addition to neighborhood needs. This will be a two bay station; it has good visibility on Rt. 7.

Mrs. Stanley Fisher and Mrs. Luckel both spoke in favor of the case stating that a filling station was needed and wanted in the neighborhood.

The Planning Staff report stated "If this property is divided as indicated a plat of subdivision will be required to be approved before a building permit will be issued. A site plan will also be required to be approved."

Mrs. Carpenter moved that the application of Harry F. Harris for a filling station on the west side of Dunn Loring Road be approved with the understanding that the applicant comply with the recommendations of the Planning Staff. This is approved as it will not be out of harmony with the adjoining property. This is granted for a filling station only. Seconded, T. Barnes. Carried unanimously. (The applicant agreed to comply with the Planning Staff recommendation and to screen in accordance with requirements.)

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2- HERMAN GRENADIER, to permit erection of three dwellings with 40 ft. setback from front and 10.5 ft. from side property lines, Lot 344 thru 351, Block H, Memorial Heights, Mt. Vernon District (R-12.5)

Mr. Albert Grenadier (son of the applicant, and attorney) stated that through some misunderstanding the notices were not sent to adjacent property owners. He asked that the case be continued for two weeks.

Mrs. Carpenter moved that the case be deferred to April 12; seconded, Mr. Smith. Carried unanimously.

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Since the Board was ahead of its schedule Mr. Moorland asked the Board to consider definition of agriculture.

Chinchillas are back again, Mr. Moorland said, the question which has arisen before and never completely resolved - are chinchillas livestock? If so, their pens would necessarily have to be 100 ft. from all property lines. There are probably 100 people in the County raising chinchillas on a large or very small scale, some are kept in basements. These people could not meet the 100 ft. setback. This is a business, Mr. Moorland went on. It is clean, has no noise nor odors. Mr. Moorland considered that this should be allowed, but he was concerned about the conflict with the Ordinance. It would be almost impossible to locate the people who are in this business if it was determined that they should have the animals 100 ft. from property lines.

Mr. Lamond was of the opinion that chinchillas are livestock and should be classified under agricultural uses.

Mr. Moorland said parakeet raising was a similar business. They are clean and quiet. Mr. Lamond asked then what about rabbits, birds, chickens and other quiet little animals?

If he started out to require these small operations to come under the 100 ft. setback clause, Mr. Moorland could foresee the displeasure of certain members of the Board of Supervisors, as he had been criticized for administering the Ordinance too literally, or as it is written.

No action was taken.

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3- JOHN R. D. OLSEN, to permit dwelling addition to remain 16 ft. from side property line, Lot 5, Beech Tree Subdivision (1308 Beech Tree Lane) Falls Church District (RE 0.5)

Mr. Lippincott represented the applicant. He stated that all residents in the area have signed a statement that they knew of this violation and they

3-Ctd. have no objection. He presented a statement signed by 17 persons stating this.

Mr. Lippincott explained the error which started in the first drawing of the plat. Major Olsen thought they had 34 ft. from his house to the end of the proposed addition which would be 10 ft. from the side line, a total of 44 ft. from his house to the side line. A plat indicating this had been made up in conjunction with a lady in the Zoning Office who had apparently thought the 34 ft. plus 10 ft. was correct.

The papers went to the building inspector who took out the carport saying he did not have enough space, but approved the house addition.

Maj. Olsen went ahead with construction relying on his approvals.

The slab was laid, plumbing installed and approved by the plumbing inspector. He was then notified that the structure was in violation of the Ordinance.

The addition will be a substantial attraction to the dwelling and the neighborhood. Mr. Lippincott stated that no one objects. It was an unfortunate error. Major Olsen had no idea of trying to avoid Ordinance requirements. He made every effort to comply with whatever the County required. His plans were approved, the footings were approved and it appeared to be in perfect order.

Mr. Moreland suggested that the Board see the certified plat. At some time the 10 ft. were added, he did not know when, where nor why. He suggested getting the certified plat from the office. This case was put aside temporarily.

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4- MR. & MRS. R. A. SCHULTZ, to permit erection of a dwelling 39 ft. from Marshall Place and 15 ft. from side property line, Lots 18 & 19, Block C, Collingwood Manor, (corner of Collingwood Avenue and Marshall Place) Mt. Vernon District (RE 0.5)

Marshall Place, from which he is requesting a 39 ft. setback is a dedicated street, Mr. Schultz told the Board, but it is not opened. It is only a two block street and cannot be extended as it runs directly into a house across Arcturus Lane. There is no plan at this time to improve Marshall Place as no funds are available. There are four homes which have Marshall Place as their side line and none of the four meet the required setback. They range from 20 ft. to 37 ft. None of these homes front on Marshall Place.

NEW CASES - Ctd.

4-Ctd. Mr. Lamond suggested facing Marshall Place and meet the setback because if the street is opened, Mr. Schultz would have a non-conforming dwelling.

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He could face Marshall Place, Mr. Schultz agreed, but he would be facing the side of the house across the street and he would be fronting on a street which may not be opened nor improved for years.

He quoted a letter from Mr. Rasmussen which said in part -- "We regret that we do not have sufficient funds for providing improvements on Marshall Place, but we are hopeful that future budget appropriations will enable us to assist in work of this nature...."

Mr. Schultz said it is also under consideration to completely abandon Marshall Place since it is only two blocks long, no houses face on it and it cannot be extended for any appreciable distance. It would be an extreme hardship to him to face on an unopened street. He could not afford the cost of opening the street to his home. Mr. Schultz again pointed to the variances previously granted on Marshall Place.

It would be far more in keeping with the area, Mrs. Schitz pointed out, if they keep the house facing Collingwood Avenue and maintain the same setback as other houses on Collingwood rather than to turn the side to Collingwood and their backyard toward their neighbor.

Mr. Lamond questiondd the Board's jurisdiction with no topo condition and no actual justification for the variance. He read the Section of the Ordinance regarding the granting of variances, page 56 - 11.5 the only basis the Board has for granting variances.

Mr. Schultz asked why the Board could not consider other variances granted under the same conditions. Three other houses are going up, all with variances granted. He considered that to refuse this would penalize them unduly.

Mr. Lamond agreed that such variances were granted in many such cases under the old Ordinance.

Mr. Moreland suggested vacating Marshall Street which Mr. Schultz said could not be done because one person on the street will not agree to the vacation. That same person does not want the street opened.

Even if they did turn the house around and face Marshall Place the people in the neighborhood would not like it, Mrs. Schultz stated.

Mr. Moreland suggested that since more than 50 per cent of the dwellings on Marshall Street are closer to the right of way than required by the Ordinance, the Board might consider this variance under that section of

NEW CASES - Ctd.

4 - Ctd. the Ordinance allowing variances under such circumstances, it is up to the Beadd to determine if they have the authority to act in this case, he continued. 50 per cent of the dwellings have variances, that Mr. Moreland stated is peculiar to this land.

Mr. Smith agreed that the existing variances warrant some consideration and should allow some departure from the strict application of the Zoning Ordinance. Because Marshall Place will not be opened for an undetermined time and no houses face on Marshall Place, this could be considered out of harmony with the subdivision if this house were not placed facing Collingwood Avenue. These are two unusual factors in this case.

Mr. Lamond read the section governing variances.

Mr. Moreland suggested that the Board must be a little practical, having a situation where the street may never be opened, five houses out of eight on the street are built closer to the right of way than allowed, present a peculiar situation.

Mr. Smith made the following statements -- there are unusual circumstances surrounding this case, although they do not pertain to this particular lot but taking the subdivision as a whole these things should be considered by the Board. By the strict application of the Ordinance these people would be out of harmony with the neighborhood. The existing property owners feel it would be more harmonious to have this house placed the same distance back as their homes. That also should be considered, Mr. Smith continued.

Mr. Smith moved that this application be considered on the basis of the unusual circumstances and the Board procede to step two. Seconded, Mr. Barnes. Motion carried, all voting yes wxcept Mr. Lamond who voted no.

Second Step: Strict application of the Ordinance and reasonable use of the land, etc.

Mr. Barnes emphasized that the Board is discussing "this" building, and the use of the land as related to <u>this</u> building, not to <u>a</u> building. This is a moderate sized house, Mr. Smith noted, the applicant is not trying to crowd the lot, and because the applicant desires to locate the house so it conforms to the neighborhood it is a reasonable request.

This is the "building that is involved", Mr. Barnes pointed out, it is the only building the Board is discussing. The man wants to put up

NEW CASES - Ctd.

4-Ctd. "this building" which is a reasonable and desirable use of the land. The Zoning Office gave relief to other dwellings in this neighborhood before the Pomeroy Ordinance, Mr.Smith recalled, and the area should be developed in a harmonious manner.

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Mr. Lamond spoke for a more strict application of the present Ordinance. Mr. Smith pointed out -- there are five houses out of eight built with a variance. It would not be in keeping with the subdivision characteristics to have this home set out of line with these other houses. The Zoning Office has felt that granting these variances was in the best interests of the neighborhood. This is not in any way detrimental. The house is small, it is not an unreasonable request.

Mr. Lamond disagreed.

It was recalled that the Commonwealth's Attorney has said it is up to this Board to interpret the Ordinance and its own jurisdiction to act.

Mr. Smith said in his opinion this variance is necessary if this applicant is to have the reasonable use of his land. He has proposed a 46 ft. house which is not excessive in size, therefore he moved that the Board accept this and proceed to Step 3. Seconded, Mr. Barnes. For the motion: Barnes, Smith. Voting no - Mrs. Carpenter and Mr. Lamond.

TIE VOTE

In view of the tie vote, Mr. Smith moved to defer the case to view the property. Defer to April 12; seconded, Mr. Barnes. Motion carried.

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3-Ctd. JOHN OLSEN - Ctd.

Mr. Moreland returned with the certified plat of the Olsen case which showed that there had been no mistake in the original plat.

Mr. Lippincott admitted that not having all the information at hand, Mr. Olsen had misunderstood the side setback and thought he had more space than the plat showed. He assured the Board that he had no desire to place the shame on the Zoning Office, this was simply an honest mistake. Major Olsen did not know the requirements of the Ordinance, he relied upon an incorrect measurement. The mistake was not called to his attention until after he had started the addition and had spent a considerable amount of money. It would be an extreme hardship for him now to tear out his work. He had thought he had 34 ft. plus 10 ft. But the permit said the structure would be built 22 ft. from the line, Mr. Moreland noted.

NEW CASES - Ctd.

3-Ctd. Mr. Lippincott called attention to these lots which are 1/2 acre and in this case there are 50 or 60 ft. between buildings.

There were no objections from the area.

If this were stopped now, Mr. Lippincott continued, it would be a complete loss to Major Olsen. However, Mr. Barnes said he could see no hardship here that the Board could take into consideration, since financial hardship to the applicant cannot be held an issue. The plat shows a 22 ft. setback, everything points to a mistake that would appear to be unnecessary. Mr. Barnes moved to deny the case. Seconded Mrs. Carpenter. Carried unanimously.

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Mr. Lippincott urged the Board to reconsider their motion. He insisted that the 22 ft. setback was the distance to the old structure which was torn down before this was started and has no bearing on the present plans. He urged the Board to see Major Olsen's position. He came to the County for help and tried in every way to conform to what he thought were the requirements. Mr. Lippincott said he had tried to show that this was a unilateral mistake which was corraborated by various officials who handled the papers. All saw the plat and the setbacks and no one stopped it. He did not know what else Major Olsen could do. He was willing at all times to comply and he was never informed until after construction started that he was not complying. It would be expensive to tear this out now or take it through the courts. Mr. Lippincott said he had never been connected with a case where to his way of thinking there was more of a justified hardship than this.

Mr. Barnes agreed that this, no doubt, was not deliberate, but he felt there was nothing in the Ordinance which would allow the Board to grant relief.

Mr. Lamond asked Mr. Lippincott if he had a plot plan showing the Zoning Administrator's approval of the 16 ft. setback as indicated on the plat presented with the case. Mr. Lippincott said he did not.

The Chairman suggested that this discussion was out of order since the Board had passed on the case.

If the applicant has additional information to submit he should bring that information to the Board; before the 45 days allowed by the Ordinance for rehearing, Mr. Smith suggested.

Mr. Lippincott said he had presented everything he knew of that would tell the story of the case to the Board; the Building Inspector had

3-ctd. approved the site and the plans were approved, all further inspections passed and he thought the applicant should not be held individually responsible for the complete loss.

Mr. Smith moved that further discussion be discontinued and that Major Olsen be given the 45 days in which to make his appeal to the Board; seconded, Mrs. Carpenter. Carried unanimously.

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7- EVERETT O. TAUBER, to permit operation of a private school on north side of Arlington Blvd., approximately 400 ft. E. of Barkley Drive, Providence District (RE-1)

Mr. Swayze asked that this case be deferred to April 26. Mr. Barnes so moved; seconded, Mrs. Carpenter. Carried unanimously.

Deferred to April 26.

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5- ROBERT W. WHEAT, to permit erection of dwelling closer to side property line than allowed by the Ordinance, 1/2 mile east of Route 600 at the end of a private road, SE corner of Gunston Hall property, Mt. Vernon District (RE-2)

Mr. Wheat explained that he wished to take down the existing house and build a new structure in its place. He showed on his plat that a bank runs along the side of his building site, which is a knoll, and prevents him from locating the house nearer the center of the property. The bank is about 20 ft. The house was purposely set well back on the bank on the high point to be completely away from any possible erosion. (Gunston Cove forms the rear line of his property.) Also there are two wells which would serve the house one for the dwelling and one in the basement. This is the logical place for the house, the same spot as the old existing house, the view is very beautiful, the house faces the river. He showed pictures of the existing dwelling, showing its relation to the bank and the river. The new building would be 30 ft. x 76 ft.

Mr. Wheat said his property joins Gunston Hall on the north. Nothing will ever be built on that land, it is on that side where this variance would be. The nearest building is 3/4 mile away. By using this same site, Mr. Wheat continued, he could retain the trees which he desired very much to do.

Mr. Moreland noted under Section 8.2.5.4 of the Ordinance if the present dwelling burns down it could be rebuilt within one year on the same location.

5-Ctd. No one from the area objected.

The policy of the County has been to eliminate non-conforming structures, Mr. Lamond recalled, a new building on this property should therefore conform to present regulations. He thought 5 ft. too close to the line.

Mr. Wheat said he had tried to purchase ground from Gunston Hall but had been unsuccessful. They do not object to this variance but they will not sell even a small strip of land. He noted that the present building is 2.5 ft. from the line. He is bettering that, a little. He will be 5 ft. from the line.

Mr. Smith thought there was reason for a variance. This is an isolated piece of property adjoining an historic shrine. That land will not be used and they have no objection. The applicant has a topographic problem. He cannot build an adequate house on this property without encroaching on the hill that would create some erosion. If he took out other trees to build in another location it would cause erosion. It was noted that the entrance to this place is over an old private road which Mr. Wheat and one other family maintain.

Mr. Smith continued -- The Board has evidence of a topo problem and it is noted by the fact that Mr. Wheat has carefully planted the bank to protect the land from erosion, that he has the interest of the land at heart; if this existing building were burned, it could be replaced within a year. The applicant has maintained the road with an adjoining neighbor. This adjoins land that will never be developed, the trustees of that property have no objection to this. Mr. Smith said he believed that this is the kind of thing this Board is set up for, to give relief in case of a topo condition, which exists here and it is shown that without a variance the man cannot get a reasonable use of his land. Mr. Wheat will live in the existing dwelling until the new building is constructed. He is improving conditions. In view of these things Mr. Smith thought a variance reasonable.

Mr. Lamond thought the building could be moved farther to the west, toward the river where he would still be well back from the bank. He thought there was little chance of erosion because of the heavy planting and growth. However, he thought the Board should see the property before making a decision.

5-Ctd. Mr. Smith thought this an unusual case, the man has no neighbors, the property is 165 ft. x 490 ft. with a private road; it is not in any way injurious to Gunston Hall, and the river is on one side. Mr. Smith saw no reason to defer the case. He could foresee erosion by moving the site and removing more trees. He moved that with regard to Step I the Board consider the application on the basis of a hardship and a topographical situation; seconded, Mr. Barnes. Motion carried.

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Step 2: The fact that this land adjoins the river and is located on a river bank and there is some erosion on the one side of the property at this time and trees on the other side, to deny this application would deny the reasonable use of the land. Seconded, Mr. Barnes. Voting yes, Mr. Barnes and Mr. Smith. Voting no: Mrs. Carpenter, Mr. Lamond.

TIE VOTE

Therefore Mr. Smith moved to defer the case to view the property; seconded Mr. Barnes. Carried unanimously.

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6- JAMES A. BROUGH, to permit operation of dog kennel on 11.46614 ac. of land .4 mile W. of Hunter Station on N. side of Rt. 677, Centreville District (RE-2)

Mr. Brough said he plans to have about 15 dogs for show, no boarders. He will necessarily sell some of the dogs and will have stud service. All runs will be behind the garage not visible from the front. The runs will be about 180 ft. from the roadway. He showed pictures of the house and yard.

Mr. Brough said they can comply with all requirements of the Ordinance and they are 100 ft. from all property lines. The dogs will never be allowed to run loose. He will raise poodles.

No one from the area objected.

Mrs. Carpenter moved that a use permit be granted to Mr. James A. Brough to permit operation of a dog kennel on 11.466+ acres of land, located .4 mile W. of Hunter Station on the north side of Rt. 677 for a period of three years as this permit would not appear to be detrimental to the character of the land and neighborhood. This is granted to the applicant only. Seconded, Mr. Barnes. Carried unanimously.

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NEW CASES

8-ctd. MOBIL OIL COMPANY, to permit location of pump islands 25 ft. from right of way line of Rt. 236 and Rt. 617, SW corner Rt. 236 and Rt. 617, SW Annandale (Mason District) C-G

Mr. Fisher represented the applicant. Mr. Lamond read the following report from the Planning Engineer: "A site plan will be required to be approved for this use as parking will be provided on the tract for more than one development. The Thom McAn Store is located on this same tract. However, the plat does not indicate the correct boundary as it is recorded. Entrances indicated on this plan do not conform to the Zoning Ordinance and are not approved."

Mr. Moorland said - since this is considered as all one tract a site plan must be approved to show parking.

Mr. Fisher said the land had been surveyed for two tracts, however, Mr. Chilton from the Planning Engineer's office said it had not been recorded as two lots. Mr. Fisher said this ground totals five acres in one ownership and there are other leases. They would record the survey.

Mr. Moorland noted that he could not issue a building permit until this recording is done. Mr. Moorland noted also that the State gives permission to put in the curb cuts but the County gives permission for the location. The site plan would be approved by the Planning Commission.

No one objected.

Mr. Smith moved that a permit be granted to Mobil Oil Company to permit location of the pump island 25 ft. from the right of way line of Rt. 236 and Rt. 617, property located at SW corner of Rt. 236 and 617 at Annandale and that this be granted for a filling station only. In consideration of permit to locate the pump islands within 25 ft. of the right of way line the applicant or any subsequent owner must move the pump islands at his own expense at the request of the County or the State officials. This granting is tied to site plan as certified to by John R. Williams, January 28, 1960. Seconded, Mr. Barnes. Carried.

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DEFERRED CASES

1- SOCONY MOBIL OIL COMPANY to permit location of pump islands 25 ft. from right of way line of Rt. 123, NW corner Rt. 123 and Rt. 677, Providence District (C-G)

Mr. Fisher represented the applicant. Mr. Lamond read the following report from the Planning Engineer:

DEFERRED CASES - Ctd.

1-Ctd. "As long as this property is leased and not divided or sold the Subdivision Regulations will not apply. However, if the property is conveyed in accordance with paragraph 26 of the lease, plat approval will be required and a service road will be required to be dedicated and constructed along Rt. #123. The application indicates entrances 40 ft. wide, the Zoning Ordinance limits entrances to 30 ft. A site plan will be required to be approved for this use before a building permit can be issued. The station is not set back 75 ft. from Old Courthouse Road."

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Mr. Fisher recalled that this came up a year ago and as a result of discussions at that time they have made a lease on this. They knew of the conditions which would be required in case of a sale of the property. They can meet all setback requirements except the pump island. There are no pump islands on Old Courthouse Road. The building would be located 75 ft. from Chain Bridge Road and 50 ft. from Old Courthouse Road. There is nothing between the building and the right of way on Old Courthouse Road.

No one in the area objected to this use nor to the variance.

Mr. Smith moved that Socony Mobil Oil Company be granted a permit to locate their pump islands 25 ft. from the right of way line of Rt. 123, property located at the NW corner of Rt. 123 and 677, this is granted with the following stipulations - that the installation be constructed in compliance with the plot plan submitted with the case showing the Stinnett property, certified plat prepared by Osle C. Paciulli dated 2/19/59. Further stipulations are that conditioned upon this permit, the owner or any subsequent owner will move, at their own expense, the pumps and the pump islands when requested to do so by the State or County officials. This installation must meet all other requirements of the Zoning Ordinance and shall have approval of the site plan; seconded, T. Barnes. Carried unanimously.

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2- HENRY SMOOT, ET AL, to permit erection and operation of service station and permit pump islands 25 ft. from right of way line of new Chain Bridge Rd. and permit variance on rear yard, part Lot 6, Sec. 5, Salena Village, Dranesville District (C-D)

Mr. Fisher represented the applicant.

Mr. Lamond quoted the following from a report made by the Planning Engineer:

2-Ctd. "The lot line at the rear of the service station does not exist at the present time. The division of Lot 6, Section 5, Salona Village, into two lots will require a plat of resubdivision to be approved by this office. The plat with the application indicates entrances 50 ft. wide and the maximum entrance permitted in Section 6-1-5 of the Zoning Ordinance is 30 ft. A site plan will have to be approved by the Planning Commission before a building permit can be issued."

Mr. Smoot told the Board that Lot 6, a double faced lot having frontage on both Old Chain Bridge Road and new Chain Bridge Road has been divided into two lots both with a frontage of 200 ft. or more. Lot 6A, on which the filling station will be built has a depth of approximately 105 ft. Lot 6B is under contract to the owners of the McLean Professional Building to be used for parking space.

The dividing lot line has not yet been surveyed as the applicant wished to present the entire picture to the Board , showing the size and shape of the two lots; the line will be surveyed and the lots recorded when this is granted.

It is not practical to use this entire lot for the filling station, Mr. Fisher stated, because of the 12 ft. difference in elevation between the two roads and the filling station must be located at the street level. Old Rt. 123 being so low it would be necessary to construct a nine foot wall in back of the filling station in order to get from one end of the lot to the other.

The building, in order to meet the 75 ft. front setback would be on the rear dividing linewhich would create no hardship ~~from~~ for anyone and it would remove the possibility of piling trash at the rear of the building.

Mr. Lamond thought the second lot was too small for any practical purpose.

Mr. Smoot said he did not know what might be done with that lot in the future if they sold it to the Medical Building people. They plan to use it for parking now but whatever other plans they may have, he did not know.

No one in the area objected to these variances.

Mr. Fisher suggested that granting relief in a case of this kind was well within the jurisdiction of the Board and in fact was the type of hardship the Board was set up to relieve.

Mr. Smoot said it would be difficult to use this lot for a single use as, if it were built up to meet the higher grade at the road level, the rear of the lot would be so low it would be unusable. Two lots with two different elevations would be the only solution.

Mr. Smith moved, ~~that~~ in the case of Henry Smoot, to permit erection and

DEFERRED CASES - Ctd.

2-Ctd. operation of a service station and permit pump islands 25 ft. from right of way line of Chain Bridge Road and permit variance on rear yard, Lot 6, Salona Village, the variance on both the pump island and the rear setback to be approved. In consideration of issuance of the permit on the pumps and pump islands, the present owner or any subsequent owner or occupant will remove the pumps and pump islands (at their own expense) at the request of the County or State officials and that all other requirements of the County Ordinance shall be met.

The variance on the rear setback is granted on the basis of 11.5 of the Ordinance as it is the opinion of this Board that it meets all requirements of that section. Seconded, Mr. Barnes. Carried unanimously.

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3- CITIES SERVICE OIL COMPANY, to permit erection and operation of a service station and variance from setback requirements on pump islands and permit rear yard less than required by the Ordinance, on west side of Branden Avenue, 775 ft. north of Bland Avenue, Mason District (C-G)

Mr. Beall appeared before the Board representing the applicant. Mr. Lamond read the following comments from the Planning Engineer:

"The rear lot line does not now exist where shown on the plat. If this property is to be cut of the larger parcel as indicated, a plat of resubdivision of Parcel 4 of the East Garfield Tract will be required to be submitted to the Planning Office for approval. This plat also indicates 50 ft. entrances instead of the 30 ft. maximum permitted. A site plan will have to be approved by the Planning Commission before a building permit can be issued."

Since he appeared before the Board the last time, Mr. Beall said they had acquired more land in the rear and the applicant will no longer need a variance on the rear setback. All he is asking now is the permit to operate and the 25 ft. setback for the pump islands. Mr. Beall said he had not known that a site plan would be required but it would be furnished and the curb cuts would be worked out.

Mr. Smith moved that the case of Cities Service for permit to operate a filling station with pump islands 25 ft. from the right of way of Branden Avenue be granted, allowing the pump islands to be located within 25 ft. of Branden Avenue and that no variance be granted on the rear yard and in consideration of the issuance of the permit to so locate the pump islands, the present owner or occupant or any subsequent owner

3-Ctd. or occupant shall, at the request of the County or State officials, move the pump islands, at their ownexpense and all other requirements of the Zoning Ordinance shall be met. Seconded, T. Barnes. Carried unanimously.

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4- ROADSIDE, INC., to permit erection and operation of a service station, permit building 10 ft. from rear property line and permit pump islands 25 ft. from road right of way line, on N. side of Rt. 236, approximately 200 ft. W. of Prosperity Ave., Providence District (C-N)

Mr. Fairchild represented the applicant, pinch hitting for Mr. Hall. It was recalled that the applicant was requested to purchase more land at the rear of his property, if possible.

Mr. Fairchild told the Board that he had contacted the Eakins who own land to the rear but they are unwilling to sell even a small strip of ground.

Mr. Fairchild showed pictures of the highway, the new structure and the old dwelling which has now been torn down. The filling station is to the east of the new building.

The Board and Mr. Fairchild discussed at length the depth of the zoning here, which was increased when the Highway Department took right of way for widening. The ground to the rear of this property is zoned for business. Roadside's property is 112 ft. deep, bordered on one side by residential zoning.

Mr. Lamond read the Planning Engineer's report:

"Entrances exceed the 30 ft. maximum permitted. A site plan will have to be approved by the Planning Commission before a building permit can be issued."

5- The Board was reluctant to grant this with only 112 ft. depth and it was noted that the plot plan was not complete.

Mr. Smith moved to defer the case indefinitely, suggesting that the applicant make further effort to buy more land and to present complete plot plans. Seconded, Mr. Barnes. Carried unanimously.

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5- T. S. BYINGTON to permit carport to remain 9.93 ft. from side property line 9808 Dawes Avenue, on S. side of Dawes Ave. adjacent to Dowden Terrace Subdivision, Mason District (R-12.5)

Mr. Byington presented plats showing the carport to be 9 ft. from the side line. This discrepancy is a matter of measurement. He had measured the outside of the supporting post. The other side of the

5-Ctd. carport is about 14 ft. The distance between the carport and the house on adjoining property is 29 ft. This was a construction error, Mr. Byington explained. He planned a two car carport. They shot the line wrong. No one knows just how the error was made. Somewhere along the way there was a slip. The concrete footings are about 4 ft. wide. The floor is a concrete slab. Mr. Byington said the topo of the lot would prevent him from locating the carport any other place on the lot. The ground slopes off immediately at the rear of the house. The other problem is the angled side line which bears in toward the house rather than being at right angle.

There was no one objecting in the area; in fact all the people in the neighborhood most affected signed statements asking the Board to grant this case.

Mrs. Carpenter said that in her opinion Step I of variances applies in this case because of the unusual shape of the lot and the topography. Step 2: It would be an unreasonable restriction on the land if the applicant were denied use of this land for a carport, Mrs. Carpenter continued, and it would be unreasonable if he were denied use of this building, which he has already erected for a carport.

Based on the reasons just given, Mr. Smith moved that the Board go on to the third step. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Carpenter moved that, in the opinion of the Board, this variance as requested, is the minimum relief the Board could give and that the carport be allowed to remain 9 ft. from the property line; seconded, Mr. Barnes. Carried unanimously.

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6- AMERICAN OIL COMPANY, to permit erection of gasoline filling station and allow pump island to be within 25 ft. of front property line and building to be within 15 ft. of rear line, Lots 55, 56, 57 and 58, Block B, Memorial Heights, Mt. Vernon District (CDM)

Mr. Harry Morse and Mr. McCloud represented the applicant.

Mr. McCloud described the zoning and business uses in the immediate area, showing that this is in a generally commercial location insofar as uses are concerned. He also submitted sworn statements from the adjoining property owner to the rear saying he had no objection to the variance requested and sworn statements from adjoining property owners on both sides and to the south, all saying they have no objections and they considered the use an asset to the neighborhood and the County.

6-Ctd. While the zoning immediately adjoining is residential it is very likely that property adjoining will go commercial in the near future, Mr. McCloud predicted.

It was noted that in order to get the 25 ft. setback for the pump islands the 75 ft. setback on the building is required.

This cannot be done and meet the rear setback Mr. McCloud said, the building would necessarily be on the rear line. Mr. Lamond objected to granting the 25 ft. setback when the lot is not deep enough to meet the 75 ft. setback and still maintain a rear setback.

Mr. Smith stated that the plot plan presented could not be used as the applicant now asks to waive the rear setback and the plan does not show that.

Mr. Smith moved to defer the case until April 12 in order that the applicant may present more realistic plans, plans which will show what the applicant is requesting; seconded, Mr. Barnes.

Carried unanimously.

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Mr. McCloud objected to the requirement that the pump island be moved at the applicant's expense, if the 25 ft. setback is granted.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

Board of Zoning Appeals

The regular meeting of the Board of Zoning Appeals was held in the Board Room of the Fairfax Courthouse on Tuesday, April 12, 1960 at 10:00 a.m. All members were present, Mrs. L. J. Henderson, Jr., Chairman, presided.

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

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1- ALEXANDRIA SAND & GRAVEL CORP., to permit operation of water pumping and storage facilities, south side of Edsall Rd., easterly adjacent to Blk. 4, Bren Mar Park, Lee District (RE 0.5)

Mr. Andrew Clarke represented the applicant. He located the site and stated the purpose of this application, a use permit to operate a settlement basin for siltation purposes. This pond was put in during April 1959, Mr. Clarke stated, when no permit was required. After adoption of the Pomeroy Ordinance the Bren Mar Planning Commission Citizens Association wrote to the Zoning Office asking that the pond operation be held up until a permit could be obtained. They have negotiated with the Commonwealth's Attorney and a list of conditions have been drawn up under which they will operate:

"Conditions for the Issuance of a Use Permit to the Alexandria Sand and Gravel Corporation, for the Construction and Use of a Settlement Pond on property lying to the south of Edsall Road, owned by the Applicants"

(a) A row of red cedars (minimum height, 4 ft.) would be planted at 25 ft. intervals from the NE corner of the property, parallel to Edsall Rd. to the existing wooded area at the NW corner. A second row of oak of maple trees (minimum height, 12 ft.) would be planted at 25 ft. intervals to the rear of the first row.

Agreed to, with the understanding that white pines (4 to 6 ft.) may be substituted for cedars.

(b) An identical double row of trees would be planted from the existing wooded area in the vicinity of Teresi Drive, south along the western boundary of the property, to the rear of 1206 Bren Mar Drive.

Agreed to, with the understanding that white pines (4 to 6 ft.) may be substituted for cedars.

(c) Scrub pine seedlings randomly planted for a depth of 100 ft. at 25 ft. intervals south from Teresi Drive, approximately 500 ft., to a point which is in line with the southern most point of Lot 6, Block B and the extreme southern end of the basin.

(d) No trees would be planted along the eastern bank of the basin.

(e) All bare ground would be sodded or seeded.

(f) Climbing roses planted along northern fence line at 50 ft. intervals.

(g) All banks to be seeded or sodded, at our option depending on conditions at time of completion of basin.

(h) Milky spore would be used wherever sodding is placed.

1-Ctd. (i) The owner would agree to reseed or resod and to replace dead trees whenever the need therefor becomes apparent.

(j) Low spots would be graded and/or filled to prevent standing water.

(k) Grounds would be maintained in an attractive manner.

(l) No pumps or other machinery of a permanent nature would be installed or maintained on the property, and no earth or gravel would be removed from the property except for grading. No gravel operations would be conducted on the premises.

(m) The owner would agree that no industrial use would be made or sought to be made on the property during the existence of the basin. In addition, no other use would be made or sought to be made unless the Civic Association were first notified thereof and given a ninety day period to discuss the same."

Mr. Clarke noted that the conditions listed on the plat are substantially the same except for modifications on (c), (f) and (g). It was recommended by the Planning Commission that this be granted.

Mr. Ledebur from Bren Mar Citizens Association stated that negotiations and cooperation with the applicant had taken place to the satisfaction of the Association members. They have no objection to the permit being granted under the conditions listed.

Mr. DiGuillian said the pond would remain the same size. There would be no reason to enlarge it.

Mr. Lamond moved that the application for a use permit by Alexandria Sand and Gravel be approved with stipulations as outlined on memorandum submitted with the case by Bren Mar Citizens Association with the noted changes in paragraphs, particularly (c), (f) and (g), modified as shown on the written statement. This is granted in accordance with plat presented dated February 1960 by Richard W. Long. The stipulations on the plat obtain plus those on the written statement submitted in agreement with the Citizens Association. It is understood that the applicant must comply with all provisions of the Ordinance. This is granted for a period of five years.

Mr. Moreland objected to the time limit saying it was not required under the Ordinance. Mrs. Henderson disagreed, pointing out that this use comes under Group I and this Board has the jurisdiction to decide that. This is not a public utility, Mrs. Henderson contended. The Board agreed with the Chairman. The five year limitation was not removed. Mr. Barnes seconded the motion. Carried unanimously.

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2- O.K. NORMAN, to permit erection of a bath house, Parcel 2, Bonniemill Gardens, (south of Rt. 636) Mason District (RE-1)

Mr. Norman stated that he had been operating a swimming pool here for fourteen years. Most of that time it has been free to neighbors and

2-ctd friends. On August 17,1954 he was granted a permit to make a small charge to pay operating expenses. Since that time he has had many expenses -- the health department suggested that he put in bath house facilities closer to the pool. He wishes to do that now. He has operated this, Mr. Norman said,mainly for children whose people could not afford to belong to a club. This has been operated all these years with no injuries to anyone, they have the necessary life guards and no children have been refused a swim because they do not have the price of admission. There is no advertising, it is used only by friends and neighbors in the immediate vicinity. The pool has been loaned out to organizations at various times for charitable purposes - fire department and Citizens associations and recreation groups. Swimming lessons have been given for 25 cents a lesson. Many children have learned to swim here, Mr. Norman continued, who other wise would have had no opportunity to learn.

The pool is 900 ft. from the highway on a private road. Mr. Norman said he has 20 acres, however, not all of that is used for this purpose. The plat showed location of two pools, tennis court, bath house and the dwelling. He has built a second smaller pool for the younger children or those who swim very little. Mr. Norman said he owns land on both sides of the private road. There are few homes in this area . No one objects. His charge is from 35cents to 50 cents. Many who can't pay go in. Mr. Norman said there was never any intention of making a profit on this. He would like to break even on the operations. He would not expect the admission to take care of the improvements, that has run into considerable money which he would never recover. There were no objections from the area.

The parking area iss sufficient to observe the 25 ft. setback on parking from the road which is privately maintained.

Mr. Smith moved that a permit be issued to Mr. Norman to erect a bath house and to maintain a community recreation center including swimming, tennis courts, two pools and bath house. It is understood that adequate parking shall be provided on the property within the limits of the Ordinance. This permit is granted under Section 12.8.6 Community Uses only. Seconded, Mr. Barnes. Carried unanimously.

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3- GREGORY M. KOYIADES, to permit erection of a porch and carport 47.1 feet from Highland Street, (9004 Woodridge Road) Mason District Lot 197, Sec. 3, Pinecrest (RE 0.5)

April 12, 1960

2-Ctd. Mr. Koyiades showed pictures of his house and yard pointing out that this addition would be a distinct improvement to his place and also showing why he felt he could not put the carport flush against his house.

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He had left a 4.9 ft. walkway between the garage entrance and the house in order to come in the driveway without taking out these large trees. It would also detract from the addition if there were no room for planting between the house and driveway. This would be a covered walkway. There is a steep rise from Woodridge Road. Mr. Koyiades admitted that the lot is level in the rear and could take a garage but that would necessitate changing the driveway.

Mrs. Henderson then suggested a one car garage which could meet the required setback from Highland St. That, Mr. Koyiades said , would not look good and would not be practical.

Mr. Koyiades' architect, Mr. Berry, spoke for the applicant.

The Board discussed alternative ways of having the garage, none of which Mr. Koyiades considered satisfactory. He said he and his architect had figured every conceivable way to get this on the lot and still maintain the attractive appearance and serve utility and this, they believe, is the only way it can be done.

Mr. Lamond said he saw nothing presented in the case which would give the Board the right to grant this. The ground is level in the rear, there are alternate locations or adjustments in plans that could be made.

Mr. Barnes moved that the application of Gregory Koyiades be denied as there is not sufficient room on the lot for this addition as planned and there is nothing in the ordinance which would allow the Board to grant such a variance. There is no evidence of hardship and there is an alternate location. It is also noted that there is room for a one car garage. Seconded Mr. Lamond. Carried unanimously.

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4- CITIES SERVICE OIL COMPANY, to permit erection and operation of a gasoline station with pump islands 25 ft. from right of way line of Rt. 236, property at NW corner of Rt. 236 and Old Columbia Pike, Rt. 712, Mason District, (C-N)

Mr. Beall represented the applicant. He said they do not plan to have pump islands on the Old Columbia Road side at this time. He noted that this parcel is carved out of a large commercial area which borders this on the side and rear.

4-Ctd. That property has access to Old Columbia Road. The widening of Rt. 236 is in process. Right of way has been acquired. The design of this station has been tailored to this ground and the ultimate highway design. Of the four corners at this intersection three are presently zoned for commercial uses. He pointed out that Old Columbia Road rises as it leaves Rt. 236 so it would necessitate a considerable amount of grading if entrances were to be developed there. There is a demand for filling station use at this corner which they hope to supply. He also noted that the edge of the paving on the proposed widening does not come up to the property line, therefore the highway leaves an 8 ft. strip between their approaches and the highway right of way.

Mr. Chilton noted that the service road cannot be required here as this does not come under Subdivision Control. However, he also called attention to the fact that site plan approval could require that.

The Chairman asked for opposition.

Mrs. Lloyd White objected to another filling station in this area. She asked that this case be deferred so the property owners in this area could make a further study of the situation. They did not realize this property was divided into two lots. One of the lots will face her house. She asked what kind of business would be put there.

The Board could see no reason to defer the case - the property had been properly posted and advertised. The area has been zoned commercial for a long time, many other types of business could go in here.

If the other parcel comes up for hearing, it was suggested that Mrs. White could then present her objections.

It was also suggested that the site plan could require screening if the adjoining neighbors requested it, since the second parcel is joining residential land.

Mr. Smith observed that the building as located on the plat does not meet the 75 ft. setback. Mr. Beall said they could meet that setback.

Mr. Smith moved that Cities Service Oil Company be issued a permit to erect a filling station 75 ft. from the Old Columbia Road and 75 ft. from Rt. 236 and that the pump islands be permitted to be placed 25 ft. from the new right of way line of Rt. 236. This property is located at the NW corner of Rt. 236 and Old Columbia Pike, Rt. 712. In the issuance of this permit in allowing the applicant to place the pump island 25 ft. from the right of way it is understood that the present owner or occupant or any subsequent owner or occupant shall move the pump islands at their own expense if told to do so by County or State officials.

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4-Ctd. It is also understood that a site plan must be approved by the Planning Commission and the use established here acceptable to the regulations of the Zoning Ordinance; seconded, Mr. Lamond. Carried unanimously.

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5- MR. AND MRS. ROBERT WINTERS, to permit erection of an addition to dwelling 8 ft. from side property line, Lot 23, Blk. 3, Parcel 4, Section 1A, Bucknell Manor, 960 Swarthmore Dr., Mt. Vernon District (R-10)

Mr. Dan Handler represented the applicant. Mr. Handler showed pictures of the dwelling indicating the location of the addition and also showed pictures of another dwelling in the neighborhood to which a similar addition has been added. This room would be used for recreation purposes (growing family).

It would not be satisfactory to put this room on the rear, Mr. Handler stated, it would not look attractive and it would not be practical.

Mrs. Henderson said she could see no hardship - nothing in the presentation would warrant such a large variance.

There were no objections from the area.

Mr. Lamond moved that the application be denied because there has been no evidence of hardship presented, and there is an alternate location for the addition; seconded, Mr. Barnes. Carried unanimously.

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6- MRS. MILDRED C. MCGILL, to permit operation of a day camp, on west side of Magarity Rd. (Rt. 650), 1 mile north Rt. 7, (503 Magarity Rd.) Dranesville District (RE-1)

Mr. and Mrs. McGill appeared before the Board. This summer day camp will be conducted at Miss Thompson's School on Magarity Rd., Mrs. McGill stated. This, however, is not sponsored by the school. It will be run for 8 weeks in the summer from 9 to 4, five days a week, starting June 20 and running through August 12. They will use the swimming pool and tennis courts on the grounds. There are available to them 13 acres of lawn and woods. They will conduct nature studies and go on hikes. The facilities here are excellent, Mrs. McGill stated. They expect to have about 50 children, possibly more, ages 6 to 14. The Staff will conform to American Camping Association standards, 6 to 8 children to one staff member.- above that age, 1 to 10. This will be conducted along the same lines as Mrs. Thompson's previous summer day camps - soft ball, swimming, nature studies, tennis and an indoor crafts program. They will provide transportation, picking up the children at their homes. The

6-ctd. drivers will all be 25 years or older with fiveyearsdrivingexperience in the metropolitan area. They are active members in the American Association. Mrs. McGill continued that they have been active for 10 years.

The owner of Miss Thompson's School, Mr.Barnekov and Mrs. Fisher were present. Mr. Barnekov was highly complimentary to the McGills both as to their character and experience.

Mrs. Fisher said they hoped to continue this during future summers.

Mr.Smith moved that a permit to operate a summer camp be granted to Mrs. Mildred C. McGill on property known as Miss Thompson's school located on west side of Magarity Rd. one mile north of Rt. 7, the permit to run concurrently for an indefinite period of time and that this permit be issued to the applicant only and shall not be transferable. It is understood also that all other conditions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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7- MARY MARGARET & JULE G. MACKALL, to permit division of property with less lot width and less area than allowed by the Ordinance 4.283 acres, proposed addition to Langley Forest, at end of Hampshire Road, adjacent to Langley Forest, Section 5, Dranesville District (RE-1)

Henry Mackall represented the applicant. Mr. Mackall located the 4.2 acre tract with relation to River Oaks subdivision, Langley Forest, Section 4, immediately to the south and Section 5 immediately to the west and adjoining. He called attention to the fact that the only entrance to this tract is by way of Hampshire Road which runs through Langley Forest, Section 5. He also pointed out the interchange of the Circumferential Highway and George Washington Parkway, and the land owned by the Federal Government to the north. There are 60 acres of undeveloped land between this area and the Federal Government property.

Mr. Mackall presented two plans of development for the 4+ acres - one on a one acre basis (4 lots) the other on a half acre basis (5 lots). Because of the topography, the flood plain which follows Dead Run along the south and east of the property, this tract would necessarily be developed with a cul-de-sac.

If the land is developed in four lots the houses would be located back so far as to be too close to the filled drainfield. With five lots the cul-de-sac would be shortened and the houses could be pulled forward away from the low ground.

Mr. Mackall stated that while this area is now all in one acre zoning - the original zoning here was half acre and many of the lots range between half acre and one acre in size. The square footage runs from 21,781 sq. ft. to 31,670 sq. ft. in one area. In another area to the south, lots run from 32,000 sq. ft. to 43,000 sq. ft.. Most of these lots are under the frontage requirements now existing. Other lots are one acre or more. The lot size has been worked out on a block by block basis. This property would be developed like the areas adjoining, the lot sizes running from 34,000 sq. ft. to 36,167 sq. ft.

In view of the development of the surrounding property and the topo, Mr. Mackall insisted he was asking for no more than the reasonable use of this land.

Mrs. Henderson did not consider crowding a piece of property to the fullest to be a reasonable use of the land. The Board of Supervisors zoned this area for one acre lots, Mrs. Henderson considered that the granting of a lesser lot size on this small piece of land was defeating the intent of the Board's action.

Mr. Mackall explained that he had first filed for rezoning to half acre. The Planning Commission did not wish to break in to the zoning pattern but suggested that the variance be filed to accomplish the division.

Mr. Mackall pointed out that there is a natural swale on one side of this property and the stream on the other. This creates a triangular area for development which can be used only by employing the cul-de-sac treatment. All of the lots will be steep - the houses will have to be two story or open basement. You cannot put the rambler type house on these lots even if the lots are larger because of the slope of the land.

Mr. Mackall said the Commission recommended unanimously that the Board of Zoning Appeals grant this lot division. It will not change the map, it will be merely continuing the present development and will not set a precedent for development of other property. To develop on the present zoning would result in practical hardship because of the irregular steep character of the tract. The topography of the ground actually determines the placement of the lots and it is evident that if the tract is developed into four lots the drain fields would be in soil which is not suitable.

The Chairman read a list of "Findings" presented by Mr. Mackall setting forth the statement of the case, the reasons for the variance and the suggested decision by the Board.

7-Ctd. Mr. Mackall introduced Mr. Reid who would build the houses on these lots.
Mr. Reid showed pictures of the type houses he would build.
Mr. Reid said it would be difficult to properly develop the streets and drainage here on four lots. He would build approximately $40,000 homes.
The Board asked to hear the Commission minutes of this case.
The Chairman asked for opposition.
Mr. Richard McCann, chairman of the Zoning Committee of Langley Forest Citizens Association stated that the Association met during March and considered this. They voted unanimously against any rezoning in the area which would mean lots less than one acre. The Association is regretful to take this stand as they have great confidence in Mr. Reid but they feel that even granting the variance would accomplish the same thing as a rezoning. The County could allow more houses on the property than set up in the Ordinance. They believe this granting would be a wedge that could be used by anyone who had the same conditions. Almost all of the vacant land in the area has an irregular topography and many other owners might come back to the Board with the same request.
Mr. McCann charged that this property was bought only four months ago, the purchasers knew of the conditions at that time and no doubt had full intentions to ask for a variance which would in effect break down the Zoning Ordinance.
The action of the Planning Commission was simply to take the monkey from their backs and put it on the Board of Zoning Appeals. The Commission recommended against the rezoning. Five houses on four acres is down-grading the area and creating more density than exists in this area. The land is beautiful and it could make very lovely large home sites. They are strongly in sympathy with Mr. Reid and would favor a variance or easement to ease his hardship - the four houses would require variances, to which they would not object. But this request for the very maximum use of the land is too much. Mr. McCann said he could see no real reason to grant this. The four houses would work very well and that would be a reasonable use of the land.
Mr. Mackall pointedout that there are not 100 families in this whole area who have lots that meet the zoning ordinance requirements and no more than 30 have 1 acre lots.
Mr. Mackall noted that Mr. Schumann did not recommend anything on this. He opposed the rezoning because of the precedent it would set for development of the 60 acres to the north. It was after discussions with the Commission

and Mr. Schumann that they decided to file this case which would not change the zoning nor the character of development.

The Ordinance provides that the lot in existence when the Zoning Ordinance was adopted was changed. This would not change the map, it would simply be carrying out existing development.

Mrs. Henderson noted that houses on the undersized lots are non-conforming, but one cannot start building a non-conforming house.

Mr. Reid said he was presently building on lots recorded under the old Ordinance.

The length of the cul-de-sac was discussed.

Mr. Lamond moved that the Board consider Step I. He was of the opinion that unusual dircumstances applied here because of the steepness of the land and irregularity in the shape of the property. He moved that Step I applied; seconded, Mr. Barnes.

Mrs. Henderson, Mr. Lamond and Mr. Barnes voted for the motion.

Mr. Smith and Mrs. Carpenter did not vote - motion carried.

Mr. Lamond moved that the unusual circumstances or conditions would deprive the applicant of the reasonable use of the land and that some variance is necessary in this case. Lots on adjoining development are somewhat of the same sizes and area; seconded, Mr. Barnes.

(Step II) For the motion - Mr. Lamond, Mr. Barnes and Mr. Smith.

Mrs. Carpenter did not vote. Mrs. Henderson voted no, because she was unable to tell (the map not being drawn to scale) if the variance is needed. She did not consider four lots on this property unreasonable.

Carried. Step III - In order to give the applicant the use of the land with the least amount of variance Mr. Lamond moved that the proposal "A" (five lots) be approved; seconded, Mr. Barnes.

Mr. Lamond, and Mr. Barnes voted for the motion. Mrs. Henderson voted no.

Mr. Smith and Mrs. Carpenter did not vote. Motion carried.

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8- ROBERTS, INC. to permit major alteration of a non-conforming building 0.4 ft. from #236 and 7.1 ft. from Columbia Pike, Triangle between Little River Turnpike from Columbia Pike, 1.31 acres, Mason District (C-D)

No action was taken on this as Mr. Moreland said it was taken care of by action of the Commonwealth's Attorney.

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9- ANNANDALE BUSINESS CENTER CORP., to permit erection and operation of a service station and permit pump islands 35 ft. from right of way line Columbia Pike, on southerly side of Columbia Pike #244 opposite Annandale Firehouse, Mason District (C-D)

Mr. Wilkins represented the applicant. He recalled that this case was held up for the pump island setback amendment. They can meet the 50 ft. setback from the right of way but are requesting a 35 ft. setback on one island from Columbia Pike. The building can meet the required 75 ft. setback. He noted the irregular shape of the lot which would make it difficult to observe setbacks for both islands.

Mr. Wilkins also noted that these lot lines as shown on the plat are not sale lines - the lot is not recorded. It is merely drawn so the people using the property will know the extent of their use.

Mr. Chilton noted that if this parcel is sold a plat showing a resubdivision of Lot 5 would have to be put on record before the applicant could get a building permit. The entrances also would have to be revised. He also stated that a site plan would be required.

Mr. Wilkins said he had appeared before the Commission on this and they approved it.

Mr. Floyd Harris, owned of Lot 3,4,6 of this same tract, asked to see the plat. He objected to the variance on setback, saying his business is set back 114 ft. from the road.

Mr. Dan Smith moved that Annandale Business Center be granted a permit to erect a filling station in accordance with the plan presented and that the pump island on Columbia Pike be not less than 35 ft. from the right of way line. In consideration of this permit it also is understood that the present owners or occupants or any subsequent owners or operators will move the pump island back at the request of County or State officials at their own expense. Mr. Smith noted that the only variance granted on this is the 35 ft. setback for the island from Columbia Pike; seconded, Mrs. Carpenter. Carried unanimously.

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10- THE SPRINGBOARD RECREATION CLUB, INC., to permit erection and operation of a swimming pool, wading pool, bath house and club house, on N. side Deepford Road, westerly adjacent to Springfield Estates Elementary School, Lee District (Rel2.5)

The gentleman representing the Club stated that they did not notify adjoining property owners, as they had never received notification

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10-Ctd. themselves of the date of hearing. The usual form letter which is sent to all applicants telling them of the date of hearing and notifying them when to advise adjoining property owners was apparently never sent. There was no carbon copy in the file. It was stated, however, that the area was well notified of the hearing and there was great interest in this. As far as was known there was no opposition. The School Board and one adjoining owner were notified when they wrote to them regarding an easement. Actually many more than five people were notified, but the applicants had no official evidence of that fact. The property was posted and a notice was in the paper, but the applicants did not know of the requirement to notify five people with proof of notification.

Mr. Lamond suggested deferring the case to notify people, to which the applicant objected, saying they are running against time to get this thing in operation by summer. They have 100 applications from immediate neighbors who wish to become members.

The Planning Staff sent the following report - Deepford Road is not dedicated as a public street. There is some question as to whether this property has legal access to the use of this road.

Mr. Chilton said the southerly 30 ft. was acquired by Lynch, the other by the County, but the road has not been dedicated. Mrs. Henderson thought that should be cleared up before the next meeting.

Mr. Chilton said the road has been used by the public but as to the right to use it for this purpose, he did not know. He thought the applicant should go to the Board of Supervisors or the School Board to straighten it out.

Mr. Lamond moved to defer the case until the applicant could establish the status of Deepford Road, to learn if it is a public street. The case is also deferred to give the applicant opportunity to notify people in the immediate area as required. Deferred to April 26. Seconded, Mrs. Carpenter. Motion carried.

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11- DARRELL E. HALING, TO permit erection and operation of a miniature golf course, and club house with snack bar, south side #644, approx. 200 ft. east of Elder Avenue, Lee District (RE-1)

No action was taken on this. Mr. Mooreland said the case was filed in error.

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April 12, 1960

DEFERRED CASES

1- HERMAN GRENADIER, to permit erection of three dwellings with 40 ft. setback from front and 10.5 ft. from side property lines, Lot 344 thru 351, Block H, Memorial Heights, Mt. Vernon District (R-12.5)

Mr. Albert Grenadier, son of the applicant represented his father. Mr. Grenadier recalled that this case was before the Board in 1957 and he thought a variance was granted at that time. Construction did not start, however, because of illness. Therefore time on the permit had run out. He noted the triangular shape of the property which makes it difficult to develop without variances. It was noted also that this is an old subdivision divided with very small lots. This plan has resulted in a combination of the small lots.

If the houses are located 45 ft. back from Oak St. they would have practically no side line, therefore they are asking the 40 ft. setback. Mr. Grenadier noted that there are semi-detached houses to the rear. These would be single-family dwellings, each with a 50 ft. frontage or more. As it is planned the dwellings would be 14 and 15+ ft. from the side lines and 10.5 ft. between the houses. It would appear to be the best solution for these small lots, as far as spacing and setbacks are concerned. This would be an improvement to the neighborhood without causing any adverse effects on other property.

Mr. Grenadier stated that his father had owned these lots since 1949. They were not purchased for a quick sale or with any idea of squeezing the maximum number of houses on the lots.

At the time this variance was first granted, Mr. Grenadier continued, in September 1957 it was found that there was a drainage problem which has been corrected.

The Chairman asked for opppsition.

Mrs. Dickinson, who lives in Buckness, questioned how three houses could be put on this property. She is the adjoining neighbor on the west. She asked that the setback on her side be maintained.

The Board discussed the location of the houses at length, in an effort to get the setback which would be the least objectionable and give the most adequate space between houses.

Mr. Smith discussed the irregular shape of the property and the difficulty in developing. He considered this to be a well designed layout to take care of an unusual situation.

1-Ctd. This land has been in the same ownership for several years, Mr. Smith stated, it was not purchased for a quick sale. The owner applied for a variance in 1957 and got it. He did not go ahead with his plans because of the fact that he wished first to resolve the drainage problem and because of illness. He thought this a reasonable request and therefore moved that the application of Herman Grenadier to permit erection of three dwellings within 40 ft. of the front property line and 10.5 from the side lines, on Lots 344 through 351, Memorial Heights be approved. This is granted because this is presently a parcel of 8 lots and by combining and using them as single-family dwelling lots the development will result in only three houses. This is a very unusual circumstance because of the irregular shape of the parcel of land which is triangular. These conditions are not usually present and are therefore unusual.

This land has been in the present ownership since 1949. The Board granted the applicant a permit in 1957, the records will show, and due to circumstances beyond his control the applicant could not go ahead with the building within the time limit. To deny this application the Board would be denying the applicant a reasonable use of his land, therefore he moved that the application be granted. Seconded, Mr. Barnes.

Mr. Lamond suggested moving the house back farther to leave a 12 ft. side setback. This design seems to be the reasonable use of the land, Mr. Smith said, in moving the house back, the only objection is from a lady who does not want any house close to her. The 40 ft. front setback gives a maximum setback against the objector's property. This appears to be a harmonious arrangement and it gives the applicant the minimum variance, and a reasonable use of his land. The houses which will be put up are small; however, after further discussion by the Board, Mr. Smith amended his motion to grant a 12 ft. side setback on the side lines of the two end houses. Seconded, Mr. Barnes. Carried unanimously.

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2- MR. AND MRS. R. A. SCHULTZ, to permit erection of a dwelling 39 ft. from Marshall Place and 15 ft. from side property line, Lot 18 and 19, Block C, Collingwood Manor, (corner of Collingwood Ave. and Marshall Place) Mt. Vernon District (RE 0.5)

2-Ctd. This was deferred to view the property.

Mr. Schultz presented a statement from six property owners in the immediate area, all stating that they preferred to see this house face on Collingwood Ave. "We believe the house to be built on Lots 18 and 19 of Block C should face.... Collingwood Avenue. To face any other way would be incongruous and incompatible with the other homes in the neighborhood and to the detriment of the subdivision, thereby causing hardship not only to the owners of this individual property, but to the other homeowners as well."

Mr. Smith stated that after viewing the property he was convinced that unusual conditions apply here. There are a number of variances in existence in this area on houses recently built. Marshall Place is an unopened street and if a house were to face that street it would back up to the house on the neighboring lot. On the opposite corner, Marshall and Collingwood, the house has been built 20 ft. from Marshall St., therefore an unusual circumstance is present on this land, and step one pertains. Seconded, Mrs. Carpenter.

With regard to step 2, Mr. Smith continued, the strict application of the Zoning Ordinance in this case would be detrimental to the neighborhood and would not allow the land owner a reasonable use of his land. These are small houses, smaller than the houses on adjoining lots. Therefore Mr. Smith moved that the Board find that Step 2 applies; seconded, Mr. Lamond. All voted for the motion except Mrs. Henderson who voted no, as she did not think it unreasonable to face Marshall St. The house could be put on the lot without a variance.

Regarding Step 3, Mr. Smith stated that in his opinion this is the minimum variance that could afford relief, the house is small, smaller than many others in the subdivision, this is a corner lot and Marshall Place - while it is dedicated - is not an opened street.

The people in the area have a petition signed to vacate Marshall Place but only one person on the street is unwilling to go along with that petition, therefore the street could not be vacated.

Mr. Smith moved to grant this with a setback of 39 ft. from Marshall Place, and 15 ft. from the side property lines, dwelling located on Lots 18 and 19, Block C, Colliggwood Manor. Seconded, Mr. Lamond. All voted for the motion except Mrs. Henderson who voted no. Motion carried.

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3- ROBERT W. WHEAT, to permit erection of dwelling closer to side property line than allowed by Ordinance, 1/2 mile E. of Rt. 600 at the end of a private road, SE corner of Gunston Hall property, Mt. Vernon District (RE-2)

This case was deferred to view the property. Mr. Wheat recalled the reasons for asking this variance, to use the two wells and to have the house well back from the bank.

Mr. Lamond moved to deny the case. He felt that there is no unusual circumstance here to warrant the granting and there is an alternate location for the house without variances. It is shown in the evidence that the desire to locate the house on the old foundation is purely a personal one and there is no evidence of hardship nor are there any unusual circumstances that would permit the applicant to so locate his house. Therefore Mr. Lamond moved to deny the application because Step one does not pertain. Seconded, Mrs. Carpenter.

Mr. Smith said he thought there was some reasonffor consideration in this case. The conservation of trees, this being on the edge of the river, and if he moved the house and removed trees for another location there could be a matter of erosion. Also if the house is moved it would be closer to other property. Gunston Hall, adjoins this on the variance side and will probably never develop their land. The land adjoining them is wooded and this would have no adverse effect upon them. To require the applicant to move his house back would be depriving him of the view of the river, but if it would deny him the reasonable use of his land - that, Mr. Smith said - he did not know.

Mr. Lamond, Mrs. Carpenter and Mrs. Henderson voted for the motion to deny; Mr. Smith and Mr. Barnes voted no. Motion carried.

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4- AMERICAN OIL COMPANY, to permit erection of gasoline station and allow pump islands to be within 25 ft. of front property lines and building to be within 15 ft. of rear line, Lots 55, 56, 57 and 58, Block B, Memorial Heights, Mt. Vernon District (CDM)

Mr. Harry Noyes represented the applicant. This case was deferred for submission of new site plans.

Mr. Noyes reviewed the case, recalling that this case has been before the County since March 1959. The property was zoned to CDM by the Board of Supervisors. They submitted a site plan to the County in December 1959. The case was deferred at that time for the setback amendment.

4-Ctd. The new plats showthe building to be 75 ft. from U.S.#1. Mr. Noyes read affidavits from Mr. Hunt, owner to the rear, and Col. Summey, saying they have no objection to this use. Mr. Noyes said he assumed that Mr. Hunt would apply for commercial zoning.

By bringing the building back 75 ft. from U.S.#1 the building will necessarily be about 4 ft. from the rear property line, Mr. Noyes stated.

Mr. Chilton reported from the staff that a site plan will have to be approved before a building permit can be issued. Entrances will have to be revised and screening will be required along the north and east property lines. The building is indicated within 1 ft. of the rear line instead of 15 ft. requested on the application.

Mrs. Henderson said it was obvious that the lot is not big enoughtfor this use. However, Mr. Noyes disagreed saying the oil company thinks it is sufficient, the property at the rear will be zoned commercial in time and in that case his setback would be within regulations.

Col. Summey who owns property a few lots from this within the block had no objections.

Mrs. Giles spoke in opposition. Her property is on U.S.#1 within the same block as this property. She objected to a filling station use, because of the size of the lot, they should buy more property - which Mrs. Giles said is available. They realize other commercial projects can go in here, but they want a good development which will be an asset to the area, they do not wish to see development start with a crowded filling station. This would be dangerous to school children.

Mrs. Baungarten objected for the same reasons.

Mr. Noyes said this has been held up for over a year. There are no objections from immediate property owners, the objections just expressed are not valid, they are leaving room for highway widening in the 75 ft. setback for the building. This lot is not substantially smaller than others on which filling stations have operated successfully in the County.

The Board agreed that the lot is too small especially in a location surrounded by residential zoning. The applicant is not denied use of the land if this is not granted.

Mrs. Carpenter read from the Ordinance, Sec. 4.4.3 saying this does not conform to these regulations.

Mr. Lamond moved to deny the case as it does not conform to Sec. 4.4.3 of the Ordinance; seconded, T. Barnes. Carried unanimously.

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5- JOHN R. D. OLSEN, Request rehearing

This case was denied at the last meeting, Mrs. Henderson recalled, and it was said at the time that Mr. Olsen could exercise his right to request a new hearing within 45 days, if he had new evidence to present which could not reasonably have been presented at the original hearing. Mr. Olsen was present. He reviewed the case, revealing nothing new. This was the result of an honest error, Mr. Olsen stated. He had no intention of avoiding the ordinance requirements. He had received approvals on each step of the permit. He is now ready to hook on to the sewer.

Mrs. Henderson regretted that the Board was bound by the Ordinance suggesting that perhaps there should be a place in the Ordinance which would give the Board wider latitude in granting cases of this kind. However, she did note that the applicant has a reasonable use of his land and the violation was not caused by any fault of the Ordinance. It appears that expansion to the house could be made in the rear.

In view of the lack of new evidence in this case, Mr. Smith stated, it is not possible under the Ordinance for the Board to entertain the suggestion of a new hearing. However, she continued, Mr. Olsen still has time to get together new evidence and come back to the Board before the 45 days expire.

The Board agreed that as it stands the original motion to deny this is effective. Mr. Smith moved that the building shall be removed within 60 days, after the 45 days which allows Mr. Olsen to present new evidence for a rehearing. (This would in effect give him 105 days from the date of denial within which to remove the building.) Seconded, Mr. Barnes. Carried unanimously.

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C & P TELEPHONE COMPANY - Mr. Gordon Kincheloe represented the applicant. This case was inadvertently left off the agenda. Mr. Lamond moved that this case be heard. Seconded, Mrs. Carpenter. Carried unanimously.

Mr. Kincheloe displayed a map showing the location of this site. This property 1.66 acres, has been optioned by the telephone company for the purpose of taking care of telephone facilities in connection with the Chantilly airport. The map showed the building and parking area.

Mr. Kincheloe also showed statistical data required by the Ordinance; the property within one mile zoned for industrial and business uses.

April 12, 1960

This is more than one mile from business uses and there is no industrial zoning within one mile. The nearestbbusiness is at Floris, two miles away.

The telephone cables and wires set up in the airport will center in this operation. They must have facilities to pick up these lines and carry them on. Mr. Kinchelee showed their lines, two main trunk lines from this repeater station running to other parts of the County. (Mr. Kinchelee noted that this map is confidential.)

A repeater station is a facility that houses the repeater equipment. Mr. Kinchelee explained that this increases the volume and distributes. Mr. Blinkinstaff, general superviser, and Mr. Wilson, engineer, were present.

Mr. Blinkinstaff said there would be no more than 2 or 3 people in the building during the day. They would be there for maintenance purposes and because of insurance requirements.

Mr. Chilton said the Staff would make no recommendations for screening because this is such a remote area. It did not appear necessary.

Mr. Kinchelee said the company would landscape the yard, and the building will be in keeping with the community. It will cost approximately $800,000. The ground has been tested for percolatiman and is satisfactory on one side.

No one in the area objected to this use.

Mr. Smith moved that the C & P Telephone Company of Virginia be issued a permit to erect telephone repeater station in accordance with plans submitted this date (April 12, 1960) with notation on the top of the sheet - Dulles Airport. This is granted in accordance with Section 12.8.2 as amended by the Board of Supervisors April 6, 1960. It is understood that all requirements of the County and State ordinances shall be met. Seconded, Mr. Barnes. Carried unanimously.

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Melpar - Planting

Mr. Branden Marsh came before the Board to discuss plans for planting at Melpar. Mr. Moreland read the following letter:

(dated April 7, 1960

"Dear Mr. Marsh:

The planting of trees and shrubs to serve as a screen between Melpar and Pine Springs as proposed by Mr. Barrett will be satisfactory if 5 ft. hemlock, Tsuga canadensis is used rather than 4 ft. white pine, Pinus strobus.

The proposed spacing and use of flowering shrubs and other trees are satisfactory.

The planting between Melpar property and the Pine Spring School is satisfactory as proposed by Mr. Barrett.

(S) C. S. Coleman, Soil Scientist"

Mr. Smith moved that the planting as outlined thethe letter from Mr. Coleman to Mr. Branden Marsh dated April 7, 1960 be approved and in accordance with plan submitted; seconded, Mr. Barnes. Carried unanimously.

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Roadside, Inc. - Mr. Hall represented the applicant. This case was first deferred for the setback amendment, Mr. Hall recalled, then again for revision of the layout. He noted that the building is now relocated to comply with the Ordinance.

It was noted that this property is not divided into lots and this operationn will be located on leased land, upon which the applicant has a purchase option. The building is back, as shown on the plat, 54 ft. from the right of way of Little River Pike. That road has been widened.

Mr. Moreland said the building should be back 75 ft. as this is a primary highway, if the Board grants the 25 ft. setback for the pump island.

Mr. Hall thought that was not reasonable on a highway which has taken all the right of way they need for widening. However, he said he could go back the 75 ft. but it would bring the rear of the building within 9 ft. of the rear line. This is the Bakin property at the rear which is zoned for business uses. Mr. Hall said they had made a serious effort to purchase land from Mr. Bakin, but were unsuccessful.

Mr. Smith moved that the application of Roadside, Inc. to permit erection of a service station, be granted with a variance allowing 9 ft. from the rear property line in order to conform with the 75 ft. setback of the building from the property line in the rear. It is noted that the line is not straight across the back of the property but has a lesser depth along the filling station area and the applicant has made every effort to acquire additional property PUMP ISLANDS MAY BE PLACED within 25 ft. of the right of way line of Rt. 236 and the present owner or occupant or any subsequent owner or occupant agrees that if requested by the State or County officials to move the pump island back he will do so at his own expense. The plot plan will be revised to meet these specifications and shall be approved by the Planning Staff. All other state and county requirements shall be met. Seconded, Mr. Lamond. Carried unanimously.

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April 12, 1960

Mr. Moereland read a letter from Mr. George Vanderwende asking for a rehearing on the matter of Harry F. Harris (filling station) granted by the Board on March 20, 1960 on the grounds that the posting was not easily visible, he was not notified and he is one of the most affected property owners, those notified were not in the immediate area and were therefore not affected, the premises now used by the applicant are an eyesore.

Mr. Smith recalled that there were no objections to this case when it was presented. In fact, several came before the Board urging that it be granted.

In view of the fact that the hearing of Harry Harris was properly advertised, posted and notification requirement was met in accordance with the hearing, Mr. Smith said he could see no evidence which would enable the Board to hold another hearing. The Board was overwhelmed by the fact that the people in the neighborhood appeared to want the filling station in this location. They considered it a convenience and a necessity for the neighborhood. All provisions of the Ordinance have been met. In view of these facts, Mr. Smith moved that the request for rehearing be denied; seconded, Mr. Lamond. Carried unanimously.

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Mr. Moereland asked the Board to read the definition on page 12 of "Community Uses" then to look at RE-2, Column 1.

It was agreed that country clubs and golf courses all operated by membership only, community buildings, civic and cultural centers not in a public ownership and not conducted for gain, could go in any R district as a matter of right, therefore without a permit from the Board of Zoning Appeals.

Mr. Moereland handed a letter from Mr. Northrup regarding Lot 38, Block E, Mt. Vernon Terrace to Mrs. Henderson, for reply.

The Board agreed after a restudy of page 56 and the new amendment that it may permit filling stations, not considering it a ~~use permit~~ VARIANCE ON PUMP ISLANDS but a special ~~permit~~ VARIANCE and therefore it is not necessary to follow the steps.

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The meeting adjourned.

Mrs. L. J. Henderson, Jr.
Chairman

The Board of Zoning Appeals

The regular meeting of the Board of Zoning Appeals was held on Tuesday, April 26, 1960 at 10:00 a.m. in the Board Room, Fairfax County Courthouse All members were present, Mrs. L. M. Henderson, Jr., Chairman, presiding.

NEW CASES

1- MINNILULU T. WITT, to permit operation of a summer camp, (Valleybrook School) Lot 1, Section 1, Taynton's Addition to Valley Brook, (220 Rose Lane) Falls Church District (RE 0.5)

Mrs. Witt appeared before the Board detailing the activities planned for the day camp -- swimming, baseball, cook-outs, horse shoe, horseback riding, hiking, the usual outdoor activities. She would have children ranging in age from 4 to 12; the camp would be in operation from 9:00 thru 4:00 with a limit of 60 children.

Mrs. Witt called attention to the fact that they have purchased an additional acre of ground which was not shown on her plat. They will use this for the baseball. ~~Also~~ The swimming pool is on the ~~additional~~ same acre.

Mrs. Witt recalled that she obtained a permit from this Board in 1958 to conduct a private school on this property. She now has 50 children. A letter was read from Mr. Taynton from whom this property was originally purchased, saying he had no objection to the summer camp.

In view of the fact that none of the activities were shown on the plat and the plat did not include the entire area to be used, Mr. Lamond moved that the case be deferred for proper plats. Mrs. Witt offered to bring the corrected plats to the Board if the case could be deferred to later in the day. Mr. Lamond withdrew his motion.

Mrs. Witt continued with her explanation of her activities. She now has children ranging from 3 to 8 years, in the private school, most of whom are in the first grade and kindergarten. There are three in the second grade - children who need special help. They review the first grade and take some second grade work.

Mr. Lamond also suggested that the ingress and egress be shown on the plat as well as the parking which should be kept 25 ft. from all property lines.

Mrs. Witt stated that they have bus service for some of the pupils. A few furnish their own transportation - there are seldom more than 4 or 5 cars on the property at one time.

The Chairman asked for opposition.

1-Ctd.

Mrs. Birtwhistle read an opposing statement, the full text of which is made a part of the record file. Her statement brought out the following facts -- the executive committee of the Holmes Run Citizens Association opposed the original permit for the private school and a group from the Association appeared at the hearing. It was granted however, for a kindergarten and first grade. The school is now operating outside the permit granted, in that a ballet school is being conducted, girl scout meetings, baseball practice and other social activities, classes above the first grade are held, and Mr. Dodd is using the school as his business office.

This present school and the summer camp would not serve the community. Only five children walk. The building is deserted at night and not lighted.

Mrs. Birtwhistle also objected to the traffic and speed, danger to children, Mr. Dodd backing out into the street with his large trucks. She labeled this "creeping commercialism" and asked the Board to deny the case.

Mr. Frank Bradley from Greater Holmes Run Park Citizens Association stated that the executive committee of the Association had discussed this case and agreed on a unanimous objection. Mrs. Ryan, 402 Valley Brook Drive objected to the lack of faith of the school operators in that no one attends the building at night. She objected to a commercial office in the building (Mr. Dodd).

Mrs. LeFebvre asked the Board to refuse this request because of the lack of integrity in carrying out the terms of the school permit.

A letter was read from Mrs. Donald Bennett objecting to the commercial activities of the school, apart from the kindergarten; ballet school and athletic field, etc. She asked that the Board assure compliance with the original permit.

An opposing statement was read from Major and Mrs. Raymond Clarke and E. A. Pritchard.

Mrs. Witt told the Board that no money was involved in the conduct of the ballet school, it being a feature of her school. (She did admit, however, that her ballet teacher took care of some of her private pupils at this school. It was also charged by several present that children went to the school for ballet only and paid a fee.)

Mrs. Witt said the scout troops met there because there is no other place for them to go. They have tried to encourage baseball and have allowed the Little League to practice there. Mr. Dodd's office, she explained

1-ctd. is only temporary. The Little League practice is a community service, Mrs. Witt continued. Ages of these children range from 9 through12. They are not a part of the school. They will have practice twice a week or more. Theyplay often runs into the late evening - it will all be supervised play. They will acquire another acre from Mr. Taynton for their practice field.

These children come in groups, Mrs. Witt went on. There are 30 players. She did not know how many cars this would involve, probably 15.

Mrs. Hendersen objectdd to the traffic load on a dead end street, which she thought could cause a traffic hazard. She also objected to the flagrant violations of the original permit -- children up to 12 yrs., and Little League activities, which however worthy, were beyond the scope of a kindergarten and first grade school, the ballet lessons and Mr. Dodd's office, and children beyond the first grade.

Mr. Donald Weinsheimer summarized the objections and pointed out again the basic objections of the neighborhood. He particularly stressed the need for fencing and to have someone on the grounds day and night. While he recalled that that was not in the motion granting the permit, it was agreed to by Mrs. Witt's attorneys, and is so written in the minutes. Mr. Weinsheimer said he had no objection to the Little League practice here, but he thought they were asking too much.

The fact that the original permit has not been carried out, Mrs. Hendersen suggested, might suggest that the uses should not be extended on this property.

Mr. Lamond moved that the application of Minnilulu T. Witt, to operate a summer day camp (Valley Brook School) be denied because the permit issued on February 25, 1958, whereby certain restrictions were laid down, was notadheredjto. It is further required that the restrictions laid down on that permit be adhered to as the Board has evidence that this permit has not been conforming to the conditions placed on it by the Board. It is recalled that the school is limited to kindergarten and first grade and that the school be properly maintained. It is also recalled that someone shall be on the property at all hours and someone will live in the building or will be entirely responsible for this property. It is required that the ballet school be discontinued at once. The original permit issued ddFebruary 25, 1958 shall be complied with; seconded, Mrs. Carpenter. Carried unanimously.

Since the school year is almostcomplete, Mrs. Hendersen suggested that

1-Ctd. the three children in the second grade be allowed to finish this term, but the school must have no pupils above the first grade when the school opens in the fall. The Board agreed with this.

Mr. Moreland agreed to notify Mr. Dodd that he must discontinue use of this building for his office. Also, Mr. Moreland stated that he would notify Mrs. Mary Lee Hammond, ballet teacher, that her ballet school must not be conducted in this school building.

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2- ANDREW GOD, to permit establishment of right of way within 42.4 ft. of existing dwelling and 47.59 ft. of existing dwelling, Lots 20 and 21, Crystal Springs Subdivision, Dentreville District (RE-1)

Mr. God said he had purchased 30 acres adjoining Crystal Springs and proposes to give access to this property by means of an access road between Lots 21 and 22. While these lots are considerably in excess of one acre, the houses on the lots will be setting closer to the access road than allowed by the Ordinance. He will divide his property into 24 lots, all of one acre or more. He will build houses in the $33,000 - $35,000 class, attractive houses of early American style.

He showed a plat of the proposed subdivision and the two lots in question, the houses on Lot 20 being 42.4 ft. from the right of way and on Lot 21, 47.59 ft. from the line. The people on these lots from whom he purchased the right of way have no objection.

The subdivision has been planned in accordance with contours of the ground, he continued, a recreation area and pond are planned on Lot "B" and he has allowed for bridle paths.

This is the only place he could put this right of way, Mr. God continued, it is on the high ground and it will not reduce the existing lots below the ordinance requirements both still being over one acre. The Highway Department has approved the location.

This purchase is contingent upon his getting the variance on the right of way.

Mr. God said he believed this development would be an asset to Crystal Springs and it would commit this land to a good type of development, better than that already existing in Crystal Springs. He showed plans of his homes.

This land has passed tests on percolation, the lots will all conform to the one acre or more, the ground has beautiful contours and is covered with woods. They would retain all the trees possible.

NEW CASES - Ctd.

2-Ctd. Commander Winfield, who owns adjoining land to the south, explained how he got his right of way through the Botts property.

Mrs. Ferguson, from whom Mr. God bought this property and who still owns a tract immediately to the north of Mr. God, adjoining the Boulevard, discussed her means of acquiring the 10 ft. right of way. She agreed that Mr. God's plan for access is logical.

The Chairman asked for opposition.

Mr. Russell Barnett stated that covenants on the Crystal Springs land restrains anyone from re-subdividing their land. He contended that by selling this right of way to Mr. God the land was, in effect, being re-subdivided and was therefore in violation of covenants, and Mr. Botts had no right to sell.

The Board agreed, however, that to sell a right of way was not resubdividing and under any circumstances the only question before the Board is the right of way.

Mr. Barnett suggested that this property get a right of way direct from Lee ~~Blvd~~ Highway.

Mr. God said he could not get the right of way to the highway as that land is committed for sale.

Mr. Smith who owns lots 48, 49 and 50 objected to the circulation through Crystal Springs, added traffic and the change from a rural area.

Mr. Jackson, owner of Lot 32 objected for the reasons previously stated.

Mr. Barhight, owner of Lot 17 objected because of traffic and dust. He pointed out that the streets in Crystal Springs are not paved and the added traffic would be detrimental to their streets and to their neighborhood.

Mr. H. J. Robertson objected, also Mr. Waldorf, owner of Lot 15 for reasons stated.

Mr. Taylor, owner of Lot 14, and Mr. Joe DeLeon, owner of Lots 16 and 37 objected. All wished to retain their secluded rural atmosphere. They did not want another subdivision using their gravel streets. Mr. DeLeon was sure Mr. God could buy land from Mrs. Ferguson for right of way to the Boulevard. However, Mrs. Ferguson said the contour of her land was such that an entrance road from the highway was not practical on the edge of her land. It would create a dangerous entrance from the highway.

2-Ctd. It was suggested that this not only would open this land but it would also give Boulevard access for the Winfield property. However, it was shown that Commander Winfield has another access to the Boulevard.

Mrs. Carpenter moved to defer the case to view the property; seconded, Mr. Lamond.

Commander Winfield called attention to the fact that the modern concept of subdivisions is that circulation from one subdivision to another is required.

Crystal Springs was put on record many years ago with its circular street - Summit Drive - which loops around entirely within the subdivision. The new regulations are that connecting streets must be built up to the property line preparatory to connecting with the adjoining subdivision. This short right of way would serve the purpose of connecting the two subdivisions. If Crystal Springs were divided today it would not have this dead end loop street.

Mrs. Ferguson discussed further the contour of her ground which fronts on the highway. She is between two hills which create the dangerous entrance to the highway. It would never be satisfactory for a subdivision entrance.

The case was deferred to May 17, motion carried unanimously.

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3- BREN MAR CONSTRUCTION COMPANY, to permit corner lots to be recorded 100 ft. depth on Roswell Drive instead of 105 ft. proposed lots 5 and 6, Lear Subdivision, Providence District (R-12.5)

Mr. Edgar Shawn from DeLashmutt Associates represented the applicant. Mr. Shawn said he had not handled this case and did not know it was necessary to send notices to adjoining property owners and did not know for sure if they had been sent. Mr. Tom Chamberlain, who has taken care of this, was not able to be present at this time. He asked the Board to put this at the bottom of the list and in the meantime he could contact Mr. Chamberlin; Mr. Lamond moved to put the case at the bottom of the list. Seconded, Mrs. Carpenter. Carried unanimously.

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4- McLEAN PROFESSIONAL BUILDING, INC., to permit erection of office building 8'6" from southerly side line, lots 1 thru 6, Block D, Beverly Manor, Dranesville District (C-D)

Mr. Correa represented the applicant as a member of the Board of Directors of the Corporation.

4-Ctd. Because of the irregular shape of the lot, Mr. Correa said they cannot meet setbacks. The front corner of the building is 40 ft. from the side line, the rear corner is only 9 ft.

Mr. Lamond suggested that the building be designed to fit the shape of the lot, fan it out wider in front and narrowing it toward the rear.

The Board discussed parking space with relation to floor area (this is a 4 story building).

Mr. Correa objected to the regulations on parking space charging that the requirements are unrealistic.

Mrs. Henderson read the comments from the Planning Engineer which stated that a building of this size would require 142 parking spaces, 95 are indicated and of these 6 are not approved.

The Ordinance also requires 3 loading spaces. The screening will block the rear parking lot exit and the 10 ft. alley will be unsatisfactory for two-way traffic. Since the Board cannot vary parking spaces, Mrs. Henderson suggested there was no reason to continue with the case.

Mr. Lee Charters spoke for the applicant stating that the preliminary plans for this project were in the mail before the Pomeroy Ordinance was adopted; however, he admitted that no permit was issued before the new Ordinance.

Mr. Lamond moved to defer the case to such time as the applicant could come in with better plats which will meet the parking requirements; seconded, Mrs. Carpenter.

Mr. Chilton said the plats did not come in until a couple of days before the hearing, not time enough for his office to study this thoroughly; motion carried unanimously.

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5- CITIES SERVICE OIL COMPANY, to permit gasoline service station with pump islands 25 ft. from both Leesburg Pike and Glen ~~Forest~~ Carlyn Drive, West, Mason District (C-D)

Mr. Beall represented the County.

Mrs. Henderson asked if the 77 ft. setback of the building was measured from the service road, if there is a service road. Mr. Beall said it is measured from the property line; he was not sure if there is a dedicated service road or not, but they would set back from this property line in any case. They are now asking for the use and the pump island setback; they will conform to all requirements on the site plan.

5-Ctd. Mr. Mooreland said he considered it equitable to grant a use with certain setbacks all of which is subject to approval of the site plan. He did not think it proper to ask any applicant to go into too much expense and detail until he knows he can use the land as requested.

But, Mrs. Henderson questioned, does he have room enough to meet the setbacks?

If the Public Works Department and the Planning Commission think there should be a service road here they could require that, Mr. Lamond explained, and the applicant will have to meet the setbacks from the right of way as established. If there is not enough land the site plan will not be approved.

The idea of having a tentative site plan before coming to the Board of Zoning Appeals was discussed. Mr. Chilton thought that would be impractical and he thought the use with setbacks should be granted "subject to". Mr. Lamond moved that the Board grant the applicant the right to place the pump islands 25 ft. behind the property line or the service road if it is required and the building will be placed 75 ft. from the property line or service road as required. The site plan must be approved by the Planning Commission. The applicant will bear the expense of moving the pump islands back if required to do so by the State or County. This is granted for a filling station only; seconded, Mr. Smith.

All voted for the motion except Mrs. Henderson who refrained from voting; motion carried.

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6- GREAT FALLS VOLUNTEER FIRE DEPARTMENT, INC. to permit erection of a fire house, on N. side of Rt. 193, approx. 600 ft. W. of Rt. 683, Dranesville District (C-G)

Mr. William Mooreland represented the applicant. In reviewing the case Mr. Mooreland stated that the Fire Department had owned this land for a considerable length of time. Last fall the Board changed the zoning so the property could not be used for a fire house. They asked the Board of Supervisors for relief; the Board offered to rezone the land on its own motion. The application was put in and approved by the Planning Commission. When it went to the Board of Supervisors, however, instead of rezoning the land the Board preferred to pass an emergency amendment to the Ordinance, allowing fire houses in a C-G district. The rezoning was refused. The application was then filed for a fire house use with 70 ft. entrance as the normal 30 ft. entrance is not big enough for fire equipment. Mr.

6-Ctd. Mooreland said he was late in getting the notices out 10 days before the hearing but all have been notified and each waived the 10 days requirement.)

The Chairman asked for opposition.

Mr. Winston and Mr. Bryant who join this property on two sides objected to this use; they objected to the emergency ordinance, which would allow fire houses in C-G zoning. However, Mr. Mooreland said this land had been zoned Rural Business since 1941 - a zoning which would have allowed a fire house. Actually, Mr. Mooreland explained, it was an oversight in writing the Ordinance, that a fire house was omitted from uses allowed in C-G.

Mr. Winston said he objected because he considered this use a nuisance, especially because of the continuous activities that take place at firehouses; dinners, carnivals and group gatherings of all kinds. He asked if they would be required to screen and would they have plenty of parking.

Mr. Mooreland noted that no screening is required between the fire house and Mr. Winston's property because he also has commercial zoning. It will be required to screen against Mr. Bryant's property which is zoned residential.

Mr. Bryant agreed with Mr. Winston in his objections.

Mr. Mooreland said there would be no turkey shoots on the property. The present fire house and grounds are not big enough, Mr. Mooreland told the Board. They cannot take care of the equipment and they cannot buy additional land. They are proud of their fire department, Mr. Mooreland continued - they have worked hard and have a strong active group. They have over two acres which would take care of all parking. This will be shown on the site plan.

Mr. Lamond moved that the Great Falls Volunteer Fire Department be given the right to occupy this property for a fire house subject to approval of the site plan by the Planning Commission and that the entrances to the property be 70 ft. due to the width of the fire equipment and because of safety features. It is understood also that all requirements of the Ordinance shall be met; seconded, Mr. Barnes. Carried unanimously.

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The Board adjourned for lunch.

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April 26, 1960

DEFERRED CASES

Upon reconvening from lunch, the Board took up the deferred cases:

1- EVERETT O. TAUBER, to permit operation of a private school on north side of Arlington Blvd., approx. 400 ft. E. of Barkley Drive, Providence District (RE-1)

Mr. Tauber described the building in which he would operate and the location of the property. The large house with two wings facing Arlington Boulevard would have one entrance to the Boulevard. The 22 ft. outlet road on the side of the property is not used. The building is particularly well designed for school purposes, Mr. Tauber said. He plans a school of 150 children (kindergarten through 8th grade). With a minimum of improvements this many can be handled. He presented a brochure of his presently operating school at Falls Church "Tallwood".

This school is designed particularly for normal children whose parents want them to have a more intensive type of curriculum. They would have small classes, a great deal of individual work. It is the intention of the school to do away with the large impersonal way of teaching which is thrust upon the public schools and which causes so many emotional disturbances.

It was recalled that Mr. Tauber was connected with Valley Brook school when it started. He never went with Valley Brook, Mr. Tauber said, he established "Tallwood" almost immediately after Mrs. Witt started her school. He would plan to move "Tallwood" to this new location.

There are about 14 rooms in this house; they have no sewer. There is one septic tank which has apparently functioned satisfactorily. (It was noted that the house has been empty much of the time). Whatever health regulations apply here, they would meet them, Mr. Tauber said. Mr. Tauber would live in the house.

Mr. Tauber said he started in Annandale, became associated with Valley Brook, where he did not stay because their facilities were so limited, then he established "Tallwood". He has four teachers now.

Mrs. Henderson questioned 150 children and no sewer.

They serve no lunches, Mr. Tauber explained, furnish only milk in cartons. (It was noted that this limits the State control over the school.) They would operate from 8:30 to 3:00. It is a 12 months program. In summer they will have a slightly different curriculum .

1-Ctd. It would be most remedial work, no games.

They might put in a swimming pool later. This is a school for children who have problems, Mr. Tauber explained - children who need special work and children who want to go on to higher learning but are not getting enough from the public school. Classes would have a 15 to 1 ratio. They probably will furnish transportation. The entrance would be from the Boulevard.

Mr. Alfred Kastner from Nantua Subdivision said he had come to the meeting to bird-dog this case as they had been unable to get full information on this or the County requirements governing such an enterprise. He thought it had certain business aspects and if it is successful it would have definite commercial attributes. It could grow into a very large school with many customers. He asked what the County could do so the people would know of limitations and controls.

Mrs. Henderson explained the limitations the Board could place on the operations. The building must meet fire and health regulations but there is no County Ordinance governing private schools, she added.

Mr. Smith suggested that this is a large number of children to have in a building not designed for school purposes.

Mr. Tauber said the play area would be to the rear and would be fenced.

Mrs. Carpenter moved to grant a use permit to Mr. E. Tauber for permission to operate a school through the 8th grade, limited to 150 children, operating 12 months a year. This use permit, in her opinion, will not be detrimental to the character and development of adjoining land. It is understood that it will meet all regulations of the fire marshal and health department. In the summer months the operations will be mostly connected with remedial reading; and swimming and anything in the camping line must be approved by this Board.

There was no second to this motion.

Mr. Barnes thought this not the right place for a school because of the high speed highway and he did not think the property lends itself to that many pupils. Therefore he moved to deny the case. Seconded, Mr. Smith.

Mrs. Henderson recalled that the Board did grant a school near this location about a year ago. It was close to the Boulevard. However, Mr. Smith said that was in the nursery category rather than a school. In this the children will range up to 14 years as well as the kinder-

1-Ctd. garten age. He objected to a large installation of this kind not having a building which is properly designed for school purposes. Also, Mr. Smith objected to inclusion of kindergarten and first grade along with 8th grade pupils. Educators have discovered that it is not wise to have too wide a range in ages in any one school, Mr. Smith continued - six grades is about the limit. As evidenced in the public school system, separation of ages is being affected by establishment of the intermediate school system.

Mr. Lamond called attention also the the fact that the County, in its plan for public schools does not locate schools along high speed highways. He suggested that children going to private schools should have the same protection as those going to public schools.

Mrs. Henderson noted that the play area will be at the back, and as to putting so many classes together and the location of the school, parents have the freedom of choice in this - it is a little different from a public school.

The school buses coming out of the school will have to make a cross-over left turn into another lane of traffic - traffic is very fast here - and such a cross-over is not done except in rare cases where it is absolutely nedessary. Public schools do not allow a crossing of this kind.

Mr. Lamond objected to the lack of public facilities.

Voting on the motion to deny - Mr. Barnes, Mr. Lamond and Mr. Smith voted for the motion; Mrs. Carpenter and Mrs. Henderson voted against. Motion carried to deny.

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2- SPRINGBOARD RECREATION CLUB, INC., to permit erection and operation of a swimming pool, wading pool, bath house and club house, on N. side of Deepford Rd. westerly adjacent to Springfield Estates Elementary School (Lee District - R 12.5)

This case was deferred for status of Deepford Road and for complete plans. Mr. Robert Leonard represented the Club as a member of the Board of Directors.

Mr. Leonard told the Board that their pool is located between the high school and the elementary school and within their subdivision, so located especially so people can walk to it. No one in the immediate neighborhood objects. Mr. Leonard presented detailed plats showing swimming pool, baby pool, club house, bath houses and parking.

2-Ctd. Regarding Deepford Road Mr. Leonard said they had written both the County Executive and the School Board. The School Board has stated that they do not object to the use of this road for recreational purposes. This is a 50 ft. dedicated right of way which will be paved. There is no curb but they hope the new subdivider who is coming in will pay for the curb. It is State maintained. Thirty ft. of the road is owned by the School Board and 20 ft. owned by the County. The road is used mostly by the School Board now although it is not to be the permanent access for the school.

Mr. Leonard said they are very eager to get going on this so they can have the pool in operation by summer.

Mr. Mooreland said it would be necessary to have a letter from the Board of Supervisors saying that the use of this road is satisfactory to them. He suggested the Board granting this subject to receipt of that letter.

Mr. Leonard said the property will be fenced. They have 100 members now.

Mr. Smith moved that the Springboard Recreation Club be issued a permit to erect a swimming pool, wading pool, bath houses, club house, as requested. This use permit will be contingent upon the permission of the Board of Supervisors to use Deepford Road as access to the pool and this is granted subject to meeting all other County and State Ordinances pertaining. It is understood that this development will conform to the plat presented with the case, dated April 7, 1960. Seconded, Mr. Lamond. Carried unanimously.

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3- BREN MAR CONSTRUCTION CORP. (This case was put at the end of the agenda in order that Mr. Shawn could contact Mr. Chamberlin.) However, no one was present to discuss this further. Mr. Smith moved to defer the case until May 17 and it is understood that there shall be no deferral beyond that date; seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson announced the VCPA convention on May 8, 9 and 10.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The Regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, May 17, 1960 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present; Mrs. M. K. Henderson, Chairman, presiding

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

NEW CASES

1- C. A. & NATALIE J. FOWLER, to permit addition to convalescent home closer to side and rear property lines than allowed by Ordinance, on N. side of Blake Lane, approx. 600 ft. E. of Rt. 123, Providence District

RE-0.5

Mr. Fowler appeared before the Board, stating that this is merely an extension of his original permit which was issued in 1957. At that time Mr. Fowler said he was granted one variance in setback. This proposed addition will not further encroach upon that variance but it would require a 15 ft. variance in the rear setback.

Mr. Fowler presented statements from Dr. McCord and Dr. Schewe, both commending his nursing home and stating the need for such an establishment and the addition. He also presented statements from adjoining and nearby property owners saying they have no objection to this addition.

If this is granted, Mr. Fowler said, it is possible that he will incorporate and in time change the name of his Home. He asked the Board to grant that change.

Mr. Fowler called attention to the fact that all setbacks on the original house except the garage side (the variance granted) more than conform to the required 100 ft. setback. He said he has an option to purchase more land on the west side of his property, but is not entirely certain whether this will go through; that would eliminate the 59 ft. setback on that side.

The Chairman asked Mr. Fowler to state his hardship.

Mr. Fowler said either he must expand to meet the needs of his business or he cannot keep himself solvent. He now has only seven people, with the overhead which includes four nurses. The income does not justify the expense he finds it necessary to carry in order to give the kind of service he wishes to continue. If he can expand it will balance the out-go. This is his livelihood; he had been a male nurse in the Army for 20 years and that is the only business he knows.

Actually the need for the 100 ft. setback is not a necessity in an establishment of this kind, he went on, no explosive apparatus is used; they do not have contageous diseases; there is nothing dangerous going on which would inconvenience or annoy anyone.

1-Ctd. This addition will take care of 18 more people. In view of the need in the County for nursing homes of this quality and there are no objections from the area, Mr. Fowler went on to say that he considered this a necessary use.

It was noted on the plans that an 8 ft. corridor was shown between the building and the addition. Mr. Fowler said that was necessary to meet fire regulations, since his building, although it is brick, is not considered fireproof. He added, however, that he intends to put in a sprinkling system for added fire protection although it is not required by the fire marshal.

The addition will make this a one and one-half story building, the rear will have a daylight basement, all rooms above ground, with two exits.

Mr. Fowler discussed location of the septic which he said would be changed in accordance with suggestions by the Health Department; he will have public water, but no sewer is on Blake Lane at this time.

The Board discussed other locations for the addition which Mr. Fowler said would be either impossible or impractical, either because of the location of the septic in front; for example, Mr. Fowler said it would destroy the home-like appearance of the building which they particularly wish to retain. It would also be necessary to install a dual pumping system which would be uneconomic.

His whole plan has been oriented to requirements of the Health Department, setbacks, fire marshal, Mr. Fowler said. The septic will be relocated and completely adequate.

Mr. Lamond stated that in his opinion the Board can authorize a variance in case of an exceptionally irregular lot which applies in this case; the lot has a different length on two sides; a difference of 50 ft. and the rear line is not parallel to the front line, therefore he moved that the Board finds that there is an unusual circumstance existing with the land which does not generally apply to land and such a condition is no fault of the appellant; therefore step one applies. Seconded, Mrs. Carpenter. Carried unanimously.

With regard to step 2 the Board finds that the strict application of the provisions of the Ordinance would deprive the applicant of a reasonable use of his land for the building that is involved and would result in hardship. The proposed building is a reasonable use of the land and it is reasonable for this specific use of the land. Mr. Lamond moved that Step 2 applies; seconded, Mrs. Carpenter. Carried unanimously.

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1-Ctd. With regard to Step 3, the Board finds that some variance is necessary for a minimum relief to the applicant. In connection with the proposed addition it is found that the setbacks as presented on plat prepared by O. C. Paciulli, dated March 23, 1960 indicates the minimum relief in this case; therefore Mr. Lamond moved that Step 3 applies. Seconded, Mrs. Carpenter. Carried unanimously.

Mr. Smith noted that the Health Department has designated only one acceptable area on the property for a new septic field. This will necessitate moving the present septic system and installing a new and expensive system. This leaves only the one feasible location for the addition. Also Mr. Smith pointed out that this seems to be in harmony with the neighborhood as evidenced by the favorable comments from adjoining and nearby property owners and local doctors. The variance was granted unanimously.

Mr. Lamond moved that the application of C. A. & Natalie J. Fowler for a permit to extend his convalescent home facilities for a total of ten nursing bedrooms and the usual accessory rooms, kitchen and laundry, etc. be granted. Mr. Lamond also added to his motion that the present operation trading as the Oakton Nursing Home be granted the right to change its name as they so designated, when and if they wish to do so.

It is also agreed that this use will be limited to 27 patients under care at any one time. The variance is granted as applied for; seconded, Mrs. Carpenter. Carried unanimously.

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2- WILLIAM K. KELLER, to permit erection of a 7-Eleven with less rear yard setback than allowed by the Ordinance, on SE corner of Old Dominion Drive and Kirby Road, Dranesville District (C-N)

Mr. Charles Howe represented the applicant.

Mr. Howe presented a site plan which he stated had been approved by the Planning Staff. Since the lot is irregular in shape the building has been specially designed to fit with the least amount of variance. He noted that Travelled Way shown on the plat is a private road and will not be used as entrance to this business. It leads to one house to the rear of this property. Percolation has been cleared with the Health Department.

The Board discussed which line should be considered the rear, since according to the Ordinance, the rear line is opposite the shortest frontage. However, it was agreed that it was impractical to designate Kirby Road the front of the lot with a 14 ft. frontage when there is a practically a 300 ft. frontage on Old Dominion Drive.

There were no objections from the area.

2-Ctd. Mr. Howe recalled that this property has been before the Planning Commission and the Board many times both on variances and rezoning and the ground has been graded and put in condition so it will drain and so there will be no question of site distance. This would be used only for a 7-Eleven Store, Mr. Howe assured the Board, there is no room for a second business. There will be only one entrance to Old Dominion Drive.

Mr. Carpenter moved that the steps under variances apply in this case because this is an irregular shaped lot and this is a reasonable use of the said property. It appears that this is the minimum relief that could be granted on this property because of the shape and size of the ground. It is recognized that Old Dominion Drive is the front of the property and the variance is granted on the rear line; seconded, Mr. Barnes. Carried unanimously.

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3- GULF OIL COMPANY, to permit erection of pump islands 25 ft. from right of way line of Chain Bridge Rd., Lots 5, 6 and 7, Block 3, Ingleside, N.W. corner of Rt. 123 and Cedar St., Dranesville District (C-G)

Mr. George McCay represented the applicant. Mr. George Lampton was also present. Mr. McCay said they are asking for the variance on the pump island in order that the pumps will be visible from the highway - the 35 ft. requested will allow for widening of Rt. 123.

The Chairman asked for opposition. Mr. Eugene Threadgill from Bren Mawr Citizens Association and the Greater McLean Association Planning Committee stated that they are opposed to more filling stations in McLean. He recalled a plan that Mr. Burrage had presented to the Board of Supervisors in March showing the proposed widening of Rt. 123. He proposed at that time that the Commission hold a hearing on the widening of streets, determining their rights of way so setbacks could be taken from the proposed line. While this was not done, it was the intent of the Planning Commission that a move should be made to protect future rights of way and their setbacks, Mr. Threadgill urged. He noted that an 80 ft. right of way is proposed for Rt. 123, which would mean an additional 25 ft. of right of way on each side. This would leave the pump islands in this case only 10 ft. from the right of way. It is questionable then, he went on, if this should be granted; there would appear to be no justification for it. The Ordinance is clear on variances and this

3-Ctd. does not meet the requirements for granting variances. The only hardship presented would appear to be financial which is not an acceptable reason to the County.

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Mrs. Henderson noted that the setback of pump islands is not considered a variance, but rather a permit. However, Mr. Threadgill considered granting this would be prejudicial to the plans adopted and approved by the Board of Supervisors.

Mr. Warburton objected along the same lines as Mr. Threadgill.

Mr. McCay offered the suggestion that the cut-off road would relieve traffic in McLean and he thought an 80 ft. right of way for Rt. 123 very remote. He noted that the building setback fully provides for widening and the pump island would be moved if necessary.

Mr. Lampton agreed that the widening of the road was considered in their plans and it is provided for.

Mrs. Henderson suggested that if this is granted, the motion should show that the pump islands must always be at least 25 ft. from the right of way.

Mr. Threadgill brought up the requirement of a service lane in the amount of 12 or 15 ft. Mr. Chilton of the Planning Staff said no service lane could be required here, his only concern was with future widening of the road. He would recommend a 25 ft. setback from the widened road. He also suggested that a de-celeration lane of 10 ft. might be required; they would want the pump islands 25 ft. back from that.

Mr. Threadgill asked that this be deferred until the Planning Staff can present a draft of the Chain Bridge Road widening to determine where this setback should be.

Since the Commission knows substantially what the widening plans are here, the Board agreed that further delay may serve no purpose if it could be established that the pump island maintain a 25 ft setback from the present or future right of way.

Mr. Lamond stated that in his opinion this is a clear cut case, the building is located 75 ft. back, the applicant will agree to move the islands back; he saw no reason to penalize the applicant, since he qualifies in the ordinance requirements and he is actually asking for less variance than the Board can grant.

Mr. Smith noted that this is one of the few situations which have come before the Board which have the two pump islands so the applicant can

3-Ctd. keep himself in business if he is required to move the pump islands. Mr. Smith moved that Gulf Oil Company be issued a use permit for erection of pump islands not less than 35 ft. from the right of way line of Chain Bridge Road and if the new right of way line on Chain Bridge Road is established after the site plan is approved, the applicant shall move the pumps and pump island back at his own expense. It is understood that the pumps and pump island must maintain at least a 25 ft. setback from the new right of way line, which would be more than the 35 ft. from the old line. Seconded, Mr. Barnes. Carried unanimously.

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4- SCOTT N. HOFFMAN, to permit a porch to be erected 31.95 ft. from Street Line, Lot 2 of Block 14, Section 5, Virginia Hills (302 The Parkway), Lee District (R-10)

Mr. Hoffman showed the Board pictures of his house and the location of the proposed addition across the front and on part of one side of the house. Mr. Hoffman said he has owned the house since 1952 and had wanted to put the porch on when he first bought the place but could not afford to do so until now. It will be bricked up all the way and screened.

Mrs. Henderson suggested other locations for the addition which would not require a variance but Mr. Hoffman showed a terrace on the rear. The side porch which will be convenient to the entrance would act as a shelter for bicycles, lawn mower, etc. Some of the houses came with porches already on them, Mr. Hoffman explained and many others have built porches. They could buy these houses either with or without the porch and most who bought without the porches hoped to put them on when they had the money. The Ordinance would allowed the porch without a variance up to the adoption of the Pomeroy Ordinance. There were no objections from the area.

Mr. Lamond moved that Step I under variances applies. This is an exceptionally irregular lot and this unusual circumstance applies to this land and does not generally apply to land and this condition as such has not resulted from any act of the applicant. The strict application of this specific provision of the Ordinance would deprive the applicant of a reasonable use of his land for the building of the porch.

4-Ctd. The minimum relief that could be afforded for the variance is sought by the applicant and therefore he moved that the application be granted; seconded, Mr. Barnes. Mr. Lamond, Mr. Barnes and Mr. Smith voted for the motion.

Mrs. Carpenter and Mrs. Henderson voted no, Mrs. Henderson saying that in her opinion, the applicant was not deprived of the reasonable use of his land. He had lived in this house since 1952 without a porch.

Mr. Smith contended that the man could have bought a house with the porch on or could have built one if he could have afforded it; he thought to deprive him of the porch now, when he can build it, would be depriving him of a reasonable use of the land and the addition of the porch would not be injurious to the public welfare or to the neighborhood.

Motion carried.

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5- VERNON M. LYNCH, to permit operation of gravel pit on 35.22 ac. of land, approx. 300 ft. W. of S. end of Rt. 770 and S. of Franconia Rd. Rt. 644, Lee District (RE-1)

Mr. Vernon Lynch appeared before the Board, recalling his 35 years of gravel pit operations in the County, the extent of such operations and the resulting effects upon the county from the standpoint of development of roads, construction, and subdivisions. In this tract, he estimated that at the rate of 30 cents a cubic yard it would yield $6,000 pr. acre or $180,000 from an estimated 30 acres of gravel. He placed taxes at $90,000. He would invest the residue in the County, thereby returning further taxes.

(However, an individual from the audience contradicted Mr. Lynch's figures, contending that the gravel area would yield nearer 60 cents per cubic yard thereby compounding the Lynch take to nearer one million dollars.)

Mr. Lynch said he believed that these operations could meet the requirements of the Ordinance on page 63, Sec. 12.1 that "the use would not be detrimental to the character and development of adjacent land."

He pointed out the adjacent areas where there is no objection and the locations of existing gravel pits on three sides of this property. He also amended his application to show buffer strips to protect homes along the east side. Less than 10 per cent of the area surrounding him, Mr. Lynch said, is developed with homes and it would be 300 ft. to the nearest house.

5-Ctd. IN Spring Forest, to the east the nearest house is 1000 ft. away but there are trees and an existing gravel pit between these operations and that subdivision. Springfield Estates to the north is 600 ft. away.

In orderttobsecure an entrance to the pit which would not pass houses, Mr. Lynch said he bought five pieces of property.

It will take several years to remove the gravel and when this is completed he will put the ground in shape for use and will put a road through this land to the industrial property to the south and east.

This is very good gravel, Mr. Lynch continued, some of it has already been taken from the property and it is very acceptable as far as quality is concerned. The property, when rehabilitated, could be subdivided or put to some practical use. He listed other property in the County from which he has taken gravel and rehabilitated and developed.

Gravel is getting scarce in the County, this is the last parcel of land he owns which contains gravel.

An Ordinance has been carefully drawn to control the excavation of gravel. Mr. Lynch said it is a natural resource which is valuable and is needed. He urged that this opreation be allowed the same right as similar uses. It is a reasonable request, he contended, and he insisted that he has a constitutional right to dispose of his gravel.

Mr. Lamond described his trip around the County with Mr. Lynch, looking at gravel deposits. He agreed that there is very little gravel of any consequence left in the County.

The Chairman asked for opposition.

Mr. Robert Smith representing 400 people in Springfield Estates spoke, opposing this case. (This development is immediately to the north of Franconia Rd.) Mr. Smith agreed that gravel is valuable but he contended that this is an industrial operation and it does not conform to the industrial plan under considerabion by the Board of Supervisors. He recalled that in the Commission's recommendation for denial of this use they had taken into consideration the adverse effect it would haveonn adjoining communities.

Mr. Smith located the schools in the area showing that the nearness of this gravel pit would create a dangerous traffic hazard to children getting to school. This operation would have a detrimental effect upon the community and it would depreciate property values. He urged the Board to follow the Commission recommendation to deny the case.

5-Ctd.

Mr. Higgins, representing Springfield Forest, objected for reasons stated. He also claimed that Mr. Lynch had minimized the taxes hetwould be required to pay and had neglected to take into account the large deductions he could take on depletion, depreciation, expenses, etc. Under any circumstances he urged that this not be considered on the basis of taxes but rather on the basis of danger and inconvenience and depreciation to property in the area.

Mr. Fred Morin, Chairman of the Legislative Committee of Springfield Forest, agreed that this case should be considered on its merits and not on taxes it would or would not pay.

He recalled that his Association voted to oppose this because of the noise, dust, devaluation of property, danger to school children, incompatible with the character and development of the area.

Mr. Lamond suggested that the gravel operation would necessitate the filing of a rehabilitation and drainage plan which would assure the fact that the land would be put in condition for subdivision or other use. It is necessary to take off the hills and drain the area in order to use it for anything. He questioned what might be done with the land. The answer from Springfield Forest was to leave it unused.

Mr. Lynch recalled the history of Springfield Forest. He bought this land in 1951 (200 acres). He obtained a permit that same year to remove gravel from 150 acres. He also got industrial zoning on part of this land to the east. When the lots were developed on Springfield Forest he took into consideration those lots nearest the gravel pit area and priced them at about half that of those away from the gravel area. The plat from which all these lots were sold showed the industrial zoning and the gravel pit area. Mr. Lynch questioned how these people could come here now in protest when they had knowingly bought in a gravel pit area, an area where pits have been operating over a long period of time.

He contended that no subdivision nor school was near enough to be adversely affected. The same trucks will be used as are now hauling, the entrance will not pass houses, and the entrance has been approved by the Highway Department.

Mr. Lynch referred to page 59 of the Ordinance, 11.6.1 which states that "any use for which a special permit is required and which complies with the specific requirements of this ordinance shall be deemed a

5-ctd. permitted use." Mr. Lynch contended that the Board has no option if he has complied with all requirements and the use is not detrimental to adjacent land, then it is mandatory to grant this request.

The Secretary read from the minutes of the Planning Commission on this hearing, in which the Commission recommended denial.

Mrs. Hushman spoke against the application restating objections already brought out.

Mr. Lamond read from the Planning Commission minutes of 1959. The Commission recommendation was at that time that the case be deferred for study of gravel deposits in the county, their location and their effect upon adjoining areas. Mr. Lamond thought the Board should have a map of the County showing gravel locations and how the taking of gravel would affect the County and how the ground should be developed. He moved to defer the case pending the study of these things by the Planning Staff; seconded, Mr. Dan Smith.

Mr. Schumann said the County Soil Scientist is now making a study along these lines. His staff is limited to one person and Mr. Schumann said he did not know how far the study had progressed nor how long it would take to complete it.

The report, at best, would not be too comprehensive because of the limitations of time and personnel.

The Board discussed this at length, the need for such a report, the possibility of asking Mr. Coleman to come before the Board for advise or guidance.

Mr. Lamond particularly urged that the Board have more information; he wanted to discuss the future development of this land which he said is very beautiful and should be put to some good use. He thought it very necessary that the Board take a long range view of this rather than consider only the immediate future.

Mrs. Henderson questioned the Planning Commission making a decision on this before the study is completed. The hearing was urged by Mr. Lynch, Mr. Schumann stated.

Mr. Smith objected to a long delay. Mr. Lamond agreed to change his motion to defer for one week, Mr. Smith moved to defer the case until the next meeting at which time Mr. Coleman would be asked to be present and give his opinion as to the status of his study and how long it would take to complete it at which time the Board will take final action on this case; seconded, Mr. Lamond. Carried unanimously.

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5-Ctd. The following motion from the records of the Board of Supervisors Minutes of February 27, 1960 was read:

"...Ask Mr. Coleman to give the Board all the information he has indicating the extent of gravel deposits or make it available to the Planning Staff, and that Mr. Burrage.... secure an intelligent estimation or evaluation of the extent and length and depth of gravel and sand deposits in our County."

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6- ESSO STANDARD OIL COMPANY, to permit pumpt islands 25 ft. from right of way line, SE corner of Rt. 1 and Rt. 235, Mt. Vernon District (C-G)

Mr. Hansbarger, Attorney for the applicant, asked to defer this case to the first meeting in July as he had run into regulations under subdivision control which will take more time to iron out.

Mrs. Carpenter moved to defer the case to July 12; seconded, Mr. Barnes. Carried unanimously.

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7- DAVID R. GARNER, to permit erection of addition to dwelling closer to Ridgeway Dr. than allowed by Ordinance, Lot 141, Sec. 3, Springvale, (6901 Wren Drive) Mason District (RE-1)

Mr. Garner told the Board that he wished to build this addition to the first floor because of his health; he cannot go up and down stairs. The septic field and tank are at the back of the house. On this side he can extend the roof line of the house and the ground is level. It slopes off at the rear.

Mr. Lamond moved to defer the case to view the property; he suggested that topography might be a factor here. (Defer to May 31.) Seconded, Dan Smith. Carried unanimously.

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8- HARRELL T. VANCE, to permit erection of carport 10 ft. from side property line Lot 139, Sec. 4, Hollin Hills, (111 Martha's Rd.), Mt. Vernon District (R-17)

Mr. Vance presented a detailed statement of the background of his situation and his reasons for his request.

He bought the house in 1951 at which time a carport slab was laid down at the side of the house. It was his intention at that time to construct a carport on this slab at such time as he was able financially. He spoke of this to the architect and the builder, both of whom assured him that he could do that in conformity with County regulations. A retaining wall,

8-Ctd. steps and rock gardens were built near and adjacent to the original slab which he intended to later cement to the carport.

Mr. Lamond said he knew the property; it is a hilly area and Mr. Hoffman's lot is rugged. The new Ordinance has changed the setback so the carport is not now allowed without a variance.

Mr. Hoffman showed pictures of his house in 1951, indicating the slab and the irregular terrain.

Mrs. Henderson suggested that Mr. Hoffman has lived here without a carport for years. She did not think he was being deprived of a reasonable use of his land. Also she noted that hilly irregular land is not peculiar to any one lot in Hollin Hills. The applicant does not have to have the carport. However, Mr. Lamond thought it a reasonable request. Mr. Vance has been parking his car on the slab and until just this last year he could have covered this slab with a carport, he noted.

There were no objections from the area, Mr. Smith observed, and this would not appear to be detrimental to the area. The builder had the thought in mind when he put up these houses that many would ultimately want carports. He located the slab in such a way that a carport could be built within the regulations at that time.

But the Board is operating under the new Ordinance, Mrs. Henderson contended, and it is not logical to go back to the intent of a builder in 1951. She suggested narrowing the carport by 3 ft.

Mr. Vance said he and his architect had discussed many ways of trying to work this out without coming to the Board but could not find a solution.

Mr. Lamond moved that the Board defer the case to view the property. (Def.to May 31) Seconded, Mr. Barnes. Carried unanimously.

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9- CITIES SERVICE OIL COMPANY, to permit erection and operation of a service station and permit pump island variance from road right of way lines, Lot 10, Sec. 6, Salona Village (Dranesville District) C-D

Mr. Beall represented the applicant; he showed aerial and ground photographs of the McLean area and location of the McLean by-pass. The plats presented with the case, Mr. Beall pointed out, reflect the situation at this intersection today and after the by-pass is constructed. By another plat he indicated the land that will be taken by the by-pass, showing that there is a considerable distance between

9-Ctd. the existing edge of the road and the future property line. Knowing the future line and having the present line to go by, Mr. Beall said, made it difficult to design a layout which would be appropriate for today and for the future.

The time element in construction of the by-pass is uncertain Mr. Beall stated. Richmond estimated two or three years and seemed to be not too certain about that.

They wish to fit into the future picture in this area architecturally, therefore, are considering a colonial type brick structure.

The plan is to have the pump island 40 ft. from the existing property line and 20 ft. from the future property line. This is a compromise, Mr. Beall pointed out, which will be workable at the present time and will still be reasonable for a future setback.

This company has been looking for a site in McLean for five years, Mr. Beall continued, he suggested that this is the best filling station site in McLean; it will serve both Rt. 123 and the by-pass. He estimated that 90 per cent of the traffic going through McLean will use the by-pass. The by-pass will reduce this site to about 11,000 sq. ft.

Mr. Lamond thought that too small for a filling station; he noted that the building would be back only 60 ft. Nothing complies with the Ordinance, Mr. Lamond objected - he thought the applicant was asking too much.

There are 34,000 sq. ft. in the site now, Mr. Beall pointed out and the building sets 84 ft. from the right of way. It would be 60 ft. back after the by-pass goes in. They are more than meeting requirements now and they are looking forward to the widening by their setbacks.

Mrs. Henderson thought the pump islands should be 25 ft. back after the widening.

The Board suggested that two layouts on one plat was confusing.

Mr. Beall said he had thought the 25 ft. setback related to the right of way today and not to the future setback; he had not counted on the pump island being 25 ft. from the new line. However, he agreed that they could conform to that so the future setback of the pump island would be 25 ft. from the right of way.

Considerable discussion followed regarding future setback of the building, Mr. Lamond contending that the lot would be too small.

The Chairman asked for opposition.

Mr. Howard Hudson from Salona Village read a letter to the Board signed

9-Ctd. by the Chairman of Affairs Committee, Salona Village Civic Association, outlining the Association's objections to this: they do not want more filling stations in the McLean area; 10 stations already exist, or are planned, within a radius of three blocks aside from many others nearby; they wish their progressive increase in urbanization to be controlled and in consonance with community needs; they feel that filling stations should be justified by economic needs.

Mr. Hudson went on to say that the influx of filling stations detracts from the attractiveness of their area; they can create an unstable economic situation; they are concerned with an effort to guide and control the growth of McLean along desirable and harmonious lines.

Mr. Warburton, a resident in this area for 20 years spoke. His home overlooks the site of this station. He agreed with the statements made by Salona Village, although he was reluctant to join in the opposition to this. However, he believed so many stations crowded into this area were not in the interests of a stable economy. This is unsuitable and it would impair property values of adjoining property; it would be in conflict with the best interests of the community. He objected to the lights which have proved to be disturbing from other filling stations and which apparently cannot be controlled. A filling station would detract from the full benefit of the by-pass by inducingt traffic to the junction.

Cecil Reeves who lives across the street objected, citing the traffic as a special objection.

Three others from the area registered their objection without making a verbal representation.

Livingston Johnson objected.

Mr. Beall, in rebuttal, stated that these objections follow the same pattern as in many other cases - depreciating to adjoining property. He charged that these people argue from conclusions which leaves nothing to rebut.

He stated that the bank would shield the lights; rather than a traffic hazard it would tend toward traffic safety as a filling station would slow up traffic; any commercial use on this land would have to make use of the highways. This is a very small ground coverage, he continued and the site distance and ingress and egress are satisfactory to the Highway Department.

With the coming of the by-pass traffic through McLean would be greatly reduced.

,9-Ctd. They are cognizant of good public relations, Mr. Beall went on, they want to be good neighbors. They have given a great deal of thought to this site; they wish to make it attractive and acceptable to the neighborhood. It will be subdued in appearance and will have indirect lighting which will be shielded and directed into the yard. It will not reflect. They are very conscious of the need for lighting control and architectural design.

This is one of the few areas, Mrs. Henderson observed, where the Board has a design of the future and she could see that within a few years this lot would be too small.

Mr. Beall contended that his application met the intent of the Ordinance.

Mr. Mooreland noted that the building can be located up to the line when commercial propertyt is joined by commercial property; therefore the applicant could move this building back to be 75 ft. from the new right of way line.

Mr. Smith insisted that the building must be back 75 ft. before the Board could grant the 25 ft. pump island setback.

Mrs. Carpenter moved that because of the size of the lot and the close proximity of residential land the Board deny this application; it is also the belief of the Board that this would be detrimental to the character and development of adjoining land. She referred to Section 12.3 of the Ordinance, saying that this does not comply with that section of the Ordinance and it does not meet the minimum setback requirements; seconded, Mr. Lamond. Carried unanimously.

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10- MT. VERNON YACHT CLUB, INC., to permit installation of gas pump and tanks, Lot 1, Block H and all Parcel A, Yacht Haven Ests., W. end of Tarpon Lane, Mt. Vernon District (RE-0.5)

Mr. Harley Farley, President of the Club, represented the applicant.

This is a non-profit club, he told the Board, organized for the purpose of serving the subdivision and community with recreational facilities. They obtained a use permittin 1957. They did not apply for gasoline facilities at that time because they were=able to get gas from Ft. Belvoir but this service has been discontinued and they are now left with no means of refueling their boats without going to either Alexandria or Colonial Beach both of which are too far to be practical.

Mr. Farley continued: The club has had a phenominal growth. At first they put in 28 slips and later added 24. These are 95 per cent taken up. They need a local means of getting fuel. This will be entirely private. (however, in accordance with maritime law they must furnish gas to someone in

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10-Ctd. distress or who needs gas.) But it will not be a commercial project. Gas will be sold at cost after expenses are taken out. The Club will buy the gas and have someone to operate the pumps. It will not be a concession. It will be open 3 days a week from 5:00 to 7:00 and over week ends. All of the people in the subdivision have been notified of this and they want it. As it is now it is impossible for anyone to go any distance in their boat because of the inability to refuel. They plan to have a 2,000 gallon gasoline storage tank and one pump.

Mr. Green, property owner in the subdivision told the Board that they have 168 lots in the subdivision with about 60 per cent occupancy. Most of these people have boats and they feel the need for this pump. There were no objections.

The Commission recommended granting this stating that in their opinion this is "an important and necessary addition to operation of the Club."

Mr. Lamond moved that the recommendation of the Planning Commission be approved - to grant the installation of a gas pump and tank on Lot 1, Block H and all of Parcel H, Yacht Haven Estates; seconded, Mr. Smith. Carried unanimously.

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DEFERRED CASES :

1- ANDREW GOD, to permit establishment of right of way within 42.4 ft. of existing dwelling and 47.59 ft. of existing dwelling, Lots 20 and 21, Crystal Springs Subdivision, Centreville District (RE-1)

Mr. Robert Colehans represented the applicant; this was deferred to view the property.

Mr. Colehans tood the Board that Mr. God intends to purchase another tract adjoining Mrs. Ferguson which would give access to Lee Highway across from Hunters Lodge. That is a 49 acre tract. This new property would tie in with the tract Mr. God is now developing, in accordance with subdivision control requirements and it will provide safe access into Lee Highway and the entrance will be at highway level.

Mr. Colehans read a letter from Mr. Paciulli, engineer for Mr. God, explaining why access through Mrs. Ferguson's land would not be satisfactory; it would not be practical from the standpoint of drainage, it would provide no circulation through the adjoining subdivision (Crystal Springs) which is required by subdivision control; the entrance on to Lee Highway would not provide site distance adequate for safety and cost would be prohibitive.

DEFERRED CASES

1-Ctd. Mr. God assured the Board that the houses he will build here will be comparable to or better than those in Crystal Springs. He would be willing to covenant the ground as to the size and price of the house if the Board wished.

Mr. Smith moved that a permit be granted to Mr. Andrew God to establish a right of way within 42.4 ft. of one existing dwelling and 47.59 ft. of another existing dwelling, Lots 20 and 21, Crystal Springs and that a variance be granted to the owners of the two existing lots and dwellings to coincide with the permit granted for the establishment of the right of way. This is a necessary thing, Mr. Smith continued, and if not done now it will have to be done at some time in the future to connect the two subdivisions. It is also necessary to have this connection in order to have adequate fire control. This is merely conforming to a normal type of development which is required by the County and it would impede development if this were not granted now. It is the opinion of the Board that this owner should be given the right to develop his land in an orderly manner.

Seconded, Mr. Barnes. Carried unanimously.

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2- BEN MAR CONSTRUCTION CO., to permit corner lots to be recorded 100 ft. depth on Roswell Drive instead of 105 ft. proposed Lots 5 and 6, Lear Subdv., Providence District (R-12.5)

Mr. Tom Chamberlin represented the applicant. This is requested in order that Roswell St. can be made a connecting street with the adjoining subdivision. The same thing happened on Lot 1, Mr. Chamberlin recalled, when in 1958 the Board granted a variance on that corner lot. This is actually a continuation of that application. This is a long narrow piece of ground, the lots are all wide but with only 100 ft. depth. The granting of this variance does not necessary reduce the size of the lot.

Mr. Smith said that this appeared to be necessary for an orderly development of the subdivision and in order to get proper dedication for the connecting street right of way, therefore, Mr. Smith moved to grant the application for a permit to record corner lots at Roswell Drive with a depth of 100 ft. instead of the 105 ft. as required by the Ordinance. These lots, numbered 5 and 6, are located on Roswell Drive and the access street into the subdivision; seconded, Mr. Barnes. Carried unanimously.

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Mr. Mooreland asked the Board and Mr. Burrage to discuss and clarify the

granting of parochial schools with relation to the Ordinance.

Mr. Mooreland referred to page 79 (Community Uses) Group VI and to the definition of schools. A school of general instruction could mean the public schools, Mr. Mooreland noted, which was not the intent of the Ordinance to bring before the Board. According to the Ordinance there is a question of whether a parochial school which gives instruction should have to come before the Board. But if the Board determines that schools of general instruction do not go to the Board, that could mean that parochial schools of general instruction need not go before the Board.

We have some parochial schools today which are equal in size and impact to the public schools, he continued, one school now which will take care of 1000 pupils wishes to get started immediately so it can open by fall. If they have to wait to go before the Planning Commission and the Board of Zoning Appeals it may delay opening so then 1000 children will be turned loose on the public schools in the fall.

The building plans have been received and construction is ready to go. Does this school go before the Board or are parochial schools exempt from that? Mr. Mooreland asked.

The Board discussed this at length - the idea of separating schools of special instruction from general instruction, religious schools from public. If schools of general instruction are exempt from Board control, Mrs. Henderson noted that Mr. Dodd, for example, could have pupils up to the seventh grade without ever coming to this Board and with no permit.

Mr. Burrage thought the size of the school an important element as a large enrollment could be a serious drag upon a neighborhood; some schools becoming as large as the public schools. Mr.Burrage thought the Board should have control over schools whether private or parochial. This may be challenged, Mr. Burrage observed, as being pertinent to a church but the size of the school could be a serious factor and a serious impact upon a neighborhood.

<u>Policy</u> - It was agreed that all schools would be required to go before the Board of Zoning Appeals except public schools.

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May 17, 1960

Mrs. Henderson asked - why require a site plan for a filling station under C-G zoning with a 25 ft. setback when in C-G with a 50 ft. setback it does not require a site plan?

Mr. Burrage said he did not know, he thought that should come out of the Ordinance. The Board agreed.

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Mr. Mooreland brought up the question of metal tire display racks on filling station lots - are they structures? And should they observe the required setbacks? These racks have been used for some time, Mr. Mooreland continued, and no one considered it necessary to have a permit nor to require setbacks. But since these things are structures, according to definition, he asked the Board to set a policy with regard to setback.

Mr. Smith stated that these racks are considered structures in the District and he thought in other jurisdictions.

The Board agreed that metal tire racks do meet the definition of a structure and they should meet the required setbacks.

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Mrs. Henderson discussed the granting of variances, especially as the Board handled them at this meeting. She recalled that the Board has turned down many who asked for variances when they have outgrown their homes and wished to put on an addition - yet, today two similar cases were granted to people who were not deprived of a reasonable use of their land. She asked when and where the Board should draw the line. She thought the Board should have a meeting of the minds on variances.

Mr. Smith thought the cases handled at this meeting to which Mrs. Henderson referred were different. In one, the place for the carport had been provided by the builder when the Ordinance would allow a carport to be built without a variance. The man bought with that in mind - to build the carport. Had there been no provision for the carport in the beginning, and the man came in to ask for a variance to build one, he would not have considered that a reasonable request - but he thought that individual cases do merit variance, under certain circumstances. This man also had a topographic condition.

Mrs. Henderson noted that these people owned their land for a long time before the Ordinance was changed and had lived without the carport.

After discussing other cases where variances were granted the Board agreed that it is not reasonable to draw a hard fast line, but that each case must be handled on its own merits.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday May 31, 1960 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present except Mr. Barnes. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

The Chairman asked the indulgence of the ~~Board~~ AUDIENCE while Mr. Coleman, County Soil Scientist, gave the Board a brief discussion on gravel deposits in the County.

Mr. Coleman displayed a map indicating the major gravel deposits in the County. It was observed that practically all the gravel is located in the southeasterly part of the County with small deposits around Tyson's Corner and a few other very limited areas. Mr. Coleman said he had not yet completed the map in detail but they are working on the assessor's sheets which will give a complete detail of the County on sectional sheets and which will be printed and bound in book form when completed. Mr. Coleman also showed a map of the operating pits. Those areas where there is gravel not yet worked and non-conforming operating pits and another map indicating kinds of soil and the areas containing rock suitable for quarrying.

Mr. Lamond, who had been especially interested in getting this report, said it would have been very valuable if the Planning Commission had had this report before making a decision on any gravel pit.

The Chairman thanked Mr. Coleman.

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NEW CASES:

1- MABLE T. BROWN, to permit operation of beauty parlor in her home as home occupation, Lot 11, Block F, Section 4, Parklawn, Mason District (R-12.5)

Mrs. Brown asked to make a statement before the Board before this case was discussed. Because of the widespread opposition to her application for this very small beauty shop operation and in the interests of harmony in the neighborhood she would withdraw her application.

Mr. Lamond moved that the Board allow Mrs. Brown to withdraw her application and that the Board take no action on the case. Seconded, Mr. Smith. Carried unanimously.

However, the opposition filed a petition containing 304 signatures.

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May 31, 1960

NEW CASES - Ctd.

2- K. WILFRED ROBINSON & FRANCIS E. JOHNSTON, to permit sand and gravel operation on 35.68 ac. of land, 3500 ft. N. of south intersection of Kings Hwy. and Telegraph Rd. Lee District (RE-1)

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Mr. Moncure represented the applicants. He said he had not realized that it is necessary to notify adjoining property owners of this hearing, although his notification from the Zoning Office had so notified him; therefore, he had not done so.

Mrs. Carpenter moved to defer the case to June 14. Seconded, Mr. Lamond. Carried unanimously.

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3- ST. DUNSTON'S EPISCOPAL CHURCH, to permit operation of kindergarten thru first grade school, on northerly side of Kirby Rd., approx. 3/8 mile east of Birch Ave. Dranesville District (R-12.5)

Mr. D. W. Sherk represented the applicant. He told the Board that they have been operating a kindergarten this past year and now wish to expand to include the first grade. This expansion has come about because of public demand. They will use the existing building where they have two class rooms. The first grade will be limited to 15 children; they mewl have 20 or 22 in the kindergarten. There are approximately 5 ac. in the grounds - the nearest home is owned by the man who sold them this ground. They have sufficient area to provide more parking if necessary. There is no plan for further expansion as they do not have facilities for more grades.

There were no objections.

Mrs. Carpenter moved that St. Dunston's Episcopal Church be given a permit to operate a kindergarten through the first grade as requested as it appears that this application would not be detrimental to the character and development of adjoining property; seconded, Mr. Lamond. Carried unanimously.

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4- ✓ JOHN J. RUSSELL, Bishop of Richmond, to permit operation of kindergarten thru 8 th grade, parochial school, 120 ft. N. of Churchill Rd., adjoins Langley Manor Subdivision on west and Langley Forest Elementary School on E. Dranesville District (RE-1)

Mr. Norbert Heubusch represented the applicant. Father Cauwue was also present.

Mr. Heubusch explained the area covered by this use as the plats were not entirely clear. It was shown that the property has no frontage on Churchill

4-Ctd. Road - only the 50 ft. access road between Lots 1 and 58. This is their only access.

This is part of the St. John's Parish on Old Dominion Drive, Mr. Heubusch continued, it adjoins the Churchill Elementary School on the east and a proposed park at the north and east. About 10 acres are involved. They plan 28 class rooms - 35 children to each class room.

Mr. Smith suggested that this is a small area for the size of the school.

Mr. Heubusch said it was about the same as the school at St. John's which does not look crowded. He pointed to the open areas. That school has become very crowded, however, and this would relieve the pressure on that school by serving the McLean area which is in need of a school.

Mrs. Carpenter noted also that St. John's has open areas around the school while this school would be located practically within a subdivision. She pointed out also that the proposed intermediate school joins the park.

Mr. Heubusch stated that they now own seven buses at St. John's - this would cut down on some of those buses. He stated that some of their buses make as many as three trips and some of the buses operate at noon.

Mr. Smith observed that buses operating from these schools in this immediate area would seriously overtax existing facilities.

Mr. Heubusch explained that no more children can be taken into St. John's - they had to abandon kindergarten to take care of the other grades. The need for this school is urgent to take care of the overflow from St. John's and to serve the growing McLean area.

Why pick this area with no frontage on a road and surrounded by homes on two sides? Mrs. Henderson asked.

They want to locate where the need is, Mr. Heubusch answered, the property is well located to serve the people who want this school. They can afford the ground and it is suitable for the community.

Mr. Smith thought the problem of transporting so many children from three schools would create a serious hazard with so many buses and inadequate roads - he suggested that the schools be disbursed rather than create such a concentration. These three schools would have probably 2600 children and this many children being transported twice a day on inadequate narrow roads in a concentrated area would be hazardous.

4-Ctd. Father Cauwue said many would walk. He told of the increased enrollment in their schools and the need for expansion. He thought a location near other schools was good. He noted that in Arlington and other communities the schools are not far apart and it has worked satisfactorily. The transportation problem would exist, Mr. Heubusch pointed out, no matter where the school is the same number of children go to school. This would shorten the distance for many who now have to go to St. John's. At St. John's about 100 out of 250 walk.

The Chairman asked for opposition:

Mr. Kisska appeared before the Board representing himself and Messrs. Richardson and Meritos who were not present.

Mr. Kisska asked the Board to deny the case for the following reasons: it would be detrimental to adjacent property, the total land area is not adequate with so many buildings; there is no frontage on a highway; all of this heavy concentration is taking place on land surrounded by residential property developed with homes, the parking and administration building will be about 12 ft. from Lot 5 and 20 ft. from Lot 18, and the church only 25 ft. from Lot 2; they cannot have an adequate buffer to protect the residential community because the land is so crowded with buildings and activities. There are no trees on this ground; it was open farm ground therefore no natural growth as on Old Dominion Drive. That is surrounded on two sides by roads.

The vehicular count could be increased by the buses and transporting mothers which would necessarily use Churchill Road. These roads are narrow and inadequate.

The traffic and increase in activity in the area would be out of keeping with the residential neighborhood. Activity would take place all year round with planned summer programs. Mr. Kisska suggested that this concentration of buildings would change the character of the entire area; it would look like an industrial plant. While Mr; Kisska agreed that these schools are necessary in a neighborhood he insisted that these are locations which would not be crowded up against houses and which would not cause such a concentration in a residentially developed area. He objected to the appearance of the church and its buildings usurping a community; it would look as if the church owned the community with the homes clustered around the church.

4-Ctd. Mrs. Butler, member of the County School Board, stated that while they are sympathetic with the need for the church and school, she objected to the traffic and the safety hazard this would present to the children. Churchill Road is very narrow and inadequate, it is dangerous for walking children. To add 100 walking children, the buses and cars would be a serious hazard. She suggested that the applicants get a more suitable location.

Mr. Clinton Conger from Churchill School Elementary PTA spoke in opposition. With these three schools in full operation within another two years, 2500 children would come into the area each day, at one time. He cited the Circumferential interchange at Balls Hill Road and Rt. 193 which would bring a heavy concentration of traffic, adding to the hazard of these inadequate roads. Churchill Road and Balls Hill Road are only 16 ft. wide. These two roads will be heavily used; they could be widened faster than the schools could be built, but neither County nor State has a plan for this. He thought the Planning Commission should consider roads, sewer, water, drainage, etc. before allowing such a concentration of pupils. The State Board of Education standards may not apply to private schools, Mr. Conger continued, but people should want to conform to those standards. This is a project of 28 class rooms on 10 acres with 40 children to a room - 1120 students. The State would say such a site should be 15 acres for this size building. They also have a gymnasium, church and rectory taking up part of the 10 acres.

Mr. Conger agreed that private schools relieve the burden on the County but he insisted that such schools not be allowed to operate on a standard less than adequate. He suggested that these people seek out other available land which would not encroach on a neighborhood and cause serious traffic conditions and heavy concentration. If this were a public school site, he noted, the Commission would consider it. He thought this site should have the same scrutiny as to site, roads, walking traffic, etc.

Mrs. Fuller, living on Lot 20, Langley Manor, spoke in opposition restating many objections already put forth, viz; limited area, only one access and no frontage, activities, buildings and parking so close to homes with no buffer for protection, concentration of traffic, and the Planning Commission should consider this type of activity.

Mrs. Brooks from Lot 24, John Whitmore, Lot 5, Mrs. Julian Stan, Lot 30, all objected for reasons stated.

that these cases were pushed along.

4-Ctd. Mr. Heubusch, in rebuttal, stated that the concentsation is here because the children are here. The schools are located where the people live who wish to use them. They need to go into this area to serve these people. 20 per cent of the McLean population is Catholic.

If there is a safety factor, he continued, the roads should be taken care of; the children must be taken to school. The fact of this school locating here, many children would not have to go to St. John's, it would probably reduce the traffic through this area by eliminating the need for transporting children to St. John's.

The school will look like a factory or industrial plant? Mr. Heubusch questioned that. This installation will cost 3/4 million dollars. Those against this probably have not seen St. John's he declared. It is beautiful. That does not look crowded; this school will be very like St. John's. They will landscape the grounds with attractive planting. They are trying to meet the needs of the people, if the concentration is here it is because the need is here. It is not reasonable to go out to some area where there are no Catholic children.

Father Cauwue told the Board that they have tried to be as frank with these people as possible; they have put the maximum of buildings on the application so the people will know what they want in the future. If the Board would recommend a better use of this property they would be very willing to listen to that recommendation and perhaps renew the application if necessary. Or they would wait for a recommendation from the Planning Commission. This plat shows the full use of the property. McLean will continue to expand, he went on, and the time may come when they will need to move again, to look for more land but the people want this school in this location. If the people move they will move with them.

Father Cauwue said they have no feelings against anyone, but they do not think the objections are of any great weight; however, they do not want hard feelings with people in the community.

Mr. Mooreland noted that the 50 ft. access road was put here for the purpose of future access to a tier of lots if this land had been developed with homes. He also noted that there is no front setback on this land as the only road frontage is the 50 ft. road.

NEW CASES - Ctd.

4-Ctd. Father Cauwue said the plan of the church building is not yet decided upon but it would be of good design; he hoped the Board and the community would rely on their good taste.

The Board members discussed the heavy concentration of buildings, the nearness to a subdivision and homes, lack of area for adequate buffering the necessity for the large amount of paving, parking and athletic field, drainage, etc.

Mr. Heubusch again suggested that the Board see St. John's. That, too, may not be desirable, the Chairman observed, from the standpoint of crowding and concentration.

It was recalled that St. John's was built in 1953 and in 1958 eight more class rooms were added.

Mr. Smith summed up the Board's thinking - the impact on the predominantly residential neighborhood, the increased traffic added to the existing schools, the inadequacy of the roads (and there is no plan either by County or State to do anything about improving the roads) and the fact that it would not be possible to furnish an adequate buffer between this installation and the residential area.

In view of the fact that the Planning Commission has not passed on the application of John J. Russell to permit operation of a kindergarten through the 8 th grade, parochial school, 120 ft. north of Churchill Road, adjoining Langley Manor Subdivision and Langley Forest Elementary School, Mr. Smith moved that because of the location and size of the use and intensity of the operation involved, in connection with the site plan layout with relation to the streets giving access to the school, it is the opinion of the Board that this would create a serious traffic hazard. It is the belief of the Board also that this would be a hazard and inconvenience to the predominantly residential neighborhood and it would increase with the increasing population. Taking these things into account and also that there is no buffer between the school and the residential neighborhood, Mr. Smith moved that the permit be denied; seconded, Mrs. Carpenter.

Mr. Lamond stated that the Planning Commission wishes to look at all of these school sites, but did not do so in this case because Mr. Schumann came before the Commission last Thursday and told the Commission that because these churches had a building program geared to school opening in September these cases should be passed over so the Board of Zoning Appeals could act at this meeting. It was in the interests of the applicant that these cases were pushed along.

4-Ctd Mrs. Henderson said she was reluctant to vote against any school but knowing this area, she was of the opinion that there is a better location for this school and she felt if the applicant made an earnest search a suitable site could be found.

The motion carried unanimously.

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5- ST. BERNADETTE SCHOOL, to permit operation of a school, on north side of Keene Mill Road, Rt. 644, bounded on east by Accotink Creek, Mason District (RE 0.5)

Father Bradican and Mr. James Martman represented the applicant.

Mr. Martman gave the following details of the school. They have 27.5 acres (this will be used for the school only) three fourths of the property is bounded by Accotink Creek and flood plain. All buildings are well set back from the road. The present plan is for eleven class rooms with from 40 to 50 to a class room; ultimately, they expect to have twenty-five class rooms. It was noted on the plat that the buildings to be built ultimately are shown in dotted line. They will have kindergarten thru 8th grade. The school will take care of approximately 500 children in the first unit of development, the maximum will not exceed 1250 children.

There were no objections.

Mr. Lamond moved that this application of St. Bernadette School to operate a school on the N. side of Keene Mill Road bounded on the east by Accotink Creek be approved as per the plan submitted including the future class room wing as shown on the plat; seconded, Mrs. Carpenter.

Carried unanimously.

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Mrs. Henderson called attention to the fact that with regard to making a decision on the Lynch gravel pit application, if it so happened that the Board's decision was not in agreement with that of the Commission, the Board could not act as a full Board membership was not present. Therefore she suggested deferring the case for a full Board.

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6- ST. ANTHONY"S SCHOOL, to permit addition to school, property NE corner Of Leesburg Pike and Glen Carlyn Rd., Mason District (R 12.5)

Father McCarthy and Mr. Ball were present to discuss the case.

Mr. Ball showed pictures of the existing building and a drawing of the proposed addition. Eight class rooms are proposed to be added to the existing 17 class rooms; the building will be three-story.

NEW CASES - Ctd.

6-Ctd. In the construction of this addition, Father McCarthy stated, they will have to give up 15 or 20 parking spaces, but they can more than make this up as a sufficient amount of ground is available. Mr. Chilton had noted this in his comment but agreed that they could furnish more parking than required.

This will be a school, including kindergarten through 8th grade - 1200 to 1400 pupils, Father McCarthy explained, there are roads on two sides of the property and it is bordered on one side by commercial zoning. No residential zoning touches the property. The tract includes 9 acres for the school operation. The church is on the property; the church and school are in the same building.

There were no objections.

Mrs. Carpenter moved to grant the application of St. Anthony's as it does not appear that this would be a detriment to the character and development of adjoining land and it is understood that adequate parking will be provided as it is indicated on the plat that this can be done. Seconded, Mr. Lamond. Carried unanimously.

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DEFERRED CASES

1- VERNON M. LYNCH, to permit operation of gravel pit on 35.22 ac. of land, approx. 300 ft. W. of S. end of Rt. 730 and S. of Franconia Rd., Rt. 644, Lee District (RE-1)

The Board again discussed the Lynch gravel pit which was scheduled for this time.

Should the Board take a vote and have Mr. Barnes vote later if he came to the meeting? Mr. Lamond could not be present if the meeting ran into an afternoon session. It would be necessary to have the full Board present in case the decision did not agree with the Planning Commission recommendation.

Mr. Lynch preferred to have the full Board present.

Mr. Lamond moved to defer this case until a full membership of the Board is present, on June 14. Seconded, Mr. Smith. Carried unanimously.

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2- DAVID R. GARNER, to permit erection of addition to dwelling closer to Ridgeway Dr. than allowed by Ordinance, Lot 141, Sec. 3, Springvale (6901 Wren Dr.) Mason District (RE-1)

This had been deferred to view the property.

Mr. Lamond moved that the application of David R. Garner to erect an addition to his dwelling on Lot 141, Sec. 3, Springvale, be denied as there

2-Ctd. is sufficient room on the lot for the addition without encroachment on the setback area; seconded, Mrs. Carpenter. Carried unanimously.

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3- HARRELL T. VANCE, to permit erection of carport 10 ft. from side property line, Lot 139, Sec. 4, Hollin Hills, (111 Martha's Rd.) Mt. Vernon District (R-17)

The Board had inspected the property.

Mr. Lamond moved that the application of Harrell T. Vance to permit erection of carport 10 ft. from side property line, Lot 139, Sec. 4, Hollin Hills be approved as this particular lot is very hilly and the Board was convinced that this is the only place the applicant can add the carport. The slab was placed here to be used as the floor for a carport in the original plan of the house and the slab has been so used since the house was built. At the time the slab was put in the 10 ft. from the side line for a carport was permitted; seconded, Mrs. Carpenter. Carried unanimously.

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Mr. Mooreland read a letter from the Commonwealth Attorney of Prince William County, relative to correcting complaints on the quarry at Occoquan.

Mr. Mooreland said he had looked at the operations for one hour and had talked with the superintendent and was taken all over the plant. They sprinkle the road and have a sprinkling system for trucks leaving with the dry material. They also have a sprinkling system on the conveyors. They will enclose part of the lifts as they have some dust. They have not gone any closer to the road. Mr. Mooreland said he did not know what the specific complaints were but during his trip to the plant he heard no evidence of complaint. They do not work on off-hours. The blasting is controlled by police who stop traffic. They blast at set times. By and large, Mr. Mooreland continued, it appeared like a very well operating plant and he saw no evidence of violation..

The Board must have some notion of what the complaints are, Mrs. Henderson suggested; it appears that whatever complaints there may be, they are only hear-say, as far as the Board is concerned, until specific violations are pointed out. The Board took no action on the Commonwealth Attorney's letter.

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Mr. Mooreland said complaint had been made to Mr. Fitzgerald regarding the change of use of a building where there was a building used for one purpose and now it has been used for two purposes. This was done in the case of a 7-11 Store.

They had built a building. There were two contracters - one built the Store and the other built a dry cleaning establishment. A letter from the Commonwealth's Attorney states that this is one building divided in half. There are two operations in the building. Two permits have been issued. The plot plans are identical. It is claimed that there are two buildings.

This was brought to the Board for information only.

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The meeting adjourned.

Mary C. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, June 14, 1960 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present, Mrs. M. K. Henderson, Chairman, presided.

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

1- BAILEY'S CROSSROADS LITTLE LEAGUE, to permit operation of Little League baseball diamond, N. end of Rose Lane, adjacent to Lot 1, Section 1, Taynton's Addition to Valley Brook, Falls Church District (RE 0.5)

Mr. Birnbaum, Vice President of Bailey's Crossroads Little League, opened the hearing with a background description of this branch of the Little League.

He presented the Board with photographs of the ball field, surrounding area and an aerial photograph showing the field and vicinity.

The Bailey's Crossroads Lions Club Little League has 400 boys playing baseball, representing 330 families, Mr. Birnbaum told the Board. There are 22 teams and they plan to have four more. They carry on this activity by means of contributions from people in the area and from sponsors. They share facilities with other groups in the area. The games take place from May to the last of July. They use the field from 6 p.m. until 8:30 five days a week and sometimes minor leagues on Saturday from 9:00 to 3:00. No play is scheduled for Sunday. (Little League is divided into three groups - major, minor and the farm program). They estimate about 35 boys on the grounds at a time, a few adults and some spectators.

This land is owned by Mr. Taynton who gave Mr. Dodd permission to clear the land for use of the Little League. Mr. Dodd, who is one of the Minor League Managers, is very skillful in his work with boys and is a devoted Little Leaguer. Mr. Dodd, with his own equipment, put in the field which, Mr. Birnbaum stated, is excellent. It is well drained, it is surrounded by woods and no houses are near. Mr. Taynton leased this land to the Baileys Crossroads Lions Club with restrictions. While this is near the Valley Brook School, he continued, there is no connection with them. Their request is only for use of the Little League; they share the field with the Annandale group.

Mr. Birnbaum said they had talked with the opposition in an effort to iron out their complaints. As a result of these talks, they have stopped all noise makers. At one game they had a loud speaker which they have also discontinued. Parking was one of the main problems. They have now cleared an area at the end of Rose Lane which they are using. They can increase the parking space and will surface the area with gravel.

1-Ctd. This is good training for these boys, Mr. Birnbaum went on, it teaches them character, how to get along with others, and discipline. They are deeply sincere in this effort, Mr. Birnbaum assured the Board; they are trying to do these things for the boys. It is getting increasingly difficult to find places for these games; while people have no objection to the Little League and its program, there are very few locations that would not create some objections. These, Mr. Birnbaum contended, can be minimized. They are willing to do everything they can to alleviate objections, but they also feel that the benefits to the boys and to the community far outweigh any objectionable features.

Mr. Lamond questioned not having a written statement from the Health Department approving this. Mr. Birnbaum said they have verbal approval from Mr. Bowman and will get a written statement if this is granted.

While most of the Board members and Mr. Mooreland agreed that this was satisfactory, Mr. Lamond did not think that satisfied the wording of the Ordinance. The permit could not be granted, Mr. Mooreland stated, until his office has approval from the Health Department. This permit could be granted subject to that approval if the Board chose.

Mr. Birnbaum said there would be nothing on the land except the benches and fences.

In answer to Mrs. Henderson's question as to how many boys from the nearby areas are members of this group, Mr. Birnbaum said he did not know - all boys in the Greater Holmes Run area are eligible, but he was told there is little interest in this immediate area.

Mrs. Henderson asked about the raw bank next to the school. Mr. Birnbaum said they would take care of that if this is granted.

Mr. John Haufbauer, President of the Bailey's Crossroads League, told the Board that they have planted seed on the raw bank. Mr. Haufbauer also said there were no area lines drawn for any one group - some children go for quite a distance to play, that is optional. He discussed the make-up of the system under which the three groups operate.

Mrs. Taynton restated the fact that this has no connection with Valley Brook School or Mr. Dodd. Mr. Taynton gave Mr. Dodd permission to clear the brush and prepare the land for a diamond, at his own expense, and Mr. Taynton gave permission for the Little League to use approximately one acre of land. Mrs. Taynton said they have leased no land to Mr. Dodd, nor to the Valley Brook School and there is no option to purchase land from Mr. Taynton by either of these people.

NEW CASES

1-ctd. Mrs. Taynton pointed out that the plats showing Taynton property under lease to Dodd or the school should be corrected.

The Chairman asked for opposition.

Mr. David Bennett, from Valley Brook Drive, representing 46 home owners in the immediate area, presented a map of the entire location showing the ball field, the streets, homes, indicating location of those in opposition. It was evident that practically all living near were in opposition. Mr. Bennett said this wasn't a door to door canvass, it was volunteer opposition.

These people oppose this permit for the following reasons: because of the unsuitable nature and location of this field; it is being imposed upon the neighborhood without their consent; they believe this has a close relationship with the summer day camp to which they are vehemently opposed. This field was included within the plans of the summer day camp.

This is depreciating to the neighborhood; it has created a hazardous condition; cars park head-in and there is no place for people to back out and when they do back out it is dangerous for children in the area. People came here for a quiet life; this has been destroyed. It has been difficult to sell property when the purchaser is informed of the baseball diamond. (He cited a concrete instance.)

This field has been in use since the last week in April without a permit. Mr. Bennett charged Mr. Dodd with using this field as a drawing card for the school.

Summing up, this is here without consent of the neighborhood; it is hazardous to children in the area, and if granted, it would destroy the residential character of the neighborhood. This is not representative of the neighborhood.

Mrs. Birtwistle, 218 Rose Lane, (next door to the Valley Brook School) objected for reasons stated, and deplored the fact that these people are ignoring good public relations. She agreed that the neighborhood had been patient with conditions, the street parking, the dust, disregard for rights of people in the area, the unsuitability of this activity in this area, and contended that if this is granted, all vacant land would be eligible for the same use.

Mr. Frank Hellman, 1324 Beech Tree Lane, objected to the loud speaker, the noise, unsuitability in this area and the infringement upon their quiet home life.

1-Ctd. He also questioned whether the diamond meets the minimum requirements. He suggested that they use the public school grounds - why infringe upon people who do not want this?

Mr. Dan Smith informed Mr. Hellman that the field does completely meet minimum requirements.

Mr. Donald Shaneyfelt opposed this for reasons stated. He suggested another location for the field which is not far from this area.

Raymond Clarke, 400 Valley Brook Drive (two houses away) objected for reasons stated.

Carl Hancock, 317 Valley Brook Drive, referred to the Ordinance requirement for a site plan, page 82. That, Mrs. Henderson explained, will necessarily be approved by the Planning Commission before a permit could be granted

Approximately 40 people were present in opposition.

Mrs. Robert Niederstrasser, 1220 Sleepy Hollow Road, objected to the possibility of vacant land across from her home being placed in an eligible position for Little League activities if this is granted.

Mr. Birnbaum spoke in rebuttal stating that they had stopped the blow-horn and the loud speaker. They will not use this ground for any purpose other than Little League play, certainly not a summer day camp. The field was prepared by Mr. Dodd and leased to them for this purpose only. They intend to extend the parking and install a turn-around if necessary; they are not a pawn of the Valley Brook School - they stand on their own. As to destroying the quiet of the neighborhood, they are 100 yards from the nearest homes. This interferes with no one as they are surrounded on three sides by trees. He asked if there are always objections to these fields-where will these children play? They have made application to five schools for use of the grounds but after this year those grounds will not be available. They have a recreation program which will use the grounds. They are almost desperate for playfields. The tract mentioned here which might be used is low and muddy; it is too close to homes. The same objections would be used. They need this field badly, they will share it with others in the Little League territory. It is their wish to live as good neighbors. They will do everything they can to lessen the impact on the neighborhood. But they earnestly want a place for these boys to play.

Mr. Lamond asked why they were playing without a permit. Mr. Haufbauer said they were told that the police never stop an activity until after the

1-Ctd. hearing. Mr. Mooreland said a complaint was filed and the application filed. It is the policy of the County, Mr. Mooreland explained, that one in violation of the Ordinance was given the opportunity to apply before this Board for a permit (if the violation is within legal jurisdiction of the Board to grant) and if he does not apply he is given 30 days to cease activities. If he files he is not restrained until after action of the Board. That has been the policy of the County for 10 years, Mr. Mooreland advised those present.

Mr. Birnbaum said the first game was May 7. He also noted that the field is legal in every detail; it meets all specifications of Little League requirements. He told again of their discouraging search for ground. They are still looking, talking with realtors and so far have found nothing that is not either commercial or near residential areas.

Mrs. Henderson assured Mr. Birnbaum that the Board members were sympathetic with the purposes of the Little League, but she questioned the right to impose this upon a neighborhood where it was objectionable.

Mr. Birnbaum thought the objection here was emotionally tied to the Valley Brook School. He felt that they could meet all the mentioned objections but they apparently could not bridge the personality conflict which exists in this area between the neighborhood and the school.

Mr. Lamond thought the parking on Rose Lane one of the main objections - he thought something might be worked out on that. Rose Lane should be used for ingress and egress only, he continued, he suggested using the Taynton property for parking.

Mrs. Bartwhistle said that would not relieve the constant traffic, 40 boys coming and going 6 days a week.

Mrs. Taynton spoke on traffic control by the Little League. Probably they could put in parking to the north of the field with a turn-around.

Mrs. Henderson suggested that the parking could be controlled but that still would not alleviate the traffic.

Parking and the expense were discussed.

Mr. Lamond moved to defer the case for a written report from the Health Department. He thought the Ordinance was explicit in this and the Board should have that report. He moved to defer this to June 28. There was no second.

Mr. Smith moved to defer the case for 45 days to hear from the Health Department; they are very busy at this season and 45 days would give them adequate time. He considered 2 weeks entirely too soon; seconded, Mr. Barnes.

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1-Ctd. For the motion - Mr. Barnes and Mr. Smith.

Against the motion - Mrs. Carpenter, Mrs. Henderson, Mr. Lamond. Motion lost.

Mr. Smith moved to defer the case 30 days; seconded, Mr. Barnes.

Mr. Lamond amended the motion to defer to June 28.

Mr. Smith accepted the amendment if the report from the Health Department is ready by that time and if not the case be continued until the report is given; seconded, by Mr. Barnes.

Mr. Lamond suggested that a site plan be prepared soon.

He noted that no further hearing would be held but that the June 28 hearing would be for the Health Department report only and that operations of the Little League on this property cease now.

Mr. Smith made a plea for the 140 boys involved in this and no place to play. He urged the Board to allow the play to go on until this is settled; they have started the season. They have 21 games to play and no place to play. The danger here is not so great that the boys should not be allowed to complete the play seasons, he contended; they should continue until June 28 at least.

Mr. Lamond restated his amendment that this case be deferred to June 28 and no permit shall be issued before the report from the Health Office shall have been received and in the meantime operations of the Little League on this property shall cease as of this date.

For the motion - Mr. Lamond, Mrs. Carpenter and Mrs. Henderson.

Against the motion - Mr. Barnes and Mr. Smith. Mr. Smith made a strong plea once more for the 140 boys as against the 46 families - a place for them to at least finish their planned schedule. These boys should not be penalized because the people in charge of them cannot find ground for them.

(Opposing letters and petition containing 29 names are filed in the records of this case.)

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2- DWIGHT H. DODD, to permit operation of school, kindergarten thru 7th grade, with dancing and swimming instructions, Lot 1, Section 1, Taynton's Addition to Valley Brook, Falls Church District (RE 0.5)

Mr. Roy Swayze represented the applicant. He asked Dr. Thomas Wright of 309 Rose Lane, a five year resident of this area, living four houses from this school, to make a statement.

Dr. Wright stated that as a parent of two children who attend this school,

2-Ctd.

as a taxpayer, and as a citizen interested in recreation and education he felt that recreational facilities are the rights and necessity of friends and neighbors.

Dr. Wright described the situation in this neighborhood as suggested, that it had resulted from a clash of personalities. He felt that if people could have worked together they could have been a great help to the school and to the community. He deplored the fact that an atmosphere of hostility and distrust has developed. And, as a result, he continued, the children are the casualties. The adults have defeated their own purposes.

Mr. Wright said he had seen no more vandalism in the neighborhood since the school began operating than before. He commended the school operation. He suggested that this application be approved with the stipulation that a committee be formed to meet with the school to discuss defects and complaints against the school, and that in this manner a medium could be set up by which the two groups could cooperate with each other then filter the complaints and resolve their differences.

Mr. Swayze said the people of the school had had difficulty in meeting with the neighborhood, therefore they employed an attorney as their spokesman. This school is already in operation, Mr. Swayze continued - the plant is an established fact. The pupils and teachers are there and this application is only to extend the grades, Mr. Swayze went on to explain. They are not concerned with the suitability of the personnel of Valley Brook School - that has nothing to do with this application. If the people in the neighborhood do not like the people who run the school, that is beside the point. The school can still continue. The plans they have for expansion would be no different from what is already here, simply a few more children.

This school was opened in 1959 with 45 pupils. They now have 62. They wish to increase to 80. The building is designed for that number. They have five class rooms, a good play ground with certain facilities.

Mr. Swayze presented a petition and telegrams to show what the school means to those interested or whose children attend. They have small classes and a great deal of individual work. They make a great effort to handle children on an individual basis, understand their problems and incorporate them into a well adjusted life.

Letters were read from Mrs. Albert Doub, Jr., Mrs. Barrett Stephens, Mr. and Mrs. Allender, commending Mrs. Witt highly on her

2-Ctd. conduct of the school, telegrams from Congressman Broyhill, Roberts and Senator Sparkman, congratulating her on the value of this school to the neighborhood and to the County.

A group letter from parents was read - also a petition signed by 189 persons, representing patrons of the school, all in commendation of the conduct of the school.

These are people who have used the school, they know the quality of Mrs. Witt's work and they wish to see the grade extension, Mr. Swayze pointed out.

Also a letter was read from Girl Scout Troop 515 thanking Mrs. Witt for the use of her school.

This is a creditable institution, Mr. Swayze continued, it is highly specialized. The care of the unadjusted, the especially endowed child, or the child who has problems are all taken seriously into account.

The school is a credit to the neighborhood and this application should not be rejected unless there are overwhelming reasons why this extension should not be granted. It does not inconvenience anyone.

Mr. Swayze said, in the minutes of two years ago, Mr. J. B. Smith put in the granting motion that the school should be limited to first grade and kindergarten. Nowhere in the hearing was there discussion of the curriculum, that was not an issue. The limitation of grades was put in as an afterthought.

Mrs. Henderson questioned how they could conduct the upper grades with an extension of only 8 pupils, and take care of those who wish to go on from the first grade. They would need more recreation ground and equipment beyond swings and slides. She recalled that the reason the school was limited to first grade and kindergarten was because of the lack of space. She recalled that they did acquire more land. She also discussed parking on the property within 25 ft. of property lines.

Mrs. Witt said the space would be ample as the kindergarten rooms would be used only in the morning, giving space for other classes in the afternoon. Most of the demand for their specialized schooling is for younger children, she explained, very few continue on but they do not feel it is fair not to be able to continue on these who wish it and many of whom need to stay on, not yet ready for the public schools. Use of the rooms will be staggered and some grades will be placed together. As to recreation for the older children, Mrs. Witt said they would have only baseball and volleyball. They plan to add one class a year.

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2-Ctd. They will take only up to the 70 enrollment, (enrollment would not at any time exceed the 70 pupils).

Mrs. Witt said she also wished to have dancing and swimming for the people in the neighborhood who are interested. Dancing and swimming would be open to the children in the community in the afternoons. The dancing teachers would be on the staff, paid by her.

Mrs. Henderson asked about Mr. Dodd's business located in the building.

Mr. Swayze said he had no business there.

The school would be in two sessions - 9:00 to 12:00 and 12:30 to 3:30 p.m. Enrollment varies. The children come and go. They average about 67 pupils.

It was understood that however the classes were adjusted the building and grounds could accommodate no more than 70 pupils at one time.

Mr. Swayze said they now have four teachers and two bus drivers. The cars could be moved to the rear of the school within the setback area, separating the parking from the play area.

Mr. Bennett, 401 Valley Brook Drive, spoke in opposition representing a group of home owners. He referred to the application for summer day camp which was denied, he considered this the same request. He displayed a pamphlet advertising a summer day camp for June through August. He recommended that the Board apply regulations under Sec. 11.1.0 of the Ordinance. He referred also to a child who was removed from the Girl Scouts because of parental opposition to the summer camp. He also charged that the Little League is a commercial enterprise. He asked that Mr. Dodd's office be removed from operating in the building, and showed a picture of one of his advertisements using this ~~home~~ school as his office address.

Mr. Bennett also stated that a swimming pool was constructed without a permit. These things were discussed with Mr. Mooreland, Mr. Bennett stated.

The emotional and personality aspects of this situation were discussed.

Mr. Bennett said they had no objection to the kindergarten and first grade but theyydo object to any increase in the school. He noted that in the 189 name petition no mention was made of the increase in the school, neither do they want activity to continue for 12 months. They had considered the school year to be nine months.

Mrs. Bertwistle concurred in Mr. Bennet's statements. She recalled that they objected to the school in the beginning only because of the lack of ground area and more land was added.

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2-Ctd. Mr. Frank Hellman objected to extended use of the swimming pool, it is noisy and annoying. Would it be open at night, he asked - with lights?

(Mr. Moorland noted that these people got a permit for the pool after it was built.)

Mr.Donald Weinsheimer of Valley Brook Drive told of the blackmail against his family, resulting in the withdrawal of his daughter from Girl Scouts. He also charged that this is in fact a re-submission of the summer day camp application.

Mr. Swayze stated, in rebuttal, that the objections to this increase in the school were not of a serious nature. The people accept and approve the school as it exists and the opposition to the extension does not say that it would adversely affect the community. If no reasons are advanced why the school should not be extended, the Board is within its jurisdiction to grant the permit. It is not contrary to the Ordinance or to the best interests of the community. The hearing has unearthed some violations on the property, he continued, but these violations have nothing to do with this application - they should be taken up with the Commonwealth's Attorney.

Mr. Swayze summarized the case in this manner: these people have admittedly done a good job with the school; no serious objection has been raised by the neighborhood, if facilities are extended to the 7th grade.

Mrs. Henderson asked if this were a nine month's operation.

Mr. Swayze said other schools operate a summer session as well as winter; they had no thought of having only a nine month's session. Under the Ordinance they are entitled to operate during the months they chose - this Mr. Swayze said, is not clearly spelled out in the Ordinance.

Therefore, the Board interprets that, Mrs. Henderson said.

Approximately 12 parents were present favoring this, approximately 15 against.

Mr. Lamond checked the criteria brought out by Mr. Hansbarger at the original school hearing, on space requirement. This area would meet the state requirement.

Mrs. Taynton told the Board that it had been their thought that this school would continue on through summer.

Mr. Lamond moved that this application for extension of this day school as discussed at this hearing be denied. The original application acted

2-Ctd. upon in 1958 was for kindergarten and first grade and at that time the Board explored the extent of the activities that would be connected with this school and the extent of the grades and it was agreed that this would be granted for only kindergarten and first grade. Conditions have not changed which would warrant a change in the original granting. This operation, however, shall be limited to nine months operation.

It is also included in this motion that specific requests laid down in the original application hearing be adhered to. In the first granting of this application, it was said that some one would live on the property and that it would be fenced. The applicant must conform to these requirements which were laid down and agreed to at the original hearing. While these requirements were not in the motion it was the intent of the Board and the applicant that these things would be carried out and such agreement by the applicant largely influenced the approval of the application; seconded, Mrs. Carpenter.

Motion carried unanimously.

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3 - ROBERT I. McCLESKEY, to permit an addition to dwelling closer to street line than allowed by the Ordinance, Lot 95, Section 3, Tyler Park, (210 Harrison Road), Falls Church District (R-10).

GERVIS L. GRIM, to permit an addition to dwelling closer to street line than allowed by the Ordinance, Lot 96, Section 3, Tyler Park, (208 Harrison Road), Falls Church District (R-10).

These cases were handled together as they are adjoining lots -- applicants asking the same variance.

Mr. Grim pointed out the fact that both of these houses are set at an angle on the lot, preventing either applicant from converting this porch to a room without a variance. If the house were straight with the lot lines, the setbacks would be such that this change could be accomplished without violation. There are four houses in this same block located in the same way -- the others are placed square and could enclose the porch without encroachment. Both houses were built about 13 years ago. Mr. Grim said he had owned his for ten years -- his family has increased from one child to four during that time. He needs this extra room. Mr. McClesky said they had owned their house for 13 years and they have felt the need of more room for many years but were not able to put on this addition until now. This extra space is for their own use and for guests.

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3 and 4, cont'd. They showed pictures of other houses which have made this conversion. Mr. Mooreland said these additions could have been put on without coming to the Board if they would have lined up with other houses in the block. These people could not do that because of the angled locations; therefore, these applications for variance were made.

No one in the area objected.

Mr. Lamond moved that the Board in considering these applications acknowledge that there are unusual circumstances which apply to the buildings for which the variance is sought which do not generally apply and such circumstances are not in any way the fault of the applicant -- and therefore, step 1 under variances applies. Seconded, Mrs. Carpenter. Cd. Unanimously.

It is also found, Mr. Lamond continued, that the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of the land involved, and that the granting of some variance for the reasonable use of the buildings is necessary -- it is considered appropriate therefore that some variance is needed.

Seconded, Mrs. Carpenter. Cd. unan.

Mr. Lamond moved that since this Board finds that some variance is necessary it is recognized that the minimum amount allowable is that variance requested by the applicants. Therefore, he moved that both applicants in these cases be granted the variance requested. Seconded, Mrs. Carpenter. Cd. unan.

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5 - ANNA S. GROGAN, to permit operation of a kindergarten, Lot 36, Section 4, Pine Ridge, Falls Church District. (RE-1).

Through a misunderstanding the applicant had not sent the notices to adjoining property owners. Mrs. Carpenter moved that the case be deferred to June 28. Seconded, Mr. Lamond. Carried unanimously.

6 - SUN OIL COMPANY, to permit pump islands 25 feet from right of way line of Route 644, part Lot 2, Hugo Maters Subdivision (on south side Route 644) approximately 200 feet east Route 789, Loisdale Road), Lee District. (C-G).

The applicant was represented by Mr. Brittingham.

The right of way of Franconia Road is at present only 30'. It is proposed to be 50' and they have taken that into consideration in their plans. The building as proposed to be located will be more than 50' back

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after the widening, Mr. Brittingham told the Board. They want this 25' pump island setback in order to get a good layout for their business and to meet competition from other filling stations.

Mr. Mooreland pointed out that screening against residential property will be taken care of in approval of the site plan.

Planning Staff comment: "If this property is conveyed, divided or sold .....it will be subject to subdivision control and plat approval will be required. Maximum entrance width 30'. Site Plan approval will be required before a building permit can be issued."

Mr. Chilton said the Staff would recommend that the curb locations as shown on the plat in red be approved.

Mr. Lamond moved that this application be granted and that the provisions suggested by the Planning Staff be complied with. Seconded, T. Barnes. Cd. unan.

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7 - J. A. VAN GULICK, to permit the construction of a building with less than the required setbacks, s.e. corner of Old Lee Highway and Locust Avenue, Falls Church District. (I-L).

This is industrial property on which he wishes to build a warehouse, Mr. Van Gulick told the Board. The property is bounded on the east by industrial zoning -- on the other sides by residential zoning. All of this area is classified industrial in the plan and it will no doubt be so zoned in the near future. In the meantime, however, he must meet setbacks required under industrial zoning joining residential. He cannot do that without a variance. Mr. Van Gulick said he has a lease on the Tirelli land (immediately east) with option to buy but he cannot use that land at present.

Mr. Mooreland explained that this is the first piece of land within this planned industrial zone to have obtained an industrial zoning - it is necessary to observe a 100' setback from residential lines. It is impossible to build under those circumstances without a variance. As it is, the man has a valuable piece of land which is unusable.

Mr. Vincent discussed Locust Avenue which he said is dedicated to a 16' width but has never been taken into the State system.

Mr. Vincent said he was present pepresenting his mother who owns land on Locust Street. The industrial plan, while it is very logical and a natural development in this area, has caused a serious problem for

7-contd. home owners during this transitional period of change from residential to industrial. The big problem is that in an industrial area there must be a street large enough to serve the development. Locust street is only 16'. It has been black-topped and maintained by the property owners and has been adequate for their use. A 50' right of way should be provided before industry is allowed to locate on this street -- a 16' right of way can never serve industrial development. The people along Locust street are willing to dedicate more right of way when they have their property rezoned -- industry is ready to come in - but without adequate access. He urged the Board to look out for the people living on this street who must have access but who object to having industry use the 16' right of way.

The Board and Mr. Van Gulick discussed this problem -- how the property got rezoned without proper access; what can be done not to destroy the entrance for home owners - but at the same time give access to industry; the purchase of this property contingent upon the zoning; the lack of attention paid to access.

Mr. Price agreed that in discussion of the rezoning no consideration was given to widening of the road. He was very sympathetic with Mr. Van Gulick's problem -- having this industrial property which he cannot use. He suggested that something be worked out with the residents of Locust Street.

Mrs. Henderson speculated on how long before any other land in this area would go industrial and how could Mr. Van Gulick get in and out in the meantime. It may be more reasonable, she considered, to look at this whole area in the light of industrial zoning rather than grant just one variance.

This is a problem that will come up on other similar cases, Mr. Price warned.

A considerable amount of discussion followed -- possible other locations for the building; parking; no access to Lee Highway except through the Tirelli land; the crooked line between Tirelli and Van Gulick; the existing house on the property which was not shown on the plat; relocation of the warehouse. The house now on the property and which Mr. Van Gulick said he will use for his office, is located about 10' from Locust Street. Mr. Vincent said the outlet road shown on the east of the plat is not there. He stated that streets in this area are thoroughly mixed up on all maps and plats -- it is difficult from the records to know

7-contd. NEW CASES

Mrs. Henderson suggested that the Board should have better plats showing the buildings and the entire set-up. The location and setbacks of the existing and proposed building should be shown so the Board can know the amount of variance needed.

Mr. Lamond moved to defer action on this case pending submission of proper plats -- defer to June 28th. Seconded T. Barnes. Cd. unan.

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8 - The C. & P. Telephone Co, of Va. - to permit erection of a telephone repeater station, on east side of Route 650, 1200 feet south of Routes 29 and 211, Falls Church District. (R-12.5)

Mr. Robert McCandlish represented the applicant.

This station will be located on a 4.8 acre parcel of land. A study was made for one year, Mr. McCandlish told the Board, to determine where this service would be needed. They located it on this property where they will have their permanent exchange. When the exchange goes in this station will be integrated with that building.

The purpose of this repeater station is to provide the best possible service to Dulles Airport, to render proper grade of transmission and to integrate these facilities into the nationwide telephone network. It will increase the volume of the voice. The building contains only electronic equipment, it will require routine maintenance. It will not be occupied. This has been approved by the Planning Commission. This is one of five stations which will be needed between Chantilly and National Airport. It will not interfere with radio or television. They will landscape the grounds to be compatible with adjacent property.

While the Ordinance says this station must not be within one mile of a commercial or industrial zone, and such zones are closer than one mile, these stations must be at certain places along the line and this line is required from Chantilly to National Airport. There is no possibility of moving this to some other location. It is a nation-wide system and this one station cannot be relocated without having to relocate the whole system. The Planning Staff has stated that this is an area set up for future industrial zoning.

Mr. Massey from C & P Telephone Co. was present. He explained the purpose of purchasing this ground for the telephone exchange. This installation will be removed when the exchange goes in. It will be

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8 contd. put into the new permanent buildings. If the repeater station could not go here the whole system would have to be redesigned, Mr. Massey explained, which would be practically an impossibility.

There were no objections from the area.

The Planning Commission recommended granting this as it is a necessary installation in the development of service to the Dulles Airport.

Mr. Lamond moved that the Board grant this application as applied for by the C. & P. Telephone Co. to install a repeater station, location as designated on the plat presented with the case. Seconded, T. Barnes. Cd. unan.

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9 - SYDNOR PUMP AND WELL COMPANY, to permit location of a water storage tank, Well Lot Resub. Lots 18 thru 29, Hollindale, Mt. Vernon District. (RE-0.5)

Mr. R. E. Ryan, Division Manger, represented the applicant.

They operate this small water system in Hollindale Subdivision, Mr. Ryan told the Board, having only 45 connections. This request is to install a metal underground storage tank at the existing well site. It will have 20,000 gallon capacity, size 33' x 10.6'. This is for the purpose of increasing their outlet lines from the existing pumphouse. This installation would be only 18" above ground. Mr. Ryan recalled the last case before the Board when they had agreed to put the storage tank underground. This will be practically the same thing.

Mr. Lamond said this site is so well screened the Planning Commission had trouble finding it. He also said the company had done a good job with the last tank which was put under ground. The only comment the Planning Commission members had when they saw the site was that some erosion had taken place. It may need some seeding.

There were no objections. The Planning Commission recommendation to grant this request was read.

Mr. Smith moved that the Sydnor Pump and Well Co. be granted a permit to locate a water storage tank on well lot re-subdivision of Lots 18 through 29, Hollindale. This shall comply with the recommendation of the Planning Commission and shall be in accordance with the plats submitted with the case at this hearing. It is understood that the tank will be underground 18" diameter 18" above ground. This shall comply with requirements of the Health Department and this shall be enclosed to prevent any hazard to children. Seconded, T Barnes. Cd. unan.

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10- MODERN SAND AND GRAVEL CORP., to permit gravel operation, property on west side of #613, just south of King property, Lee District (RE-1)

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Mr. Donald Ball and Mr. DiGiulian were present to represent the applicant. Mr. Ball stated that they had originally obtained a permit to remove gravel from the E. B. Hunter property, which his company had purchased. They have now bought the adjoining Morgan property - 75 acres - from which they wish to take gravel. He located the property with relation to roads and Modern Sand and Gravel deposits and plant. They have provided a private road from the plant to the Hunter-Morgan property. It was noted on the map that the private road does not follow Beulah Road at any point - there is only a cross-over leading from this property to the processing plant.

Mr. Ball recalled that the County had at one time planned to have a comprehensive study made of gravel deposits in the County. Since this was not done they have employed Resources Research, Inc. (Dr. McCabe and Mr. Levin) to make a study of gravel removal on the Hunter-Morgan tract.

Dr. McCabe presented his report, the full text of which is recorded in the file of this case.

Dr. McCabe noted in the beginning that this company has conducted sand and gravel operations in the County since 1933. It has been their practice to preserve the topsoil at its deposit site and replace it after the aggregate has been extracted and new grades established. This allows the land to be used for permanent development.

Residential development in the area is sparse, approximately 13 houses are situated to the south, a small housing development to the north. A few other dwellings are scattered nearby. Otherwise the area is rural in character with a few industrially zoned areas. Several other active gravel sites exist in the area.

Approximately seventy per cent of this tract is classified as marginal (unsuitable for development); twenty per cent secondary (could become suitable if improvements are made) and ten per cent prime. As the ground stands it would be unsatisfactory for future development. Operations planned here would improve the topography and render it advantageous for use. There are 247 acres in the entire tract.

Mr. Levin described the topo of the tract, pointing out the hills, swales and swamp areas. The gravel is largely found near the surface of hilltops. The operations will not result in the creation of pits, but rather in the removal and reduction in elevations.

10-Ctd. The aggregate will be hauled to two plants, one on company land immediately to the east - the private road crossing Beulah Road , haulage all on company property. The other outlet will be along the western boundary of the tract to the old gravel road bed of the Alexandria and Fredricksburg Railroad. Haulage on this road bed would extend approximately one mile south to Newington Road. They would use Newington Road for approximately 1/2 miles then enter the Belvoir Sand and Gravel plant of the Company. The State Highway traffic on Newington Road is approximately 2,800 vehicles per day. The road bed is very rugged and would necessarily be graded and improved by this company before it could be used.

Both processing plants are in existence. Therefore no new problems will be created as there will be no additional impact. The tract will be well buffered and maintained.

Dr. McCabe made the following recommendations:

1. Routine dust control treatment of unsurfaced roads on operation site and along haulage routes; 2. Prevention of excessive soil erosion to prevent stream pollution; 3. Recommend improvements to wash water detention system at the Belvoir Sand and Gravel plant to control release of silt in waters.

Mr. Ball stated that these recommendations would be carried out.

The Planning Commission recommended that all traffic use entrance on Rt. 613 only as Rt. 637 is narrow and unsurfaced and it is the opinion of the Highway Department that heavy truck travel over this road would cause serious and rapid deterioration, therefore Rt. 637 should not be used.

Mr. Ball said they would work out something on Rt. 637 with the Highway Department.

The Chairman asked for opposition.

Mr. C. L. Dorsey, President of the Franconia Citizens Association presented the objections of his Association. These people object to the granting of such operations on the large area because of the desolation they would create. They are unhappily conscious of what these gravel pit operators have done to their area over a period of many years. They have depreciated home values, such operations are difficult and depressing to live by, the narrow ill-kept roads become increasingly bad; they are not built for heavy loads.

While they say that the gravel trucks will only cross Beulah Road, that they are not assured of for the future. Beulah Road is heavily

sand and gravel operations. Seconded, Mr. Barnes. Carried unanimously.

10-Ctd traveled because of Ft. Belvoir and other gravel pits in the area. Gravel pits in the area have stifled growth and good development and has cost the County in loss of high taxes. Restoration of this area would be expensive to the County; it is another venture in exploitation. Gravel pits have been left in such an unsightly condition, the areas have become almost a total loss and restoration is slow and of questionable value in the long run. There is little that can be done about other permits granted on gravel pits, Mr. Dorsey continued, but they strongly protest the granting of a new one. He asked the Board to deny the case.

Major Brim who lives near the northeast corner of the tract, a seven year resident there, recalled that when he bought his property there were no gravel pits in the area. He was overseas for three years and upon his return, he was practically surrounded by operating gravel pits. Another granting of a gravel pit and he would be completely surrounded. He has seen a steady decline in development within the last few years. This is depressing and degrading to the neighborhood. They are burdened with scattering of trash, traffic and dust. Since the very nature of these operations requires that the material must be moved to the processing plant they cannot get away from the unpleasant repercussions.

Mr. Lavinus, who has lived in the area since 1940, charged that it is difficult and discouraging to fight big business. He objected to the dangerous condition of the exploited areas and the apparent inability of the County or anyone to enforce good performance in these people.

Mr. Dudley Butler, living in Glen Alta objected, saying the Commission has designated five slum areas in the County. One is on Beulah Road. That is caused, he declared, by gravel pits.

Richard Pitts, who lives on Telegraph Road, told of the activities on Telegraph Road and the increase in traffic. He explained that the only reason people continue to buy in this area is that they have only week-ends to go out looking for homes. Over week-ends, gravel operations are shut down. They never know what they are getting into. He described the traffic load, dangerous speed of trucks and the resulting bad roads. If this is granted, he predicted that this area would become one monstrous gravel pit which could never be improved.

Mr. DiGiullian discussed the use of Beulah Road, saying they have four plants in operation each with its own source of supply near. This plant will handle only material from Modern Sand and Gravel and Fort Belvoir. No roads other than described in the presentation will be used.

10-Ctd. Mr. DiGiullian insisted that this land will be put in shape for residential development, it will be more useable than it is at present. He cited many subdivisions which have been developed on land which has been a gravel pit. He told the people that gravel pit operations cannot control trash which people from any part of the County throw along the highways. He pointed to the strict provisions of the present Ordinance ~~which~~ about rehabilitation of gravel pits. They must follow the requirements of the Ordinance and they must put up ~~land~~ bond to assure performance.

Dr. Levin displayed a copy of the Northern Virginia Regional Planning and Economic Development Commission plats of land use which indicated that this land is at present almost 90 per cent unfit for residential development. However, much of this land can be reclaimed by re-grading which they will do and make it fit for development. Left as it is, it will be a waste of marsh, swamps; rugged and sloped.. This use will assure a better future for the whole area. It is only by a use such as requested here, that anyone can afford to put the land in condition suitable for future development.

Mr. Ball answered the objection as to the lack of benefit to the County, saying they have paid the county large sums in taxes, county tags and gas tax.

They will operate under the strict observation of the Department of Public Works, Mr. Ball assured those present, they will be closely policed and the people will be protected. He also pointed to the other operations conducted by his company and how the land was left in a satisfactory condition feasible for use.

Mr. Lamond commended Mr. Ball and his company for the good work they had done. He assured the objectors that if this is granted, they will have full protection under the present ordinance, which unfortunately is not applicable to the old pits. Mr. Lamond thought an operation of this kind, is the only way to ever put this land in usable condition. He spoke of going over this land just recently; it is an area of many gravel pits, he noted; it is one of the most remote in the County as far as development is concerned. He felt that the strong controls now in the County Ordinance would assure a minimum of inconvenience during operations and good future development.

Mr. Lamond moved that the application of Modern Sand and Gravel be approved for a period of five years and that it be understood that these operations must conform to Sec. 12.8.1 of the Ordinance regarding sand and gravel operations. Seconded, Mr. Barnes. Carried unanimously.

10-Ctd. It was added to the motion and agreed to by all that the recommendations as set forth in the report by Dr. McCabe be incorporated and included in the motion and that a 25 ft. buffer strip be required as suggested by Dr. McCabe.

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The Board adjourned for lunch and upon reconvening continued with the deferred cases:

1- VERNON M. LYNCH, to permit operation of a gravel pit on 35.22 ac. of land, approx. 300 ft. W. of south end of Rt. 770 and south of Franconia Rd. Lee District (RE-1)

Mrs. Henderson recalled that this case had had a full hearing and had been deferred for the Planning Commission's recommendation.

A letter was read from Mrs. Heishmen saying that he has no objection to this, provided the buffer strip suggested is required along the length of the property.

Mr. Dan Smith made the following statement: In view of the fact that this is actually only an extension of an existing gravel pit which is situated on the southeast corner of the property, and also considering the remarks of Mr. Coleman, County Soil Scientist, relative to the limited amount of gravel in the County and the fact that a road is provided to this operation which will be used for the trucks, he would move that the permit be granted to Mr. Vernon M. Lynch for a period of five years for a gravel pit on 35.22 ac. of land located approximately 300 ft. west of the south end of Rt. 770 and south of Franconia Road, with the following restrictions: That no excavation be done closer than 15 ft. on either side of the stream and that at no time, the excavation be lower than the existing invert of the stream. This is to prevent any ponding or erosion on this property; That on the east side at the rear of Lots 1,2,and 3 a 25 ft. buffer be established before the 2:1 bank is started. Also, along the existing 16 ft. road, the same setback be required so that no damage to the existing road will occur. This road, though not proposed to be used in the gravel pit operation, still has to be used as an outlet by the existing houses; The only entrance to the site shall be over an existing road on which a Virginia Department of Highways' permit has already been granted. (This road to be constructed by Mr. Lynch.)

It is also required that a fence shall be built along the rear of houses on Lots 4 and 5 to extend 25 ft. beyond the property line of these houses.

1-Ctd. The fence to be constructed will be 6 ft. high, stockade type, wood or wire.

It shall be required that the applicant employ dust treatment on all the roads used and the operations shall be planted in such a manner as to prevent any erosion and all other provisions of the ordinance shall be met. Seconded, Mr. Lamond.

Mr. Smith added to his motion, accepted by Mr. Lamond, that this operation shall be completed before five years if possible and there will be no renewal of this permit when the five year permit is up.

The motion was carried, all voting for the motion except Mrs. Carpenter who voted no.

(Requirements - screening, treatment for dust control, fencing, use of one access road only, road in front of houses shall not be used.)

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2- T. WILFRED ROBINSON & FRANCIS E. JOHNSON, to permit sand and gravel operation on 35.68 ac. of land, 3500 ft. N. of south intersection of Kings Hwy. and Telegraph Rd., Lee District (RE-1)

Mr. William Moncure represented the applicant. He stated that this property has been in the Johnson-Robinson family since 1700. The original gravel pit permit on 35 acres was granted in 1956 for a three year period. This last permit for extension was filed in September of 1959. It was deferred to this time at the request of the County for further study.

This is an area of 130 acres. It is well screened from surrounding property. The Mt. Vernon Gravel Co. is now removing gravel. It is well supervised at all times with watchmen on duty on Sundays and holidays. They have a 100 ft. buffer strip between the operations and Virginia Hills and a 50 ft. buffer against the school property.

Mr. Victor Ghent explained the grading plan and said they would asphalt the road that leads into the operations, for a distance of approximately 250 ft. They will leave trees along the access road for screening. They will also improve the access into Telegraph Road by making it wider. They will use the Telegraph Road entrance more than Kings Highway but the use of both roads will lessen the truck impact on both areas.

Mr. Moncure said it would take about five years to complete this as they have inherited a bad situation.

Mr. Ghent showed the approved plan which he stated is equal to or it exceeds the minimum requirements of the Ordinance. Rehabilitation will put this ground in far better condition than presently exists, Mr. Ghent continued.

2-Ctd.

The Chairman asked for opposition.

Mr. Richard Pelts, President of the Virginia Hills Citizens Association said his Association felt quite helpless in fighting this. He pointed to the thin veil of buffer trees along the school and noted the difficulty in keeping the children on the school grounds. The Association urgently requests that the County make sure that within 30 days a fence will be put up along the school property line for protection of the children. The school yard is used a great deal for recreation but the lure of the gravel pit operations is strong and they feel the need of a 1500 ft. fence very badly. Mr. Pelts said he understood the company has already purchased the fence. (Mr. Moncure said this is true; they are simply waiting for the County to tell them where to put it.)

Mr. Pelts further discussed the danger to children from this chasm with practically no barriers. He pointed out the terrain, the severe cuts and hollows along the school property. He also discussed the increase in traffic which would result from this.

Mr. Wallace Elder, President of Rose Hill Citizens Association discussed the traffic problem caused by these operations and the safety problem caused by the use of Rose Hill Drive. He recalled that the Commission had recommended no left turn at the entrance into Telegraph Road but the highway department says that is not possible. They want the access to Telegraph Road closed as it comes out in front of homes. It is said that the operators cannot control the trucks because they are owned by independent operators. Their problem is safety and they see no way to solve it except by preventing access to Telegraph Road. He described the bad condition of Rose Hill Drive because of the trucks. It is a road built for normal car traffic, not heavy hauling. Apparently traffic over Rose Hill cannot be stopped because it is a public highway. If the permit is granted Mr. Elder asked that the entrance to Telegraph Road be closed.

Mr. Smith called attention to the extra gas tax these truckers pay for the express purpose of defraying the cost of the damage they do to roads. It was noted, however, that such extra tax money is not always used on the roads which are damaged.

Mr. Elder cited page 70 of the Ordinance, paragraph C - Standards - regarding access over roads designed for residential use.

Mr. Lane of Rose Hill objected for reasons stated.

Mr. Moncure, in rebuttal, expressed the thought brought up by Mr. Ghent, that dividing the access would reduce the impact.

2-Ctd. He thought that reasonable. He did note that the truck drivers had been instructed to stay away from Rose Hill Drive. He noted also that other truckers use that street. Mr. Moncure agreed to put up the fence along the school property as requested. They have made a great effort to clean up this operation. Mr. Moncure said they will continue to comply with the County requirements and he assured those present that they would make this into an operation the County could be proud of.

They have a maximum of 30 trucks a day, they start at 6:30 a.m. and follow one after the other, loading at the scale.

Mr. Miller said he had watched the course of their trucks and found only three using Rose Hill Drive. They would try to control them so none will use Rose Hill.

Mr. Smith objected to the loaded trucks following closely one after the other.

The Planning Commission recommendation was read, granting the application for one year subject to renewal and no operations to be closer than 100 ft. from the school site, establishment of grades to a minimum of 2:1, fencing, and recommending a "no left turn" at the entrance to Telegraph Road.

Mr. Lamond moved that the application of Robertson and Johnston to permit extension of sand and gravel operations on 35+ acres of land located 3500 ft. north of thesouth intersection of Kings Highway and Telegraph Rd. be approved for a period of five years during which time it is to be completed.

It is required that a buffer strip of 50 ft. shall be maintained around the school property with a fence on the boundary of the school property wherever it touches the gravel pit operations (north and west sides) and that the operators shall conform to Sec. 10.8.1 of the zoning ordinance and that dust control shall be established on the roads within the pit area as well as on the roads approaching Telegraph Rd. and Kings Highway. The entrance to Telegraph Rd. shall be black-topped for 250 ft. to cut down the dust. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr., Chairman

June 28, 1960

The regular meeting of the Fairfax County Board of Zoning Appeals was held on June 28, 1960 at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present, Mrs. L. J. Henderson, Jr., Chairman, presided.

The meeting opened with a prayer by Mr. Lamond.

1- EAKIN PROPERTIES, to permit erection of service station and to permit pump islands 25 ft. from street lines, NE corner Rt. 236 and Prosperity Ave., Rt. 699, Providence District (C-N)

Mr. Hansbarger represented the applicant. He recalled that a permit for a filling station had been granted on the adjoining property but it was never used because the Highway Department acquired somuch right of way for road widening that not enough land was left upon which to get satisfactory pecolation. They will have enough land here for a septic and to meet the 75 ft. building setbacks. Covenants are on record reserving this land for business use.

Mrs. Henderson questioned the lighting. Like all Esso stations, Mr. Hansbarger answered, without glare and they would meet County regulations. There were no objections from the area.

Mr. Lamond moved that the Board approve the application of Eakin Properties to erect a service station at the northeast corner of Rt. 236 and Prosperity Avenue as requested, including in the motion that no trailers shall be parked on the premises and this shall be granted for a service station only. Seconded, Mr. Barnes. Carried unanimously.

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2- R. H. STOWE, to permit erection of building closer to street lines than allowed by Ordinance; part Lot B, W.S. Hoge Subdv. (on northerly side of Wilson Blvd. adj. to City of Falls Church line) Falls Church District (C-G)

Mr. Stowe located the property. (He is contract purhhaser from Burr Heishman) The contract is contingent upon the granting of these variances. He must have variances to put any kind of building on the property, Mr. Stowe pointed out. The usability of the land depends upon variances. The property drops off from Wilson Blvd. Therefore the building could not be pushed back. Old Wilson Boulevard would be only 9 ft. from the corner of the building.

Mr. Mooreland said that while old Wilson Boulevard is not used, it is a dedicated street and no one will vacate it. Therefore the setback from that street is 50 ft.

2-Ctd. It was noted that old Wilson Boulevard is only 15 ft. wide. Mrs. Henderson objected to a 9 ft. setback from a 15 ft. street even though the street is not used.

Mr. Smith also pointed out that the parking is lined up along the Wilson Boulevard property line with no way to back out except into the highway.

Mr. Chilton from the planning staff said his office would not approve the parking as shown, backing out into the highway. He questioned the possibility of getting adequate parking on this lot with the size building shown.

The building shown to be 25' x 50 ' is designed to be two-story.

The Board agreed that the lot was too small for the proposed building.

Mrs. Henderson suggested that the applicant contact the City of Falls Church and explore the idea of vacating old Wilson Blvd. as that vacation would be about the only way this land could be made usable.

There were no objections from the area.

Mr. Lamond moved that the application of R.H. Stowe, to permit erection of a building closer to street lines than allowed by the Ordinance be denied because the lot is not big enough for the building and the applicant cannot provide adequate parking for the use he has proposed on the property. Seconded, Mrs. Carpenter. Carried unanimously.

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3- MELVIN E. SHIFFLETT, to permit operation of a dog kennel, on east side of Seneca Rd., Rt. 602, approx. 1 mile N. of Rt. 7, Dranesville District (RE-2)

The applicant was not present. Mr. Ernest Hudgins represented opposition many of whom were present. The Board agreed to put the case over for further word from the applicant.

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4-D DR. RAYMOND V. BURNS, to permit addition to animal hospital, part Lots 27, 29 and 31, Freedom Hill Farm, Providence District (C-G)

Dr. Burns showed the location of the proposed addition to the building and the thirteen new dog runs. He noted that his property is screened with a 30' or 40' border of trees. The addition would provide wards for kittens, pups, dogs and an isolation ward. They care for about 35 or 40 dogs at a time. This actually may not increase his intake of animals but it will add to the facilities and storage space.

Mrs. Painter who lives on adjoining land stated that she was not in opposition to this addition but she would like to have a wall or wood fence erected near the runs to cut off the noise.

4-Ctd. Dr. Burns said he was willing to screen the property according to County regulations. This would be required in site plan approval.

It was noted that the screening is required along the property lines which Mrs. Painter wanted the fence or wall, nearer the runs, which she thought more effective in breaking the noise.

It was agreed that the location of the screening would have to follow County regulations and perhaps something would be worked out for additional fencing as suggested by Mrs. Painter. The County could not require that.

Mr. Lamond moved that the application be granted to Dr. Raymond Burns to permit an addition to animal hospital as requested as it does not appear that this would be detrimental to adjoining land. Seconded, Mr. Barnes. Motion carried.

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3- The SHIFFLETT case was called again and the applicant was not present. Mr. Barnes moved that this case be deferred to July 12 and if the applicant is not present at that hearing the application will be automatically denied.

It was noted that 33 people were present in opposition to this. Mr. Hudgins asked that he be notified the time of the July 12th hearing, when the hour is set.

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5- GOTHAM REALTY, INC. to allow dwelling to remain 47.7 ft. from street property line, Lot 27A, Resub. Oak Valley Est., Providence District (RE-1)

Mr. Hiss represented the applicants. He presented a statement signed by all the home owners in this block saying they have no objection to this encroachment. He showed photographs of the house and noted that this is a porch created by the over-hang roof.

Mr. Burnes, the surveyor, said the house was staked out, not taking into account that the new ordinance does not allow a porch to project into the front yard beyond the required setback line. This is a very small variance of 2.3 ft. All wall checks were made and were correct but the idea of adding the porch effect with the posts extending to the roof, was thought of and added after the house was up. Mr. Burns said this was really just a stoop. Only the concrete slab encroaches on the setback. The Board members were inclined not to call this a porch but merely the eaves of the house. Mr. Mooreland said it met the definition of a porch and should meet the required setbacks.

5-Ctd Mrs. Carpenter moved to defer the case to view the property (defer to July 12.) Seconded, Mr. Lamond. Carried unanimously.

Mr. Lauderman, next door neighbor, urged the Board not to force the applicant to cut back the roof of his house to make this conform to the setback as it would detract from the looks of the house.

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6- LAWRENCE E. GICHNER, to permit erection of service station and permit pump islands 25 ft. from road right of way lines. SW corner of Rt. 236 & Columbia Rd., Mason District (C-N and RE 0.5)

Mr. Hansbarger represented the applicant. He pointed out the location showing three corners at this intersection to be commercially zoned. This property was zoned for business in 1955 but never used. There is a filling station across Columbia Road.

Mr. Hansbarger called attention to the 50 ft. strip of half acre zoning across the front of the property along Rt. 236 which he said was reserved for road widening. It was never used as the highway was widened on the opposite side. The official zoning map does not show this 50 ft. strip in residential zoning but brings C-N zoning to the right of way of Rt. 236.

Mr. Hansbarger referred to the Zoning Ordinance (page 13 - zoning map) regarding the boundaries of districts - indicating that the boundaries of zones are as adopted on the official zoning map. Therefore Mr. Hansbarger contended, this 50 ft. strip of RE 0.5 zoning does not exist. This question has arisen, he continued, before and the ruling was that the official zoning map is admitted to be correct.

Mr. Mooreland said the commercial rezoning on this case excluded the 50fft. strip and that strip has never been zoned commercial by the Board of Supervisors.

Mr. Hansbarger agreed that the Board of Supervisors did not zone this 50 ft. strip by individual application but he argued that they did zone it by adopting the Pomeroy Ordinance and the official zoning map. He recalled that many zones were changed at that time by the adoption of the new Ordinance. The only reason for this reservation was the widening of the road. When that was no longer needed it is reasonable that the entire tract was placed in C-N which the official map shows. The Ordinance was adopted after the highway was widened.

Mrs. Henderson asked that this be formally ascertained before acting in this case.

for industrial purposes has arisen, he continued, but under no stretch of

6-Ctd. Mr. Hansbarger said he would come back before the day was over with an interpretation on this from the Commonwealth's Attorney.

While the plat shows a pump island to be located 25 ft. from Columbia Road, Mr. Hansbarger said that was incorrect, they will eliminate the pump island on that street and locate the building 50 ft. from the right of way.

Mr. and Mrs. Hayes, owners of the adjoining lot, said they were not objecting to this use but they were concerned over the drainage. If the property is filled more and if the Highway Department carries out their present plans for carrying off the water their drainage problem will be magnified. They asked that special attention be paid to direction of the drainage flow. They are also interested in screening.

Mr. Chilton said the Public Works Department will have to approve adequate drainage - that is part of the requirement in the granting of this use. They would also require screening against residential property.

Mr. Hayes said they had always had something of a drainage problem but recently with filling and grading along the highway it has become much worse. They could foresee even more trouble with this filling station going in.

The Board also discussed the extra 25 ft. setback in case of a filling station adjoining residential property.

Mr. Hansbarger referred to Sec. 4.4.3 of the Ordinance and interpreted this as including only the rear setback.

This was discussed further. It was the opinion of the Board that while the Ordinance may indicate the rear setback only it was no doubt the intent to protect side lines as well as the rear.

Mr. Lamond moved to defer the case to the end of the agenda for classification of the 50 ft. strip and for interpretation of the part of the Ordinance referring to the additional 25 ft. setback for filling stations. Seconded, Mr. Smith.

Mr. Wheeler, living south of this property on Old Columbia Road discussed the drainage problem across the back of his property. He was not opposed to the filling station but asked how much land would be left between his property and the commercial zoning. He was apprehensive of a small commercial lot left upon which some business would be crowded. The original zoning line went diagonally across this property, he stated, following the same parallel line as Rt. 236. This plat, he noted showed a line straight across the property.

6-Ctd. Mr. Hansbarger said these people will not use all of the commercially zoned property. The line drawn on the plat is that used for the filling station but that is not all the commercial property.

Mrs. Henderson suggested that the filling station take all the commercial land rather than to create a small lot unusable, except with many variances.

There was disagreement as to where the commercial zone ends - was it parallel to the street, or was it parallel to the rear line of the lot? It was included in the motion that Mr. Hansbarger have the correct zone line shown on the plat. Motion carried unanimously.

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7- SIBARCO CORP. to permit erection of a service station with pump islands 25 ft. from street right of way lines, NE corner of Patrick Henry Drive and Brook Drive, Mason District (C-N)

Mr. Dan Hall represented the applicant. He located this as being immediately back of the Hot Shoppe and adjoining the newly proposed motel. There are 80 ft. between this building and the Hot Shoppe property. They are buying this property from the motel people but this will be an integral part of the motel development designed especially to serve guests. He noted that people in the motel could be serviced with gas without going out on to the highway. It is also designed to catch the traffic on Patrick Henry Drive.

That, Mrs. Henderson agreed, is considerable. She discussed at length the traffic gongestion at this location, the school children cross here and the bus stops here. There is a great amoung of traffic coming up Patrick Henry Drive. She questioned just how wise it would be to add to the situation here by allowing a filling station.

They have considered that, Mr. Hall answered, and have put in safety islands between the driveway and the entrances. They will put in a walkway.

Mr. Hall again stressed the value of this location so near the motel where these people can be served without adding to the traffic on any highway. He thought that would reduce the hazard along Patrick Henry Drive to a great extent. This is to be a neighborhood filling station like a neighborhood shopping center.

This tract contains about 14,000 sq. ft., Mr. Hall said.

Mrs. Henderson objected to the small lot. It is the only vacant land in the area, Mr. Hall stated. It is an excellent location for a neighborhood filling station. It would be a real service to the motoring

7-Ctd. public. People could have their cars serviced before leaving the motel. It is a service that ties in well with the motel and restaurant.

There were no objections from the area.

A representative from Lee Blvd. Heights discussed the traffic problem on Brooks Drive.

The question of zoning was discussed. Was this considered in the C-DM zoning?

Mr. Smith moved to defer the case to the end of the agenda for determination of the zoning on this tract. Seconded, Mrs. Carpenter. Carried unanimously.

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8- CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA, to permit erection of a telephone repeater station, on west side of Rt. 645, approx. 420 ft. north of Rt. 669, Centreville District (RE-1)

9- CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA to permit erection of telephone repeater station, north side of Rts. 29-211, approx. 150 ft. NE of Fairlee Drive, Providence District (RE-1)

Mr. Robert McCandlish discussed both applications for the applicant. He stated that these stations are among the five repeater stations which the C&P Co. is installing to give complete service between National Airport and Dulles Airport. The buildings are 8' x 12' brick structures used for electronic equipment only. In the case of the Fairlee station, Mr. McCandlish noted that there is a commercial district within one mile of this location but he also restated the conditions surrounding location of these stations; they must be placed in range of the other five stations. To move one station would necessitate moving the entire system.

The Commission gave this their approval.

Mr. Lamond moved that the Board grant the permit for the repeater station requested in the Fairlee area (150 ft. northeast of Fairlee Drive) subject to conformation to Sec. 12.2 of the Ordinance which sets up the basic standards. Seconded, Dan Smith. Carried unanimously.

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With regard to the repeater station located on the west side of Rt. 645 (centreville area) no commercial nor industrial district is located within one mile. There were no objections from people living in the area. The Planning Commission approved the location.

Mr. Lamond moved that the Board approve this application as applied

8-Ctd. for subject to conformance with Sec. 12.2 of the Ordinance which sets up the basic standards for this installation. Seconded, Mr. Smith and carried unanimously.

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10- HUBERT J. & GERTRUDE BOTTS, to permit erection of dwelling closer to right of way line than allowed by the Ordinance, east side #123 approx. 500 ft. south of #654 Falls Church District (RE-1)

Mr. Schumann explained the background of this case, pointing out a series of errors which have resulted in a difficult situation for the applicants. This lot was set up in 1951. Some time after that a 50 ft. outlet road was put down the side of this lot apparently to give access to property in the rear. It is a paper road only; it has never been put through and has never been used for access; however, the dedication is on record. It is therefore required that this house meet a 50 ft. setback from both Rt. 123 and this side road. It was noted that the lot has 100 ft. frontage on Rt. 123 but a 205' width starting at a point 267' from Rt. 123. The entire tract contains over two acres. It would be difficult to subdivide this land, Mr. Schumann continued, the back part is low and swampy, not practical for building purposes. There is no way these people can build on their property, he went on, without a variance. The paper road is grown up in trees; no one would know it is there. The nearest neighbors, on the lot adjoining to the north are set well back from their line. They do not know who owns the lot immediately abutting this road. This entire tract was owned by a family who sold off chunks of land over a period of time with no plan of subdivision or layout.

It was suggested moving the house away from the paper road to the point of a 20 ft. setback from the north line. However, Mr. Botts said they need the 27 ft. setback on that side to get into their garage which is under the house.

Mrs. Carpenter moved that Step I of the Ordinance applies because of the unusual conditions applying to the land; Step II applies because - not to grant this request would be denying the applicant a reasonable use of his land; and the variance requested is the minimum that would give relief. Therefore Mrs. Carpenter moved to grant the application. Seconded, Mr. Barnes. Carried unanimously.

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11- PRIDE MOTORS, to permit operation of used car lot, west side #123, approx. 500 ft. S. of Town of Vienna Line, Providence District (C-N)

Mr. Mooreland told the Board that this use is not allowed in a C-N district. The case was inadvertently scheduled in his office. He suggested that the application be deferred until the applicant can apply for a rezoning.

Mr. Smith moved to defer the case for six months pending a request for rezoning if the applicant desires to make that application before the Board in which case this use would be allowed if granted. Seconded, Mr. Lamond. Carried unanimously.

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The Board adjourned for lunch. Upon reconvening the Board continued the agenda.

12- LAYTON S. SORBER, to permit operation of gravel pit on 10 ac. of land, on E. side of Beulah Rd., Rt. 613, approx. 1400 ft. S. of Hayfield Rd., Rt. 635, Lee District (RE-1)

Mr. Lytton Gibson represented the applicant.

The Board members and Mr. Gibson discussed at length the exact location of this property, several members were certain the Board had seen the wrong property when they made an inspection.

It was noted that this tract joins school board property immediately on the south. Mr. Gibson, in view of possible objection because of nearness to a school site, presented a letter from Mr. Pope, Asst. Superintendent stating that provision for construction of this school is not in the present bond issue but that their plans are flexible enough to shift plans to pressure points if a need arises. He went on to say that the School Board would not obstruct removal of gravel on this tract if satisfactory rehabilitation is guaranteed.

Mr. Gibson also read a letter from Mr. Packard, of the Park Authority, saying they would be interested in acquiring this land for a park. It is so designated on the Master Play. Purchase would necessarily have to await funds from the parks bond issue.

At the Planning Commission hearing, Mr. Gibson recalled that he had suggested rehabilitation of this ground by means of a sanitary land fill and after the ground is completely rehabilitated Mr. Sorber would give it for a park. There was vehement opposition to the land fill. They have withdrawn that suggestion. They will re-condition and sell it to the Park Authority at the cost price. They cannot give the land away if they have to bear the cost of rehabilitation.

The Commission recommended against this, Mr. Gibson stated, by a five to three vote with two abstaining. One of the five who voted against the

12-Ctd. case said if they could get in and out of the property within 18 months he would not oppose it. They can do that, Mr. Gibson stated, but they would like an extra six months for rehabilitation, but if the Board were to say 18 months for the entire operation, they can do it.

Mr. Lamond came into the room at this time and the discussion began again over the location of this tract. Mr. Lamond was very sure he had seen the wrong property.

Mr. Gibson said they would leave a 50 ft. buffer along the front of the property.

Mr. Sorber is asking only the same right as two gravel pit operators bordering his property - Vaughn to the north and Modern Sand and Gravel to the west. He displayed a map pointing up gravel pits in this area. The Coleman report has shown that there is very little gravel in the county and most of it is concentrated in this area. The need of gravel for county use is evidenced by two letters which Mr. Gibson filed with the Board, both testifying to the quality of this gravel.

As he recalled the area, Mr. Lamond said, there appeared to be no gravel operations in this immediate area. He felt that to break in on Beulah Road at this point was subjecting home owners in this area to undue hardship.

Mrs. Henderson noted that there is no natural growth of trees along Beulah Road to act as a screen. Mr. Gibson said they would not dig within 50' or 100' of the road. They would take the gravel out by the little side road onto Beulah Road. They have permission to use Mr. Vaughn's road also.

Mr. Gibson discussed gravel as a natural resource and pointed out the fact that one of the bases for the enabling act is to preserve natural resources. This specific area has the gravel and once this land is built upon the gravel is lost forever. With the new ordinance to control gravel pits, requiring land and rehabilitation and the fact that they can complete this job within 18 months, Mr. Gibson argued, the impact would be negligible. This is a very small tract, he continued, approximately ten acres, compared to the 170 acres of gravel pits in this area and the 240 acres recently granted on the other side of Beulah Road. This is an insignificant part of the undesirable features. At the Planning Commission hearing, Mr. Gibson recalled that there was discussion about the present truck traffic on Beulah Road and the fact that this would add to the present haulage. That is true, Mr. Gibson agreed, but it would add very little. The question of using a primarily residential street for industrial purposes has arisen, he continued, but under no stretch of

12-Ctd. imagination could one call this primarily a residential street. No road in Fairfax County where you have high density of industrial uses and truck haulage such as Beulah Road could be called primarily a residential road. While residential use is made of this road it is also a thoroughfare admittedly heavily used for industrial traffic.

As to the school property adjoining there is no immediate plan for construction and they will have completed operations before any school will be required here.

Mr. Packard objected to this only because he wants the land for a park. By the time they would have money available for such a purchase, the gravel pits would be completed.

Mr. Sorber can and will complete these operations within 18 months with six months for rehabilitation. They will sell the land to the Park Authority at cost - $22,000.

Mr. James Patton discussed rehabilitation plans saying they have full unqualified approval of the Department of Public Works.

Mrs. Henderson read a petition from people living across Beulah Road saying they have no objection to this use. Eight names were on the petition.

The Chairman asked for opposition.

Mr. Albert Qualls presented a map of the area indicating location of homes. He stated that these people living across from this property are selling their homes because of this proposed operation.

Mr. Qualls showed a picture of the house he is building. It is financed on a mortgage loan plan by which he gets money for construction as the need arises and after inspection of the work in progress. He was fearful if the Companywwould grant him the money to complete his building with the threat of this gravel pit. He told of coming to the county ten years ago, living in a trailer, until the County found him, building a house into which he moved and now he is building a second house. They are engulfed by gravel pits now, but all the operations are back away from Beulah Road where they are not seen. This gravel pit will come to their very door. He described the location of his porch which these operations will ruin; they are forced to live with truck traffic, but this will bring dust, which he described as most undesirable.

He presented the Board with an opposing petition signed by 81 persons.

12-Ctd.

They have tried to improve their area for years, Mr. Qualls continued, but if this is granted their situation will be almost hopeless. FHA will not lend money near gravel pits, the area is stymied.

Mr. Gibson, from Windsor Estates, told of many who are improving their houses, or building new ones in Windsor Estates and who are now concerned over their investments. They believe a gravel pit here would seriously depreciate their property.

Mrs. Young, owner of property near the school site, said many in this area did not see the signs on the property and also that other home owners who are against this were not approached with a petition.

Mrs. Suzy Best and Mrs. Pate objected. They live across from this property. They objected to the dust and traffic.

Mr. Gibson said, in rebuttal, that the 81 people could not all be nearby property owners; there are not that many people living in the area who would in any way be affected by this.

Many of the signers have other gravel pits closer to them than this one would be.

There is no sewer in this area, Mr. Gibson stated, and whatever development takes place in this area must be on septics. There is no water. The land is not adaptable to residential use as it is, but it will be if rehabilitated.

As to dust, Mr. Gibson pointed to other similar applications granted wherein the Board required that the roads be treated with calcium chloride. They would not object to doing that. They would asphalt the ~~plant~~ road into the pit area if the Board wishes. They would not object to a reasonable dust control but there will be some dust which they cannot entirely eliminate. He restated his agreement to sell this property to the County at cost. He would fence the operations along Beulah Road. They will do everything within reason to protect the people in the area during these operations.

The Board discussed the lack of trees to shield operations.

The recommendation from the Planning Commission was read opposing this use.

Mr. Lamond moved that the application be deferred for the entire Board to view the property in order that the exact site be pinned down with certainty as he felt that the Board could have seen the wrong property. Deferred to July 12. (No further public hearing.)

Seconded, Mr. Barnes. Carried unanimously.

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June 28, 1960

The Board took up DEFERRED CASES:

1- BAILEY'S CROSSROADS LITTLE LEAGUE, to permit operation of Little League Baseball Diamond, north end of Rose Lane adj. to Lot 1, Sec. 1, Taynton's Addition to Valley Brook, Falls Church District (RE-0.5)

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Deferred for report from Health Department which stated that the Little League fields were not served with septic disposals.

The questionedf parking was discussed. Mr. Birnbaum said he had talked with the Taynton's about this and Mr. Taynton told them that the Little League could have more of their ground for parking in the rear behind the outfield. The area is mostly cleared and level. This would take care of about 50 cars. This area is about 4 feet above the road and would entail building a ramp for about 200 ft. He showed pictures of the ground and explained the plan for making this ground usable for parking. This is all Taynton land so there would be no parking setback. This would be in addition to the existing parking.

This ground is being leased from Mr. Taynton for $2.50 a month.

Mr. Lamond thought it very important that no parking take place on Rose Lane.

Mr. Birnbaum said they would gravel the parking area. Their site plan would show the entire use of the ground and they would be bound by that. They will have a fence along the back field so no cars will be hit with balls.

Mr. Lamond suggested that the applicant discuss site plan with Jack Chilton for guidance so the plans can be approved by the Planning Commission without difficulty.

Mrs. Henderson asked how long the Little League would want to use this ground.

Mr. Birnbaum said until such time as the land is developed, he hoped. It would not be economically sound to put the money in the ramp for only one season. However, they are constantly looking for other land. So far they have found very few open spaces, except commercial ground which could quickly be sold out from under them. There is a possibility of getting a field on the JEB Stuart School if the Park Authority takes over some ground.

Mr. Birnbaum said they can use this ground only for things spelled out in their lease or for things approved by the Tayntons.

Mrs. Henderson asked if they could keep the Valley Brook School children from using this during the winter when the school is operating.

They would have no more use of it than they would have if the land were not leased. It is difficult sometimes to keep neighborhood children from playing on unused land. Mr. Taynton does not want them playing there but they do it anyhow, Mr. Birnbaum continued. They cannot keep someone there all the time,

1-ctd. but they will take all steps possible to keep them off. Their lease says that during the times they are not using the ground for games they will try to keep people off the property. They would make a serious effort to do that and keep people from dumping trash. They have an obligation and a duty to do this and the lease gives them the power to do it. They actually are better equipped to do this than the Tayntons as they do not live close.

Mr. Lamond moved that this application for a use permit for Bailey's Crossroads Little League be approved with the provision that they do not use Rose Lane for parking purposes and that they use that street only for ingress and egress. Any parking of cars shall be entirely on the leased area and they shall provide a turn-around for people coming to the ball games. This shall be used for games from April 1 to September 1. The question of limiting this to Bailey's Crossroads League only was discussed. Mr. Birnbaum urged the Board not to do that as they would like to share this ground with other Little League groups, especially Annandale which is in this area. It was noted, however, if the impact upon the neighborhood is too great the case could be reviewed and further restricted. Seconded, Mr. Dan Smith. For the motion: Lamond, Smith and Barnes. Mrs. Carpenter and Mrs. Henderson voted no.

Mrs. Henderson said, in her opinion, this is not the place for the location of this kind of activity. Mrs. Carpenter agreed.

Motion carried.

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2- ANNA S. GROGAN, to permit operation of kindergarten, Lot 36, Sec. 4, Pine Ridge, Falls Church District (RE-1)

Mrs. Grogan asked to conduct a kindergarten from 9-12, five days a week. This would be from September through May. The maximum number of children would be 20. No bus service would be provided. The schools facilities would be available in her basement where she has three rooms size 23' x 15', 7' x 17' (coat room) and a recreation room 13' x 23', one lavatory. The yard will have practically no play equipment as this would be purely an instructive school to prepare children for the first grade. This is not for recreation. She will teach specialized games that most children do not have. Mrs. Grogan showed on the plat that an anchor fence begins at the back of the house closing off the back yard from the front. The lot is entirely enclosed with trees. There is a wooded screen across the driveway which would act as a noise barrier. The house is 125 ft. from the road and about 230 ft. from the nearest neighbor.

Mrs. Grogan called attention to the fact that her house is on a bad hill and she does have something of a traffic problem. However, she thought that by dropping the children at the driveway and staggering their leaving a satisfactory arrangement could be made. She also noted that 8 or 12 cars could line up in her driveway if necessary. Some of the children would come in car pools.

Mrs. Grogan said she had taught kindergarten for 11 years.

Mr. Putnam, a resident of Pine Ridge community appeared wearing two hats, one from the Citizens Association who adopted a policy not to support nor oppose individuals who do not interfere with nor affect the community as a whole. The Association takes no position in the case. However, they are interested in preserving the residential character of the community. They would like to be on record as saying that should this request be approved the Association does not consider this a precedent to establish non-residential uses in other instances.

The Association is also concerned over the traffic hazard. Mr. Putnam described the road as connecting between Rts. 236 and #50. Traffic is heavy, carrying fast going trucks. The Zoning Ordinance stresses traffic safety. The Citizens Association is also concerned with safety. This particular street is not paved. There are no shoulders and there are steep ditches along the road. The house is at the top of a sharp little hill. Traffic goes over the hill very fast. The Association asks the Board to give due consideration to the safety factor.

Under his second hat, Mr. Putnam said he is a messenger for five residents who have signed a memorandum against this business use. They claim it would set a precedent. The memo stated that while 20 children would not be a nuisance, they feared more might be added. So many cars coming and going would be a hazard. The deep ditches make parking hazardous.

Mrs. Grogan said she had talked with her neighbors and explained to them her plan. They had said nothing of these things and she had understood that there was no opposition. She considered only one family really involved and they had talked to her as though there was no objection. Because of the reception her plans had received from her talks with the neighbors, Mrs. Grogan said she went on with her plans for the school. She had no intention of stopping now as she was sure with only 20 children, so much of the activity being inside, and the way she would control the school, it would not be objectionable. She considered her only problem was the traffic.

There would be no summer activity.

Mr. Smith moved that this application of Anna S. Grogan to permit operation

2-Ctd. of a kindergarten on Lot 36, Sec. 4, Pine Ridge with the provision that the school be limited to operation between September through May, not to exceed 20 children in kindergarten group age, 5-6, 5 days a week, from 9:00 to 12:00 a.m., be granted to the applicant only. Seconded, Mr. Barnes. Carried unanimously.

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3- J. A. VAN GULICK, to permit construction of building with less than required setbacks, SE corner of Old Lee Hwy. & Locust Ave., Falls Church District (I-L)

Mr. Van Gulick presented the new plats showing an alternate location for the proposed building. This would be 10 ft. from the rear property line with a wide front setback to allow for possible future widening of Locust St. The widening of Locust St. would take at least 17 ft. of his property, Mr. Van Gulick said, he would be willing to dedicate this if the others along the road would do the same thing.

Mrs. Henderson asked if he intended to put another building on this property. Mr. Van Gulick said he did not know if he would buy the adjoining property, but if he did and put up another building it would make no difference.

Mr. Van Gulick said the owners on the east and west of his property are proposing to sell their property for commercial uses. He thought it only a matter of time until this all would be industrial or commercial.

Mr. Mooreland noted that the 16 ft. outlet road on the east of the property shown on the plat has been abandoned. If the required setbacks are observed it would mean a 100 ft. setback from residential property which would be impossible to meet on this property. If the Master Plan had been approved this applicant could come to the line with his building but since the plan for industrial development is still under consideration, technically the setbacks remain 100 ft. The only way this land is usable, Mr. Mooreland continued, is to grant a variance.

In view of the testimony brought out here this man cannot possibly use this land which has been zoned for the use that he proposed and due to the fact that the Commission has approved this area for this type of use, Mr. Smith moved that the request of J. A. Van Gulick for permission to construct a building with less than required setback on his property on Locust St. be approved for the alternate location of the building, rather than the originally proposed location, which the Board believes to be a better location as it moved the building back from Locust Ave.

3-Ctd. which will be the street which serves this industrial area. This puts the building back adjoining the area that is undeveloped and it has been brought out that the 16 ft. outlet road, shown on the plat, no longer exists and should be moved over on the other property. This is an important element in the granting of this variance.

Seconded, Mr. Barnes.

Mr. Lamond did not agree with this motion, he thought the case should be deferred until something was done with this area.

The inequity of Mr. Van Gulick's position was discussed further, it is necessary for him to move his business. Because of termination of his lease, he had planned on moving here and did not know of this setback situation until after the rezoning was granted. The setbacks were never discussed.

Mr. Smith said it was his thought that the Board of Supervisors zoned this land for this purpose and intended it to be so used; they were not aware of the hardship that was being created. He felt that it was up to this Board to give this man some relief. The Planning Staff feels that this should all be industrial property but it cannot be used unless the Board of Zoning Appeals grants a variance. This property should not have to lie idle until the adjoining property is zoned. No telling how long that will be. Mr. Van Gulick had this zoned for a purpose he wanted to use it and made his plans for this use once the property was rezoned, Mr. Smith felt that it was the obligation of this Board to give Mr. Van Gulick some relief.

There is an unusual circumstance here, Mr. Smith continued, applying specifically to this land; it has been zoned for a particular use and that use cannot be made of the land unless a variance is granted. Therefore Step One of Variances applies. The alternate location of the building is more satisfactory as it leaves a wide setback between the building and Locust Ave. which will be the ingress to this industrial area and the 16 ft. outlet road on the east of the property is no longer in existence and should be moved over on to the adjoining property. This variance can be granted to afford relief for the applicant and make it possible to use this land as it was intended in the rezoning, therefore Mr. Smith moved to grant the application. Seconded, Mr. Barnes. For the motion: Mr. Barnes, Mr. Smith and Mrs. Henderson.

Mr. Lamond voted no. Mrs. Carpenter refrained from voting. Motion carried.

Mrs. Henderson stated that she voted yes reluctantly because this situation has been forced upon this Board. She observed that this Board has been criticized for granting things like this by the very Board that created

6- LAWRENCE E. GICHNER, to permit erection of service station and permit pump islands 25 ft. from road right of way lines, SW corner of #236 and Columbia Rd., Mason District (C-N and RE 0.5)

Mr. Hansbarger returned to the Board with plats marked to show the true zoning line on this lot. The line is drawn parallel with the rear line of the lot, Mr. Hansbarger told the Board, leaving a residential strip about 76 ft. wide between the commercial zoning and the rear of the lot. This was plotted from the official zoning sectional sheet No. 71-2.

Mr. Hansbarger said he had discussed the front 50 ft. strip with regard to the zoning with the Commonwealth's Attorney and had the opinion that if there is a conflict between the sectional sheets of the zoning map and the originally adopted zoning map, the original zoning map as adopted with the Pomeroy Ordinance obtains. Mr. Hansbarger noted that the categories were changed in the adoption of the Pomeroy Ordinance. This property was originally zoned Rural Business. That category no longer exists. It is now C-N. That in itself changes the classification of this property.

Mr. Hansbarger noted that there is no objection to the filling station here, the only objection is to the drainage problem which does exist and which can be corrected with this development. The Public Works Department will take care of drainage.

Since the plat showed 92 ft. between the rear of the building and the rear commercial zoning line, Mrs. Henderson suggested that the filling station property include all the area zoned C-N.

With regard to the extra 25 ft. setback on filling stations adjoining residential property, it was agreed that the old ordinance included this requirement and it probably was the intent of the present ordinance to include that also but the ordinance reads to restrict only the rear line; therefore this could not be incorporated in the requirement in this case.

Mr. Smith moved as follows: If it is intended that the rear yard setback should include an extra 25 ft. setback in case of filling stations adjoining residential property then it would appear that the same rule should apply to the side yard setbacks and if this is the intent of the ordinance this should be specified and spelled out in the Ordinance and correction of the Ordinance should be made immediately. Seconded, Mrs. Carpenter. Carried unanimously.

The Board asked that this motion be transmitted to Mr. Schumann.

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With regard to the Gichner case to permit erection of a service station, etc. Mr. Smith moved that the application be granted with a 25 ft. setback for pump island from Rt. 236 only, and that it is understood that no trailers or U-Hauls shall be permitted on the property.
This is granted for a filling station only; seconded, Mr. Barnes.
For the motion -- Mrs. Carpenter, Mr. Lamond, Mr. Smith and Mr. Barnes.
Mrs. Henderson voted no. Motion carried.

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SIBARCO CORPORATION (This application was partly heard at the beginning of the meeting and now is being continued at the end of the meeting:)
The zoning of this entire tract was determined to be C-D-M. This will be subject to site plan approval by the Planning Commission.
Mrs. Henderson objected to this because of the already bad traffic situation here and because of the residential property along Warren Street.
Mr. Hall said he had met with the people on Warren St. and they have no objection to this. He noted that many other types of business could come in here without a permit from this Board and it is the opinion of many that a controlled use such as a filling station is more desirable than many other uses. Mr. Hall said they had done a considerable amount of research on traffic generators and it is the conclusion that filling stations do not create traffic, that people do not drive to a filling station, they use the facilities in their own area. The Board was not in agreement with this.
Mr. Barnes moved that the application of Sibarco Corp. to permit erection of a filling station at the NE corner of Patrick Henry Drive and Brook Drive, be granted with the provision that this is to be used for a gasoline service station only; seconded, Mr. Lamond.
For the motion: Messrs. Lamond, Barnes and Smith.
Voting no: Mrs. Henderson and Mrs. Carpenter.
Mrs. Henderson said, in her opinion, Sec. 12.2.1 cannot be applied in this case, that the location would be hazardous and inconvenient. Motion carried.

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Mr. Mooreland asked to discuss certain matters with the Board. He noted that trampolines are coming into the County and he was not certain under which group to classify them. He asked the Board for advice. The Board ruled that these be handled under Group 7 -- they are commercial recreational establishments.

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Mr. Mooreland also discussed a private investigator operating in his home. He asked if this is a professional use. Real estate offices and insurance offices are allowed, having two employees. Can he refuse the same right to a private investigator?

Certain practices carried on by people who purport to be private investigators were discussed, practices which are not entirely professional. It was also questioned that since the Ordinance is very explicit in those types of business which may be allowed in a home, where would the Zoning Administrator draw the line if he reaches out beyond those listed uses? It was agreed that a private investigator would not be considered a "home occupation" nor a profession.

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Two-way radio towers: Mr. Mooreland stated that most of these happen to be located in business districts but they cannot meet the setback, twice the height...etc. Therefore it is not practical to locate them in business districts. Mr. Mooreland asked the Board about two cases if the building inspector will pass them as far as safety is concerned. They will be on the building and would be "contained on the property". It would be like an antenna except that it is very high. This is built of inter-locking tubing, very light.

The Board agreed that it would be all right provided it was approved by the Building Inspector.

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Mr. Mooreland asked in what group mechanical rides should be placed. The Board agreed on Group 10. This would also include pony rides.

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At this point Mrs. Carpenter left the meeting.

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The Board agreed upon one August meeting - August 9.

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The Board discussed the situation at Valley Brook School, the fact that this application for extension from first grade and kindergarten to 7th grade was denied by the Board of Zoning Appeals and Mr. Dodd has now secured a permit from the State under Statute 22-21.1 of the Code of Va. and is operating his school on the 7th grade basis.

Mr. Mooreland read the permit from the State granting the school to and including the 7th grade.

Mr. Mooreland said that this was issued and they are teaching under the Department of Education which includes various classes such as swimming and physical education to be part of school curriculum. Therefore, this

school could include swimming, dancing, etc.

It was noted that this extension is for no more than one year.

Mrs. Henderson announced to the Board that she was taking this up with the Board of Supervisors at their meeting of June 29 because of the many implications - far beyond this case - which might be involved. She was of the opinion that the Board should have a ruling on this from the Attorney General.

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Mrs. Henderson asked Mr. Mooreland if the nine months inspection of Virginia Quarries has been made, under the provisions of No. 9. Mrs. Henderson said she had made an inspection on her own of conditions in the area of the quarry and had found great layers of dust in homes and stores and heard many complaints. But there was no evidence of flying rock. She saw one cracked window, and wall cracks. They have also been blasting recently without warning. The people said the whole situation had been better since Mr. Mooreland had visited the plant.

Mr. Mooreland said they had gotten the things the Board requested for controls. They have met the restrictions placed by this Board. They have bought a sprinkler and will wet down the dust.

The Board requested Mr. Mooreland to get vibration instruments to use in connection with these tests, as indicated under Sec. 9.2.

The Board authorized Mr. Mooreland to get these instruments or get someone to make the tests shown in No. 9.

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the meeting adjourned.

Mary K. Henderson

Mrs. L.J. Henderson, Jr., Chairman

July 12, 1960

The regular meeting of the Board of Zoning Appeals was held on Tuesday, July 12,1960 at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

NEW CASES

1- L. H. ELLIOTT, to permit dwelling addition to remain 33.5 ft. of front property line, Lot 55, Broyhill Park, (1323 Slade Court) Falls Church District (R_10)

Mr. Elliott explained that his house is on a cul-de-sac lot where the curve veers in toward the house. When the house was located the line of the cul-de-sac was not clear. There is sufficient room on the lot to add this room but not knowing where the curve started the house was not pushed back far enough on the lot. It appears from the overall plat, Mr. Elliott continued, that this room addition would set back the same as the house on the adjoining lot which is a corner lot. He noted that the street in front of his house is very wide. This would cause no obstruction to anyone. When they bought the place it was their intention to add the room in time. It was unfortunate that the house was not located so this could be done without the violation.

Both Mrs. Henderson and Mr. Lamond called attention to the fact that the violation occurs at the fullest part of the lot.

Mr. Elliott said the excavation has been completed, the foundation poured and the bricks for the construction have been purchased. He has spent about $700. The building inspector has approved the footings.

Mrs. Henderson called attention to the lack of information on the plats, no dimensions on the lot lines and no scale is shown.

Mr. Lamond moved to defer the case until July 26 for presentation of complete plats which will show dimensions on the lot lines and a scale. Seconded, Mrs. Carpenter. Carried unanimously.

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2- LOUIS & HERBERT VICKS, to permit operation of dog kennel and allow building with less setback than allowed by Ordinance, on E. side of Rt. 608, approx. 250 ft. N. of Rt. 50, Centreville District (RE-1)

No one was present to support the case.

Mr. Chilton called attention to the published location description of the property which does not coincide with the actual location of the property.

2-Ctd. Mr. Lamond moved that the case be deferred until July 26 and that the applicant be notified that if he is not present to support his request the Board will automatically deny the case. It is also requested that the applicant furnish certified surveyor's plats of the property. Seconded, Mrs. Carpenter.

Mr. Mooreland raised the question of getting certified plats on cases other than businesses. Mr. Smith answered that this particular case comes very close to being a business and he thought it important that the Board have accurate plats. The other Board members agreed. This was discussed further later in the meeting.

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3- ARTHUR P. BILLS, to permit erection of garage and breezeway closer to street lines than allowed by the Ordinance, Lot 54, Sec. 1, Town & Country Ests. (724 Dellwood Drive) Providence District (R-17)

Mr. Bills asked for a 12' x 20' breezeway and a 14' x 20' garage. It is difficult to put an addition on to his house, he pointed out, as his lot is bordered on three sides by streets. He has room to put the garage in without encroachment on the setback but objected to going directly from the kitchen to the garage. This would appear as a continuation of the house. It would be attractive and useful. Mr. Bills agreed, however, that he has room at the back for either the garage or a porch. The lot is level. Mr. Bills said he planned this addition when he bought the property, estimating the size and location of the addition by the covenant restrictions in his deed which would allow a 25 ft. side setback and a 15ft. rear setback. He was not aware of the County restrictions.

Mrs. Carpenter moved to defer the case to view the property (defer to July 26) Seconded, Mr. Lamond. Carried unanimously.

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4- CITY OF FALLS CHURCH, to permit erection of water storage tank, Lot 26, Apple Grove Subdv., Dranesville District (RE-1)

Mr. Phillip Brophie represented the applicant. Mr. John Patteson, Director of Public Works of the City of Falls Church was also present.

This request has grown out of a need for additional water facilities for the City of Falls Church, Mr. Brophie told the Board. The present system was designed for a limited population and they now find it necessary to improve the system to take care of future demands and peak periods.

Mr. Brophie described the different supply areas. This is the highest point in this particular area. The system is adequate now except for week-end peak periods when the heavy demand reduces the water level.

4-Ctd. Their first choice of location was across Rt. 123 adjoining the U. S. Government signal tower on commercial ground. A letter from Mr. C. W. Kestner, District Engineer, informed them that this land,, between the government tower and Rt. 123 may be needed for their ramp approaching the interchange at Rt. 123 and Rt. 7. They then gave up the idea of locating on that side of Rt. 123. This was the only other piece of ground available which suited their needs and which is within the area they are authorized to serve under the agreement between the County Water Authority and the City of Falls Church. Also, if they located on the north side of Rt. 123 it would require tunneling to reach their distribution. For these reasons they moved toward their consumers. This is a large lot well located according to height and position to serve the area. They can locate the tank near the center of the lot with deep setbacks so it will be well screened with trees to protect neighboring property. The property adjoins a commercial zoning and is well within an area planned to be either commercial or industrial. They could have used a smaller piece of ground but have purposely taken this large lot in order to screen the tank. This is a standpipe type of tank. Mr. Brophie displayed a drawing of a similar type tank.

Mr. Brophie filed his letter from the Highway Department requesting that they locate the tank on other ground.

The tank will be 70 ft. at the base and 70 ft. high.

Mr. Brophie called attention to the fact that while there may be some objection to this installation. It is a use allowed by the Ordinance, when shown to be necessary, to locate in a residential district with permission of the Board of Zoning Appeals. This is needed not only to serve the area but is necessary for storage purposes to serve the Town of Vienna and Fairfax. This along with other tanks which will be required will more than double their supply in this area.

Mr. Brophie continued his discussion: The County Planning Staff has recommended this area for industrial uses, it adjoins commercial development and is close to other expanding commercial and industrial uses - future development here will grow steadily away from residential uses. The Planning Commission has recommended that this be granted.

Asked why this could not be located some other place on Rt. 7 Mr. Brophie answered that if they go below this elevation they would have to put the tank on stilts in order to raise it to the height required for adequate service. They can get their height at this location and install a lower tank. If the tank were on stilts the stilts would necessarily be 70 ft. high plus the 70 ft. tank.

Proud Hill, where the other tank is located serving this area, is 18 ft. lower than this. This tank and the Proud Hill tank are about 8000 ft. apart. Proud Hill is not big enough to serve the area nor to provide storage. That tank has a capacity of 600,000 gallons while this would have a million and could serve by gravity. This would also provide pressure from both ends of the service area which would assure service in case of breakdown.

Other locations were discussed, both Mr. Brophie and Mr. Patteson said they had explored other tracts all of which were too low or not available.

The Chairman asked for opposition.

Judge John Rothrock appeared before the Board representing the John Watsons. While this is an application for the City of Falls Church to serve its water users, Judge Rothrock pointed out to the Board that the application should not have consideration beyond that of a private citizen. He cited a case wherein the Court held that the City of Richmond must comply with the Zoning Ordinance of Henrico County in the location of a jail farm. In this case the City of Falls Church does not own this land. Mr. Watson will not sell, therefore they have filed suit for condemnation. Mr. Watson has stated that the City of Falls Church must obtain a use permit before the sale will be consumated. In 1958 the City of Falls Church filed condemnation suit on the Myers property for installation of a tower; this was withdrawn when the Highway Department stated that the road would go through this property. While this land was going through negotiations it was sold to Mr. Bles. The area the City was trying to condemn was in the middle of the tract sold to Bles. It is still a question whether the road will go through that land.

This area under consideration was recommended by the Planning Staff for industrial zoning; it was removed from the Plan by the Commission and placed in one acre residential zoning. The property owners in the area want commercial zoning. The Commission has now recommended that this use be permitted. Judge Rothrock questioned how much weight this approval would carry.

These people are against this use because this is a residential area. They are opposed to changing the character of this section by addition of a monstrous steel structure in the midst of homes.

In a residential area a tank of this kind would be an attractive nuisance to children. There is also a safety factor in a 70 ft. tank. They have another tower near, 300 ft. high. Structures of this height can be struck by objects or they could topple.

Consider the fact that this land may become commercial in time, Judge Rothrock continued. It is only about 300 ft. from the intersection of Rt. 7 and Rt. 123 where land has been selling for $2.25 per sq. ft. Mr. Watson has been approached by a corporation for the sale of his 10 acres at a price of $10,000 an acre. It would not appear reasonable to hold this land out of its destined commercial future.

The City of Falls Church by agreement can sell water for one mile west of this intersection. This water is sold at a substantial profit; it is the same as any private individual coming in here for a profitable business. This County has many things to think of now - tax income and annexation - this may not be a good time to grant this.

Judge Rothrock presented an opposing petition signed by 18 persons most affected by this proposal.

Mr. James Clifford owner of Lots 14 and 15 across Watson St. asked what would become of the balance of this lot which the applicant is not using. He was concerned that this might become a dumping ground for the City of Falls Church. He also discussed the lack of water in this area during week end periods. He urged the applicant to locate across the street where the existing tower has already blighted that area.

Mr. George Smith, who described himself as an engineer, also urged that this be located across the street. He disagreed that tunneling would be a major problem. It has been done at Watson St. and Rt. 7. It would be an expensive operation, but very feasible, and has been done in many places.

Mr. Smith told of living here for 20 years. He predicted that this area would probably become commercial, but he also predicted that that would be a matter of 10 years away. At that time, people in the area will be ready to move. In the meantime this tower would be incompatible with the area. He also discussed the fact that in order to get water hook-up for one lot it was necessary for him to pay hook-up charges on two lots - 200 ft. frontage. He pointed out Falls Church's lack of interest in the County residences, and also because of their lack of interest, they should not be allowed to ruin Fairfax County property.

Mr. Brophie discussed the acquisition of other sites, and stated that they found something vitally wrong with every other site they attempted to get. The site they have chosen is their second choice.

In moving to this site they are only trying to comply with what the Highway Department has requested. It is not known for certain how much of this property will be involved, but it is the opinion of the Highway Department that the ramps will take a large amount of ground and probably the area they had hoped to get.

They have taken this large lot for the specific purpose of screening it well from the neighborhood. They have no other plans for the property except for the tower and for landscaping or buffering. They have purposely located the tower in the middle of the lot. If this is granted they will put some equipment on the property that is used in maintenance of the tower but they will not use it for dumping or any other such purpose.

His reference to tunneling was to tunneling under the access road which would be much more difficult than under Rt. 7 or #123. They are very conscious of the fact that this area will some day go commercial; therefore they do not feel that they are breaking into a permanently residential district. They feel that the least impact will be felt in locating in an area which is sure to turn commercial and where the tank would make no difference. There will be some building equipment on the property until the property is fenced but there will never be storage of equipment. They have a property yard which is used for that.

The Ordinance allows this use in a residential district; the Planning Commission has recommended it. There is another high tower in this area; this use is not incompatible, Mr. Brophie concluded. They have checked out many other sites, perhaps 4 or 5 but they cannot get too far away from their service area. If they put this on lower ground they would have to use the stilt type tank which is not attractive and which would be much higher and therefore probably more objectionable. Also, Mr. Patteson said the stilt type tank would be more expensive. Perhaps three times the cost of the one proposed here. He was sure they could not get land from the Federal Government. They have tried and have been flatly refused. The water in this tank would be the same elevation as the other tanks in this area, which is necessary for efficient operation.

Mrs. Henderson suggested putting several tanks on one piece of property, at least this would concentrate the impact.

This is the dead end of this line, Mr. Patteson explained, placed here to build up pressure; it would not do to have all the tanks in one place.

The possibility of getting other sites was discussed again at length; the need for the elevation at Tysons Corner and the possibility that Mr. Bles will sell a portion of his land.

The Chairman read the recommendation from the Planning Commission granting this use and read excerpts from five letters of protest.

Mr. Smith suggested that the stilt type tank would solve their problems; it would give the height and would not restrict them to one particular area. He also suggested building up the ground if the area is too low, which would give the height. The City is not being shut out from a location as they have two methods of meeting this situation - either the stilt type tank or a built up property upon which to put the tower type tank. The other property discussed was only a matter of 25 - 30 ft. lower which could be overcome in one way or another. This site as chosen would be ideal, Mr. Smith continued, he could understand that, but he questioned if the advantages of the site outweighed the objections of people in the area.

Mrs. Henderson suggested that this is a waste of this potentially valuable land which should be developed in a better way.

The Board discussed with Mr. Brophie and Mr. Patteson whether the case should be deferred for another location or perhaps denied. Mr. Smith thought the door should be kept open for them for a report on another location. Since the applicants did not request a deferral and it did not appear that another location was immediately available, Mrs. Carpenter moved that the application of City of Falls Church for erection of water tower be denied because it is the opinion of the Board that this use would be detrimental to the character and development of adjacent property; seconded, Mr. Smith. Carried unanimously.

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2- With regard to the SHIFFLETT case Mr. Mooreland said the applicant had been notified of this hearing and was not present. His attorney had asked if they could withdraw the case and was told to send a letter to the Board asking for the withdrawal. The letter has not been received.

Mr. Lamond moved that the case of Melvin E. Shifflett, scheduled at 10:50 to permit operation of dog kennel be denied for lack of presentation. Seconded, Mr. Barnes. Carried unanimously.

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1- ESSO STANDARD OIL CO., to permit pump islands 25 ft. from r/w line SE corner of Rt. 1, and Rt. 235, Mt. Vernon District (C-G)

Mr. Hansbarger represented the applicant. He said they do not know yet where the property line will be but they wish to have the pump

1- islands set 25 ft. from that line - wherever that is. The building will be 76 ft. from that line. Also they do not know about the ownership of the 25 ft. strip along Rt. 235, but they will have no pump islands on Rt. 235 so they are asking no variance on that side.

This will be a colonial type building as shown at the first hearing.

Mr. Hansbarger said they were aware of the requirements under subdivision control if the property is divided.

There were no objections from the area.

Mr. Lamond moved that the application of Esso Standard Oil Company be granted to locate pump islands 25 ft. from the right of way line of U.S. #1 provided all other provisions of the Ordinance are met.

Seconded, Mr. Barnes. Carried unanimously.

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3- GOTHAM REALTY, INC., to allow dwelling to remain 47.4 ft. from street property line, Lot 27A, Resub. Oak Valley Estates, Providence District (RE-1)

This case was deferred to view the property.

Mr. Smith made the following statement - After viewing the property it would appear that if the applicant would remove the uprights under the roof this would not be in violation as the overhanging roof is within requirements. The roof runs the full length of the front, across the entrance door and the breezeway. Simply by taking out the uprights the characteristics that make this a porch are removed.

Mr. Lamond disagreed with the fact that this is a violation. The uprights are an attractive addition to the house, he suggested, and they are not supart of the porch structure. He thought it unnecessary to require that these posts be removed solely to please a technicality in the ordinance, especially when it is questionable if this is a porch.

The Board members discussed this at length with Mr. Burns and the builder, neither of whom considered it a porch.

Mr. Lamond described the posts as more in the nature of a trellis - it is evident, he pointed out that they do not support the roof; they are put there to add to the attractiveness of the building with no thought of making part of the house into a porch.

Mr. Mooreland quoted Sec. 4.3.5 (pg. 19) of the ordinance, giving the opinion that the fact that the supports are there is the determining factor. These are supports - no trellises he insisted.

After seeing the property, Mr. Smith stated, it would appear that the three

3- uprights do act as supports for the overhang roof - this is not in the nature of a patio, according to the terms of the ordinance this is a porch and is therefore in violation. He moved that the variance be denied since the applicant can correct the situation by removing the wrought iron uprights. Seconded, Mrs. Carpenter.

For the motion - Messrs. Smith, Barnes, Mrs. Henderson and Mrs. Carpenter. Mr. Damond voted no, contending that this does not meet the definition of a porch. Motion carried.

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4- LAYTON S. SORBER to permit operation of gravel pit on 10ac. of land, E. side of Beulah Rd., Rt. 613, approx. 1400 ft. S. of Hayfield Rd. Rt. 635, Lee District (RE-1)

Mr. Lytton Gibson represented the applicant.

The Chairman read the following resolution to be proposed by Mr. Moss before the Board of Supervisors at their next meeting:

> "WHEREAS, it appears that applications for use permits for the operation of sand and gravel pits have increased substantially in the last few months; and
>
> WHEREAS, there now exist some 1300 acres of sand and gravel operations, many of which are in various stages of disrepair and are complete detriments to the progressive development of the areas; and
>
> WHEREAS, in the past the Planning Staff has urged that a complete and comprehensive study of extraction methods and need for improvement in minimum performance standards in connection with these operations be made; now, therefore be it
>
> RESOLVED, that the Planning Staff be authorized to make comprehensive studies of minimum performance standards and extraction methods in relation to existing and proposed operations and to make recommendations to this body as to ways and means of best improving this situation for the benefit and use of the PlanningCommission, the Board of Zoning Appeals, the Board of County Supervisors; and be it further
>
> RESOLVED, that upon recommendation of the said Planning Staff the County Executive is hereby empowered to authorize the employment of a special consultant to aid the staff in this study if needed; and be it further
>
> RESOLVED, that the Board of Zoning Appeals is hereby requested to withhold further action on applications for additional gravel and sand extraction until such time as results of this study are made available."

Mrs. Henderson and the Board expressed satisfaction with the intent of this Resolution saying it is at long last carrying out the hopes of this Board a year ago. The Board has consistently contended that expert information should be available before gravel pits in the County are handled. In an effort to get more information on gravel in the County, Mr. Smith recalled that this Board had heard Mr. Coleman, soil scientist, and had been greatly benefited. However, Mr. Smith saw no reason why

DEFERRED CASES - Ctd.

4-Ctd. this Resolution should hold up the case before the Board. The Resolution would not be retroactive and this case has been properly before the Board for a long time. It has been well studied and there would appear to be no reason to hold it up.

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Mr. Gibson concurred in this, however, in this connection he also went along with the intent of the Resolution agreeing that an expert analysis of gravel deposits in the County was needed.

Mr. Arthur Baker informed the Board that he had information that a majority of the members of the Board of Supervisors would vote for this Resolution. He thought the case should be denied or held for the gravel study.

Mr. Gibson urged the Board to act on this application at this hearing, saying that the whole case has been well gone into; the Board has seen the property and surrounding areas. The Commission has made its recommendation and other cases which were scheduled and held up when it was thought some time ago that the Board would authorize this report - were heard. He thought it fair and reasonable to hear this at this time.

With the new controls and restrictions now in the Ordinance which can be placed on gravel pits and with the information which will no doubt result from this projected study, Mr. Smith suggested that it should be possible to avoid the depreciating effects of the old gravel pits and assure complete protection for property owners in the vicinity of the pits.

The Board agreed to go ahead with this case.

The condition of the Vaughn gravel pit and the possibility of doing something about the banks that lie between the Sorber property and the Vaughn property were discussed.

Mr. Gibson said the Sorber people have permission to use the haul road which would take the gravel through the Vaughn property and out by way of Hayfield Road. There would be no gravel hauled on Beulah Road - Rt. 613.

As to sloping the banks along the Vaughn property, Mr. Gibson said they could do a certain amount but they could not go so far as to create a drainage problem. He agreed that that property looks very bad. He thought in the rehabilitation of that land it might be helped by lowering the level of Rt. 635, which Mr. Vaughn has discussed with Mr. Kestner and Mr. Ross of the Highway Department.

Mr. Gibson said they would leave a 50 ft. buffer along Beulah Road, and will construct a fence along the frontage of Beulah Road. The house at the corner of this property and Beulah Road, backing up to Vaughn (bordered on two sides by gravel pits) was discussed. The owner has registered no objection to this but Mr. Gibson said they would slope the grade along his borders.

4-Ctd. Mrs. Henderson asked if this land could be seeded after rehabilitation as it will probably be a long time before the Park Authority will be able to buy and use the land. Seeding would take away some of the raw, bare appearance. She also asked that the large trees be left which would be a great asset to the future park.

Mr. Gibson said they would seed the ground but could not say about leaving the trees as they do not know in detail where the gravel veins are but they would do their best to leave the trees.

Drainage problems which might be caused by grading on the Vaughn property were discussed again. Mr. Gibson said he thought it would be better to do this in accordance with the plat which has been approved for drainage. Whatever is done, he continued, there will be the question - what is best? The Board has seen this property twice and has spent a considerable amount of time on this case. They have been greatly concerned over the extension of gravel operations in this area, Mr. Smith stated, however, he was of the opinion that this appears to be a logical place for such operations. He therefore moved that the application of Layton S. Sorber to permit

operation of a gravel pit on 10 acres located on the east side of Beulah Road approximately 1400 ft. S. of Hayfield Road be granted to operate on the abovementioned 10 acres for a period of 21 months including rehabilitation time and that no extension of time shall be granted. This is granted with the following restrictions: that a 50 ft. buffer strip shall be left along Beulah Road for the entire length of the property; that a fence be constructed along the 445 ft. frontage on Beulah Road. This fence shall include the present driveway on the frontage of Beulah Road. The haul road shall be through the Vaughn property and all gravel shall be carried out on Hayfield Road; it is also agreed that the Park Authority or any other County agency shall be given first option to purchase this property, after rehabilitation has been accomplished, by the applicant at cost price as indicated by the stamps. It is understood that rehabilitation will not be considered complete until such time as the total area excavated has been reseeded. It is also understood that all other provisions of the Ordinance shall be met; seconded, Mr. Barnes.

For the motion: Mr. Smith, Mr. Barnes, Mr. Lamond and Mrs. Carpenter.

Mrs. Henderson voted no saying that she objected to gravel pit operations here because this land acts as a natural buffer against the bad situation on land behind this property and even after rehabilitation it will still

4-Ctd. reveal the raw land of the Vaughn property which would not be an asset to the area. Motion carried.

Mr. Arthur Baker told the Board that it had just voted a substantial area out of the County. He was very sure his area would petition to be taken into the City of Alexandria in order to get adequate protection, that the people will no longer tolerate gravel pits in their area and they considered annexation to Alexandria their protection.

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The Board again discussed the question of Mr. Mooreland's office requiring certified plats.

Mr. Lamond moved that in any action coming before this Board where plats are concerned the plats shall be certified. It is understood that these plats can be certified from the legal description of the property.

Seconded Mrs. Carpenter. Carried unanimously.

In view of the difficulty in carrying this out Mr. Mooreland suggested that exceptions may have to be made in individual cases.

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Meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr., Chairman

The meeting of the Board of Zoning Appeals was held on Tuesday, July 26, 1960 at 10:00 a.m. in the Board Room of the Fairfax County Court House. All members were present, Mrs. L. J. Henderson, Jr., Chairman presided.

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

NEW CASES

1- ST. MARTIN EPISCOPAL DAY SCHOOL, to permit operation of day school, SE corner Old Georgetown Pike and Douglas Street, Dranesville District (RE-1)

This was put at the bottom of the agenda since no one was present to support the case. Since the scheduled time for the next case had not arrived the Board asked Mr. Mooreland to bring up questions which might have arisen in his office.

Mr. Mooreland asked - will a permit issued under Group 9 allow commercial storage of sawdust? The answer was no.

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2- JACK W. MYERS, to permit erection of dwelling addition to come within 22 ft. of rear lot line, Lot 20, Block 8, Sec. 4, Bucknell Manor, (1068 Vanderbilt Road) Mt. Vernon District (R-10)

The requested addition would include a room and carport. It would extend 15 ft. beyond the rear of the house by the full width - 30 ft. This is a corner lot, the house meets the required setbacks from both streets. The addition would violate the ordinance by only 3 ft.

Mr. Mooreland called attention to the fact that the rear of this property is a very short line - 10 ft. - squaring off the angle made by the two side lines immediately opposite the front corner point. The addition would be 22 ft. from that rear line. The applicant has put in a concrete slab and the concrete ribbon driveway.

Mr. Lamond said that in his opinion this request meets the three steps in the variance requirements - the lot is irregular in shape, the applicant has an unusual situation, this is a sharp cornered lot, the house is well back from both roads and it would appear that this is a reasonable use of his land. The rear setback requested is the minimum relief the Board can give. Therefore he moved to grant the application as he believed to deny this would deprive the applicant of the reasonable use of his land. Seconded, Mr. Smith. Mr. Smith agreed that this is an unusual situation because of the irregularity of the lot and the very short rear line where the variance occurs. The deep setbacks required greatly reduce the use of much of the land.

NEW CASES

2-Ctd. Voting on the motion - Mr. Lamond, Mr. Smith, Mrs. Carpenter and Mr. Barnes voted for the motion. Mrs. Henderson said she voted no - that while there appears to be no alternate location for this addition, she considered the addition applied for too large for the size of the lot. Motion carried.

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3- H. H. CULP, to permit addition to building to come 39.6 ft. of rear property line, N. side 29-211 approx. east of Bull Run, Centreville District

The applicant was represented by Mr. Roy Swayze who said that neither the builder nor the applicant was present as they had agreed to be and he did not feel competent to carry the discussion of the case without them. He asked the Board to defer the case for two weeks.

Mr. Lamond moved to defer the case to August 9. Seconded, Mrs. Carpenter. Carried unanimously.

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4- JUNE O. HUTCHISON, to permit operation of nursery school, Lot 21, Block 9, Sec. 10, Holmes Run Acres. (2208 Holmes Run Drive) Falls Church District (R-12.5)

Mrs. Hutchison said she would use the large recreation room downstairs for the school. The room has a bath and outside entrance. She will be helped in teaching by her sister - both are teachers. This is a very small neighborhood school - most of the children will walk, the others car pool. Mrs. Hutchison said there would be practically no parking as the children will be dropped off by the parents and there would be no need for cars standing. She would have a maximum of 10 children, four year olds, school would operate from 9 to 12, 5 days a week. A nursery school has been operating in this area but it closed and Mrs. Hutchison has been asked to open this little school. She has no plans for the future beyond this small group. The house has sewer and water connection. The back yard is fenced, they will have outside play there. All the children will be from Holmes Run Acres - most within two blocks.

There were no objections.

The Planning Staff report pointed out that no parking has been indicated on the plat and no parking space seems available on the property except within the single driveway which is within the setback area where parking is prohibited. However, the Board agreed that in this particular case parking is not a problem. Mrs. Hutchison was aware that she could not use her driveway as a parking space.

NEW CASES

4-Ctd. With regard to the application of June O. Hutchison to permit operation of nursery school on Lot 21, Block 9, Sec. 10, Holmes Run Acres, Mr. Smith moved that a permit be granted to Mrs. Hutchison with the following restrictions - the applicant has indicated that this school is for the service of the community and it is noted that there is very little parking space available - the only cars that could be parked on the premises on a permanent basis are those of the applicant. This school shall be restricted to no more than 12 children of nursery school age, from 9 to 12, five days a week. It is understood that all other provisions of the Ordinance shall be met and the applicant shall comply with all requirements of the Fire Marshal. Seconded, Mrs. Carpenter. Carried unanimously.

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5- MARTIN DALTON (Leewood Nursing Home) to permit erection of addition to nursing home, Lot 10, 1st Addition to Leewood, on N. side of Braddock Rd., approx. 1000 ft. W. of Backlick Rd., Mason District (RE-1)

Mr. Adams represented the applicants. Mr. and Mrs. Dalton were present. Mr. Adams recalled the opening of this home in January 1955. They had 14 patients the first 3 months and within 6 months the number had increased to 20. Last September they applied for an extension to the building and they now have 47 patients. This is a home for people not critically ill but for whom the hospitals do not have room.

Mr. Dalton has been active in both state and national organizations of convalescent home operators. If this extension is granted he will make the management of this home his full time job. He has worked closely with the State Health Department and people active in this type or work. He has been instrumental in setting up regulations on convalescent and nursing homes. He has a professional interest in this work. Mrs. Dalton is a trained nurse and spends full time with the home.

Mr. Adams stressed the need in the County and particularly the Annandale area for another nursing home.

The addition would be 39 ft. x 65 ft. They will need variances on the sides from the required 100 ft. setback. Mr. Adams noted that there will be no encroachment beyond that which presently exists on the side lines. The addition will all be to the rear of the lot which is very long.

5- Mr. Adams showed pictures of the kitchen, dining room and bedrooms and rendering of the building.

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This addition will cost $75,000 which will produce taxes of $2000. They employ 24 persons. This type of use is allowed in a residential area which is very logical, Mr. Adams contended, since these people shall be away from the noise and traffic of a commercial area. This addition will give space for 22 more patients making a total of 69. They have a 2.5 acre tract.

Mr. Adams told the Board that the Daltons are caring for three welfare patients whom the County has referred to them.

The Planning Staff report pointed out that no parking is shown on the plat and the 100 ft. setback for buildings and 25 ft. parking is required.

Mr. Adams told the Board that a revised site plan would be drawn. He thought the entrance should be changed to the west side and the parking should be in that area where there is more room.

This place is completely filled all the time, Mr. Adams informed the Board. They constantly turn people away because of lack of room.

Mr. Lamond recalled an article recently in the Alexandria Gazette which said a woman was permitted to this home because she could have "howling privileges". The fact that such privileges are allowed raised the question in his mind, Mr. Lamond said, if more people should be added on this lot, especially when they are not able to meet required setbacks.

Mr. Dalton said the reports in the paper were not true. They do not encourage "howling privileges" but there are cases where such a situation may arise. In this particular case they did not know that this woman was noisy. She appeared to be all right when they took her. Such things happen (rarely, however, Mr. Dalton said) and there isn't much they can do about it.

Mr. Lamond did not like the noise in a residential area and he did not think the lot should be overcrowded increasing the possibility of even more noise. He spoke of the County's concern over density in apartments and here is a project crowding people into a small area violating setbacks and asking to crowd further and encroach again on setbacks. This is like a small hospital, he continued, and should meet the same requirements. Such a project should have more ground.

But you find practically all hospitals in residential areas, Mr. Dalton argued.

Even though this may be crowding a little, Mr. Adams thought it was better to have one good home with these excellent facilities rather than manyssmall homes with lack of facilities. This place is complete; it is efficient and can render adequate service to the patients.

Mrs. Henderson read a letter from Mrs. Marion Shepherd whose mother is a patient in this home. She commended the Daltons for the efficiency with which the home is run, the care, the excellent service and the kindness to their patients. She urged the Board to grant the addition.

Mr. Dalton said they are getting away from the smaller places because it is not economically possible to render complete services. The average size is now 28 people. It was 20. Some run between 25 - 45. The FHA will not lend money on less than 20. That is the smallest that can economically provide services. But with the larger homes they can provide little luxuries; larger living and dining space. They can better create a homelike atmosphere and they can provide space for church services. He also stated that doctors like to send their patients to a place that looks like a hospital, that has good equipment and a professional air. Since they put on the first addition, Mr. Dalton said the doctors have taken much more interest in this home.

Most of their patients come from nearby jurisdictions.

Mrs. Dalton again discussed the "howling" patient, saying it is often difficult to get a complete picture of a patient. This lady had a bad disposition which they knew about but she did not appear to be noisy.

Mr. Mooreland said his office had very few complaints on noise from these homes.

The Chairman asked for opposition.

Mrs. K. G. Einum filed a petition with the Board, signed by people living immediately around the Daltons, asking that this extension not be granted because it would devaluate their property and because of the hazard caused by people from the home wandering out on Braddock Road unattended.

Mrs. Einum said that her home is about 25 ft. from the building line adjacent to the proposed construction. When they came here two years ago the Daltons had 22 patients, they now are asking to have 67. These additions have taken away the appearance of a private home; it is more like a hospital now than a home. They have been advised by real estate firms that this addition will further devaluate their home. There is a subdivision just back of the property Mrs. Einum continued,

5-Ctd. which is situated on high ground, overlooking this series of buildings. It is not compatible with a residential area to crowd this lot with this use. Mrs. Einum questioned the need for this addition in this particular area, recalling that another large convalescent home is now under construction, very near Annandale. She urged that these homes be placed in areas where they could provide safety for the patients - they should have more ground. Many of the patients are senile or subject to strange hallucinations. They should have places on their own property where they would be able to walk out and be protected. She told of different ones walking on Braddock Road causing danger to themselves and to drivers.

She told of certain patients coming to her home, peeping in windows and walking into the house, climbing into cars and frightening her family with their unnatural screams. Mrs. Einum described living near these people as nerve-wracking. She thought it must not be too difficult to find out before these people are taken whether or not they are noisy.

She objected to the traffic caused by a constant stream of trucks, deliveries, doctors, visitors, ambulances - all of which would be increased by this addition.

She objected to cinder dust from the driveway. It is not black-topped.

The Daltons do not live here, she continued, they can get away from all of this but the neighborhood feels the impact day and night.

Mr. Dalton said the parking and driveway would be changed for the new addition.

Mrs. Marie Roberts, who lives two houses away - to the east - concurred in Mrs. Einum's statements. She related her experiences with patients, especially the mentally disturbed, wandering into her house, peeping Toms, frightening the children, the yelling and fussing all of which is disturbing, depressing and alarming. She objected to such an extension and large concentration in a residential neighborhood.

They sold their home to the Einums and then bought another home two lots away.

Mr. Adams in rebuttal questioned why the Roberts sold their home and bought back in the immediate neighborhood if conditions here were so bad. He saw no concrete evidence of property devaluation. The Daltons moved out of the house in order to take more patients, he continued, they live about a mile from the property.

They will submit a site plan and will show the changed parking; they will fence and screen, Mr. Adams said.

5-Ctd. He assured the Board that these people are not mentally disturbed but rather that they are old and senile.

From the testimony of those in opposition this would seem like a Grand Central Station, Mr. Adams stated, but as a matter of fact, these unpleasant things happen only rarely. But under any circumstances these people have a permit and can continue to operate and these things can continue to happen. The important thing is that the Daltons want to expand and improve their facilities. They would like to put up anfence and a walk area within the property for the patients.

Mr. Dalton discussed at length the difficulty of keeping certain patients within bounds of their property at all times, the limitation on giving tranquilizers (doctors' orders) and the need not to confine these people at all times. If they fenced the property the driveway would still be open, which Mr. Smith said could easily be controlled by having an aide there when the patients are in the yard. Mr. Dalton also mentioned having offered to buy Mrs. Einum's home which would serve as a buffer. She had other people in mind to purchase her place.

Mr. Smith suggested cutting down the size of the addition. He could not go along with the proposed crowding on this lot.

He also suggested that this home was not entirely convalescent. Mrs. Henderson agreed. These people need wandering space, she contended, but the bigger the building and parking space the less space for the patients.

Mr. Smith suggested that the Board go along with an addition which would allow 57 patients and with the requirement that the entire property be fenced.

Mr. Lamond recalled that Mr. Fowler of the Oakton Nursing Home had said he was breaking even with the patients he had but could put in improvements and do well with 27 patients. This the Board granted. Mr. Lamond considered that the Daltons have reached the saturation point on their property. He thought the property should be fenced for the protection of the patients and property owners.

Mr. Lamond moved that the application be denied on the grounds that the Board is of the opinion that the ground has been used to the fullest extent as far as this type of operation is concerned. The complaints from the neighborhood make it impossible to justify

5-Ctd. extension and also Mr. Lamond stated that it is the opinion of the Board that the property shall be completely fenced to take care of the nuisance that has been discussed at this hearing. It is also requested that a satisfactory means of dust control shall be used on the driveway and that the parking shall be no closer than 25 ft. from the property line; seconded, Mrs. Carpenter.

For the Motion - Mr. Lamond, Mrs. Carpenter and Mrs. Henderson.

Against the motion - Mr. Smith.

Mr. Barnes did not vote. Motion carried.

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6- CROWN CENTRAL PETROLEUM CORP. to permit operation of gasoline station with pump islands 30 ft. from #1 Highway, W. side #1, (Bargain City) 31,500 sq. ft., Lee District (C-G)

Mr. R. J. Lillard represented the applicant. This is a leased area entirely within the Bargain City development, Mr. Lillard stated. It is on commercial property (C-G) the only request they have is for location of the pump island 30 ft. from U.S. #1. The sign may have to be moved back into the property Mr. Lillard stated, but since the sign ordinance is being considered for revision, he asked that the case be granted with the provision that the sign will conform to the Ordinance at the time of construction.

This property is located at the SE part of Bargain City, the building is 83 ft. from U.S.#1.

There were no objections from the area.

Mr. Lamond moved that the application be granted subject to approval of the site plan by the Planning Commission; seconded, Mrs. Carpenter. Carried unanimously.

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Mr. L. H. Elliott asked to withdraw his case scheduled for 12:10 as he finds he can comply with the Ordinance.

Mrs. Henderson noted that the Board would soon have a new policy on withdrawals.

Mr. Lamond moved that the applicant be allowed to withdraw his case. Seconded, Dan Smith. Carried unanimously.

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NEW CASES

7- SCHOLZ HOMES, INC., to permit garage to remain as built 7.7 ft. from side property line, Lot 15, Blk. 22, Sec. 1, Springfield Ests. Lee District (R-10)

Mr. Robert Kimm, surveyor presented the case. He said that on August 13, 1959 a large group of building permits including the Lot 15 were issued, all without a garage. OnsSeptember 28, 1959 a sales contract was entered into with Mr. and Mrs. Bosworth specifying attached garage. The house was constructed with the garage without anyone realizing that the building permit did not include the garage. The error was not discovered until June 1960 when house location survey was made.

They cannot account for the error - the Bosworth's wanted the garage and it was added - the pictures show it to be an integral part of the house, Mr. Kim noted, as far as they know there are no objections from the neighborhood. This was simply an honest error which sometimes occurs in fast moving developments. It is not a thing which will harm anyone, it actually adds to the value of the neighborhood, as well as the house. The space is needed by the Bosworths - he was assured he could have the garage (an error, however) and probably would not have bought the house had he known the garage would not be allowed. It is the only house on the street with a garage.

Mr. Lamond noted that this was done after the adoption of the new ordinance when this 7.7 ft. setback would not be allowed. When they made the V.A. submission in August of 1959 the plat showed a shaded area which indicated carport.

Mr. Mooreland asked the Board to defer this until the records could be checked for approval of a site plan. If it is found that an overall lot grading plan showing location of houses was approved by Public Works before September 1, 1959 this 7.7 ft. setback would be allowed.--Mr. Mooreland told the Board, and this would not have to come before the Board.

After considerable discussion of the sequence of events Mr. Kim brought word from Public Works that the overall lot grading plan had been approved before September 1959. Therefore Mr. Mooreland asked that the case be dismissed as the builder can go ahead on this approved plan and this garage is not in violation.

The Board agreed to dismissal of the case.

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July 26, 1960

NEW CASES

8- FALLS CHURCH VOLUNTEER FIRE DEPARTMENT, to permit erection of fire house, on Shreve Road, Rt. 703, approx. 119 ft. N. of Peach St., Providence District (R-10)

Mr. Lytton Gibson represented the applicant. Mr. Gibson admitted that there is probably no place in the County where a fire station could be located without opposition. But this is a community service, he reminded the Board; it is necessary to the protection of a neighborhood and it is done without cost to the county with voluntary funds. This group of people are raising the money to buy this land, which they have under contract. This is a 1.5 acre tract.

There are two types of fire departments that can be formed, Mr. Gibson explained, one which is with County funds and an auxilliary company which is financed by membership and without county funds. This is the auxilliary group. They are asking nothing from the County. This is the auxilliary of an old fire department which has three paid members. All equipment is owned by the Department. It is purely non-profit.

Mr. Gibson located the property with relation to surrounding zoning and development, other operating fire departments and with relation to the main building (of which this is an auxilliary). They need this station in order to serve this particular area which is difficult of access from the existing stations. The traffic light at the intersection of Shreve Road and the highway causes congestion and holds up the entrance to this area. Mr. Gibson showed by means of a map that no matter which direction a fire engine comes from it is difficult to get in here. Those few minutes delay mean the difference between protection and lack of it. It would take about twice as long for any other fire station to get in to this area as it would if a station were located here.

The plat showed a 25 ft. rear and 10 ft. buffer on two sides of the property. Mr.Gibson suggested that this might be made a 50 ft. buffer all the way around if it please the Board. He noted, however, that that is far beyond the Ordinance requirement.

The following recommendation from the Planning Commission was read:

"The Planning Commission recommends approval of the site (subject to approval of the Fire Commission that this firehouse is needed) with the understanding that the site only is being approved and that this is not being approved as a public facility.

The Secretary to the Planning Commission has been requested to direct a letter to the Secretary of the Fire Commission (Mr. Lee Charters) suggesting that he suggest to the member departments of the Commission that they clear area needs for additional facilities with the Fire Commission before they are presented to either the Planning Commission or Board of Zoning Appeals."

8-Ctd. Mr. Gibson stressed the great service these fire groups render to the County. These departments are made up of people who "live and breathe". Fire Department he said; they love it. They buy the land, work and pay for it and put up the building. Whether they are fire bugs or what, Mr. Gibson went on, they do their job and do it well and the people in the area benefit.

For that reason particularly, Mrs. Henderson suggested that it is probably important that the Fire Commission determine whether or not a fire station is actually needed in a neighborhood before a permit is granted. These enthusiastic energetic people could be carried away with their emotions to the point where they may not consider carefully the need.

The Chairman asked for opposition.

Mr. Charles Bolen presented an opposing petition signed by 37 people living in the immediate vicinity.

The petition listed the following objections: The land is residentially zoned; this land is included within the area proposed to be annexed by Falls Church; Annexation suit has been filed to increase tax revenue to the City of Falls Church and nothing is to be gained by people in this area by a city form of government; inducement to purchase homes in this area was the residential character which this would help to destroy; this breaking down of purely residential uses could encourage other unwanted commercial and semi-commercial uses; the highest and best use of this land is for single-family homes.

Mr. Ralph Stolz, President of Falls Hill Civic Association objected to this location, poor access, spot zoning and encouragement of other objectionable uses in this area, the unsettled location of Rt. 66 which may affect this area. Shreve Road is narrow and unsafe.

Mr. Hollis, living on Peach Street, objected to the noise and nuisance features, late dances and parties.

Mrs. Steadman, living adjacent to this property objected to traffic, noise and nuisance especially because of illness in her home and it would be an attractive nuisance to children in the neighborhood.

Mr. Gibson called attention to the fact that this is a use permitted in a residential community, this is not a rezoning. He agreed that Shreve Road, only 30 ft. wide, is not good, but it is being repaired and improved to the railroad. It is being used now for industrial traffic.

It is not known yet where Rt. 66 will go, Mr. Gibson continued, but it will not affect this property. With regard to annexation, he continued,

8-Ctd. Falls Church does not own anything in the fire equipment line except one ladder truck. They would have nothing in this. There is no fire house in the City of Falls Church.

Mr. Lamond discussed the location of many other fire departments in good residential areas and the need for such a service and the value to a community. Improvements to roads follow the needand if it is necessary to widen this road as a safety measure that certainly will be done, he contended. However, he thought the Fire Commission should approve this before the Board acts.

The Board discussed at length the selection of these sites and approval of the site by the Fire Commission prior to approval by the Commission or the Board of Zoning Appeals.

This site was selected by the people most interested in meeting the needs of this area, Mr. Gibson stated, they must have a site in the proper location and one which is within their means to buy.

Mr. Smith expressed the opinion that this Board should act on applications of this kind when they are brought up; then they can be approved or disapproved by the Fire Commission. The action taken here would have no effect upon a later decision of the Fire Commission. This is a community userpermitted in a residential zone. The only question before this Board, Mr. Smith pointed out, is should a permit be granted for the use on this ground.

Mrs. Henderson agreed - is this a suitable location - is the question before the Board - not if there is a need - that is for the Fire Commission to say. If this is not a suitable location and if the Fire Commission says there is a need then the applicant must file a new application for another location. Mr. Gibson said there is no question of the need, he felt sure of that - these people have searched for three years for this site and it is the only place available that would adequately serve the area. Mr. Gibson said he understood a certain amount of objection to a fire station but he thought the people would feel differently once it is established. It does serve a community need in addition to fire protection - it also would decrease insurance rates for people in the area.

Mrs. Henderson objected to this use being located on a 30 ft. road, a road which is already used for industrial purposes and which has a hazardous entrance to Rt. 7. She referred to page 65 of the ordinance "relation to streets giving access to the use shall be such that.... traffic to and from shall not be hazardous..." and also under 12.2.2 this

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8-Ctd. would be detrimental to adjacent land, etc. She also contended that the application is premature in that it should first be heard by the Fire Commission.

Mr. Smith pointed out that the only traffic here would be the engines and ambulance which might not be too good, but the fact that these people have searched for three years and this is the only available site they can find is a serious thing. He urged that the Board decide this on its merits and not prolong decision until after the Fire Commission acts.

The Board discussed the entrance from Shreve Road to Rt. 7.

Mr. Smith moved that the application of the Falls Church Volunteer Fire Department to permit erection of a fire house on Shreve Road, Rt. 703 approx. 119 ft. north of Peach Street be granted subject to approval of the Fairfax County Fire Commission. This is granted with the understanding that a 50 ft. buffer strip of trees will be left around three sides of this property (not on Shreve Road). Seconded, Mr. Barnes. Mr. Smith, Mr. Barnes and Mr. Lamond voted for the motion. Mrs. Henderson voted against the motion because Shreve Road is used for industrial traffic, it is too narrow and the entrance on to Rt.b7 is inadequate. Mrs. Carpenter refrained from voting. Motion carried.

9- EMMANUEL LUTHERAN KINDERGARTEN, to permit operation of kindergarten, S. side of Rt. 123, approx. 650 ft. S. of Vienna Town Line (620 W. Maple Ave.) Providence District (RE-1)

No one was present to support the case. The Board agreed toput this at the end of the agenda.

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10- C. G. THOMAS & A.A. IZZO, to permit pump islands to remain 33.25 ft. from #1 Highway and building 71 ft. from #1 Hwy. Lots 1 & 2, Block 2, Rolling Hills, Lee District (C-G)

Mr. Swayze the attorney for the applicants had stepped out of the room. The Board went on to the next cases.

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11- FAIRFAX COUNTY WATER AUTHORITY, to permit erection of water pumping station SE intersection #688 and New Rt. 123, Dranesville District (RE-1)

12- FAIRFAX COUNTY WATER AUTHORITY, to permit erection of water stand pipe, near southerly side intersection #664 and #608 (1.9054 ac.) Centreville District (RE-1)

13- FAIRFAX COUNTY WATER AUTHORITY, to permit erection of water pumping station, S. side of Arlington Blvd. adj. to Town of Fairfax, Providence

July 26, 1960

NEW CASES

11,12,13 Ctd. District (RE-1)

Mr. William Bauknight represented the applicant. Mr. J. Corbalis was also present.

The Board agreed that the three cases be considered together since they are all part of the integrated Fairfax County Water System. These three facilities are necessary, Mr. Bauknight told the Board, in order to bring water from the connection with the City of Falls Church Potomac River crossing, from which the Fairfax County Water Authority gets its water supply. He traced the service line from the river crossing to the Langley pumping station to Fairfax Circle, the Penderwood site and the airport. Mr. Bauknight showed an overall map of the lines and presented maps to Board members showing their distribution system, indicating the area purchased from the Pimmit Hills system and the Falls Church service area. He also showed plot plans of each installation indicating location of the building with regard to roads, property lines and setbacks.

The Langley station will be varied in architecture to blend with development in the area - a brick building with pitched roof. (He showed a rendering of the building proposed.) No equipment will be displayed outside and only one full time person will be in attendance at the building. They have no plans to fence the grounds, Mr. Bauknight stated, as the building will be in keeping with the area and would be more appropriate unfenced.

Since filing on the Fairfax Circle pumping station property they have found it necessary to expand the land, Mr. Bauknight explained. The original plan was that this would be in the Town of Fairfax. The building is now located on the land purchased in the County. The building is 175 ft. from Arlington Boulevard. The lot is thickly wooded. They will leave all the trees surrounding the building area. This is a flat woofed 26 x 18 ft. building. The property joins a generally commercial area. This is operated by remote control and is therefore unattended.

The property to be used at Penderwood is also heavily wooded. The standpipe will be 50 ft. high by 50 ft. wide. He said it would be located 60 ft. from all property lines at the closest point, it will have a capacity of a million gallons. It is possible that another standpipe may be located here as the system grows.

Mr. Bauknight said they have met all requirements under the Ordinance

NEW CASES

11,12,13-Ctd. set forth in Sec. 12.8.2.c - a and 12.2.1. These buildings are not publicly used. They are either unattended or attended by one water authority employee; they will require only routine inspections and adjustments.

Mr. Corbalis, Water Authority Director, discussed the technical aspects of these stations (not getting too technical at the request of the Board) and the need for increased pressure to serve the airport. This particular site was selected because of hydraulics - it must be located on high ground - because of the slight effect on adjoining property and it has good access on two sides. It is an undeveloped area. All three sites have been carefully selected with due consideration for impact upon the neighborhoods and efficiency of the system and they knew of no objections.

Mrs. Virginia Walker Spessard asked to see the plats, particularly of the Fairfax Circle Station, stating that she owns property near this ground. She had no objection.

The Commission recommended approval of all three stations.

Mr. Lamond moved to approve all three requests made by the Fairfax County Water Authority - the Langley site, Fairfax Circle and Penderwood. Seconded, Mr. Barnes.

Mr. Dan Smith commended the Authority for its careful selection of the sites and for the excellent system of presentation of all three sites. Motion carried unanimously.

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10- C. G. THOMAS & A. A. IZZO.... Ctd.

Mr. Swayze had come back into the room at this time, therefore the Board took up his case. He stated that these men have been in business for many years. They have completed a new building which does not meet the setback requirements under the new Ordinance if the pump islands are allowed to retain the setback less than the 50 ft. requirement. If the building were moved back to a 75 ft. setback they would run into difficulty with the 25 ft. rear setback. It would also require a considerable amount of filling. They have already filled a good deal to get drainage out on to U.S.#1. Mr. Swayze said he could not account for the location of the building except that it was not considered with relation to the pump island setback. The permit was granted and the building was completed before it was noticed. Texaco came to install the tanks and found the pump island was too close to the highway.

10- They have discovered, however, Mr. Swayze went on, that this building has the same setback as the Phillips station next door and these pump islands are 2 ft. farther from the right of way than Phillips. This is all complete-the concrete area paving and lights are all installed, and it would have been difficult to locate the building back farther because of the excessive amount of fill. This is a purely commercial area, highly competitive as far as filling statins are concerned. These operators feel they need the same setbacks as those in the immediate area in order to attract customers. They would be willing to move the pump islands back at their own expense when and if U.S.#1 is widened. Mr. Lamond said in his opinion, had the applicant pushed his building back to the 75 ft. setback line he would have had to fill from 8 to 10 ft. which he considered a hardship. He considered that the applicants' request comes within the three steps outlined under variances in the Ordinance - therefore he moved to grant the application with the understanding that the owner agrees to move the pump island back at his own expense if the Highway Department finds the need for more right of way. It is noted that this variance is granted on the building only. Seconded, Mr. Barnes.

Mr. Mooreland called attention to the fact that if this is granted it must be on the building in order to justify the variance on the pump island. The permit is therefore granted to allow the building and pump islands to remain as they are as shown on the plat.

Mr. Lamond, Mr. Barnes and Mr. Smith voted for the motion.

Mrs. Henderson and Mrs. Carpenter voted no because this is simply an error on the part of the applicant which the Board is being asked to correct. Motion carried.

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14- L. H. ELLIOTT, to permit dwelling addition to remain 33.5 ft. from property line Lot 55, Broyhill Park (1323 Slade Ct.)Falls Church District (R-10)

This case had been withdrawn.

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15- LOUIS & HERBERT VICKS, to permit operation of dog kennel and allow building with less setback than allowed by the Ordinance, on east side of Rt. 608, approx. 250 ft. N. of Rt. 50 Centreville District (RE-1)

No one was present to discuss the case. Mrs. Carpenter moved to deny the case due to the fact that the applicant was duly notified that if he did not appear at this hearing his application would be denied.

15-Ctd. Seconded, Mr. Lamond. Motion carried.

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16- ARTHUR P. BILLS, to permit erection of garage and breezeway closer to street lines than allowed by Ordinance, Lot 54, Sec. 1, Town & Country Ests. (724 Dellwood Dr.) Providence District (R-17)

This was deferred to view the property. After viewing the property the Board agreed on the following motion made by Mr. Lamond: That the application be denied because the opinion of the Board is that by denial the applicant is not being deprived of a reasonable use of his land. He can still build a small carport without a variance. It was noted that there are no other carports or garages in the immediate area.

Also Mr. Smith added - there is a safety factor here, this is on a corner and this addition as planned would block the view. Mr. Smith agreed that the applicant has adequate room to build a garage or carport; seconded, Mr. Barnes. Carried unanimously.

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The Board agreed to defer the two cases - St. Martins Episcopal Day School (10:00) and Emmanuel Lutheran Kindergarten (11:30) to August 9 with the understanding that if the applicants or their agents are not present the cases will automatically be denied. The Zoning Administrator was instructed to so notify these applicants.

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Mr. Mooreland read the following letter relative to the Valley Brook School:

> "I am informed that the above school (Valley Brook School) is operating a summer day camp or kindergarten at its premises on Rose Lane in the Falls Church Magisterial District of Fairfax County.
>
> I am further advised that the permit granted by the Board of Zoning Appeals specifically does not contemplate day camp activity and further limits operating of the school to the nine months during which schools are customarily operated.
>
> I am also informed that the permit issued by the Board of Education does not authorize the operation of a day camp or a kindergarten and that the State Code does not empower the Board of Education to authorize such activity.
>
> It would appear that the Valley Brook School is operating in defiance of the Board of Zoning Appeals of this County. It is therefore requested that the Zoning Administrator immediately be instructed to investigate this matter and to take such action, whether pursuant to Sec. 11.6.2 or Sec. 15 of the Zoning Ordinance for Fairfax County, or either authority, as may be necessary immediately to curb violations of the County Zoning Ordinance.
>
> It is requested that the Zoning Administrator forward me a written report of his investigation and of the action proposed.
>
> (S) Robert C. Cotten, Jr."

Before taking any action on this, Mrs. Henderson suggested that the Board have a ruling from the Commonwealth Attorney or the Attorney General. The action of the Code may cover this school and the Board would be powerless to revoke the permit.

Mr. Smith moved that no action be taken on this request until the Board has an opinion from the Commonwealth Attorney after which time the Board will decide what move it will take in this case. Seconded, Mr. Lamond. Carried unanimously. (Permit issued under Code of Virginia 22-21.1) Mr. Smith amplified his motion by saying that in his opinion the Board should be on a very firm footing in taking any action to revoke this permit, as such action could involve the Board with the state and result in difficult reperussions - he thought the Board should know just what is taking place at the school and what their permit covers.

Mr. Mooreland suggested that members or some member of the Board should go to Richmond to learn exactly what is in the application made to the State.

It was agreed that an opinion from the Commonwealth Attorney would be requested before the next meeting August 9. Seconded, Mr. T. Barnes. All voted for the motion except Mr. Lamond who voted no. Motion carried.

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The meeting adjourned.

Mary K. Henderson
Mrs. L.J. Henderson, Jr.
Chairman

August 9, 1960

The regular meeting of the Fairfax County Board of Zoning Appeals was held on August 9, 1960 at 10:00 a.m. in the ~~Board Room~~ CIRCUIT COURT ROOM of the Fairfax County Courthouse. All members were present except Mr. Lamond. Mrs. L.J. Henderson, Jr., Chairman presided.

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

1- ERNEST W. WILLIAMS, to permit operating of riding stable (club) S. side of Braddock Rd., E. ofGuinea Rd., Falls Church District (RE 0.5)

Mrs. Henderson stated that according to the Ordinance a riding stable is not permitted in an RE 0.5 district, therefore this case should not be before this Board. Mr. Mooreland agreed - that the case was taken in error. The case was dismissed without prejudice. Mr. Barnes so moved; seconded, Mrs. Carpenter. Carried unanimously.

Mr. Barnes also moved that in case of an application having been taken in error, even though it has been advertised and posted the Board of Supervisors should be requested to authorize a refund on the fee paid and such steps should be taken in this case to refund the entire fee. Seconded, Mrs. Carpenter. Carried unanimously.

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2- STEPHEN & VIOLET GILL, to permit operation of beauty parlor in home as a home occupation, part Lots 63 and 66, Sec. 2, Wellington, (221 W. Boulevard Drive) Mt. Vernon District (RE-0.5)

Mr. Thompson represented the applicant. These people are contract purchasers of this property, Mr. Thompson told the Board, said contract contingent upon the granting of this permit. Mrs. Gill is a highly specialized beautician, having operated in the large first class stores in various places. She will live on the property. It is her plan to repair and remodel the building to make it suitable for this use.

Mr. Thompson said he had talked with many people in the area and it does not appear that there is opposition to the small beauty shop but there is an old valid permit granting a restaurant use in this building to which some had objected because of a series of difficulties in the past, however, he thought that opposition had been wiped out. The people do want to get rid of the restaurant. The license has been transmitted but the restaurant use is not included in this application. This is a non-conforming building, Mr. Thompson went on to explain. It sets out in the right of way of Virginia Avenue. The building would need a considerable amount of repair to operate the restaurant but they do not intend to open the restaurant now. They may wish to do so at some future time. Parking is provided for 29 cars.

2-Ctd. Mr. Slayton, son of the owners, was present. He recalled that a permit had been granted some time ago for an antique business as well as the restaurant. The Board questioned if the restaurant permit had been kept active. Mr. Slayton said they had served food in March and April of this year and probably on into May. He had worked there part time. They served no dinners. During 1959 until Thanksgiving they were serving. They have a 1960 license.

This has been an old non-conforming restaurant since 1941 Mr. Mooreland told the Board. He did not know if operation of the restaurant had stopped for six months at any period during these years. He suggested that the Board view the property before giving a decision on this.

Mr. Thompson said Mrs. Gill would have two chairs in the beauty shop but she would be the only operator.

The Chairman asked for opposition.

Mr. Donald Alexander presented a letter to the Board making the following points in opposition: That he, as the adjoining property owner, had no objection to a one chair beauty parlor, but since the purchase contract includes a permit to operate a restaurant in this building he and the neighbors objected vehemently to that use. Such an operation would not be in harmony with a single-family neighborhood. The building would be almost impossible to put in condition to meet health regulations.

Mr. Alexander said he had understood that Mr. Thompson was attempting to get in touch with the owners, who are out of the country, to learn if they would be willing to eliminate the restaurant permit from the sale contract, in which case they would not oppose the one person beauty shop in the house.

Mr. Mooreland said this restaurant had been transferred from one to another and he did not know if it had ever been abandoned for six months but he did not think he could grant a permit to remodel the bilding. It is in such a delapidated condition. He would send an inspector there to make a thorough check.

Mr. Nelson Lewis, 311 West Boulevard Drive, who lives 500 ft. from this building, informed the Board that this restaurant, as such, has been abandoned, that it has not been used as a restaurant for a long time. They have sold only small things to picknickers. Things one would get at a snack bar. The existing license does not fulfill the intent of the law. The building is 2 ft. out in Virginia Avenue. It is nothing now but a series of additions on to additions; it is completely unsuited to the use requested. The neighborhood objects to any commercial use of this

2-Ctd. building or any building on the Boulevard. The Interior Department is objecting also. If this were a residence and someone lived in the building and wanted to make a little extra income with a small beauty parlor operation it may be all right but to buy a non-conforming building in such an ill state of repair for the purpose of running a business, they are strongly opposed. Any substantial use here will grow and expand. Mr. Lewis said he could not see how nor why the restaurant permit exists. The place could not serve meals and met any degree of health standards - the parking area is cindered and dirty. He urged that this building go back to purely residential use.

Mr. Miles Reynolds, 215 West Boulevard Drive asked the Board to deny the case and he urged that no commercial use be made of this building. He feared encroachment on other nearby areas with commercial uses if this is granted.

Mr. Reynolds questioned if there was a valid license to operate a restaurant, if there is, he contended it may comply with the letter of the law, but not with the intent. He did not think the building would pass the Health Department requirements for a restaurant. He thought a thorough investigation should be made to know if this is complying with all County Ordinances.

Considerable discussion followed - bringing out the fact that the enforcement of Health regulations is a matter for that department. As far as his office is concerned, Mr.Mooreland continued, if this use is non-conforming and they have kept their permit active, then he cannot stop them from operating. Mr. Mooreland said he thought the Health Department probably should have inspected this place but if they did not, he could only suggest that it be done.

Mr. Smith observed that the Health Department could not do anything until food is served then they could make the inspection and make their recommendations. However, in this area, Mr. Smith said he would like to see this building returned to a residential use.

Mr. Thompson asked the Board not to confuse this requested permit with the restaurant use. He suggested that this use be granted and that part of the building be repaired necessary to carry on the business and that the restaurant permit be eliminated, if the building could not be put in shape for such a use. Whatever happens to the restaurant is another thing, Mr. Thompson continued. He said he had written the Slaytons about the difficulties in opening the restaurant and the condition of the building, he had not heard from them but he did not

2-Ctd. think the restaurant was too important to them. It could be that the restaurant license should be deleted from the sales contract.

Mr. Thompson said he did not know if they had a Health Certificate or not, but they do have a merchant's license which could be transferred to the new purchaser. Also he did not know the volume of business they did during 1959. Mr. Slayton did not know either, but he did recall that the restaurant was running at various times during 1959 and 1960. All inspections were made at that time. It is a fact, however, Mr. Slayton said, that the people living in the house have placed more emphasis on running the antique shop. (The antique shop permit is also of long standing.)

Mrs. Carpenter moved to defer the case to view the property; seconded, Mr. Smith.

Mrs. Henderson suggested that granting this would be placing this operator in a position of unfair competition - with other beauty shops who have overhead and high rents. This would not be in the nature of a community shop - needed and wanted to serve the immediate area.

Mr. Smith agreed, recalling that where the Board has granted these shops in residential districts the occupant lived in the house as a permanent home and the neighborhood was so situated that a small neighborhood shop would be a great convenience. The motion carried unanimously - deferred to September 13.

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3- BRANIFF AIRWAYS, INC. to permit booster relay and transmitter station, 450 ft. S. of Lee Hwy. on Covington St., Providence District (RE-1)

Mr. Richard Carr represented the applicant. This is used in connection with their communication system. They must be in constant contact with their airplanes checking from time to time. This is a relocation of their present station which property is being taken by development. Mr. Carr showed pictures of the type building they would erect and the poles. It will consist of one ARMCO steel building 12 x 16 ft. with 8 ft. walls. The antenna will be mounted on three poles, this is not to be used for navigational purposes; it is merely for contact with airborne planes operated by the Braniff Company.

The next nearest station of this kind is at Memphis, one at Texacana, Dallas, and many others. These are unattended stations operated by remote control. The maximum height of the poles will be 50 ft. including the antenna.

Mr. Phelps was present representing Mrs. Wilhelm, owner of the adjoining

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Missing

3-ctd. property. Her property is for sale and she has been concerned whether or not this installation will affect the sale.

Mr. Reece, owner of 28 acres immediately to the east of the site said he would have no objection to this if the poles were painted to blend with the sky line. (Mr. Carr agreed to this.) Mr. Reece also spoke for several neighbors in the area. He was also informed that if the company considered putting any additional facilities on this property in the future they would have to come back to this Board for approval. The kind and color of paint to be used on the building and poles was discussed. The poles will be creosoted and painted, as well as the buildings.

Mr. Smith moved that Braniff Airways, Inc. be permitted to operate a remote control booster relay and transmitter station 450 ft. south of Lee Highway on Covington Street including antenna and poles and it is understood that the building shall be painted as agreed upon and that the site shall be properly landscaped, weeds and grass to be kept cut to assure the fact that this will not become an eyesore. Seconded, Mr. Barnes. Carried unanimously.

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4- WILLIAM W. KLUGER, to permit erection of carport to come within 4.2 ft. of side property line, Lot 4, Johnston's Addition to Falls Hill, (1404 Cedar Street), Providence District (R-12.5)

Mr. Kluger told the Board that Mr. Davenport is putting up very nice homes across the street and people along Cedar Street are interested in making improvements to their homes which would make their homes more in keeping with the new houses, most of which are in the $35,000 class. He has a driveway and a two car space on the side of his house. He would like to put on a carport immediately adjoining the side of his house at the end of the driveway. The carport would be 4.2 ft. from the line. Three neighbors wish to do the same thing, only two would have to have variances.

Mr. Kluger pointed out that the back of his lot slopes in such a way that he would have to cut into the bank in order to have a garage in the rear of his yard. He would also have to cut a very lovely dogwood tree.

That, Mrs. Henderson observed, could not be considered a hardship. She also noted that the required setback here would be 12 ft.-a setback which would also be asked by the others wanting carports.

4-Ctd. The houses across the street are greatly improved by maintaining the setback Mrs. Henderson went on, and if these variances were granted it would in effect be changing the Ordinance and rezoning this property. This sort of thing could go on indefinitely.

Mr. Mooreland agreed that this could amount to a rezoning and this Board has no jurisdiction to change the law set up by the Board of Supervisors.

Mr. Kluger said that many others in the neighborhood were improving their homes, however, he noted that many of them have larger lots and can come within Ordinance requirements. He felt stymied not to be able to add to his own home.

The Board could find nothing in this peculiar to this particular lot which could justify granting this; there appeared to be no topographic condition which could deter Mr. Kluger from putting a carport back on his lot. He could put a single carport along the side of his house.

Mr. Smith expressed the regret of the Board that they could not find a solution to this but he felt that no provisions under the Ordinance gave the Board jurisdiction to grant such a large variance, therefore he moved that the application of Mr. Kluger be denied because it does not comply with requirements necessary for the granting of a variance.

Seconded, Mrs. Carpenter. Carried unanimously.

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5- RICHARD A. WATERVAL, to permit erection of bldg. 35 ft. from r/w line of Col. Pike, on N. side of Col. Pike, 400 ft. W. of Carlyn Springs Rd., Mason District (C-G)

Mr. Waterval and Mr. Main, architect, appeared before the Board.

Mr. Waterval presented a brochure showing development proposed and rendering of the office building, which is oriented toward medical and professional uses because of its nearness to the new hospital.

Mr. Main discussed Mr. Waterval's plans for this entire property, for which he is now drawing up the plans. They wish to work out the location of this building in connection with the garden apartments immediately to the north on Mr. Waterval's property.

Mr. Waterval showed pictures of the site and of the Craven Tire Company on land immediately adjoining. There is a 50 ft. road dedication along the west side of the Waterval property which will be used as access for both the apartments and this building. There will be no access on Columbia Pike.

They are asking a 35 ft. setback from Columbia Pike - a setback which will

5-Ctd. conform to the Craven Tire Company because of the topographic condition of this property. There is a difference in elevation of 26 ft. between Columbia Pike and the rear of this area designated for the office building. It was noted, however, that the difference between the fee simple line of Columbia Pike and the right of way line, actually puts the Craven Tire Company back 29 ft. That building also has a 7 ft. overhang.

Mr. Waterval said it would be a practical hardship for him to set his building back 50 ft. as he is providing parking back of the building, between the building and the rear line upon which it would be necessary to construct a retaining wall. The farther back he places the building the deeper he must cut into the hill and that would mean more retaining wall. A 35 ft. setback would give ample foom for rear parking and would enable him to landscape the front along Columbia Pike with no parking there. The 50 ft. setback would add nothing to the corner visibility as they are on the outside of a curbe and the sight distance is not in question. If the 50 ft. setback is required it would mean that the front would necessarily be used to take care of part of the parking. The building would be much more attractive with no front parking and landscaping. Because of the curve in the road this building would actually be 17 ft. behind the Craven Tire Company building.

Mrs. Henderson noted that the property has only a 2 ft. rise between the 50 ft. and the 35 ft. setback line which she thought negligible.

The difference in the rear yard makes the difference in the double row of parking, Mr. Main stated. They want the double row of parking to avoid parking in front of the building across Columbia Pike. They also wish to maintain the same setback as the tire company.

Mr. Waterval said if they moved the entire project back to the 50 ft. setback and increased the depth of this property beyond the rear line of the tire company lot it would make a jog and would affect the setback of the apartments to be placed on the rear of his property. They would have to meet the setback from this lot and it would leave a dog-leg of unused land abutting the tire company property. They wish to keep the rear line of this lot in line with the rear of the adjoining lot. They also do not wish to push this back to 50 ft. because of the drainage problem which is being worked out on the basis of a line as established on the plat presented with this case. If a row of parking is put across the front visibility along Columbia Pike would be affected and it would detract from the appearance of the bhilding.

5-Ctd. Mrs. Henderson suggested that while this is a desirable layout it may be squeezing too much on this piece of property.

Mr. Smith moved that since there are existing unusual circumstances and conditions pertaining to this land the Board finds that this is the most desirable location for the building from the standpoint of the parking arrangement and due to the fact that parking along Columbia Pike would probably open an entrance into Columbia Pike which is not desirable and in pushing the building back to meet the 50 ft. setback the parking arrangement would produce an eyesore and would deny the applicant the best use of his land. Also the fact that the tire company on adjoining property is only 35 ft. from Columbia Pike and that building has an overhang of 7 ft. which would be a detriment to the view of this building; the view would be obstructed - therefore the Board finds that Step I applies and Mr. Smith so moved. Seconded, Mr. Barnes.

For the motion - Mr. Smith, Mr. Barnes and Mrs. Carpenter.

Mrs. Henderson did not vote. Motion carried.

With regard to Step II Mr. Smith stated that not to grant this variance would deprive the applicant of a reasonable use of his land and it is desirable that the applicant carry out the parking arrangement presented with the case. Mr.Smith moved that Step II applies; seconded, Mr. Barnes.

For the Motion - Mr. Smith, Mr. Barnes and Mrs. Carpenter.

Mrs. Henderson did not vote. Motion carried.

In view of the findings on Step I and II and after careful examination of the application Mr. Smith moved that the variance applied for is the minimum variance that could afford relief in this case; seconded, Mr. Barnes.

For the motion: Mr. Smith, Mr. Barnes and Mrs. Carpenter.

Mrs. Henderson did not vote. Motion carried.

Mrs. Henderson said she did not wish to vote against this for the reason that she was convinced there was some way this could be worked out to conform to the Ordinance and not destroy the use of the property to the north and still not have parking along Columbia Pike.

Mr. Smith suggested however, that this is in harmony with the purpose and intent of the land use in the area and that it would not be harmful to adjoining property.

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6- PAUL BAKER, INC. to permit canopy over existing loading platform closer to Fairhill Rd. than allowed by Ordinance, Lots 12,13 and 14, Fairhill on the Boulevard, Providence District (C-G)

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6-Ctd. Mr. Hansbarger represented the applicant. He called attention to the fact that this building and the loading platform do not face Lee Highway (because of the safety factor) but ingress and egress are from Fairhill Road. They wish to extend the canopy over the loading platform because this loading is for potato chips. Since the potato chips must be kept dry and the present canopy drops water on the trucks as they are loading this has become a serious problem. When they built this canopy in the first place they could have put on this extra width and still have been within the regulations as the setback from Fairhill Road was 35 ft. They will now come 36 ft. of the road at one point.

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They cannot put a loading platform on the south of the building because of the location of the septic. On the west is a new addition to the building. There is no other place on the property where they can unload.

This is a rather unusual condition, Mr.Hansbarger admitted, but he contended, it is not an unreasonable request. If they cannot keep the potato chips dry they cannot sell them. There is no conflict with the ordinance he continued, the loading platform itself will not be extended.

Mr. Holmes, employee for the applicant, discussed the practical need for this.

Mr. Hansbarger said the canopy would be supported at either end by a steel pole.

It was also stated, by a member of the audience who lives across the street from this business, that the present canopy would be removed and replaced with a new one piece canopy. He thought the support would be by angle iron or iron pipe. He did not know if a support along the front of the canopy would be necessary.

Mr. Smith moved that the application of Paul Baker to permit canopy over loading platform closer to Fairhill Rd. than allowed by the Ordinance, Lots 12,13 and 14 Fairhill on the Boulevard, be granted as requested.

This is granted because location of the drainfield makes it impossible to put this loading platform on the south side of the building and a new addition is going on the rear of the building. It is understood that there will be no further extension of building nor loading platform and no more than three steel support braces shall be allowed in the area of the variance. Seconded, Mrs. Carpenter. Carried unanimously.

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August 9, 1960

The Board adjourned for lunch and upon reconvening took up the deferred cases.

1- ST. MARTIN EPISCOPAL DAY SCHOOL, to permit operation of day school, SE corner Old Geo'town Pike and Douglas St., Dranesville District (RE-1)

No one was present to support the case.

In accordance with the Resolution passed at the last meeting, Mr. Smith moved that the application be denied; seconded, Mrs. Carpenter. Carried unanimously.

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2- H. H. CULP, to permit an addition to bldg. to come 39.6 ft. of rear property line, N. side of 29-211, approx. 1/2 mi. E. of Bull Run, Centreville District (C-G)

Mr. Swayze, attorney for the applicant, was not present.

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3- EMMANUEL LUTHERAN KINDERGARTEN, to permit operation of kindergarten, S. side of Rt. 123, approx. 650 ft. S. of Vienna Town Line, (620 W. Maple Ave.) Providence District (RE-1)

Mr. Kurt F. Eckl represented the applicant. He said it would be a kindergarten operating between 9:00 and 12:00 five days a week. They will use existing facilities without alterations. They expect to have 15-20 children (maximum of 20) five years of age. It was the intention of the church when they built to have a school. There are three class rooms only one of which will be used at present. They will have only one teacher. They comply with all regulations of the Fire Marshal and the State.

There were no objections from the neighborhood.

Mrs. Carpenter moved that the Emanuel Lutheran Kindergarten be granted a use permit to operate a kindergarten as this will not be detrimental to the use of adjacent land. This is granted for a kindergarten only, for nine months of the year and five days a week - 9 - 12. Seconded, Mr. Barnes. Carried unanimously.

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NEW CASES

4- EITY OF FALLS CHURCH, to permit erection of water storage tank and permit less setback from side line than allowed by Ordinance, on northerly side of #123, opposite Hunting Ridge Subdv., Dranesville District (RE-1)

Mr. Brophie and Mr. John Patterson were present to discuss the case. This is the second tank in this general area, Mr. Brophie told the Board, needed to take care of the increasing urbanized growth and

increasing demand. Mr Brophie compared the demand in 1950 now, and in 1980 stating that they are attempting to plan for future needs. While he went into growth figures, Mr. Brophie said he considered the need obvious as there is no question of the future development in this area. It is therefore necessary to anticipate needs and plan for future adequate facilities. The need for more water service calls for additional pipe lines or additional storage tanks. Here they will have both. The tanks are to store water for peak periods. He showed a chart of the overall area indicating the change from 1950 to 1960. This is actually a smaller service area than originally planned, Mr. Brophie continued, as they have pulled back their lines in accordance with agreement with Fairfax. There is a gradual slope from this site location to the service area. He discussed other sites which had been abandoned in favor of this. In discussing this setback with the Highway Department they asked that the tank stay 200 ft. from the center line of the access highway.

While this site is not the highest in this area it is very near the center of the service area and the development to come. It is bordered on two sides by highways and the interchange. The property owner on the third side has no objection. They will set back 100 ft. from Chain Bridge Road and 15 ft. from the right of way of the access road and 200 ft. from the center line of the access road. They wish to come within 15 ft. of the access road because that is the high point. The tank will be 100' x 50'.

It was noted that old Rt. 123 dead ends here but that the newly located 123 goes on through to McLean. Actually the location is tucked away as far as possible from homes or development.

As to the appearance of the tank, Mr. Brophie said they cannot do much about that. Some screening can be done but a tank 100 ft. in height is difficult to shield. He showed photographs of other similar tanks surrounded by homes.

This is the most desirable location they have been able to find, Mr. Brophie continued, and will cause the least impact upon the neighborhood. There are trees along Rt. 123. Some of them are 40 ft. high which they will not remove. The FAA have also approved this.

Asked what the elevation of the access road would be Mr. Patteson said he did not know - there was a bank along the right of way but he did not know the height. However, he had understood that all construction would be confined within the 200 ft. and there would be no change in grade.

4-Ctd. Mr. Tyler Swetnam urged the Board to grant this saying this tank will provide the means for the County Water Authority to give adequate service to people in the western area of the County as they will not have to put in a line to serve these people.

Mr. Windridge, the one adjoining property owner, discussed his property, a considerable amount of which has been taken by the highway adquisition, and his agreement two years ago with Mr. Head of Falls Church, to sell property for the tank provided the site would not be unsightly. He felt that it was not the best thing in the world to have a water tank on adjoining land but he also agreed that the advantages to be derived from having plenty of water and good pressure would overcome the drawbacks of the tank. He offered no objection.

Mr. S. M. Dodd, 2527 LaSalle Ave., living about 100 ft. from Rt. 123, discussed the advantages and disadvantages of being 250 ft. from the tank. He asked that the tank be shielded as much as possible and that the grounds be kept attractive.

Mrs. Parcells, owner of 15 lots between Colonial Lane and Seneca Avenue (Hunting Ridge) said her land which she has held for 30 years is now ruined for residential development. She questioned what could be done with this land and asked would the granting of this be used as leverage to annex this area in the future. She also had no objection to the tank if it were to be shrubbed and the grounds kept attractive. The Board discussed at length the kind and type trees which might be most effective.

Mrs. Henderson made it plain that annexation was no consideration in any Falls Church Water tank case.

The Chairman read the report of the Planning Commission recommending the granting of this use.

Mr. Smith moved that the City of Falls Church be granted a permit to erect a water storage tank on the northerly side of Chain Bridge Road opposite Hunting Ridge Subdivision and that they be permitted setback less than allowed by the Ordinance - the setback to be 15 ft. from the south right of way line of the access highway and no closer than 215 ft. from the center line of the access road and that the location shall be seeded, screened and maintained in a high degree of vegetation such as grass sod. The screening shall be left up to the proper authorities, but it shall be such that the screening shall cover the bottom part of the tank insofar as it is possible in view of the homes on Rt. 123. It shall be screened for about 26 ft. It is also understood that the entrance shall be at the southwest corner of the property and existing trees shall not be removed.

4-Ctd. Seconded, Mrs. Carpenter. Carried unanimously.

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H. H. CULP, to permit addition to bldg. to come 39.6 ft. of rear property line, N. side of 29-211, approx. 1/2 mile E. of Bull Run, Centreville District (C-G)

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Mr. Swayze represented the applicant. He said that after further study of the case he is of the opinion that he may not need a variance.

Mr. Culp owns the land immediately adjoining him. He bought this tract first then acquired the adjoining land from his parents. Now he has the whole tract. This line shown on the plat is not actually a property line, it is simply a line of record. According to the definition of a lot, Mr. Swayze said this line does not exist.

Mr. Mooreland agreed, saying that a new survey would put this into one parcel. Mr. Swayze should have a new survey plat made showing the whole parcel but as long as this plat exists Mr. Culp would need a variance.

If this is recorded as one parcel, the Board agreed that no variance would be necessary but cautioned that no permit should be issued until the whole parcel is recorded.

Mr. Swayze agreed to do that and asked that the case be withdrawn based on the preceding discussion.

Mr. Barnes moved that the applicant be allowed to withdraw the application; seconded, Mrs. Carpenter. Carried unanimously.

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Mr. Mooreland discussed a complaint he had had regarding a lady who is supposed to be running a nursery school. Upon investigation Mr. Mooreland said he found that the woman has three children aged 7, 10 14 of her own. During the day she keeps two other small children. This is allowed by the Ordinance and has not been considered a business. The Board agreed.

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Mrs. Henderson read a letter from Mr. Stolz - Stolz Homes - commenting on the Board's criticism of Stolz Homes at the last meeting.

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The meeting adjourned.

Mary K. Henderson
Mrs. L.J. Henderson, Jr.
Chairman

September 13, 1960

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, September 13, 1960 at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present; Mrs. L. J. Henderson, Jr., Chairman presided

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The meeting opened with a prayer by Mr. Lamond.

NEW CASES:

1- ROY WELBORN, to permit erection of office bldg. closer to 11th St. than allowed by the Ordinance, Lot 10, and 11, Blk. 40, New Alexandria, Mt. Vernon District (C-O)

Mr. Mooreland read a letter from Mr. Welborn asking deferral of the case until October 11, 1960. Mr. Lamond so moved. Seconded, Mrs. Carpenter. Carried unanimously.

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Since the time had not yet arrived for the next scheduled case on the agenda, Mr. Mooreland discussed the situation of Mr. Paul Baker to whom the Board had granted at the August 9 hearing the right to extend his canopy which would be supported by three posts. Mr. Baker claims the three posts are not sufficient (he has been so advised by his engineer). He will come before the Board at the close of the agenda and ask for six posts.

Mr. Smith recalled that he had specifically asked Mr. Baker if these posts would be enough and limited the granting to the three posts because he had thought three posts would cause less obstruction to trucks backing in and Mr. Baker had agreed with him and assured the Board that three would be adequate.

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2- A. P. SCHEMETT, to allow patio to remain as erected closer to side line than allowed by the Ordinance, Lot 32, Block C, Section 1, Parklawn (7517 Arcadia Rd.) Mason District (R-12.5)

Mrs. Schemett appeared before the Board, presenting letters from her immediate neighborhood, all of which asked the Board to allow this variance.

Mr. Lamond objected to the plats presented with the case, noting that they had not been made by a certified surveyor. However, it was recalled that the policy requiring certified plats in all cases of variance was not passed until after this case was filed.

Mrs. Schemett showed two approved permits -- one June 6, 1960, issued for the carport, showing it 15 ft. from the sideline; a second permit issued June 14, 1960 showing the patio only - 12 ft. from the side line. The plat presented with the case showed the carport

2-Ctd. 12 ft. 2 in. from the side line and the patio 9 ft. from the line. On all plats the nearest corner of the house was 24.55 ft. from the line. Mrs. Henderson had seen the property and said, in her opinion, the patio was a screened-in porch, with concrete floor and roof which is a continuation of the house roof.

Mrs. Schemett had no knowledge of how this violation had occurred. As far as she could see it was a mistake by the builder in measuring from the side line. Had she known of the requirements the addition would have been made smaller. She had no idea it was wrong and apparently neither did her builder. She said there had been no inspection until the work had been completed. Evidently the builder did not call for inspection, Mr. Mooreland noted, as instructed on the permit for the footings. The builder, or whoever was in charge, probably called the building inspector instead of the zoning inspector. There is no way for his office to know if the footings have been poured, Mr. Mooreland told the Board, unless they are notified by the person doing the work. They do not make inspections until they are notified. People who come in for permits are told this and it is also printed on the permit they are issued.

Mrs. Henderson asked the reason for the two permits - one on June 6 and the other June 14. Mrs. Schemett said the contract for both the carport and patio were let at the same time - it was one job. She employed "Lifetime Builders" from Maryland.

It was noted that none of the plats showed the dimensions of the patio.

Mr. Lamond moved to defer the case for 30 days (Oct. 11) to give the applicant the opportunity to present certified plats which will show correct distance of both additions from the side line and correct dimensions of both the carport and the porch (patio).

Motion carried unanimously.

Mrs. Schemett gave Mr. Mooreland the name and address of another violation in her neighborhood.

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3- J. N. ROSSEN, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 745, Sec. 7, Lake Barcroft, (551 Waterway Drive) Mason District (R-17)

Mr. Rossen said when he bought this property and built, it was with this thought in mind - as soon as he was able, he would add the carport. He could have put on the carport at the time as the required setback

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3-Ctd. for an attached carport was 10 ft. from the side line. The Ordinance was changed about six months after they bought. Mr. Rossen said he could put a garage at the rear of the property (detached) if a great deal of excavation were done, but that would be very uneconomic and might cause a drainage problem. The carport as planned is compatible with the house and he has no objections to this encroachment from 10 neighbors.

Mr. Mooreland told the Board that this was one of those instances where 25% of the people in the subdivision have carports with a similar setback - but 25% of the houses on the block do not have carports with less setback than presently required. He had advocated for a long time that the Ordinance should be changed to figure the percentage on the subdivision rather than the block. Mr. Burrage is in agreement with this, Mr. Mooreland went on, but the Ordinance has not yet been changed. Mr. Smith moved that Step I regarding variances applies in this case, due to the unusual circumstances and conditions concerning the land; Seconded, Mrs. Carpenter. Carried unanimously.

Mr. Smith then moved that Step II applies in this case, because conditions being as they are, to deny the case would not give the applicant the full use of his land; seconded, Mrs. Carpenter. Carried unanimously.

This appears to be the minimum amount of variance that could afford relief in this case. Under the old Ordinance, Mr. Smith continued, the applicant would have been able to construct a carport without a variance. The house was built recently, during the early part of 1959 and the carport was planned at that time as a part of the building. Mr. Smith moved that Step III applies and that the application be granted; seconded Mrs. Carpenter. Carried unanimously.

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4- WALTER F. CULVER, to permit erection of an addition to dwelling closer to side line than allowed by the Ordinance, Lot 12, Sec. 2B, Mill Creek Park (1008 Hillcrest Lane) Falls Church District (RE 0.5)

Mr. Culver said he wished to add a recreation room 15' x 26' to one end of his house - the rear portion of which would encroach on the side line. The front of the room would not be in violation but because the side lot line is diagonal - the lot narrowing toward the rear- it creates this violation. The setback at the front of the addition would be 22 1/2 ft. while at the rear it is 17.15 ft. Mr. Culver noted that the recreation room will end at the rear line of the house

NEW CASES - Ctd.

4-Ctd. and the projection behind the recreation room is a 10 x 15 ft. screened porch. That porch would be 15.5 ft. from the side line.

It was suggested that the screened porch be moved over away from the side line so it would not be in violation. Mr. Culver agreed to do this.

Mr. Culver called attention to the fact that the back of the house on Lot 11 (adjoining) is 15 ft. forward of his house. His own house is 99 ft. from the road.

Other locations (back and front) were suggested but Mr. Culver said the well is in the back and there is also a steep slope, the septic is in front. This is a split level house and Mr. Culver said he did not want to destroy the architectural design.

Mr. Mooreland attempted to scale the plat for distances,-checking the setbacks but found he could not agree with the distances shown on the plat, probably, he said because of the loss in accuracy caused by reproduction.

Mrs. Culver presented the original certified plat from which the correct setbacks were scaled.

Mr. Culver said he could come forward 9 ft. with the recreation room and be in line with the front of the house and move the porch over so it would not be in violation if the Board wished.

It was agreed that the variance on the recreation room was satisfactory but no variance on the porch.

Mr. Smith moved that Step I applies in this case due to the unusual shape of the lot, the diagonal side line. Seconded, Mrs. Carpenter. Motion carried. All voted for the motion except Mrs. Henderson who voted no, stating that in her opinion there is plenty of other usable land on this lot for the addition.

Mr. Smith pointed out that the applicant has stated that the septic field is in the front of his house - it would be impractical to put the addition there and would cut down the use of his property therefore Step 2 applies in this case - to deny the request would deprive the applicant the full and reasonable use of his land. The well is in the rear which makes that area unusable. He moved that Step 2 applies; seconded, Mrs. Carpenter.

All voted for the motion except Mrs.Henderson who voted no.

The variance requested is a reasonable request,Mr. Smith continued, and the amount of variance is the minimum that would afford relief to the applicant. Therefore Mr. Smith moved that the applicant be allowed

September 13, 1960

NEW CASES - Ctd.

4-Ctd. a variance not to exceed 5 ft. - meaning that the construction would be in accordance with the ordinance in the front and the rear should not extend more than 5 ft. into the prohibited setback area or no closer than 15 ft. from the side property line for the recreation room only; seconded Mr. Lamond. All voted for the motion except Mrs. Henderson who voted no. Motion carried.

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5- C. W. SMITH, to permit erection of addition 26 ft. from proposed Cedar Dr., Lot 9, Sec. 1, Broyhill Langley Ests., (517 Dead Run Dr.) Dranesville District (RE-1)

Mr.Chilton of the Planning Staff explained the status of Cedar Drive as follows: This portion of Cedar Drive running along the lot line of Mr. Smith was planned to be put through as a connecting link with Cedar Drive across Dead Run to the east and immediately back of Mr. Smith's house. In order to make the connection, however, a bridge will have to be built across Dead Run. It is questionable whether or not the bridge will ever be built. Because of that uncertainty this short stretch of Cedar Drive has never been dedicated. It is set up on the plat of the subdivision and the building restriction line established on the plat so the lot and building would be conforming at such time as the street connection is made. But there are no immediate plans to build the bridge and put the road through. It may never be done. In that case this area may become a small park. The Staff would have no objection to this encroachment because this would normally be a side line with a 20 ft. setback. However, it is necessary to have the variance if the building is located as proposed. The fact that this is not a dedicated road and the Staff has no objection to the encroachments makes this appear reasonable, Mrs. Henderson stated. Since the strip of land adjoining this property in question is not dedicated at this time as a public street Mrs. Carpenter moved that Step #1 applies, as there are unusual circumstances pertaining to this land; seconded, Mr. Lamond. Carried unanimously.

Mrs. Carpenter moved that Step #2 applies because to deny the case would be depriving the applicant of the reasonable use of his land; seconded, Mr. Lamond. Carried unanimously.

The reasonableness of this request as summed up and explained in the statement by the Staff and the fact that there is a strong possibility that this land may be used for a park it is not likely that it will ever be dedicated for public right of way, Mr. Smith stated, make it reasonable to grant this request.

NEW CASES - Ctd.

6- GERALD & HENRIETTA LURIA, to permit the elimination of loading spaces, the elimination of screening, the construction of the building on the lot line, Lot 3 and 4, Buffalo Hills, Castle Road and Leesburg Pike, Mason District (C-Ø)

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Mr. McGinnis asked to have this case put at the bottom of the list as he was detained in court. The Board agreed to put this case over.

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7- RICHARD A. WATERVAL, to permit apartment bldg. 37.5 ft. from rear property line, on northerly side of Columbia Pike approx. 400 ft. W. of Carlyn Spring Rd., Mason District (C-G)

Mr. Waterval said he had sent notices of this hearing to all property owners in his immediate area and had found no objections.

While he is asking a 37.5 ft. setback from his property line, Mr. Waterval said - in effect the required 50 ft. setback would always be met because there exists a 25 ft. utility easement between him and the adjoining property owned by Loughran, 12 1/2' on Waterval and 12 1/2' on Loughran. If Mr. Loughran were to build apartments on his property the distance between buildings would exceed the 60 ft. required between buildings on the Waterval property. The easement runs 12.5 ft. on each property. Even if the Loughran property were developed with commercial buildings such buildings could not come closer to the property line than 12 1/2 ft., the easement line. Therefore a distance of 50 ft. would permanently separate the buildings. If Mr. Loughran were given the same variance he is asking, Mr. Waterval continued, on an apartment building, the separation would be 75 ft.

Mr. Lamond objected to the fact that Mr. Waterval was in effect borrowing Mr. Loughran's 12.5 ft. of the easement as part of his own setback.

It was noted that the normal setback in case of apartments is 50 ft. from the property line which would set the buildings 100 ft. apart.

This exceeds the distance required between buildings within the property, Mr. Waterval pointed out, which is an unnecessary and unreasonable restriction.

Mrs. Henderson recalled the variance granted on Mr. Waterval's property immediately adjoining upon which the office building is to be constructed and objected to the two variances on one tract of land - when in this case there is no hardship. She asked Mr. Waterval to state his hardship.

On the office building property, Mr. Waterval said, it was not a matter of getting the variance to crowd the property, it was actually a means of producing a better layout and of keeping parking away from Columbia Pike

7-Ctd. In this case, he continued, they do not wish to close in the end and attach the two buildings, which would be necessary if this variance is not granted - to get the same number of units. The open space between the buildings will give more light and air and better circulation. The finished product would be more attractive and in keeping with the modern trend in apartment buildings. If this variance is not granted the space between the buildings would be filled in with apartments, creating a court. Mr. Waterval said he could get the same number of units either way, so this is not a matter of crowding but of a better layout.

In answer to Mrs. Carpenter's question, Mr. Waterval said he did not know how many units he would have - that would depend upon the market and the lenders. The building would be three stories - walk-up, semi-luxury, and the plan meets all County requirements.

Mr. Mooreland noted that if the Waterval and Loughran properties were in one ownership the buildings could be 60 ft. apart.

Mrs. Henderson objected to use of the Loughran easement as part of Mr. Waterval's setback, which in effect he was asking. She could see no hardship to justify a variance. Mr. Lamond agreed. However, Mr. Smith thought there was considerable merit to Mr. Waterval's argument. This was discussed at length.

Mrs. Carpenter moved that the application be denied because the Ordinance does not create anything of a hardship in this case and the applicant is not deprived of a reasonable use of his land. Seconded, Mr. Lamond.

For the motion: Mrs. Carpenter, Mr. Lamond, Mr. Barnes and Mrs. Henderson. Mr. Smith voted against the motion. Motion carried.

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8- MCLEAN MEDICAL BUILDING, INC., to permit erection and operation of a medical building, south side #123 approx. 300 ft. W. of Bryn Mawr (2.3356 ac.) Dranesville District (R-10)

Mr. John K. Smoot represented the applicant. Mr. Smoot located the building site pointing out nearby zoning and uses and stated that this particular location is the result of a great deal of research. It is admirably suited to their needs - it is on one of the major highways, near the geographical center of the area they will serve, drainage is good, the site allows ample ground for parking, screening and setbacks. It is their thought that community growth will be directed toward Tyson's Corner and this building would be in the path of that development.

8-Ctd. The doctors who are the owners of this property are now in sub-standard offices - because there is nothing in the McLean area for them to rent. A building of this kind is badly needed. They have bought sufficient land to allow for widening of Rt. 123.

Mr. Faulkner showed a rendering of the proposed building which will be 64' x 106'. It can be expanded in either direction and still maintain a good plan. This will be a three-story, air-conditioned, masonry building of contemporary design. They are planning an ethical pharmacy for the first floor; however, that was not applied for in the application, Mr. Smoot noted.

Since this is a very concentrated use in a residential area, Mr. Lamond suggested it might have been better had they applied for a C-O zoning, especially since they will want the pharmacy - a facility which he thought could not be granted in a residential zoning.

Because of the adjoining uses, Mrs. Henderson suggested that this building was not unreasonable on residential zoning.

Mr. Lamond pointed out also the required 100 ft. setback which might be an obstacle to expanding.

The Board recalled the pharmacy granted at the clinic at Annandale which started out as a prescription pharmacy and grew into a full fledged dgug store selling lunches, kitchen utinsels, small household goods, toys, etc. as well as drugs. While that was granted under the old Ordinance, the Board was under the impression that nothing of the sort could be granted now and that only an ethical pharmacy could be allowed in a C-O district. The Board asked Mr. Mooreland for an opinion.

Mr. Mooreland said a pharmacy could be allowed only in a C-O district but the Board has the authority to put conditions on a use permit. In doing this, he cautioned the Board to consider policing such a use.

Dr. George Fleury said they had thought of this as a medical center which would include the various services a patient would require. He thought these services very necessary, especially the pharmacy. He suggested that any restrictions the Board put on such uses would be carefully observed as they were eager to have the building attractive and dignified.

The Board discussed this at length, encouraging the applicant to apply for C-O zoning which would permit by right all the services required in a medical center, services which they appear to want and need and services which the Board felt they had no jurisdiction to grant.

September 13, 1960

NEW CASES

8-Ctd. While they have not asked for the pharmacy, Mr. Smoot said they did not want to be restricted from having it.

Mr. Lamond moved to grant the application as applied for with the understanding that the site plan will be approved by the Planning Staff before the building permit is issued. It is also understood that no pharmacy shall be permitted in the building as long as this land remains in a residentially zoned district. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

1- STEPHEN & VIOLET GILL, (deferred to view property) to permit operation of a beauty parlor in home as a home occupation, Part Lots 63 and 66, Sec. 2, Wellington, (221 West Boulevard Drive) Mt. Vernon District (RE 0.5)

Mrs. Carpenter moved that the application be denied as to grant this would be a detriment to the character and development of adjacent land. Seconded, Mr. Smith. Carried unanimously.

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The Board adjourned for lunch.

Upon reconvening the Board took up the case of

6- GERALD & HENRIETTA LURIA, to permit the elimination of loading spaces, the elimination of screening, the construction of the building on the lot line, Lot 3 and 4, Buffalo Hills, Castle Rd. and Leesburg Pike Mason District (C-O)

Robert McGinnis represented the applicant.

Mr. McGinnis asked to eliminate the screening along the north and south boundary because those adjoining lots are in a C-O classification. This development would be bordered on two sides by C-O zoning. They will, however, screen at the rear against residential zoning.

Since this is a professional building to be used primarily by doctors, lawyers, and architects, there will be practically no need for a loading space. Mr. McGinnis asked to eliminate that.

Mr. McGinnis pointed out the small usable area of this lot, particularly because of the future service road and therefore asked that the building be placed on the lot line as shown on the plat.

The Planning Engineer made the following recommendations:

> "Site Plan approval is required for this tract, and under Sec. 5.3.2.3 a service road will be required. The parking spaces at the rear of the building may be feasible, however, they are undesirable. The cars will have to back up a considerable distance because there is no thru traffic circulation, and no place to turn around.

6-Ctd.

If a service road is not to be provided along Rt. #7, provisions should be made for traffic circulation within the front parking areas and excess entrances should be eliminated.

The name of the surveyor or engineer is not indicated, and boundary data is not shown.

Revisions to this plan when submitted for site plan approval will eliminate some of the parking spaces and therefore a smaller building will result."

Mr. McGinnis said they had planned parking on the back lot but withdrew that application.

They have discussed the service road with Mr. Schumann and the Highway Department and have proposed to set up a designated area for the service road and when it is required they will dedicate the area needed and pave it. This will be part of the County records, enforceable indefinitely. In the meantime it is their plan to use that area for parking.

Mr. Mooreland recommended granting the elimination of screening requirements as by the time the screening is put in, that lot will probably be zoned C-O and screening would not be required.

Mrs. Henderson noted that a loading space is not required for a medical building in an R-10 district. She considered a loading space not necessary in this type of project. The Board agreed.

Mr. McGinnis again discussed the difficulties of putting a building on these lots because of the 50 ft. required for the service road. The building has been cut down considerably from their original plans, but from the standpoint of economics it is not feasible to cut it farther. They want to put up an attractive building with a maximum of rentable space and in order to do so they must have full utilization of the property. As it is, they are limited in the size of the building because of the limited parking space. Economically this will meet the point of diminishing returns - a point where it is not advisable to build at all.

There will be one door in the center of the building for entrance and one rear entrance at the south corner of the building. As soon as they know what size building they can have they will have detailed plans drawn, Mr. McGinnis went on; up to now they have had to make many changes and adjustments.

It was stated that the Weavers, who own the property to the south, are pleased with the C-O zoning along here and will probably ask for a C-O zoning very soon.

Mr. Munson on the corner is doing nothing with his property now, but will be interested in a C-O zoning a little later.

September 13, 1960

NEW CASES - Ctd.

6-Ctd. In answer to the Chairman's question, Mr. McGinnis said he had been out of town and had not notified adjoining property owners of this hearing. Mrs. Carpenter moved to defer the case to September 27 for notices. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Paul Baker's engineer appeared before the Board explaining why the three support posts granted on Mr. Baker's canopy at the last meeting would not do. It appeared at the last hearing that the three supports would be satisfactory but engineering-wise six will be necessary. They asked for the six posts which would be spaced across the front between the doors, steel posts set in concrete. There would be no other changes in the plans.

Mr. Barnes moved that the motion on this case, passed at the Board of Zoning Appeals meeting of August 9, 1960 be amended to allow six support columns rather than the three supports as indicated in the motion. The other provisions of the original motion shall not be changed. Seconded, Mrs. Carpenter. Carried.

All voted for the motion except Mr. Lamond who refrained from voting since he was not present at the full hearing.

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Mr. Mooreland asked if the Board would approve the screening presented by Melpar. He showed pictures of the planting. Mr. Mooreland said he would not issue the occupancy permit without first bringing this to the Board.

The Board agreed unanimously - without formal motion - to approve the planting as shown.

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Mr. Lamond said the Woodlawn Water Company in Mt. Vernon has not screened nor fenced their lot as promised. The ground is unkept and messy. He said he would bring pictures for the Board to see. The same thing is happening at Bailey's Crossroads, Mr. Lamond said, they are parking all over the streets.

It was noted also that Mr. Alward has not cleaned up his place. The Board discussed Alward at length, reviewing the attempts of the Board to get him to conform to the Ordinance. It was agreed that since Mr. Alward had been given so many concessions he should be required to conform, even if it was necessary to go to court. It was also agreed that before any court action is taken the Board should talk with Mr. Fitzgerald to be sure that the Board would have his backing.

September 13, 1960

No formal action was taken except the suggestion that the Board would talk with Mr. Fitzgerald.

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November meetings were set at the 15th and 29th.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, September 27, 1960 at 10:00 a.m. in the Board Room of the County Courthouse. All members were present; Mrs. L. J. Henderson, Jr., Chairman, presided.

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

1- R. JACK SMITH, to permit garden shed to remain as erected closer to road right of way line than allowed by the Ordinance on north side of Rt. 683 approximately 1/2 mile E. of Rt. 676, Dranesville District (RE-2)

This is a wooded hillside lot Mr. Smith told the Board with very few level spaces for building purposes. They needed a shed for garden tools and equipment and childrens'bikes. They are also avid gardeners. There is a small clearing where they have a garden and a cold frame for propagating plants. This is the only level spot conveniently near the garden and not too far from the house. There is a steep hill from the shed to the house and a steep bank down to the road which is about 15 ft. below the shed. The shed is visible at only one spot from the road. Any other location would make the shed more conspicuous and will be inconvenient for their use. It is on the edge of the woods which shield it from the neighbors. Mr. Smith showed pictures of the shed and surroundings.

Four neighbors who were notified of the hearing said they had no objection to the violation.

When they got their building permit in July they told the Zoning Office the structure would be 100 ft. from all property lines, not realizing that the roadway was considered a property line. It is 32 ft. from the road. Had they known the road was considered a property line they would have appealed for a variance since it would not have been practical to put the building in any other location.

Mr. James MacBrown who purchased property across the road from this two months ago and is building said he had no objection to the shed.

Mr. T. N. White who will build next to Mr. MacBrown had no objection.

Mr. Lamond moved to defer the case to view the property; seconded, Mrs. Carpenter. Carried unanimously.

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2- THE CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, to permit erection of a telephone repeater station, NE corner of Devonshire School property adjoining Edgehill Drive, Falls Church District (Public Land)

Mr. Hugh Marsh represented the applicant.

Mr. Marsh presented all the plats, maps and information required by the

2-ctd. Virginia Code. He read statements from both Mr. George Pope and the School Board granting and approving the lease of this corner of the school property for this use.

This will be of the same 15' x 22' brick building as the other repeater stations granted by this Board. All cables and wires coming into the building will be underground.

Mr. Marsh showed the community map and the map showing location of all the repeater stations granted in connection with the Dulles Airport.

There were no objections.

The Planning Commission approved this station under Section 15-a-231 of the Code of Virginia.

Mr. Lamond moved to grant the requested repeater station as it meets all requirements of the County and is a necessary facility; seconded, Mrs. Carpenter. Carried unanimously.

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3- RAY & GOOD, to permit less area of lots than allowed by the Ordinance, Lots 18B and 19B, Kenbargen Subdivision, Dranesville District (RE-0.5)

Mr. Thomas Dodge, representing the applicant, said notices had not been sent to nearby property owners. He asked for a deferral.

Mrs. Carpenter moved to defer the case to October 11, 1960. Seconded, Mr. Smith. Carried unanimously.

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4- ARTHUR W. FRIDL, to permit erection of an open carport and breezeway 30 ft. from Wayne Street, Lot 84, Section 1B, Mill Creek Park (1212 Hillcrest Lane) Falls Church District (RE 0.5)

Mr. Fridl said he bought this house in 1952 at a time when he could have put in this carport without a variance. He planned to add the carport at a later date. He was out of the country for several years and when he came back the Ordinance had been changed and he can no longer add his carport without a variance. He called attention to Wayne Street which - while it was dedicated when he bought the house - was not put through. When he returned from his service in other places, Wayne Street was still on paper only. There is a strong possibility it will never be put through. (However, it was noted that the property at the rear of Mr. Fridl is a large vacant tract which in time will no doubt be developed.)

His property sets high above Hillcrest Lane, Mr. Fridl pointed out, and this encroachment would never be a barrier to corner clearance. No one

4-Ctd. in the area objects, he went on, it is generally agreed that this would be an asset to the neighborhood. The septic field is on the other side of the house.

Mr. Fridl also noted that the houses in this subdivision have varying setbacks and this house sets at an angle which makes the encroachment little noticed.

Mrs. Henderson called attention to the fact that another house on Wayne Street would have to set back 50 ft. which would practically face the rear of this carport. Mrs. Henderson said she could not see anything different or unusual in this, there was nothing pertaining to this corner lot which was different from any other corner lot in the County. She did note, however, that the carport could have extended 10 ft. into the street side setback in 1952 when the house was built.

Mrs. Carpenter moved to deny the case because there is sufficient ground upon which to build the carport without variance; seconded, Mr. Lamond. Carried unanimously.

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5- SUN OIL COMPANY, to permit pump islands 25 ft. from right of way line of Columbia Pike, approximately 180 ft. east of Spring Lane, northerly side of Columbia Pike, Rt. 244, Mason District (C-G)

Mr. Fagelson represented the applicant. This is a standard type application, Mr. Fagelson noted, they are asking only for the 25 ft. setback for the pump islands. It is very like many other stations where similar variances on pump islands have been granted in the County. The Planning Staff comments said - approval of a subdivision plat and a site plan will be required before a building permit is issued. Also a service road is required.

Mr. Fagelson said a subdivision plat has been put on record which is in error. He will have that vacated and refile. He agreed to work out a site plan satisfactory to the Planning Staff.

There were no objections.

Mr. Lamond moved that the application be approved subject to a site plan approved by the Planning Commission and subject to the filing of a subdivision plat as agreed upon by the applicant's attorney. It is also understood that the applicant agrees to move the pump islands back at his own expense in case of widening of the highway; seconded, Mrs. Carpenter. Carried unanimously.

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6- MRS. FLOYD A.WOODWARD, to permit operation of a beauty salon as a home

6-Ctd. occupation, Lot 79, Section 3, Sunset Manor (5702 Seminary Road) Mason District (R-12.5)

Mr. Hugh Cregger, the applicant's attorney, stated that only two neighbors had been notified of this hearing. He asked the Board to continue the case.

Mr. Barnes moved to defer the case to October 11. Seconded, Mrs. Carpenter. Carried unanimously.

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7- KARLOID CORP. to permit operation of a kennel, SE corner Rt. 676 and Rt. 7, Dranesville District (RE-1)

Mr. Van Heuse asked that the case be withdrawn as they have changed their plans.

In view of the applicant's statement, Mr. Smith moved that the be allowed to withdraw the case; seconded, Mr. Lamond. Carried unanimously.

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8- JAMES J. STRAND, to permit carport to remain as built closer to street line than allowed by the Ordinance, Lot 19, Section 1, Rosemont (5909 Rosemont Drive) Dranesville District (R-12.5)

Mr. William Kelly, representing the applicant, asked to withdraw the case. Seconded, Mr. Lamond. Carried unanimously.

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DEFERRED CASES:

1- GERALD & HENRIETTA LURIA, to permit the elimination of loading spaces, the elimination of screening, the construction of the building on the lot line, Lots 3 and 4, Buffalo Hills (Castle Road and Leesburg Pike) Mason District (C-O)

Mr. Berg was present for the applicant. He asked the Board members that this case be deferred until October 25 in order that the applicant may notify the neighbors. Seconded, Mrs. Carpenter. Carried unanimously.

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Mr. Mooreland discussed the difficulties caused in his office by not having a definition in the Ordinance of a Circus. Where is the line between a circus and a carnival?

Mr. Mooreland referred to C districts, Col. 2 - Article 2. Certain things are listed as granted by right. As to "similar" uses, he asked - does the Board wish to determine what uses are similar or shall that be left with the Assistant Zoning Administrator. The Board agreed that it was their obligation to decide if a use has physical or functional characteristics similar to those listed.

September 27, 1960

Mr. Mooreland discussed a use involving sale and construction of swimming pools, storage of materials necessary in construction of a swimming pool -- would this be considered to have the same "physical and functional characteristics" as other uses allowed in C-G? A firm is interested in the property adjoining the Hunter's Lodge. (now zoned C-G)

Mr. Smith pointed out that the swimming pool construction is getting to be big business in Northern Virginia. He thought it should be encouraged but noted that it would involve a great deal of material storage, coming and going of trucks, concrete mixers and semi-heavy equipment. He thought the Board should hear this in detail before making a decision whether or not it was a use which could be allowed in C-G. The Board agreed.

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The Board discussed duplication of hearings before the Planning Commission and Board of Zoning Appeals and agreed that this is not necessary. While the Board thought this requirement should be removed from the Ordinance, it was agreed that a request for the removal should come from the Planning Commission.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

October 11, 1960

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, October 11, 1960 at 10:00 a.m. in the Board Room of the County Courthouse. All members were present, Mrs. L. J. Henderson, Jr., Chairman, presided.

Mr. Lamond opened the meeting with a prayer.

NEW CASES

1- SIBARCO CORP. to permit erection of a gasoline station and permit pump islands 25 ft. from road right of way lines, Part Lot 17, Hybla Valley Farms, Mt. Vernon District (C-N)

Mr. Dan Hall represented the applicant, pointing out that the total commercial area here is approximately 2 1/2 acres which the owners intend to develop into a neighborhood shopping center - starting with the filling station and a 7-Eleven Store. It is adjacent to a sub-standard development (Gum Springs). The area planned for the filling station is 125' x 125'. On the balance of the property a drug store, food store, and smaller shops will be located.

Mrs. Henderson noted that the building is only 50 ft. from Accotink Road and Shellhorn Road instead of the 75 ft. required if the Board is to permit the 25 ft. setback for the pump islands.

Mr. Hall agreed to revise the plat and relocate the building. Since this is only part of the total tract more ground could be given over to the filling station if necessary to meet the setbacks.

Mrs. Henderson recalled that the Board can allow a 25 ft. setback for the pump islands if the building is located 75 ft. from the right of way - of primary or secondary roads as established on a list set up by the Board of Supervisors. Shellhorn Road does not appear on the list therefore Mrs. Henderson contended that the setback variance requested on Shelborne Road could not be granted.

Mr. Mooreland did not agree with this intepretation.

The Chairman asked for opposition.

Mr. R. B. Jones, representing the Hybla Valley Citizens Association, presented the Board with a 228 name opposing petition. This is not the type of business they want here, the petition said, it is not in keeping with the area and is not wanted in the community.

Mr. Jones said the home owners across Sherwood Hall Road are 99% against this. Across from this area are 300 or 400 acres of undeveloped land, the owners of which also oppose this use.

When Mr. Boswell developed in this area, Mr. Jones recalled, it was very rural, transportation was difficult. Mr. Boswell asked for this

1-Ctd. commercial zoning with the thought of developing a small shopping area to serve the people in the community. It was never developed, however, and now the need for such a development is past. The ground has been sold and someone else plans to go ahead with it. There are ample shopping facilities near here, Mr. Jones went on, and people do not want commercial facilities expanding into this area.

Mr. Richard Strodel represented Hollin Hills Community Association. He pointed out that a new section of their subdivision is opening and soon many of the homes will be only about two blocks from this filling station. Mr. Strodel noted that the plot plan presented with the case does not conform to requirements, the pump islands do not conform to the amendment set up to approve pump islands with a reduced setback. He insisted that no structure be located closer than 50 ft. from Shellhorn Road. If this is to be acted upon, Mr. Strodel urged the Board to first have plats which would locate the building within requirements as well as the pump islands. This is an intersection he pointed out and should be required to meet the full setback as set up in the Ordinance. He urged the Board to allow no reduction on Shellhorn Road.

The Board took a ten minute recess to discuss interpretation of the Ordinance.

Upon re-convening, the Chairman said they could not agree and would prefer to defer the case for consultation with the Commonwealth's Attorney. She asked Mr. Hall to prepare better plats showing setbacks from all lines.

Mr. Lamond moved to defer the case until October 25 in order that the applicant may present complete plats showing exact location of the building with distances from Acootink Road and all side lines. Seconded, Mrs. Carpenter.

Mr. Lamond called attention to the Staff report regarding subdivision plat and service road. Mr. Hall said they had worked that out with Mr. Yaremchuk's office. Motion carried unanimously.

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2- JOHN C. PAYNE, to permit pump islands 25 ft. from road right of way line, on N. side of Rt. 50, approx. 1200 ft. W. of intersection of Rt. 608, Centreville District (C-G)

Mr. Lytton Gibson represented the applicant. He recalled that Mr. Payne's business on Rt. 50 was being taken for right of way for Rt. 66.

2-Ctd. The Board of Supervisors then rezoned this tract for Mr. Payne in order that he might continue operating in the area of his clientele. The only request here is for the 25 ft. setback for the pump islands - from what will be the right of way of Rt. 50. He will put in the service drive. The site plan has been approved by the Commission, Mr. Gibson stated, subject to this variance and to the condition that he will install the service road when Rt. 50 is widened. The building will be 85 ft. from the service road - the new right of way line.

Mr. Lamond moved that a use permit be issued to John C. Payne to permit pump island to be located 25 ft. from road right of way line, on the north side of Rt. 50 approximately 1200 ft. west of its intersection with Rt. 608, for the reason that it will not be detrimental to the character of the neighborhood. Seconded, Mr. Barnes. Carried unanimously.

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3- MARY E. WILSON, to permit operation of a day school, on outlet road approximately 400 ft. W. of Cedar Lane, outlet road continuation of Luckett Ave., Providence District (RE-1)

Mr. Hansbarger represented the applicant. This is an area of 35,000 sq. ft. which has been leased by Mrs. Wilson for the nursery school, Mr. Hansbarger told the Board. He presented the Board with a petition signed by people in the immediate area, none of whom objected to the school.

This is a pre-kindergarten 15-children school. Mrs. Wilson will have a practical nurse and her daughter to help. School will be in two sessions 8:00 - 11:45 and from 1:00 - 5:00 p.m. The school will meet the State standards with regard to the child space requirements, separate kitchen from the regular household and in all other details. It is Mrs. Wilson's plan to have 15 children in the morning and 15 in the evening, either the same children all day or two separate groups. It will give instruction in orchestra, colors, rhythm, educational toys, blocks with letters and instruction in telling time.

Mrs. Wilson showed a detailed drawing and pictures of the building and grounds indicating the walled and fenced area completely surrounding the garden and play area.

Mr. Hansbarger showed the Board letters from both the Fire Marshal and the Health Department approving the use, with certain changes for fire protection. They are also meeting the Falls Church physical requirements, since Fairfax has no requirements for nursery schools.

October 11, 1960

NEW CASES

3-Ctd. They anticipate very few parked cars - parents will bring their children, but if it becomes necessary they will furnish bus service. Mr. Hansbarger indicated on the drawing the "unlimited parking" area. Mrs. Wilson will live in the house.

The school will be on grade level, two rooms are above ground on the first floor. They have well and septic field which the Health Department has said is satisfactory. Since the septic is about 30 years old it may be necessary to enlarge it because of its age.

It was noted that the railroad borders one end of the property. The Board questioned a possible hazard. Mrs. Wilson said she thought not - because of the wall, however, she thought the railroad would be quite an educational item to the children as many children in this age have never seen a train.

Mrs. William Nixon asked that the permit for this school be limited to a certain number of years to assure the neighbors that it did not adversely affect property in the area. Mrs. Nixon said they had never lived near a school of this kind and while they have no objection to it, they would like to have the applicant come back for a review within a certain time.

Mr. Smith moved that Mary E. Wilson be issued a permit to operate a day school, on outlet road approximately 400 ft. west of Cedar Lane, this permit is conditioned upon the fulfillment of the requirements of the Fire Commission and the Health Department and that the permit be limited to a period of 3 years. This is granted to Mrs. Mary E. Wilson only. Seconded, Mr. Barnes. Carried unanimously.

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4- R. B. MCATEE, to permit operation of trailer rental lot, part Lot 39, Buffalo Hill Subdv., Mason District (C-G)

Mr. Marcus Beckner represented the applicant. The property adjoins "The Shade Shop", is across from the medical building in a generally commercial area. While the ground is zoned C-G, Mr. Beckner said this is not listed as a permitted use, therefore the Zoning Office determined it should be handled as a use similar to those allowed under C-G which could be allowed by special permit from the Board of Zoning Appeals. This is a U-Haul Trailer rental business.

Mr. Mooreland said he considered that this business has "physical and functional" characteristics similar to those permitted uses under Col. 1, C-G zoning - similar to automobile sales lots and mobile dwelling sales lots.

4-Ctd. Mrs. Henderson asked what is this similar to in Column I under the Schedule of Regulations? The similarity must be drawn between the use and the listed permitted uses. It was agreed that this compares with #7. The Chairman so ruled that this use is similar to #7 - Group X.

Mr. Beckner said Mr. McAtee had operated this type of business for years across the street on the land between the service road and Rt. 7 adjoining the Seven Corners Shopping Center. He must leave there now as the land is being used. This land has been purchased for the U-Haul business. Mr. McAtee has operated in this area for years and he wishes to remain in the vicinity; he needs a location near a commercial development.

Mr. McAtee showed a drawing of the type building he would put up and the proposed use of the land. The trailers will be overhauled and repaired in the shop which will entirely enclose all their operations. They plan to have two entrances - one from Rt. 7 and one from Castle Road. Mr. McAtee considered it better from the traffic standpoint to have the two entrances.

This business is not new to this area, Mr. Beckner went on, people know of this location. They will operate from 8:00 to 8:00. The week-ends are especially busy. The building will be 25' x 30'.

Mrs. Henderson noted that the building location showing its setbacks and the entrances and exits all were not shown on the plat.

It was noted that the medical building is immediately across from this property and on higher ground. Their view would be directly over the tops of U-Haul trailers which the Board and Mr. Beckner agreed are not too attractive.

It was brought out that there are three U-Hauls in this area, that Mr. McAtee does not have the exclusive franchise on them. However, Mr. McAtee thought by having his good building and more room to operate the other places might not continue - he was counting on taking the greater part of the business in the area. The filling station which has the U-Hauls comes there as a side line. He would make this a full-time business.

The Board discussed traffic congestion which this business might cause at this location.

4-Ctd. The repair work would be on the trailers only; Mr. Beckner said; all work would be done inside. No wrecked trailers would be parked or stored on the property. They would have outside display only. They would not store cars while people go off on a trip - if a car should be there at all, it would be for a very short time and that would be incidental, an emergency.

There were no objections from anyone living in the area.

The fact that there are three U-Haul agencies in this area suggested the thought that these U-Hauls could be located on both sides of Rt. 7, a development which would not upgrade the area. Mrs. Henderson noted the better-than-average buildings going up in the neighborhood and questioned what effect a U-Haul might have.

Mr. Lamond thought all trailers should be kept under roof - he termed them unsightly.

Mr. Beckner pointed out that Mr. McAtee was a leesee on his other location and he had a non-conforming status - that he has bought this property and will put up a good permanent building and make the place attractive.

Mr. Lamond still objected to the continuous display of the U-Hauls - he suggested fencing and shrub planting.

Mr. Beckner said his client would do that - within reason. He called attention to the fact that this is a commercial district and the desire for beautifying can go only so far.

But, Mr. Lamond contended, the area is developing well now and the Board wished to be assured whatever goes in here will conform to the established pattern.

Mr. McAtee said he now has about 30 trailers but will expand on this property to about 50. He was agreeable to making a real effort to make his business harmonious with the area.

Under Section 12.3.2 Mrs. Henderson stated, this use does not appear to be suitable, as this is a retail shopping area and a U-Haul would not fit in with those uses.

Mr. Beckner and the Board discussed this at length, Mr. Beckner contending that practically any use is permitted in C-G zoning - he listed uses such as a laundry and cabinet shops. This would not be a noisy operation - only minor repairs would be made; he pointed to other full scale repair shops in the area--Hilltop Motors and Wissinger's.

NEW CASES - Ctd.

4-Ctd. The Board wanted a good brick building with fence and shrubs with complete screening of the trailers. Mr. Beckner discussed economics - how far can one go in that?

Any kind of wall would help, Mr. Lamond said, brick, honeycomb, etc. along with shrubs.

It was noted that on the site plan the Commission cannot enforce screening in a business district.

Mr. Lamond moved that the application be granted with the following provisions: that the developer, Mr. McAtee, erect a wall (brick or cinderblock) which will give an attractive appearance on Route 7, with entrance on Rt. 7 and outlet on Castle Road, the fence or wall to be put around the entire property. The wall shall be 7 ft. high and shall be planted on the exterior with evergreen planting in front and rear so it can be seen from the road.

Mr. Beckner asked if the Board would make this conditioned upon approval of the screening later, to permit the use subject to approval of final screening plans.

Mr. Lamond changed his motion - to approve the use subject to a satisfactory site plan which will be approved by this Board. Also it is understood that all repairs will be made inside the building and no parking of vehicles shall take place on Castle Road nor Rt. 7. Seconded, Mr. Barnes. Carried unanimously.

(Site plan to come back to the Board within two weeks.)

Mrs. Henderson read a telegram from Seven Corners Medical Building urging the Board to carefully consider this use.

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5- PERRY G. KIRBY, to permit erection of carport to come 6 ft. of side property line, Lot 53, Sec. 1, Broyhill-Langley Estates (319 Churchill Rd.) Dranesville District (RE-1)

Mr. Kirby showed pictures of the type carport he would build-(this carport was added under the old ordinance to another house in the neighborhood) a continuation of the pitch roof, which Mr. Kirby and five of his neighbors claim is not objectionable in any way and would add to the appearance of the house. The carport slab was laid when the house was built, Mr. Kirby said, because at the time this subdivision was started the old ordinance was in effect and carports with this setback could be added without a variance.

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New cases - Ctd.

5-Ctd. Mr. Kirby argued that if this is granted it would not bring in a rash of other similar requests because the others in his immediate neighborhood are not permanent residents. They will be leaving within a short time and are not interested in such an addition. He claimed that he is the only permanent resident in his block.

He is asking this for protection for his cars against heavy snow. Because of the prevailing direction of snow storms, Mr. Kirby said, he had many times more snow on this side of his house than other houses, this shelter will stop that.

A garage in the rear would downgrade the neighborhood, Mr. Kirby contended, it would not tie in architecturally with a split-level house. A carport is his only answer.

He bought here in February 1960 and wishes to remain. The builder told him he could put the carport on any time he chose.

No one from the area objected.

It was noted by members of the Board that this subdivision is full of houses without carports, no topographic condition was present. There appeared to be no justification under the ordinance to grant the case.

Mrs. Carpenter moved that the application of Perry G. Kirby be denied as there appears to be no evidence of hardship as set forth in the ordinance; seconded, Mr. Lamond. Carried unanimously.

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6- SPRINGFIELD MOTORS, INC. to permit operation of used car lot, Parcel B, Land of Simmsco, E. Garfield Tract, Mason District (C-G)

Mr. John L. Scott presented the case for the applicant; Mr. Kimsted, president of the car company was present also. Mr. Scott identified the proposed location as a part of the Simmsco tract. He pointed out the locations of other business in the immediate area -- Safeway, drug store, bank and medical building, also locating the 60 ft. street which Simmsco will put in from Backlick Road to Brandon Avenue. This would be located directly across from the A&P, a 25,000 sq. ft. tract facing on Brandon Avenue and back of Howard Johnsons and the motel.

Mr. Scott continued his description, all utilities are available. The proposed building for the used car lot will have 300 sq. ft. of floor area, entirely enclosed. Mr. Scott pointed out that Springfield does not have an automobile agency nor a used car business. Mr. Kimsted will be the owner and operator. He has been in this business for 12 years.

NEW CASES - Ctd.

6-Ctd. He will have from 35 to 50 cars in accordance with his lease. This will be a neat and orderly business, Mr. Scott assured the Board, no junk nor wrecked cars would be allowed on the lot.

Asked about servicing used cars, Mr. Kimsted said none of the repair on used cars would be done here. All washing and repair would be done off the premises.

Some of this ground may be sold for a new car agency, Mr. Scott stated.

Mr. Kimstedd said he would have flood lights but no string lights and no flags.

There were no objections.

Mr. Smith moved that Springfield Motors, Inc. be issued a permit for operation of a used car lot on Parcel B, land of Simmsco, East Garfield tract, with the following provisions: that all outside lights be of the flood light type and that all wiring shall be under ground. There shall be no parking of wrecked or dismantled cars on the property in connection with this used car operation. All provisions of the County Ordinances shall be met; seconded, Mr. Barnes. Carried unanimously.

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7- CATHOLIC WAR VETERANS, POST 1652, to permit operation of turkey shoot, Lot 4, E. H. Harris Addition to Merrifield, (south side of Lee Hwy. just E. of Gallows Rd.) Providence District (C-G)

Comm. Burns told the Board that this Falls Church Post is without a permanent home. This is one means of raising money for their building. He explained how a turkey shoot is conducted. The 6 ft. high ground forms a natural barrier all around the shooting area. He showed on the plat how the line of fire area will be confined to a fenced 90 ft. strip of ground at the rear of the small building shown on the plat; ample parking is provided. They are expecting no more than 15 cars at one time. This is a commercial area, other businesses are on the property -- a beauty shop, filling station and service garage.

Mr. Seone, owner of the property, said he belongs to this organization and has been active in promoting Turkey Shoots for many other organizations. He termed this a good means of recreation for people who enjoy shooting, including children. Mr. Seone said these shoots are very carefully conducted; there is no question of safety. He had no objection to this. It is a charity fund-raising organization.

NEW CASES - Ctd.

7-Ctd. Turkey shoots are popular during these fall months, Mr. Seone continued, they are getting started late and may have to run into December.

Mr. Mooreland said it was his understanding that these people could continue the shoot next year if there are no complaints against them.

Mrs. E. C. Harney, lawyer, presented a letter to the Board which stated that Mr. Wright, who has recently purchased the Merrifield Service Garage, had wished to attend this hearing but was very ill and could not be interviewed. The letter went on to say that no land can be zoned for business in this subdivision without Mr. Wood's consent (former owner of Merrifield Garage).

Mr. Seone said there was no such agreement with Mr. Wood or anyone else. This came up about 10 years ago, Mr. Seone recalled, and the County threw out any such claim at that time. Mr. Seone said they owned land on three sides of this turkey shoot property.

Mr. Smith said any agreement between owners of the property would have no effect upon this use permit. The land is zoned for business, a matter which concerns the Board.

(It was noted that the nearest home is 500 ft. from the shoot area.)

Mr. Smith moved that Catholic War Veterans Post #1652 be issued a permit for operation of a turkey shoot on Lot 4, E. H. Harris Addition to Merrifield with the understanding that all precautions pertaining to safety shall be met; seconded, Mr. Barnes. Carried unanimously.

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The Board recessed for lunch.

8- ORVILLE R. PARKS, to permit pump house to remain as erected 1 ft. of rear property line, Lot 32, Blk. 3, Sec. 2, Potomac Valley (3626 Camfield Ct.) Mt. Vernon District (R-12.5)

Mr. Parks said he had planned this pump house to be located 1 ft. from the property line which the zoning office had told him would be all right. The slab was in place and he told the zoning office that he intended to construct a pump house. The front of the building is 3'2" from the line. Only one corner comes to 1 ft. of the property line. It is of cinderblock construction.

Mr. Parks pointed out on the plat that the violation is at only one corner; the other end of the building is 9" within the requirements of the setback. The rear lot line veers away from the building. This little building contains the filter for the pool and the motor - it circulates the water.

NEW CASES - Ctd.

8-Ctd. Mr. Parks said he built the building himself and has a permit from the zoning office, which he got after the building was started. He did not get the building permit in the beginning because he thought the contractor for the pool had taken care of all permits necessary. Mrs. Henderson called attention to the fact that this could be corrected and noted that this Board is not set up to correct errors of the applicant.

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Mr. Parks said the only thing he could do was to chop off one corner of his building, squaring it in such a way as to meet the 2 ft. setback. He considered that a very unsatisfactory thing to do as it would make an odd shaped building on the rear and he was sure that his neighbor would not like the appearance of such a building. This neighbor did not object to the violation as it presently stands.

Mr. Lamond moved that the application of Mr. Parks be denied because there is apparently no hardship involved which has been created by the ordinance. This is a self-imposed hardship, which error can be corrected by the applicant; seconded, Mr. Barnes.

The applicant was given 30 days to comply with the ordinance as set forth in the motion of this Board.

Carried unanimously.

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9- EDWARD MICHELITCH, to permit erection and operation of animal hospital, on southerly side of Rt. 743, opposite Rt. 681, Dranesville District (C-G)

This is a tract of about 3.5 acres, Mr. Michelitch told the Board, which is zoned for business uses, located within a business area. They are joined by commercial property on two sides with residential zoning at the rear. They do not plan for more than 70 or 80 cages. The site plan has been approved by the Planning Commission. He pointed out the business uses in the neighborhood and recalled that this area is planned for future commercial development.

Mr. Lamond said he took the position at the Planning Commission hearing that it was not necessary to screen and fence this property where there is no development and the area surrounding this property is in the future plan for business. However, the Commission was of the opinion that they could not waive the screening.

Mr. Lamond moved that the application of Edward Michelitch for an animal hospital, the site plan of which has been approved by the Planning Commission, be granted for the reason that it will not be out of keeping with the neighborhood; seconded, Mrs. Carpenter.

building permit the applicant gave the misinformation that the building

9-Ctd. Carried unanimously.

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10- STARLIT FAIRWAYS, a Virginia Corp. to permit the establishment of lighted 18 hole par golf course, miniature golf course, a lighted golf driving range, club house, swimming facilities - to be operated on semi-private membership basis, S. side of Rt. 236, approx. 2 mi. E. of Town of Fairfax, Providence District (RE-1)

Mr. William Alsbaugh represented the applicant. He said this company now has 8 golf courses, all except one operating on a country club basis, THE COUNTRY CLUBS ~~which~~ exclude a great portion of the public who want recreation. This recreation center is more complete than any other in the County. It will be a real golf center with its driving range, miniature golf, 18 hole par three golf course, lighted for night play. This is making golf available to a great many people who may not be able to or care to join a golf club. This center will also include indoor and outdoor swimming pool, wading pools and bath house. It will involve more than a $600,000 investment. It will be operated as a semi-private club, with the characteristics of a country club, particularly with regard to those who participate, the membership fee will be nominal and will allow control over the people who use the facilities.

Mr. Alsbaugh said the Commission had discussed the lighting at length, installation of the lights, color and direction of the reflection. All these things have been engineered by experts, Mr. Alsbaugh explained, people who are specialized in sports facilities.

There is no installation of lights directed toward adjoining property, or homes which would be at least 500 ft. away. The effective arc of light is 150 ft. Over that, the light is merely spill-over. The trees would also serve as a screen for the lighting. If any light gets through the trees, Mr. Alsbaugh continued, it would go over the road. The lights are always from overhead and very little goes beyond the greens.

The pools are to be 35' x 17'.

They propose to outline the 18th green, which is within the property, with very low lights which cast no glare.

There is one house and three out-buildings on the property which will be removed.

Mr. Alsbaugh explained the indoor driving range, saying the player will stand inside the building and drive out onto the fairway. The miniature golf course will be built so it can be enclosed.

NEW CASES - Ctd.

10-Ctd. This will be open from 7:00 a.m. until 11:00 p.m., seven days a week. They are 700 or 800 ft. from a church, the members of which have no objection to this.

Mr. Alsbaugh said they could take care of 150 on the golf course at one time. The entire installation would probably attract from 500 to 600 people which would require parking for over 300 cars.

Dr. Hall, Paster of the church referred to by Mr. Alsbaugh, told the Board that at a business meeting of his church, called for discussion of this project, it was the unanimous opinion of those present that this project would not interfere with church services and activities. They gave their full endorsement and mad e the statement that they do this after a thorough investigation.

There were no objections from anyone in the area.

The chairman read the Commission recommendation which approved the project with a recommendation by Mr. Eggleston who was concerned about the miniature golf course being in front of the establishment; he recommended that the miniature golf course be put where parking is shown on the map and the parking be put in front of the property.

Mrs. Carpenter moved that the application of Starlit Fairways to establish a lighted 18 hole par golf course, miniature golf course, lighted golf driving range, club house, swimming facilities, to be operated on a semi-private membership basis, located on Rt. 236, be granted; seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

1- ROY WELBORN, to permit erection of office building closer to 11th St. than allowed by Ordinance, Lots 10 and 11, Block 40, New Alexandria, Mt. Vernon District (C-O)

Mr. John Testerman represented the applicant. Mr. Testerman explained the history of this case. Mr. Welborn bought this property at commercial prices a year ago in April. He filed for commercial zoning and was granted C-O zoning. The new ordinance was being considered at that time. All he wanted with this was to get a zoning classification that would allow him to put up an office building. He was assured that the new ordinance would cover this and would allow him to put an office building on his property.

DEFERRED CASES - Ctd.

1-Ctd. But it so happened that the new ordinance contains provisions that the old ordinance did not have - this being a corner lot, the setback must be the same from both streets. The front setback must be 50 ft. and they have only a 50 ft. lot. If this is allowed to stand the man can build nothing on this lot. Mr. Welborn wants to work out a solution agreeable to the County which will permit him to use his lot for the purpose for which he bought it. If he could put up a 30 ft. x 50 ft. building it would be set 60 ft. from the center line of 11th Street. Mrs. Henderson pointed out the fact that under the old ordinance the setback here would have been 35 ft. from both streets. It was evident she observed, that Mr. Welborn hoped to get a variance under the old ordinance also.

Mr. Chilton said the parking space was not sufficient to accommodate a 30 ft. x 50 ft. building but that it was his understanding that Mr. Welborn could put up a 30 ft. x 46 ft. building which would give him 14 parking spaces, sufficient to meet requirements.

The Board discussed the condition of 11th Street and the 80 ft. right of way, also Belle Haven Road which has 100 ft. right of way.

Mr. Testerman said it was impossible for Mr. Welborn to expand his land. Mr. Cannon next door has C-O zoning and he intends to enlarge his building. 11th Street is dead-end and Mr. Chilton said he did not know if it would be opened on through; it is low and would take a considerable amount of work on drainage.

If the building were cut to less than 30 ft. it would be impractical as it could not have the center hall which is necessary for an office building. They could make an attractive usable building at 30 ft. wide by 46 ft. It would be two-story.

There were no objections from the area.

Mr. Smith moved that Step I of Variances does apply in this case due to unusual circumstances applying to the land, being that the applicant has two 25 ft. lots that are 140 ft. deep and in order to build an economically feasible building on this property, a variance is necessary. It is a fact that the applicant would have to have a variance to build anything. Seconded, Mr. Lamond. Carried unanimously.

Step II under the circumstances and conditions, Mr. Smith continued, if the strict application of the zoning requirements were met, the applicant would be deprived of a reasonable use of the land; therefore, Mr. Smith moved that Step II applies. Seconded, Mr. Lamond. Carried unanimously.

DEFERRED CASES - Ctd.

1-Ctd. Step III- The variance applied for is the minimum variance that could be granted and still give a reasonable use of the land. It is noted, Mr. Smith went on, that there has been an additional 4 ft. cut off from the originally proposed building, from 50 ft. to 46 ft. - and there will be sufficient parking space. Therefore it should be left up to the planning staff as to the availability of the land for parking. In his opinion, Mr. Smith said, Step III applies.
Also, Mr. Smith added, the condition of 11th Street and the fact that the building is to be set back 60 ft. from the center line of 11th Street as it exists today are taken into consideration. It is understood that all other provisions of the Ordinance shall be met.
Mr. Smith moved to grant the application; seconded, Mr. Lamond. Carried unanimously.

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2- A. P. SCHEMETT, to allow patio to remain as erected closer to side line than allowed by the ordinance, Lot 32, Block C, Sec. 1, Parklawn (7517 Arcadia Rd.) Mason District (R-12.5)
This was deferred for plats. Mrs. Schemett did not have the plats for which this case was deferred; she understood they were to be furnished by the county.
Mr. Lamond moved to defer the case for proper plats; (deferred to November 15)) Seconded Mrs. Carpenter. Carried unanimously.

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3- R. JACK SMITH, to permit garden shed to remain as erected closer to road right of way line than allowed by the ordinance, on N. side of Route 683, approx. 1/2 mi. E. Rt. 676, Dranesville District (RE-2)
This was deferred to view the property. Mr. Lamond said that after seeing the property he was of the opinion that there is an alternate location for the building, immediately to the right of the house, as you face the house.
Mrs. Henderson read two letters from Mr. Smith.
It was noted that Mr. Smith made an error when he applied for his building permit, saying the building would be 100 ft. from all property lines. He had not considered that the road was a property line.
Mr. Lamond moved that the application be denied - there is an alternate location for the building and there is no hardship caused by the ordinance but rather it is a self-imposed hardship. In applying for the building permit the applicant gave the misinformation that the building

3-Ctd. would be 100 ft. off the property; seconded, Mr. Smith. Carried unanimously.

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4- RAY & GOOD, to permit less area of lots than allowed by Ordinance, Lots 18B and 19B, Kenbargen Subdv., Dranesville District (RE 0.5)

Mr. Thomas Dodd represented the applicant. This case was deferred for revised plats which Mr. Dodd furnished. The discrepancy in the plats resulted from the fact that one set showed the property as it is at this time and the other is the way the applicant wishes to change the line, Mr. Mooreland stated.

This is an old error, Mr. Dodd told the Board, which probably started before 1940. By allowing this transfer of property Lot 18B and 19B would each have a very small area less than allowed by the Ordinance but it would have no adverse effect on their property and this release can be made from the trust. The small triangle would be added to Lot 31, which would straighten out that rear line and follow what probably was intended in the beginning as his rear lot line. This error was not discovered until 1950 and these people have been trying ever since then to get this worked out.

Mr. Glascock, owner of Lot 31, said he had purchased the property in 1949. What appeared to be the rear line was enclosed with a fence at that time. During negotiations for the property he was never told that there was a question on the back line but shortly after he moved in, he was told that the error was there and the rear fence was in the wrong place. The shrubbery and landscaping were already in and well established. He was disturbed by this discrepancy and immediately tried to buy land from the adjoining owners to straighten out the line. They were not willing to sell any part of their land. He tried many times later to get just the land within the fence. Then he learned that adjoining property had been purchased by developers. Mr. Ray said it would be satisfactory to him to sell the ground but wanted to wait until the engineers had set the points. This application is the result of these negotiations.

It would be a great hardship, Mr. Glascock said, not to get this little strip. He showed pictures of his level rock terraced patio, walls, shrubbery, stone steps, trees and out-buildings. It would destroy the work of years and the effectiveness of his back yard entirely if the line were to remain where it presently belongs, Mr. Glascock said and it would take away his ready access to the tool shed. If the Board is inclined not to grant this, Mr. Glascock urged that they first view the property.

DEFERRED CASES - Ctd.

4-Ctd. Mr. Pace, a neighbor of Mr. Glascock, urged the Board to allow this division of property. He agreed that it would ruin this attractive back yard and the small amount of property being purchased would not in any way be detrimental to the neighborhood. The area is well wooded. He thought straightening the line would improve the lots as it would follow the natural contours. He too, thought the Board would arrive at a favorable decision if they saw the property.

There are about 300 families in the neighborhood, Mr. Dodd stated, many of whom are organized into clubs - all of which favor this change. This is an error of long standing which has been difficult to clear up because the former property owners would not agree to the sale. No one in the area objected.

The variance would amount to 475 sq. ft. on Lot 19 and 80 sq. ft. on Lot 18, Mr. Dodd said.

In view of the testimony brought out in this hearing, and the length of time this situation has existed, Mr. Smith said he was of the opinion that there are unusual circumstances surrounding this case which merit consideration by this Board - he moved that Step I applies; seconded, Mrs. Carpenter. Carried unanimously.

In the granting of this variance it is clearing up a situation which has long existed and it will bring about a better line on all three of the lots involved; therefore Mr. Smith moved that Step II applies in this case. Seconded, Mrs. Carpenter. Carried unanimously.

The variance requested is the minimum variance that would serve the purposes of the applicant and the 80 sq. ft. taken from Lot 18 is the minimum and the 475 sq. ft. from Lot 19, the minimum requested is not detrimental to each of the two lots. This will straighten the line on the back of these lots as well as on Lot 31. Mr. Smith moved that the application be granted; seconded, Mrs. Carpenter. Carried unanimously.

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5- MRS. FLOYD A. WOODWARD, to permit operation of beauty salon as home occupation, Lot 79, Sec. 3, Sunset Manor (5702 Seminary Rd.) Mason District (R-12.5)

Mrs. Henderson recalled that this case had been denied last January and cannot be heard again until the year has elapsed. Mrs. Carpenter moved to defer the case till January 24, 1961. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from Mr. Massey attaching Resolution passed by the Board of Supervisors on July 13, 1960 which suggested that the Board of Zoning Appeals defer further action on applications for gravel pits and rock quarries until such time as results of the study requested in the same resolution are made available. Mrs. Henderson read the Resolution.

The Board discussed this at length, noting that the Sorber case was heard after the Resolution was passed for the reason that it was filed and heard before the Planning Commission before the Resolution. The Board questioned how long a case could legally be held up. The report and study could conceivably be a very long time as very little had been done on it up to this time. The Board felt that they could not be unreasonable in holding any case. It was suggested that a time limit be set.

Mr. Smith spoke of hardship cases, as in the instance of Clem - which the Planning Commission has scheduled for hearing. To deny Clem a hearing would result in practically putting him out of business, a situation which he thought unfair. Most certainly all new applicants should be warned, Mr. Smith went on, that cases will be held up for a certain time, pending the study - but pending cases, he thought each should be considered carefully by the Board as to whether or not to hold a hearing. Even to hear the case and hold up on the decision would do not good for the applicant.

In the case of Mr. Clem, he has very little gravel left that meets State standards. He is already rehabilitating part of his ground. When he finishes this tract, he had hoped to start on the new area.

Mrs. Henderson said she felt the Board of Zoning Appeals has been "put on the spot" in this situation. The Board was told that a study was to be made and cases were held up - the study was not made and whatever study now going on could conceivably take a very long time. The Board did make a decision on cases which seemed necessary to handle. Now the Board is under fire for this. The Board had carefully followed procedures set up in the Ordinance, Mrs. Henderson went on, and the reason for handling these cases was that they had been deferrrd for the study. First the study was on -- then it was off. These cases were filed before a study was even discussed or before the Resolution from the Board of Supervisors was handed to the Board of Zoning Appeals. Mrs. Henderson said she would like to see the Board not handle these cases, but questioned what legal ground the Board might be on.

Mr. Smith made the following motion -- that pending cases for permission to excavate sand and gravel shall be heard when it appears to the Board

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that it is necessary; the Board also instructed the Office of the Zoning Administrator not to accept any new applications for the excavation of sand and gravel or rock quarrying for a period of four months.

Any pending cases when the Commission has acted upon and can be heard by the Board of Zoning Appeals within the next 30 days from this date will be heard on their own merits; seconded, Mr. Barnes. Carried unanimously.

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Mr. Mooreland and Mrs. Henderson discussed the fence situation at the Sorber gravel pit. It was agreed by the Board that Mr. Sorber would be warned that he must comply with his permit or come before the Board within 2 weeks. The Board also agreed that it is their intention that a buffer means no operations within that buffer zone. This includes the piling of dirt.

The Board made it plain that Mr. Sorber must comply with the terms of his permit or it will be revoked.

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Mrs. Henderson read a letter from Mr. Cotten regarding operation of nursery schools and kingergartens. Mrs. Henderson volunteered to get an opinion on this from the Attorney General.

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The meeting adjourned.

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

October 25, 1960

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, October 25, 1960 at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present, Mrs. L. J. Henderson, Jr., Chairman, presided.

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

NEW CASES

1- MARY ANN DAVES, to permit beauty parlor as home occupation in home, Lot 6, Block D, Sec. I, Pimmit Hills, (1905 Howard Ct.) Dranesville District (R-10)

Mrs. Daves said she wished to have a small shop - one chair and one dryer. She would employ no help. It is impossible for her to go out to work because of a very badly broken leg which makes it impossible for her to stand for any length of time. It is necessary for her to work and this is her only means of doing so.

The Fire Marshal has requested another door for exit which Mrs. Daves said she would have put in.

The driveway runs to the back of the house; it would take care of three cars, which Mrs. Daves said would be sufficient. She would operate from 9:00 to 6:00 five days a week. There would be no Saturday work.

Mrs. Daves said this would be mostly a neighborhood shop, run for the convenience of the people nearby. She has lived in this house for two years.

Mrs. Beahn, Mrs. Daves' next door neighbor stated that she had no objection to this use, and Mrs. Daves said she had talked with all the people in her block and found no objections.

Mrs. Carpenter moved that Mary Ann Daves be granted a use permit to operate a beauty parlor as a home occupation at 1905 Howard Court, Dranesville District as it does not appear that this would be detrimental to the character and development of adjacent land. It is understood that parking will be kept at least 25 ft. from side property line. This is granted to the applicant only; seconded, Mr. T. Barnes. Carried unanimously.

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2- JOHN B. McDONALD, to permit fence to remain as erected 7 ft. and 9 in. high, Lot 74, Sec. 5, Falls Hill (316 Venice St.) Providence District (R-12.5)

Mr. McDonald said his father came to the Zoning Office for a permit to put up the fence. There was some discussion at that time about whether or not a permit was required, and he was told that he did not need one.

Mr. McDonald described his location as being like an amphitheatre - all other property around him is high. When he started the fence it became

2-Ctd. increasingly obvious that in order to really screen the yard the fence would have to be higher than they first anticipated. Mr. McDonald said he had talked with all his neighbors, none of whom object. One man had been opposed to it in the beginning but now was very pleased and is planting ivy along the fence. Two neighbors contributed to the expense along their line - Capt. Little and Mr. Maher. They all think it is attractive and is an addition to their own property. The fence is made of 6" cedars with alternating boards and it looks the same on both sides. Mr. Mooreland said his office had told Mr. McDonald that he needed no permit if the fence did not go above 7 ft. The fact that the fence is 7 ft. 9 in. is the reason for its coming to the Board.

As to the hardship, Mr. McDonald said if the fence were lower it would be of no use to him or to his neighbors - it would have no function for anyone. This is because of the high ground around him.

Mr. Lamond moved to defer the case to view the property; seconded, Mr. Barnes. Mr. Lamond, Mr. Barnes and Mrs. Carpenter voted for the motion. Mrs. Henderson and Mr. Smith voted against the motion. Motion carried.

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3- JEROME KLEIN, to permit dwelling to remain 43.10 ft. from Palmer Dr., Lot 15, Virginia Ests., Lee District (RE-1)

Mr. Klein said he left the location of the building up to his builder. He did not know why he had located it so close to the road. This was probably because there is a ravine behind the house which has a 20% slope. He had asked the builder about moving the house back but has had no word from him. The house is on piers - it is almost completed.

There were no objections from people in the area.

Mrs. Carpenter moved to defer the case until November 15 to view the property; seconded, Mr. Smith. Carried unanimously.

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4- PUTT PUTT GOLF COURSE, to permit operation of miniature golf course, on southerly side of Columbia Pike, just west of Bailey's Crossroads, Mason District (C-G)

Mr. Ed Whitaker, Attorney and Mr. Bruton were present to discuss the case. They located the site as being across from Gifford's, next to Glover Construction Company.

The Board discussed the plat which showed 40 parking spaces, the two 18 hole golf courses, small club house set 100 ft. from the Columbia Pike right of way.

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4-Ctd. Mr. Lamond told the Board that the Commission in its consideration of this site plan, waived the service road, agreeing that it would serve no purpose.

Mr. Whitaker said the Corporation (which is a national chain) will cooperate when and if it is practical to have a service road here. At such time as the service road is carried all along Columbia Pike to Bailey's Crossroads, they would be willing to provide the right of way necessary on the front of this property.

The Board discussed under which group this case was filed - Group 7 or Group 10. Since this property is zoned C-G, Mr. Lamond moved that it be considered under Group 10. Seconded, Mr. Smith. Mr. Smith added further reasons for hearing this under group 10 - because of the proximity of business uses next door and in view of the many commercial uses in the neighborhood. In this case it is reasonable to allow the applicant to make the best use of his property permitted in this zone. This is generally a commercial area. Motion carried unanimously.

Mr. Whitaker said they would expect 150 people at peak time. The club house is a very small open building. All building and installations would conform to standards set up by Putt Putt people.

Mr. Lamond noted the large unused area at the rear of this property - he asked the applicant if he could move the entire operation back to allow for perhaps a future service road and increased parking in front.

Mr. Bruton said they could not go back too far, probably not farther than 45 ft. because of the slope and they could not get sufficient fall into the sewer.

This would be open from about 12:00 or 1:00 until 1:00 a.m. It would be lighted over week ends. They would have flourescent lighting which would be directed down onto the play area.

There was no one present objecting.

Mr. Lamond moved that a permit to operate a miniature golf course located on the southerly side of Columbia Pike, west of Bailey's Crossroads be approved subject to a satisfactory site plan which will include parking, screening and drainage and subject to meeting all other provisions of the ordinance under Group 10. Seconded, Mr. Smith. Carried unanimously.

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5- EUGENE J. DAVIDSON, to permit erection of a carport 11 ft. from side property line, Lot 656, Sec. 7, Barcroft Lake Shores (513 Waterway Drive) Mason District (R-17)

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Mr. Davidson said the house could have been located nearer the opposite side line had they known it would be necessary but at the time of the platting of this subdivision a carport or garage could extend to within 10 ft. of the side line. Under the new ordinance that leeway was wiped out. He could not afford to build the carport at the time he bought this house. Mr. Davidson noted that his neighbor's driveway is on the same side as his which gives a wide space between houses. He also has a steep bank at the rear of his house, which would make it impractical to put a garage behind the house. He also noted that because of the 14" chimney it is necessary for him to have the 15 ft. carport in order to get the door open. If he dug out the back yard and put in a retaining wall - Mr. Davidson said it would be a hazard for children in the neighborhood. He showed pictures of his property which indicated the steep bank, the location of his driveway and the chimney. He is trying to carry out his original plan to put on the carport - the design has been approved by Lake Barcroft Corporation. All other houses in his block have carports or garages. The carport would be completely open except for a small decorative wall along the outside edge.

Mr. Moosland recalled that this was 12,500 sq. ft. lot zoning before the new ordinance of 1959 - at which time this area was changed to R-17 zoning and Mr. Davidson does not have the 25% necessary to grant this without a hearing.

There is no alternate location, Mr. Smith noted. This man has a topographic condition and this setback would have been allowed under the old ordinance - the Board has allowed construction of this kind under similar conditions.

Mr. Smith moved that Mr. Davidson be permitted to erect an open carport within 11 ft. of the side property line on Lot 656, Section 7, Barcroft Lake Shores and it is understood that all provisions of the ordinance shall be met. Because of conditions surrounding this case, Mr. Smith stated that the steps under variances apply and it is the opinion of the Board that the 11 ft. setback requested is the minimum relief that can be given. Seconded, Mr. Barnes. Carried unanimously.

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The Board recessed for ten minutes.

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Mr. Bauknight asked that the Fairfax County Water Authority case (11:10) be deferred to November 15 as he had neglected to send notices to property owners. Mrs. Carpenter so moved; seconded, Mr. Lamond. Carried unanimously.

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6- GRASS RIDGE PARK & SWIMMING ASSOCIATION, to permit erection and operation of a swimming pool and buildings accessory thereto, on approximately 14.2419 acres of land, property located at west end of Beverly Ave. and west end of Byrnes Drive, adj. to Sec. 5, Grass Ridge, Dranesville District (R-12.5)

Mr. Richard Dixon, attorney, represented the applicant, also Mrs. Burns, secretary to the association was present.

This is a non-stock non-profit association, Mr. Dixon told the Board, set up for use of the members. The swimming pool will be toward the front and the rear of the property will be converted to recreational uses. It will serve three subdivisions in the immediate area - Grass Ridge, South Ridge and Glenn Cary and the overflow from other swimming pools in the neighborhood.

Many families in this area have joined other pools because there was nothing of this kind near. These people would withdraw from these other pools not in the immediate area and join this. This would leave openings for the other pools to take in people near them who have been on waiting lists for some time. It would be a great convenience to everyone concerned. They now have 175 names of people who are interested in taking membership if this is granted. They will have accommodations from 300 or 400. Chesterbrook pool has an overflow of 130, many of whom are from this area. Kent Gardens has 45. These people are interested in this pool. Mrs. Burns said the three Boards would get together and work out the transfers.

Mr. Dixon said they will clear the rear area of scrub growth, leaving the trees and make it into a park area. Eventually they hope to straighten out Pimmit Run, slope the land down to the Run, and put the banks in grass.

Part of this ground is in flood plain, Mr. Dixon went on, they have talked with Capt. Porter and will work with his office. They plan to do some filling which they will carry above the flood plain level. This is in accordance with Capt. Porter's advice.

Mr. Chilton told the Board that the Pimmit Run Parkway, which is being discussed by the Highway Department, runs through this property. The

6-Ctd. entire area, he said, is in the Public Facilities Plan for parks. Mrs. Henderson read a letter from the Park Authority which stated that this area is on the Public Facilities Plan and expressing their concern over the land along the stream valleys, its protection and the need for retention of trees.

Mr.Dixon said they plan to have three entrances by way of Somerville Drive, Beverly Drive, and Byrnes Drive. They have agreed to change the parking spaces from 7 ft. to 9 ft. as suggested by the Planning Staff. The Board agreed that the pool could be granted at this time but any extension of facilities beyond the sewer easement should be done with close cooperation with Public Works.

Mrs. Burns said all property owners in the neighborhood have signed their petition including those on Byrnes and Beverly Drive. They notified eight people by registered mail.

Mrs. Henderson made it clear that no work taking place on this property shall interfere with the flood plain beyond the sewer easement.

Mr. Smith moved that the Grass Ridge Park and Swimming Association be granted a permit for construction of a swimming pool and buildings accessory thereto on 14.2 acres located on the west end of Beverly Avenue and the west end of Byrnes Drive.

The pool area shall be finished in accordance with County Ordinance and in accordance with the plat presented. It is also understood that the parking spaces shall be 9 ft. instead of 7 ft. and that there shall be no construction permitted which will interfere with the use of the walkway across Pimmit Run to the school. Before application is made for a building permit, the developer should contact the Department of Public Works relative to the flood plain and the pool location. It is further understood that all other provisions of the ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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7- ATLANTIC SEABOARD CORP. to permit erection and occupancy of a local office building on 8 acres of land, on northerly side of Route 7, approximately 1000 ft. NE of Rt. 717, Dranesville District (RE-1)

Mr. Gerwig, attorney, and Mr. C. P. Brisley, superintendant for the company, appeared before the Board.

Mr. Gerwig gave a brief history of this case, recalling that they had first filed to go to the Board of Supervisors with a rezoning, but at a meeting before the Commission in September, the Commission stated that

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7-Ctd. while they were in sympathy with the use here they were not in favor of a spot C-O zone. The Commission then recommended a change in the ordinance to provide that natural gas facilities be included among the facilities which could being a case of this kind before the Board of Zoning Appeals. The amendment to the ordinance has been drafted and will come before the Commission next week.

Mr. Gerwig stated that several members of the Commission had seen this property and its uses and had been very complimentary of the manner in which it is maintained.

The proposed additional office building will be 50 ft. x 60-ft. one story, brick construction. This building will be immediately adjacent to and in front of the building now on the property. About 15 people are employed here during the day and no more than two at night.

Mr. Brisley went into considerable detail describing the use of this station and why it is needed. He explained that this is the junction of two very large gas pipe lines. From this point wide distribution is made in Virginia and adjoining states. Falls Church now is the dispatching center which indicates the amount of gas to be distributed to various points and this is the control station that dispatches the gas. This acts as a reducing station. The additional space will join these two operations. The Supervising Engineer and clerical staff will be together here in this station.

They will extend parking facilities if necessary - it was noted that there is sufficient area.

Mr. Brisley said the fence will be removed from the front and will be put in back. The building itself will be 195 ft. from the road. They wish to be in operation by May 1.

There were no objections from the area.

Mr. Lamond moved that a permit be granted to Atlantic Seaboard Corporation to erect and occupy a local office building on 8 acres of land located on the northerly side of Route 7 approximately 1000 ft. NE of Rt. 717.

It is understood that the applicant will comply with the Zoning Ordinance in regard to furnishing spaces for parking of cars; seconded, Mr. Barnes. Carried unanimously.

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8- ALTON L. DODSON, to allow porch to remain as erected 43' 8" from Second Street, Lots 28, 29 and 30. Blk. B, Weyanoke, Falls Church District (RE 0.5)

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8-Ctd. Mr. Mooreland read a letter from the attorney in this case saying he was scheduled in court at this time and asked that the Board defer this case to November 29.

Mr. Lamond moved to comply with the request to defer to November 29 and also that the applicant be advised that he must have surveyor's plats before this case can be heard. It was noted that the plats presented with the case were not adequate.

The secretary was instructed to notify Mr. Dodson regarding proper plats. Motion seconded by Mr. Barnes. Carried unanimously.

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9 - FAIRFAX COUNTY WATER AUTHORITY, to permit erection and operation of water pumping station 12,540 sq. ft., on east side of Rt. 617, approximately 1800 ft. S. of Cindy Lane, Mason District (RE 0.5)

(Deferred earlier in this meeting.)

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10- EAKIN PROPERTIES, to permit use of property for service station with pump islands 25 ft. from Rt. 50 and Roosevelt St. and permit building 50 ft. from Rt. 50, Falls Church District (C-8)

Mr. Hansbarger represented the applicant.

The site plan on this has been reviewed by the Staff, Mr. Hansbarger said, and changes were made. He called attention to the fact that the building is back 125 ft. from the present roadway and proposed to be 50 ft. from right of way of both Roosevelt Street and Rt.50. The applicant has agreed to put in curb and gutter along Roosevelt Street when the property to the east is developed. They will also dedicate an area at the intersection of Route 50 and Roosevelt Street to the state in order that the service drive coming down Rt. 50 will connect with Roosevelt Street and enter Route 50 at the same point as Route 50. The State plans to widen here for this intersection. Mr. Hansbarger also discussed the drainage problem on Roosevelt Street. This dedication at the intersection will wipe out the triangle and concentrate the traffic entrance into Route 50 at one place.

Mr. Hansbarger noted that Eakin Properties either own all the property across Roosevelt Street opposite this site or they have it under contract. Covenants on that property require that it be used for single-family dwellings.

10-Ctd. This property is under lease for the filling station. It is not a filling station of the usual type, Mr. Hansbarger told the Board; they have no repair, no tire changing, no road service. Their only service is to sell gas. The building is very small - only 264 sq. ft. in area. Mr. Hansbarger quoted from various court cases where it was determined by the court that the operation of a filling station is a normal legitimate business; it is not hazardous from the standpoint of fire or accidents, and not depreciating to property. Mr. Hansbarger showed charts to substantiate his statements as to accident rate, indicating that filling stations do not cause a traffic hazard nor do they contribute to the accident rate.

Mr. Keith from Mid-Atlantic described this business as creating no fumes or noise. The lighting will be inverted and concentrated within the parking area and no glare will reach the streets nor other property.

In view of future development of cars, Mr. Keith predicted that this type of filling station will be used more and more.

The Chairman asked for opposition. Mr. Henry Franklin, 509 Shady Lane read a petition signed by property owners and people in the area. They opposed this use because it would disturb their peace and tranquility, this is not a suitable use, it would multiply traffic at the intersection, it would encroach upon future zonings and lead to honky-tonk type of development, objectionable night lighting, there is no need for another filling station in this area. Twenty-two people signed the petition against this.

Five people were present opposing the use.

Mr. Hansbarger agreed that any use of this property would increase the traffic to some extent, even a home. But, according to statistics, a filling station of this type would be less hazardous and generate less traffic as filling stations are patronized by the normal daily traffic - people do not go out of their way to trade with any certain gas station. They expect to get their business from the traffic that is already on the highway. Other businesses would attract people to them. As to the need of a filling station here, Mr. Hansbarger called attention to the fact that this is only the second location between the Pentagon and Seven Corners where one can conveniently turn off to a filling station.

Mrs Henderson asked Mr. Hansbarger if they could meet the 75 ft. setbacks on the building. They could, Mr. Hansbarger answered, but the present right of way of Rt. 50 is 200 ft. which puts them back a considerable distance from the traveled right of way. However, if they cannot get the variance for a 50 ft. setback they would move the building back 65 ft.

10-Ctd. farther, adding another 10,000 sq. ft. of area. If they do that, Mr. Hansbarger continued, it would spread this project over a much larger area and perhaps cause more dissatisfaction with those across Roosevelt Street. The value of this land is high, it is not reasonable that such a large area be taken up for this use. Mr. Hansbarger recalled the large amounts of property Eakin Properties have given to the State in this Seven Corners area and with this use, they are again dedicating the area for realignment of a bad entrance into Route 50 at Roosevelt Street.

The entrance to the service road at present would be temporary, Mr. Hansbarger continued, but in the future the service road would connect with the one that now comes down from the Giant. At present they will build the service road in front of the filling station - in time it would run all the way from the Giant to Roosevelt Street.

Mrs. Henderson questioned the Board's jurisdiction to grant a variance on a special permit. Mr. Smith thought there were circumstances here that would warrant a variance - the elimination of the triangle, the service drive, which will be dedicated to Roosevelt Street, both of which look to the future. This is an unusually shaped piece of property to which the strict application of the ordinance probably should not apply.

Mr. C. W. Mineer of Shady Lane added his objections.

Mr. Hansbarger recalled that this property has been zoned for business for many years and before the Pomeroy Ordinance a filling station could have gone in here as a matter of right. Also many other businesses could go in now, without a special permit.

Objectors thought this particular use would retard future sales of property in this area.

The Board discussed the granting of a variance under the amendment. Mr. Smith asked for more time to go over the amendment and discuss this with other members of the Board. The Board adjourned for lunch.

Upon reconvening, Mr. Dan Smith stated that in his opinion, this Board can grant variances in cases of this kind because of the shape of the lot. It would be a hardship unless there is a variance, therefore he moved that Step I applies in this case. Seconded, Mrs. Carpenter.

Voting for the motion - Mr.Smith, Mrs. Carpenter, and Mr. Barnes.

Mrs. Henderson and Mr. Lamond voted no. Motion carried.

Mr. Smith continued - that the strict application of the ordinance, if applied here, would deprive the applicant of a reasonable use of the land involved; he therefore moved that Step II applies; seconded, Mrs.

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10-Ctd. Carpenter. Mr. Smith, Mr. Barnes and Mrs. Carpenter voted for the motion. Mrs. Henderson and Mr. Lamond voted no. Motion carried.

Mrs. Henderson said she voted no because under Section 12.5 (3rd paragraph) this building is related to the pump island setback 4.4.7.1 (75 ft. from the right of way etc..)This is one of the requirements for special uses.'

Due to the triangular shape of the lot, Mr. Smith said it appeared to him that the minimum variance that could be granted is that sought by the applicant and shown on the site plan which has been approved by the Planning Commission - therefore he moved that the variance to allow the filling station building to be located no less than 50 ft. from the right of way of both Route 50 and Roosevelt Street be granted. (It was noted that this applies to the variance and not to the use and pump islands as approved on site plan.) Seconded, Mrs. Carpenter.

For the motion - Mr. Smith, Mr. Barnes and Mrs. Carpenter.

Against the motion - Mr. Lamond and Mrs. Henderson. Motion carried.

To continue with this case, Mr. Smith called attention to the fact that a 200 ft. right of way has already been acquired on Route 50 - the underpass and overpass have both been completed for some time. There would be no reason to widen Route 50 in the future because the area is almost completely built up, therefore granting a use permit to the applicant and to allow the pump islands 25 ft. from the right of way of Route 50 is not unreasonable. Mr. Smith moved that this use and variance be granted; seconded, Mr. Barnes.

For the motion - Mr. Smith, Mr. Barnes and Mrs. Carpenter.

Against the motion - Mrs. Henderson and Mr. Lamond.

Mr. Lamond objected to granting the pump islands 25 ft. from the right of way unless the building is set back 75 ft. which he claimed was the intent of this amendment.

Motion carried.

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DEFERRED CASES

1- GERALD & HENRIETTA LURIA, the elimination of loading spaces, elimination of screening, and construction of building on the lot line - Lots 3 and 4 Buffalo Hills, Mason District (C-O)

Mr. Robert McGinnis represented the applicant. This is for a professional office building to be located in a C-O zone. The entire frontage on Route 7, to a depth of 150 ft. was placed in the future commercial plan as suitable

1- Ctd. for C-O uses. The Luria building is the first to be constructed in this area. Since it abuts residential land, which will inevitably become C-O, the applicant has found it necessary to ask for these variances. To the north (the side where the building would be on the property line) is a strip of residential zoning. The Weaver land to the south will soon be up for C-O zoning as well as the strip to the north. Since all of this property is in the C-O plan and will be used for C-O purposes, Mr. McGinnis said the variances requested are actually of a temporary nature.

This property is all in Buffalo Hills Subdivision which has covenants restricting it to residential uses. They have filed suit in the county to have those covenants lifted. The people concerned are in agreement on this. However, the people in the subdivision will have architectural approval of the plans for any building to be put up. When this is approved the plans will be submitted for approval. Since both the property to the north and south will soon be up for C-O zoning, Mr. McGinnis contended that there is no need for the screening. They will screen the rear line. If the building is located on the north line room will be left on the south for parking.

Mr. McGinnis also asked for elimination of the loading platform since this is a professional building and the need for loading space will be practically negligible. The type of business conducted in the building will require no inventory and no storage of materials or merchanidse. The only deliveries will be small office supplies and miscellaneous articles for immediate use. By elimination of this loading space they will pick up more room for parking.

Mrs. Henderson agreed that elimination of the screening on the north is logical but she questioned an office building without some provision for delivery trucks. She suggested reserving one space so deliveries could be made at any time - a space 15 ft. x 25 ft.

Mr. McGinnis agreed to this.

The Board questioned eliminating the screening on the south side since there appeared to be no indication when that property would have C-O. However, Mr. McGinnis said Mr. Weaver has no objection and he definitely will ask for C-O zoning soon. They have no plans for that property other than C-O uses. Screening on the south would also diminish their parking area and thereby reduce the size of the building beyond the point of being economically practical. In view of the future plans for this area, this applicant could be greatly penalized if he were required to meet

1-Ctd. these requirements, all of which will be wiped out as soon as the others go C-O.

Mr. Mooreland called attention to the Van Gulick property where the Board had rezoned land to industrial classification which was surrounded by residential zoning, all of which was in the future industrial plan. If Van Gulick had met his required setbacks he could not have had a building on the property. An amendment will be proposed, Mr. Mooreland said, to take care of situations like this.

Other alternatives were discussed, none of which appeared to be feasible.

Mr. McGinnis said they had worked this over with technical advice, many times with a view toward getting the best arrangement on the property. The lot is small but can be made very usable if it is considered in the light of future zoning and uses.

Mr. McGinnis said this would enter directly onto Route 7 at the present but they would enter into an agreement with the County that when it becomes necessary they will provide a service road along Route 7. This also will reduce the parking area, it was noted.

Mr. Smith suggested cutting 10 ft. off the building as it appeared to the Board that too much was being crowded on this lot.

The building has already been cut, Mr. McGinnis said, if they continue cutting it, it would not be economically practical to build at all.

The building is 57.9 ft. from the right of way. The lot at the rear is owned by Mr. Luria but they cannot get parking on that. They had hoped to get parking on part of that lot but the application was turned down by the Planning Commission and was subsequently withdrawn. If 50 ft. is taken for the service road the County is in effect creating a C-O zone which is unusable Mr. McGinnis continued, unless variances are granted. The topo creates a natural line at the 150 ft. depth - it gives protection to the residential property in the rear, but in order to develop this in C-O the variances are necessary. The Board will have the same variances requested on the other lots, they will all have this same problem.

There were no objections from anyone in the area.

Mr. Lamond moved that the loading space not be eliminated. He said - there is no use in setting up an ordinance to provide for these things to bring about orderly development, then waive the requirements. The loading space shall be 15 ft. x 25 ft. There was no second.

Mr. Smith said this is an office building which will never be used for anything else, therefore there will be no necessity for a loading platform, it would be necessary to cut down the parking space and in the

1-Ctd. long run require more variances.

Mrs. Henderson suggested that one parking space be reserved at the rear of the building for deliveries, a space approximately 11 ft. wide.

Mr. McGinnis said that could be done.

Mr. Lamond moved that the request for elimination of a loading space be denied; seconded, Mrs. Carpenter.

After further discussion Mr. Lamond withdrew his motion.

Mr. McGinnis recalled that this had been granted before but Mr. Luria could not get started within the life of the permit. He agreed that they could reserve one car parking space at the rear for deliveries.

Mr. Smith moved that the required screening be eliminated as requested because the property on each side of this lot is designated for C-O zoning - this screening is eliminated until such time as the property adjoining is used for residential purposes, and that a one-car parking space be reserved at the rear of the building for loading purposes; seconded, Mrs. Carpenter. Carried unanimously.

The property on the north is a strip of residential zoning only 50 ft. wide. It could not be used except in conjunction with other C-O property. In view of the statements made regarding this, Mr. Smith moved that the applicant be allowed to locate the proposed building on the north property line due to the fact that it has been stated that the property adjoining is on the commercial plan for future C-O zoning and there have been previous variances granted on this particular property; seconded, Mr. Barnes. Carried unanimously.

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2- SIBARCO CORP., to permit erection of a gasoline station and permit pump islands 25 ft. from road right of way lines, part Lot 17, Hybla Valley Farms, Mt. Vernon District (C-N)

Mr. Dan Hall represented the applicant. Mr. Lee Obie was also present.

Mr. Hall presented the Board with corrected plats.

Mrs. Henderson recalled that this case was deferred also because of a disagreement among Board members over interpretation of the ordinance relative to the pump island 25 ft. setback amendment. After re-reading the amendment and talking with both the Commonwealth's Attorney and Mr. Burrage, it is now the majority opinion of the Board that a building on a street not designated as a secondary highway may be granted a 50 ft. setback.

2-Ctd.

Mr. Lamond disagreed with this interpretation saying that such an interpretation is not carrying out the intent of the amendment. He agreed, however, that the amendment is written in such a way as to make the interpretation technically correct.

Mr. Jones, from Hybla Valley Citizens Association, recalled that he had presented the Board with an opposing petition signed by 300 persons at the last meeting. Twenty were present at this time in opposition.

Mr. Jones pointed out in the Ordinance Section 12.1 that this use may be granted by this Board if it is found that it is not detrimental to the character and development of adjacent land and if it will be in harmony with land use in the area. He presented a series of photographs of homes in the immediate area, arguing that a filling station would not be harmonious with the area.

Mr. Jones read an official appraisal, signed by C. L. Hanowal, appraiser, on Lot 16, Hybla Valley Farms. The land, the appraisal states, is valued at $24,000. (House and land together (market value).) If this permit for a filling station is granted the appraiser estimates the property would sell for $5,000 under the appraised market value.

Mr. Jones stated that on March 15, 1950 when this case was before the Planning Commission for rezoning, the Commission opposed it as spot zoning - undesirable use of the land, which is residential in character. The Board of Supervisors zoned the land.

Mrs. Saunders (living on Shellhorne Road in front of the property) objected to this use - there is no need for this in the area, depreciation of property values, not in the public interest and it is isolated spot zoning. Shellhorne Road is only one block long; it is too narrow for additional traffic. This would be hazardous to children. She objected to the glare of lights which could not be screened. She spoke of the disturbance to peace and quiet.

This was made commercial after they bought here fourteen years ago, but she did not know of it when the action was taken. No one knew of the commercial zoning.

When this was zoned, it was thought a small commercial area might be needed for community use. Mrs. Saunders went on, but Mr. Boswell never developed the area and now with all the large shopping centers and the commercial zoning on U.S.#1 there is no need for shopping facilities here.

It was noted that by letter from the Hybla Valley Association the Board of Supervisors has been asked to review the commercial zoning.

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DEFERRED CASES

2-Ctd. Mr. Smith cautioned that land that has been commercially zoned for a long time may be subject to law suit if the zoning is changed by the governing body. He cited cases in Arlington County where such action was taken and upheld. No doubt this property has greatly increased in value, Mr. Smith suggested.

Mrs Saunders said Mr. Boswell bought this land from Mr. Painter - they had some kind of difficulty and after subdivision had been started, Mr. Painter got the land back. The property has never been taxed or reassessed at commercial prices.

Since this is before the Board of Supervisors at their next meeting, Mrs. Henderson thought that in fairness to the people in the area, the case should be deferred to see what action the Board of Supervisors takes.

The Board agreed to continue a full hearing on the case and defer for result of the Board of Supervisors action. If the Board takes no action, Mrs. Henderson stated, this Board will decide the case; if they agree to rezone the property this Board could hold the case for final decision. This would mean an indefinite deferral.

Mr. Strodel from Hollin Hills showed the nearness of a new section of Hollin Hills to this property. He objected for reasons already given and added that this would bring loiterers from the Gum Springs area. He pointed out that the use does not comply with standards in the ordinance. He discussed the traffic problem, the school buses which go this way and narrow roads.

If this zoning cannot be rezoned to residential they would not mind a small commercial development, at least it would be less undesirable than a filling station.

Mrs. Beahm spoke, opposing this application, saying she knew nothing of this commercial zoning. She had asked in the courthouse but was not told that these lots were commercial.

Mr. Hall showed photographs of the area taken in the opposite direction from the houses.

Mr. Hall said these lots were appraised by a professional appraiser at $61,713. He questioned where these people had found 300 people to sign the opposing petition as there are far less than that in the neighborhood. They would direct the lights onto the ground to assure no glare. They plan to use a new kind of light that does not spread nor glare.

This Corporation does not lose control of their stations - the operator is responsible direct to the company at all times.

October 25, 1960

DEFERRED CASES

2-Ctd. Mrs. Henderson asked Mr. Hall if they would be willing to remove the pump island from Shellhorne Street if this is not rezoned by the Board of Supervisors.

Mr. Hall said - yes, if that is a condition of the granting.

Mr. Smith stated that from his experience, filling stations do not depreciate property values even when on adjoining property. He cited cases in the District and other places.

Mr. Lee Obie said he had had an appraisal of lots on Shellhorne - seven lots are now for sale at $2200 each. The homes across the street from this property sold for $19,000. The builder knew this property was zoned for business and sold the houses without difficulty. He said the average cost of houses in Hybla Valley is $13,000.

Mrs. Henderson said that the Board of Supervisors would be requested on Wednesday, October 26, to rezone this property back to residential zoning.

Mr. Smith moved that the Board delay decision on this until the Board of Supervisors have had the opportunity to act on the request of the citizens for a rezoning; seconded, Mr. Barnes.

When definite word is given on this, the Board agreed that the interested people would be notified and this Board will render its decision at that time. No further hearing would be held. Motion carried unanimously. (Deferred indefinitely)

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Mr. Mooreland recalled the research laboratory the Board granted in the Hollin Hall Village Shopping Center in the basement of a shopping center building. They now wish to use a 22 calibre type of explosive in their experiments which the fire marshal will approve. He asked if these people would have to come back to this Board. The answer was yes.

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With regard to the turkey shoot at Merrifield, Mr. Mooreland said there is no control over the safety factors except by those who conduct the shoot. However, Mr. Mooreland said he considered these shoots very well conducted with all safety measures well under control. They have had no complaints.

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Mr. Mooreland recalled that under the old ordinance a carport or garage could be located at the rear of the rear line of the house as long as it was 5 ft. from the house. Now an applicant wishes to extend the rear of the house which would come to the rear of the garage. This would put the garage structure in the side yard. He asked if the Board would grant a variance on that. The Board did not wish to set a blanket policy. It was

agreed that each case should stand on its merits.

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Mrs. Henderson read the letter she had sent to Mr. Sorber regarding violations on his gravel pit operations:

"October 14, 1960

Mr. L. S. Sorber
6616 Backlick Road
Springfield, Virginia

Dear Mr. Sorber:

At its regular meeting on October 11, 1960, the Board of Zoning Appeals commented favorably on the fact that you are now complying with the fencing requirements of your permit to remove gravel from the 10 acre site on Beulah Road south of Hayfield Road.

However, the Board considers that the high mounds of dirt piled behind the fence are in violation of the requirement that a 50 foot buffer strip be left along Beulah Road for the entire length of this property. The buffer strip was to be left in its natural state so that, with the fence, the gravel operations would not be visible to the houses across the road and to avoid any possibility of a slide of dirt onto Beulah Road.

In order to comply with the conditions of your permit the 50 foot strip along Beulah Road will have to be returned to the level it was when you started digging operations on this land. The Board of Zoning Appeals will expect to find all the dirt now piled within this 50 foot buffer removed by November 1, 1960,

Very truly yours,

(S) Mrs. L. J. Henderson, Chairman
Fairfax County Board of Zoning Appeals

copy to Mr. Lytton Gibson"

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Mr. Beckner presented his site plan on the U-Haul at Seven Corners which he had discussed with the Planning Staff. He showed the types of fence under consideration, which the Board discussed at length. Mr. Smith moved that the fencing be of cinder block, solid 4 ft. high from ground level in front and rear and the side approach color to be blended to conform with the color of the building and the fence shall have a brick or concrete cap. The sides shall be 4 ft. high and of the same material or a wood basket weave. There shall be planting in front of the fence along Castle Road and Route 7. The entrances shall be 25 ft. The Board also requested that the color scheme shall be of some neutral shade, green, cream, gray, beige, or white. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read the letter she had sent to the Board of Supervisors regarding gravel pit operations:

October 25, 1960

"October 12, 1960

Dear Mr. Massey:

At its regular meeting yesterday, the Board of Zoning Appeals considered at length the Board of Supervisors' resolution regarding sand, gravel and quarry operations.

In response to the Supervisors' suggestion that the Board of Zoning Appeals 'defer further action on applications for additional sand and gravel extraction and rock quarries until such time as results' of the requested Planning Staff study of such operations are made available, the Board took two actions:

1 - It directed the Zoning Administrator not to accept new applications for such operations for a period of four months, in the fervent hope that by the end of that time the Planning Staff Study will at least be well underway.

2 - It determined that under Section 11.10, it is obligated to hear, on their own merits, any such cases which have already been filed, and will do so provided Planning Commission recommendations on any such cases are received within 30 days from October 11, 1960.

I should like to assure the Supervisors that the Board of Zoning Appeals does not take lightly any applications for sand, gravel or quarry operations. In each case considered during the past year, the property in question has been viewed several times and the overall impact to the area has been carefully weighed. When applications have been granted, numerous restrictions and conditions have been attached to the permit which, in the Board's judgment, would insure safe operations and minimize the obviously unpleasant features of this type of enterprise.

Three months from now, the Board of Zoning Appeals would greatly appreciate a report on the status of the Planning Staff study. Because sand, gravel and stone exist in the County, largely in areas whose residential character increases daily, and because there are operators to exploit these resources, the Board of Zoning Appeals feels it imperative that the proposed study of such operations be completed at the earliest possible date and hopes that the Board of Supervisors will do everything in its power to expedite this study.

Most sincerely,

(S) Mary K. Henderson, Chairman
Fairfax County Board of Zoning Appeals"

The Board discussed a Resolution passed by the Board of Supervisors relative to gravel pit procedure. Mr. Smith said in his opinion the Board of Supervisors did not give due consideration to the resolution before taking action relative to this Board's handling of gravel pit cases. Had they known the facts he did not believe the Board of Supervisors would have passed such a resolution. A great deal of thought had been given to this whole situation before the Board of Zoning Appeals passed its resolution regarding their future handling of the gravel pit cases. The Board felt a sincere obligation to the applicants and also an obligation to hear these cases that have been heard by the Planning Commission. He felt the action taken by the Board of Supervisors was unwarranted.

Mrs. Henderson agreed that the Board of Supervisors was not being fair to this Board in taking the action embodied in their resolution. This

Board has been set up to act on these cases and they did so in good faith.

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Valley Brook School is back, Mrs. Henderson told the Board. Mr. Dodd is listed in the telephone book at 220 Rose Lane. It was agreed that action should be taken to remove Mr. Dodd and his business from the school. Since Mr. Mooreland was not present, no action was taken. The Attorney General has ruled that the Code covers this school operation Mrs. Henderson stated.

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The meeting adjourned.

Mary K. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, November 15, 1960 at 10:00 a.m. in the Board Room, Fairfax County Court House. All members were present; Mrs. L. J. Henderson, Jr., Chairman, presided.

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

NEW CASES

1- SUN OIL COMPANY, to permit pump islands 25 ft. from road right of way line, part lot 2, Winchester Villa Farm, Mason District (C-G)

Mr. Brittingham represented the applicant. The only request here, he stated, is for the 25 ft. setback for the pump island. The use is permitted under C-G zoning. They ask this setback to be in line with other filling stations in the area which will enable them to meet competition. The building meets the 75 ft. setback requirement.

The Highway Department has stated to the applicant that there are no firm plans on Franconia Road which would affect this installation.

Mrs. Henderson called attention to the Planning Staff's comment that the State Highway Department is considering plans to improve the clover-leaf intersection at Shirley Highway. Final plans are not complete but the road frontage of this property would be affected.

Mr. Brittingham said the Highway Department is working on these plans in Culpeper but have nothing definite that they can show at this time. They would have completed plans by the time Sun Oil gets to the curb cuts.

The granting of this may be premature, Mrs. Henderson suggested, it is not impossible that the road cut would go through the pump islands in this location.

Mr. Brittingham said that would actually make no difference as they have more ground in the rear and could go back farther if the Highway Department says so.

The main concern of the Board was to maintain a 75 ft. setback for the building if the pump islands are located 25 ft. from the right of way. While the pump islands could be moved it wasn't likely that anyone would want to move the building back to the 75 ft. setback if the road is widened.

Mr. Chilton said he had talked with Mr. Kestner and Mr. Bottoms and they had stated that while their plans are preliminary whatever is done here will definitely affect this property. They also said it would be one year before construction plans are drawn.

Mr. Brittingham said their settlement date on this property is December 1.

NEW CASES

1-Ctd. The Board discussed this at length - the possibility of setting the building back to allow for the widening and the 75 ft. setback or to delay this construction until definite plans are known.

Mr. Chilton said part of this road would be limited access which would require a service road.

Mr. Brittingham was quite sure they would not get ahead with construction until the road location is known.

Mrs. Barber, owner of the property immediately to the east, said she was not opposing this but she would like to have a wall or high curb between her property and the filling station and to be sure the drainage from this did not run off onto her property.

Her property is residentially zoned.

The Board assured Mrs. Barber that these things would be taken care of in the site plan.

At this point it was recalled that this is the Foreman property which the Board of Supervisors refused to zone commercial and the Board's decision was reversed in court. For this reason Mr. Mooreland said he did not know what classification this is in as the court did not designate the kind of commercial. It is assumed that the classification requested in the original request for zoning was established.

Mr. Brittingham said the drainage would be taken care of without question.

Mr. Wheaton assured the Board that the applicants would go to great lengths to cooperate in the development of this since they are very conscious of good public relations.

Mr. Lamond moved that the request of Sun Oil Company to permit pump islands 25 ft. from the right of way be approved as it would not adversely affect the neighboring community and the Board feels that this would be the highest and best use of this property. This granting will be subject to site plan approval. The Board is aware that the Highway Department has plans for changes here but no definite plans are available at this time and the Board does not think it necessary to require that the applicant wait for those plans. This is granted as presented and the pump islands allowed 25 ft. from the right of way and the building 75 ft. from the present right of way of Franconia Road; seconded, Mr. Barnes.

Mr. Smith objected to granting this on the basis stated. He could foresee the State having to purchase the building along with part of this property. The plans are almost completed on the highway, he continued in his

1-Ctd. opinion the case should be deferred for more definite information from the Highway Department.

The Board again discussed the question of the building setback; the possibility of holding this up and the possibility of another court action. The Board was reluctant to grant this without requiring a deeper setback for the building, but not knowing where the highway would go, found it not reasonable to require more than 75 ft. from the present right of way.

Mr. Lamond changed his motion to grant the application as presented with the provision that the applicant will move the pump island back at his own expense at such time as it becomes necessary so that the pump islands will be at least 25 ft. from any right of way line of Franconia Road. Seconded, Mr. Barnes. Carried unanimously.

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2- JAMES BYRNS, to permit division of property with less frontage than required by the ordinance, Lot 6A, Forestville Estates, Dranesville District (RE-2)

Mr. Paciulli represented the applicant, stating that he had neglected to send notices of this hearing to five people in the immediate area; he asked that the case be deferred to November 29. Mrs. Carpenter so moved; seconded, Mr. Lamond. Carried unanimously.

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3- HOWARD J. SMITH, to permit erection of a carport and shed 22 ft. from rear property line, Lot 55, Section 3, Sleepy Hollow, (1013 Knoll Drive) Falls Church District (RE-1)

Mr. Smith said he had notified people in the immediate area and as far as he knew there were no objections to this.

There is plenty of room on the lot for a carport and shed without a variance but when the house was located it was put as near the center of the lot as possible. There is an 18 ft. drop from the driveway level to the property line. They used fill in locating the house and left room for a carport which was designed to go with the house. This runs only a few feet over the line. Mr. Smith called attention to the fact that the rear lot line slants toward the house on this side making a shallow back yard. The carport cannot be pushed forward because of the required 50 ft. setback. The only place they can locate a shed is as shown on the plat. They have redesigned the carport but it would be too complicated and it would mean putting on a two gable roof to cover the shed, which the architect says would be impractical. Only one corner of the shed is in violation.

3-Ctd. It was suggested that the shed could be cut by 2.3 ft. which Mr.Smith said he could not do and make it practical or that the shed could be put in a separate location on the lot, 2 ft. from the line, or that Mr. Smith could have a one car carport. This would cut down his shed space which he needs badly, Mr. Smith said, Mrs. Henderson suggested cutting the carport to 26 ft. and cut down the shed at the back.

There were no objections from the area.

Mrs. Carpenter moved to deny the application of Howard J. Smith as applied for as there is no evidence of hardship in this case as set forth in the ordinance and a separate carport and shed can be built on the property without violation, or there are several alternate locations. Seconded, Mr. Lamond. Carried unanimously.

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4- ALEXANDRIA CHAPTER OF IZAAK WALTON LEAGUE OF AMERICA, to permit operation of turkey shoot, on northerly side of Rt. 1, adjacent to Dogue Creek, Mt. Vernon District (C-G)

Mr. Wade Hamrick represented the applicant. Mr. Sitnik, owner of the property, was also present. Mr. Hamrick showed pictures of the building from which the shooting would take place, the line of fire and surrounding land. This is practically a wilderness, Mr. Hamrick stated, the ground is mostly scrub growth and swamp. It was used for a commercial recreation area (the business frontage) at one time, but the business was not a success. The owners have abandoned that use now and intend to let the land lay for another two years or so. They are allowing the League to use this without cost.

The shooting will take place within the existing corrugated metal building and about 75 ft. of the line of fire will be over land not zoned for business. The target with a log backstop is against a growth of underbrush and trees and across a swamp. No one could live within shooting distance of the range - the ground is so isolated and low. It could be put to almost no other use. The targets will be cable operated with an electric motor so no one will need to walk out on the shooting area to change targets or to get the bullets. As a matter of fact it is so low that the land where the target sets is either a swamp or a lake.

Mr. Hamrick called attention to the philanthropic work done by the Izaak Walton League - the money made here will go for charitable purposes.

NEW CASES

4-Ctd.

Mr. Barnes said turkey shoots are very safe - the people must shoot from inside the building - guns and ammunition are kept within the building in one place. The ammunition is of low velocity.

Mr. Hamrick said they would enclose the line of fire with a fence.

Mr. Smith said he saw nothing in the ordinance that would prevent the Board from granting this. The actual operation itself takes place on commercial ground. He noted also that they would have a long back stop for protection.

Mr. Chilton said he did not see how his office could approve the site plan on this when part of the operation is on residential property.

The Board discussed this at length - they were of the opinion that while Mr. Chilton questioned the line of fire going over residential property, the circumstances surrounding this case make it unreasonable to refuse the permit. There is no possibility of this endangering anyone - this is not a place where people would go to hunt, or walk around, or live. It is practically inaccessible because of the swamp and brush. This is a charitable organization with little money to go on and therefore cannot afford to put up a building to enclose this. This is not a congested area, it certainly would not be reasonable to shoot toward the highway, which would put the firing line on commercial ground.

Mr. Mooreland said he thought the Board had the right to grant a variance from the strict application of the ordinance in this case. He compared this with some of the variances on permanent buildings which the Board grants and stated that he thought the Board had the right to use its judgment whether or not a request is reasonable.

Under Section 11.6, page 58, Mrs. Henderson thought the Board did not have the right to permit this use in a residential zone.

This is a good place for this kind of operation, Mr. Smith said. Turkey shoots are held only for a few weeks. They cannot spend much money on their operations as they are for charitable purposes.

Mr. Sitnik urged the Board to grant this in view of the particularly isolated location of the property. He said one could not even enter the property from the rear - no homes were anywhere near. They will make a few necessary improvements to the building. This is a perfectly safe operation, he went on, everything is mechanical and all operating of the machinery will be done on the commercial property.

Mr. Lamond suggested posting the property during the hours of operation.

NEW CASES

4-Ctd. Mr. Lamond moved that the application of the Alexandria Chapter of Izaak Walton League be granted for the use requested subject to a satisfactory site plan. If they cannot get approval of the site plan the use permit is of no value.

It is required that the applicant post the property in the back while the turkey shoot is going on. It is also understood that a log backstop, as indicated on the plat, will be put in back of the target. It is noted that there is a flood plain in back of the target which ground is not usable for habitation.

This is granted with the understanding that the applicant will take all safety precautions as he has stated in this hearing.

It is noted that the residential land to the rear is covered with water, and nothing can be done with that land as far as residential use is concerned; seconded, Mr. Smith.

Mr. Smith made the following statement in connection with his second to the motion - that this is the most practical spot he has seen in the County for this type operation and it would be better to allow this here than practically any other place he knew of and, Mr. Smith continued, he was not overlooking the fact of the residential zoning at the rear.

It is better that they are shooting into the water and over the water into a very isolated spot.

For the motion - Messrs. Lamond, Smith, and Barnes.

Both Mrs. Henderson and Mrs. Carpenter voted no - Motion carried.

In spite of the physical set up of the land, Mrs. Henderson stated, she did not believe the Board had the authority to grant this. Mrs. Carpenter agreed with this.

Mr. Chilton questioned the advertising on this as the notice carried only the C-G zoning. Mr. Smith pointed out that all actual operations of the shooting would be on C-G zoned property.

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5- JAMES W. SMITH, to permit erection of carport 20 ft. from First St., Lots 20, 21, 22 and 23, Block C, Weyanoke, Mason District (RE 0.5)

Mr. Smith said he could not locate the carport back farther because of the entrance to the cellar, the septic tank is in the rear and he cannot put it in on the other side of the house because of Seminole Avenue. Other houses in the area are closer to the line than allowed; however, it was stated that none have a 20 ft. setback. One garage was built in the

5-Ctd. front yard - this was done when that was allowed. Mr. Smith said he had figured every possible location and this seemed to be the only way he could have the carport.

Mr. Dan Smith suggested moving the garage back to the corner of the house which would still allow good access to the cellar - this would cut down the variance by 6 ft.

Mr. Smith said he could not have a free standing carport back on the lot because the drain field is there.

Mr. Yow, living in the neighborhood, appeared in behalf of the applicant, saying no one has objection to this; that carports placed like this are not unusual in this subdivision; it is not unsightly. In fact, he thought this would be an improvement. He urged that this be granted.

There are circumstances in this case which justify consideration, Mrs. Henderson stated, the well and septic tank and drain field are situated so that they would interfere with relocating the building, however, she thought the amount of the variance should be reduced.

Mr. Dan Smith moved that Step 1 of the variance requirements applies. There are unusual circumstances applying to this situation. The Board has explored all possibilities of other locations for the carport - the septic tank and drain field, and well do not permit the relocation of the carport on any other part of the lot - therefore Step 1 applies. Seconded, Mr. Barnes. For the motion - Mr. Smith, Mrs. Henderson and Mr. Barnes. Mr. Lamond and Mrs. Carpenter voted no.

The strict application of the ordinance would deny the applicant the reasonable use of his property, therefore Mr. Smith moved that Step 2 applies. Seconded, Mr. Barnes. For the motion - Mr. Smith, Mr. Barnes and Mrs. Henderson. Mr. Lamond voted no as he thought there was an alternate location. Mrs. Carpenter did not vote. Motion carried.

Regarding Step 3 - Mr. Smith moved that Mr. James W. Smith be permitted to erect a carport 26 ft. from First Street on Lots 20, 21, 22, 23, Block C, Wetanoke. The Board has explored possibilities of relocation on all other parts of the lot and sees no other possibility of the relocation due to the fact of the well, septic tank and drainfield and they feel there is no possibility of relocating the carport, therefore this is the minimum variance that could be given in order to give some relief to the applicant; seconded, Mr. Barnes. Mr. Lamond did not agree - he still thought the carport could be relocated. The Board continued to discuss this at length. Mr. Lamond voted against the motion; Mrs.

5-Ctd. Carpenter did not vote. Motion carried.

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The Board took a five minute recess.

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6- NICHOLAS A. PAPPAS, to permit carport closer to side line than allowed by the Ordinance, Lot 83, Sec. 2, Lincolnia Park (6901 Montrose St.) Mason District (RE 0.5)

Mrs. Carpenter moved to put the case at the bottom of the list since no one was present to discuss the case. Seconded, Mr. Lamond. Carried.

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7 - NEW HOLLIN HILLS SWIMMING POOL ASSOCIATION, to permit swimming pool, wading pool and bath house and permit parking closer to property lines than allowed by the Ordinance, Lots 10, 11 and outlot B, Section 16, Hollin Hills, Mt. Vernon District. (R-17)

Mr. McDougal, member of the Board of Directors of the Association, represented the applicant. The Association has been in existence for three years, Mr. McDougal told the Board. Mr. Davenport has agreed to sell them the land for this purpose. They are planning for 180 members. The layout has been prepared (as presented with the case) but they are holding up on further work until the use is granted. While this will be in large part a walk-in center, they cannot comply with parking requirements without a variance allowing them to park closer to the property line than set forth in the Ordinance.

Mr. Smith suggested using the land across the stream which is designated for picnic and playground. A considerable part of that is flood plain, Mr.McDougal answered and additional expense would be incurred in filling--however, that probably could be used. Mr. Smith noted that the Planning Staff stated that 30 or 35 more parking spaces would be required. Even though this is a community pool, and largely walk-in, the Association would have special meets, holiday crowds and occasional events which would require far more parking than shown on the plat. He thought it necessary that those spaces be provided.

It was noted that the parking is approx. 21' from Davenport St. The requirement is 50'. The Board suggested that the parking be revised and that the plat show 60 parking spaces. The opinion was generally expressed that they were crowding too much on too small a piece of land and that they should explore the idea of getting more ground.

7-Ctd.

The Chairman asked for opposition.

Mr. Crockett, representing Mr. and Mrs. Mills, owners of the property immediately to the east of this land and abutting, stated that the project is about 60' from the Mills home. They object to the nuisance and noise so close, the traffic. They believe this would be depreciating to property values in the neighborhood. Mr. Crockett presented an appraisal of their property made by R. L. Kane which stated that if this project is put in, the Mills property, valued at $41,000, would be depreciated by 15%.

Mr. Crockett showed pictures of the Association property, indicating the nearness to the Mills property and other homes in the neighborhood. He likened this to having a swimming pool in one's back yard. He insisted that this is highly undesirable and should be located on a larger tract and not in such close proximity to established homes.

Mr. Brunner, who lives approximately 50' from the property line of this project, objected to the inadequacy of the site and lack of parking which would force them to use the streets. He submitted a letter from other property owners in the immediate area who oppose this.

Four opposing letters were presented, all from people living very near. Mr. Clop, from across the street, Mrs. Lee Salisbury, as member of the Association, and Mrs. Mills, all objected to this use for reasons stated.

Mr. McDougal said they had looked for land in the area and the same problem would probably face them on other sites. They cannot purchase more land here.

The layout as presented shows inadequate parking and unless the applicant can acquire more land, Mr. Smith said, in his opinion, the Board can do nothing but deny the case.

Mr. Lamond so moved. Seconded Dan Smith.

Denied because the property is inadequate in size to provide sufficient parking and because it appears from statements made by people in the area that this project would be depreciating to the property values in the area.

Mr. Smith said he objected to this because of the lack of parking area and because the applicant is crowding too much on too little ground. He did not agree that this use would depreciate property. There is not enough space and having inadequate parking, the Association cannot render a service to the community. It is inevitable that they would be parking in the streets and through the neighborhood.

Motion carried unanimously.

November 15, 1960
NEW CASES

8 - MAX PEARSON, to permit erection of dwelling closer to Street lines than allowed by the Ordinance, Lot 21, Section 2, County Acres, Dranesville District. (R-17).

The applicant had sent no notices to interested property owners.

Mr. Lamond moved to defer the case to November 29. Sec. Dan Smith.

Cd. unan.

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DEFERRED CASES

1 - JOHN B. McDONALD, to permit fence to remain as erected 7 feet and nine inches high, Lot 74, Section 5, Falls Hill, (316 Venice Street), Providence District. (R-12.5).

This case was deferred to view the property. Mr. Smith noted that the fence does not violate the height regulations in all places -- it varies from 5 to 9 inches above the 7 ft. He described the fence as being very appropriate and attractive - nothing that it is double in places. He questioned how the fence could be lowered without destroying the effect or without damage to the fence itself.

Mrs. Henderson suggested that it could all be cut down to the top cross board except in the front. Agreeing that the fence is very well done, Mrs. Henderson said she did not think the Board should be called upon to legitimatize the error on the part of the applicant. He very well could have stayed within the 7 ft. requirement.

Mr. Barnes stated that the fence is an addition to the neighborhood and to cut it in any way would detract -- the violation actually does not harm and the people in the neighborhood are happy with it.

The Board was in agreement that the fence is attractive, an asset to the neighborhood, and was wanted -- and was therefore reluctant to do anything to destroy the effect -- however, it appeared that the Ordinance was not broad enough to allow it to remain as constructed.

The possibility of granting this because of a topographic situation was discussed and discarded.

Mr. Barnes moved that John B. McDonald be permitted to retain his fence as erected - 7 ft. 9 inches high - because to require Mr. McDonald to cut the fence would not improve the looks of the fence or the neighborhood and in his opinion the extra 9 inches on the fence in no way harms the neighborhood nor does it depreciate other property. Most of the surrounding property owners agree that this will not adversely affect them.

1 Ctd. The motion was lost for lack of a second.

The Board continued to discuss this at length - in an attempt to justify a granting motion which would be within the regulations. Mr. Mooreland urged the Board to be practical in this - stating that this Board is set up for the specific purpose of making practical interpretations and judgments and to give relief. In this case the fence is completely inoffensive to anyone -- it is a few inches over the requirements, but what harm is it doing? The strict application of the Ordinance is not always sensible. The Board was in agreement - to a certain extent -- but could see nothing in the ordinance giving them the right to go over the height limit. Mr. Smith said - in his opinion - the ordinance actually would prohibit granting this. He said he could see nothing in the ordinance but the fact that this must conform -- therefore, he moved that the application be denied and that the applicant be given 60 days within which to bring the fence into conformity with the ordinance. Seconded, Mrs. Carpenter. For the motion: Smith, Carpenter, Henderson. Mr. Lamond refrained from voting. Mr. Barnes voted no - motion carried.

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2 - JEROME KLEIN, to permit dwelling to remain 43.10 feet from Palmer Drive, LOt 15, Virginia Estates, Lee District. (RE-1).

This was deferred to view the property. In his report of the viewing, Mr. Smith said the ground is hilly with a deep slope along the rear of the property. The houses are of low value - built of used material - and mounted on stilts in the rear with low blocks in front. They have about three rooms -- no water or sewer.

The Board questioned how Mr. Klein was able to get a building permit in the first place with no septic tank approval.

While the topography did warrant some consideration, Mr. Smith pointed out that the applicant has made an error which could be corrected. The house has no basement and therefore could be moved without too much difficulty.

Mr. Lamond moved that the application be denied, because this is a request to correct a mistake of the builder. Sec. Dan Smith. Cd. unan.

Mr. Lamond added that the applicant would be given 60 days in which to move the house. The Board agreed.

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DEFERRED CASES.
Nov. 15, 1960.

3 - FAIRFAX COUNTY WATER AUTHORITY, to permit erection and operation of a water pumping station on 12,540 sq. ft., on east side of Route 617, approx. 1800 feet south of Cindy Lane, Mason District (RE-0.5)

Mr. Bauknight represented the applicant. Mr. James Corbalis also was present.

Mr. Bauknight said they were in the unfortunate position of having the building already under construction. The Authority bought the Annandale Water Company and pumping station, which now is in the Highway Department's right of way. He noted that there are two stations which are in the highway right of way -- both of which will have to be moved. This site was selected - it is in the right location to serve their purpose -- the tanks will be at the top of the hill. This station will take the place of the two existing pumping stations. It will serve the hospital and will serve to meet the future demands of the Annandale water system.

Mr. Corbalis stated that engineering and economic considerations have dictated the selection of a site adjacent to the principal transmission main of the Alexandria Water Co. and existing Springfield Road station. This was approved by the Planning Commission on October 13th.

Mr. Bauknight showed the site plan with setbacks. The building is 22 x 30. They had to move quickly, Mr. Corbalis stated, as it was necessary to let the contract for street construction as soon as possible.

Mr. Lamond moved that the application be granted as applied for. Seconded, Mrs. Carpenter. Cd. unan.

The Board adjourned for lunch.

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Upon convening, the Board took up the following:

4 - A. P. SCHEMETT, to allow patio to remain as erected closer to side line than allowed by the Ordinance, Lot 32, Block C, Section 1, Parklawn (7517 Arcadia Road), Mason District. (R-12.5).

No one was present. The Board had asked for new plats which had not been presented.

NEW CASES

6 - NICHOLAS A. PAPPAS, to permit carport closer to side line than allowed by the ordinance, Lot 83, Section 2, Lincolnia Park, (6901 Montrose St.), Mason District (RE-0.5)

NEW CASES
November 15, 1960

6 Contd. Mr. Pappas said it was his original intention to put a carport on one side of the house but the builder located the building in the center of the lot, which did not leave the room on one side as he had planned. The lot is sufficiently wide and no variance would be required if the house were put to one side. The concrete driveway is in. There are four steps from the carport level to the entrance door and it is very inconvenient and dangerous without a covering during snow time.

Mr. Pappas called attention to the fact that all the neighbors have signed a statement that they have no objection to this.

Mr. Moreland said this could come under the 25% clause if it fits that requirement. His inspectors would have to check the records for the percentage of carports already built and for the date of recording this section.

Mrs. Henderson read a letter stating that the building inspector had recommended locating this house five feet from the originally planned location. Had they been able to put the house five feet more to the east, the carport could have been built without a variance.

Mrs. Henderson recalled that an amendment is before the Board of Supervisors which would allow this setback without a variance, if 25% of the houses in the entire subdivision have similar setbacks. She suggested that this case wait for the effective date of the new amendment, defer the case until November 29th. However, Mr. Moreland suggested that the Board hear the case and, in the meantime, his office can determine if this comes within the 25% - which will take care of it if the Board does not grant the application.

Mr. Smith said that the statement by the building inspector that the house must be moved five feet to the east in order to avoid the flood plain he thought reason to grant the application - but he also would like to know if this comes within the 25%. The lot is low in the rear and on one side. He suggested deferring the case to view the property

Mr. Smith moved to defer the case until Nov. 29th to view the property and to see if this can be considered under the carport amendment now pending before the Board of Supervisors.

Seconded, Mrs. Carpenter. Cd. unan.

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4 - A. P. SCHEMETT, to allow patio to remain aserected closer to side line than allowed by the Ordinance, Lot 32, Block C, Section 1, Parklawn, (7517 Arcadia Road), Mason District (R-12.5)

No one was present and the revised plats were not presented to the Board. Mr. Smith moved to defer the case until Nov. 29th in order that the applicant may file revised plats and for the applicant to show cause why the case should be continued further. It was also requested that Mrs. Schemett be reminded of the Board's request for new plats. Sec. T. Barnes. Cd. unan.

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Mr. Mooreland asked the Board under which group go-carts should be placed. Where will they race them, or where will children go to use them? Nothing in the Ordinance determines this since this is a new recreation gadget. He suggested groups 7 and 10.

Mr. Smith said in other places they are used in conjunction with Little League, American Legion, PTAs, etc. - they are being sponsored by these various groups.

Mrs. Henderson suggested that some kind of cover-all wording should be put into the Ordinance to take care of new types of recreation. In just a short time two new activities have sprung up - trampolines and go-carts - which are not mentioned in the Ordinance. There could be many more.

The Board discussed this at length.

It was agreed that until such time as Mr. Burrage has time to consider a special amendment to cover these increasing uses, they should be considered under Group 7 or 10.

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Mrs. Henderson read a letter from the Board of Supervisors asking the Board of Zoning Appeals to defer action on cases involving Marinas for 60 days.

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Mrs. Henderson said a Show Cause should be gotten out for Mr. Sorber who is still in violation of the permit granted to him by this Board.

Mr. William Mooreland said a letter should be sent to Mr. Sorber first with copy to Mr. Gibson, his attorney, giving him the date and time of hearing on a Show Cause Order -- why his permit should not be revoked inasmuch as he has not complied with the Resolution of the Board and the terms of his permit.

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November 15, 1960

Mr. Smith asked that applications for Board of Zoning Appeals cases show location of the well, septic tank and septic field on the plats -- in cases where these are involved. Mr. Mooreland asked for a Resolution on this.

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During the hearings the statement is often made, Mr. Mooreland stated, that the Board cannot correct a mistake. If that is entirely true, he went on, it should be that such cases not be taken inthe first place.

Mrs. Carpenter suggested that a blanket ruling could not be made on this, but that each case must be heard on its own merits, and there may be circumstances where the Board is justified in correcting a mistake.

Mr. Smith agreed that the Board is not set up to correct mistakes but there are two kinds of mistakes -- and a mistake can be justified.

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Mr. Smith made the following motion: That all applications coming before the Board of Zoning Appeals, where public water and public facilities for sewage are not available, shall indicate on the plats where these facilities will be located.

The Board asked that this Resolution be transmitted to Mr. Mooreland's office.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

The regular meeting of the Board of Zoning Appeals was held on Tuesday, November 29, 1960 in the Board Room of the Fairfax County at 10:00 a.m. All members were present; Mrs. L. J. Henderson, Jr., Chairman, presided.

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

NEW CASES

1- SIBARCO CORP. to permit erection and operation of a gasoline station and permit pump islands 25 ft. from right of way line of Rt. 123, SW corner of Rt. 123 and Palmer St. Providence District (C-N)

Mr. Don Hall represented the applicant. He located the property pointing out commercial zoning, the church and the filling station on the south side of the church. The dwelling now on the property will be removed. They are asking the 25 ft. setback for the pump island in order that they may be in line with other pump islands in the area and to meet competition. They have no plans for any other business on this property. The ground is 200' x 169' frontage.

Asked about the lighting, Mr. Hall said they would use a new type of lighting which is designed to throw the light on the driveway area and no light would spread to the street. The pumps are covered with a canopy which directs the lights on the pumps. A future pump island will be located between this island and the building. The station building will be their new 1960 model which has more glass and also has a canopy across the front and the bay. They have not planned to put up a colonial type building, but would consider the economics of it if the Board grants the permit with that provision. They do not choose to vary the style of their buildings unless it is necessary.

Mr. Lamond asked about the widening of Rt. 123. Mr. Chilton said he had no information on that but whatever information they can get will be reflected in the site plan.

Mr. Hall pointed out that the building is set back 75 ft. from the right of way. The curb is 32 ft. from the centerline which permits a four lane road; this allows for 15 ft. additional width.

Mrs. Carpenter moved that the application be granted with the provision that if Rt. 123 is widened the applicant himself will move the pump islands back at his own expense and if it is at all possible the Board would like for the applicant to construct a colonial type building; seconded, Mr. Lamond. Carried.

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November 29, 1960

NEW CASES - Ctd.

2- TOWN & COUNTRY MOTEL, to permit extension of present motel, total 11 units, Lots 4, 5 and part Lot 6, Alice Moore Subdv., (SW corner 29-211 and Shirley Gate Rd.) Centreville District (C-G)

Mr. D'Angelo represented the applicant. He showed pictures of the cabins, pointing out that the motel units are separate little buildings. In making the additions he would add rooms between the cabins making a continuous connected building. In some cases he would double the present unit to accommodate a family; in other places he would add an entirely new unit. He asked for a total of 11 units. He now has eight. This will be a great improvement for his guests, Mr. D'Angelo assured the Board, and to the neighborhood. People in the community are very happy to see this change - the motel has been run down and ill cared for. The restaurant will continue to operate.

Mr. Smith questioned the possibility of dividing the double units and renting them separately; however, with one bath to each unit, Mr. D'Angelo said he would have only the 11 rentable units.

Mr. Lamond moved that Town and County Motel be allowed to extend the present motel not to exceed a total of 11 units on Lots 4 and 5 and part of 6, Alice Moore Subdivision, SW corner of Rt. 29-211 and Shirley Gate Rd. Seconded, Mr. Smith. Carried unanimously.

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3- O. W. COLLINS, to allow present building to be used as a gasoline station and permit pump islands 15 ft. from right of way line #1 Hwy. Lot 1, Luther A. Gilliam property, Mt. Vernon District (C-G)

Mr. Vail Pischke represented the applicant. It was noted that the plats were not complete, therefore the Board could not hear the case. Mr. Pischke said he would try to bring in a new set of plats before the hearings were over.

Mrs. Carpenter moved to put the case at the end of the agenda; seconded, Mr. Barnes. Carried unanimously.

Mr. Lamond stated that he is an adjoining property owner but received no notice of this hearing, however, he was well aware of the hearing.

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4- AGNES BROOKE, to permit operation of beauty shop as a home occupation, on W. side of Leigh Mill Rd. approx. 1/4 mile S. Rt. 193, Dranesville District (RE-2)

4-Ctd. Mr. and Mrs. Brooke appeared before the Board. Mrs. Brooke said she planned to have three chairs, two shampoo bowls and three dryers, however, she would be the only operator. The Board questioned the need for three chairs with only one operator; Mrs. Brooke said she might expand in the future. Mr. Brooke said it was necessary to have three separate chairs, one for each step in the shampoo operation because it was not practical to move the heavy chairs from one place to another. They would have one chair for the comb-out; one for shampoo and one for drying. It did not mean three chairs for three operators.

Mr. Lamond read the definition of "home occupation" particularly noting the words "incidental and secondary" and suggested that this is actually a full scale business which the Board does not have the right to grant.

Mrs. Henderson asked why the beauty shop was proposed in the house rather than in a business location and from where do the customers come. She pointed out the advantages a home operator has over those who go into commercial locations and noted that the Board must have some very valid and compelling reason to grant this use.

Mrs. Brooke said the nearest beauty shop to this community is eight miles away; it would be very practical to have a small convenient shop in the neighborhood. She is now studying cosmotology and it has been her plan to start a small shop in her home when the course is completed.

Mr. Lamond recalled a recent discussion before the Planning Commission when concern was expressed that such businesses can very easily expand and get out of bounds. It was the opinion of the Commission that such uses should be allowed only where it appeared very necessary and then with very close restrictions.

Mrs. Brooke said this would be operated in her 8' x 16' basement recreation area. She would employ no help.

Mrs. Henderson said she could see no particular reason for the business to go into the home; there is no disability shown, or special need - it is purely a business venture planned to be opened in a private home; there has apparently been no demand for this in the neighborhood; this is a very rural area and she did not see a reason to grant this beyond the fact that the applicants want a beauty shop and she could see no justification to grant it.

and right for safety. The Highway Department has said that

4-Ctd. Mr. Smith pointed out to Mrs. Brooke that if this is granted no one except Mrs. ~~Smith~~ Brooke herself could participate in the work. She could have no sign, no other operator. Mrs. Brooke said she understood that.

Mr. Lamond moved that the application of Mrs. Agnes Brooke to operate a beauty shop in her home be denied as the applicant has stated that she intends to put in three chairs and under the circumstances this would not be a home occupation; it would appear to be too much of a commercial impact upon the community; seconded, Mrs. Carpenter.

For the motion - Messrs. Lamond, Barnes, Mrs. Henderson and Mrs. Carpenter.

Mr. Smith voted against the motion. Motion carried.

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5- MISTER DONUT SHOP, to permit extension of variance granted Oct. 13, 1959, for building to be located closer to property lines than allowed by Ordinance, S. triangle of U.S.#1 and Old U.S.#1, Mt. Vernon District (C-G)

Mr. Robert Duncan represented the applicant. He said he came before the Board reluctantly and with apologies as this was a matter of neglect on the part of the applicant. The time limit on the variance, granted more than a year ago, has lapsed and he is now asking the same variances and privileges and to operate in the same manner as requested before. The ground is owned by Mr. Donut. The reason for delayed construction was due to the tight money market. Anything that is built here will be an improvement to the community, he went on, even if the property is sold the setbacks and restrictions will remain the same. Mr. Donut says he has the money now and can go ahead. He would like a minimum of six months' extension because of the winter weather.

Mrs. Henderson recalled that this was granted before under the old ordinance, under old regulations which are now obsolete.

Since no building permit was issued under the old granting, Mr. Chilton said the case should now be considered under the new ordinance.

Since the Board did grant the variances, Mr. Duncan urged the members to simply re-affirm their action.

Mrs. Henderson pointed out that the Board stretched a point under the old Ordinance, which was considerably more liberal in these matters. When an action has been taken and merely an extension of that action is asked, Mr. Duncan considered that a man has an acknowledged right to use his land. This man has forfeited that right by his own neglect, Mr. Duncan admitted, but to be told that he cannot use his land because of his own human frailty presents a question - should one be made to pay and pay for all that time?

5-Ctd. Mr. Smith pointed out that this type of business does not take a large parking area; they serve a very limited menu, people come and go in a hurry and much of the business is carry-out. The Mr. Donut in the Town of Fairfax has no more than 19 parking spaces.

The Planning Staff states that adequate parking had not been checked as there is no indication on the plats of the number of seats or stools or the floor area breakdown.

Mr. Duncan said they would meet the Highway Department's requirements. It is possible the building will have to be cut in order to get the required parking space, Mrs. Henderson observed, that, however, she said will be taken care of on the site plan.

Mr. Lamond questioned if Mr. Donut would buy this land if he could not use it. He had looked at this land many times during the past year and it had occurred to him that the Board made a mistake in granting the variances in the beginning.

Mr. Chilton showed a site plan his office had been working on, with 19 parking spaces.

Mr. Lamond thought that probably not sufficient.

Mr. Smith agreed, but again discussed the type of operation. He thought this a good location for this business. He suggested allowing entrance only from U.S.#1. This has all been worked over, Mr. Smith went on, the Board has spent a great deal of time on this property and the business is of a nature that can operate here. The land is not usable for many businesses.

Mr. Lamond suggested that it should have been used for parking for the motel. But the Board, by its own action, has separated this land from the motel land, Mr. Smith answered.

Mr. Victor Ghent, engineer for Mr. Donut, told the Board that even under the first granting of this case the applicant would have to come under the new ordinance to get his permit.

He also discussed at length the requirement for curb and gutter as shown on the site layout. Mr. Ghent termed the requirements excessive, beyond anything else that is required in this area and also beyond what the State actually can require. The State would no doubt like to have curb and gutter the entire length of the property as shown, but Mr. Ghent said he was advised by the Culpeper office that they cannot make that requirement - therefore the Planning Staff has recommended curb and gutter beyond that which can be required by the State. Mr. Donut is willing to put in what the Highway Department requires and what is reasonable and right for safety. The Highway Department has said that

5-Ctd. whatever, Mr. Donut puts in here will have to be torn out when U.S.#1 is widened.

Mr. Smith said he thought the site plan prepared by the Staff was good. He would like to see this permit extended, but in turn he would like to see the suggestions on the plat complied with. He felt that was a fair request of Mr. Donut who has been granted benefits in the use of this land. Under these circumstances he thought he could afford to do more than others in the area are doing. If this plan cannot be complied with, Mr. Smith said he was opposed to any extension.

Mr. Ghent and the Staff continued to discuss the future widening of U.S.#1 and Mr. Donut's variance.

At this point, Mr. Yaremchuk came into the room. He stated that the highway will be widened from the Circumferential at Alexandria to the Shirley to 6 lanes. Curb and gutter is required in the zoning ordinance under site plan provisions. In the interest of good planning and to be consistent this curb and gutter should be installed as shown. The curb and gutter and drainage will not be removed when U.S.#1 is widened, the grade will be of a good base and can be used.

Mr. Smith moved that Mr. Donut Shop be granted an extension on his permit not to exceed six months from the date of the expiration of the original granting of the variance - October 13, 1959, for a building to be located closer to the property line than allowed by the ordinance and the granting of this extension shall be tied to the site layout plan suggested by the Planning Staff and showing parking, curb and gutter and paving. It is further understood that all other requirements of the ordinance shall be met. Seconded, Mr. Barnes.

for the motion - Messrs. Smith, Barnes and Mrs. Henderson.

Mrs. Carpenter voted no, because she was opposed to granting the original variance.

Mr. Lamond voted no - he questioned if Mr. Donut could not build within the year - he probably could not build within the six months. Motion carried.

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The Board recessed for five minutes.

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Upon reconvening the Board continued the agenda.

NEW CASES - Ctd.

6- THOMAS C. BERDA, to permit addition to dwelling closer to carport than allowed by the Ordinance, Lot 11, Section 1, Westlawn (802 Westcott Rd.) Falls Church District (R-10)

Mrs. Berda said they bought this house in 1949 and about a year and a half ago contracted with Luxury Industries for an aluminum carport (enclosed on three sides). The contractor was to get the permit and take care of all details. He evidently did not get a permit as the carport is too close to the side line. When they went to get the permit for the extension on the rear of their house a few months ago they used the original plat which did not show the carport, not realizing they should show all structures on the property. The extension would have been all right if it were not for the carport which has two violations - too close to the side line and too close to the house. Mrs. Berda said there is a steep rise in the back of their lot. If the carport were moved back it would be into the bank.

Mrs. Berda said she didn't realize the plat was incomplete and she was not asked about other structures on the property.

There were no objections from the area.

Mrs. Carpenter said it was obvious something had to go, but she thought the Board should see the property before taking any action. She moved to defer the case to December 13. Seconded, Mr. Lamond. Carried unanimously.

The Chairman said it was not necessary for Mrs. Berda to appear at the next meeting.

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7- TOWN OF VIENNA, to permit erection of water storage tank, rear .8 of an acre off Old Courthouse Rd., Providence District (RE-1)

Mr. Marcus Beckner represented the applicant. Mr. Beckner located the property and showed photographs of the site and surrounding property. The tank is needed to take care of rapid growth in this area. This is a high spot on the edge of the corporate limits. They have two plans for the tank, Mr. Beckner explained, one plan is for a 40 ft. tank with an 80 ft. diameter, which they had thought would be satisfactory, but upon further study it appears impractical because it would involve installation of a complicated water system and they would not get the pressure they need. An 80 ft. tank with 57 ft. diameter would be satisfactory.

It was noted that the setbacks on the property could not be met for an 80 ft. tank; all setbacks should be at least the height of the tank.

7-Ctd. Mr. Beckner said the height of the tank could be varied if necessary. He pointed out that the site is wooded, it would appear to be unobjectionable to the area; it is high and close to the Town.

Capt. Brice, Town Engineer, discussed their plans, saying the Town needs 1 1/2 million gallons storage and they need high ground. This is the only available site that meets these requirements. Their immediate daily needs and storage demands for fire protection require a large tank. This does not take care of expansion but will handle present population and meet safety requirements. In time it will be necessary to add other tanks along the perimeter of the Town. Vienna Woods will be the next storage area. By having these storage tanks it will eliminate the cost of changing their mains.

Mr. Lamond stated that the Commission had, at their last meeting, recommended granting this.

The Chairman asked for opposition.

Mr. Ed Hinshaw represented an opposing group. He presented a petition signed by 14 people who live in the immediate vicinity of the tank site. The petition did not oppose the storage tank but was in opposition to the height of the tank - 80 ft. This structure, the petition contended, would be an eyesore and would detract from the residential use. Up until a very short time ago they were given to understand that this would be a 40 ft. tank but the Town Council has now asked for the 80 ft. tank. They oppose that height.

Mr. Beckner said he had scaled the plat with relation to height of the tank and found they cannot have more than 60 ft.height. This would probably not be sufficient for the pressure they need. While the 80 ft. tank would be more feasible economically, he went on, they can use the 40 ft. height and put in a large pump and other necessary installations, but they would like the height in order to serve the four areas with less outlay for two separate pumping systems. If they have the 80 ft. tank distribution would be by gravity flow.

Mr. Beckner said it is obvious that they would have to get additional land. Under this application they cannot do what they need to do. They will use the 40 ft. tank system or get additional land and re-apply on that. The 60 ft. tank would not be enough to give the pressure needed.

The Chairman read the minutes of the Planning Commission recommending approval of either a 40 or 80 ft. tank and urging the Town to put up a 40 ft. tank as it would appear to make less of an impact on the neighborhood.

NEW CASES - Ctd.

7-Ctd. Mr. Smith moved that the Town of Vienna be granted a permit for erection of a water storage tank on .8 of an acre off Old Courthouse Road and that the recommendation of the Planning Commission as presented to this Board at this hearing be met - the height of the tank shall be no more than 40 ft. It is understood that all other provisions of the Ordinance shall be met, including the fencing of the base of the tank. Seconded, Mr. Lamond. (It is understood that the diameter of the tank may be 80 ft.) Carried unanimously.

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DEFERRED CASES

1- JANES BYRNS, to permit division of property with less frontage than required by the Ordinance, Lot 6A, Forestville Estates, Dranesville District (RE-2)

Mr. Woodson stated that this case had been withdrawn. Mr. Lamond moved that the Board permit this withdrawal. Seconded, Mr. Smith. Carried unanimously.

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2- NICHOLAS A. PAPPAS, to permit carport closer to side line than allowed by the Ordinance, Lot 83, Section 2, Lincolnia Park (6901 Montrose Street) Mason District (RE 0.5)

This case had been deferred to view the property.

Mrs. Henderson recalled that this addition was so located (encroaching by 5 ft.) in order to avoid the flood plain and in accordance with the request of the Building Inspector.

Mr. Lamond moved to grant the application inasmuch as a flood plain exists on the property and it is the opinion of the Board that the applicant should be allowed to locate the carport on the side of the house where it will not be subject to flooding. It is noted that the Building Inspector had asked that the house location be moved over 5 ft. to avoid the flood plain. Seconded, Mr. Barnes. Carried unanimously.

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3- MAX PEARSON, to permit erection of dwelling closer to street lines than allowed by the ordinance, Lot 21, Sec. 2, Country Acres, Dranesville District (R-17)

Mr. Rutherford Day represented the applicant. He said assimilar variance on this property was granted to a former owner, Mr. Tutt on May 7, 1946. Mr. Tutt did not use the permit and it expired. The property was sold to Mr. Kemp who did not build. Mr.Pearson has bought

3-Ctd. the lot and is asking the same variance as granted in 1946.

Mrs. Henderson suggested putting the carport on the rear of the building, using Franklin Park Road as the entrance. She thought it very likely that the applicant was asking for too much house on the lot.

Mr. Day answered that this is a very large lot (22,000 sq. ft.) in a R-17 district but that the applicant is restricted because of the triangular shape of the lot which is bordered by two streets. This is a $30,000 neighborhood, Mr. Day continued, and one cannot put a plain square boxy house on this lot. It would be out of character. They have planned a comparatively small colonial house but the additions make it very attractive. They plan a porch across the front which ties in with the carport. He showed pictures of the type house Mr. Pearson would build.

The Board members suggested turning the house to face Franklin Park Road. Mr. Pearson said he and his architect had turned the house every way possible in an effort to avoid a variance, but it does not work. He pointed out that he is planning only a 24 ft. house but with so much frontage it is difficult. He also noted that there is a gully and stream at the rear. It would not be possible to come in from Franklin Park Road because of the stream which would require a fairly large bridge.

The house sets well back from the intersection of the two streets, Mr. Pearson pointed out, there would be no question as to good sight distance. THe scrub undergrowth along the roads would be taken away and corner visibility would be greatly improved. Mr. Pearson said he was building other houses in the neighborhood to sell. The two adjoining lots are not built upon.

The Chairman asked for opposition.

Mr. David Pepper appeared before the Board, representing property owners in the immediate area. He presented an opposing petition signed by 19 people. The petition objected to a variance from the 50 ft. setback which all lot purchasers in this subdivision have observed, and to the hazardous obstruction at this intersection because of brush on the lot. They contended that a home built here would add to the present hazardous condition. Eight people were present in opposition.

Mr. Day again called attention to the fact that the lot would be cleaned up, brush removed, and the house set well back from the corner. Whatever hazard exists at present, Mr. Day said, would be eliminated. He emphasized the fact that a smaller house would not be in keeping with the neighborhood.

DEFERRED CASES - Ctd.

3-Ctd. Mr. Lamond suggested that the Board defer the case to view the property. He so moved; seconded, Mr. Smith. (Defer to December 13) carried unanimously.

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4- A. P. SCHEMETT, to allow patio to remain as erected, closer to side line than allowed by Ordinance, Lot 32, Block C. Section 1, Parklawn, (7517 Arcadia Rd.) Mason District (R-12.5)

Since the actual setbacks shown on the plat were in question and the case presented uncertainties, Mr. Lamond moved to defer the case to view the property. Defer to December 13. Seconded, Mr. Smith. Carried unanimously.

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O. W. COLLINS - Continued from New Cases at the beginning -

Mr. Vail Pischke represented the applicant, pointing out that this is a difficult piece of property to use because of its shape and the two road boundary. The old house now on the property and which they will use sets 49.9 ft. from U.S.#1. They notified seven people in the immediate area, Mr. Pischke said, and found no opposition.

In order to get a 25 ft. setback for the pump islands, Mrs. Henderson noted, the building would have to be 75 ft. from U.S. #1 right of way, along with curb and gutter and sidewalk. A 15 ft. setback would be out of the question.

Since it is very evident U.S.#1 will be widened along this property - Mr. Lamond said the Board should not allow pump islands 25 ft. from the right of way.

Mr. Chilton said the preliminary site plan has been submitted and the Staff had recommended the improvements similar to those they had noted on the Mr. Donut plat.

Mrs. Henderson explained the difference between the C-G zoning on the Mr. Donut property - wherein the Board granted a variance. That application is for a permitted use and in that case a variance can be granted. This being a C-N zoning a special use permit is required for a filling station and the Board cannot vary the regulations. Mrs. Henderson thought it not possible that this land could be used for this purpose.

Mr. Lamond suggested that if the applicant could set his building 50 ft. from the right of way and move the pump islands out to the middle of the property so they too could meet the 50 ft. setback, the applicant may be able to meet all the setbacks and come under the regulations. The

NEW CASES - Ctd.

building could be located as far as possible to the north, leaving room for the pumps toward the south. As it stands, Mr.Lamond continued, the Board could not grant this. He suggested that the applicant get together with his engineers and work out something that would come within the ordinance.

He moved to deny the case; seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter from Mr. McDonald, whose request for variance to height of a fence the Board had denied, asking that the case be reopened. He felt that he failed to make a good presentation and he believed he could establish hardship caused by unchangeable physical factors on his ground.

The Board discussed the contents of Mr. McDonald's letter at length. Mr. Smith thought the applicant should be given the benefit of any doubt, and if he can produce new evidence, he should be heard again.

Mr. Smith moved that the Board hear Mr. McDonald as requested in his letter. Seconded, Mr. Lamond.

Messrs. Lamond, Smith, Barnes and Mrs. Carpenter voted in favor of the motion. Mrs. Henderson voted no. Motion carried.

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The letter to Mr. Sorber regarding compliance with the motion on his gravel pit was not sent, Mrs. Henderson reported, through misunderstanding as to the author of the letter.

The Board asked that Mr. Sorber be notified by letter to appear before the Board on December 13 and show cause why his permit should not be revoked - because he has not complied with the terms of his permit.

Mr. Smith suggested that the Board reaffirm their resolution of November 15 for the reason that a letter was not sent to Mr. Sorber due to an oversight - therefore Mr. Smith moved re-confirmation of the November 15 resolution and amended the motion to request that Mr. Sorber appear before the Board on December 13. Seconded, Mr. Lamond. Carried unanimously.

The meeting adjourned.

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Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman

December 13, 1960

The regular meeting of the Board of Zoning Appeals was held on Tuesday, December 13, 1960 at 10:00 a.m. in the Board Room of the County Court House. All members were present, except Mr. Smith and Mrs. Carpenter. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

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NEW CASES

1- GEORGE A. BIRDSALL, to permit dwelling to remain 46.6 ft. from front property line, Lot 2, Section 3, Penderwood, Centreville District (RE-1)

Mr. Birdsall presented a full written statement of his case. He described his difficulties in getting his survey and building permit. Because of the swale he was unable to put the house back as far as he would have wished. A man from the drainage office put a stake in the ground which would determine the flood plain area and the setback for the house. This stake was used as one corner of the house. The original stake was moved by the drainage man about 20 ft. to the side and about 12 ft. closer to the road. He thought he still had about 5 ft. leeway on the front setback. In locating the house in conformity with the drainage man's stake, Mr. Birdsall said he became confused and finished by encroaching on one corner. A series of mistakes and misunderstandings followed. Later the house location was made by a surveyor and found to be incorrect.This, however, was after the house was well up. It appeared, Mr. Birdsall continued, that everyone who had some part in this made a small error. He contacted a house mover with the thought of moving the house to make it conform. He was advised against it because the house was not worth it. Therefore Mr. Birdsall had come before the Board.

There is a topographic conditions here, Mr. Birdsall stated, but he also considered that a lack of coordination existing between County offices in checking these setbacks.

Mrs. Henderson recalled the case of Mr. Pappas who was told to move the house location 5 ft. to avoid the flood plain.

There were no objections from the area.

Mr. Lamond moved that the Board agree that Steps 1 and 2 apply and that 3 would apply as the amount of relief that could be afforded Mr. Birdsall is the amount shown on the plat. The lot has a topographic problem wherein the street is much higher than the lot and the lot has a swale running through it which would prevent the building being located farther

500

1-Ctd. back on the lot. It would not seriously affect the neighborhood to have this house located so close to the street.

It was noted that this is a large lot but there is a 15 ft. easement along the front which squeezes the house between that easement and the swale.

Mr. Lamond moved that the application be granted as applied for, as the steps of the variance requirements apply. Seconded, Mr. Barnes. Carried unanimously.

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2- GARFIELD, INC. to permit dwelling to remain as erected closer to side property line than allowed by the Ordinance, Lot 81. Section 2, Springvale Subdivision, Mason District (RE-1)

Mr. Robert Kim represented the applicant. He sent out five notices three of which were signed; the others would not sign the notices. They are aware of the hearing, however, The Board accepted Mr. Kim's notification although he had no visible proof of notification to the two. The owner of Lot 82 adjoining and who did not sign the notice was present. Mr. Kim showed photographs of the property. The plats indicated the drainage easement cutting through approximately the center of the lot which is the outfall from Springfield Plaza. This lot was purchased by Garfield Inc. in order to alleviate the drainage problem coming from Springfield Plaza. It was later donated for the benefit of the Police Boys Club. The house was built by donations and sold for the Boys Club. The house plans first filed showed the carport on the left side. The house was staked with at least 51 ft. from the rights of way and 26 ft. from the side line. It was found when construction began that because of the very large drainage ditch which goes through the property the carport could not be put on the lower side of the house. The construction superintendent without consulting anyone, built the carport on the right of the house. He had assumed that a house was always staked with plenty of room for a carport. The photographs presented showed the open drainage ditch with relation to the house. The house is completed and sold.

While it appeared that there was sufficient room between the ditch and the house for the carport, Mr. Kim said that was all filled in since the house was constructed. The contractor did not plead error in putting the carport on the opposite side of the house - it was a necessity.

Mr. Kelly, owner of the adjoining lot, stated that he had not been particularly concerned over this, but since it is completed, he is of the opinion that the carport gives the house more design, taking away the

NEW CASES

2-Ctd. box-like appearance of most of the houses in this development - it is attractive and he would like to see it remain the way it is.

There was no opposition present.

The Board discussed the condition of this lot before and after construction.

Mr. Kim said it was practically a swamp in the beginning; there was nothing on the easement side of the house but swamp. Now the lot is filled and seeded, the drainage ditch has greatly improved conditions in the area and the house is not in any way detrimental to the neighborhood.

Mr. Barnes stated that the first two steps apply to this due to the fact of the storm drainage easement which is 50 ft. wide topography of the lot and therefore there is no other place on the lot for the carport.

Mr. Lamond added that the storm drainage ditch takes up a large part of the property and therefore greatly restricts the use of the lot.

Mr. Barnes moved that the application be granted; seconded, Mr. Lamond. Carried unanimously.

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DEFERRED CASES

1- ALTON L. DODSON, to allow porch to remain as erected 43' 8" from 2nd St. Lots 28, 29, and 30, Block B, Weyanoke, Falls Church District (RE 0.5)

Mr. Dodson could not get out because of weather; he asked that this be deferred.

Mr. Lamond moved to defer the case until December 27. Seconded, Mr. Barnes. Carried unanimously.

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2- THOMAS C. BERDA, to permit an addition to dwelling closer to carport than allowed by ordinance, Lot 11, Sec. 1, Westlawn, *802 Westcott Rd. Falls Church District (R-10)

The Board had viewed the property. Mrs. Henderson said she had checked and found that there was no building permit on the garage but a permit was issued for the addition to the house. There is also a building permit for interior improvements issued in 1951. This would indicate that this man has been trying to improve his property for a long time.

Mrs. Henderson recalled that Mr. Berda stated that his wife got the permit for the back addition which is too close to the garage. The garage did not show on the plat which Mrs. Berda used when she got the permit, not realizing that it was necessary to show all structures. The Zoning Office did not know of the existence of the garage.

2-Ctd. This is a topographical situation, Mrs. Henderson pointed out, this is an old subdivision with lots much smaller than are now required. Even at this time under present regulations there would still be no other place for the garage.

Mr. Lamond stated that he would move that the Board find that Steps 1, 2 and 3 apply. In support of Steps 1 and 2 the applicant is confronted with physical handicap because of topography, the back of the lot is much higher than the front and the minimum amount the Board could allow the applicant is that applied for, which shows on the plat that the garage is within one foot of the property line.

Mrs. Henderson pointed out that the application is to allow the addition to come closer to the carport than allowed.

Mr. Lamond stated that the Board also finds that the addition to the dwelling is closer to the carport due to the fact that this property has a topographical problem. Seconded, Mr. Barnes. Carried unanimously.

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3- MAX PEARSON, to permit erection of dwelling closer to street lines than allowed by the ordinance, Lot 21, Section 2, Country Acres, Dranesville District (R-17)

Mr. Lamond stated that if ever there was a case that would qualify for a variance, it was the opinion of those who viewed the property, that this would qualify. The lot is irregular in shape - the front is much higher than the back and there is a stream through the property which makes it almost impossible to develop along the lines required by the Ordinance. Therefore Mr. Lamond moved that Steps 1, 2 and 3 apply in this case - and the amount of variance that is requested is the minimum amount of variance this Board can allow. Mr. Barnes added that by the time this lot is leveled it will make better visibility at this corner than now exists. Seconded, Mr. Barnes.

Mrs. Henderson added that because of the applicant's very restricted building area, anything he would put on this property that would conform to the ordinance setbacks would be detrimental to the nice neighborhood, because it would necessarily be small and out of character. Carried unanimously.

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4- A. P. SCHEMETT, to allow patio to remain as erected closer to side line than allowed by Ordinance, Lot 32, Blk. C, Sec. 1, Parklawn (7517 Arcadia) Mason District (R-12.5)

DEFERRED CASES

4- Ctd. The Board members had seen the property and all agreed that this does not appear to be out of keeping with the area and it is attractive. Mr. Lamond thought this was just about the best that could be done with this property.

Considering the 25%, Mr. Mooreland said, the Board would be granting only about a 6 ft. variance. Since these permits were gotten last June the Board is considering a 10 ft. side line instead of 12 ft. before the Pomeroy Ordinance.

Mr. Barnes moved that Steps 1 and 2 apply due to the fact that this house is located on a corner lot, and as all the Board has seen the property and do not think it would be detrimental to the community and when the carport was built they thought the side yard was considerably wider because of incofrect information they had been given - therefore they built the carport larger than they had needed or planned and the variance on the patio is less than 1 ft. Seconded, Mr. Lamond. Carried unanimously.

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Mr. Mooreland spoke about the application of Mrs. Brooke regarding a rehearing of her case denied on November 29.

Mr. Mooreland said he had talked to interested persons in this area but they were snowed in and could not appear here today. Mr. Mooreland asked if this could be put down for a rehearing. At the hearing Mrs. Brooke was greatly upset over listening to other cases and felt that she did not properly present her case due to her emotional condition. He suggested December 27 for the hearing.

While Mrs. Brooke was not present to discuss her reasons for a further hearing Mr. Barnes suggested that she be given the opportunity to speak further.

Mrs. Henderson stated that she had understood that this operation is already going on and that Mrs. Brooke is in school in order that she may be licensed if and when a license is required.

Mr. Lamond moved that this case be put on December 27 agenda. Seconded, Mr. Barnes. Carried unanimously.

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The Board took up the Sorber gravel pit case. (to show cause why permit should not be revoked) Mr.Hansbarger represented the applicant.

Mrs. Henderson stated that Mr. Sorber did fix the fence. However, she

questioned if the fence crossed the driveway as required in the resolution. Mr. Mooreland said there is a gate which is closed most of the time. A family is living in the house and it appears necessary to be able to open the gate part of the time, at least as long as the family is there. When the family leaves, the gate will be kept closed. This road is not being used for trucking.

Mrs. Henderson discussed the fence which was put up to create the 50 ft. buffer strip and to shield the operations from the road and which would serve to prevent any dirt from falling into the road. She said that dirt is piled against the fence to a height of about 20 ft. practically the whole length of the property within the buffer strip, between the fence and the right of way.

Mr. Hansbarger said the motion did not say that the overburden could not be piled between the fence and the right of way. He said the overburden would have to be put back on the land for rehabilitation. They would like a reasonable time in which to do that.

Mrs. Henderson said that in making the motion for this, Mr. Smith - who was not present at this meeting - intended, and she thought it was understood by all, that there was to be nothing within the buffer area except what is on the ground naturally.

However, since this was not in the motion, Mr. Lamond suggested that the only way to determine if the buffer strip was to be kept clear was to read the minutes. If it is not mentioned in the record then it cannot be required.

Mr. Mooreland said there was nothing in the minutes nor any statements made in the meeting with reference to the overburden. There was to be the 50 ft. buffer strip and the only thing said about overburden was that it be properly distributed, but did not say where it was to be piled before distribution.

Mrs. Henderson recalled that there would be no excavating within the 50 ft. buffer strip, and still contended that the area was to have been kept clear.

Mrs. Henderson read the 8 points of the original motion on this: 21 months to run, including rehabilitiation - no extension; 50 ft. buffer including present driveway; entrance through Vaughn property; dust control; park and county agencies to be given first option to purchase after rehabilitation; excavated area to be seeded and all conditions of the ordinance to be met.

After this Mr. Lamond said he thought it should always be stated in the motion that the buffer strip remain undisturbed. This actually is undisturbed land although dirt is piled on it but that will be removed when the operation is completed.

If the Board required the overburden to be moved to another location, it would serve no purpose, the man does not have much longer to go, Mr. Lamond

suggested, and allowing the piling of dirt along the buffer may serve to speed up completion of the operation. He suggested that the dirt be allowed to remain unless it becomes a nuisance, then Mr. Sorber would have to provide another place for it.

Mr. Hansbarger agreed that at any time the Board requests them to move the dirt, they would do so.

Mr. Lamond moved that in the Sorber case, the Board allow Mr. Sorber to have the top soil remain on the buffer strip pending the completion of the operation and distribution of the overburden within 21 months as stated in the case heard before this Board in July 1960 or until such time as the dirt itself becomes a problem - and if this does happen then Mr. Sorber will be required and has agreed to remove it; seconded, Mr. Barnes. For the motion - Mr. Barnes and Mr. Lamond. Mrs. Henderson voted against the motion because she thought that the buffer was to remain undistrubed; Motion carried.

It was added to the motion that in view of this motion the show cause is dismissed by the Board.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr.
Chairman