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The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, December 27, 1960, at 10:00 A. M. in the Board Room of the Fairfax County Courthouse with all members present; Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

NEW CASES

1 - JULIA CLATTERBUCK, to permit operation of a beauty shop in home as a home occupation, Lot 11D, Resub. Lot 11 and part of Lot 12, Old Courthouse Subdivision, Providence District. (RE-1)

The applicant's attorney, Mr. Dixon, was not present. Mr. Lamond moved that the case be set aside pending Mr. Dixon's arrival. (The case was called later in the day and neither Mr. Dixon nor Mrs. Clatterbuck were present. Mr. Lamond moved that the case be deferred to Jan. 24th. Seconded, T. Barnes. Cd. unan.)

2 - MRS. CATHERINE E. KORFANTY, to permit operation of a day nursery, Lots 4,5,6,27,28 and 29, Block 10, Mt. Vernon Hills Subdivision, Mt. Vernon District. (R-17).

Mrs. Korfanty outlined her school plans: This would be a day nursery run particularly for the convenience of working parents, for children from 2 through 6, five days a week, from 7:00 a. m. to 6:00 P. M. The building would not be used for a dwelling, but rather - exclusively for the school. Enrollment would not exceed 30 children. She would have a ratio of one adult for every six or eight children. She also would have a trained nurse. Mrs. Korfanty also told of her past experience and qualifications for this work, having conducted nursery schools in Germany and several other countries in Europe and for the Air Force and under the State Department. She has recently taught in suburban schools in Virginia.

This building, of which Mrs. Korfanty showed a floor plan, is situated on one acre of ground. The driveway enters the property on one side of the house, circling around the back where the children would be unloaded and comes out on to the highway at a different point, giving a separate entrance and exit.

While there is sufficient room for parking, Mrs. Korfanty noted that she would need little more than space for her seven or eight teachers, which area she indicated back of the house.

2 - contd. The Health Department has stated that the house is satisfactory except for one additional sink, which will be added. The Fire Marshal will give full details of what is necessary to make the building conform - possibly no more than the addition of two fire doors.

Both front and rear yards are fenced, however, Mrs. Korfanty said the front yard would not be used -- all outside activities would take place in the rear.

The land immediately adjoining on one side is vacant and the rear yard of the property in question is partly wooded.

The Chairman asked for opposition.

Mrs. Charles Manor, who lives immediately adjoining, spoke for herself and other neighbors. They are not entirely opposed to this particular school, Mrs. Manor stated, but they are earnestly desirous of keeping this a single family area without encroachment of commercial enterprises. They wish to be assured that this school would not be used as a basis for future rezonings.

Mrs. Korfanty said the school would be run 12 months in the year -- it is particularly designed to meet the needs of Government personnel - it would be closed weekends (Sat. and Sun.) and legal Holidays.

Mrs. Carpenter moved that Mrs. Catherine Korfanty be given a use permit to operate a day nursery school on Lots 4,5,6,27,28 and 29, Block 10, Mt. Vernon Hlls Subdivision, and that the permit be limited to a maximum of 30 children. It is understood that all requirements of the Health Department and Fire Marshal will be met. Mr. Smith suggested the following additions to the motion - it is also understood that this permit is granted for school use only and that it shall not be used as telephone-office space or for any other commercial type enterprise. This permit is granted to the applicant only and for a period of three years. (Mrs. Carpenter agreed to the addition) Sec. Lamond Cd. unan.

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3 - CHARLES BROWN, to permit erection of apartments less than 50 feet from side and rear property lines, on east side of Accotink Rd., #617, approximately 200 feet north of #1, Lee District. (C.G.).

Mr. Andrew Clarke represented the applicant. Mr. Clarke recalled the history of this case. Mr. Brown has an apartment building on the adjoining property. He acquired this property adjoining the apartment for the purpose of an extension of the apartment use and applied for

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3-contd. RM-2 zoning. It was discovered that to meet the setbacks under RM-2 the building would necessarily be too small to be usable. He changed the zoning request to C-G which was granted. The Board of Supervisors was advised, however, at the time of that hearing that it would be necessary to apply for this setback variance if the apartment building was to be erected.

The old building on this property will be torn down, Mr. Clarke said, and a modern apartment of cinderblock structure, will be erected. He described the area as sub-standard and pointed out that the plans being carried out by Mr. Brown will be a distinct improvement to the Town of Accotink.

At the time of the rezoning, Mr. Clarke said his client agreed to put a covenant on record assuring the fact that this C-G area will be used for apartments only and not for other C-G uses. Apartments are in demand in this area, Mr. Clarke continued, particularly because of Ft. Belvoir.

Mr. Lamond moved that the application for a variance in setback on apartments to be erected on the east side of Accotink Road, approximately 200' north of U. S. #1, be approved by the Board. It is understood that the applicant will comply with requirements of the site plan.

It is the opinion of the Board, Mr. Lamond countered, that this request complies with steps (1) and (2) as provided for in the Ordinance regarding variances and it is found by the Board that the variance of 15' as applied for is the minimum that can be allowed under the present situation here, as the building abuts a residential zone. Seconded, T. Barnes.

Mr. Smith asked that it be shown in the minutes that the Board of Supervisors rezoned this land to C-G classification for the purpose of apartment use only and that covenants are filed running with the land, which covenants state that this property will be used for apartments only. The motion carried unanimously.

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4 - MRS. AGNES W. FLOYD, to permit division of lot with less frontage than allowed by the Ordinance, Lot 469, Section 5, Lake Barcroft, Mason District (R-17).

Mr. Joe Chambliss represented the applicant. Mr. Chambliss had not received the letter instructing him to notify adjoining property owners of this hearing. He therefore asked that the case be deferred pending that notification. Mr. Lamond moved that the application be deferred to Jan. 10, 1961. Sec. T. Barnes. Cd. unan.

ESSO STANDARD OIL COMPANY, to permit pump islands 25 feet from Road right of way lines, property at the intersection of Telegraph Road and Burgundy Road, Lee District. (C.G.).

Mr. Hansbarger represented the applicant. Mr. Hansbarger pointed out that because of the Circumferential, Burgundy Road has been relocated so that it intersects Telegraph Road at a right angle. This property is at that intersection. Mr. Hansbarger showed pictures of the property. Mr. Schumann read a letter from Mr. Burroughs of the Highway Department stating that a 90' right of way for Telegraph Road is planned at this location. The right of way is now 40'. The additional 50' taking will affect this property, Mr. Burrough's letter states. However, they do not know when the widening will take place.

If they take the entire 50' from the Esso Standard property, Mr. Hansbarger pointed out that by setting the building back more than 75' they could still have the pump island on Burgundy Road and one on Telegraph Road. Until such time as the widening takes place they will have three pump islands. They will remove the one pump island (setting 25' from Telegraph Road) at their own expense. Whatever the Highway Department does here, Mr. Hansbarger continued, this request will not conflict. There were no objections from the area.

Mr. Smith recalled that this case was very like an application made by Sun Oil Company which came before this Board recently in which it was uncertain when the highway widening would take place and the Board had granted that with the understanding that the company would move the pump islands back at their own expense when widening occurred.

Therefore, Mr. Smith moved that the application be granted as applied for, in the case of Esso Standard Oil Company, on property located at the intersection of Telegraph and Burgundy Roads and that the permit be granted to locate the pump islands 25' from road right of way lines. This is granted with the agreement that Esso Standard Oil Company or any subsequent owner will remove the pump islands, at their own expense, at the time of the widening of the road. Seconded, Mrs. Carpenter. Cd. unan.

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6 - MRS. GERTRUDE A. TRENT, to permit operation of a day nursery, Lot 7, Section 2, Beverly Forest, (7705 Gormel Drive), Lee District. (RE-1)

Mrs. Trent had been able to notify only two property owners of this hearing for the reason that all other neighbors are stationed in foreign countries and she could not contact them. The people living in the houses being renters, she did not think their signatures would be satisfactory to the Board.

One of the signatures she did obtain was the president of the Citizens Association and the other lives across the street. The President of the Association had no objection and Mrs. Trent had asked him to present this to the Association, but she did not think they had had a meeting. There are 100 homes in this subdivision, Mrs. Trent continued, about 90% of the owners are service people and they are difficult to contact.

The Board agreed that they could not hear the case unless people in the immediate area were notified, even though they might be out of the country.

Mr. Smith moved to defer the case to January 24, 1961 in order to give the applicant time to notify the property owners of this hearing. Seconded, Mrs. Carpenter. Cd. unanimously.

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7 - HANSON BUCKNER, to permit erection and operation of a service station and permit pump islands 25 feet from Road right of way line, on south side of Columbia Pike, 423 feet east of Lincolnia Road, Mason District (C-D).

Mr. Hansbarger represented the applicant.

Mr. Hansbarger showed the layout of the shopping center of which this filling station is a part. He recalled that this same application was approved in 1958 and the permit was allowed to lapse. The shopping center is now under construction and this is an integral part of the plan.

Mr. Buckner showed a rendering of the filling station which, as he pointed out, did not follow the usual design in that the architecture was individual and attractive with mosaic panelling which presented a tiled effect.

Mr. Chilton presented a preliminary site plan which indicated that the Planning Staff had recommended that part of the service road would ultimately be extended along the entire shopping center. The plan

7 contd. also included one direct entrance to Columbia Pike and a decellleration lane. Mr. Chilton suggested that this might be granted with the one entrance to Columbia Pike as suggested by the Staff (and the Highway Dept.) and that the applicant could come back later on the second entrance, as indicated on his plat. The service road would be paved along the right of way and also the decellleration lane would take care of the traffic leading into the highway. Mr. Chilton pointed out that there is a severe curve in the highway here which should be taken into consideration. He pointed out that they could have many entrances to the shopping center from the service road. But he considered the one entrance to the highway reasonable at this time. The Staff will recommend that, as traffic develops, the service road be built to connect with Old Columbia Pike. The Highway Department also recommends this.

Mr. Lamond thought it reasonable that if this property is developed, the service road should be put in all at one time to keep people from pulling out into Columbia Pike , and that the service road should connect with the service road in Parklawn Subdivision.

Mr. Weissberg said the service road along the back of the shopping center will connect with the service road on Columbia Pike.

Mr. Chilton said the owner of this tract wished to discuss this second entrance to the highway with the Staff - therefore, the Staff would recommend that this be granted subject to the plan presented and that this would then come back to the Board after the second entrance is worked out. The Staff would like for the granting to be tied to the plan as presented showing one entrance only. Mr. Schumann also asked that this be tied to the plan and he assured the Board that if any change is made it would be brought back to the Board of Zoning Appeals. He said they did not wish to rely on the site plan approval without having any or all revisions approved by this Board.

The Chairman asked for opposition.

Mr. Pennell, President of Parklawn Citizens Association, discussed the fact that home owners in this area regretted this commercial zoning. He objected to the filling station because he contended there is no need for one in this area. He considered a filling station detrimental to the area and not in harmony with over-all development. He contended it would adversely affect the residential character of the surrounding property if a filling station is located there.

7 contd. He presented an opposing petition signed by nine families in Lakewood. Mr. Pennell said he had discussed this with people from Englandboro, Shirley Heights, Lincolnia Heights and Barcroft Terrace, all of whom thought this would be detrimental and considered a filling station a "low step on the ladder" of commercial uses and that it could act as an entering wedge for other un-wanted uses.

Mr. Ritter from Parklawn also objected -- agreeing with Mr. Pennell. He emphasized the danger at the curve in Columbia Pike and the hazard this would cause to traffic. He objected to the piece-meal planning of this shopping center and devaluation of property values this would cause.

Mr. Chilton explained that a use permit for this use is required, and Mr. Weissberg said the entire shopping center is planned and construction is going ahead.

Mr. Hansbarger stated in rebuttal that commercial zoning is here and while it may in some few instances affect residential property adversely, they are making a great effort to develop this well and with the least possible impact upon residential property. There is a 300' buffer between the commercial development and the residences. As to the need for a filling station in this area, that is answered by the fact that Esso Standard has made a survey of the area and wants to put the station at this location.

Mr. Smith moved that a permit to erect and operate a filling station be granted to Hanson Buckner and that a permit to allow the pump islands 25' from the right of way line of the service road shall be granted and that the use permit for the filling station shall be granted to be in conformity with the preliminary site plan submitted for this use and on which plan it is indicated that a service road will be constructed in front of this property with one direct entrance to Columbia Pike. It it understood that other recommendations which may come out of discussions between the applicant and the staff regarding this Plan will be met. Mrs. Henderson added that this should be constructed to conform to the picture shown the Board this day.

Mr. Smith added to his motion that the station be built as close as possible to conform with the drawing of the filling station presented at this meeting. Mr. Smith added also that this is granted for a filling station only - including only normal filling station operations.

Seconded Lamond. Cd. unan.

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1, contd. At this point the opposition in the Clatterbuck case asked that they be notified the time of hearing on January 24, 1961.

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8 - Bar-J Riding Academy - No one was present to support the case. Mr. Lamond moved a deferral until January 24, 1961. Seconded, T Barnes. Cd. Unan.

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9 - SUN OIL COMPANY, to permit erection and operation of a service station and permit pump islands 25 feet from Old Dominion Drive, and allow building 36 feet from rear property line and 11 feet from side property line, south side of Old Dominion Drive, 400 feet east of Kirby Road, Dranesville District. (C.N.)

Mr. Martin Morris represented the applicant. Mr. Morris recalled that this property was before the Board in June of 1958 and Atlantic Refining Company was granted a permit, with the building in a slightly different location. That permit was not used. In this instance the building will be 36' from the rear line, 11' from the side and 75' from Old Dominion Drive.

Mr. Morris recalled that the Board was concerned during the last hearing over the plans for the small triangle immediately north of this property which is now undergoing plans for a 7-11 store. These two pieces of property (in different ownerships) were zoned commercial by the Board of Supervisors for the reason that it appeared to them that small businesses could be operated here without detriment to the surrounding development and this land (because of the topography) is best suited to commercial uses.

This would be the typical Sunoco building -- the ground would afford sufficient parking and maneuvering space. Mr. Morris suggested that this be granted subject to the requirement that the topography of this land and the adjoining property be developed as outlined by the Planning Commission staff. This would result in an orderly development for the whole area. He asked that the Board take the same action as in June of 1958.

Mrs. Henderson asked why the building could not be moved on the property so as to avoid necessity for a variance. Mr. Morris said they wished

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9 - contd. to protect the property owner on the south and would require more of a variance at the rear of the building.

Mrs. Henderson suggested that this might be a case of crowding too much on too little ground.

Mr. Schumann stated to the Board that if this is approved it should be made subject to a grading plan which would include this property and the property immediately adjoining -- this in order that the site distance could be developed to the maximum. The applicant is in accord with this, Mr. Schumann continued, and it is very necessary that the land be graded down to reduce the visibility hazard. The 7-11 site will have to be graded in order to get access. The owners of these two pieces of property will have to get together and draw up a plan which will show how both these sites can be handled. This will necessarily be done and approved by Public Works in order that either applicant can get a building permit.

Mr. Morris said Sun Oil Company would also be willing to put in screening to protect Mr. Miller's home -- Mr. Miller has property on two sides of this site.

Mr. Andrew Clarke spoke in behalf of Mr. Miller saying he did not oppose this request but he pointed out that Mr. Miller has a 12' easement along the back of the 7-11 property which precludes them from expanding. He also called attention to the drainage problem which exists here and which he said must be rectified. He stated that if this is granted, it should be suggested that Sun Oil get together with Mr. Miller regarding the type of screening which would minimize the view of this property. While there are trees on the property now which Mr. Miller would like to leave undisturbed, Mr. Clarke stated, he realizes that they would necessarily be cleared off in the grading process. Mr. Miller would be satisfied if trees 25' or 30' high are replanted.

The Chairman asked for opposition.

Mr. Clyde Laughland, who lives across Old Dominion Drive on Briarwood Drive appeared before the Board representing himself and other people on his street who objected to this filling station saying the neighborhood was already supplied with this service and objecting to a possible sewerage problem which would affect his pond. He called attention also to the traffic hazard caused by the curve in the road and objected to the noise and nuisance a filling station would create.

9 ctd. Mr. Morris assured Mr.Loughland that if a sewerage problem exists that would be taken care of in the proper handling of this property. While he understood the objection to a filling station per se he also pointed out that this land is uniquely suited to this use. He also agreed that they would replant at the rear where trees are taken out in the grading process.

Location of the drain field as located by the county was discussed; also the increase in the amount of the variance on this small piece of property.

Mr. Lamond recalled that the same problems are present in this case as one the Board recently handled at Groveton - and which was denied. He therefore moved to deny the application because there is insuffieient land area to provide the necessary setbacks and the variances requested are more than the Board feels it can allow. Seconded, Mrs. Carpenter.

Mr. Smith agreed that this is similar to the Goverton case but he also thought the Board should give consideration to the fact that this property and the 7-11 land are in two different ownerships and if the ground is ever developed, variances will have to be granted and the two parcels will have to be graded under the same plan.

Mr. Lamond pointed out that some other business could go in here which did not require the 75' setback.

Filling stations and 7-11 stores naturally go together in a neighborhood, Mr. Smith observed, and the fact that a variance was granted in 1958 on this warrants consideration of this, especially since it is tied with the grading plan. In doing this, he continued, the County is getting grading plans and a solution of a site distance problem. Without both of these, nothing can go on the property. For the motion to deny: Lamond, Carpenter, Barnes, Henderson. Voting no, Mr. Smith. Cd.

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10 - SUN OIL COMPANY, to permit erection of pump islands 40 ft. from right of way line of Route 7, property located on northerly side of Route 7, just east of Route 123, at Tyson's Corner, Dranesville District (C.G.)

Mr. Paul Brittingham represented the applicant. Mr. Brittingham said they are asking a 40' setback for the pump islands because they have obtained a permit from the Highway Dept. saying it will not be necessary to move the islands back if the road is widened.

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10, contd. There were no objections from the area.

Mr. Dan Smith moved that the application of Sun Oil Co. to erect pump islands 40' from right of way of Rt. 7 on property located at the northerly side of Rt.7, east of Rt.123, be granted. It is noted that this use permit is for the location of the pump islands only and in the event the Highway is widened to interfere with the pump islands that such pump islands will be moved back at the expense of the owner. Sec. T. Barnes. Cd. unan.

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11 - GEORGE D. CLARK, to permit erection of an addition to dwelling to be used as a bath 10' 6" from side property line, Lots 39, 40, 41 and 42, Block F, Weyanoke, (408 Cherokee Ave.) Mason District. (RE-0.5)

Since the plats were not in conformity with regulations, Mr. Lamond suggested that the case be deferred for plats drawn by a certified surveyor, showing house location on the property.

Mr. Mooreland said Mr. Clark was in trouble with the Health Department who is requiring him to hook onto the sewer immediately and he considered this one of the cases where it is difficult for the applicant to furnish certified plats. He recalled that the Board had agreed to relax this requirement in certain cases.

Mr. Clark said the sewer line is now all the way up to his property and he must hook on.

The Board discussed the location of the addition at length -- bringing the bath around to the front and attach it to the bedroom which would require less sewer line and which would require no variance. It was noted that his house is already in a non-conforming location. Mr. Clark did not like the bath on the front of his house.

Mr. Clark said he had sent his letters of notification to the Zoning Office - but the office was unable to locate them. He had his registered receipt. The Board accepted this as evidence of a legitimate notification.

The Board agreed to waive the certified plat requirement, in view of Mr. Clark's difficulties over the sewer.

Mr. Lamond moved to defer the case to view the property and the Board agreed to talk with the Health Department in an attempt to help Mr. Clark. Deferred to January 10, 1961. Seconded T. Barnes. Cd. unan.

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12 - ROBERT B. SPRINKEL, to permit erection of buildings for commercial recreation (Frontier Town), on north side of Routes 29-211 adjacent to Hunter's Lodge, Centreville District (RE-1).

Mr. Sprinkel and Mr. Jeeters appeared before the Board. Mr. Sprinkel outlined his plan to change and expand the present use of this property. He showed pictures and a drawing of what he proposes which is patterned after a similar project now in operation at Ocean City, Maryland. He termed this a Frontier Town which will be called Old Virginia City. It will be an educational as well as recreational project. He will have from 25 to 30 buildings all of which will be replicas of old buildings built to scale and equipped in exact reproductions. The entire project will be, in so far as it is possible, a true copy of a frontier town. It will have a Wells Fargo building, blacksmith shop, jail, church, school, stables, saloon, small train, pony rides and shooting gallery.

The Winchester people will set up the shooting gallery. Mr. Sprinkel said the whole thing will be done in a first class manner, it will be true to type and realistic, but will be free of any roudyism. He also compared it to "Knott's Berry Farm" in southern California which has been a great attraction in that area. They hope to open in May of 1961. All buildings will be 100' or more from any property lines. They plan an entrance from Routes 29-211 and exit on Route 608. At Mrs. Henderson's suggestion, Mr. Sprinkel agreed that they would move the parking back from the front line and the parking would be kept 50' from all property lines.

Mr. Sprinkel said they could eliminate the miniature golf course which was granted last year by the Board.

They will be open seven days a week from May through October. They plan to have no equipment for winter operation.

Mr. Smith said he lives within sight of the project which Mr. Sprinkel has been operating and he had been there with his family and found it very well conducted. He noted also that Mr. Sprinkel's ponies had been used at different schools very satisfactorily.

Mr. Smith moved that the application of Robert B. Sprinkel for a permit to erect buildings for Frontier Town on the north side of Routes 29-211 adjacent to Hunter's Lodge be granted, conforming to the plats presented with his case - the buildings as outlined by Mr. Sprinkel. This is a project for the educational advancement and recreation of the children

12 contd. in this area and for the people in the County. It is noted that this type of development has become very popular in other areas in the country.

The Preliminary Site Plan has been submitted and this permit will be issued upon approval of the site plan. Parking will be included in the site plan. The proposed miniature golf course will be eliminated from the plan.

It is noted that the Planning Commission has given unanimous approval that this be granted. Seconded Lamond. Cd. unan.

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13 - ERIC H. WYANT, to permit erection and operation of a dog kennel, on easterly side of Old Dominion Drive, #738 just north of Difficult Run, Dranesville District (RE-2).

Mr. Wyant told the Board that he proposes to operate a boarding kennel as a community service - particularly for people going on vacations to leave their dogs. It is an isolated spot of approximately 2 acres -- a greater part of the ground, which is along Difficult Run, is either flood plain or very steep and rugged. Because of the difficulty in getting into his driveway, Mr. Wyant said he would like a variance on the location of the runs which would be 75' from the adjoining property line instead of 100' as shown on his plat. The runs would be concrete slabs fenced on the sides and top.

The Board discussed whether or not the runs would be considered a structure. Mr. Smith pointed out that they are part of the confinement area.

It was noted that while this qualifies for a variance, it was not so advertised. Mr. Lamond suggested that the permit could be granted as advertised with the understanding that the applicant would reapply for the variance if he finds it necessary to have it.

Mr. Wyant said he plans accommodations for 50 dogs. The building will be a 75' split level.

Mr. Yerkes, the nearest neighbor, whose home is approx. 300' from the Kennel, has no objection. The Planning Commission made a favorable recommendation.

Mr. Lamond moved that the application of Eric H. Wyant for permit to erect and operate a dog kennel be granted as applied for - without the variance being included at this time. Seconded, Mrs. Carpenter. Cd. unan.

It was agreed that if Mr. Wyant wants variance, he must reapply.

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14 - FRANCES F. BATCHELDER, to permit operation of a day school (Happy Day School), Lots 12 and 13, 1st Addition to Leewood, Mason District (RE-1)

Mr. Haynie Trotter represented the applicant. Mr. Trotter handed each member of the Board a brochure outlining complete details of the school - two sessions (a.m. and p.m.) of three hours each, children ranging in age from 2 to 5 (mornings) and 3 yrs.9 months to 5 years (afternoons). Those who do not have transportation will be picked up, each session will provide for approx. 40 children. Complying with State requirements, Mrs. Batchelder could have approximately 1 teacher to each ten children.

Mr. Trotter located the Leewood Nursing Home showing it to be about half way between this site and Backlick Road on Braddock Road, indicating that special permits are not new to this area.

Mr. Trotter showed pictures of the house and yard stating that the fence now in the front yard will be taken down and a play area in the rear will be enclosed with another kind of fence.

It was brought out that Mrs. Batchelder is now operating a school, on a basis similar to the one she proposes, in Springfield Estates. The files contained approx. 24 letters of commendation on the work she has been doing and the desire of these parents who wish to have the school continued on an expanded basis. A letter from Mrs. York, President of the North Springfield Swimming Club, stated that a survey of the membership of the Club revealed that there is no objection to the opening of this school and a majority stated that such a school would be an asset to the surrounding communities.

When questioned how she was operating a school without a permit, Mrs. Batchelder said she was told by someone in the Zoning Office that the kind of operation she was carrying on did not require a permit. She has no more than 15 children at one time and none for longer than three hours. Some come for one or two hours, others longer. Most of them come only two or three times a week. Mrs. Batchelder said she also contacted the State and was advised she needed no license. If she were operating illegally, no one had told her. The school has been successful and the people want it. Therefore, she planned to expand. She has a teacher's degree in education and has taught four years in public schools. Mrs. Batchelder described this as an ideal spot for the school. The

14 contd. grounds are spacious and the building is attractive. She could remodel the basement for school use, and will comply with all fire and health regulations. The Sanitary engineer has stated that it will be necessary to connect to public sewer and water. That will be done.

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The Board discussed at length the plan to have only one teacher to 10 children. That would probably vary, Mrs. Batchelder stated, with the different age groups and with the changing of activities and the variation in abilities of the children. She would serve as an extra teacher in addition to the ten to one ratio. This is a ratio suggested by the State, Mrs. Batchelder continued, and she had found it very satisfactory in this experimental type of teaching. The children vary in hours and in days of attendance, especially the little ones. If she had a ratio of 8 children to the teacher, Mrs. Batchelder said it would hardly be practical to carry on the school - her charges are so low - ($1.50 for three hours) which is a real boon to mothers. Mrs. Batchelder pointed out that public schools have as many as 40 children to the teacher. Since the children are there for such short periods, Mrs. Batchelder said they do not serve lunch nor do the children take naps. There will be no parking problem as the children will be picked up in two Volkswagons. There is a long circular driveway by the house which could take care of any cars. The building could be used exclusively for the school. Mrs. Batchelder said she would not live there.

The Chairman asked for opposition.

Mrs. K. G. Einum, Rt. 2, Box 724, Annandale, spoke in opposition, pointing out that this is a heavily traveled road, the school buses stop here and already this has caused a traffic hazard. Mrs. Einum spoke at length against the Leewood Nursing Home which she claimed has not complied with requirements placed on it by this Board and until that is done, she asked the Board not to grant another special permit in this area. She described the dust, trash, noise, and the hazards caused by the mentally disturbed patients from the nursing home who wander about the neighborhood and on the streets. She considered such a situation not a satisfactory atmosphere for children.

This house is now only about 35' from the road - the widening will bring it closer and there are no allowances for sidewalks. This will be hazardous, especially for children taking the school bus. Mrs. Einum pointed out that there is already in operation a pre-school on

14 contd. Backlick Road and she thought there was no need for this school in this location. North Springfield residents who apparently want the school are a long way off.

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She also spoke of this use depreciating property - the traffic and confusion from morning until night. These uses, Mrs. Einum said, are completely destroying the normal residential character of this area. (She again discussed non-compliance of the nursing home.)

Mrs. William Bockman, who lives across from this building on Braddock Road, objected especially to the spot zoning, the additional traffic on a narrow curved road, and the accident rate in this area.

Five persons were present in opposition all of whom live very near the property and none of whom were notified of this hearing.

Mr. Trotter said he had notified the record owner of the properties adjoining and near and not necessarily the person living in the house. The suggestion that this was a spot zoning which would depreciate property values, Mr. Trotter said, was not so, as this is not a rezoning - it is only a special use granted in a residential area - a use which is permitted under the Ordinance. He could not see how the use of two additional Volkswagons on the highway could seriously affect the traffic. They will leave the property in the p.m. Mrs. Batchelder will improve both the house and grounds, she will have a separate entrance and exit. The widening of Braddock Road will have no effect upon this use. Most of the children will come from North Springfield but the school could not be in North Springfield as the lots are too small. With regard to the need, Mr. Trotter said the letters from patrons of Mrs. Batchelder's present school show that there is a need and the school is wanted. The children will be well controlled and well cared for, the play yard will be fenced, it is an ideal spot for this kind of use.

One of those present in opposition added that they do not object to the children being here nor do they object to the house, but they do object to the devaluation of their property. Two schools and the nursing home cannot help but have an adverse effect. Property in a residential area near institutional uses invariably goes down in value.

Mrs. Henderson reported that the Planning Commission had recommended that this be granted with the additional statement by Mr. Giangreco that he would not favor this unless the traffic pattern is insured.

14 contd. Mr. Smith wondered if the Planning Commission had had the benefit of a full hearing of this case as presented before the Board. He considered that this Board is interested with the safety of the children - therefore he moved that the application be denied for the reasons that the school buses traveling this road place this school in a hazardous position. The bridge on Braddock Road is only 1-1/2 lanes; the general character and intensity of development of the neighborhood is such that it would not be in keeping with safety standards that should be set up for this type of operation. Two things are involved here, Mr. Smith continued, safety, as far as development is concerned, and the intensity of development in the area, as has been brought out in previous hearings,— hazardous access and intensity of development in the neighborhood. The school would not be in keeping with the general character and intensity of development of the neighborhood as outlined in Section 12.2.1 of the Ordinance. Seconded Mrs. Carpenter. Cd. unan.

The Board suggested that Mrs. Batchelder take steps to legalize her present school.

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15 - WALTER A. HONEYCUTT, to permit erection of a building 47 feet from Cedar Drive and no setback from side lot line, 801 Leesburg Pike, Mason District (C.G.).

Mr. Honeycutt told the Board that he needs an addition on the rear of his existing building and in order to have space that will be practical for his needs, it would require the two variances requested. The addition proposed is 115' x 70'. The front building to which the addition is attached is on the property line (that property is adjoined by C-G zoning) - he wishes to tie the addition in with the existing building.

Mr. Schumann said that at the last Planning Commission meeting the Commission was shown a plan for development at Baileys Crossroads including the by-pass. They will propose that the business plan be modified to include the Payne property (which adjoins Honeycutt). If this plan is approved by the Board of Supervisors, it would mean that the Payne property will be proposed for commercial zoning. Since it adjoins Mr. Honeycutt, there would be no need for a side line variance as all this property within this area would, in time, become commercial and there would be no requirement for side setbacks.

Mr. Honeycutt said they need this space and need it badly. They applied for the zoning last year then found they were in trouble on the setbacks.

15 contd. December 27, 1960

018

It would be impractical to put this building back from the line adjoining Payne - because in a short time Payne could put a commercial building up to the line. This would create an unusable corridor leading to nothing. Mrs. Henderson recalled that this is a situation similar to that of Mr. Van Gulick near Merrifield.

Mr. Schumann said the Planning Commission considered this a fair request since nothing could be gained by observing this setback and in the long run it could create an unnecessary and unreasonable situation. He suggested that this be allowed with the requirement that the applicant meet parking regulations in the Ordinance.

Mr. Lamond moved that the application of Walter A. Honeycutt be approved subject to Mr. Schumann's working out parking requirements on this property. Seconded Dan Smith. Cd. unan.

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DEFERRED CASES

1 - ALTON L. DODSON, to allow porch to remain aserected 43' 8" from 2nd St. Lots 28, 29 and 30, Block B, Weyanoke, Falls Church District (RE-0.5)

Mr. Creadon represented the applicant. Mr. Creadon said he did not know until a short time ago that the Board required a certified plat. However, he contacted an engineer who agreed to make the survey, but the engineer did not get the work done. It is difficult to get certified plats in this case, Mr. Creadon said -- the applicant has very little and it is expensive.

Since the porch is already built and the applicant would not be inconvenienced by a delay. Mrs. Carpenter moved that the case be deferred to Feb. 14, 1961. Seconded Mr. Lamond. Cd. unan.

Mr. Mooreland suggested that if the applicant does not come in with the plats at the February hearing, the Board advise him that the case will be denied. He thought the delay on this was unnecessary. The Board took no action on this suggestion.

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2 - AGNES V. BROOKE, to permit operation of a beauty shop as a home occupation on west side of Leigh Mill Road, approx. 1/4 mile south of Route 193, Dranesville District. (RE-2).

Mrs. Brooke and Mrs. Cooper, her neighbor, were present. Mrs. Brooke said she felt that her case was badly presented and not fully understood at the last hearing and she wished to make a definite statement that this

December 27, 1960

1 contd would be purely a home occupation, a one chair operation with only herself as the operator.

Mr. Mooreland said he had received several calls on this and many people in the neighborhood have said they want this community service very much. Mr. Mooreland asked the Board if they would reopen the case and consider the need and the impact upon the neighborhood - both of which had not been discussed at the former hearing.

All the people in the area want the shop - it would fill a great need and no one feels that a small shop of this kind would have an adverse impact upon the neighborhood. Mrs. Brooke would have no other help.

Mrs. Henderson said her main objection to home beauty shops is that the operators have a great advantage over those who rent a shop in a business area and take on the over-head expenses of a business.

It was noted, however, that this is a very rural area and there is no competition with a shop in a business section.

Mrs. Cooper, owner of property on two sides of Mrs. Brooke, said she had no objection to that - it is a convenience to the neighborhood as it saved women from going all the way to McLean (11 miles away) -- sometimes difficult for mothers with young children.

Mr. Smith said he had had the impression from the other hearing that Mrs. Brooke was thinking of expansion of her operations and he objected to that.

Mrs. Cooper agreed that expansion beyond the one chair, one person shop would be very objectionable to her. But as a home occupation, she saw no more objection to this than to sewing or tutoring - Mrs. Brooke would do this only part time.

The Board discussed "creeping conveniences" which slip in and grow into full fledged businesses. They also discussed hobbies which are carried on in homes and very often articles are produced and sold. The differences between handcraft, hobbies, tutoring, designing and sewing and a beauty shop were discussed, the Board agreeing that a beauty shop required a permit because of the verging commercial aspect of the work - that it was one step away from a true home occupation.

Mr. Mooreland said this had been put in the Ordinance as a home occupation because it was generally so recognized by more than 50% of the jurisdictions in the country that have zoning laws. A single chair beauty shop such as Mrs. Brooke intends to run was considered by Mr. Pomeroy to be a normal home occupation. He also included a barber shop in this.

December 27, 1960

Deferred cases

2 contd. In view of the evidence presented here today, Mrs. Carpenter moved that the Board rescind their action in the Agnes V. Brooke case taken Nov. 29 1960. Seconded T. Barnes. Cd. unan.

Mrs. Henderson summed up the new evidence; that the neighbors want this shop and it is not felt by those in the community that this would have an adverse effect - facts which were not presented at the last hearing -- this the Board considered important considerations.

Mr. Smith said also that the impression was given at the last hearing that Mrs. Brooke intended to expand her shop - a fact which prejudiced the Board against approval.

In view of the new evidence presented and the clearing up of certain facts concerning the number of operators and the type of operation that Mrs. Brooke intends to perform here, Mr. Smith moved that Agnes V. Brooke be granted a permit to operate a beauty shop as a home occupation on the west side of Leigh Mill Road approx. 1/4 mile from Rt.193. It is understood that this permit is granted to Mrs. Brooke only and that she will be the sole operator. Seconded - T. Barnes. Cd. unan.

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The Board discussed briefly Mr. Koenig's certified plats.

The meeting adjourned.

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

The regular meeting of the Board of Zoning Appeals was held on Tuesday, January 10, 1961 at 10:00 a.m. in the Board Room of the County Court House. All members were present, Mrs. L. J. Henderson, Jr., Chairman, presided.

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

The Chairman called for election of officers. Mr. Lamond nominated Mrs. Henderson for Chairman; seconded, Mrs. Carpenter. Mr. Lamond moved that nominations be closed; seconded, Mrs. Carpenter. Carried unanimously. Mrs. Henderson thanked the Board for their confidence and commended the members for their cooperation and understanding in handling the work of the Board.

Vice Chairman: Mrs. Carpenter nominated Mr. Lamond. Seconded, Mr. Smith. Mr. Barnes moved that nominations be closed; seconded, Mrs. Carpenter. Carried unanimously. Mr. Lamond thanked the Board for his election and expressed his appreciation of the confidence of the Board members. Mr. Lamond nominated Mrs. Lawson for Clerk to the Board; seconded, Mr. Barnes. Carried unanimously. Mrs. Henderson expressed appreciation of Mrs. Lawson's work with the Board. Mrs. Lawson thanked the Board.

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NEW CASES

1- CLIFFORD V. CRANDALL & PATRICIA ANN CRANDALL, to permit erection of carport 34.2 ft. from Erie St. and 10 ft. from side property line, Lot 59, Sec. 1, Cedar Crest, Falls Church District (R-12.5)

Mr. Ed Gasson represented the applicant. He said they would waive the 34.2 ft. setback from the street right of way but asked the Board to favorably consider the side line variance as requested.

Mr. Gasson told the Board that this request has come about directly because of the Pomeroy Ordinance. A building permit was issued on this dwelling in July 1959. If the carport had been added at that time it would have been allowed by right. The purchasers did not ask for the carport at that time but planned to put it on later. The house was located on the lot so the carport could be put on and they anticipated no difficulty in making the addition. By the time those people felt able to construct the carport the Ordinance had been changed and it was necessary to come to the Board for a variance. This does not come within the 25% clause as most of the houses with carports in this section conform to the Ordinance. One house across the street has a carport 10 ft. from the side line. Mr. Gasson said he considered this to come

1-Ctd.

under the hardship clause and also that it was an unusual circumstance which does not generally apply to land or buildings. The building permit was issued and the house started before the new ordinance. Most of the houses in this area have carports. This will not adversely affect the neighborhood nor will it impinge upon the intent of the ordinance.

022

Mr. Bonkie, builder of the homes, said the Crandalls signed the contract on this house before it was completed and were told by his organization that they could add the carport at a later time.

Mrs. Henderson noted that there are many in the county in this same position - she did not think it an unusual situation and there was nothing topographic about this which would create an unusual circumstance.

Mr. Bonkie said about six houses out of the 26 permits in this area have carports. Their plans on these houses did not include carports as part of the basic structure. But the engineers plotted all the houses so carports could be built within the ordinance at the option of the purchaser. Therefore they told people they could put their own carports on later.

Mr. Bonkie said about 25 houses out of 50 would not be able to have carports now because of the change in the ordinance. These houses were sold from June 1959 to 1960. Those purchasing after September 1959 have been told they cannot have the carport.

Since there are so many in this subdivision with this same situation it is no longer a hardship, Mr. Smith observed, nor is it peculiar to this or to any one lot - it has become a usual thing.

Mr. Bonkie said 75% of the purchasers ask if they can add carports. Most of them want the carport and wish to add it later themselves. In this case these people were told they could have the carport and they purchased with that in mind. They planned to wait until they were financially able to make the addition. When that time arrived they found it too late.

Mrs. Crandall told the Board that her house is a ranch type with a door on the side which would lead to a carport - it had been built that way purposely for the addition. The other houses would not lend themselves to addition of a carport as they are split level and the carport does not conveniently fit the house.

Since no overlot grading plan was filed showing the carport as part of

1-Ctd. the house, Mr. Mooreland said this could not be granted on that basis. It was stated that there are only three ranch houses without carports showing that granting this would not cause an influx of carport requests. Mr. Bonkie said they have 116 completed houses in Section 2 and 3 of the subdivision, all rambler type and all of those have carports within the ordinance. Only the few ranch houses do not have the carports. If carports were allowed on these houses they would be in conformity with the balance of the development.

Mrs. Carpenter moved that the application be denied as no evidence has been presented showing hardship as set up in the Ordinance. Seconded, Mr. Smith. The hardship presented here is not peculiar to this particular lot in this subdivision, Mr. Smith pointed out - on the contrary it seems to be a common thing throughout the subdivision. Motion carried unanimously.

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2- ROBERT J. BAUMANN & WILLIAM J. BARNES, to permit operation of a trampoline jumping center, part Parcel 4, E. Garfield tract, Springfield, N. side of Simmsco St., Mason District (C-G)

The Board discussed the group under which this use had been filed - Group Seven or Group Ten. Mr. Mooreland said he had understood that the Board had previously decided upon group Ten. Since there was still a question final determination was reserved until the case was heard.

Mr. Baumann discussed the case with the Board - he showed pictures of operating trampolines. Having received a degree in physical education Mr. Baumann said he considered this a very fine exercise - a good wholesome sport. He did not term it an amusement. It is used in many physical education programs, he continued, and has proved beneficial. Trampolines started in 1956 - there are now 6,000. Four million people use them.

The operation is simple. It is ground level. The entire ground (surrounding the trampoline) will be covered with gravel. They plan to give instructions and will have an achievement program. This will not include team competition but rather individual competition with other centers.

Mr. Baumann said he discussed this with Mr. Lynch who sees no objection to it. It will furnish a good outlet for recreation for children and adults in the Springfield area where recreation is badly needed. This is a service similar to a bowling alley or skating rink and can serve much the same purpose. This would be used mostly by young people between the ages of 6 - 18. The accident rate has been very low. Someone would be in attendance at all hours.

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

It was noted that if more parking area is needed the applicant would have to provide that. This would be worked out in the site plan.

Mr. Chilton said that Simsco Street is not yet dedicated - all this land is still in one ownership. Since this is a lease the dedication is not necessary at this time but Simsco Street will necessarily be dedicated in the future and that will be considered in the site plan.

After hearing the applicant Mr. Smith said he considered this an interesting venture. He moved that Robert J. Baumann and William J. Barnes be issued a permit to operate a trampoline jumping center, on Parcel 4, East Garfield Tract, Springfield, and that this special use permit be issued under Group 10, classified as a game of skill and that all requirements of the ordinance shall be met in the operation of the center itself. Seconded, Mr. Barnes. Carried unanimously.

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3- WILLIAM W. KOONTZ, to permit extension of use granted 11/10/59, to permit erection and operation of hospital (nursing home) Lot A, A.J. Dean, Falls Church District (RE 0.5)

Mr. Koontz said this was exactly the same case granted by this Board over a year ago, the only difference being that he has financing now.

Mr. Chilton said the ordinance contains nothing to indicate how much parking this project would need. He asked the Board to determine that.

Mrs. Carpenter suggested that that could be worked out in the site plan as it appeared that if more spaces are needed the applicant has sufficient ground to expand the parking.

There were no objections from anyone in the area.

Mr. Lamond moved that the permit on this case be extended for a period of time that would be one year from November 10, 1960 and which would run to November 10, 1961 - with the understanding that there will be no further extensions. Seconded, Mrs. Carpenter. Carried unanimously.

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4- ARLINGTON MOOSE LODGE #1315, to permit erection and operation of a moose lodge and permit building closer to property lines than allowed by the Ordinance, at the end of Scoville St. (Sunset Manor) Mason District (R-12.5)

Mr. Andrew Clarke represented the applicants. This is 5 acres of a 10 acre tract, Mr. Clarke said. Part of the ground back of the building

4-Ctd. has been sold and the applicant wishes to bring the building within 30 ft. of an imaginary line between these properties.

Mr. Leathers discussed the plans, saying the building will be 100 ft. x 110 ft. They will have a playground for the children, and a ball diamond. They have a lodge building now in Arlington but have sold that to get more space. They were in Falls Church for about 18 years - they outgrew their quarters there also.

This would be a club for members and their families. They hope to have a swimming pool later on. This building would be used for their regular meetings and recreation on Saturday night for members. They do not lease the building for outside things. One day a year they donate use of the building for the citizens association annual meeting. While they have a large membership, very few come to the meetings - 20 or 30. They would serve food and have an ABC license - off and on. They would be open until 1:00 a.m. daily and Sunday until 11:00 p.m.

They ask this variance because of the topography of the ground.

Mr. Leathers said there are children playing all over the streets in this area. He suggested that this would be a good playground for them.

Mrs. Carpenter asked if they were asking a variance on the parking.

Mr. Clarke said they would probably eliminate all the front parking.

The Chairman asked for opposition.

Mr. C. R. Snowden, president of Sunset Manor Citizens Association, stated that they oppose any further change from strictly residential uses in this area.

Mr. Snowden said this would not be a place for children in the area to play; it would be restricted to Moose members. He objected to the things that go on in these places. This is, in effect, a bottle club, he said. They are open late - they are noisy. Cars come and go at all hours. These things are not an asset to the neighborhood. This subdivision now has commercial development on two sides which they are very unhappy about - this is an Arlington Lodge. He suggested that they find a new home in their own locality. They own 10 acres here. What do they plan to do with the other 5 acres?

Mr. R. J. Bratton objected to this use on a dead end street.

Col. Shanley said many service people live in this area - the nature of their work makes it necessary for them to continually buy and sell homes. It would be difficult to sell their property with this club near. He also said the children in the area have a very good place to play, in his large back yard.

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NEW CASES

4-Ctd.

Mrs. R. H. Gear objected to parking so near her property. She asked where the by-pass would go in this area and what it would do to their street.

Mr. Schumann said the site plan would work out the details on this. This property would be involved in the by-pass, Mr. Schumann said.

Mrs. Henderson questioned acting upon this case without knowing what effect the road may have upon the location of the building.

Mr. Leathers objected to the opposition calling this a "bottle club" - they do not sell liquor. He told of the rise in value of other property they have owned and assured those present that this would not depreciate their property. They have had no complaints in their present location. They have 700 members but only about 100 active members. They are not only from Arlington but from the entire area. They are respectable people from all walks of life.

Mrs. Henderson objected to the fact that the only access to the club building would be through the subdivision.

Mr. Clarke pointed out that this is a good transitional use between a colored development and Sunset Manor.

Mr. Clarke recalled that Mrs. Wilkins particularly has tried to get a by-pass through here for years but in discussing this with the Commission he had found that there are two different plans. It is not yet known which plan will be used nor when the road will be put through. The lodge can change their parking location if necessary to conform to the Ordinance. The other five acres will be left residential. There is a drainage problem on this property, Mr. Clarke continued, which will be taken care of by these people. They would be willing to screen if the Board wished.

Mr. Leathers discussed the purpose of the Moose - telling of their good work in educating sons of Moose widows; their home known as Mooseheart where 16,000 children have been cared for. He emphasized the high standards and good grades and the success in life achieved by children they have helped.

Col. Shanley said they have no objection to the Moose and recognize their good work. But they objected to their location within a residential area.

Mrs. Carpenter moved that this application be denied as it appears that it would create too much of an impact upon a residential area and therefore would be detrimental to the character of the area. This is

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4-Ctd. denied under Section 12.2.1. Seconded, Mr. Lamond.

For the motion - Mrs. Carpenter, Mrs. Henderson and Mr. Lamond.

Against the motion - Messrs. Smith and Barnes. Motion carried.

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5- ST. JOHN'S CATHOLIC CHURCH, to permit addition to parochial school, N. side #689, 600 ft. E. of Brookhaven Dr., Dranesville District (RE-1)

Mr. Hybush, Attorney, represented the applicant. Mr. Koenig, architect, was also present.

Mr. Barnes noted that the file did not contain certified plats and suggested that in accordance with established policy of the Board the case not be heard without such plats. Setbacks of neither the existing buildings nor proposed addition were shown.

Mr. Hybush said they had been advised by Mr. Claiborne Leigh that they need not furnish certified plats until the use is approved. He did note, however, that the architect had a plat upon which he had indicated the setbacks which he thought sufficient for the Board to use in its consideration.

Mr. Keigh may have suggested that certified plats were not necessary, Mrs. Henderson stated, but no such waiver had been requested nor granted. The matter of accepting or rejecting plats must come before the Board of Zoning Appeals.

Only one plat was in the file, Mr. Mooreland said - the other two had apparently been misplaced. None of the plats presented were certified as to setbacks.

Because of the emergency of the request, Mr. Hybush asked the Board to hear the case. He presented one plat upon which setbacks had been indicated by Mr. Koenig. The certified plat is not in question at this hearing, Mr. Hybush contended - it is only the use. He urged the Board to rule on the use.

Mrs. Henderson said it would be up to the Board if they would accept plats which have not been certified to by an engineer. As it stands, Mrs. Henderson pointed out, the Board has no means of tying the granting to a plat that is certified to be accurate. She recalled that in the original request for this school certified plats were filed with the case.

Mr. Hybush contended that this has no bearing on the former case which involved a new school. This is only an addition. Mr. Hybush again insisted that Mr. Leigh had said he obtained permission for them to submit the architect's plan only.

NEW CASES

5-Ctd. Mr. Mooreland informed the applicants that Mr. Leigh had never obtained a waiver on the plats and he (Mr. Mooreland) had specifically told Mr. Koenig what was required by the Board in order to hear this case and had warned Mr. Koenig that if he did not have certified plats he could very well be in trouble.

Mr. Hybush again said that Mr. Koenig could sketch in the setbacks on the other plat which he insisted would take the place of the certified plat. The applicant was advised well in advance of this hearing, Mr. Smith stated, what was required as to plats and was told the case may not be heard on the basis of lack of certified plats. He thought the Board should have the case complete and fully prepared before going ahead.

Both Mrs. Henderson and Mr. Barnes agreed, Mr. Barnes noting that certified plats are required of other applicants - he could see no reason to make an exception of this especially when such requirement was made very plain to the applicant.

Mr. Koenig said Mr. Leigh had requested this waiver from Mr. Schumann. He also said that he had obtained a copy of the motion passed by the Board relative to certified plats and the motion did not say "by a certified engineer or surveyor". Mr. Koenig said he was a licensed architect and could certify to the plats. He also noted that the motion was qualified by a statement that in some cases the Board would waive requirement of the certified plats. Here is a case where dimensions have no bearing, he contended, the Board is dealing with the use only. The hardship involved in getting a registered surveyor is the fee which could be from $400 - $500 These buildings have been on the ground for a long time, he continued. They were approved when the permit was issued. Whatever the dimensions of the buildings or the setbacks is not pertinent to this case. All setbacks are far in excess of requirements of the Ordinance, Mr. Koenig said, however, he offered to certify to the dimensions if required to do so.

Mrs. Henderson noted that the plats presented were made from the original certified plat. All the Board is requiring, Mrs. Henderson pointed out, is the certification of the distances from the lines. She was unable to see where that would cost $400 - $500.

Mr. Hybush suggested getting photostatic copies of the one plat that showed the distances.

Discussion followed - should photostats be made or should Mr. Koenig certify to these plats?

January 10, 1961

NEW CASES

5-Ctd. Mr. Smith moved that the case be set aside until later in the day, giving time for Mr. Koenig to get photostats.

Mrs. Henderson recalled that all applicants coming before this Board are required to have certified plats. These people had ample time. They were notified of the requirement yet they appeared before the Board with unsatisfactory plats.

Because of the money involved, Mr. Koenig said.

Mr. Smith withdrew his motion.

Mrs. Henderson recalled that both St. Anthony's and St. Bernadette had filed certified plats with their applications as well as others who had asked for additions.

Mr. Smith asked - why make an exception of this case? Others have had certified plats. The Board has had many cases of private schools of all kinds who have submitted certified plats. Mr. Koenig was told of this requirement and if this is such an urgent matter, why has he not produced the plats the same as others? There are individual cases where the applicant has a very small variance and has very little money where the Board can relax this requirement - but Mr. Smith said he saw no evidence of financial hardship here.

Mrs. Carpenter said she would be willing to go ahead with the case with these plats and have certified plats presented later if the case is granted.

Mrs. Henderson pointed out that this was not a case of the applicant coming up as an emergency at the last minute and asking this waiver - this case has long been under consideration and in her opinion this appeared to be deliberate pressure brought to put the Board on the spot.

Mr. Hybush said that Mr. Leigh had stated within his hearing that the plat requirement had been waived. They had counted on Mr. Leigh's statement.

Even if the architect's plat is certified, Mrs. Henderson said, that is not the kind of plat the Board requires.

Mrs. Carpenter moved that the Board recess for Mr. Koenig to certify to the architect's plats and the Board then hear the case with the understanding that certified plats will be filed. There was no second. Motion lost.

In view of the fact that the applicant has not furnished certified plats and considering the fact that all other applicants in similar cases do present certified plats as required by the Board, Mr. Barnes moved that this case not be heard until the Board is furnished with certified plats. Seconded, Mr. Smith. For the motion - Mr. Barnes, Mr. Smith and Mrs. Henderson. Mrs. Carpenter voted no. Motion carried.

NEW CASES

5-Ctd. Mrs. Henderson said the Board would meet at any time when the plats are prepared, if the applicant so desires. Deferred to January 24, 1961.

A gentleman from the audience urged the Board to go ahead with the hearing in view of the large group pf people present in favor of the grantingoof this use. He spoke of the urgency of getting the school started and the unnecessary delay caused by this action.

Mrs. Henderson said this case was closed, but she answered the spokesman by saying that any loss of time in this rests with Mr. Koenig for not having certified plats. She noted that in a letter to her from Mr. Leigh, this date, Mr. Leigh had said nothing about a waiver.

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6- SCOPE, INC., to permit operation of scientific research and development laborabory, Lots 4 and 5, Lucy C. French, (rear 2650 Lee Highway), Providence District (C-G)

Mr. Schaub represented the applicant. This research and development work would be carried on in the existing building, Mr. Schaub told the Board. Their work is largely government contracts. This would be light assembly or putting together of electronic devices. Most of the work is classified matter for different government departments. They have 80 employees, 60 of whom would occupy this building. They now have three different places of operation in the County - this would bring them all under one roof.

Asked if any of their work is dangerous, Mr. Schaub said it was not. They use no explosives and there would be no dust, fumes, noise nor smoke.

The Planning Commission recommended approval of the use.

Mrs. Carpenter moved that Scope, Inc. be permitted to operate a scientific research and development laboratory on Lots 4 and 5, Lucy C. French property, as it does not appear that this would be detrimental to the character of adjoining property.

Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

1- MRS. AGNES W. FLOYD, to permit division of lot with less frontage than allowed by the Ordinance, Lot 469, Sec. 5, Lake Barcroft, Mason District (R-17)

Mr. Joe Chambliss represented the applicant. He said he was asking a 3 ft. variance on the frontage at the building setback line on these two lots. The footage required would be 230 ft. These lots have a total of 227 ft.

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DEFERRED CASES

1-ctd. The Board discussed the manner in which the lot should be cut - all the variance on one lot - the other lot conforming as suggested by the Planning Staff or split the variance between the two lots. Mr. Mooreland cautioned that enough frontage be allowed on both lots for setbacks, noting that these are two corner lots. He suggested that the division be equal 1 1/2 ft. variance on each lot. 031

In view of the foregoing discussion, Mr. Smith moved that Mrs. Floyd be permitted the subdivision of lots with less frontage than allowed by the Ordinance, Lot 469, Sec. 5, Lake Barcroft subdivision, these lots to be divided into Lots 469A and 469B, divided equal in width, 113.5 ft. frontage at the building setback line. Seconded, Mr. Barnes. Carried unanimously.

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2- GEORGE D. CLARK, to permit erection of an addition to dwelling to be used as a bath 10' 6" from side property line, Lots 39, 40, 41 and 42, Blk. F Weyanoke, (408 Cherokee Ave.) Mason District (RE 0.5)

This case had been deferred to view the property. Mrs. Carpenter moved to deny the variance requested because it appears upon investigation of the property that there is an alternate location for this addition which would not be in violation; seconded, Mr. Barnes. Carried unanimously.

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Mr. Mooreland asked the Board to clarify their ruling of 1952 that his office require certified plats. He asked that the words "certified surveyor's plats"be added.

In view of the question concerning the certified plats, Mr. Smith said he would like to clarify the motion to reflect more clearly the intent of the Board. The words "certified plats" mean "certified surveyor's or civil engineer's plats" - who have been certified by the State of Virginia. This will include the name and certificate number of the person certifying the plat.

The Board was in unanimous agreement that this is a clarification of the intent of the original motion on this.

The Board agreed also that this clarification should appear at the end of the motion passed by the Board last month on the requirement of plats.

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Mr. Mooreland asked the Board if they wished to include trampolines under Group VII where they could go in a residential district. The Board agreed to leave them in Group X.

If some civic organization should ask for trampolines and if they are operated in conjunction with a civic group the Board could at that time consider Group VII, Mr. Smith suggested.

Mr. Smith moved that the John McDonald case be put on the agenda for the next meeting, January 24. Seconded, Mrs. Carpenter. (RE-hearing) Motion carried.

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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 Tuesday, January 24, 1961 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present, Mrs. L. J. Henderson, Jr., Chairman presided.

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

Mr. Lytton Gibson asked to come before the Board. He recalled that six months ago the Board approved the location of a fire station on Shreve Road subject to approval of the Fire Commission. The Fire Commission did not approve the location and gave no valid reason for their refusal. The applicants have filed suit contesting the Fire Commission's decision because they have set forth no standards by which such a location may be judged. The Commonwealth's Attorney has agreed that the law is unconstitutional, therefore the regulations are being amended. Under the amended regulations the Board of Zoning Appeals may approve a fire station location after a report from the Fire Commission. Mr. Gibson asked the Board to rescind their action of July 26 and approve the fire station after a report from the Fire Commission. That report would be available before March 14.

Mr. Gibson said he was certain they could go into court and get the permit but they do not wish to do that because the Commonwealth's Attorney has put in the amendment which would take care of this.

Mr. Lamond asked if this should be re-advertised when it comes back to the Board. Mr. Gibson was not sure but said he would check with the Commonwealth's Attorney.

Mr. Lamond moved that the Board rescind its action of July 26 regarding the location of the fire station on Shreve Road (Rt. 703) 119 ft. N. of Peach Street and refer the case to the Fire Commission for report - hearing to be scheduled for March 14, 1961. It is understood that this will be re-advertised for this new hearing. Seconded, Mr. Smith. Motion carried unanimously.

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NEW CASES

1- PEGGY ANN BAKER, to permit operation of a convalescent home, on westerly side of #674 approx. 400 ft. N. of Washington Old Dominion Railroad, Centreville District (RE-2)

Mrs. Lois Miller represented the applicant, stating that Mrs. Baker has managed this home for the past five years. The home was licensed in the name of her husband, George L. Baker. The Bakers are now being

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1-ctd. divorced and Mrs. Baker will take over the entire ownership and management of the home. Although Mrs. Baker has been full time manager of the home this action is brought merely to transfer the license title since her name did not appear in the original application.

Mr. Mooreland said it was well understood at the time of the original hearing on this that the home would be operated by Mr. and Mrs. Baker but since the application was in the name of Mr. Baker only and the permit was granted "to the applicant only" he considered it a technicality necessary to clear up.

Mrs. Baker said she had always been the sole owner of the property.

Mr. Chilton said in his analysis of this case he had not known that it was merely an extension of an approved permit. In view of this the site plan requirements indicated in his report did not apply.

There were no objections from the area.

Mr. Lamond moved that this Board transfer the name on this use permit to the name of Peggy Ann Baker and that no attention be paid to the site plan requirements suggested by the Planning Staff because this is a home that has been in operation for a period of five years and such requirements do not apply. This permit shall be granted to Mrs. Baker only. Seconded Mr. Barnes. Carried unanimously.

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2- GLEN R. NOFFSINGER, to permit extension of an animal hospital with an apartment for attendant, part Lot 5, Hugo Maters Subdivision (6350 Franconia Rd.) Lee District (C-G)

Dr. Noffsinger told the Board that he is in a generally commercial area. A restaurant is on one side of him - property on the other side is vacant. Across the road are businesses. The apartment will make upstairs quarters for the full time attendant. The building will appear from the front to be a two story structure with the apartment over the existing building. The addition will be on the rear, extending the runs as well as the building.

The Staff recommended an 11 ft. driveway instead of 8 ft. as shown on the plat.

Dr. Noffsinger said the restaurant is 3 ft. from the property line which would in fact give an 11 ft. driveway. He now has 60 animals - the addition will enable him to have 100. He has been operating for three years. All animals will be kept inside. The runs will be enclosed the same as they are at present and open on top.

NEW CASES

2-Ctd. There were no objections. It was noted that site plan approval will be required.

Mr. Smith moved that Dr. Glen Noffinger be granted a permit to extend his animal hospital on part of Lot 5, Hugo Maters Subdivision, 6350 Franconia Road, as no evidence has been shown that this would be detrimental to the surrounding area and there are no objections to the extension. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

1- MRS. FLOYD A. WOODWARD, to permit operation of beauty salon as a home occupation, Lot 79, Sec. 3, Sunset Manor (5702 Seminary Road) Mason District (R-12.5)

Mrs. Woodward pointed out to the Board that this is practically a commercial area. She is across from the ~~A&P~~ AIRPORT and a filling station and on a high speed highway. She has been advised by the president of the Citizens Association that there are no objections. When this case came up some time ago and was refused the neighborhood objected. Mrs. Woodward said she was new to the area at that time, the people were not sure what she intended to do and they were afraid of expansion and encroaching businesses. They know her now and realize that this would be a very small one-person shop and they want the convenience of a beauty shop near. Mrs. Woodward said she would be the only operator; she would employ no help, would have no sign. There are two beauty shops within about a half mile -- one at Bailey's Crossroads and the other at Culmore.

Mrs. Woodward said she has the first house in the residential area. Back of her the property is zoned for apartments.

Mr. Lamond moved that the Board recess and bring in the minutes of the last hearing when this case was refused; seconded, Mr. Smith. Carried unanimously.

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During the interim the Chairman read a letter from Mrs. Clatterbuck's attorney withdrawing her case.

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The minutes of the previous Woodward case were read, indicating a great amount of objection.

It was brought out that many shops of this kind are now operating in the immediate area - a beauty shop, barber shop, T.V. shop and others.

DEFERRED CASES

1- In fact one of the former objectors now has her own shop. Since there are no objections and the former objection to this shop seems to have been withdrawn, Mr. Lamond moved to grant Mrs. Floyd A. Woodward a permit to operate a beauty shop in the basement of her home at 5702 Seminary Road with the understanding that there will be no identification to indicate that this is a beauty shop. It is understood that this will be operated as a home occupation. The permit is granted to Mrs. Woodward only. Seconded, Mr. Smith. Carried unanimously.

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2- SIBARCO CORP. to permit erection of gasoline station and permit pump islands 25 ft. from right of way lines, part Lot 17, Hybla Valley Farms Subdivision, Mt. Vernon District (C-N)

Mr. William Hansbarger represented the applicant.

The Chairman recalled that the public hearing had been held on this case and it was deferred until a rezoning action by the Board of Supervisors on its own motion could be heard. The rezoning (from C-N to residential) was refused.

Mr. Hansbarger said the plan has been revised and the building will now be located 75 ft. from Accotink Road. The 75 ft. setback is not required from Schelhorn Road.

Mr. Chilton said the site plan on this will be reviewed by the Commission and if the property is divided as indicated on the application approval of a resubdivision plat will also be required. Public Works can also make recommendations on the drainage but Mr. Chilton noted that Public Works approval is not required to approve the plan.

Mr. Smith observed that this might be the beginning of accomplishing something on the drainage problem in this area rather than aggravating it. This is a pressing problem, he continued, and it must be solved.

Mr. Smith moved that Sibarco be granted a permit for erection of a gasoline filling station with the right to locate the pump island 25 ft. from the right of way lines of Accotink Road and Schelhorn Road with the provision that the station building shall be located back 75 ft. from Accotink Road and 50 ft. from Schelhorn Road. Seconded, Mr. Barnes. All voted for the motion except Mrs. Henderson who voted no for the reason that in her opinion this operation in this location does not conform to Section 12.3.1 and 12.3.4 in the ordinance. Motion carried.

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3- JULIA CLATTERBUCK, to permit operation of beauty shop in home as home

3- Ctd. occupation, Lot 11D, Resub. Lot 11 and part Lot 12, Old Courthouse Subdivision, Providence District (RE-1)

Mrs. Henderson read the letter from Mrs. Clatterbuck's attorney withdrawing this case. Several were present in opposition. One objector stated that Mrs. Clatterbuck has been operating a beauty shop for several months. This is on a dead end street and there is no place for parking, she continued, also she thought this is a case for the Health Department as there is no sewer and the water is piped out into the street. This, Mr. Smith stated, is a case for the Health Department.

By motion of Mr. Barnes, seconded by Mrs. Carpenter, the Board unanimously agreed that the case be withdrawn as requested in the letter.

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4- MRS. GERTRUDE A. TRENT, to permit operation of day nursery, Lot 7 Sec. 2, Beverly Forest (7705 Gormel Dr.) Lee District (RE-1)

This case had been deferred for satisfactory proof of notification to neighboring property owners - which Mrs. Trent provided.

Mrs. Trent described her plans - the school would run from 9:00 or 10:00 a.m. until 4:00 or 5:00 p.m. - lunch and nap periods, children from 3 to 5 years of age. She anticipates no parking problem as most of the children will be from the immediate area - a subdivision of 120 homes. If it becomes necessary she will provide transportation but at least at present parents will bring their children. She will have no more than 10 children. Mrs. Trent said she is asking for this school in order that she might work and stay at home. Her youngest child is four. She has lived here since 1958. She will employ no help in the school. She will use the living and dining area of her home for this purpose along with two other rooms. The children will be separated into groups according to age and sex.

The Fire Marshal has approved this use of the house - she would buy another fire extinguisher. The basement will not be used for school. That area would be used for her own family. If she needs more parking space it can be provided on the rear of her lot behind the house.

There were no objections.

Mr. Lamond moved that a permit be granted to Mrs. Gertrude Trent to operate a day nursery on Lot 7, Sec. 2, Beverly Forest (7705 Gormel Drive) and it is understood that if a need for more parking arises because of operation of the school, it shall be provided at the rear of the building. The Board finds that this will not be detrimental to the neighborhood.

4-Ctd. It is also understood that the school will be limited to 10 children. This permit is granted to Mrs. Trent only. Seconded, Mr. Lamond. Carried unanimously.

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5- BAR J RIDING ACADEMY, to permit operation of riding academy, on NE side of Cedar Lane, Rt. 698 and Rt. 699, Providence District (RE-1)

Mr. V. M. Johnson represented the applicant. This operation would take place on a 99 acre tract, Mr. Johnson told the Board. His son will live on the property and take care of the operation. Mr. Johnson said he got a permit for this last fall. A stable had been operated here before that by Mr. Little but no record could be found of Mr. Little's permit. His permit last fall was temporary. The former owner operated under "Merrifield Stable" and Mr. Johnson said he had some kind of permit - but he didn't know what it was. His son came to the courthouse to check the permit and to get some kind of permit but he did not know to which office he went nor what he got. This permit would be in the name of the Bar J Riding Academy, but, Mr. Johnson stated, his son will run the business.

They have 42 stalls and about 40 horses, with a few boarders.

There were no objections.

Mr. Smith moved that Bar J Riding Academy be granted a permit to operate a riding academy on the northeast side of Cedar Lane, (Rt. 698 and 699) for a period of not more than 3 years. Granted to the applicant only. Seconded, Mr. Barnes. Carried unanimously.

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6- ST. JOHN'S CATHOLIC CHURCH, to permit addition to parochial school, N. side #689, 600 ft. E. of Brookhaven Dr., Dranesville District (RE-1)

Mr. Hybusch represented the applicant.

Mr. Claiborne Leigh came before the Board explaining his part in the discussion of the certified plats as brought out in the previous hearing of this case. He stated that these people wish to expand their existing facilities. They came to him for help. His interest in the case was to give advice only. He was asked if it was necessary for them to furnish certified plats. He answered that he did not know but called Mr. Schumann who said that it was not a requirement of the Ordinance but that the BZA had adopted a policy by Resolution making this requirement. He then asked Mr. Schumann if that requirement could be waived because it was costly and under the circumstances would serve no useful purpose.

6- Ctd. Mr. Schumann did not tell him it would be waived. Mr. Leigh then passed this information on to the applicant. He said it was a misunderstanding that he had been quoted as saying the requirement for the plats had been waived - it was his understanding that the requirement "could be waived" by the Board only. He apologized to the Board for his part in this and asked that they give full consideration to the granting of this case.

Mr. Hybusch noted that the recently purchased three acres shown at the rear of this property was part of the school area to be used for recreational purposes. It was noted that no additional parking would be needed as ample space was available in connection with the church. The entire church parking area would be available to the school for buses etc.

This addition would provide 10 additional classrooms and one multi-purpose room. The driveway has been widened to the recreational area in the rear.

In making this increase in area, Mr. Hybusch said they had left an additional line of trees against the Zimmerman property adjoining. They have 1,022 children in 19 classrooms.

Dr. B. J. Voss who lives on Lineway Terrace spoke in opposition. Dr. Voss said he bought his property here 12 years ago before the school was established. He had seen a serious traffic problem develop at the multiple intersection where three roads come together near the entrance to the school, causing congestion on Lineway Terrace. He also stated that children going to the school cross his property because the road is hazardous. They are very destructive of his property. His trees and shrubbery have been distrubed; he objected to the noise and trash. Dr. Voss' property (The Highlands) has a 600 ft. property line contiguous to the school. He asked that if this is granted it be contingent upon the school erecting a "child-proof" fence along their common property line and the construction along the existing right of way of a path between the School and Brook Haven.

Mr. Hybusch said he could not conceive of what a "child-proof" fence would be. He thought this was a matter of discipline. While these problems may exist, Mr. Hybusch said their petition is signed by 1100 people who want this addition and he did not think the objection sufficient to deny the case. He had no idea of the cost of such a fence and he did not know how much of a problem this really is, but he asked the

DEFERRED CASES

6-ctd. Board not to put the school to the additional expense of a fence.

If the problem exists and if this has been a nuisance to Dr. Voss, Mrs. Henderson said she thought it should be corrected.

Mr. Hybusch said this addition was requested merely to take care of their present enrollment and provide better classroom adjustment - it was not to enlarge the school.

Mrs. Henderson read a letter dated January 10, 1961 to the Board from Mr. Claiborne Leigh, indicating the shortage of facilities and the attending problems. He urged the Board to give this favorable consideration.

Father Cowley told the Board that this was the first time he had heard of this problem. He thought the situation had been exaggerated. However, if these destructive practices have been going on he felt the school should have been notified long ago so it could have been rectified. He asked the Board not to add to their financial burden by requiring this fence. He stated unequivocally that the situation would be taken care of very adequately.

Mrs. Voss said she had tried to speak to Mother Albert on this but that messages which she sent had never been delivered. In her attempts to see Mother Albert, she had always been too busy to see Mrs. Voss.

Mother Albert said that when she did get the message about this - just one time- she checked into it and found nothing. She insisted that the children were very cooperative and she was very sure this could be handled.

Mr. Carl Soresi told the Board that in his opinion the best fence that could be put there would be the word of Mother Albert and Father Cowley. He assured the Board that this would be satisfactorily taken care of.

Mrs. Carpenter moved that St. John's Catholic Church be permitted an addition to the parochial school located on the north side of Rt. 689 600 ft. east of Brookhaven Drive. In the opinion of the Board this addition will not be detrimental to the character and development of adjoining land. It is the understanding of the Board that the applicants have given assurances that they will take into account the condition adjacent to the Voss property; seconded, Mr. Lamond. Carried unanimously.

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7- JOHN B. MCDONALD, to permit fence to remain as erected 7 ft. 9in. high, Lot 74, Sec. 5, Falls Hill (316 Venice St.) Providence District (R-12.5)

Mr. McDonald asked the rehearing on this, after denial because the Board considered Mr. McDonald had not proved hardship, stating that he had new evidence which in his opinion constituted new evidence and proof of hardship, not of his own making.

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DEFERRED CASES

7-Ctd. The Ordinance permits a 7 ft. fence, Mr. McDonald stated, presumably for the purpose of screening for privacy. Because of the contour of the ground all of his neighbors are surrounding him on ground higher than his yard therefore a fence, to be protective and to act as a screen, is of no value to him unless it is higher than the 7 ft. The 7 ft. fence and the land elevation effectively deny him the basic right of seclusion granted by the Ordinance, since the lower fence - the height allowed by the Ordinance - would be of no use to him. The fence is well built - it cost approximately $1,000, all the neighbors support his desire for the fence, some have even helped him build and finance the fence. It is attractive. To deny this is to effectively deny his basic rights.

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Mr. Smith noted that the length of the boards themselves is no more than 7 ft. but the boards are set about 10" off the ground, which makes the total height greater than the ordinance allows.

Mrs. Carpenter stated that she had changed her opinion on this and is now of the opinion that this does comply with the three steps required on variances in the ordinance. She therefore moved that the Board rescind their previous action in this case of November 15, 1960. Seconded Mr. Smith. Mrs. Carpenter, Mr. Smith and Mr. Barnes voted for the motion. Mrs. Henderson voted against the motion. Mr. Lamond refrained from voting. Motion carried.

Mrs. Carpenter moved that Mr. J. B. Mcdonald be permitted to allow his fence to remain as erected. There are unusual circumstances on the land in the form of topography and due to the topography the Board would be denying a reasonable use of the land by not granting the fence. It is also the opinion of the Board that this is the minimum variance that would afford relief. This change in the decision on this case is due to the new testimony presented by Mr. McDonald. Seconded Mr. Smith. Mrs. Carpenter, Mr. Smith and Mr. Barnes voted for the motion. Mr. Lamond refrained from voting. Mrs. Henderson voted no, stating that she believed this to be an error on the part of the applicant which the Board was asked to correct. Motion carried.

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8- SUN OIL COMPANY - Rehearing - Old Dominion Drive and Kirby Road

Mr. Martin Morris came before the Board asking for a rehearing on the grounds of new evidence a full statement of which was contained in his letter of January 19, 1961 to Mrs. Henderson. The letter is filed in the

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8-Ctd. records of this case. At the last hearing, Mr. Morris said, it was not known for sure that the Seven-Eleven Store is going on adjoining property. These people are going in and have presented their site plan to the County which has been approved. Mr. Morris said he believed this would be of great value in this case. The Seven-Eleven building is to be located on the property line which restricts the use of this land.

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He recalled that this Board had granted a permit to Atlantic Refining for a filling station on the property. The permit expired.

That granting has no bearing on this case, Mr. Lamond observed, it was granted under different regulations.

Mr. Smith recalled that during the hearing on the Seven-Eleven variance it was discussed at length that if the filling station were to be built here the changes of working out the two properties together was important and very desirable. It now appears that the sight distance will be improved by the grading of the Seven-Eleven property. If these two parcels could be combined it might help the drainage problem also. Mr. Smith said he had voted against this at the previous hearing largely because the sight distance was not good and they were not sure how the land would be treated.

Mr. Morris recalled that at the last hearing on this there was considerable discussion of the former application granted on this property. This variance is no larger than requested on that application, he argued, and now they have the definite plans of the Seven-Eleven. He suggested that now this case can meet the required steps for variances.

Mr. Lamond said that at the last hearing he expressed the opinion that this is crowding too much on a small piece of land and it is evident that they cannot buy more land.

Mrs. Henderson asked if Mr. Morris considered approval of the Seven-Eleven site plan new evidence.

Mr. Lamond thought it had no bearing.

Mr. Morris said there are unusual circumstances -- this is not a parcel of land which can be considered by itself, but it is land immediately adjoining property on which a building is going up on the property line in such a way that this land cannot be used for anything other than a filling station. This situation did not exist at the earlier hearing. This is new evidence.

Mr. Lamond said that the Board was well aware at the last hearing that the Seven-Eleven Store was going in.

During the last hearing, Mr. Smith said he had thought that Seven-Eleven had dropped their decision to use that property because of the grading

8-Ctd.

difficulties. That was one reason he was against this case. But now we are faced with a situation where this piece of commercial property could be developed and if it is ever to be used the Board should give consideration to a rehearing, especially if the Seven-Eleven is going ahead with their building. This is very like Mr. Donut, Mr. Smith continued. Concessions were made so the property could be used. He thought it important that the Board give careful consideration to such things. No doubt the Board will have other applications where variances will have to be granted in order that property can be used.

The presence of the Seven-Eleven changes the situation in his opinion, Mr. Barnes said, some variance is necessary to use the property.

Mr. Lamond contended that some other business could go in which would not require a variance.

Mr. Smith moved that the application be reconsidered in view of the new evidence that has beem presented which would appear that something could be worked out so this small parcel of land could be used in the manner requested; seconded, Mr. Barnes.

Mr. Smith and Mr. Barnes voted for the motion. Mrs. Carpenter, Mr. Lamond, and Mrs. Henderson voted against the motion. Motion lost. By majority vote the Board refused a new hearing.

Mrs. Henderson agreed with Mr. Lamond that the previous granting of a permit to Atlantic Refining had no bearing on this and also this use requires more variance than some other use would require.

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POLICY

Mr. Mooreland asked the Board for clarification of Section 4.4.3 (2) page 56.

The case handled by Mr. Hansbarger, located on Rt. 236, which brought about a former resolution on this same paragraph was discussed.

Mrs. Henderson proposed the following resolution: Upon further study the Board is of the opinion that it was in error in its interpretation of Section 4.4.3 on June 28, 1960 and now it is the considered opinion of the Board that the Ordinance states that no filling station or repair garage may be located closer to the rear and side yards where the C district in which the filling station or repair garage is located, is contiguous to an R district, than the required side or rear yard width plus 25 ft. Seconded, Mrs. Carpenter. For the Resolution: Mrs. Henderson, Mrs. Carpenter, Mr. Barnes and Mr. Smith. Mr. Lamond voted no. Motion carried.

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January 24, 1964

Mrs. Henderson handed each member a copy of the semi-annual report. Mr. Lamond commended Mrs. Henderson for the excellence of the report and the value of the information compiled. The other members agreed.

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In view of the fact that the filling station and U-Haul granted at Seven Corners has occupied the grounds before all conditions of the granting motion have been met, Mr. Smith suggested that resolutions on such permits should be so worded that the permit for occupancy will not be issued until the conditions of the motion shall be met. The Board agreed.

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The Board adjourned.

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

February 14, 1961

The regular meeting of the Board of Zoning Appeals was held on Tuesday, February 14, 1961 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. In the absence of both Mrs. M. K. Henderson, Chairman, and Mr. Lamond, Vice-Chairman, Mr. Dan Smith served as Chairman

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

NEW CASES

1- SIBARCO CORP., to permit erection and operation of a service station and permit pump islands 25 feet from Falls Church-Annandale Road, part Lots 18, 19 and 20, Annandale Subdivision, Falls Church District (C-D)

Mr. Dan Hall represented the applicant. He located the property with relation to the Webb tract. It was noted that the building did not set back the required distance from Pine Street. Mr. Hall said they would like for the Board to grant that variance also, although it is their intention to vacate Pine Street as soon as the permit is granted, at which time they will become owners of the property. Pine Street is only 188 ft. long (the depth of this property); it serves no purpose and they saw no reason to keep it open.

Mr. Smith noted that the application did not include the variance from Pine Street. Mr. Hall said he had asked that the variance be included in his application but through some misunderstanding it was omitted. If Pine Street is vacated, Mr. Hall said they would need no variance.

Mr. Chilton said he did not know if the Staff would recommend vacating Pine Street. He thought the street might serve as an emergency entrance for over-flow from the bowling alley at the rear and as an additional entrance for fire equipment.

If the Board granted the variance from Pine Street, Mr. Smith stated, it would not be necessary to vacate the street. He thought it better to grant something of a variance and retain the street in view of Mr. Chilton's suggestions and especially to provide for fire equipment.

Mrs. Carpenter asked if the building could be pushed back farther from Pine Street to reduce the variance. Mr. Hall said they could put it back another 5 ft. He noted the shape of the lot showing that moving the building too far to the north would block vision of the station from Falls Church-Annandale Road.

The Board agreed to consider the variance from Pine Street as a part of the application.

It was noted that the applicant had met the 75 ft. setback on the building from Falls Church-Annandale Road with an additional 25 ft. allowing for widening of the highway. There were no objections from the area.

NEW CASES

1-Ctd. Mrs. Carpenter moved that Sibarco Corporation be granted a use permit to erect and operate a service station with pump islands 25 ft. from Falls Church-Annandale Road on part of Lots 18, 19, and 20, Annandale Subdivision, and that a variance be granted for location of the station building 35 ft. from the right of way of Pine Street. This is considered because of the unusual shape of the lot and the fact that Pine Street is not a through street carrying traffic. Seconded, Mr. Barnes. Carried unanimously.

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2- SIBARCO CORP. to permit erection and operation of a service station and permit pump islands 25 ft. from right of way line of Route 644, property on south side of Keene Mill Road, Route 644, approx. 160 ft. W. of Backlick Road, Route 617, Mason District (C-N)

Mr. Dan Hall represented the applicant. This is located across from a new shopping center, Mr. Hall stated. They can meet all requirements of the County asking only the 25 ft. setback for the pump islands. There were no objections.

Mrs. Carpenter moved that the application of Sibarco for permit to erect and operate a filling station with pump islands 25 ft. from the right of way of Keene Mill Road, property located on the south side of Keene Mill Road approximately 160 ft. west of Backlick Road be granted as it does not appear that this would be detrimental to the surrounding property; seconded, Mr. Barnes. Carried unanimously.

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3- PAGE-HUGHES INVESTMENT, to permit erection of a shop building, on side property line, south side of Arlington Blvd., 350 ft. W. of Falls Church-Annandale Road, Route 649, Falls Church District (C-G)

Mr. Hansbarger asked the Board to defer hearing until the end of the agenda, in order that he might prepare the case. The Board agreed.

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4- MRS. OTHELLA F. SPRINKLE, to permit operation of a day nursery, Lots 7, 8 and 9, Melville Subdivision (404 Cedarest Road) Providence District (RE-1)

Mrs. Sprinkle said she has three children of her own of school age. She wished to conduct this small school in order to work and remain at home. The school hours would run from 8:00 to 5:00 or 6:00; she would have no more than ten children. She would use the basement which has an outside entrance and the first floor of the house.

Mr. Smith read a letter from the Health Department signed by Dr. Kennedy, stating that his Department has investigated this property and that the

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4-Ctd. maximum number should be limited to ten persons due to the limited size of the septic system.

Mrs. Sprinkle said she had not yet checked with the fire marshal but would do so if this is approved. She realized she could not get her permit until the building is approved by the fire marshal.

Parents will bring the children on their way to work; she anticipated no parking problem. She will have an assistant if the number of pupils warrants it.

Mrs. Carpenter moved that Mrs. Othella Sprinkle be issued a use permit to operate a day nursery, which shall be limited to ten children. It is understood that all requirements of the fire marshal shall be met; seconded, Mr. Barnes. Motion carried unanimously.

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5- C. O. TRIEBEL, to permit erection of a barn 12.7 ft. from rear line and 28 ft. from side line, Lots 52, and 53, Spring Lake Subdivision, Providence District (RE-1)

Miss Judy Triebel represented the applicant. Miss Triebel told the Board that when they planned to have a riding horse they called the County about building a barn. They were told (she did not know by whom) that they could go ahead with the barn. The old barn was torn down and they engaged a builder to build the new one. They paid him $400 for lumber and labor. He was supposed to take care of any necessary permits. He got as far as the foundation then died of a heart attack. They discovered that he had paid nothing on the labor and lumber. These bills Admiral Triebel paid. He then engaged another builder. The second builder found when he came to the County offices that no permit had ever been issued on the barn and that the foundation was located too close to the side and rear property lines - 12.7 ft. from the rear and 28 ft. from the side. The requirements are 100 ft. from all property lines. This case was then filed. Miss Triebel said the new barn is no closer to the line than the old building. It is practically in the same location. The new barn will contain three stalls. They have two horses.

Mr. Woodson pointed out that there are many people in this area who have horses and many of the barns are located too close to the lines.

There were no objections from the area.

Mr. Smith said he considered this an unusual situation because of the death of the first builder and the extra expense Admiral Triebel has had to assume; also the fact that Mr. Woodson reports that there are many barns in the area similarly located. The fact that the first builder

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5-Ctd. did not get a permit and then his sudden death is unusual. There is no recourse because of the builder's original mistake. These unusual circumstances were no fault of the applicant.

Mrs. Carpenter said she could not vote on this without first seeing the property and without giving it more thought. This is an over-whelmingly large variance, Mrs. Carpenter said.- a variance probably never before granted by this Board.

Mr. Smith agreed but also pointed out that the old barn was in almost exactly the same location as the new barn and the old structure could have remained there indefinitely with perhaps a very little remodeling and without coming before the Board for approval. Mr. Smith recalled that the Board had heard cases before where the applicant had started construction of a carport or barn without first obtaining a permit. These people had put the construction in the hands of a contractor whom they thought would get the permit but a chain of circumstances had put them in this unfortunate situation. They have gone to expense and trouble all of which should have been unnecessary under normal circumstances. Mr. Smith said ordinarily he would not go along with a case like this, but he considered this definitely unusual.

If the Board wished to grant this application, Mrs. Carpenter said she would refrain from voting. She did not wish to vote against the case, but would rather see the property.

It was noted that the barn would be considerably more than 100 ft. from the nearest house.

In fairness to the applicant, Mrs. Carpenter said she would move to defer the application until February 28 in order to view the property; seconded, Mr. Barnes.

For the motion: Mrs. Carpenter and Mr. Barnes.

Mr. Smith voted against the motion. Motion carried.

It was stated that no further hearing would be heard on the 28th - only the Board's decision.

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6- TEXACO, INC. to permit erection and operation of a service station and permit pump islands 25 ft. from right of way line of Route 644, property located on south side of Keene Mill Road, Rt. 644, approx. 400 ft. E. of Rolling Road, Rt. 638, Falls Church District (C-D)

Mr. James Thompson and Mr. Edward Carr represented the applicant.

Mr. Thompson said this filling station would adjoin the Springfield Golf

NEW CASES

6-Ctd. and Country Club, a corporation owned by Mr. Carr, and other property owned by Mr. Carr. It is a good site (many gas companies wish to operate here); it will be an asset to the country club and to the community. Texaco has agreed to build an attractive brick, colonial-type station rather than the stereotyped porcelain building. They wish to put up something which will fit into the community.

Mr. Carr said he naturally had a great interest in the good development of this area; he wishes to keep it attractive and free of indiscriminate construction. He has not yet planned the balance of this commercial area and would not do so until the need arises. They did not ask for C-G zoning on this property for the reason that they wish to control development.

Mr. Schumann said the construction of a filling station in this location was discussed when this zoning was before the Board of Supervisors and they were in agreement that it was all right.

No one from the area offered objection.

Mrs. Carpenter moved that this application be granted as it does not appear that it will be detrimental to the character of the adjoining land. She noted that site plan approval will be necessary; seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES:

1- ALTON L. DODSON, to allow porch to remain as erected 43.8 ft. from 2nd Street, Lots 28, 29 and 30, Block B, Weyanoke (6913 2nd Street) Mason District (RE 0.5)

Mr. Stephen Creeden represented the applicant. This was deferred for plats.

Mr. Creeden presented letters of notification to property owners in the immediate area all of whom indicated that they have no objection to this porch as erected.

Mr. Creeden explained the violation by pointing out on the plat the erroneous location of the fence, which actually juts out into the right of way of Second Street several feet. When the porch was put on the builder measured the setback from the fence line, assuming that was the property line; Mr. Creeden said it was very natural that he should assume that as the fence is a very substantial one (chain link). It was put up by the fence company and it has been on the property for about nine years. Mr. Creeden said there are other houses in this area which are closer to the right of way than this porch. He pointed out that the

1-Ctd. porch is an attractive addition to the house. It has added materially to the value of the property. The neighbors wish to see it remain and it has created no adverse effect upon anyone.

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Mrs. Carpenter asked how Mr. Dodson could get a permit with this violation. Because the plat presented to the county showed the fence line as the property line, Mr. Creeden answered. It had been thought for years by everyone that the fence line was the property line. These fences are put up by people who do that constantly and there was no reason to question the accuracy of the line. This was not an intentional violation.

The question is whether or not this was negligence on the part of the owner, Mr. Smith observed. He felt that it was not and therefore consideration should be given to the granting of this variance. The error was made due to the fact that the fence was constructed on property owned by the State Highway Department and the property line appeared to be farther into the road area than it actually was. There is no doubt about the fact that the porch is an attractive addition to the home. It appears that this was an error due to circumstances surrounding the fence. This is an unimproved gravel road which the Highway Department has not surveyed and there were no indications showing the location of the Highway right of way lines. This is an error brought on by not properly surveying the property. It is an error which anyone might make. These people thought their property was surveyed nine years ago when the fence contractor put up the fence and when they built the porch they naturally measured from the fence. This is an understandable error, Mr. Smith concluded. Mr. Barnes agreed.

Mrs. Carpenter said she could not see where this complies with the first step requirement in granting a variance.

This is an unusual situation due to circumstances surrounding the building of the porch, Mr. Smith suggested -- that would justify consideration. Does the Board consider this an honest error, he asked? Did the man do anything so unusual to use the fence as a guide line? Mr. Smith said he thought it a very natural thing to do.

Mrs. Carpenter pointed out that while this is an error the Board is not set up to correct errors.

Under unusual circumstances the Board is empowered to act, Mr. Smith answered.

Mrs. Carpenter did not agree that circumstances surrounding this case were unusual.

Mr. Smith urged that interpretation of the Ordinance be tempered with

1-Ctd. common sense - that the Board must so act if they are to grant any of these cases. The porch is only 8 ft. wide, anything less than that would be an impractical, unusable porch. If this case is denied the porch would have to be removed.

Mr. Smith asked Mrs. Carpenter to take the chair in order that he might make a motion. She did so.

Mr. Smith moved that the application of Alton L. Dodson to allow porch to remain as erected be granted for the following reasons:

Step I - It appears that there is reason to consider the granting of this variance because of the unusual circumstances brought out in the testimony viz; that the fence is 7' or 8' over on State property and it was erected in good faith about nine years ago by a fence company and the error in location had not been detected until the porch was constructed. This is not to condone the error but since it has been built and the circumstances around the building indicate that there has been no intentional error on the part of the builder himself and no intention to avoid the Ordinance, Mr. Smith moved that Step I applies; seconded, Mr. Barnes.

For the motion - Mr. Smith and Mr. Barnes.

Mrs. Carpenter voted against the motion. Motion carried.

Step II - It appears that this is a reasonable use of the land by one who has owned his property for many years and who wishes to put on a small addition. The porch is only 8 ft. wide and certainly it would create an undue hardship if he were required to remove it. Mr. Smith moved that Step II applies; seconded, Mr. Barnes.

For the motion - Mr. Smith and Mr. Barnes.

Mrs. Carpenter voted against the motion. Motion carried.

Step III - The variance asked for would be the minimum variance the Board could grant that would afford relief to the applicant, since as previously stated, the porch is only 8 ft. wide and by removing any part of the porch it would do away with its utility entirely.

The variance if granted would not be injurious to the land and buildings in the vicinity. This is an old subdivision with similar variances which have been granted by this Board not under the same circumstances, however, but under conditions which were thought to be reasonable. Mr. Smith moved that Step III applies and that the application be granted; seconded, Mr. Barnes.

For the motion - Mr. Smith and Mr. Barnes.

Mrs. Carpenter voted against the motion. Motion carried.

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1-Ctd. Mrs. Carpenter said, in support of her negative vote, that in her opinion, evidence of hardship does not apply as set forth in the Ordinance.

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Mr. Smith returned to the Chair.

3- PAGE-HUGHES INVESTMENT, to permit erection of a shop building, on side property line, south side of Arlington Boulevard, 350 ft. W. of Falls Church-Annandale Road, Rt. 649, Falls Church District (C-G)

Mr. Hansbarger represented the applicant.

Mr. Woodson told the Board that it is proposed to locate this building partly over the flood plain area and that this has been studied by the Commission AND approved, subject to favorable action by the Board of Supervisors in approving a proposed amendment regarding flood plain - which amendment will be heard by the Board of Supervisors on Wednesday, February 15.

Mr. Hansbarger noted that the use to be made of this building is permitted by right. The variance is because of an unusual condition existing at this location. He pointed out the existing shpp building on the rear of the property. It is proposed to connect the main building on the front of the property with the rear shop building. This would require a 40 ft. setback from the side line if the Ordinance is followed. (25 ft. additional because of the nature of the use). The unusual condition is that if they were to go by the Ordinance they would seal themselves off without entrances between the two existing buildings.

There is a small parcel of residential property at the rear. The people who own the property nearest to this have no objection to locating the building as proposed.

The building now on the property, Mr. Hansbarger continued, was erected in the flood plain; this was built before the present ordinance became effective. The amendment to which Mr. Woodson referred would permit this addition in the flood plain under approval of the Department of Public Works. He noted that this area had not flooded in ten years. Since this amendment is pending, and probably will be passed, Mr. Hansbarger said they would like to get an approval of this, subject to the amendment becoming law.

Mr. Hansbarger assured the Board that this meets the three steps of the Ordinance pertaining to variances.

While they are asking a 40 ft. variance, Mr. Hansbarger noted that the construction would come no closer to the nearest house than the building

3-Ctd. already on the property, which is a distance of approximately 200 ft. This building will be used for "tune-ups" and some repairs, Mr. Page said. They wish to connect these buildings so they can have better supervision and have the entire shop operations under roof. There will be no storage of paint and lacquers.

The Board members commended Mr. Page on the clean and attractive operation he conducts.

The existence of these two buildings so located is an unusual situation, Mr. Hansbarger went on to say - to deny this would be to deprive the applicant of a reasonable use of his land. If the regulations are followed the entrances are sealed off and to locate the building as proposed is not detrimental to anyone as evidenced by the fact that the nearest neighbors have stated they do not disapprove.

No house would be built near this building as that land is in flood plain and the lot is too small.

Mrs. Carpenter said in her opinion the three steps in the Ordinance pertaining to variances do apply. She moved that Page-Hughes Investment Company be granted a variance to allow them to erect an additional shop building as shown on the plat presented with the case and also that this shall be granted subject to approval by the Board of Supervisors of the amendment on flood plain construction which amendment is scheduled to be heard by the Board of Supervisors February 15, 1961. This is approving a variance from the required 40 ft. setback. Seconded, Mr. Barnes. Carried unanimously.

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Mr. William Scott came before the Board stating that Mr. Andrew Clarke who is out of town had asked him to appear at the Board meeting and request a re-hearing of the Moose Lodge case which was denied by this Board January 10.

Asked to present the additional testimony which could not beasonably have been presented at the last hearing, Mr. Scott said he knew nothing of the case - he was only carrying out Mr. Clarke's request.

Mr. Scott was informed by the Chairman that before entertaining a motion for a re-hearing in any case the Board must hear some evidence upon which to base reasons for a reopening of the case. After further discussion of this, the Chairman suggested that Mr. Scott get in touch with Mr. Clarke to the effect that Mr. Clarke send a letter to the Board

February 14, 1961

before 45 days from the date of denial (January 10) and set forth the reasons for a re-hearing. Upon receipt of the letter the date of re-hearing could be set if the evidence is sufficient. Mr. Smith recalled the great amount of opposition in this case and stated that full notice to those in opposition must be given if the case is to be reopened and reheard. The meeting adjourned.

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

February 28, 1961

The regular meeting of the Board of Zoning Appeals was held on Tuesday, February 28, 1961 at 10:00 a.m. in the Board Room of the County Courthouse. All members were present, except Mrs. Carpenter. Mrs. L. J. Henderson, Jr., Chairman presided.

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

NEW CASES

1- SHELL OIL COMPANY, to permit erection and operation of a gasoline station and permit pump islands 25 ft. from right of way line of Old Dominion Drive, Lots 18, 19 and 20, Bryn Mawr Subdivision, Dranesville District (C-D)

Mr. Hansbarger represented the applicant. He recalled that last year the Board of Supervisors zoned this entire tract from an R-10 zone to C-D (designed shopping center). At the time of the zoning, tentative plans for development were presented - plans which included a filling station at this corner. There was no opposition to the inclusion of the filling station in the overall plan.

In order to insure safety of traffic flow at the intersection of Whittier Avenue and Old Dominion the applicant will pave 32 ft. on Old Dominion Drive and 15 ft. on Whitter. Old Dominion is now only 36 ft. wide. They will also put in sidewalks on the two frontages. Mr. Hansbarger pointed out that they plan no pump islands on the Whittier Avenue side.

Mr. Hansbarger called attention to the zoning in the immediate area -- C-D to the east and south and R-10 to the west. The R-10 zoning is proposed for some type of commercial use. This property is included in the Commercial Plan for McLean.

They do not have full plans at this time for the shopping center to be developed on this tract. The filling station is the first step. The property to be used by the filling station is 145' x 135'.

The Chairman asked for opposition.

Mrs. Miniclier, owner of the lot adjoining, stated that when this property was zoned it was the understanding that this tract would be developed as a planned unit - that a special use permit could be granted for the filling station, but the main discussion was that this would be a planned shopping center. Now they are proposing a filling station and when the commercial buildings will go in no one knows.

They do not need another filling station in this area. This is not compatible with the intent of the Board of Supervisors in granting this, Mrs. Miniclier contended, nor is it carrying out the plans as discussed before the Board of Supervisors.

1-Ctd. Mrs. Miniclier said her home faces this tract and Old Dominion Drive. She did notobject to looking out over a well planned shopping center, but if a filling station goes in it may be there alone for years. They have no assurance that the shopping center will ever be built. They would like to see a good designed commercial area constructed all at one time. They would like to see a grouping of buildings that are tied together, with a well designed arrangement.

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Mr. Smith said that since it was the intent of the developers from the beginning to have a filling station here, he saw no reason why the shopping center could not begin with a filling station. It must start with some one building. This is off to the corner, quite a logical place to start. He recalled other shopping centers that had started in a similar way and had developed into good areas. It is not easy - nor is it usually possible - to start all leases at one time and put up all the buildings at one time, Mr. Smith continued.

Mr. Eugene Threadgill, who lives on Loughlin Street behind the proposed filling station, objected. He pointed out the property of Mr. Bowen and Mr. Clarke, both of whom were present and objecting.

Mr. Threadgill referred to Section 12.8.10, Group X, page 86 of the Ordinance. He said the Master Plan had designated certain areas for filling stations, notably located (in the McLean area) in the center of McLean. They did not provide for filling stations on the approaches to the town. It was not intended that the periphery (page 66 in the ordinance) should carry intensive uses. This is an inappropriate land use - it is incompatible with the area, inharmonious, and would not form a characteristic grouping of uses. This would be the exception. If this is to go here, the developer should wait and see if it ties in with the overall plan.

Under Special Permitted Uses - page 63 - this would be detrimental to adjoining property (Mrs. Miniclier) and therefore in conflict with the Ordinance. The applicant must establish that this is compatible with the planned development of McLean and that it will not be detrimental. He has not done so, Mr. Threadgill stated.

Mr. Threadgill also recalled that on his original application the applicant had asked for C-G zoning in this area - specifically for a filling station and that had been denied. This is one of the last few land areas in one ownership in this area that can be developed as an entity. This is the way the Board and the Commission wished this property to be developed.

1-Ctd. Mr. Threadgill also thought the site plan should be approved by the Planning Commission before this case is brought before the Board of Zoning Appeals. However, Mr. Lamond told Mr.Threadgill that the Commission has refused to consider site plans until the use has been approved by the Board of Zoning Appeals.

Mr. Lowe said he had no objection to this use.

Mr. Clarke, living to the south of this property, objected for many of the reasons previously stated.

Mr. Kalivada, who lives adjoining, objected. He termed this "not orderly development" or spot development which is contrary to the thinking of the Board of Supervisors, and not in the best interests of the community. He asked that this be denied until the whole plan can be developed -- a plan which is harmonious with the needs and desires of the area.

Mr. Leonard Molin said this case is of special importance, for the reason that what happens to this corner will set the pattern for development of the entire tract. Because of the nearness of homes, he stressed the need of good development which would give full protection to the homes bordering on the south particularly. People in the bordering homes object to looking down on a scattered development which could very well develop here if it is not planned as a unit. He objected to a filling station in a C-D zoning, calling it incompatible.

Mr. Smith noted, however, that filling stations have been located in C-D zones, by permit and had not been found incompatible.

In rebuttal, Mr. Hansbarger pointed out another large C-D shopping center in which is located a filling station. He also noted that the main objection to this is that the entire shopping center is not developing all at one time and there would be no objection to the filling station if it were planned along with the other buildings.

Mr. Hansbarger said this is a question of making a start -- which comes first, a store or a filling station. It matters little, they have to start some place. There are no other Shell stations within four miles of this area. It is quite logical that they should start with a filling station. This is a convenient location for the area. They meet the criteria. It is therefore unreasonable to restrict the use of this land. The Courts have said this.

Mrs. Henderson objected to this on the grounds that the C-G zoning which would have allowed a filling station by right was turned down by both the Planning Commission and the Board of Supervisors.

1-Ctd. But this was passed as a designed shopping center area, Mr. Smith answered, and many designed centers throughout the County have filling stations. Mr. Smith recalled the petition of one year ago when this was agreed upon, and with the understanding that there would be a filling station. He agreed that the McLean area probably has too many filling stations, but the Board has no authority to curb that due to the number of filling stations and the need. This is a permitted use in a C-D District and the Board of Supervisors has granted that zoning after having read the petition. This oil company has no filling station within four miles of this area and if the Board denies this, it would be denying this company their competitive rights.

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As to developing this as a unit, that would be better, Mr. Smith continued, without doubt, but this development must start some place and who is to tell the developer where he must start. Some places start with a Safeway - this happens to start with a filling station. There is actually no objection here to a filling station; it is only that the people want this to be developed as a unit which is something the Board cannot control nor does the Board have the right to deny this since it meets requirements and is a permitted use.

Mrs. Henderson recalled that the petition says that the people have no objection to the filling station if it is incorporated within the designed shopping center area - that was the intent of the Board of Supervisors and the Planning Commission. This application is premature, Mrs. Henderson continued. It is possible that it would be granted at a later time, but the people and both Boards want to know that the designed center is really going in and not just an isolated filling station.

A designed shopping center is not defined in the Ordinance, Mr. Lamond pointed out - it has simply been interpreted by the individual. To say we do not want a filling station in a C-D zone will not hold up, he went on. If the Board of Supervisors did not want a filling station in a C-D district, they should have so stated. It would be unlawful to prohibit a filling station in a C-D district, such prohibition is not the intent of the ordinance.

The people want the assurance that the shopping center will go ahead, Mrs. Henderson stated.

Mr. Hansbarger said there is no doubt but what the shopping center will develop here, but he had nothing definite on it at this time. He read the definition of a ~~designed~~ PLANNED shopping center. There are times when shopping

1-Ctd. centers are built all at one time, he continued, but not often.

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Mr. Clarke thought this first building, a permitted use, should wait until plans are formulated for the balance of the tract. They would like to know if this use would be compatible with the other buildings which may go on this property.

Mrs. Henderson read the new amendment (No. 16) on planned shopping centers. There is no plan to connect this building with future buildings, she observed.

Mr. Smith referred to the petition which was presented at the rezoning on this property one year ago and recalled that many people had no objection to the filling station planned. Where shall a designed shopping center start, Mr. Smith asked? Economically, it is almost impossible to develop everything at one time. All leases must be executed at the same time which is probably impractical.

Again, Mr. Smith continued, to deny this permitted use might forestall the development to some degree.

Mr. Smith moved that Shell Oil Company be granted a special use permit for erection and operation of a gasoline filling station and permit pump islands 25 ft. from the right of way line of Old Dominion Drive, on lots 18, 19, 20, Bryn Mawr. This is granted for a filling station only. In the granting this is tied to Section 12.3 of the Ordinance. It is noted that the filling station building conforms to the standards set up in the Ordinance.

At Mrs. Henderson's suggestion, the following was added to the motion -- that the dirt, debris and gravel now piled on this lot shall be removed or leveled out on the entire tract in order to do away with the unsightly condition of this property; seconded, Mr. Lamond. Carried unanimously.

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2- VE ESSA BOSTON, to permit operation of a beauty parlor in home as a home occupation, south side of Route 654, 647 ft. east of outlet road, Falls Church District (RE-1)

No one was present to discuss the case. Mr. Lamond moved to defer the case until March 14. Seconded, Mr. Smith. Carried unanimously.

A letter was read from the Health Department saying that this property is unfavorable for septic purposes.

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NEW CASES

3-Ctd. THOMAS C. FERGUSON, to permit carport to remain as erected 7 ft. from side property line, Lot 62, Section 3, Rosemont (4809 Simmons Drive) Dranesville District (R 12.5)

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Mr. Lockowandt represented the applicant.

In the original plan on this subdivision Lot 62 had additional frontage which would have allowed sufficient room for a carport, but for some reason the final plat was not made as first planned. The lot was narrowed down. When they realized the lot was too narrow for a carport they thought of resubdividing but found this impractical when this was discussed with FHA and VA. There are 27 ft. between the carport and the house on Lot 63. Mr. Lockowandt said it was planned in the beginning to have carports, and people bought the lots thinking they would have carports but when the plat came through in its final form there were no carports. He did not understand what happened but certainly there was a lack of cooperation between the surveyor and the builder. It was a matter of human error and no one knew just how or what happened.

Mrs. Henderson asked if the carport was built without a permit. Mr. Lockowandt said he did not know.

Asked about the topography, Mr. Kelly, engineer, said the ground is fairly level.

Mr. Kelly said the development plan was drawn before the subdivision plat was submitted - this first plan was drawn so the carport could be put on. Because of the size of one lot they had to change the lines a little. The builder probably looked at the first drawing and not at the final plat. These are irregular shaped lots.

If the builder puts up the house according to the first drawing he probably did not get a permit for the carport, Mr. Lockowandt said, as it would not have appeared necessary to him.

Col. Ferguson, present owner of the house, said he signed a contract with the company in March 1959 and moved in in July. The carport was included in his contract. The slab for the carport had been poured when he moved in but the carport not yet built. In September 1959 the carport was completed. This error was picked up by the inspector in December 1960.

Mr. Kelly said his office took the house location when the house was started and there was no carport. When the final plat was made up he asked his party chief if anything had been added to the house and he said no. The final plat was made not showing the carport. That was a mistake which Mr. Kelly said he could not account for.

3-ctd. Mr. Kelly said that the original plan showed a future carport, but the changes in these lots put the carport in violation. He said there are about 100 houses in this area, many of which have carports. This is the only violation. Westwood Properties or Town & Country were the builders.

The Chairman asked for opposition.

Mr. Jacobson, owner of Lot 63, stated that he considered the fact that the carport is in violation would adversely affect sale of his property.

Mr. Jacobson said they bought not knowing of this violation, however, Mr. Lockowandt said the Jacobsons were informed of this in November before they settled on their house. He contended that this was not an intentional error - they had to maintain the square footage of the lots and the lines were changed just before the final plats were made. The encroachment is very small and he did not consider it to be detrimental in any way to any of the neighbors.

Mr. Smith said he thought the matter of the building permit should be cleared up before making a decision on this.

Mr. Lamond moved to defer the case until March 14 for the applicant to get information on whether or not a building permit was issued showing the carport and also that the builder be present at that meeting. Seconded, Mr. Smith.

The applicant is the victim in this case, Mr. Smith noted, as he had no part in whatever violation might have taken place. If the builder has put on the carport without a permit, he should be the one to take the consequences.

Mr. Lockowandt said he would see that the builder or his representative is present at the next hearing. Motion carried unanimously.

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Mr. Schumann recalled a Board of Zoning Appeals Resolution (1957) requiring an applicant to notify five property owners in cases of Board of Zoning Appeals applications. VEPCo is about to file an application for approval of a transmission line. They may file other similar cases. This line would be between four andisix miles long. The line goes through 58 different property owners. In this case the power company would be required to notify 58 x 5 property owners, a monumental job on such a long line.

The Staff has offered an amendment which would provide that whenever an

application before the Board of Zoning Appeals involves 25 or more persons this procedure would not be required.

Mr. Schumann recalled that this was done under the Freehill Amendment - the Board of Supervisors waived the posting.

Mr. Lamond moved that the posting requirement in the case of VEPCo be amended to the extent that the Board does not require this posting.

No action was taken - the Board agreed to take this up later in the meeting.

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4- ESTEL F. SCOTT, to permit division of lot with less frontage than allowed by the Ordinance, east side of Rt. 235, 6/10 mile south of Rt. 1, Mt. Vernon District (R-12.5)

The reason for this division is that Mr. Scott wishes to give his son a lot. The property will be divided so the present house is not in violation.

Mr. Chilton said the original large tract (of which this is a part) has been divided into several parts and this property should come under subdivision control in order to get a plat approved for this division. In view of that, a service road is required since this is on a primary highway. Mr. Chilton said it could be that the applicant might try for a service road waiver from the Board of Supervisors.

Mr. Lamond thought the division reasonable, but preferred to see the property. He therefore moved to defer the case until March 14 to view the property. Seconded, Mr. Smith. Carried unanimously.

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5- KARLOID CORP. to permit erection of additional laboratory building, on northerly side of Rt. 7, opposite Andrew Chapel Church, Dranesville District (RE-1)

Mr. Lytton Gibson represented the applicant. This is for an addition to one building, he explained. It will meet all setbacks. Dr. Hazelton has agreed to take down the old temporary buildings on this property and by building this addition it will take the place of an old building which will be torn down. The applicant will come back to the Board in a short time, Mr. Gibson continued, with an overall plan which will provide for elimination of the non-conforming structures on his property.

This addition will cost about $100,000. It is for dogs.

Mr. Lamond said the Planning Commission and Staff approved this.

He moved that the application be granted. He also moved that Mrs. Lawson take up with Mr. Burrage the matter of getting Planning Commission recommendations to the Board of Zoning Appeals in writing; seconded, Mr. Barnes. There were no objections. Carried unanimously.

DEFERRED CASES

1- C. O. TRIEBEL, to permit erection of a barn 12.7 ft. from rear line and 28 ft. from side line, Lots 52 & 53, Spring Lake Subdivision, Providence District (RE-1)

Since Mrs. Henderson and Mr. Lamond were not present at the original hearing on this, the minutes of that meeting were read; also a statement from the applicant which was filed with the earlier proceedings.

The statement was made that the Pearson tract, which is immediately adjoining the Triebel property and nearest to the barn, is vacant; the house closest to the barn is about 200 ft. away. The barn is almost enclosed with large trees. The letters of notification showed that none of the neighbors object to this encroachment.

Mr. Smith recalled that these people had bought this place, particularly for their children to have horses. It is an area in which many have horses and non-conforming barns. The old barn was here when they bought the place. It was in a non-conforming position and it could have stayed there for an indefinite time. A reasonable amount of repair could have been done on the barn which would probably insure its usability for another 75 years. The new barn, which is a very desirable structure, is located on practically the same spot as the old barn. Mr. Smith said he could not see where the Board was stretching a point to allow it.

Admiral Triebel had employed a builder whom he thought to be reputable to construct the new barn. They had checked at the courthouse to learn whether they could put up a new barn, then turned the building over to the contractor, giving him a $400 payment on lumber and labor. The contractor died before the job was barely started. He had not paid for the lumber nor the labor. Admiral Triebel paid those bills a second time.

Mr. Smith said that there is not enough land area in this tract to locate the barn in a conforming spot. It is terraced between the house and the barn, therefore he could not move the barn back from the side line. There is no other level ground to which the barn could reasonably be moved.

Mrs. Henderson objected to the big variance.

To deny this, Mr. Lamond said, the Board would be denying the man the use for which he bought the place, a use which was allowed when he bought.Mr. Smith said it appeared to him that this case can meet the requirements under the three steps of the variance -- there are unusual circumstances applying to the land and buildings in this respect: there was a barn on the exact spot on this lot, this being the most desirous building spot for the barn because the land is rather steep and the house

1-Ctd. sets in the middle of the property. The rear of the lot is wooded. It would appear that this is the only place where the barn could be located. The lot is well covered with large trees. Mr. Smith moved that Step I applies. Seconded, Mr. Barnes. Mr. Lamond, Mr. Barnes and Mr. Smith voted for the motion. Mrs. Henderson abstained from voting. Motion carried.

Mr. Smith continued - It appears that from the testimony and evidence presented to the Board and after viewing the property the strict application of this provision of the ordinance would deprive the applicant of a reasonable use of the land and also it is noted that these people bought the property due to the fact that the stable was there and they wanted the place for this particular reason - that their children could have horses. Therefore Mr. Smith moved that Step 2 applies. Seconded, Mr. Barnes. Mr. Smith, Mr. Lamond and Mr. Barnes voted for the motion. Mrs. Henderson abstained from voting. Motion carried.

Due to the aforementioned circumstances, Mr. Smith continued, it appears that this is the minimum variance that would afford relief in this case. The previous barn was built on the exact same area as the present barn due to the hilly condition of the lot. The house is centered on the property. The previous owner felt that this was the best location for the barn and after viewing the property it would appear that this is the only spot where any outbuilding of any size could be built.

This building is in harmony with the surrounding area. Most of the people in the area have horses and stables for the reason that they enjoy horses and wish to own them. There was no objection here and Mr. Smith could see no adverse effect on the neighborhood and it does not appear to him to be detrimental to the public welfare; on the contrary, he thought it would be helpful to promote recreation for young people and adults who enjoy riding and tending horses. Mr. Smith moved that the variance be granted as applied for. Seconded, Mr. Barnes.

Mr. Smith, Mr. Barnes and Mr. Lamond voted for the motion. Mrs. Henderson abstained from voting. Motion carried.

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Mr. William Scott came before the Board asking a rehearing in the matter of Moose Lodge which was denied by the Board on January 10, 1961. At the last meeting of the Board, Mr. Scott stated, this Board discussed a rehearing but asked for a statement of the reasons for such a hearing. Mr. Andrew Clarke was in Florida at the time. Mr. Scott agreed that the letter

Moose Lodge Rehearing - Ctd.

would be sent. The Board had received the letter.

Mr. Scott said the main reason for denial of the application last month was ingress and egress through Sunset Manor subdivision. There are now plans, he continued, which would provide a different access. A by-pass is being planned at Bailey's Crossroads which would tie in with this new right of way. This by-pass would be 80 ft. The building would set back 230 ft. and 50 ft. from the side line. They will provide screening.

Letters were read from Colonial Village in Arlington and from Arlington Lodge both of whom stated that these people have been good neighbors.

Mr. Clarke stated in his letter that he has been working with the people from Sunset Manor and their objections are now practically eliminated.

It was suggested coming in from the rear, which Mr. Scott said they would make every effort to do and try to have definite information on that before the hearing.

Mrs.Henderson said the applicant should make a serious effort to show additional entrances so no use will be made of Scoville Street and the applicant should bring in a plat of a building which is within the requirements needing no variances on the building location. Also for the applicant to show evidence of their agreement with the people in the neighborhood. They should know when the by-pass will be built.

Mr. Lamond moved that the Board hold a rehearing on this case and that the applicant provide concrete evidence of entrances other than that shown on the map and also should present something from Sunset Manor regarding their position in this matter. The plans should not require a variance on the building location. It is also understood that Mr. Scott will notify the same people who were notified of the original hearing. Proof of notification will be required. This is ~~deferred~~ to be heard to April 11, 1961.

Seconded, Mr. Barnes. Carried unanimously.

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Mr. Lamond briefed the Board on a discussion which took place before the Planning Commission on February 27 at which time the Commission Staff asked the Commission to recommend an amendment to the Ordinance waiving the necessity of notifying property owners of a public hearing in case 25 or more property owners were involved. The Commission recommended the amendment.

During the discussion, Mr. Lamond stated, it was brought out that VEPCo did not think the requirement to come before any County Board applied to a public utility company in the matter of high tension lines. They agreed that such a requirement does apply in the matter of sub-stations.

Mr. Smith stated that he thought the notification of people whose property line is crossed by the line took care of the requirement in the ordinance - to notify adjoining property owners - since all those involved are adjacent owners.

Mr. Smith recalled the close cooperation between VEPCo and the County, stating, however, that he thought people affected in all cases should be notified. He considered that VEPCo was fulfilling the requirements in their notification of those whose property is affected and that no waiver of the requirements was necessary.

Mr. Lamond moved that in the matter of the application of VEPCo proposed to be filed for high tension line from Idylwood to CIA the Board agree that the applicant notify all property owners whose property the line crosses, of the date, time and place of the public hearing - and that notices of the hearing be posted at all points where the line crosses the highway. This is to say that all corness of the intersection of the line with the highway shall be posted, (posting to be taken care of by the Planning Office Staff.) Seconded, Mr. Smith. Carried unanimously.

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The meeting adjourned.

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

March 14, 1961

The regular meeting of the Board of Zoning Appeals was held on Tuesday, March 14, 1961 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.

NEW CASES

1- JOHN J. RUSSELL, BISHOP OF RICHMOND, to permit erection and operation of a school, south side of #193, just west of pumping station (20+ acres) Dranesville District (RE 0.5)

Mr. Heubusch represented the applicant. He presented the plats, revised as of March 2, 1961 which comply with recommendations made by the Land Planning Office.

Mr. Heubusch pointed out the area this school would serve, stating that the development rate in this section of the County has been so great the schools are unable to take care of the number of applicants. The existing schools are being increased but that does not take care of the new children coming in.

This is a 20 acre tract, Mr. Heubusch continued, which will contain the church, rectory, convent, and two or three school buildings, 27 classrooms, providing for a capacity of 350 or 400 and with an ultimate maximum capacity of 1,000. Buildings will cost $1,000,000. The school buildings will be one-story, height no more than 35 ft. There are approximately five subdivisions in the immediate vicinity which will be served by this project. The school will be close to those it serves.

The four recommendations made by the Planning Staff have been incorporated in the plans as evidenced by the plats presented with the case, Mr. Heubusch went on. He also noted that the nearest house is in Section 1 and 2 of the Broyhill tract. He read a letter from M. T. Broyhill who stated that he considered that this school not only would not adversely affect the property he is developing, but that it would actually be a "considerable asset" to the community. It was noted that the houses to be built by Mr. Broyhill are on adjoining property which is presently vacant.

Mr. Heubusch presented aerial photographs showing the property with relation to the surrounding area. A favoring petition containing 381 names was presented, representing 220 families of this parish. The school will be built first - construction to start shortly after the first of the year.

There were no objections.

March 14, 1961

NEW CASES

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1- Mr. Lamond moved that a permit be granted to John J. Russell, Bishop of Richmond, to permit erection and operation of a school, south side of Rt. 193, just west of the pumping station (20 acres). This is granted as per certified plat dated March 2, 1961 presented with the case. Seconded, Mrs. Carpenter. Carried unanimously.

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2- MAUDE MOORE, to permit operation of beauty shop in home (Lot 32, Sec. 1 Sunset Manor) 5821 Danny's Lane, Mason District (R-12.5)

Mrs. Moore presented a letter from Dr. Kennedy stating that his staff had reviewed and approved the proposed plans for a beauty shop at this location. She also showed an aerial photograph of the property indicating the area she would expect to serve. Mrs. Moore said this would be a very limited part-time operation. She would plan to serve only the immediate neighborhood. She thought this shop would cause less parking than her swimming pool.

It was brought out that Mrs. Moore has been operating this shop for three years. She did not get a permit as the shop just grew from nothing into a business. She started doing work for a few friends and before she realized it she was in a small business. She was notified by the Health Department that she must have a permit. She owns the property and has lived here for six years. She has two children and works only while they are in school. (No week-end or summer work)

Four people were present in favor of granting the permit. The neighbors all know of this shop and of the hearing, Mrs. Moore said, and they have no objections.

Mr. Lamond questioned the parking. Most of her customers are walk-ins, Mrs. Moore said, but she can park three cars in the driveway. The Board asked that parking other than the driveway be provided. Mrs. Moore said she could pave a small area in the rear or the little space on the side front of her house which is paved could be used. She indicated these areas on her plat.

Mrs. Henderson read Mrs. Moore's statement regarding the business which said that she would operate this business as she had in the past "on a part-time basis with no signs or other conditions that would change or alter the strictly residential nature of her home".

Mr. Smith moved that Mrs. Maude Moore be issued a special use permit for operation of a beauty shop on Lot 32, Section 1, Sunset Manor and that the parking indicated on the plat presented with this case, be used and this this permit be issued to Mrs. Maude Moore only as a part-time home occupation

2- basis. Seconded, T. Barnes. Carried unanimously.

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3- HOWARD WEST, to permit erection of an addition closer to street line than allowed by the ordinance, Lot 76, Section 3, Hollin Hills (1224 Stafford Rd.) Mt. Vernon District (R-17)

Mr. West pointed out that his house sets on an angle in such a way that any addition would encroach on the setback lines. This addition would provide an entrance way and a small extension of the dining room. That part that encroaches is actually the entry-way which would be open.

An addition on any other side would be impractical, Mr.West explained - on one side is a retaining wall where the drop-off is very steep, the chimney is on the other side, and on the south side the rooms are one story up.

They have no garage nor carport, nor do they intend to have one.

Mrs. Henderson pointed out that these houses are all placed at strange angles so there is really no uniform front setback - they are so placed in order to take advantage of the hilly terrain.

There were no objections from the area.

Mr. Lamond moved that the request of Howard West to permit erection of an addition closer to street line than allowed by the Ordinance on Lot 76, Section 3, Hollin Hills (1224 Stafford Road) be granted as it would not adversely affect the surrounding property. Most of the houses on these lots are not placed square on the lots and this would not interfere with the orderly development of the area. It is important to note also, Mr. Lamond continued, that topography also figures in this granting and because of the topography - there is no alternate location for this addition. It is also to be noted that the portion of the addition upon which variance is being granted is an open porch. Seconded, Mrs. Carpenter. Carried unanimously.

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4- JEFFERSON VOLUNTEER FIRE DEPARTMENT, to permit erection of an addition to fire house and allow building 18 ft. of side property line, Lots 210, 211, 212, 213 and 249, Section 4, Woodley Subdivision. Falls Church District (C-N)

Mr. Moyer and Mr. Poling were present representing the applicant. The addition proposed would be used as a meeting hall to serve the surrounding community, Mr. Moyer told the Board. This fire station has served as a center for community gatherings of all kinds, Mr. Moyer went on to say. The only meeting room they have at present is the equipment room which

4- means that when dinners or meetings are going on the equipment must be moved out. This is a very active area community-wise. They anticipate no difficulty in raising funds for this addition and this room would give adequate space for such activities. Mr. Moyer pointed out that they have asked for an 18 ft. setback on the east not knowing if this line is the side or rear.

Mr. Mooreland asked the Board to make that determination - Woodley Drive or Hodge Place - which does the Board consider the front line? However, Mr. Mooreland continued, under any circumstances the Board could vary the setback.

Mr. Moyer said they have notified seven people in the immediate area of this request, all know what is being requested and all are in favor of it.

Mrs. Henderson read letters from both the Fire Commission and the Planning Commission recommending approval of this addition.

There were no objections from the area.

Mr. Lamond moved that this request for a variance for an 18 ft. setback be granted. After viewing the property, Mr. Lamond continued, he could see no objection to this. It meets the requirements of Step 1 and 2 of the Ordinance. There is a peculiar situation which has developed here with regard to the land, particularly due to the lot lines and it is the opinion of the Board that the minimum variance that can be granted is 18 ft. from the back line. Seconded, Mrs. Carpenter.

Mr. Mooreland noted that a site plan is required on this which will require that a fence be put up 15 ft. from the property line. That is done to block lights. It is also required that they cannot park within 10 ft. of that fence line.

Mr. Smith thought that an unreasonable waste of space in an area where space is at a premium. This is a C-N zone, Mr. Smith went on to say, joined by commercial property. This addition will be used mostly at night when the commercial stores on the property adjoining will be closed and their commercial parking lot could very well be used.

Motion carried unanimously.

The Board does not have authority to vary the parking requirements, Mrs. Henderson pointed out (page 58 of the Ordinance). She went on to suggest, however, that the wording in the ordinance should be changed so that if there is screening or a fence the no parking within 25 ft. of the line should be waived. This could be made an emergency amendment.

NEW CASES

4- Mr. Chilton set the parking space figure at 51. He said the Board could set that at any number they wished. The 51 spaces was based on the additional activities carried on in this building. He pointed out that a maximum of 25 spaces could be provided if the requirements are observed.

Since this is a group VI use, Mr. Chilton also noted that no parking could take place within 50 ft. of the street right of way.

Mr. Mooreland noted that under C or I districts certain of the setback requirements do not apply. He questioned why this useshould be penalized.

Mr. Smith insisted that this situation warrants immediate consideration - when screening or fencing is installed the applicant should be allowed to use the parking space up to the screen.

Mr. Moyer said they would have 5,740 sq. ft. of social area exclusive of kitchen, etc. Mr. Chilton had figured six cars per 1,000 sq. ft.

Mrs. Henderson suggested leaving the parking in abeyance until an emergency amendment is passed. If the 25 ft. restriction can be removed she pointed out they can provide sufficient parking area.

Mrs. Henderson recalled that when this section of the ordinance was drawn it was only for residential and C-O zones. Fire stations were permitted in May 1960. Then they added any of these uses in C-N or C-G zones but never changed the requirements - no parking within 25 ft . If the zone is in a commercial classification that should be eliminated.

Mrs. Henderson said she realized these people wish to get started immediately but if an emergency amendment could be passed at the next session of the Board of Supervisors the site plan need not be held up.

Mr. Schumann suggested that the site plan might be approved under existing regulations and if the Board of Supervisors goes along with the amendment an amended site plan could be submitted, extending parking up to the fence.

Mr. Smith moved that with regard to the Jefferson Volunteer Fire Department in conjunction with the special use permit, the number of parking spaces be set at 25 because there is ample parking space next door on the Safeway and drugstore property, where these people can park in the evenings when the community facilities are more heavily used.

(Mr. Moyer said they have a permit from these stores to use one end of their parking at any time when their lot is lighted.)

Mr. Barnes seconded the motion.

NEW CASES

4-Ctd. Mr. Lamond disagreed with this procedure. He argued that the Board is set up with certain standards which the Board is obligated to observe. While he was entirely sympathetic with the applicant he urged that the use be granted but that the parking requirements should be changed only by action of the Board of Supervisors in changing the ordinance.

But, Mrs. Henderson pointed out, the 25 spaces plus parking on adjacent property is sufficient and it meets requirements. The 51 parking spaces (6 cars per 1,000 sq. ft.) suggested by Mr. Chilton, was based entirely on commercial uses and according to the Ordinance the Board is not obliged to go by that formula.

Mr. Lamond insisted that the Board was proposing to cut the parking space from 51 to 25.

The adjoining property would provide probably 100 spaces, Mr.Smith pointed out, far more than required at any time.

After further discussion, Mr. Lamond continuing to urge the requirement of more on-site parking, the motion was carried. All voted for the motion except Mr. Lamond who refrained from voting. Motion carried.

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DEFERRED CASES

1- VeEssa Boston, to permit operation of a beauty parlor in home as a home occupation, south side of Route 654, 647 ft. E. of outlet rd, Falls Church District (RE-1)

Mrs. Boston said she wished to have this small shop in her basement, particularly for the convenience of people in the neighborhood.

The Chairman read a statement from Dr. Kennedy requesting that this use be denied since the water supply is unapproved and the building has no plumbing facilities or sewage disposal. However, the statement continued, if water and sewerage are shown to be adequate the Health Department would reconsider this request.

Mrs. Boston said she realized it would be necessary to meet the Health Department requirements in both of these matters and she would take steps to make these improvements if and when the use is granted.

Mr. Mooreland said if the Board wished to grant this subject to approval of the Health Department they could rest assured that the applicant would not be issued an occupancy permit until the approval has been obtained.

Mrs. Boston said this would be satisfactory to her. She would operate the shop with no outside help.

072

1- Mrs. Carpenter moved that VeEssa Boston be permitted to operate a beauty shop as a home occupation in her home with herself only as the operator. This is granted subject to approval of the Health Department. Seconded, Mr. Lamond. Carried unanimously.

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2- THOMAS C. FERGUSON, to permit carport to remain 7 ft. from side property line, Lot 62, Section 3, Rosemont, (4809 Simmons Drive) Dranesville District (R-12.5)

Mr. Lockowaundt presented a plat drawn in March 1959 with outline of the lots. The plat indicated that Lots 62, 59, 69 showed a future carport. This plat was submitted for the building permit,he said.

Mr. Lockowaundt contended that when the builder got the permits in March 1959 a number of permits were issued at the same time and Lot 62 included a carport, that was part of the general plan and permit. There were three lots on the initial plat that showed carports - on the others it was intended that carports were to be built also. Then the relocation of the line took place between Lots 62 and 63. The lines were changed in such a manner that the 3 ft. variance is necessary to have the carport. But the original lot provided enough space for the carport. Mr. Lockowaundt said that was the basis on which the plat was made.

Mrs. Henderson pointed out that even on the original plat a variance would have been required for a carport as the distance would provide for only a 9 ft. setback.

Mr. Mooreland said the original plat called for eight houses. This lot probably came in on an overall plat which was later changed and the permits were issued before the change was made.

Mr. Lockowaundt pointed out that the slab was in July 21, 1959. Mr. Ferguson, owner of the house, said the slab was in existence August 15, 1959.

Mr. Smith said he thought the Board should see the building permit, a permit that shows the carport. Mr. Mooreland sent for the permit.

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In the meantime the Board took up the case of:

3- ESTEL F. SCOTT, to permit division of lot with less frontage than allowed by the Ordinance, east side of Rt. 235, 6/10 mile south of Rt. 1, Mt. Vernon District (R-12.5)

3-Ctd. Mr. Chilton noted in his staff report that a service drive would normally be required here because the property has been divided so it comes under Subdivision Control. However, the applicant in this case will probably ask waiver from the Board of Supervisors for the service drive. This cannot be done until the variance applied in this case is granted.

074

Mr. Smith moved that Estel F. Scott be permitted the division of lot with less frontage than allowed by the ordinance, east side of Rt. 235, 6/10 mile south of Rt. 1, in accordance with plat submitted with the case and certified to by Wesley R. Ridgeway. This plat is dated January 24, 1961. The request for division of this lot appears tobe a practical adjustment of the division of this piece of land.

The Variance requested is the minimum variance that could afford relief to the applicant. It appears that the granting of this variance would not be detrimental to the surrounding neighborhood. Therefore Mr. Smith moved that the permit be granted as requested. Seconded, Mr.Barnes. Carried unanimously.

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Mr. Mooreland returned from a search for the Ferguson permit. He said the old permits had been destroyed - his office has no record of the carport permit.

Mr. Lockowaundt insisted that this carport was intended on the permit of March 10, 1959, the plat submitted at that time is the same one he showed the Board. Three carportswere designated, including Lot 62. It was at that time that the permit was approved.

Mr. Smith said it appeared to him that they got a permit for a basic house without the carport. The 3,860 sq. ft. shown on the plat was for the actual house construction.

The Board and Mr. Lockowaundt agreed that a shift change was made in the basic plan but could not agree upon whether or not the carport permit was ever issued.

Mr. Smith insisted that the applicant try to find the original set of plans and find some evidence of a permit. He felt the Board should know if ever a permit was issued for construction of a carport.

Mrs. Henderson pointed out that the building permit plat shows only a 15 ft setback which would never have provided for the carport. If this is the mistake of the builder, Mrs. Henderson continued, the Board is not set up to correct mistakes of builders and owners. She expressed sympathy for Mr. Ferguson but suggested that he had recourse against the people who made the mistake.

Mr. Lockowaundt contended that it is the function of this Board to relieve a difficult situation.

After further discussion, Mr. Lamond moved to defer the case to April 11 for further information regarding the carport building permit and for the Board to see plans of the "Mark 7" and its variations. Seconded, Mr. Barnes. Motion carried. Mrs. Henderson voted no.

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In June 1959, Mr. Schumann recalled to the Board, they had approved construction of buildings on Hardin Street -- application of Payne. The buildings are now being occupied by Melpar. One condition of the granting was that no parking was to take place in front of buildings 1 - 5. They are now parking in front of these buildings.

Mr. Andrew Clarke was present stating that he represented the applicant at that time and he agreed for his client to build Hardin Street through at a cost of $50,000. Mr. Walter Phillips, engineer, has been trying since June 1959 to get the Hardin Street location approved by the State and County. It has been changed many times. They have not put in the grass plot along Hardin Street as agreed upon. They have, however, installed a very large storm sewer line big enough to take care of more drainage than required. They have also provided a 10 ft. easement along Hardin Street. Not until January 1961 did they get final approval to go ahead with Hardin Street, but Mr. Clarke stated, the plan now underway will provide a satisfactory approach to Columbia Pike, one of the many problems that has been resolved. They anticipate no further delays. They have occupancy permits for buildings 5, 6, 7 and 8.

The zoning in this area has been changed (upon adoption of the Pomeroy Ordinance) and now they hope to get a classification on the property, in the event Melpar moves out, that would permit something else to be done with the big building.

Now that the weather has cleared, Hardin Street is under construction, also an 80 ft. road from Rt. 7 to Columbia Pike will be put through.

Mr. Payne has filed application to rezone this property to C-G which will take care of permanent building uses in the future since Melpar is consolidating much of the operations and has given up some of their holdings at Bailey's Crossroads.

Mr. Burrage has been concerned about the future use of these buildings, Mr. Clarke continued, but he is satisfied now that these plans are underway that the area will be improved. The traffic here is one of the very bad spots in the county. This road situation has been a major under-

taking, requiring practically full time of the engineer. It has been costly to Mr. Payne but with the new zoning, which comes before the Board of Supervisors in May, and the new road construction, Mr. Clarke said he felt assured this would be straightened out.

Mrs. Henderson asked Mr. Schumann why this is presented to the Board of Appeals.

Mr. Schumann said the Commission had been asked many times why the parking violation on this building exists, and since the matter first came before the Board of Appeals, and the restrictions laid down by this Board, Mr. Schumann said it was the thought of the Commission that this should be brought to the attention of the Board along with the conditions surrounding the violation. Mr. Schumann suggested that Melpar may be permitted to continue to use this parking until the property in the rear can be paved and put in shape for use; in the meantime the new zoning classification will probably take care of the situation.

Mr. Clarke said the final grading of Hardin Street will probably prevent much parking in front.

Mrs. Henderson said she did not feel that the Board could condone the fact that this violation has existed ever since the buildings were occupied.

Mr. Clarke agreed but also suggested that if it were stated that the construction of Hardin Street was held up by the State and County and not because of negligence on the part of the owner, he believed the Board would have given permission to park there.

Mr. Smith moved that the Board take no action on the violation for a period of 90 days due to the chain of circumstances explained by Mr. Clarke. This delay is due to the fact that the property is under consideration for rezoning at this time which might eliminate this condition. Also this delay is granted because of the physical condition of the other parking lot and construction of Hardin Street. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Mooreland said he had succeeded in getting the Supervisor of Assessments not to issue contractors or retail merchants licenses to people at residential addresses without approval of his office.

He told of a man who has a darkroom in his basement. Mr. Mooreland told him that he could not issue him a letter to get a license unless he moved his darkroom work to some other commercial location - he objected and claimed this was nothing more than a "home occupation".

This provoked a series of discussions on what constitutes a "home occupation"? Mr. Mooreland asked the Board to determine how far one can go with a "home occupation". He said Mr. Burrage thought home occupations should be expanded. He did not agree with that.

Mr. Mooreland said his office gives a letter (which is used as a basis for a license) to these people if they have no sign, no storage of equipment and supplies, and no employees coming to the house and parking of no more than one car. This man is going further. Mr. Mooreland said he did not know how to determine the cutting off point.

Mr. Mooreland cited another case of a man selling 50% of the small items he handles from his home - the larger items he sells from the manufacturer. The Board discussed this at length; Mr. Smith thought "home occupations" beyond a very limited scope should be discouraged, it being too difficult to prevent full fledged businesses developing in residential areas and unfair competition with those who accept the responsibility of expensive overhead; the differences between a profession and a business enterprise; creative work as opposed to use of materials were discussed.

The Board agreed with Mr. Mooreland that the darkroom should not be located in a residential zone.

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Mr. Mooreland said the owner of an automotive supply store wishes to expand and install tires, batteries and seat covers (this is in a C-D or C-N district). Carrying these items means that they will be installed, Mr. Mooreland pointed out. How far can this man go with repairs which would naturally accompany installation of batteries or tires?

The Board agreed that since these things would be done within the enclosed building, small things such as putting on seat covers, fixing tires and tubes and installing batteries would be permissible, but nothing beyond that.

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The question of Mr. Alward came before the Board. What action should be taken since Mr. Alward has been in violation of the Ordinance for years and has made no attempt to comply nor to carry out any of his agreements? The last letter sent Mr. Alward said if he did not comply with certain stipulated conditions his permit would be revoked. He has no complied nor has his permit been revoked.

It was agreed that a complete review of the case would be made and if necessary, another session with the Commonwealth's Attorney, to determine where the Board stands and what the next move will be to get compliance with the Board's condition.

March 14, 1961

Mr. Mooreland discussed Starlit Fairways and setback requirements. The difficulty has come about in working out the site plan, he said - page 80 of the Ordinance - no parking within any required setback or within 50 ft. of any property line. Mr. Chilton asked the Board for a clarification of the "required setback". The Board agreed that no parking should take place in front of any building - in a residential zone, but took no further action.

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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, March 28, 1961 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- WILSON R. PIERPONT, to permit erection of carport 9.59 ft. from side property line, Lot 24A, Blk. C. Resub. Block D and Part Lot C, Mt. Vernon Terrace, (412 Marshall Drive) Mt. Vernon District (RE 0.5)

The carport in this location would cover the entrance to their basement, Mr. Pierpont told the Board, and would furnish a shelter getting into the car, which they need badly in winter to get from the house to the car. As it is, during snow time it is very hazardous. The driveway leads to this side of the house. A porch and entry is on the opposite side of the house. The house on the adjoining lot is set 40 ft. from the property line. The original owner of this house put the driveway in expecting to add the carport. At that time, the Ordinance would have allowed the carport to come 15 ft. from the side line. The house to the east is on a corner lot and is located about 150 ft. from the Pierpont house. If the carport were added to the porch side of the house, Mr. Pierpont explained, it would destroy the lines of the house, and they plan to expand the dining room on that side. That side of the yard has a rather steep slope.

Mr. Smith suggested cutting the carport to one car which Mr. Pierpont said would not allow room for the steps from the house entrance.

Mrs. Henderson suggested a carport in the rear, which it was agreed would not be harmonious with the lines of the house, and it would spoil the back yard, the view and the trees.

The Board was not agreeable to granting more than a 5 ft. variance.

Mr. Lamond moved that the Board allow the applicant to come within 15 ft. of the side property line with a carport, as this appears to be the only location for a carport, the opposite side of the house being hilly and not feasible for the addition.

All voted for the motion except Mrs. Carpenter who voted no for the reason that in her opinion this does not comply with Section 11.5.5 of the Ordinance. Motion carried.

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2- MARTIN B. JARVIS, to permit division of lots with less area than allowed by the Ordinance, Lots 79 and 87, Valley View Subdivision, Lee District (R-12.5)

2-Ctd. Mr. Jarvis said he wishes to make two lots out of his land, one with 11,445 sq. ft. and 10,036 sq. ft. in the other. The average lot in the subdivision is 11,116 sq. ft. He would tear down the old house on Hillcrest Drive and replace it with a new house. Also he would put a house on Lot 79 facing Spring Drive.

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Mr. Mooreland said this was a mixed up set of divisions and redivisions. Part of the changes came under a will which divided lots 87 and 88. These were originally old lots, Mr. Mooreland continued, upon which were many variances, granted because of the terrain. He noted that Spring Drive is about 100 ft. below Hillcrest Drive. Mr. Mooreland said he thought this division would be an improvement on what is here; the place is run-down. Mr. Jarvis owns Lot 79 and has an option on part of Lot 87. If this division is granted he will develop both lots. He has a house started on Lot 79. He will start the other house if this is granted.

Mr. Chilton said these lots do not meet the present requirements of the Zoning Ordinance and would therefore require variances in width as well as area.

Mr. Mooreland said the line on Lot 87 has been changed and some time ago that line was established permanently. This has been shuttled back and forth in and out of his office for a long time, Mr. Mooreland said; they talked of making this division a long time ago.

Mr. Smith suggested deferring until Mr. Jarvis brings in a plan of what he wants to do with Lot 87 and also to view the property. However, he stated, this would appear to warrant a division if it could be shown that variances were not necessary. He moved to defer the case to view the property and for Mr. Jarvis to submit to the Board a plan of development showing how development on Lot 87 could comply with regard to side yard setbacks, 15 ft. on both sides. The front line is established, however, by the old existing setback. Seconded, Mrs. Carpenter. Carried unanimously.

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3- VIRGINIA ELECTRIC and POWER COMPANY, to permit erection of and operation of a power distribution facility, a substation, on W. side of 413 (Capital Beltway) approx. 3500 ft. north of Rt. 620, adj. to VEPCo right of way line, Falls Church District (R-12.5)

Mr. Hugh Marsh represented the applicant. Mr. Leon Johnson, electrical engineer and District Manager of the Potomac district - Alexandria, was also present.

3-Ctd. Mr. Johnson located the proposed substation showing it to be adjacent to the VEPCO transmission line between Routes 236 and 620 and between the transmission line and the Circumferential.

Mr. Marsh presented a map indicating the VEPCo system and the area this substation would serve.

Mr. Johnson read a prepared statement (a full text of which is on file with the records of this case) tracing the growth in the county and the corresponding need of VEPCo to expand in order to serve the needs, present and future.

Mr. Johnson pointed out the adequacy of this location, the proposed screening and fencing. This installation will be entirely enclosed with a 6 ft. high fence topped with barbed wire, 60 ft. within the property line on the east, behind a screen of trees. The gate will be locked at all times. There will be no storage of equipment or materials, all substation equipment will be located within the fenced-in area, not closer than 10 ft. from the fence. All exposed parts energized with electricity will be more than 8 ft. above ground level. All construction will comply with the National Electrical Safety Code. The station will be fully automatic, no regular traffic to and from the substation. Circuits will leave the substation by way of the transmission right of way. This is an area of approximately 3.4 acres about half of which is on the VEPCo right of way (300' x 400').

Mr. Marsh presented a map showing locations of C and I zoning. It was agreed that neither the C-N nor the I district within the mile limit were practical locations for this substation.

When the area on the side of this property is developed, Mr. Johnson said they will plant the type of trees that will make a good buffer and fit in with the area. If it develops that it would be best to plant outside the fence they will move the fence at that time.

Mr. Marsh called Carroll Wright, appraiser and realtor, who presented a written statement (on file with the records of this case) which drew the conclusions that this installation would not have a detrimental effect on the surrounding area. He stressed the great need for this.

Mr. Walter S. Cameron, from Cameron's Radio & TV Shop, presented a written statement in substantiation of his conclusions that this installation would not in any way impair television or radio reception.

Mr. Paul Sales, commercial photographer, showed pictures taken from the air and on ground indicating that this area is sufficiently isolated not to have an adverse effect on surrounding areas.

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3-Ctd. Mr. Jack Wood stated that he represented property owners on all sides of this property and they have no objection to this; in fact, they feel that it is a very necessary installation for their planned development and for the area. He considered the location ideal.

There were no objections from the area.

The one building on the property would be 12' x 14' x 25' structure of cinderblock (14 ft. high).

The PLANNING Commission recommended that this be granted.

Mr. Chilton stated that this area is shown in the Park Plan - that Mr. Packard is aware of that and has no objection to this proposed use, as there is other available land in this area for park purposes.

In view of the favorable recommendation from the Planning Commission and the need for this facility, Mr. Smith moved that VEPCo be granted permission to erect and operate a substation on the west side of Rt. 413, approx. 3500 ft. north of Rt. 620, adjacent to VEPCo right of way line. It has been brought out in the testimony, Mr. Smith continued, that the use of the available commercial and industrial property in the area would not be practical as it would necessitate crossing a highway and it would be too far from the transmission line. It is necessary for this facility to be in this location in order to render efficient service for the residents of the immediate area. Seconded, Mr. Barnes. Carried unanimously.

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4- FALLS CHURCH VOLUNTEER FIRE DEPARTMENT, to permit erection of fire house, on W. side of Shreve Rd. approx. 119 ft. N. of intersection with Peach St. Providence District (R-10)

Mr. Lytton Gibson represented the applicant. He recalled that when this was before the Board of Appeals some time ago, the law read that the Board could grant fire stations subject to approval of the Fire Commission. The Board granted this use but the Fire Commission rejected it. Mr. Gibson filed suit for the applicant, charging that the Fire Commission had rejected this without benefit of standards. That suit is now being held up pending this hearing. The law has now been changed to read that the Fire Commission must review and report on a new station but the final granting does not require approval by the Fire Commission.

Mr. Mooreland read a long and detailed report from the Fire Commission. (A copy of this report is filed with the records of this case.) IN conclusion the Commission again rejected approval.

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NEW CASES

4- Mr. Gibson pointed out in the letter that Mr. Charters had stated that "It is not apparent that the area in Fairfax County (this case) in which the proposed so-called sub-station would be located is in greater need of additional fire protection than other areas of Fairfax County." The report does not state that this facility is not needed, Mr. Gibson went on, it simply indicates that the need here is less urgent than in other places.

Mr. Gibson also pointed out that this sub-station would be no expense to the County - the applicants would buy the property and Falls Church would staff it; they would have no siren, notification of fires would come from the station at Falls Church.

Mr. Gibson presented a petition (19 names) from business people and residents in the area who favor this. He also explained the specifications of the National Fire Protection Handbook for adequate servicing of an area, showing that this area does need a sub-station. An area of this size and development should have four pumper stations and two ladder companies. There is only one here. The distance recommended for safety response in an industrial or heavy business area is no more than 3/4 mile, here the closest call is more than three miles. For residential it should not be more than 1 1/2 miles.

The applicant will maintain a 25 ft. buffer strip around the property, Mr. Gibson went on, except on Shreve Road. He also noted that the condition of Shreve Road has been improved from Broad Street to Lee Highway, widened to about 25 ft. and they have straightened out some of the knolls and put on shoulders. These people will pay for everything. This station will be no expense to the County. Mr.Gibson also pointed out that these stations are very often in residential districts. They will meet state requirements on entrances. This station will include one ladder, one pumper and one ambulance.

It was noted that no site plan is required on this.

The question of driveway entrance widths was discussed, however, it was agreed that should be left up to the State.

The Chairman asked for opposition.

Mr. Norman Jones stated that he was not opposing as such but there were certain things about which he was concerned. He discussed the heavily traveled condition of Shreve Road, with business at both ends. He feared that this would not have adequate access to Rt. 7 and would therefore use the road in front of his house. This is an unimproved road; many

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children live in this neighborhood. He asked that it be specified (if this is granted) that they would have no siren on the building and a buffer (with evergreen planting) would be required; also that the scrub growth (poison ivy, etc.) be cleared out and if they do not have the buffer strip the place be fenced (stockade).

Mr. Gibson said they have no plans to use this building for dinners, as fund raising affairs would be held in Falls Church.

Mr. Smith moved that the application of Falls Church Volunteer Fire Department for permit to erect a fire house on Shreve Road approximately 119 ft. from intersection with Peach Street be granted for the reason that, as has been brought out in the testimony, there is a need for this sub-station of the Falls Church Volunteer Fire Department in order to adequately protect the citizens and industry within the area, as the protection at the present time does not meet the recommended formula for standards set up by the National Fire Protection Association. This is granted with the following stipulations - no starting siren shall be permitted on the property and a buffer strip of 50 ft. shall be left on three sides of the property as in the original motion granting this case, on July 26, 1960. There shall be a 50 ft. setback on Shreve Road. It is understood that the size of the opening into the highway shall be left up to the State Highway Department. They will determine the size of the entrance needed for this activity. Seconded, Mr. Barnes. Motion carried. All voted for the motion.

Mrs. Henderson changed her vote from the July hearing, although she said she still had reservations about the adequacy of Shreve Road.

Mrs. Carpenter did not vote at the July hearing but voted for the motion at this time as she felt that the need has definitely been shown in this hearing.

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Mr. Mooreland stated that there is nothing in the ordinance to control the "keeping of cats". Will they be treated the same as dogs - kennel regulations? He noted that under a C district the Ordinance provides for "any other things of a similar nature that have the same physical and functional characteristics". This, however, is not in the R district which Mr. Mooreland said was probably an oversight. The Board agreed that cats be considered under kennel regulations.

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Mr. Mooreland suggested amending the sign ordinance - Section 7.2.4,

page 6, prohibited signs - "lights outlining roof line, etc." He discussed drive-in restaurants which have an embellishment that is not part of the roof, doors and windows that have lines of exposed tubing. This is identification of these particular businesses and therefore should be considered part of the sign on the building and included in the square footage.

Mr. Smith said he would like to give more thought to this, particularly to the effect it might have on competition before making a decision.

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Mr. Mooreland told the Board that Mr. Alward has been given a letter to do something within a given time and if he does nothing a warrant will be served on him.

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Mr. Mooreland said Mr. Dodd was convicted and fined $250 - suspended if he gets out of the building within 10 days.

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Mrs. Henderson said a special meeting was called two weeks ago on Starlit setbacks. Those present were Mrs. Henderson, Mr. Barnes and Mr. Lamond. They revised the former resolution on this and allowed them to come within 50 ft. of the side line, provided the buildings were back 100 ft. The applicant agreed to this. Mrs. Henderson stated that the people on adjoining property are interested in cooperative parking, therefore the 50 ft. setback would be satisfactory.

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Mrs. Carpenter asked the meaning of "required setback" in the Ordinance applying to this case.

It was agreed that the required setback area relates to the zone but according to this case the Board increased the requirement by making the building setback 100 ft. and no parking within the 100 ft. front setback.

Mr. Mooreland said no parking within the required setback which is 25 ft. Required setbacks and specific requirements are two different things, he pointed out.

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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, April 11, 1961 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- WALTER DAVIS, to permit erection of carport 23.1 ft. from Lanier St. Lot 4, Block 6, Sec. 2, Crestwood Manor (4501 Exeter St.) Mason District (R-10)

Mr. Davis showed photographs of the property as it is at present. He purchased this home on June 30, 1960. He bought it because he wanted a corner lot in order that he could erect a carport. He had a door installed on the side of the house, where ordinarily there would have been two windows. Crestwood Manor suggested that he wait a year for the ground to settle before building the carport. He applied for the permit and was advised that there was a 30 ft. setback. He asked an attorney to look into this and the attorney told him that he could erect the carport. Now he finds that he cannot. Crestwood Engineers advised him when he purchased the house that there was a requirement of a 25 ft. setback. He paid extra to have the doorway installed in the house leading out to the carport. He had the driveway moved over. If he had known that he could not have erected a carport he would not have purchased the property. The property is on a dead end street. There are two vacant lots in back of his house. The carport would obstruct no one's view and he knew of no one who was opposed to this.

Mr. Davis said he is the first occupant in this house. He has talked with Mr. Wright, purchaser of the two vacant lots, and he has no objection. He plans to erect two houses later on. There are only two more lots on the side street where he desires to erect the carport. Mr. Davis said he considers this "finishing a carport" since the carport was started when the house was built.

Mrs. Henderson stated that it seemed that from the design this house was never intended to have a carport. There are a good many house in this area where the concrete driveway is so close to the side line you could not possibly put a carport on the lot.

Mr. Lamond suggested putting the carport in back of the house. Mr. Davis said there is a 20 ft. easement in back of the house for storm sewer and an easement on the other end of the house for storm sewer. There is no other place for the carport.

NEW CASES - Ctd.

1- Mr. Smith said it seemed that this house was not designed for a carport. He said the lot space has been used for building a better home than most of the others in the vicinity. It did not seem possible for the Board to grant a variance of this size just because the builder has misinformed Mr. Davis. Apparently there isn't enough room for a carport. If the builders had planned a carport for the house they would have planned it better.

Mrs. Henderson explained to Mr. Davis that the hardship has to be peculiar to his particular lot and house. In this case it isn't because there are others in the same situation.

There was no opposition.

Mrs. Carpenter moved that this application of Walter Davis, to permit erection of carport 23.1 ft. from Lanier St., Lot 4, Block 6, Sec. 2, Crestwood Manor (4501 Exeter St.) be denied as there is no evidence of hardship as set forth in the Ordinance. Seconded, Mr. Smith.

Mr. Lamond stated that the fact that a 20 ft. storm sewer easement is across one end of the property and storm sewer easement on the other end does preclude the use of this land in some way and should have some bearing on granting a variance, particularly when the sewer serves the community rather than just this one piece of property. All voted in favor of the motion to deny except Mr. Lamond who voted no because he thought some consideration should be given to the fact that the man cannot use some of his land because of storm sewer easements. Motion carried. Mrs. Henderson said she voted for the motion in spite of the storm sewer easement and since some of the others have a similar condition pertaining to their land. This house was not designed to have a carport, she stated.

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2- WILLIAM L. SMITH, to permit addition to repair garage closer to side line than allowed by the Ordinance, Lot 13, and part Lots 12 & 14, Southern Villa, Mason District (C-N)

Mr. Smith stated that he and his brother own and operate the Smith Center. They have been operating the garage for eight years. They have lived in the neighborhood for many years and feel that the neighborhood has grown so that they need an addition to the garage for more inside work. They are now a non-conforming use.

Mrs. Henderson pointed out that this is a C-N zone. This is only permitted in C-G. There are certain restrictions here on the amount of coverage.

2- They can enlarge the use not to exceed 25% of the area of the land occupied by such use and to an aggregate extent at all times of not to exceed 25% of the floor area of the building in which such use is conducted, but not so as to exceed the maximum building area of floor area prescribed for the district.

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In answer to a question from Mr. Lamond, Mr. Smith said that Roy's Grill (C-N) is located on the west side and there is residential property on the east side.

Mr. Lamond thought the Board should consider whether or not this should be rezoned to the right kind of business - he did not like the idea of enlarging the C-N zone this much.

Mr. Smith said this is a Shell Service station. They have a service station and garage. The C-N permits the service station by permit.

Mr. Mooreland said this has been before the Board two times. It came first to enclose the open lift and later to extend the garage through the building.

Mr. Smith said they have five bays now.

Mrs. Henderson said that Mr. Lamond has a good point - this is growing into a C-G operation in a C-N zone which is not the intent of the Ordinance. She said she has a number of letters in favor of the application. The people in the area think this would improve the property; it is a great convenience, etc, but Mrs. Henderson said she was inclined to agree that the proper procedure would be request for rezoning.

Mrs. Henderson read the Staff Report -- "The proposed addition will be a 63% enlargement from the present non-conforming garage use within the building. It will be a 39% enlargement of the entire building area. The existing building plus the proposed addition will cover 20.7% of the lot."

Mr. Chilton said this was figured according to figures shown on his plat - 1939 sq. ft. 39% is based on the entire operation.

Mr. Mooreland said the storeand the service station have been here for years. In one of the letters given to the Board it was stated that it has been here since 1930.

There was more discussion on whether the zoning should be changed or whether the Board could grant some relief under the present setup.

Mrs. Henderson thought that since the Master Plan was passed with C-N on the property it must have been intended that the land remain C-N and not C-G.

Mr. Mooreland said there is a violation area in parking of wrecked

2- vehicles in the rear of this. This has been going on for 2 1/2 to 3 years. The Board of Supervisors and Planning Commission were going to try to come up with some type of zone that this would be allowed in as a matter of right. This was never done. Mr. Moorehand said that when the Police Department asks these people to tow wrecked vehicles off the highway, they do not check the zoning of the property.

Mr. Lamond moved to defer the application until the Board can get more information as to what the Board of Supervisors would say in regard to parking wrecked vehicles in the County; there is a need for such an operation. If this man is in violation, there should be something done to have him comply. Mr. Lamond stated that the ordinance has some shortcomings in cases like this. He moved to defer for 30 days. He also recommended that the applicant apply for rezoning. Seconded, Mrs. Carpenter.

Mr. Smith said he would like to see no action taken against this operator until such time as this can be cleared up on "parking of wrecked autos". Mr. Lamond accepted this as an amendment to his motion -- that he County not enforce the violations as to parking of wrecked vehicles until the whole thing has been worked out.

Mrs. Henderson thought 30 days deferral was unrealistic - nothing could be worked out in 30 days. Mr. Lamond amended his motion to 60 days. Also that something be done to get the Commonwealth's Attorney and the Director of Planning working on this immediately. Carried unanimously.

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Mr. Thorpe Richards asked for deferral of the 11:30 case (Arlington Moose Lodge #1315) until May 23. They are still working with Sunset Manor Citizens Association to see if they can resolve the difficulties. They do not have another meeting until May 12. They have advised the citizens that they are asking for deferral to this date.

Mrs. Henderson said the Board would vote on this at 11:30 to make the request official.

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3- RUSSELL SUTHARD, to allow patio to remain as erected 1.86 ft. from side line, Lot 65, Valley View Subdivision (2517 Richmond Hwy.) Lee District (R-17)

Mr. Suthard showed pictures of his patio. He said he poured the concrete slab, and built his own home. He did not realize he was breaking any law when he built this patio. He thought a 3 ft. fence could be put

3- between the property anyway; the wall which he has is only 30" high. It is closed in because he did not want his little daughter to fall off the end.

There was no opposition.

Mr. Mooreland said this extends 12 ft. into the side line - it should not be more than 6 ft.

After more discussion Mr. Smith said he could see no valid reason given for allowing this patio to remain as constructed; he moved that the application of Russell Suthard, to allow patio to remain 1.86 ft. from side line, Lot 65, Valley View Subdivision, (2517 Richmond Highway) Lee District be denied. Seconded, Mr. Barnes. Mrs. Henderson said she voted for denial because the applicant was asking the Board to correct an error on his part. Motion carried.

Mr. Mooreland asked the Board to set a deadline as to when the applicant would be required to comply with the requirements of the Ordinance. Mr. Smith moved to give him six months from this date. Seconded, Mr. Lamond. Carried unanimously.

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4- J. T. & C. E. COFFMAN, to permit wall on property line to remain as built and allow 3 ft. fence to be built on top of wall, Lot 28, Sec. 3, Walhaven, Lee District (RE-1)

Mr. Coffman said he moved into this house in 1958 and he did not know about a permit being required for building a retaining wall. He started to build the wall in 1958 and has been adding to it for about two years. Recently, an inspector came out and said he needed a permit. The wall in the back is 11 ft. high and he wants to put a 3 ft. fence on top of this. The property in the back is wooded -- there is nothing built. This is a solid poured concrete wall, inside the property line.

Mr. Coffman said the building inspector said it was well built. The drainage department could see no problem with the drainage. The only problem is that it is too high in the back.

Mr. Joyal, owner of the vacant lot next to Mr. Coffman (Lot 27 on the left side of Mr. Coffman) objected to the high wall. He said that from his property, it looked like a penitentiary wall. If Mr. Coffman puts up a fence on top of this, it would bring the wall up to 14 1/2 ft. Mr. Joyal pointed out that there is a gas line easement at the edge of his property so he cannot put any trees there to cover the wall.

NEW CASES

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4- Mr. Coffman said there was supposed to be an easement on his property for a gas transmission line but he did not know where it was.

Mrs. Coffman said the retaining wall was necessary to keep the soil from washing away.

Mrs. Henderson explained that Mr. Coffman could have a 7 ft. wall with no fence as a matter of right.

Mr. Coffman felt that if Mr. Joyal objected to the high wall, he should have said something two years ago. Now the wall is almost finished.

Mr. Joyal said it had been some time between his visits to his property. When he came back this time the fence was 11 ft. high.

Mr. Smith suggested cutting down the rear of the wall and allow the remainder to remain as it is. Mr. Coffman could fill it all the way to the top, or use the wall as a fence by not filling it up completely. It would be a lot of trouble to cut the wall down to 7 ft. but it seemed the only way to get a permit to allow the wall to remain. There can be a 7 ft. wall all the way around.

Mr. Mooreland said he could not issue a permit to Mr. Coffman until he shows that he is not building on an easement.

Mr. Lamond moved that the application be denied as there has been no hardship shown. The man has built without consulting the authorities as to what his rights are in the matter; seconded, Mr. Barnes.

Mr. Coffman has six months in which to comply with the ordinance. Carried unanimously.

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5- J. GILBERT BERRY, to locate proposed street creating a corner lot with less width than required at the building setback line, adj. to Lot 9, Sec. 2, Woodside Estates, Dranesville District (RE-1)

Mr. Paciulli represented the applicant. The location of this street is the type required to adjoining property to provide access in the future for development. This location is probably the most logical location throughout the subdivision for providing access in this direction. The lot is too narrow to become a corner lot, therefore the variance is requested. There is a 150 ft. building restriction line which is adequate for building but makes this a non-conforming lot. Other locations for the road do not provide adequate access due to topography or they provide locations which are extremely difficult to build in.

NEW CASES

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5- Other locations which might conceivably be built in would provide poor sight distance. The Staff concurs that this is the most logical location for the road, Mr. Paciulli said. This road would not damage the property and these would still be very desirable lots.

Mr. Nye, owner of the property to the rear, stated that they concur in what has been said; they are interested in supporting this road.

Mr. Chilton said the road is required by the subdivision ordinance and the Staff recommends approval of this location because of topography.

In answer to a question from Mrs. Henderson, Mr. Paciulli said the lot to the left of Lot 9 is built upon. There are no residences on Lot 9.

Mrs. Carpenter moved that the application be granted due to topographic problems mentioned; seconded, Mr. Lamond. It was added that the variance also cover proposed Lot 8 adjacent to this proposed street.

Carried unanimously.

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6- MT. VERNON-LEE LITTLE BASEBALL LEAGUE, INC. to permit a little league baseball field, Outlot B, Sec. 3 Rose Hill Farm, Lee District (R-12.5)

Mr. Bob Dodson stated that this property is unsuitable for building. They have been given permission to use this property for the Little League's recreational facility. They have been playing on a County owned school lot and have spent $12,000 on improvements in the past five years in the field they are now using. They serve the entire Mt. Vernon District.

The Board discussed the parking. Mrs. Carpenter asked how many cars are brought into the area for an average game -- the answer was about 50. Mr. Dodson said they planned to use the school property for parking.

Mrs. Henderson pointed out that before the Board could act on this, a recommendation is required from the Health Officer. No recommendation had been received.

Mr. Joe Alexander from Leewood Drive, representing property owners bordering this property, said there are four houses backing up to this property. He had read an article in the paper which said the field would be in use at 6:00 every evening, with games on Saturday and Sunday. This, he thought, would preclude any ~~operating as~~ residents enjoying their back yards; there would be no screening to protect the residentes.

Mr. Alexander did not feel that this is a good spot for a Little League ball diamond. He stated that Morrell Construction Company cannot use this property because of an easement right of way for high power line.

NEW CASES - Ctd.

6- Therefore they had told the Little League they could use it.

Mrs. Carpenter asked Mr. Alexander what he would like to see on this property - he answered that when the power line is built the property owners would like to have the right to use that portion of the property with the agreement that they will keep it clean and attractive. They would like to use it for recreational purposes, picnics etc.

Mr. Dodson said if the Board grants this, they would screen the property. (Mr. Alexander noted that screening would not stop balls from breaking out their windows.)

Mrs. Henderson read a letter from Mr. Thompson, Director of Recreation, regarding this use.

Mr. Alexander said they would like to do all they could to develop this into a recreational area without the ball field. This is on a conditional basis, he said -- if it is not granted to Little League it will revert back to Mr. Morrell.

Mrs. Henderson said that under Section 8 this would have to be deferred for a recommendation from the Health Officer.

Mr. Smith said this becomes quite a problem to make a decision, knowing that Little League needs playing fields very badly. But this seems to be an area of less size than should be approved for this type operation. If it were 3 or 4 games a week, it might be a different situation but the area of the playing field, and the nearness of the houses to it, leads me to believe that there is some hazard involved here. No parking is shown -- apparently the people have not looked into getting parking on the school property. He moved that the application be denied; seconded, Mrs. Carpenter. Carried unanimously.

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7- FRANCES BATCHELDER, to permit operation of nursery school, Lot 10, Sec. 1, Springfield Ests. (6302 Abilene Street) Lee District (R-10)

The Chairman read a letter from Mrs. Batchelder withdrawing the application. Mr. Barnes moved that the Board allow the applicant to withdraw the application; seconded, Mr. Smith. Carried unanimously.

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8- PAUL FAHSE, to permit extension of motel (total units 61) 1924 Richmond Hwy. Mt. Vernon District (C-G)

Mr. Fahse said he has been running a motel since 1955. He now has 13 units and wants a total of 61 units. He showed a drawing of what the proposed addition would look like.

NEW CASES - Ctd.

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8-Ctd. The Staff recommendation -- "Site plan approval is required for this use. Screening will be required on the south and east sides of this site as the adjoining property is zoned R-10. Additional setback will be required along the south line to provide space for the screening."

Mr. Fahse said his neighbor was considering a request for rezoning of his property for commercial use. Mr. Fahse said he has ample parking.

There was no opposition.

Mrs. Carpenter moved that this application of Mr. Paul Fahse be granted for a total of 61 units, subject to site plan approval. She felt that extension of this use would not be detrimental to surrounding property. Seconded, Mr. Smith. Carried unanimously.

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ERNEST WILLIAMS - Mr. Prichard, representing the applicant, was out of the room at this time. The Board decided to hear the next case.

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10- ARLINGTON MOOSE LODGE #1315, to permit erection and operation of Moose Lodge and permit building closer to property lines than allowed by the Ordinance, property at the end of Scoville St. Mason District (R-12.5)

The applicant has requested deferral to May 23, Mrs. Henderson stated.

Mr. Barnes moved to defer the application to May 23. Seconded, Mrs. Carpenter. Carried unanimously.

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9- ERNEST W. WILLIAMS, to permit operation of riding stable and permit erection club house 65 ft. from right of way line, S. side of Braddock Rd. East side of Guinea Rd. Falls Church District (RE-1)

Mr. Prichard said that this is the fourth hearing on a very simple application under Group 8. The applicant proposes to have a private riding club on the property now zoned RE-1 located on Braddock Rd. at its intersection with Guinea Road. He has 20 acres surrounded by vacant land.

Mr. Mooreland said the applicant had applied for permission to have a private riding club when the property was zoned RE 0.5. But this was refused because the Ordinance does not allow this use in that zoning. He then had the property rezoned to one acre. He proposes to build two barns (he showed pictures of the type of barn he proposes). The barns would not be visible from Braddock or Guinea Road.

Mr. Williams proposes to operate this as a private club where members who own horses may keep their horses. Barns have 20 stalls. One would be built now and one later on. There is sufficient property for bridle paths.

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9- ctd. Two other persons in the area have similar operations, Mr. Prichard continued -- Mrs. Hatch and Mrs. Ruffner. If the club house is a problem, Mr. Prichard said this could be moved farther into the property. At present there is a dwelling on the property, in which Mr. Williams lives, which is about 96 ft. from the line. It is possible that Mr. Williams would temporarily use the dwelling as a club house.

Mrs. Henderson did not think the club house would be involved in this 100 ft. setback.

Mr. Prichard said Mr. Williams is willing to set it back 20 ft. more if he is instructed to do so.

Mr. Smith asked if it is necessary that the dwelling be used as a club house temporarily. The answer was no, but it might be desirable. It is already back 96 ft. - approximately 4 ft. in violation.

Mr. Smith asked what would be the length of use. Mr. Prichard said as short a time as possible; it might be a year.

Mr. Mooreland said using the house as a club house is only suggested in order to give some latitude. In an operation like this, you never know. It might be necessary to use it for a short time. He thought one year would be an "outside" figure.

Mr. Williams said the owner of horses has a problem and ordinarily he would not be able to ride the horse for more than 10% of its use. In order to keep the horse in good condition it should be used more. He thought that the desires of non-horse owners could be coordinated so that everyone could be economically happy.

Mr. Williams said he would have a trail around the perimeter of the 20 acres -- that runs about 2/3 mile and by criss-crossing the trails he could have about 5 miles of riding path. Mr. Williams said the owner of the horse realizes when he boards the horses with Mr. Williams, that someone else will ride the horse -- he cannot stay in the barn 90% of the time. He said he could use the trails on the outside of his property. The owners are absentee but they have an agent who has authority to allow the property to be used.

There was no opposition.

Mr. Smith moved that Mr. Williams be granted a permit for the operation of a riding stable and permit erection of club house to conform with the Ordinance, temporary use of the dwelling to be used as a club house for a period not to exceed one year; that the operation be confined to property owned or leased by Mr. Williams and properties that he has express permission to operate on; permit granted for period of three years,

9-Ctd. and all other provisions of the ordinance shall be met; seconded, Mr. Barnes. Carried unanimously.

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11- ELKS LODGE, to permit erection and operation of Elks Lodge, S. side of Arlington Boulevard, 775 ft. E. of Prosperity Ave. Falls Church District (RE-1)

Mr. Chilton located the property on the map.

Mr. Ross Hayworth represented the applicants. He described some of the charitable operations carried on by the Elks such as endowment trust funds, sending boys to camp, etc. He said the Arlington-Fairfax Lodge has about 300 members. Location on Arlington Boulevard is approximately the center for the membership. There are several hundred Elks living in the area who belong to the lodge elsewhere because there are no facilities in this area.

Mr. Hayworth said they would erect a $100,000 building, two-story. Lodge meetings would be held at night. Increased traffic would be only 50 to 75 cars. An access road would be donated along the front of the property; no access would be required through any residential area. The property is over 700 ft. deep. The property on the west is undeveloped; the rear of the property touches residential property in Pine Ridge. Mr. Hayworth said they would leave approximately a 100 ft. buffer of trees at the rear of the property.

Gen. Putnam living in Pine Ridge sent a statement to the Board stating that this would be an asset to the area; would provide a facility to serve families in the area; would not be detrimental to the use of their property, etc. General Putnam's property backs up to this property, Mr. Hayworth told the Board.

A. W. Thompson and N. H. Nelson, adjacent land owners, and neighbors of Gen. Putnam, had no objection to the Elks' plan. The Pine Ridge Citizens Association hoped that single-family residences could be maintained but they interposed no objections to the club house of the Elks.

Mr. Hayworth said they would probably have an ABC license - on sale only. This would be consumed on the premises and sold to members and their friends only.

Mr. Smith pointed out that if they do obtain an on-sale club license to dispense beer for consumption on the premises, they would not be able to subscribe to the bottle club theory and maintain that license. The ABC Board would revoke the license if this happened.

There was no opposition.

11-Ctd. Mrs. Henderson read a letter from Dr. Kennedy saying that public water is available and that he felt suitable soil was there for septic. Mr. Coleman's report said that 10% of this property was not good; but the remainder rated good for septic tank sewage disposal.

The Planning Commission recommended that the application be denied as Arlington Boulevard should be kept strictly residential; also, this is incompatible with the area.

Mrs. Henderson noted that site plan approval is necessary. She questioned the amount of parking.

Mr. Hayworth said there is adequate parking to take care of their needs without crowding the rear of the property. They would like to use the rear of the property (inside the buffer of trees) for picnic grounds.

Mrs. Carpenter moved that the application of Elks Lodge be granted because she felt this use would not be detrimental to the character and development of adjacent land. Seconded, Mr. Smith. Carried unanimously.

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12- ILIFF NURSING HOME, INC. to permit erection and operation of nursing home, Block 22, Dunn Loring Subdivision, south end of Second Street, Providence District (R-12.5)

Mr. Robert E. Russell represented the applicants. The present nursing home, he said, occupies five buildings on the site. They propose a new 56 bed nursing home on the site. They will discontinue the use of two of three buildings, putting a sprinkling system in maybe two of the remaining buildings for keeping welfare patients. The County can pay only $150 a month for welfare patients.

Sewer and water are available, Mr. Russell stated. The total acreage is more than 10 acres, including the property which he owns at the corner. The nursing home is licensed for 54 beds at present.

The Board discussed parking -- Mr. Chilton said parking would be as determined by the Board of Appeals.

Mr. Russell said they now have a payroll of 27. They will not need any more help. The aides will be picked up in Falls Church at 7:00 in the morning and taken back at 4:00. There are no visiting hours set up. The people in the homes don't have many visitors.

Mrs. Henderson said 36 spaces should be provided to accommodate the new building.

There was no opposition.

The Planning Commission recommended approval of the application.

12- Mr. Smith stated that in view of the Planning Commission recommendation, and the ideal location of the home, he would ~~be~~ move that the application be granted as it will not adversely affect the surrounding neighborhood. He noted that the past record of the nursing home seems to be very good. This will permit a maximum of 90 patients in the whole operation and all other provisions of the ordinance be met. 36 more parking spaces shall be provided for the new building, parking facilities adjoining the new building. Seconded, Mr. Barnes. Carried unanimously.

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13- CITY OF FALLS CHURCH, to permit erection of pumping station, S. side of McLean by-pass adjacent to Broyhill McLean Ests. Dranesville District (R-12.5)

Mr. Chilton located the property on the map.

Mr. Brophy, representing the City of Falls Church, said the property is owned by Mr. Jeff Carter. The highway has taken part of the land, leaving a triangular piece which the City wants to buy for this pumping station. It is necessary to have a booster in this location to pump this water up to another level. This is a little more land than they need but because of the shape of the property they will take it all.

The pumping station would be nothing more than electric motors and a pump. Provisions would be made for four, with plans for installing three at this time. As for the housing, they keep it out of the weather, and that's all there is to it. It's cheaper to build a residential type enclosure than a commercial type.

Mr. Brophy showed a drawing of what the proposed building would look like. The size would be about 30' x 26' - it could vary a foot or two. There will be nothing outside the building except a driveway leading to and from the by-pass.

Mr. Patteson and Garland Page, engineer, from Falls Church were present also.

Mrs. Watson, 233 Mayflower Drive, spoke in favor of the pumping station.

Mr. Jeff Carter, owner, and another Mr. Carter were present. Mr. Carter did not understand how the Water Authority was going to take this property. Mr. Brophy explained the procedures of getting property for uses of this kind.

Mr. William Youngs, 231 Mayflower Lane spoke in favor of this use.

The Planning Commission recommended approval of the application under Section 15-923.

NEW CASES - Ctd.

13- Mrs. Henderson said she would like to see the motion restrict the building within the parallel line shown on the plat. Mr. Brophy had no objection to this. He also agreed to landscaping, and not to cut down any more trees than necessary for putting in the building, driveway and pipe line.

Mr. Smith moved that the application of the City of Falls Church be granted and that the agreements on landscaping, planting evergreens around the building, and the location of the pumping station be observed. Also that no more of the present grown be destroyed than absolutely necessary for piping in and out of the pumping station, and that all other provisions of the ordinance be met; seconded, Mrs. Carpenter. Carried unanimously.

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DEFERRED CASES

1- MARTIN B. JARVIS, to permit division of lots with less area than allowed by Ordinance, Lots 79 and 87, Valley View Subdivision, Lee District (R-17)

This was deferred from the last meeting to view the property and for Mr. Jarvis to observe the side line. Mrs. Henderson said he has now observed the 15 ft. side line.

Mr. Lamond moved that Steps 1 and 2 apply to the request for variance at Hillcrest Drive and that the minimum amount of relief that can be afforded is the amount applied for shown on the plat dated 4/10/61 by Ridgeway, and that the Board act favorably on this request.

Mr. Lamond added that the building be located as shown on the revised plat. Seconded, Mrs. Carpenter. Carried unanimously.

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2- THOMAS C. FERGUSON, to permit carport to remain as erected 7 ft. from side property line, Lot 62, Sec. 3, Rosemont (4809 Simmons Dr.) Dranesville District (R-12.5)

This was deferred for the second time at the last hearing to try to find the Mark 7 model house plans.

Mr. and Mrs. Ferguson came before the Board stating that they felt they had been beseiged by a lot of problems except the one they feel exists. They have almost lost the original problem, which is the carport being 7 ft. from the line instead of 10 ft. Mr. Ferguson said they came down from Pennsylvania in 1959 to find a house - with either space for a garage or a carport. They selected Lot 62 in Rosemont. He said he copied from the master plan at that time, the plot of the lot and found that there were 22 ft. on the right side of the house and 15 ft. on the left

2- Ctd. side. However, now he finds there are 19 ft. on the right instead of 22 ft. and so this results in the variance of 3 ft.

Mr. Ferguson said he had investigated to see whether or not he has lost those 3 ft. Until last December, he thought he had adequate property. He said he understood that since the last hearing, the builder has paid an additional fee for the carport.

Mr. Ferguson said they signed a contract in March 1959 with the builder. The house is on very high ground. The contour is such that the present location of the carport is the only place a carport could be located on the property.

When they moved into the house in July 1959 the slab for the carport had already been poured and the brick retaining wall had been built to provide for the future carport. The carport was finished during August 1959 after they had moved in.

During the time of construction, an inspector advised Mrs. Ferguson that they were in violation. She called the builders, who said they would take care of it. From then until December 1960 she heard nothing else from the inspector, but then the inspector returned, saying the carport was too close to the line. The next day they received a letter notifying them of their mistake, so onee again, they went to the builders, and gave them the copy of the letter. The builders again said they would take care of this.

In January the inspector came back again, asking why he had not heard from the Fergusons. Mrs. Ferguson told him about delivering the letter, and that the builders had said they would see about it.

Mrs. Henderson remarked that the Fergusons were certainly the victims in this case.

Mr. Ferguson said the carport was built in conformity with the rest of the house; it was not unsightly.

Mr. Mooreland was concerned about the "additional fee which the builder was supposed to have paid to cover the carport."

Mr. Charles Burback from the Building Inspector's Office described procedures which are used by their office for approving building permits. He did not know whether or not a fee had been paid -- he would have to check the master files.

Mr. Lackowandt said he had been talking with the builder who told him that he was checking with the building inspector's office at that time to make arrangements to pay the additional fee. He had to submit

2-Ctd. certain plans or submit original plans given at the time of construction, showing this carport attached to the house. The builder indicated to Mr. Lackowandt that that was what he was doing.

Mrs. Henderson stated that the surveyor's certified plat was wrong. Mr. Kelly said he did not know how this happened.

Mr. Mooreland told of the search for the plans - finally they turned up in another folder. No permit was issued for a carport and no fee was paid. If the Board grants the variance, then he can approve the acceptance of the fee, otherwise he cannot.

Mrs. Henderson said this was asking the Board to correct an error rather than to grant a variance. On the other hand, there seems to be a topographic condition here and had the Fergusons requested a variance to put a carport on the property ~~they~~ the Board would have considered this condition.

Mr. Kelly pointed out that there is a 12 ft. difference in elevation which would make it quite difficult from the topographic standpoint.

Mr. Burback said this was built with no building permit. They would have to give final inspection to see if it is well built.

Mrs. Carpenter moved that the application be granted as applied for because denying this variance would deny the applicant the reasonable use of his land. Steps 1 and 2 apply and also Step 3 because this is the minimum variance to afford relief as has been applied for. Seconded, Mr. Lamond.

Mr. Smith said that in the course of all the hearings, he failed to find any error on the part of the Zoning Administrator ~~of~~ or Building Inspector's office. The error was committed by the builder or surveyor or other people involved in the situation. If the Board sees fit to grant a variance he thought this should be brought out.

Mr. Mooreland asked that his office be supplied with a correct certified plat showing that this variance was granted as of this date and put it on the linen. Mr. Kelley agreed. Mr. Mooreland added that the fee be paid for the carport. Motion seconded and carried unanimously.

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Mr. Mooreland recalled the McLean Swimming & Tennis Association at Cecil Street in McLean. They had a phange in their plans for the tennis courts. The Board decided that the applicants should come back to the Board on this matter.

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Mr. Mooreland asked Mrs. Henderson to call him Thursday morning - about Mr. Alward.

April 11, 1961

Mr. Mooreland discussed the keeping of chickens or horses - any place to house them must be 100 ft. off the property lines.

Colonal Borgardine from Spring Lake came into the Zoning Office last fall and got a permit to build a barn 72 ft. off the side line, 248 ft. back from the street. The girl had never read this, and approved the permit. Something came up later, and the Health Department went out and showed the man where to put the barn up. Then Streets & Drainage told him to put it here, so now it is 79 ft. off the side lot line. There is a riding corral coming around to the back door of the people on the next lot. Mr. Mooreland said the people in his office had issued the permit for the barn and although it was in violation, the Health Department hadn't noticed, but had the man move it. Public Works said it should go here so the man built it here, Mr. Mooreland said. The people are complaining. The man has relied on the permit issued by Mr. Mooreland - the Health Department and Public Works said it could go here; now they find that the permit should not have been issued in the first place.

Mr. Mooreland said he asked the man to fix a fence to take the horse away from next door. He wanted to get this before the Board because it might go to court. The Board took no action.

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The meeting adjourned.

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

(By Betty Haines)

The regular meeting of the Board of Zoning Appeals was held on Tuesday, April 25, 1961 at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members were present except Mr. Lamond. Mrs. Henderson, Chairman, presided.

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

1- WILLIAM KAGAN COMPANY, INC. to establish a lot with 3.6 ft. less width at the building setback line than required by the Ordinance, proposed Lot 13, Karen Knolls, Falls Church District (RE 0.5)

Mr. Kagan represented the applicant. He showed pictures of his lot with relation to Falls Church-Annandale Road. He pointed out that this subdivision was approved in 1957 - 58 but because of circumstances beyond his control he did not start on the development of the tract until some time later. When they were ready to go the State was in the process of obtaining right of way to widen Falls Church-Annandale Road and they were held up again. The State asked for a 15 ft. easement for widening of the road, which they gave. Then it developed that the State wanted 5 ft. more for widening. Mr. Kagan said he did not own the adjoining section at that time but had an agreement to purchase. He told the State that they could have the 5 ft. from the property if he purchased it. Before the purchase was consummated the State took the 5 ft. by condemnation. He did not know of this condemnation; when Springfield Surveys made the survey they found that the State had taken title to this 5 ft. This required a variance on the lot width at the building setback line. Mr. Kagan then talked with the title company who wrote to Mr. Ross, (highway right-of-way engineer in Richmond) stating that this action of the State was an injustice to Mr. Kagan and asked for title to this 5 ft. rather than to require Mr. Kagan to ask for the variance. The Highway Department said they needed the right of way and could not make the conveyance back. However, in going back over the records they found that the plat had been approved just after the 15 ft. dedication was made.

Mr. Kagan said he would not require a variance on the house - it is planned to meet all setbacks. It is colonial type, and the garage is included within the 50 ft. width of the house.

In view of the circumstances creating the necessity for this request, Mr. Smith moved that William Kagan Company, Inc. be granted a variance to establish a lot with 3.6 ft. less width than required by the Ordinance, proposed Lot 13, Karen Knolls, Falls Church District, variance to be granted as applied for; seconded, Mrs. Carpenter. Carried unanimously.

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ALBERT H. GROVER, JR. to permit erection of carport 12 ft. from side property line, Lot 4, Montour Heights, (1109 Montour Drive), Dranesville District (1109 Montour Drive), Dranesville District (RE-1)

Mr. Grover told the Board that when he purchased this property the zoning was such that he could have had a carport. It was optional in the purchase contract. This was in 1957 - the zoning was R-17. One year later he contracted to have a carport built but the contractor was unable to perform. A year later he employed another contractor to go ahead with the work but found when he came to get the permit that the zoning had changed and he would have to have a variance. Mr. Grover said he could build a 10 ft. carport now but he thought that not sufficient to house his car and he needed a little extra room for maneuvering in and out and a 10 ft. carport would not add to the appearance nor to the value of his house. Mr. Grover noted that his house is not centered on his lot for the reason that the opposite side is swampy. They put in additional footings on that side of the house because of the condition of the ground. He could not put a carport on that side of the house because of this condition. The septic tank and field are immediately back of the house and the carport area. This is the only place he can locate the addition.

This is a dead end street, Mr. Grover continued, some of the other houses in the area have carports and garages, probably five out of fourteen. A 10 ft. carport would eliminate the brick wall, which he showed in his drawing and it would remove the stoop. He called attention to the slope in the lot and said he could not get in and out except as indicated on his drawing.

Mrs. Grannis, neighbor on the carport side, was present in opposition, giving as reasons -- this construction would seriously impair the value of their property and make the house less desirable for their own purposes. Their living room picture window would look directly into the roof and supports of this carport; would cause an invasion of their privacy since the carport would be used for purposes other than storage of a car. There is ample space on the lot for another location without a variance.

A statement presented was signed by both Mr. and Mrs. Grannis, stating these objections but also stating that they regarded Mr. Grover highly and their objection was in no way a personal matter.

Mr. Grover described the plan of the carport which he said would be attractive; it would be 40 ft. from the Grannis home and he did not

2-Ctd. consider this structure more detrimental than the blank wall facing the Grannis house, which is now the side of ~~their~~ his house. They plan to extend the roof line to a structure 13' x 26' - built upon a concrete slab, pine ceiling, brick colonial with a 30" brick wall on the side and part of the rear. Columns will be 8" to 10", of brick and redwood siding on the open end.

Mr. Smith moved to defer decision on this case for the Board to view the property. Seconded, Mr. Barnes. Carried unanimously. Deferred to May 9.

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3- HARRY D. HAINES, to allow garage 30.3 ft. from Clover Drive, Lot 501, Resub. Lots 1 and 2, Block 6, and Lot 1 thru 4, Block 7, Section4, Glen Forest (6426 Longbranch Drive) Mason District (R-12.5)

Mr. John Aylor represented the applicant. He indicated on a map the location of the property owners whom he had notified of this action and also his own home which is in the immediate area.

Mr. Aylor said this house was built in part by Mr. Haines, during 1959. He presented copy of the building permit indicating a 76 ft. house to be located 40 ft. from both Clover Drive and Longbranch Drive. Mr. Haines was his own contractor, Mr. Aylor went on to explain, and like most people who are not regularly in the building business measured for the building setback from the curb rather than the property line. This setback was also in line with other houses in the block. When the survey was made it revealed this error. Mr. Aylor contended that this was a normal mistake for a layman to make. They considered moving Clover Drive but it would put the house on the other side in violation. They cannot move the house. It has a basement. They can think of no solution except the variance. Mr. Aylor also pointed out that when the house was built the zoning would have permitted a carport.

Mr. Aylor pointed out that Clover Drive is not used as a street. There is a fence at the end of it and it is used only by children walking to school; there is no vehicular traffic. There is no entrance to this subdivision except the one outlet - Glen Carlyn Drive, leading to Rt. 7 and Clover Drive will never be used as a through street. If it were ever extended it would be necessary to make a very large and expensive fill which would not be practical. People in the subdivision want the fence to remain; they do not want this to be opened to through traffic. Mr. Haines never regarded this as a street when he built.

It was noted that this survey was made in 1960 almost a year ago. Mr. Haines said Springfield Surveys were supposed to have mailed a copy of

3-Ctd. the plat to the Zoning Office which through some error was not done at the time the survey was made. He later had the plat mailed to him. At the time this was built, Mr. Aylor said, the County did not require the certified plat until the building was completed.

For that reason the error was not caught early in construction as it would be at the present time.

Mr. Aylor considered that unusual circumstances surround this case because of the practically unused street which probably could not be vacated. This meets that requirement of the ordinance for a variance.

If strict application of the Ordinance is applied it would deny the applicant a reasonable use of his land. This would give him space in which to pursue his hobby of taking old cars and putting in new motors. Therefore this should be a closed carport and he could have had an open carport when he built the house. No one in the community feels that the granting of this would be detrimental. This is not a glaring error. He has a basement which would make it difficult to move the structure and moving it would be depreciating to the property and would not be in keeping with the community.

Mr. Aylor urged the Board to consider this favorably; this Board is not sitting as a court of law. It has powers to grant variances and such variances do not set a precedent.

This was an honest mistake, Mr. Aylor continued, which the Board is impowered to correct.

Mrs. Henderson thought the vacation of Clover Drive should be explored.

Mr. Aylor said that was a long and complicated procedure. He suggested that had the County had its present regulations at the time this building was constructed, this error could not have happened. He cited other cases where the Board had made concessions. Mr. Smith thought the circumstances not the same.

The Board discussed this at length, Mr. Aylor contending that it would be an injustice to require Mr. Haines to tear this out; it has been here a long time. No one objects and it is not a hazard to traffic. It is an attractive addition to the home and to the neighborhood.

The Board felt it was necessary to explore further the possibility of vacating Clover Drive.

Mr. Smith moved to defer the case in order that the applicant investigate the possibility of vacating Clover Drive and for the Staff to report if this street may be opened for use of the subdivision, and to report what the Staff would think about closing the street.

3-Ctd. Mr. Chilton said, at this point, that no construction is planned to extend this street and until someone puts up the money, it would not be extended. The owner of the adjoining property could extend the street through his property or the County could continue the street on, but that is not likely unless the County some day gets into the road business. Mr. Chilton said he was of the opinion that the Staff would recommend for the vacation.

Mr. Smith said the different alternatives on this should be considered - and the Board should know what the Staff's plans would be in case of future plans and development. Deferred 90 days. Seconded, Mrs. Carpenter. Carried unanimously.

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4- ORVA MORRIS, to allow enclosed porch to remain 23.25 ft. from Washington Avenue, Lot 13B, Section 1, Huntington, (1421 Washington Ave.) Mt. Vernon District (RM-1)

Mrs. Henderson read a letter from attorneys for the applicant, asking deferral since Mr. Bauknight was obliged to be in court.

The Board agreed that their second meeting in May would be the 16th since the VCPA convention will be in session on the 22nd. Mr. Barnes moved to defer the Morris case until May 16. Seconded, Mr. Smith. Carried unanimously.

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5- RAYMOND F. & ISOBEL FRISTOE, to permit lot with less width at the building setback line than allowed by the Ordinance, on S. side of Rt. 672, approx. 3/4 mile west of Rt. 674, Providence District (RE-2)

Mr. Verlin Smith represented the applicant. He gave a brief history of the Fristoe tract saying the owners had planned to convey five acres out of their original nine acres but found that the State would require a 15 ft. dedication for widening of the Vale-Vienna Road (Rt. 672) and it was discovered that they could not deliver the full five acres unless they retained the 15 ft. easement. The property was left without frontage and it was difficult to sell the property without frontage on Rt. 672 with a 50 ft. easement. The Commonwealth's Attorney says this is a buildable lot. This will extend the line over the 50 ft. easement. They will need no setback variance as the house will be set back at least 100 ft. from the property line.

Mr. Perlin, who lives on adjoining property, asked to be assured that there would be no variance on the front setback. Mr. Mooreland said the width of the lot was measured at the required building setback line and

5- the Board could make a condition that the building be set back a definite number of feet. Mr. Perlin had no objections to the case as long as the house is not located within 50 ft. of the road.

Mrs. Carpenter moved that the application be granted because of the size of the lot in question and added that it be understood that no building on the lot shall be less than 220 ft. from the front property line. It is understood that this will create a lot frontage on Vale Road (#672) of 91.06 ft. as shown on exhibit #4, and as shown on plat dated March 15, 1961, presented with the case; seconded, Mr. Barnes. Carried unanimously.

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6- D. A. FOSTER, to permit building 917 ft. from rear property line, S. side of Lee Hwy. westerly adj. to Lot 1, Rixey Ests. Falls Church District (C-N)

An old business (gift shop) is now operating on this property. The building is approximately 11 ft. from the front line. The applicant said he would remove the old building and in its place put up a modern dry cleaning establishment. The new building will be 50 ft. from Lee Highway and the applicant can provide 11 parking spaces. This joins business on all sides - C-O zoning is in the rear, where a 20 ft. setback is required. He cannot meet the 50 ft. front setback which is required and at the same time meet the 20 ft. rear.

This is a substantial improvement to the land, Mr. Smith said; the area is limited and this use is very well planned to fit the ground. The building is narrow and the required parking is made available. It would be difficult to improve this small piece of ground, Mr. Smith continued. The old business could continue indefinitely but this is a good clean business and the variance on the rear would not be inuurious to anyone. The Goodwin Apartments are very near the property. Goodwin Court is an easement leading to the apartments.

Mr. William Johnston spoke as an observer stating that Mr. Goodwin, owner of the apartments, was present and feels that this business would be an improvement to his property and to the neighborhood. He would be glad to see the old building removed. The proposed building would be low and attractive.

Mr. Price also spoke on the application, saying the old building on the property is delapidated and is a fire hazard.

In view of the statements that have been made at this hearing and the size of the property, it would appear that this is the most practical use this

6- property could be put to, Mr. Smith stated. A variance granted here would tend to clear up an unsightly condition. The building now on the property has been there for many years and is a fire hazard. The business is no longer a profitable use for this commercial property, therefore Mr. Smith moved that Mr. D. A. Foster be permitted to build within 9.7 ft. of the rear property line, lot westerly adjacent to Rixey Estates, located on the south side of Lee Highway at Goodwin Court. Tying this to the Ordinance, Mr. Smith said there are unusual circumstances applying to this land in that there can be no adequate use of the land unless a variance is granted. The circumstances and conditions are not created by the applicant and the variance requested appears to be reasonable and in conformity with the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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7- HERMAN GRENADIER, to permit dwellings to be erected 27 ft. from East Oak Street, Lots 474, 475, 476, 477 and 478, Block L. Memorial Hts., Mt. Vernon District (R-12.5)

Mr. Grenadier pointed out that these old 25 ft. lots have been combined in order to make them usable; however, it is impossible to get the best use of the land because of the contour. He asked the 27 ft. setback because of the steep drop back of the houses. It was recalled that Mr. Grenadier had been before the Board several times on setbacks and lot sizes in this area. Mr. Grenadier said these are the last two lots to be developed and if widening of Oak Street were to take place, the additional right of way would necessarily come from the other side. The house immediately to the west of these lots is located 27 ft. from Oak Street. Originally, there was a drainage ditch across these lots, Mr. Grenadier told the Board. He moved the ditch on back in order to make room for these houses. The slope is still steep, he went on to say, the houses are one story in front and two in the rear at the present setback. This will make five houses he has constructed in this area. These are completed. They have a 35 ft. setback. Since he bought this land the street has been built up 7 or 8 ft. That has caused most of the drop, Mr. Grenadier pointed out; both lots have considerably more area than required. Houses across the street are set back about 35 ft. There were no objections from the area but the Board was of the opinion that they should see these lots and the houses Mr.Grenadier has already constructed in this area before making a decision.

Mrs. Carpenter moved to defer the case until May 9 in order that the Board might view the property and other property in the general area, particularly

7- those houses on which the Board has previously given variances. Seconded Mr. Smith. Carried unanimously.

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8- DOMINICAN HOUSE OF RETREATS & CATHOLIC GUILD, to permit operation of retreat house, southerly side of Old Dominion Drive adjacent to Section 1, Broyhill McLean Estates, Dranesville District (R-12.5)

Mr. Brophy, representing the applicant, told the Board that he had not sent notices to adjoining and nearby residents until April 21, four days before the scheduled hearing.

Several were present, people living near, who stated that they did not think they were opposed to this, but they wanted more time to learn about the proposal. The interest was mainly in the site plan -- how the project would be developed. Mr. Low spoke for several people.

Mr. Smith suggested to Mr. Brophy that he and the applicant meet with people in the area and inform them fully of their plans before the next hearing, as he considered it obvious that the Board could not hear the case at this time. While Mr. Brophy thought the people were well aware of this proposal he did not object to a deferral.

Mrs. Carpenter moved to defer the case to May 9 because notices of the hearing did not reach the people 10 days before the hearing date. Seconded Mr. Smith. Carried unanimously.

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The Board informally discussed the suit filed by Mr. Threadgill in the matter of Threadgill vs. Board of Supervisors and Board of Zoning Appeals, (Shell Oil Company - Carper property) hearing February 28, 1961.

In the discussion each member who was present at this hearing stated that he would reiterate his position taken at the original hearing.

Mr. Smith offered a resolution - that the Board reiterate its position in the matter of its decision February 28, 1961, Shell Oil Company, on Old Dominion Drive, to permit filling station. Mr. Smith moved that the Board adopt this resolution. Seconded, Mr. Barnes.

For the motion - Mrs. Henderson, Mr. Smith and Mr. Barnes. Mrs. Carpenter refrained from voting as she was not present at the original hearing. Carried.

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Mr. Mooreland stated that Mr. Alward had started a small clean-up job after he was contacted, but what he did was negligible. It was recalled that this feud with Mr. Alward has been going on since 1957.

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Mary K. Henderson

May 9, 1961

The regular meeting of the Board of Zoning Appeals was held on Tuesday, May 9, 1961, 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 - GABRIEL DANCH, to permit erection of dwelling 37-1/2 ft. from Ranleigh Drive, property on southeast corner of Route 123 and Ranleigh Drive, Dranesville District (RE-1).

Mr. Tilden Hazel represented the applicant. This permit is asked so the house can face north and south on the lot. Mr. Hazel explained this is a corner lot. Ranleigh Rd., the street upon which the violation takes place is a short street, it is not a dedicated right of way. This property was originally owned by the Leighs who divided the property, allowing some 6 or 8 houses to use the driveway which leads to the Leigh home. The street, while it is 50' wide, is not maintained by the State and probably never will be dedicated. The people on the street do not want it dedicated. It is in bad condition but the only traffic on it is that created by the few homes immediately adjoining. The paving is 12' wide. The portion of the house which is in violation is mostly the garage. If the house were swung back this extra 12½ feet, it would mean a considerable amount of filling and would leave a steep bank immediately back of the house. They particularly want the south exposure because of the large glass doors and windows on that side. This will be about a $40,000 home.

Mr. Hazel said they had talked with everyone on the street and no one objects to this violation.

It was suggested pushing the garage wing back to reduce the violation but Mr. Hazel said the architect said that would not carry out the line and style of the house. It would be architecturally detrimental.

The houses on Ranleigh Rd. have various setbacks -- the ground is rolling and irregular, Mr. Hazel said.

Mr. Lamond moved that the Board of Zoning Appeals approve the plat as submitted and recognize that steps 1 and 2 of the Zoning Ordinance apply in this case, and also that the Board finds that the minimum relief that can be afforded the applicant is 37½' from the property line of Ranleigh Rd.

From the information presented to the Board, Mr. Lamond continued, there appears to be a topographic problem existing here -- the owner would

1-contd. have to make a big fill in order to swing the house around to comply with the 50' setback.

Seconded, Carpenter, cd. unanimously.

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2 - HAROLD HEISHMAN, to permit pump islands 26.5 feet from Wilson Boulevard, N.E. corner of Arlington Boulevard and Wilson Boulevard, Mason District (C.D.)

Mr. Lionel Richmond represented the applicant. The pains of progress have caused this station many difficulties, Mr. Richmond told the Board. The station has been here for many years and has weathered through a long series of changes in the 7 Corners intersection. Widening of Wilson Boulevard has brought the highway right of way within about two feet of the bay on this building, making it necessary for cars coming out of the bay to back out on Wilson Boulevard. This is a hazardous situation and difficult for the business to alleviate this condition. Mr. Heishman now proposes to remove one pump island on Arlington Boulevard and relocate it back farther from the right of way and to the west. This would clear the front of the building so the bay could be entered from the side facing Arlington Boulevard and cars could back out on the property. All circulation could be contained within the property. There would be no backing out on the highway. The new pump island will be small. Everything is being done, Mr. Richmond continued, to improve the safety of the traveling public and customers being served on the property.

It was brought out that this is a request for a variance only, not a special permit and is therefore applied for under 11.5.5. It was noted, however, that the case was filed in error under 4.4.7.

Mr. Mooreland said he had discussed these two sections with the Commonwealth Attorney who said this may be debatable if this case should be filed under the variance but he was of the opinion that it could be.

Mr. Smith said in his opinion that this case warrants consideration by this Board. He moved that it be considered under 11.5.5. Not to consider the case this way would place an undue hardship on the applicant because he is not getting the full benefit of his facility. This application is to improve conditions from a traffic and safety standpoint, Mr. Smith continued. The conditions existing here are caused by the Highway widening.

There were no objections from the area.

NEW CASES.

May 9, 1961

Harold Heishman, contd.

~~Mr. Barnes seconded the motion. (Variance provisions 11.5.5 rather than under 4.4.7.1 - permit). Motion carried unanimously.~~

Mr. Smith summed up the case as follows: That these are unusual circumstances involved in this case which have placed an undue hardship on the owner of this business. He cannot use the existing bay fronting on Wilson Boulevard because it is hazardous to drive out into the highway. This request is to rearrange the service so it would control the safety factor and convenience to customers. Therefore, unusual circumstances and conditions surround this case. The size of the new pump island as proposed will be smaller than the present pump island and the present pump island is non-conforming sinc e the service road was built after the pump island was put in.

Mr. Smith moved that this application does warrant consideration under this section (11.5.5) and there are unusual circumstances applying to the application. Denial of this would deprive the owner of a reasonable use of his land. The variance asked for is reasonable and is the minimum that could afford relief; therefore, Mr. Smith moved that the application be approved as submitted. Seconded T. Barnes.

In view of the change in the section under which this case is being considered, Mrs. Henderson noted that a site plan would not be required. Motion carried unanimously.

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3 - W. L. BRYAN, to permit erection and operation of a dog kennel, on south side of Route 654, Popes Head Road, approximately 1 mile west of Route 123, Centreville District. (RE-1).

Mr. Wixson represented the applicant.

This property is located on Popes Head Road, between the Nike Plant and the Sanitary land fill, Mr. Wixson pointed out. The applicant plans to put up a 20 x 40 foot building which will take care of about 40 dogs. He will board and breed dogs. The building will be located approximately in the center of the five acre tract. The plat showed a 130' setback on each side of the house. The tract is at least 990 feet long. It was noted that one acre belonging to Mr. Stradtner borders this tract immediately on the west. His house is more than 200 feet from the dog kennel. Other houses are about one-half mile away. Mr. Wixson said there will be no noise problem as the dogs will be at all times within an enclosure. The applicant will erect a five foot fence around the dog operations and at night the doors

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NEW CASES

May 9, 1961

W. L. Bryan, contd.

will be closed.

Mr. Wixson said some of the neighbors had been fearful that this use would increase their taxes. That, he said, was not true.

Mr. Wixson said these people have looked for a considerable time for a location which is sufficiently rural and where the dogs would make no impact upon the neighborhood. He considered this ideal - because of the size of the property, the location between Nike and the land fill, the completely rural character of the area and the distance from homes. He noted that one could have chickens or swine in a similar location without a special permit. This is a contingent contract purchase. Mr. Wixson said he did not think that a well controlled dog kennel would depreciate property - and if there is any depreciation of property in this neighborhood, it is already accomplished by the land fill and the Nike plant.

Mr. Lamond said, in his opinion, this was a natural for a dog kennel -- but he was impressed by the opposing petition signed by 17 families. It was noted, however, that no opposition was present.

Mr. Smith noted that, saying that this meets all criteria set up for a dog kennel and people apparently did not object enough to be present in protest. Mr. Smith questioned if the Board had the right to deny this use -- when the man meets all the requirements and there appears to be no active opposition to it -- at least no reasons to deny have been advanced, other than the petition.

There are many kennels in this area, Mr. Smith continued, this more than meets the requirements, there is a need for boarding kennels - Mr. Smith said if there is serious objection - which he did not see at present - it would have helped the Board had some of those opposed come to state further reasons for such objections, since petitions do not always express the true feelings of the people if they know the full facts. The petition says they do not want their peace and quiet disturbed -- it would appear that the applicant has well taken care of noise.

Mr. Bryan said he would fence the runs now and in time would fence the whole property. The runs will be washed and scrubbed each day and limed, droppings will be stored and removed to a disposal site, they will have a separate septic system for the dogs, the runs will be 4' x 10' with a

NEW CASES
May 9, 1961

W. L. Bryan, contd.

~~with a~~ six foot high fence the top of which will be covered with welded wire. Mr. Bryan said the wood fence which they will install will serve to keep the dogs quiet -- they do not bark unless they see people or other dogs.

Mrs. Carpenter said in her opinion this is ideal for a kennel - but in all fairness to the opposition, she moved to defer the case to view the property -- defer to June 13th. Seconded, Lamond.

Mr. Wixson said Mr. Bryan has a contract contingent upon an answer from this -- at the earliest date possible.

Mrs. Carpenter and Mr. Lamond agreed to amend the deferral until May 16.

At this point, Mrs. Crites from the audience stated that she was present in opposition.

Mrs. Carpenter withdrew her motion. Mr. Lamond agreed.

Mrs. Crites said all the people in this area are against the kennel - she restated the reasons given in their petition.

The Board discussed this at length with Mr. and Mrs. Bryan and Mrs. Crites -- the noise control, odor and effect of this use upon taxes and the area.

Mr. Lamond suggested granting this for one year -- Mr. Smith objected to that, saying the installation cost would be prohibitive for only one year of operation -- they compromised on 18 months.

Mr. Smith moved that W. K. Bryan be granted a permit to erect and operate a dog kennel on the south side of Rt.654 - Popes Head Road -- approx. 1 mile west of Rt.123 for a period not to exceed 18 months, with the same renewal privileges that are granted others. This is granted on a trial basis. All other provisions of the Ordinance shall be met. This shall be contingent upon the applicant following the house location plat presented with the case and contingent upon the applicant providing a fence around the runs and the place of kennel operations - as outlined in the presentation. The only exception to the fencing requirement will be the fence around the entire property which may be put up at a later date. Sec. T. Barnes. Cd. unan.

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4 - TAMARACK STABLES, to permit operation of a riding school and boarding of horses, on westerly side of U. S #1, approx. 2000 feet south of Pohick Creek, Lee District (RE-1).

No one was present to support the case. Mrs. Carpenter moved to place this at the bottom of the list. Seconded, Mr. Lamond. Cd. unanimously.

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NEW CASES
May 9, 1961

5 - SUN OIL COMPANY, to permit building 50 feet from Street property line and permit pump islands 25 feet from street property line, southerly side of Edsall Road, Route 648, just west of Shirley Highway, Mason District (C.G.)

Mr. Wheaton represented the applicant, stating that he was pinch-hitting for Mr. Howard Smith who is in court.

This is a small island created by the relocation of Edsall Road and installation of the Shirley Highway ramp, Mr. Wheaton pointed out.

It is the belief of the applicant that a filling station gives the applicant the highest and best use of the land.

Mr. Mooreland said the applicant is asking only for a variance on the pump islands under Section 11.5.5. This is C-G zoning and he is permitted a filling station with a 50' setback for the building, by right.

Mrs. Henderson contended that, if the applicant asks for the 25' setback on the pump islands, he must have the building 75' from the property line.

Mr. Mooreland contended that if one is asking for a use permit and the variance on the pump islands, then the building must be 75 feet back, but not if the use permit is not necessary - as in this case. If the use permit is requested, that could be applied for under 4.4.7. This case is filed under 11.5.5. Mr. Mooreland said he had discussed this at length with the Commonwealth Attorney who said that this may be debatable but he would rule that a case under C-G zoning, where the use permit is not required, an applicant could apply for the variance only and the building could take the required setback.

The Board discussed this at length. Mrs. Henderson noted that if this is the case, Section ~~11.5.5~~ 4.4.7 is practically nullified. It was her thought she went on to say, that under no circumstances could the 25' setback be operated (except perhaps in some extremely unusual circumstances) unless the building is 75' back and it was her opinion that that was the intent of the Board in approving Section ~~11.5.5~~ 4.4.7.

Mr. Wheaton said the island was created through no fault of the applicant, when it was necessary to put the industrial road back to the Shirley industrial area. The property would be used in a manner similar to Atlantic Refining Company across from this on Edsall Road.

Mrs. Henderson noted that side and rear setbacks were not shown on the plat. While Mr. Wheaton pointed out that this was the highest and best use of the

New Cases

May 9, 1961

SUN OIL COMPANY, contd.

land, Mrs. Henderson suggested that many other businesses could go on this property -- probably without a variance.

Mr. Lamond moved to defer action on this case pending a conference between Board members and the Commonwealth Attorney regarding matters that have come up with relation to applying Sections 11.5.5, and 4.4.7. Deferred to June 13. Seconded, Mrs. Carpenter. Motion carried with Dan Smith voting no.

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6 - TEXACO, INC., to permit erection and operation of a service station and permit pump islands 25 feet from road right of way lines, S.W.corner of Route 50 and South Street, Falls Church District. (C.N.)

Mr. Hansbarger represented the applicant.

Mr. Hansbarger said they were asking a variance on the building and pump islands as well as a use permit under C-N. They are also asking for a variance on part of the screening where the topography is such that screening would serve no purpose.

Mr. Hansbarger read the specific requirements for screening which were suggested by Mr. Coleman, soil scientist, which he said they would agree to. They will put in a service drive on the Arlington Boulevard frontage as well as along South Street. The plat showed cut-through service drive from Arlington Boulevard to South Street and green planted area. They will widen South Street to its ultimate width and make the dedication for that purpose.

The only pump island needing the variance, Mr. Hansbarger continued, is the one parallel to Arlington Boulevard service drive, which they wish to locate 25' back.

The only question then remaining, Mr. Hansbarger went on to say, is the setback of the building. The intent of the Ordinance in requiring that 75' setback he recalled, was to provide for future widening of the highway. It would assure the right of way for widening without highway expense of relocating the building. In this connection, Arlington Boulevard has taken all the right-of-way it will ever be practical to use. South Street will be dedicated to the ultimate width projected by the County. Therefore, he concluded, the reason for a 75' setback on the building no longer exists.

TEXACO, INC., contd.

If this were a square piece of ground, Mr. Hansbarger continued, this station could go in here without variances -- the property has more than normally required area for a filling station. But it is a long, narrow triangle, with roads on two sides. It is a difficult piece of property to develop, he pointed out, many businesses have been proposed here over a period of years but each attempt at development has failed. If the building were moved back to a location where it could meet a 75' setback, it would be partially over the sewer line and they probably could not get a permit for that. As it is, the building meets the Ordinance requirement of 50 feet from both streets. This 50' setback is required because of topographic conditions.

Mr. Hansbarger discussed the plat which shows the screening suggested by the County - also curb, gutter and sidewalk. They would also comply with fencing requirements - 6 ft. high stockade.

Lights have been designed to create as little glare as possible, night and day (asphalt topping instead of concrete). However, if, after the station is installed and if there is reasonable complaint regarding glare on residential property - they will take steps to correct it. The building will be back on all four sides, complete enclosure for storage of trash and refuse. The service drive will be continued from this property on to Dieners (west) as evidenced by letter from the adjoining property owners. They will construct this facility as indicated on the plat presented with the case.

Mr. Hansbarger pointed out that the screening will be against the northeast corner of Cedar Lane and South Street. This will serve to shield the view of the service station from homes across South Street. On the other end of the property, no amount of screening would be effective because of the difference in elevation. At this end of South Street, a nursery is across the street.

Mr. Hansbarger said in his opinion this applicant has met all requirements of the Ordinance no matter what interpretation might be given to certain sections.

Major Chippeaux told the Board that the citizens of this area have a great interest in the zoning and the development of this area. They opposed commercial zoning on South Street in the beginning, when a motel was proposed here. The citizens of this area have watched with interest what

NEW CASES

May 9, 1961

TEXACO, INC. (contd.)

was proposed to go on this property. They have discussed the development with Mr. Hansbarger and feel that this is the best use of the land. They are in complete agreement with the plans as presented by Mr. Hansbarger. They believe it will give adequate protection to the homes on South Street and in this area. He asked the Board to approve this request.

There was no opposition from this area.

The Planning Commission recommended approval.

Mr. Smith, speaking for the other Board members, said this was a very fine example of cooperative planning - it showed a great amount of work and consideration on the part of the applicant and citizens in this area - he sincerely appreciated that, but he was still concerned over the conflict between the two sections of the Ordinance. But in view of the other uses that could go in here, Mr. Smith continued, this probably is the best the County could get -- he therefore moved that Texaco, Inc. be granted a permit to erect and operate a service station and permit pump islands 25 feet from Road right-of-way lines, S. W. corner of Route 50 and South Street, with the understanding that the service road will be completed to connect with the existing service road on the Diener and Toy Shop properties to the west. The screening would cut down the sight distance and turning radius at the east end of the property but it is understood that the screening as tentatively agreed upon with the County and made a part of the site plan as submitted at this hearing shall be installed. Seconded, Lamond.

All voted for the motion except Mrs. Henderson who refrained from voting because the strict interpretation of the Ordinance, Sec. 4.4.7, would require that the building be located 75' from Rt. 50. But, in view of the citizen approval and the cooperation between the applicants and the citizen groups, Mrs. Henderson said she did not wish to vote against the motion. Motion carried.

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DEFERRED CASES

May 9, 1961

1 - ALBERT H. GROVER, JR., to permit erection of carport 12 feet from side property line, Lot 4, Montour Heights, (1109 Montour Drive) Dranesville District. (RE-1).

This case was deferred to view the property. Several members of the Board had seen the property and it was the general opinion that a carport could be put on the east side of the house - without variance - or it could be put in the rear. Mr. Grover said the septic tank and field are too close to the house to locate the carport in the rear - and the east side is a fill area - which his architect has said would not be good to build on. He had moved the house several feet to the west because of this low ground and the fill.

Mrs. Henderson pointed out that this is not an unusual situation - nor is the condition peculiar to this property - as a matter of fact, the property next door has almost exactly the same topography. She thought by granting this, many others would come in asking the same thing. Since he can have a 10 ft. carport on the west side, Mr. Grover said he would have to take that - as this is the only reasonably accessible place for a carport. On the east, it would be low and swampy -- it probably would require more fill and it would not be easily accessible nor would it fit in with his house plan.

Mrs. Carpenter moved that the case of Albert H. Grover be denied as the Board does not feel that the applicant has presented evidence of hardship as set forth in the Ordinance. Also, it is noted that there is an alternate location on the property for the carport. Seconded, Dan Smith. Carried.

For the motion: Carpenter, Smith, Henderson.

T. Barnes voted no - and Mr. Lamond refrained from voting. Motion carried.

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2 - HERMAN GRENADIER, to permit dwellings to be erected 27 feet from East Oak Street, Lots 474, 476, 477 and 478, Block L, Memorial Heights, Mt. Vernon District. (R-12.5)

Mr. Grenadier had notified only four people of this hearing.

Mr. Smith moved to defer the case until June 13th to give the applicant the opportunity to notify five people of his date of hearing. Sec. T.Barnes.

Several people in opposition were present who were asked either to return to the June 13th hearing or send a statement as to their opposition. Motion cd.

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DEFERRED CASES

May 9, 1961

3 - DOMINICAN HOUSE OF RETREATS AND CATHOLIC GUILD, to permit operation of a retreat house, on southerly side of Old Dominion Drive adjacent to Section 1, Broyhill McLean Estates, Dranesville District. (R-12.5).

Mr. Phillip Brophy represented the applicant. Mr. Brophy located this 2.5 acres Gilpatrick tract, showing it to be joined on two sides by Broyhill McLean Estates and McLean Citizens Association property to the west, with access to Old Dominion Drive. The applicants are Dominican Sisters, operating through a corporation, operating as Dominican House of Retreats, etc. If this is granted, a non-profit Virginia Corporation will be formed.

Mr. Brophy gave the following description of their proposal:

The purpose of this project is explanatory in the name -- a "retreat". A convent, which is permitted in this zone, will be part of this operation. In this connection, there will be a maximum of 15 sisters. They would use the existing building. The retreat house is designed for from 50 to 65 retreatants. It would be a place for reflection, religious services, peace and solitude, with retreat hours from Friday to Sunday night. During the week, there would be no retreat hours -- as a rule - but it could be, however, that times small groups of women would come there - this group never to exceed 20. This use would fluctuate and would be on a temporary basis.

In addition to the existing house which they will use, they propose a building of 6000 sq. ft. with a minimum length of 177 feet across the front - T-shaped. The building would contain a chapel, dining room, kitchen and sleeping facilities for a maximum of 77 people, retreatants and staff. It would face in the direction of Monitor Lane. The building will be two story, red brick. They will have two access roads, one a driveway leading to Old Dominion Drive, the other through Monitor Lane in Broyhill McLean Estates.

This building would be 135' from the nearest dwelling lot (Lot 34 - McLean Estates). All facilities are available.

With regard to the impact upon the area, Mr. Brophy admitted that this use would cause a greater impact than if the property remained in its present status, but he pointed out, this ground is zoned for 12.5 development. Mr. Brophy compared the impact from a subdivision

3 contd. DOMINICAN HOUSE OF RETREATS AND CATHOLIC GUILD.

development on 12.5 lots to the limited density and use of this proposal. The property is to be sold and will be used, he went on, and it would appear that this use greatly reduces the impact and increases open spaces in an area where close development is growing. This use would cause no impact upon the McLean Citizens Assn. property. To the north there is a natural screening - 320' to the nearest property line. This would be a permanent park area, Mr. Brophy went on. The ground will be beautifully landscaped and well maintained. The buildings will not appear commercial or institutional in character. They have planned the building to be low, however, the building now on the property is four story.

Mr. Brophy continued: These retreats are attended by people who come in cars - they come together, never one to a car, the maximum use would not exceed 25 cars. Since there are two retreats, the maximum cars at one time would be 12 or 15. The impact as far as traffic is concerned would be far less than if this property were developed with homes. The Chapel is not designed for a parish church and there is no intention of using it as much. It would be used for dedication services only -- with a capacity of approx. 100. It is their wish to retain all the trees now on the property. They feel that the seclusion the trees afford is necessary to retreat atmosphere. A limited amount of parking area will be needed - therefore, it will not be necessary to pave large areas.

Mr. Brophy said the opposition that has been expressed to this is not with the use but with the building. He pointed out two possible building locations on the plat -- one which the applicant proposes and one which has been suggested as an alternate. They do not take an arbitrary stand on this, Mr. Brophy continued, as they wish to get on with their neighbors -- the building site could be changed.

Mr. Gasson was present, representing ~~Mr.~~ GEN. Gilpatrick, owner of the property. Mr. Verlin Smith was also present in behalf of the use.

~~Mr. Gasson told the Board that General Gilpatrick owner of the property. Mr. Verlin Smith was also present in behalf of the use.~~

Mr. Gasson told the Board that General Gilpatrick must sell this property for health reasons. It will either be developed in 12.5 lots or as a retreat, or some other institutional use. This property could be used as a convent or monastery without special permit, Mr. Gasson went on, and there is a question if this use requires a special permit, since it is

DEFERRED CASES

May 9, 1961

3 contd. DOMINICAN HOUSE OF RETREATS AND CATHOLIC GUILD.

similar in character to these other uses.

Mr. Verlin Smith stated that while he is in the real estate business, he has no financial interest in this property, but he has known the property for many years and has studied what might be the highest and best use for this land. He was of the opinion that this project is ideally suited. The area east of the Beltway is heavily developed and the people want and need areas where trees on open, beautifully landscaped land can be retained as a relief to close development.

This could be developed with 2.6 homes to the acre -- or 32 homes on this 12.5 acres. A subdivision would create traffic, trees would necessarily be cut, paving for streets, while this project as proposed would have a minimum of grading and very little parking. They would retain the trees and park-like character, the buildings would have wide setbacks - 135' to the nearest home. He considered this an ideal use.

Mr. Gasson contended that the facts presented have shown that this use will not be detrimental to surrounding areas and that it would be harmonious with land uses embodied in the Ordinance.

Mr. Robert Corey, representing McLean Citizens Association, read a resolution passed by the Directors of the Association, supporting this application, provided the applicant agrees to consult with and consider views of the Broyhill McLean Estate Citizens Association and the McLean Citizens Association relative to location of the buildings on the property.

Mr. Prentiss Reed, President of Broyhill Estates Citizens Association, stated that the executive committee voted in favor of this.

Mr. Chanel, owner of abutting land, concurred in Mr. Verlin Smith's statements - that this is a satisfactory use for this property.

The Chairman asked for opposition.

Mrs. Wysong and Mr. Lowe, who live on Monitor Drive, opposed this project particularly because of the traffic through Monitor Lane and the nearness of this large building which is inharmonious with homes in the subdivision, the front of which will look down upon homes; such a large building in the proposed location will require removal of very beautiful trees. They prefer homes on this property. They would be compatible with the surrounding

3 - contd. DOMINICAN HOUSE OF RETREATS AND CATHOLIC GUILD.

development. Mr. Lowe thought the executive committee of the Citizens Association did not fully represent the feelings of the entire Association membership. He also felt the applicant had not proved that this would not be detrimental to their neighborhood; he objected to the fact that a final site plan had not been drawn up and no sketch of the building has been shown, no specifics have been shown. Mr. Lowe showed on the plat a location for the building which would be satisfactory to him.

Mr. Dan Smith suggested that this use would probably cause less impact upon the neighborhood than a church or monastery both of which could go here without special permit.

Thomas Warner, from Merimac Drive, said he favored this use of the land but objected to the location and type of building, which he considered completely out of line. From the back yard, it would be like a four story building -- it would block his entire view.

Gordon Klooster objected to the size and location of the building which he recalled that Mr. Brophy had stated they would change. He also objected to the traffic including service trucks and the fact that this is a tax-free project. Those favorable to this are people living some distance off, who would not feel the impact.

Mr. Lang, living on Lot 35, objected to the undue restrictions this use would place upon families in the neighborhood. His lot is closest to the proposed building site. Otherwise, he and Mr. David Voltz objected for reasons previously stated.

In rebuttal, Mr. Brophy stated that in the imagination of these people, the proposed building had become monstruous. It is only two stories he declared, the same as many homes in this area. They have found that they could not agree to locate the building as suggested by the objectors as it would put one corner of the building on a 30' drop. This would create an impression of a building of tremendous height which they do not want and it would make it necessary to have an exposed basement.

They did not prepare a detailed site plan, Mr. Brophy continued, because of the expense. That will be done if the use is granted.

Again, Mr. Brophy contended that this would not be out of harmony with the neighborhood - he agreed to leave the trees -- he assured those present that the building and grounds would be beautiful.

DEFERRED CASES

May 9, 1961

3 - contd. DOMINICAN HOUSE OF RETREATS AND CATHOLIC GUILD.

Mr. Gasson summed up the statements made by Mr. Verlin Smith comparing this projected development with subdivision homes or with a church or monastery. He emphasized the slight impact this use would have on the area and the desirability of retaining open green spots within the area of the Capital Beltway.

Mr. Dan Smith moved that Dominican House of Retreats and Catholic Guild be permitted to operate a retreat house on the southerly side of Old Dominion Drive adjacent to Section I, Broyhill McLean Estates and that 40 parking spaces be recommended.

The information submitted to the Board, Mr. Smith continued, indicates a need for this and it has been pointed out that this use would cause less impact upon the area than some other uses which might be permitted here by right.

The traffic hazard would be held to a minimum, he went on, with the maximum of 65 retreatants that would be granted in this permit. This would create a park-like atmosphere in the area which would tend to help to some extent. It has been stated in the presentation that this building would be of red brick construction to conform to the house and garage now on the property. This would be desirous.

It is to be hoped, Mr. Smith continued to say, that in the construction of the building, the second location shown on the plat, or at least a location farther away from Monitor Lane, could be used -- but under no circumstances will the building be closer than 135' from Monitor Lane. It is also the wish of this Board that Monitor Lane shall not be opened to traffic to and from the retreat house.

Seconded, Lamond.

Proponents expressed objection to this latter condition saying that the Old Dominion Drive access is low and in flood plain; also that the one entrance could present a fire hazard. However, Mr. Smith pointed out that Old Dominion Drive is the nearest entrance to the McLean fire house and he felt that the applicant could put the access road in good condition. With so few using this installation, there would be no need for congestion -- in fact, he thought the one entrance was in keeping with the intent of

DEFERRED CASES.

May 9, 1961.

3- contd. the use - it would have a tendency to safeguard the atmosphere.

Mr. Lamond withdrew his second to the motion as he did not agree with closing Monitor Lane.

T. Barnes seconded the motion. Motion carried, with all voting for motion but Mr. Lamond who voted no.

NEW CASES

4 - contd. Mrs. Carpenter moved to defer TAMARACK STABLES to June 13 as no one was present to discuss the case. Seconded, Mr. Barnes. Cd. unanimously.

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The difficulty of allowing warehouses in C-G districts has caused misunderstandings of uses. Mr. Mooreland explained the intent of the Ordinance in allowing warehouses in C-G which does not include truck terminals or heavy warehousing.

Mr. Lamond moved that the Board of Zoning Appeals recommend to the Planning Commission and to the Board of Supervisors that the word "warehouses" No. 25 under Schedule of Regulations C-G, be deleted as a matter of right. Seconded, Mrs. Carpenter. All voted for the motion except Mr. Smith who voted no. Cd.

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Mr. Mooreland asked the Board to pass a Resolution which would waive the necessity of posting each piece of property in the event VEPCo comes in with another transmission line case. Mr. Mooreland recalled that the last resolution on this was related to only the one case which was then before the Board.

Mr. Smith made the following motion: That in the matter of transmission lines, the Board requires that a minimum of 5 notices be sent out. If there are more than 5 people through whose property the line passes, every effort should be made to notify as many as possible. Sec. T.Barnes. Cd. 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 Tuesday, May 16, 1961 at 10:00 a. m. in the Board Room of the Fairfax County Courthouse. All members were present, except Mr. Smith (absent morning only) Mrs. L. J. Henderson, Jr., Chairman, presided.

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

NEW CASES

1- DIXIE LAND COMPANY, INC., to permit erection of six (6) dwellings closer to street lines than allowed by the Ordinance, Lots 1, 2, 3, 4, 5 and 6, Sec. 10, Falls Hill, Providence District (R-12.5)

No one was present to support the case. It was agreed to put it at the bottom of the list.

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Mrs. Henderson read a letter from Mr. Massey stating that the Board of Supervisors by resolution had requested the Board of Appeals to defer all marina cases pending staff studies and report on a marina amendment. She also read a letter from Mr. DeButts reviewing actions taken on Hallowing Point Marina and stating that since the Commission has not acted on this case within 30 days, the applicant is entitled to immediate action by the Board of Appeals.

The Board of Appeals had taken action on the Board of Supervisors' letter at a previous date and agreed to take no further action on marina cases until a report from the Planning Commission studies was given. That action was allowed to stand.

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1-Ctd. At this point the Board was informed that notices had not been sent out on the Dixie Land Company case. Mr. Lamond moved to defer to June 27. Seconded, Mrs. Carpenter. Carried unanimously.

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2- LESLIE E. THOMAS, to permit erection of dwelling 15 ft. from side property lines, Lots 4 and 5, Block B, Collingwood Manor, Mt. Vernon District (RE 0.5)

Mr. Thomas told the Board that when he bought these two 50 ft. lots he read or heard some place that he could come within 15 ft. of his side lines with a dwelling. Since he saw many houses in Collingwood Manor located within 15 ft. of the side lines he assumed that met the requirements and he planned a 70 ft. house. This was in 1959. He talked with many neighbors and all agreed that the 15 ft. side setback was agreeable to them. When he came for a permit he was told the setback was 20 ft. This has caused him a great hardship because having been so sure of the setback he had gone to the expense of complete blueprints of his floor plan. It is necessary to have a double garage since his

2-Ctd. wife is on call day and night at the airport and must keep her car in the garage during winter weather so it will always be available for emergency use. He planned to have the garage connected with his heating plant for extra convenience for his wife. He noted that there would be 38 ft. between his house and the house on the adjoining lot.

Mrs. Henderson pointed out that the desire for a 70 ft. house on a 100 ft. lot is not an unusual circumstance. There appeared to be nothing unusual about the lot, peculiar to this particular lot, and the only hardship presented by Mr. Thomas is financial which cannot be considered under the Ordinance. The hardship, Mrs. Henderson emphasized, must be topographic. Mrs. Carpenter suggested a one car garage which would be permitted under the Ordinance. Mr. Thomas objected to that because of the expense of his blueprints.

The Board discussed this at length, suggesting that Mr. Thomas has been remiss in not checking the setbacks with the Zoning Ordinance before incurring the expense of blueprints and also that the impression that a 15 ft. setback was permissible could have come from a covenant which is superseded by County regulations if County regulations are more restrictive. Mr. Lamond suggested that Mr. Thomas was overbuilding this neighborhood. Mrs. Henderson called attention to the fact that granting one case of this kind encourages others to file for the same thing and if the Board continued to grant such variances they would in effect be amending the Ordinance which the Board has not the jurisdiction to do.

No one was present objecting. Mr. Thomas said all the neighbors were in accord with him. They did not think he was over-building the neighborhood. They were pleased with the house he has planned.

The Board members made many suggestions to Mr. Thomas - buy the vacant 50 ft. lot adjoining him; sell this lot and buy a 100 ft. lot in an R 12.5 zone which would take a 15 ft. setback or cut down the size of his garage and readjust the house accordingly.

Mr. Thomas was not agreeable to any of these suggestions. He said he had looked extensively for this lot. The location is good for his work and for his wife and he likes the neighborhood and the lot.

Mrs. Carpenter moved that the application of Mr. Leslie E. Thomas be denied as the Board has been shown no evidence of a physical or topographic condition on this lot and it is noted that the applicant can have a one car garage without encroaching on the side setback lines. Seconded, Mr. Lamond. Carried unanimously. Mr. Thomas noted that he would appeal the case to the court.

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3- STEWART L. UDALL, to permit erection of an addition to dwelling 11 ft. from side property line, on Crest Lane, Dranesville District (RE-1)

Mr. Harry Ormston, architect, represented the applicant. Mrs. Udall was also present.

Mr. Ormston filed an amended plat, stating that the survey showed a different location for the house than the original architect's plat which was filed with the original papers. The original plat filed with the case was based on the only plat available at the time the application was filed. It was revealed later not to be correct when a final survey was made. The plat now shows that the addition is 4' 10" from the side line at one corner and 14 ft. at the other.

The adjoining property owners, most affected (the Avery Faulkners) have seen the plans and have no objection. Mr. Faulkner owns 3 1/2 acres. The applicants attempted to buy a strip of land from him but he did not wish to sell. A letter from Mr. Faulkner was read, stating that he had no objection to this encroachment.

The outlet road, which is private, and which serves several houses, runs into Crest Lane.

Mr. Ormston said a new septic would be installed to take care of this addition. They could not get through to the present septic field. The house is bordered on two sides by drainfields and septics. This has all been worked out with the Health Department.

Mr. Ormston pointed out that this is a very rugged piece of ground - it was noted on the topographic map - a 28 ft. difference in elevation. Because of the irregularities in the terrain and the septic fields this is the only place an addition could be put on.

Mr. Lamond moved that the Board find that the first step under variances applies in this case. There are unusual circumstances applying to the land for which the variance is sought. The land is very rough and irregular in topography which makes it reasonable to grant this variance. Therefore Step One applies. The Board is of the opinion that a denial of this case would deprive the applicant of a reasonable use of his land. The minimum variance that could be allowed in this case is the variance applied for and amended to 4' 10". Mr. Lamond moved that the application be granted. Seconded, Mrs. Carpenter. Mr. Lamond noted that this case is in contrast to the last case - in that that was a level lot while this is rough land. Carried unanimously.

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4- EUGENE KILBY, to permit division of lot with less width and area than allowed by the Ordinance, On W. side of Bowers Lane, approx. 1000 ft. N. of Rt. 1, Lee District (RE 0.5)

Mr. Kilby said this division of property is proposed by his father-in-law. It would create one 80 ft. lot and one 166.90 ft. lot. They would ask no variance on setbacks for the new dwelling.

Mr. Lamond said this area is irregularly developed with little continuity - many small lots. However, he noted no evidence here of hardship.

There were no objections from the area.

Mr. Kilby said many others are on smaller lots than those he proposes.

Mr. Lamond moved to deny the case as the applicant has presented no evidence of hardship, seconded, Mr. Barnes. Carried unanimously.

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5- A. J. LEONE, to permit building with variance to front and rear setbacks and variance to parking requirements, Lot 10, Sec. 1, Dowden Center, Mason District (C-G)

Mr. Thomas Gray represented the applicant. Mr. Gray told the Board that this application is for an extension of what the Board granted Mr. Leone one year ago. Just after this original variance was granted Mr. Leone went to the hospital and was not able to get started on his project until last November. When he came for the permit the Ordinance was changed. He was required to have a registered engineer draw up his plat. He employed the engineer but by that time the snow had come and continued until past the time of expiration of his permit. He therefore filed this application.

Mr. Gray said the statement in Mr. Chilton's report regarding cars parked all over Mr. Leone's land is incorrect in that those cars belong to another business, the operator of which is looking for another location. Those cars will be removed.

Mr. Leone is asking for what was previously granted along with a variance in setback. He is not asking a variance in the parking because he does not know what kind of business will occupy the building and therefore does not know what the demand for parking will be. In that case it is required to furnish the maximum number of spaces, which he wants to have varied. Mr. Leone will build two buildings, as he builds each building he will know what parking will be needed and will furnish the required amount.

The one objector who was present at the last hearing (objected because of the fence) has since withdrawn his objections. Mr. Leone said he had ordered the fence for immediate installation.

Mr. Chilton said there are many problems concerning this property which will be

5-Ctd. met when the site plan comes up.

Mr. Gray assured the Board that the old cars would be moved away as soon as the business moves and Mr. Leone will improve the area with his new buildings. The Board agreed there was considerable room for improvement - that the place is messy and unsightly at present.

Mr. Mooreland said Mr. Leone is asking the 10 ft. rear setback and a 35 ft. setback from the street, which he requested be put in the motion.

Mr. Lamond moved that Step one of the variance clause applies and there are unusual circumstances applying to the land in this area - other buildings in the area have been erected with less than the 35 ft. setback and some buildings actually extend to the rear line. This building would be 10 ft. from the rear line and 35 ft. from the front line. This land is shallow and the Board is of the opinion that to deny this would deprive the applicant of a reasonable use of his land. It is also the opinion of the Board that the minimum variance and relief that can be granted is that stated in this motion. Granting is tied to the site plan. Seconded, Mr. Carpenter. Carried unanimously.

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6- J. L. ALBRITTAIN, to permit erection of three dwellings closer to street lines than allowed by the Ordinance, Lots 35, 36, 37, 38, 39, 40, 41 and 42, Block E, Weyanoke, Mason District (RE 0.5)

Mr. Lamond moved to defer the case to June 27 - notices were not sent to adjoining property owners. Seconded, Mr. Barnes. Carried unanimously.

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7 - Z. E. BRITTAIN, to permit applicant to be relieved from screening south property line, Lots 9, 10 and 11, Fairhill on the Boulevard, Providence District (C-G)

Mr. Brittain said he is asking to be relieved from putting in the fence for the reason that it serves no purpose. He did not object to the hedge - in fact he said he had already contracted to buy a hemlock hedge which he would plant but he wished to move it back to the property line if the neighbors do not object. He noted that the adjoining property owner (Lot 12) has no screening.

Mr. Lamond said he thought the Board should see this before taking a vote. He recalled that the Planning Commission had approved this site plan and they asked the applicant at that time if he was willing to abide by the notations on the site plan and he agreed.

About ten were present in opposition. Mr. Edward Bush represented several property owners in the area. They all requested that the planting and the fence be required. Mr. Bush read a petition signed by all nearby

7- Ctd. residents stating that the original approved plan required the fence to run east and west, 6 ft. inside the property line. Mr. Brittain appealed the site plan as approved after learning that site plan requirements could be varied by the Board of Appeals. The objectors asked that the Ordinance requirements be met and that a proper protective screen acceptable to residential property owners be required.

Mr. Bush said they want this protection because they do not know what use may be put in here. A waiver of this fence would probably lead to waivers of fences on other property. They felt that residential property should have maximum protection. If the fence is nearer the building the fence would not need to be so high and it would still give good protection. Mr. Bush illustrated the value of the fence with pictures and overlays. The farther away the fence is from the building, the higher it would need to be to afford protection. They would also like to have some screening on the sides as the view is very open across the yards.

Mr. Brittain said fencing was not effective when it was not continuous. He pointed to a gap in fencing on property which was built upon before this requirement was in the Ordinance. However, it was noted that Mr. Baker (the potato chip man) put on an addition at a time when the Ordinance was interpreted not to require a site plan in case of an addition to a business. That interpretation has now been changed and a site plan is required if the business is the kind that requires a site plan and fencing can be included.

The Board discussed this at length with Mr. Brittain who contended a living hedge was adequate - he stoutly opposed a fence.

Mr. Bush pointed out that the application says "to be relieved from screening". He wanted to be assured that screening would be required.

Mr. Lamond moved to defer the case to June 27 to view the property. Seconded, Mrs. Carpenter. Carried unanimously.

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8- CONGRESSIONAL SCHOOL, INC. to permit operation of school and day camp, 600 S. Carlyn Spring Rd., Mason District (R-12.5)

Mrs. Long, representing the applicant, told the Board that it has long been a question how much of the school property was in Fairfax County and how much in Arlington. They have now had a survey and as shown on the plat, about half of the western portion of the area is in Fairfax - the area which will mostly be used for the summer day camp. The plat indicated the pony rings, basketball court, tennis court, sand box, etc. They have been operating here as a day camp and school for approximately 14 years. There were no objections from the area.

8-Ctd. Mrs. Carpenter moved that Congressional School be granted a permit to operate school and summer day camp at 600 S. Carlyn Spring Road. It is the opinion of the Board that this use permit will not be detrimental to the character of adjacent property. This permit is granted on that portion of this property which is located in Fairfax County. Seconded, Mr. Lamond. Carried unanimously.

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9 - LUCILLE REUTIMAN, to permit operation of a kennel, N. side of Rts. 29-211 900 ft. W. of Rt. 608, Centreville District (RE-1)

Mrs. Reutiman told the Board that she is buying the Snead Kennel, which has been in operation on this property for several years. This is merely a change in ownership and change in permit. She will breed toy poodles and board other dogs. They will have 12 female poodles for breeding purposes.

There were no objections.

Mrs. Carpenter moved that this application be granted and that a permit be issued to Lucille Reutiman for a period of three years. It does not appear that this use would in any way be detrimental to adjacent property. This use is granted to the applicant only. Seconded, Mr. Barnes.

It was noted that under the Ordinance this may be extended at the end of the three-year period. Motion carried unanimously.

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10- POTOMAC OIL COMPANY, INC., to permit erection of a service station and permit pump islands 25 ft. from Leesburg Pike and permit canopy 49 ft. from street r/w line, Lots 1 & 2, Blk. B, Courtland Park, Mason District (C-D)

Mr. T. Hazel represented the applicant. Mr. William Wrench was also present. This is filed under Group 10 for C-D uses, Section 4.4.7.1 of the Ordinance, Mr. Hazel noted. The use is requested on the front part of these lots (135 ft. deep) leaving a strip of approximately 60 ft. of commercially zoned land at the rear. The C-O property immediately to the west is not included in this application. It was pointed out that an entrance would cross the C-O lot from Payne St. to connect with the filling station. Mrs. Henderson questioned the right of using C-O zoning for entrance to a C-D use since it practically puts the C-O property in a C-D zone - the use of the C-O land is appurtenant to the filling station use. She noted that the C-O land could not be used for parking.

10-Ctd. Mr. Hazel said it appeared to him that the Ordinance is vague on this - he did not think the Ordinance stated that C-O zoned property could not be used for a semi-commercial purpose if it adjoins C-D zoning.

Of what use is the C-O after the entrance road is put in - Mrs. Henderson asked - it has lost its value as a buffer and protection to residential property. She thought the Board had no jurisdiction to allow a purely commercial entrance across the C-O zoned property.

Mr. Hazel showed pictures of this entire area, showing the different types of businesses and pointing out that there is very little residential zoning. There are hurdles to be met on this, Mr. Hazel said, but these things would be taken care of in the site plan.

Mr. Chilton pointed out that the setback on the rear would be increased by 25 ft. if this use adjoined residential zoning; as the property stands the filling station use would abut commercial zoning in the rear.

Mr. Hazel noted that the service road which they are agreeing to put in is not required because this is not a subdivision. They are dedicating that voluntarily.

The Chairman asked for opposition.

Mr. Robert Horner, 6503 Payne Street, across the street from this property, read a statement from the Courtland Park Citizens Association detailing their opposition as follows:

The area is well serviced with filling stations; this would have an adverse effect on adjoining property; the manner in which the property is to be developed deprives them of screening protection, the entrance from Payne Street through Lot 3 is objectionable; the use of Lot 3 would bring commercial use down Payne Street and into a residential area; a drainage problem exists on Lot 3 which would be highly aggravated; covenants are still valid on Lots 3 against commercial development, however, that lot was zoned C-O which would serve as a buffer between residential and commercial. Use of this lot would in effect wipe out that protection. The Association recommended that this application be denied.

Mr. Hazel said they were aware of the drainage situation on the back of Lot 3. This development would remedy that.

The Board discussed entrance across the C-O property at length, Mr. Hazel contending that such an entrance was necessary to the filling station; he was under the opinion that the Ordinance did not prohibit this use. He admitted, however, that this might require further interpretation.

The plats were not complete and Mr. Hazel agreed to changes - therefore Mrs. Carpenter moved to defer the case for amended plats (June 27). Seconded, Mr. Lamond. Carried unanimously. Mrs. Henderson suggested that

10-Ctd. the new plats not include the C-O entrance. The Board also asked that the entire lot be shown and that the applicant indicate what would be done with the strip back of the filling station.

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Mrs. Henderson told the Board that she would not be present at the afternoon session and would like to go on record with the statement that this Board in her opinion does not have the jurisdiction to handle the 12:10 case (Virginia Sand & Gravel Co.) since the Board of Supervisors has by amendment to the Ordinance taken jurisdiction over sand and gravel cases.

Mr. Lamond agreed that this case was before this Board in error declaring that it is not a public utility (the only classification which could bring it before this Board); this is a private enterprise and the use requested is an adjunct to sand and gravel operations.

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The Board adjourned for lunch.

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Upon reconvening, Mr. Lamond took the Chair, in the absence of Mrs. Henderson.

11- SHELL OIL COMPANY, to permit use permit for service station 25 ft. from side street line and 20 ft. from side line and variance for pump islands 25 ft. from street line, Lot 1, Sec. 2, Englandboro, Mason District (C-N)

Mr. J. Grant Wright represented the applicant. He said the old building on the property will be taken down and a new modern station erected in its place. This is an old commercial area bounded on three sides by streets - the existing building is non-conforming in location. The new building will need variances but it will be a compromise on all variances. The building will be 75 ft. from the intersection of Columbia Pike and Lincolnia Road, 25 ft. from Old Columbia Pike and with a 20 ft. side setback and 25 ft. setback for the pump islands. This will be a three bay station; they will dedicate the right of way along the frontage as indicated on the plat and will provide curb and gutter. Mr. Wright showed a rendering of the proposed station, the first of its kind to be built in this area. Mr. Wright read a letter from the Englandboro Citizens Association (22 signatures) offering no objection to this. These people believe the new station will be an improvement and they also feel that the screening will have a tendency to stop further commercial zoning. The building will be painted on the rear. The building could not be put on this property without variances and the people in the area feel they are getting a definite improvement.

10-Ctd. After hearing the case Mr. Smith said he thought this did warrant favorable consideration due to the unusual conditions of the land. This is a distinct improvement to the existing structure and from the proposed location of the new building and road dedication it will be an improvement to the corner.

Mr. Chilton said this would require a site plan; screening would be required along the west and south property lines and along Old Columbia Pike. Entrance through Old Columbia Pike will not be permitted through the required screening.

Mr. Wright said they would meet with the staff regarding putting an architectural front on Old Columbia Pike. They would also dress up the side of the building with waist-high planter and trellises. The lighting will be controlled and directed onto the property.

Mr. Mooreland said this was being considered under 12.8.10 for the permit and 11.5 for the variance.

Mr. Smith moved that a permit be issued to Shell Oil Company for a filling station to be located 25 ft. from Old Columbia Pike and 20 ft. from the side line, the pump islands to be allowed 25 ft. from the street right of way line. Mr. Smith continued - the variance sought here is due to the physical conditions of this specific land and the variance, if not granted, would prevent the applicant from a reasonable use of this land. It appears to the Board that the variance requested is the minimum variance that would grant relief for this good structure which is planned on the land. Therefore Mr. Smith moved that the variance be granted as presented and that the permit be granted; seconded, Mr. Barnes. Carried unanimously.

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12- BREN MAR LAND DEVELOPMENT COMPANY, to permit an industrial road through residential property, S. side of Bren Mar Drive at Hershey Lane, Lee District (RE 0.5)

Mr. Lytton Gibson represented the applicant. He gave a brief history of the strip of industrial land involved in this case. It was originally zoned Industrial, but was changed to I-I by the Pomeroy Ordinance. It was subsequently found that because of the narrowness of the land and the extensive flood plain I-I was not usable. The land was zoned to I-P. In order not to take industrial traffic through residential property, Mr. Gibson said they cut the road through the industrial property, cutting off all entrances into Bren Mar Subdivision. Now they wish to put in a temporary private road through residential property (under Sec. 4.2.1 of the Ordinance) which is presently in the Plan for Industrial Development. This road will take care of all the people who will work on the industrial

12-Ctd. property and trucks and cars serving the use. At a later time an industrial road will go direct from the industrial property to the highway. At no time will industrial access passhhomes. This temporary road will be abandoned when the permanent access is put through.

The Chairman asked for opposition.

Major Sumner, representing home owners living along Bren Mar Drive, made the following statements -- that he had bought about a year ago and saw the flood plain and I-I zoning, which he was informed, could never be developed. He understood that most of this industrial land would be used for park area. The Bren Mar Citizens Association went along with the change in plaasin the industrial development of this tract but a minority, those living along Bren Mar Drive are opposed. Homes range from $20,000 - $25,000. They feel this will depreciate their homes; they object to the clearing off of trees - which has already started; the developers have put a latrine in front of the homes; they are using a trailer for their office. They would like assurance that their homes will not be further depreciated and that trucks will not go over the temporary road, turn and come back through Bren Mar Drive.

Mr. Gibson said this is the same temporary road shown the Board of Supervisors and the Planning Commission and approved by them.

They have asked to put the screening 5 or 6 ft. up on the bank where it would be more effective than 15 ft. from the right of way. The trees have been removed for the building and the parking. They will screen plant and fence as required by the County. They consider planted screening more effective than the natural growth, much of which they have taken off. Treew will be left between Bren Mar Drive and the temporary road.

When this property was zoned Industrial in 1952, Mr. Gibson continued, Bren Mar Drive was made 60 ft. because of the future industrial traffic.

Mr. Smith moved that Bren Mar Land & Development Company be issued a permit for an industrial road through residential property, located on the south side of Bren Mar Drive at Hershey Lane, with the stipulations in accordance with plats presented with the case, dated April, 1961, and that the trees now on the property shall be left intact except those absolutely necessary to build the road itself and all other conditions of the Ordinance shall bemmet. Seconded, Mr. Barnes.

Carried unanimously.

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13- FAIRFAX COUNTY WATER AUTHORITY, to permit erection of pump and well house and water standpipe 37 ft. from side property line, Lot 1 and part Lot 2, Belmont Park Ests, Mt. Vernon District (RE-2)

Mr. William Bauknight represented the applicant. Mr. Bauknight showed a rendering of the facility, indicating that they will leave as many trees as possible and the tank will be painted green.

This is a necessary installation, Mr. Bauknight went on, in order to maintain their system - to serve Belmont Park Estates and properties in that vicinity, for the present and the future.

This tank will be 70 ft. high, height required in order to get adequate pressure.

It was noted that the location of the tower did not allow a 70 ft. setback, which the Board agreed they could not waive because of the safety features. Mr. Bauknight suggested that they might purchase an easement, an easement which could not be built upon but which would provide the required setback. There were no objections from the area.

Mr. Bauknight also stated that they would have screening around the pump house.

Mr. Lamond moved that the Fairfax County Water Authority be issued a use permit to erect a pump and well house and a water standpipe 37 ft. from the side property line on Lot 1 and 2, Belmont Park Estates, provided an easement is secured as shown on the plat presented with the case. It is also understood that the applicant will screen around the pump house and it is also agreed that the water tank will be painted green; seconded, Mr. Smith. Carried unanimously.

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14- VIRGINIA SAND & GRAVEL CO. to permit settling pond for sand and gravel operation (water storage facility), north side of Rt. 611 and W. side of Rt. 617, Lee District (I-G and RE-1)

Mr. Lytton Gibson represented the applicant.

Mr. Lamond continued the question on this which had been raised by Mrs. Henderson during the morning session. Does this Board have the authority to handle this case since this is not a public facility? He thought not. This was filed under Group 2, as a public utility, water storage. First Mr. Gibson said he filed this to go before the Board of Supervisors, but before it was heard the Board heard a similar case and decided this type of use was not within their jurisdiction. Mr. Gibson said he then held a conference with Mr. Massey, the Commonwealth's Attorney and Mr. Burrage, and the opinion of each was that the Board of Appeals could properly handle this as it was filed under Group 2.

14-ctd. Mr.Gibson said it had also been his opinion that this should go before the Board of Supervisors but he was only carrying out the opinion of the three with whom he had discussed this - he was perfectly willing to handle the case before either Board. He had left it up to the County to tell him how and before whom to file. However, this is actually a storage of water proposition;it is not a gravel operation.

As to its being a public utility, the Commonwealth's Attorney has said that it is.

Mr. Mooreland said this is not for general operation, it is storage only. Since the ruling on this has come from those in the County who make such determinations, he saw no alternative but to take it before this Board.

Mr. Gibson suggested hearing it and act - subject to approval of the Commonwealth's Attorney. Mr. Lamond said the Commonwealth's Attorney's opinion has already been given and he questioned the opinion.

This is a matter of interpretation, Mr. Gibson stated. The Ordinance lists "Public Utility Uses." He asked - what is a public utility?

Mr. Lamond recalled that the Commonwealth's Attorney had said many times that this Board is charged with the responsibility of interpreting the Ordinance. His interpretation would be that this is not a public utility but that it is an adjunct to a gravel pit operation which the Board of Supervisors has elected to handle. He thought it should be sent back to that Board. He also pointed out that the Ordinance and the State Code do not agree on what is called a public utility.

The heading under Group 2(Public Utility Uses) appears to encompass this use, Mr. Smith stated, and it has been so determined by the Commonwealth's Attorney, Mr. Massey and others in the County who are closely connected with the Ordinance and the fact that this case has been referred to this Board - Mr. Smith said he saw no other alternative but to hear it. The applicant has done what he was instructed to do with regard to the filing. There appears to be no other place in the Ordinance for it. Therefore Mr. Smith moved that the Board hear this application for a water storage facility for washing, in conjunction with a sand and gravel operation, under Group 2. Seconded, Mr. Barnes. Mr. Smith and Mr. Barnes voted in favor of the application. Mrs. Carpenter and Mr. Lamond voted against the application. Tie Vote. (Mrs. Henderson was absent.)

Mr. Lamond recalled that Mrs. Henderson was opposed to handling this case.

Mr. Gibson said he understood the Board's position, but he was inclined to tell these people to go ahead with their operations tomorrow. He asked the Board - if he did that, would they get a contempt order against

14- Ctd. the operators? He did not think they needed a permit, and if they do, there seems to be no place for them to go to get one.

Mr. Smith agreed that the applicant had filed under the only section that covered this use.

Mr. Gibson asked what this Board would do if he went to the Board of Supervisors and they again said they would not handle it - that it is a matter for the Board of Zoning Appeals. Mr. Lamond answered that something should be done about the Ordinance to take care of this. It was agreed to take this up when Mrs. Henderson is present.

The Board members discussed the Ordinance and its application to this use at length. Mrs. Carpenter suggested that this Board should have a clarification from the Board of Supervisors regarding the manner of handling this whether or not they consider this an adjunct to sand and gravel operations.

Mrs. Carpenter moved that this case be referred to the County Board of Supervisors along with a request for clarification of the Ordinance.

Mr. Lamond thought washing and storage of water should be tied in specifically with sand and gravel operations, where it rightfully belongs. The Ordinance is not clear on this and too readily subject to interpretation.

Mr. Smith thought the Board should study this and come up with a solution rather than refer it to the Board of Supervisors. It should go back to the Commission for a restudy, then come back to this Board. He objected to sending it on to the Board of Supervisors. He wanted to be sure, on his own, that Group 2 is the proper place to consider this use.

No action was taken; the Board agreed to consider this at a later date.

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15- JACK & DELORES MERRITT, to permit operation of private school, including nursery with all day care, kindergarten and grade 1 - 8, Lot 1 and outlot A, Resub. of portion Lot 11, Leewood Subdivision, Mason District (RE 0.5)

Mr. John Scott represented the applicants.

The property in question, Mr. Scott told the Board, has a frontage on Backlick Road of 201 ft. by 1000 ft. deep. All utilities are available. The lot is beautifully wooded, ideal for a private school. (Mr. Scott showed pictures of the property.) He said it has trees which afford a natural buffer between this use and abutting homes. If this is granted they will completely renovate the house (bathrooms, central heating and paint) and will landscape the yard. They plan to have 40 children. Mr. Scott said the applicants have checked with the Health Department and Welfare, and find that they comply with State requirements as to space. The immediate

15-Ctd. use will be for nursery and kindergarten but ultimately they wish to construct a modern school with facilities for pupils through the eighth grade. They will give instruction in drama, music, speech and related arts as well as academic courses.

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Mr. Scott went on to say that the Merritts are presently operating the Spring'N'Dale private school in Indian Springs Subdivision.

Mr. Merritt came before the Board and outlined his background education, his business, and his community activities. He said they came here 10 years ago and wish to make this their permanent home. He is actively engaged in church and organization work and is employed by the federal government.

Mr. Merritt said they now have 80 pupils, kindergarten through fifth grade. He outlined briefly the wide scope of courses they offer, suitable to meet varied interests. They operate here from 7:00 a.m. to 6:00 p.m. Monday through Friday. In their schools healthful living is stressed. They have modern and appropriate play equipment. They furnish transportation. They have a high health rating. It is necessary to expand their facilities; they have turned away as many as 50 families. After considerable search for suitable property they settled upon this as it appears to be ideal for their purposes. They will have controlled play periods with play equipment suitable for young children. The building is set well back on the property - this would create no hazard, they have plenty of parking space. The two class rooms will be on the first floor. (One room would be for kindergarten and one for first grade.) They will also operate on Saturday between 8:00 a.m. and 6:00 p.m. They probably will serve hot lunch.

Mr. Merritt asked that no time limit be placed on this use since the financial outlay would be considerable and would not be practical for a limited time. They will put in screening wherever the Ordinance requires.

Mr. Scott recalled that he had submitted pamphlets to the Commission at their hearing on Nursery school and kindergarten standards prepared by the State. While this pamphlet does not set forth the square footage required per child the Merritts plan 20 sq. ft. inside and from 75 to 200 sq. ft. outside per child. This is well within any suggested standards for space.

In time the old building will be torn down and a modern building put up, but for the time the existing building will be remodeled and used, Mr. Scott went on to say. He also stressed the need, particularly in this fast growing area for another private school. There are more than 3500

15-Ctd. Homes in the immediate area.

Mr. Scott commended the Merritts for the successful operation of their present school which is meeting a great need - Backlick Road will be four-lane and Mr. Burroughs of the Highway Department has said the ingress and egress is satisfactory. This will not change the residential character of the area, the school will be well buffered with trees. It will have all the characteristics of just another home.

Mrs. Carpenter asked the ultimate number of pupils when the school goes to the eighth grade. Mr. Merritt answered - 300. At present, he said, and while they have only the kindergarten and first grade, they will have only 40. They plan to have all day care and will teach kindergarten from 9:00 to 12:00 and first grade from 9:00 to 2:00.

The Planning Staff's comment on the requirement of a subdivision plat if this lot is used will be taken care of, Mr. Scott stated - the applicants will comply.

Mr. Douglas Adams represented Mr. Henry Jacobs, adjacent property owner, who came here in 1951. Mr.Jacobs has improved his home to the amount of $25,000. He is in business in Annandale. Mr. Jacobs would have a 400 ft. frontage with the Merritt school. Mr. Adams said it was the feeling of his client and all property owners on this same side of the property in question that this use would depreciate their property and they oppose the use. This is an area of rustic rural development, Mr. Adams continued, and the people wish to preserve those characteristics. They have fought to maintain the residential atmosphere. 44 lot owners oppose this use. 300 students would make a full-fledged school, he continued, such an installation should require large acreage, not a long narrow strip of ground 200 ft. wide bordered by established homes. It would be necessary to have large buildings far beyond the capacity of this ground to handle. The ground is too narrow to screen effectively.

Traffic from a school of this size would present a serious problem, Mr. Adams continued, especially because of the intersection of Edsall Road, immediately across from the school property. The police have already realized the need for control here where the vehicular count is 6277 vehicles per 24 hours. The addition of school buses, parents, and service vehicles would increase this hazard to an alarming degree. The change in character of an area and traffic hazard are definitely spelled out in the ordinance as things that should be considered in the granting of special uses, Mr. Adams concluded.

15-Ctd. Mrs. Horton, who lives 500 ft. from this property, presented a petition from Leewood Subdivision opposing the requested use.

Miss Gardner and Mrs. Payne both objected for reasons stated, and because of the noise which cannot be screened against. They both suggested that the lack of area is a hurdle that cannot be overcome.

In rebuttal Mr. Scott pointed to the Methodist Church which is very near this property and Edsall Park Elementary School, both of which are very like the proposed use. This is a permitted use in a residential district, Mr. Scott continued, they are not asking for a use that is incompatible - the Ordinance is very clear on uses of this kind and the fact that they can be allowed among homes.

Mr. Burroughs of the Highway Department has stated that he foresaw no traffic problem here at this intersection.

The Planning Commission recommended granting this use.

Mrs. Carpenter moved that this application of Jack & Delores Merritt be denied because 300 students on this parcel of land would cause too much of an impact on the neighborhood. Seconded, Mr. Barnes.

Mrs. Carpenter, Mr. Barnes and Mrs Smith voted for the motion. Mr. Lamond voted no. (Mrs. Henderson was absent.) Motion carried.

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DEFERRED CASES

1- ORVA MORRIS, to allow enclosed porch to remain 23.25 ft. from Washington Ave. Lot 13B, Sec. 1, Huntington (1421 Washington Ave.) Mt. Vernon District (RM-1)

Mr. Haynie Trotter represented the applicant. These are small lots (3600') Mr. Trotter told the Board, semi-detached. When they bought the house in 1960, it had a small open porch on the front. The porch was at that time at variance with the Pomeroy Ordinance as it extended into the front yard about 10'. They did not know the regulations had changed in 1959 and both the house and porch were required to set back 30' from the street right-of-way. Eagle Construction Company agreed to put on the porch and it was Mr. Morris' understanding that the company would take care of the entire job -- including getting the building permit. They signed the contract and paid the people $2200. Eagle Company never got a building permit for the front porch - they did get a permit, however, for the rear porch which was not in violation. The next the Morris's heard was a notice from the Zoning Office that their porch was in violation. Mr. Trotter said he did not know why the company misrepresented the porch to the zoning office. They had tried to get a representative

DEFERRED CASES.

1 - Orva Morris, contd.

from Eagle Company to appear at this hearing to explain this action and they had agreed to send someone, but no one was present.

During construction, they were never told the building was in violation.

Mr. Trotter said several other porches were built at the same time.

Mr. Trotter showed the Board a copy of the contract which said "front porch" and a copy of the building permit which said "rear porch".

Mr. Trotter filed with the Board a petition from practically all the neighborhood stating they had no objection to this porch and they considered the addition a distinct improvement to the house and to the neighborhood. It creates no hazard. The people are victims of an unethical contractor who evidently manipulated the facts both to the Zoning Office and the Morris's.

It was noted also that the fence is 7' into the street right-of-way.

Mr. Mooreland said there was no question but that the contractor asked for a permit for a porch in the rear as his office could not have issued one on the front since it would have been in violation. Mr. Mooreland asked the Board, if they granted this, to make it plain that this does not set a precedent for others to ask the same thing. He estimated that there were probably a dozen people who would file for the same thing.

Mr. Trotter agreed that this should not be used as a precedent but he said this is an unusual circumstance and it would not be used by others as everyone in the neighborhood knows of this violation and they realized these people are victims of false representation. They did not flagrantly violate the law - they were assured that all permits would be obtained and all regulations met.

There were no objections from anyone in the area.

Mr. Smith said it was evident that the applicant had no part in this - this goes back to the contractor who has probably sold the paper on this and now is out of it. This is a Maryland firm and it is difficult to get into the Maryland Courts and place responsibility on such companies, that come into an area and work fast - often creating violations. Then they are gone and nothing can be done about them. They are not, as a rule, reputable firms. If the Board does grant this, he continued, it certainly would not set a precedent - but would be a solution to an unfortunate situation which warrants consideration by the Board. Some way should be worked out, he went on, in the different jurisdictions, to

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DEFERRED CASES.

1 - Orva Morris, contd.

stop people from fleecing people in deals of this kind.

Mr. Trotter said these people may have folded up and disappeared - he had known of many such dealings, firms, which vanish and have no assets.

Mr. Smith moved that the case be deferred for 60 days (August 2) to see if anything could be done with these people through the Courts. Sec. T. Barnes, Cd. unan.

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2 - Arlington Moose Lodge, #1315, to permit erection and operation of a Moose Lodge and permit building closer to property lines than allowed by the Ordinance, property at the end of Scoville Street, Mason District. (R-12.5)

Mr. Richards represented the applicant. (This was a rehearing). Since the last meeting, Mr. Richards said he had met with Sunset Manor Citizens group and presented to them changed plans on this project. The major change has been relocation of the entrance from Scoville St. which leads into Sunset Manor over to the other side (the back) of the property, thus taking the traffic down to Columbia Pike by way of Maple Street. This actually might become the front of the property. It would eliminate any traffic through Sunset Manor. The Citizens Association went along with this use, including the changes.

Mr. Richard said they had gone into a considerable expense to make this change as it would be a long driveway and probably not as convenient for the users of the Lodge - and it would involve grading and filling.

In addition to the change of the entrance they have agreed to completely screen along the subdivision side of the parking lot. They would use lombardy poplar - which grow fast and provide a good coverage. They have also agreed to fencing - which would provide double screening.

No use will be made of the property between the screening and the subdivision - it will be left with the natural growth. There will be no parking on Scoville Street - Mr. Richard continued - the building will be completely air conditioned, and while there will be some noise from the recreation area - they will make their recreation grounds available to children in the neighborhood under conditions of supervised play. Mr. Richard said he also considered this an effective and logical screening between the subdivision and the property to the rear - which is largely colored.

DEFERRED CASES

2 - Arlington Moose Lodge, contd.

This is a philanthropic organization - it is run under very restricted conditions and Mr. Richards said he anticipated no undue disturbances. He presented a letter from Mr. Paul Hutchins, President of North Arlington Citizens Association representin g the area in which this Lodge has been located and stating that they considered the Lodge a good neighbor - and there were no problems. Also a letter was read from Mr. Gustave Ring, owner of Colonial Village Apartments which has abutting property, saying this Lodge was a good neighbor and urged the Board to consider this favorably.

Mr. Richards said the lodge would make it part of their house rules that it will be unlawful to park in Sunset Manor when people are using the Club.

Mr. Snowden from Sunset Manor said his group had met with these people and reviewed their plans. Last night they met and withdrew their previous opposition since most of the objectionable features had been resolved.

The Chairman asked for opposition.

Mrs. Atkins, who lives 1/2 block from the property in question, and who is a member of the Citizens Association, stated that there were five present opposing this use and they have the names of others also who oppose. She contended that the vote taken to withdraw objections was not representative of the Association as many were not present at the meeting last night and they did not know this was to be voted on. Mrs. Atkins objected to this club which she labeled a rowdy, noisy group and which she said was incompatible in a residential neighborhood. She discussed at length the unfair vote of the night before and contended vehemently that the majority were still opposed to this.

Mr. Richards disagreed with Mrs. Atkins statements regarding the character of this Lodge - he pointed to their charitable work, the strict control of Lodge operations, its use by families and the recreation aspect. He also stressed the value of this operation between homes and a sub-standard area.

Mrs. Carpenter asked why the variance in setback when the area would appear to be sufficient to meet all requirements.

Mr. Richards said they had so located the building because of the swale across the property - however, he thought the building could be shifted to conform.

May 16, 1961

DEFERRED CASES

2 - Arlington Moose Lodge, contd.

Mr. Barnes moved that Arlington Moose Lodge be granted a permit to erect and operate a Moose Lodge on property located at the end of Scoville Street. It is understood that the building location will meet the 100' setback from all property lines. It also is understood that all County regulations will be met and also that the Lodge will comply with all rules and regulations as agreed upon between them and Sunset Manor Citizens Assoc. particularly with regard to screening, and it is agreed that there will be no traffic to the Lodge by way of Scoville Street, leading through Sunset Manor subdivision, all such traffic will be prohibited, no parking in Sunset Manor, and the area between the end of Scoville St. and the planting area will be reserved and unused. This granting follows the plat presented with the case except that the building location will meet the 100' setback from all property lines.

Seconded, Mrs. Carpenter. Cd. unan

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The meeting adjourned.

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

June 13, 1961

The regular meeting of the Board of Zoning Appeals was held on Tuesday, June 13th, at 10:00 A. M. in the Board Room of the Fairfax County Courthouse. All members were present but Mr. Lamond, who was absent the first part of the meeting. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

Mrs. Henderson announced that it was necessary to change the dates of the July meetings because of the July 11 election. The 18th and 25th of July were set and one meeting in August - the eighth.

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NEW CASES.

1 - Mt. Vernon Valley Apartments, to permit erection of an apartment building 25 feet from side property line and 17.185 sq. ft. of ground coverage, property on east side of Fordson Road opposite Hybla Valley Subdivision, Lee District. (C. G.)

Mr. Lytton Gibson represented the applicant.

This land was zoned C-G in 1958 Mr. Gibson told the Board, with the idea of putting in apartments. Mr. Gordon worked out his plans on the basis of the setback at that time which was 15' from the side property line. He was granted coverage which was in conformance with the Ordinance. This was before the Pomeroy Ordinance. Before he got started, the Pomeroy Ordinance was adopted which necessitated revising his plans. He did revise his plans and reduced the density. Mr. Gordon has again revised his plans to meet the new Ordinance in all instances except the coverage and the side setback. He cannot buy additional land because of the road and other development. He has cut down his coverage considerably. He can get financing if he can get this variance.

There are very few pieces of land in this area in this same situation, Mr. Gibson went on. Mr. Gordon was caught in the middle by the change in the Ordinance and since this is a long narrow piece of land, he cannot develop with this use without the variance.

Mr. Lamond returned to the hearings.

Mr. Lamond recalled the Browne application at Accotink which had a similar situation and which the Board granted.

Mr. Smith moved that the application of Mt. Vernon Valley Apartments (east side of Fordham Rd. opposite Hybla Valley subdivision) be granted for the following reasons: this apartment use was established by the zoning before the Pomeroy Ordinance and to deny this application would deny

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NEW CASES

1 -ctd Mt. Vernon Valley Apartments.

the applicant a reasonable use of his property. There is a hardship here because this situation is peculiar to the particular piece of property that does not prevail in other parts of the County.

Seconded, T. Barnes.

Carried unanimously.

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2 - R. C. MORRIS, to permit pump islands 25 feet from Lee Highway, property on southeast corner of Lee Highway and Braddock Road at Centreville, Centreville District. (C. G.)

Mr. Frank Swart represented the applicant.

The old filling station building on this property is 25' from the road, Mr. Swart pointed out, and the storage shed is 4' from the road. Both of these buildings will be taken down when the new station is put in. The new building will be located 50' from the right of way in accordance with zoning requirements. This is a request for the 25' setback only. The building could not go back 75' because of the location of the septic field and tank. If the pump islands were set back 50' it would be too close the building. They cannot operate without a variance. This will be a great improvement on the present situation on this property, Mr. Swart contended.

Mr. Smith agreed that this would be an improvement, especially because of the school crossing which is presently hazardous.

Other locations for the septic tank were suggested but Mr. Swart showed that they were not feasible as the Health Department would not permit this septic field too close to the one on the adjoining lot. The Health Dept. had specifically located the field as indicated on the plat. If the building were moved back as suggested it would be too close to Braddock Road. The land area was shown to be approx. 20,000 sq. ft. Mr. Swart pointed out that Braddock Road comes in to Lee Highway at an angle which makes it impossible to use all of this land. However, Mrs. Henderson noted that many other business could go in here without a variance.

Mr. Smith pointed out there is no curb or gutter on these streets and this will start what people in the area hope will be an improvement. This station, with its planned development, will improve the safety

2 - contd. R. C. Morris.

factors at Braddock Road and Rts. 29-211. There is a tremendous school traffic here, Mr. Smith continued, and heavy traffic to Clifton. This is an irregular shaped lot and if the roads did not create such a sharp angle, the applicant could meet all setbacks. The applicant must locate the drain field where the Health Department says, therefore, Mr. Smith moved that the application of R. C. Morris to permit pump islands from Lee Highway, on property located at the southeast corner of Lee Highway and Braddock Rd. at Centreville be granted for the following reasons: this is an irregular lot, the proposed filling station operation will be an improvement over the present operation and will tend to improve conditions throughout the area. This also will improve the safety factor for the school children. It is also noted that the applicant must install the drain field and septic as located by the Health Department which prevents him from setting the building back farther and, therefore, coming under the use permit instead of a variance. This variance should be granted in this case. Seconded, T. Barnes.

For: Messrs. Smith, Barnes, Lamond.

Mrs. Carpenter did not vote because she was not convinced that the building cannot meet the 75' setback and she thought the Board should have a note from the Health Department saying that the drainfield should be in this particular location.

Mrs. Henderson voted no - the property is not large enough for this operation and there appear~~s~~ to be no topo conditions.

Mr. Lamond agreed with Mr. Smith's reasons as stated.

Motion carried.

Mr. Smith moved that the Board recommend to the Planning Commission that a site plan must be approved on this. Seconded, T. Barnes.

Carried unanimously.

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June 13, 1961

NEW CASES

3 - CARL R. JENNINGS, to permit dwelling to remain 46 feet from Navaho Drive, Lot 63, Section 2, Lincolnia Park, Mason District. (RE-0.5)

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The applicant was unable to show proof of notification to adjoining and nearby property owners.

Mrs. Carpenter moved to defer the case to July 18. Seconded, D. Smith. Cd. unan.

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4 - HOT SHOPPES, INC. to permit roof overhang closer to street line than allowed by the Ordinance, on corner of Old Keene Mill Road, Route 644, and Backlick Road, Route 617, Mason District. (C. D.)

Mr. Frank Kimball represented the applicant. Mr. Russell Jordan, architect, also was present.

Mr. Kimball presented letter from L ynch Brothers and Garfield, Inc., both stating they have no objection to this request.

The only violation occurring here is the corner of the overhang - on other parts of the building, the setback is greater than required by the ordinance. They have set the building well back in order to maintain a permanent grass and street area in front which adds greatly to the aesthetic value of the development, and to keep all parking away from the front. It is also important to have circulation around the building and throughout the parking area and to provide a covered walkway to the entrances.

The Board discussed this at length bringing out several suggestions for pulling the building back further from the street and taking out drive-in service stands or by reducing the parking space by only a few cars. Mr. Simpson said they had bought this gmund from Mr. Carr and had tried to get more land but that is not possible. This has all been closely figured both from the aesthetic and from the economic standpoint, Mr. Jordan said, and it was not feasible to cut further on the parking. This is like the Baileys Crossroads building, only a little larger, and they want the same type of setting but they must be able to accommodate enough cars to assure the fact that this will be economically feasible. They are building for the future and feel that adequate parking is most important. They have utilized all the space possible for parking without using the front of the building which they consider important. The

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NEW CASES

4 -contd. setbacks from Keene Mill Road and Backlick Road are 57' and 65' - they could take off the overhang and push the building forward to the required setback line - but they do not think that would be attractive. Still, Mrs. Henderson pointed out, the applicant was not being deprived of the use of his land by meeting the setbacks.

Mr. Smith said he considered that the applicant had failed to make a case for hardship other than economics.

Mrs. Carpenter moved that the application be denied as it does not comply with Section 11.5.5 of the Ordinance. Seconded, Lamond. Cd. unan.

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5 - E. M. McGEE, to permit erection of a building on property lines and 26 feet from Wilson Boulevard, Lot B, W. S. Hoge Subdivision, Fort Buffalo, Falls Church District. (C.G.)

Mr. William Johnston represented the applicant. This is a very small area, Mr. Johnston pointed out - only 7400 sq. ft. which has a great deal of road frontage -- Wilson Boulevard and Old Wilson Boulevard. This, coupled with the shape of the lot, makes it practically impossible to put a building on the property without a variance. Mr. Johnston noted that the entrance should be changed to 30' instead of 15' as shown on the plat. They will have no U-Haul or wrecked cars on the property. Mr. Johnston said he had discussed this with the Planning Commission Staff and they would go along with the plan as proposed.

The Board discussed moving the building around to back up to Old Wilson Boulevard which would give a greater setback from Wilson Boulevard. This would lose only one parking space. This arrangement was agreeable to Mr. Johnston.

While Mr. Johnston had notified five people in the area of this hearing, only one was an adjoining property owner.

Mr. Lamond moved to defer the case to June 27 in order that the applicant might notify two adjoining land owners. Seconded, Mrs. Carpenter. Cd. unan.

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6 - DOMINION BUILDERS, INC., to permit dwelling to remain 38.8 feet from Weaver Avenue, Lot 153, Section 3, McLean Manor, Dranesville District, (R -12.5).

6 -contd. Mr. Robert Kolhaas represented the applicant.

Mr. Kolhaas said he did not know for sure how this happened as there are four other houses along this same side of the street which are set back the required distance - except that there is a slight curve in Weaver Street as it approaches the Danforth intersection and this house was set in line with the other houses. The curve, no doubt, was not taken into consideration. Mr. Kolhaus showed pictures to indicate that this small variation is not noticeable and he contended it was plain to see why the house appeared to conform to the setback. It is only 1 foot 2" too close to the right of way.

At this point Mr. Lamond left the meeting to appear in Court.

The original mistake occurred in laying out the houses and as the work progressed all measurements were taken from the original stakes. The house is now under roof. The angle in the street makes this appear that it is exactly in line with the other houses.

Mr. Kolhaas said he had discussed shifting the right of way on Weaver Street with both Mr. Chilton and Public Works. Both said it is impractical and said they have no objection to this. The engineer also said it was not practical to shift the right of way to do away with the encroachment because it would create a jog in the right of way which would serve no useful purpose other than relieve this encroachment which would not create a hazard in any way.

Mr. Kolhaas pointed out that this is a shallow lot which was difficult to build upon under any circumstances and meet all setbacks.

Mr. Smith moved to defer the case to the next meeting to give the applicants a chance to see if they can work out some solution to this problem and also for the Board to view the property.

Seconded, T Barnes. Cd. unan.

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7 -- ROUTH ROBBINS REAL ESTATE CORP., to permit elimination of planting of trees and shrubs and to permit erection of a 6 ft. high stockade fence on property line, Lots 4D-2 and 4E-1, Resub., Lots 4, Section 5, Salona Village, Dranesville District. (C.D.)

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NEW CASES

7 contd. Mr. Thorpe Richards represented the applicant.

If his client is required to adhere to the strict requirements of the of the Ordinance, it would create a distinct hardship, Mr. Richards told the Board, because of topography. A fence 12' from the property line would not give the protection the Ordinance is designed to create.

Mr. Richards pointed out that this property is joined all along the rear by the McLean Baptist Church. They discussed this informally with the Deacons of the Church and both agreed to the following solution: Hemlocks to be used for screening to be located on a line about 4 ft. on centers. The Church would not object to having the trees on the line of the Church property. The land on which the trees are located should be graded so that it can be mowed without difficulty. Trees should be replaced if they should die or become diseased. These trees should be maintained by the applicant. Mr. Richards presented a statement from the church incorporating these conditions - the paper signed by C. Moxley Featherstone.

Mr. Richards said the land starts rising at the location of the building and at the property line it is 3'or 4'higher than the front of the property.

Mr. Richards noted that no requirements are placed on the property adjoining because it was used before the present requirements became effective.

The Chairman asked for opposition.

Mr. Bruner Clarke from Salona Village Civic Association led a group opposing and introduced Florence Maze, 4905 Calder Rd., Elizabeth Harring, 4903 Calder Rd. and Grace Waalle, 4914 Calder Rd.

They all made statements and brought out substantially the same points - to grant a variance of this kind would establish a precedent for adjoining and nearby property - these people knew of these requirements when they bought here and should meet their obligations. They will not use this back property since they have no outlet; this does not achieve the purpose for which screening is required, it would be noisy.

A letter was read from Mrs. Irvin opposing this variance, which she feared would set a precedent.

It was also pointed out that the lights on commercial property in this area are annoying. Mr. Smith said that should be corrected.

Mr. Richards said they wanted very much to be on good terms with the neighborhood, which was their particular reason for contacting the Church people. Because of the lay of the ground, the church people are very pleased with the plans discussed earlier. They will keep the back landscaped and the grass cut. This is not a precedent, Mr. Richards

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Routh Robbins Real Estate Corp.

7 contd. contended as each case must stand on its merits. The change offered is a definite benefit to the church and to others in the neighborhood. A screen of lining trees is more effective and more attractive than a board fence. The fence would serve no purpose in the required location because of the topography.

Mr. Chilton agreed that the farther from the property line the trees are located, the less effective they become.

It was noted that uniformity along the rear zoning line could not be maintained because of development before the Ordinance.

Mr. Smith moved that the application of Ruth Robbins to eliminate tree planting and to permit a 6' stockade fence on the property line be denied and that the location of the fence be left to the Planning Staff to place it the most effective distance from the property line to give the best protection to the area. Seconded, T. Barnes.

Mr. Smith said the screening should not be eliminated because this is the point from which can be started the correction of a bad situation. The fence 12' from the line seems to be most effective and what the people in the area want, and the church people have no objection. The people want the buffer between the fence and the property line.

Mrs. Henderson said then it should be eliminated from the motion that the Planning Staff approve the best location of the planting and fencing -- if the application is denied.

Both Mr. Smith and Mr. Barnes agreed with that.

Carried unan.

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8 - MARY DESENBERG, to permit operation of a day care nursery, Lot 23, Fairlee, (1501 Maple Street), Providence District. (RE-1)

Mr. Desenberg was missing one letter of notification - but it was evident from those present and the petition filed that people in the neighborhood were well advised of this hearing.

Mr. Desenberg had no report from the Health Department but the Planning Staff had been advised by the Health Department that the septic system is not adequate and there is no room to expand it.

Mr. Desenberg said he had sent a letter of notification to the fifth person but the people were out of town and did not reply.

There are two children in the Desenberg family and they care for foster children from the Welfare Department. They have recently moved here and wish to reduce the number of children to ten.

Several of the children would be very young and Mr. Desenberg said he was

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NEW CASES.

8 contd. Mary Desenberg

away every day - he did not think the toilet facilities would be over used. They have two foster children and two of their own and five additional children making 9 total. They would not keep more than ten. All would be pre-school up to five years old, except perhaps two foster daughters 12 and 15. Mr. Desenberg said he could keep these foster children without a permit. He said he had asked for a permit for the nursery school before the inspector came to his house -- saying he was operating a school in violation of the County regulations. Mr. Clarence Siegler, who lives across the street, said he had no objection to Mr. Desenberg's request. He did not consider the children noisy - and he saw no problem from them in the neighborhood.

The Chairman asked for opposition.

Mr. Douglas Tritt~~opaux~~ 1906 represented the Fairlee Citizens Association, about 56 homes. These people objected to this day nursery for the following reasons: Noisy for adjacent families; the County school bus turns around at this intersection - increased traffic will cause a problem; this residential house was not designed for this type of operation; depress property values; sanitary facilities are inadequate; this is a single family area not designed for any type of business.

Mrs. Auld, Mrs. Alice Parker, Glen Laughlin objected for reasons stated. They claimed the Desenbergs had had eleven children at one time. Mr. Desenberg agreed that that was so but had reduced the number since the objection of the Citizens Association.

A petition strongly opposing this was filed.

Mr. Smith said he had heard no testimony other than one man (who worked nights) that would warrant denial of this case on the basis of it being a detriment to anyone or to the community, but in view of the statements from the Health Department, he would be inclined to deny this for ten children. Any denial should be on the basis of the Health conditions and not on the presentation of the people present in opposition.

Mr. Smith moved that the application as applied for be denied in view of the recommendation of the Health Department regarding the inadequacy of the septic field. It is to be noted, Mr. Smith went on, that the applicant can still keep three foster children as a matter of right.

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NEW CASES

8 contd. Mary Desenberg

It is also required that the applicant must conform to County regulations within 90 days, and not have additional children in excess of three.

Seconded, Carpenter. Cd. unan.

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9 - The Board adjourned for lunch and upon convening took up the case of CARLETON S. AND DORTHY E. BURNELL, JR., to permit operation of a kindergarten and first grade, Lot 70A, Section 1, Clermont, (on Glenwood Drive), Lee District. (R-12.5)

Mr. Burnell appeared before the Board and said they wished to have a kindergarten and first grade. He said they had spoken to the Citizens Association, telling of their plans, and so far as they know, there were no objections. They have checked with the Health and Fire Departments. Some few items will be taken care of to meet the Fire Marshal's requirements. They have sewer and water. They have 3/4 acres and will have about 20 or 25 children, one-half day. They would like to have two half day sessions. The school will be conducted in the basement which has an outside entrance. There will be two teachers - children will be from 4 to 6 years old. The play area is adequate. Mr. Burnell pointed out. They intend to fence the place in time.

They will need very little parking, Mr. Burnell explained, as they furnish transportation -- the few cars that come can be taken care of in the circular driveway which, in front of the house where any parking would take place, is 25' from the property line.

There were no objections.

Mrs. Carpenter moved that Carleton S. and Dorothy E. Burnell be permitted to operate a kindergarten and first grade on Lot 70-A, Section 1, Clermont (Glenwood Drive) and that the school be limited to 23 pupils. This is granted to Mr. and Mrs. Burnell only. It is the opinion of the Board that this use will not be detrimental to the surrounding property. It is understood also that the parking provisions of the Ordinance shall be met. Seconded, Lamond. Cd. unan.

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June 13, 1961

DEFERRED CASES.

1 - WILLIAM L. SMITH, to permit an addition to repair garage closer to side line than allowed by the Ordinance, Lot 13, and part Lots 12 and 14, Southern Villa, Mason District. (C.N.)

Request for deferral by applicant pending change of zoning by the Board of Supervisors. Mr. Lamond moved that the case be deferred to October 10, 1961. Seconded, T. Barnes. Cd. unan.

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2 - HERMAN GRENADIER, to permit dwellings to be erected 27 ft. from East Oak Street, Lots. 474,475,476,477,and 478, Block L, Memorial Heights, Mt. Vernon District. (R-12.5).

No one was present to support the case. It was recalled that this is the second deferral.

Mr. Smith moved that the applicant be notified that decision on this case will made at the next meeting of the Board of Zoning Appeals whether the applicant is present or not. Deferred to June 27. Seconded, T. Barnes. Carried unan.

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3 - Sun Oil Company - To permit building 50 feet from Street property line and permit pump islands 25 feet from Street property line, southerly side of Edsall Road, Route 648, just west of Shirley Highway, Mason District. (C. G.)

Mr. Wheaton asked for deferral as he had an urgent meeting and the Board was several hours behind schedule. Mr. Lamond moved to defer to August 8. He noted that the Planning Commission and Board of Supervisors are trying to work out something on setbacks of buildings and pump islands. Seconded, Mrs. Carpenter. Motion cd. unan.

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4 - TAMARACK STABLES, to permit operation of a riding school and boarding of horses on westerly side of U. S. #1, approx. 2000 feet south of Pohick Creek, Lee District. (RE-1).

No one was present to discuss the case. Mr. Smith moved that the case be deferred to July 18th and that the applicant be notified that if he is not present (this is the second deferral because no one was present), the case will be denied. Seconded, T. Barnes. Cd. unan.

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June 13, 1961

DEFERRED CASES

5 - JACK AND DELORES MERRITT, application for nursery school, Lot 1 and outlot A, Resub. of portion Lot 11, Leewood, requesting rehearing.

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Mr. John Scott appeared before the Board requesting a rehearing in this case which was denied by the Board on May 16th. At that meeting, only three members of the Board were present. They had asked for a school kindergarten through 8th grade on 4.5 acres of ground. Mr. Scott asked the Board to consider a rehearing with a request to operate a school Age all day care, kindergarten through the first grade only, with a maximum of 80 children. At the original hearing, they had stated that in the future they planned a school of 300. This was the sole reason for refusing that application, Mr. Scott continued. The Board believed that an enrollment of 300 would be too great an impact upon the neighborhood.

The Board considered this a new application -- not a rehearing. Mrs. Henderson asked what Mr. Scott considered the new evidence which could not reasonably have been presented at the original hearing.

Mr. Scott said he had discussed this with Mr. Mooreland and had been advised that this was the procedure. He was asking for a considerably less attendance and ~~wish~~ asked BZA to hear the application as amended. Mr. Merritt will not put up the building for 300 children. He will remodel the house which is on the property which will take care of 40 children.

The Board continued to discuss whether or not the case should be reheard on the 27th and the people notified of the hearing date.

Mrs. Carpenter read from the Ordinance on rehearings. She stated that in her opinion, the Board could not rehear this case unless new evidence was presented. There is no new evidence in the reduction of pupils, Mrs. Carpenter pointed out. The number of pupils was under consideration at the former hearing and the Board could have restricted it to 40 had it been of a mind to grant the case. She saw no reason to reopen the case after a full hearing and no new evidence.

Mr. Scott said the entire reason for denial was the impact of 300 pupils -- now that is eliminated.

The Board agreed that if the case were reopened on these grounds, there would be no end to rehearings. Everyone who is refused a request would be back with a similar but slightly changed request.

Mr. Scott contended that the Board was going far beyond the intent of the drafters of the Ordinance in requiring an applicant in a case of this kind to wait for a year. It is imposing undue hardship, he insisted.

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DEFERRED CASES.

5 contd. Jack and Delores Merritt.

Mr. Lamond stated that the Board does not find that Mr. Scott has presented new evidence that could not reasonably have been presented at the original hearing -- the Ordinance is very specific in this and the Board cannot justiffably rehear the case - therefore, he moved that Mr. Scott's request be denied. The mere fact that the applicant wants to change his application, Mr. Lamond continued, does not constitute new evidence -- new evidence is something that could not have been presented at the other hearing -- something that has developed since the case was denied. Seconded, Mrs. Carpenter. Cd. unan.

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6 - WOODLAWN WATER COMPANY, INC., to permit erection of a water storage tank, Lots 1 and 2, Section 1, Colonial Acres, Mt. Vernon District. (RE-0.5)

Mr.Curtis Martin, President of the company and Colonel Norcross, engineer, were present. Mr. Martin recalled that the Board granted them a small tank on this property in 1957. Now they need a larger tank in order to serve the area, to get the needed pressure and for storage.

Mr. Martin said they had had bad luck in many ways on this - they were granted a 100' tank but put up only a 35' tank because of lack of money. They didn't do a good job on the little house but now they will fence and screen, plant the yard and put the whole lot in good shape. Mr. Martin went on to say that they have talked with many people in the area and have a petition with 104 names, favoring this request. The petition says this is a public necessity. The water lines are in.

Mrs. Henderson pointed out that the 100' tank must be 100' from all property lines - and noted that under no circumstances could they meet this requirement. The Board agreed that any tank granted here must be ~~at~~ no higher ~~least the height~~ than the distance of the tank from all property lines.

Mr. Lamond told the Board that the company had not complied with the granting motion of 1957. The lot is not fenced nor planted and the yard is filled with debris and trash. He thought these people should comply with the terms of the 1957 motion before additional facilities are granted here.

Mr. Martin agreed to put an account in escrow to assure that the screening

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DEFERRED CASES

6 - contd. Woodlawn Water Company

will be done. This was not satisfactory to the Board. They wanted the screening and cleaning up accomplished first.

Mr. Martin said no one complained about this - and they were more concerned with furnishing water than anything else.

Colonel Norcross stressed the need for this tank particularly for fire protection and storage in case of emergency -- he considered this very important.

The Board discussed the time element in putting the property in shape -- suggesting 6 months.

The Chairman asked for opposition.

Mr. Cecil Wall, Director of Mt. Vernon, discussed preservation of historic shrines and the property and development in the neighborhood of such shrines. He questioned if a tank of these proportions is necessary in this particular location.

Lt. Col. Tucker noted that the size of the tank was not incorporated in the petition. He thought many might have signed the petition not knowing it was planned to be 100' high.

Mrs. Koski and Mrs. Royce signed not knowing this. Mrs. Harris was told it would be 50'. Col. Tucker challenged the petition and questioned the need for the size of the tank.

Pictures of the area were shown.

L. J. Long of Old Mt. Vernon Rd. objected, saying this would down-grade the neighborhood. He suggested there were other means of getting the water here without sacrificing homes. He bought after the small tank was put up and was told that was all they would have on that property. He objected to the unsightly condition of the lot.

The Board discussed with Mr. Martin and Col. Norcross at length the need for the 100' tank, means of furnishing water by booster pump, reserve storage.

Mr. Martin asked approval of a 750,000 gallon tank and they will meet requirements. Col. Norcross said they could go under ground, if necessary.

Mr. Lamond moved that the Board read the minutes of 1957 and require Mr. Martin to live up to the obligations placed in those minutes before the Board consider any additional facility on this property. Seconded, Mrs. Carpenter.

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DEFERRED CASES

6 contd. The place should be cleaned up and landscaped, Mr. Lamond suggested that the case be deferred until this is done.

By the time he complies with that, Mr. Smith said, the tank won't be needed. Discussion continued -- what would delay in putting this tank in due to development of this area - how much of a lack of water would result. Mr. Martin said it was essential for this summer.

Mr. Lamond changed his motion to defer the case no longer than 60 days and it is agreed that as soon as the applicant has complied with the terms of the 1957 motion as to the tank, the Board will act on this case. The place must be cleaned up, fenced and fast growing trees planted, and the large hole in the ground shall be protected immediately. As soon as these things are done, the Board will hear the case. Cd. unan.

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Mr. Glenn Richard came before the Board asking that the motion granting Dr. Mills use of a building for his medical practice be changed from Dr. Mills only to Dr. Mills or Dr. Redding. Dr. Mills is leaving his practice to enter emergency practice at Alexandria Hospital, Mr. Richard told the Board, at a great financial sacrifice to himself, because of the inability of hospitals to get doctors for this very necessary service, since foreign medical students are no longer available. He owns the property and wishes to keep the permit but would like to transfer it to Dr. Redding. Dr. Mills may be there rarely to take care of a very few patients who are very insistent that he continue with their cases but the practise which he had established will substantially be turned over to Dr. Redding.

Dr. Kennedy appeared in Dr. Mill's behalf, telling of the great need for this emergency practice and the great need for a resident doctor in this area of 50,000 people. He discussed the problem at length and urged the Board to allow Dr. Redding to operate in this building.

Mrs. Henderson recalled that the Board had actually granted this use illegally - there was nothing in the Ordinance at that time (nor at the present time) to allow this - and the Board of Supervisors had repeatedly scolded the Board of Zoning Appeals for its leniency in these cases. Mrs. Henderson suggested that a community of this size should have a medical building which would, no doubt, attract doctors to the area. While lack of a medical building could not be blamed upon the

June 13, 1961

DEFERRED CASES

6 contd.

people in the area, Mrs. Henderson agreed, she considered it reasonable that a move should have been made to better serve the area where there is every evidence of a great need.

Mr. Richard introduced Dr. Redding. Mr. Richard recalled that at the original hearing the Board had considered the hardship on the people of the community if the doctor were taken away. Dr. Mills has been a great asset to this community and is greatly loved, Mr. Richard went on, and the people have been well served by him. He does not wish to leave the area without medical help. This is an opportunity for a young doctor to start by renting this fully equipped office. He would have an office he could afford and the people could have a competent doctor.

The Board discussed this at length -- they were entirely sympathetic with the community, Dr. Mills and Dr. Redding but they were also conscious of the limitations of the Ordinance.

It was agreed that Dr. Redding could at any time cover for Dr. Mills in his absence, but Dr. Mills name should remain as the resident doctor. The Board felt that they had no jurisdiction to change the name or the granting of the use. Mr. Lamond moved that Dr. Redding be allowed to cover for Dr. Mills for a period not to exceed six months and during the time, Dr. Mills' name shall remain on the sign.

Seconded, Dan Smith.

Cd. Unan.

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The Board suggested that something should be done during this time as the Board could not extend the 6 months period.

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OLD VIRGINIA CITY.

Mr. Sprinkle and Mr. Jones appeared before the Board. Mr. Sprinkle presented a letter, on file in the records of this case, to the Board, listing certain restricted articles he wished to sell in his "Old Virginia City":

Western clothes
Indian craft, souvenirs
Candies and ice cream
Guns (no ammunition)
Photographing and sale of pictures
Snack Bar items
Soft drinks
"Old Virginia City News"
Tickets for certain rides.

Mr. Lamond compared this right for restricted sales to a bowling alley in

June 13, 1961

OLD VIRGINIA CITY, contd.

a residential district where they sell food, other small related things, amd rent shoes. Mr. Jones will handle the gun shop and sell guns - but no live ammunition -- these will be antique toy guns.

Mr. Smith suggested that the Zoning Office issue one blanket occupancy permit for this entire operation. Mr. Sprinkle said that was agreeable to him.

Mr. Lamond moved that this use permit be enlarged in accordance with the letter submitted by Mr. Sprinkle dated June 8, 1961, and it is understood that the guns sold on the premises be the type agreed to by Mr. Jones -- toy or antique guns and that no ammunition shall be sold on the premises. Seconded, D. Smith. Cd. unan.

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MR. ROBERT McATTEE(U-Haul on Route 7)

Mr. McAttee came before the Board to show cause why his permit should not be revoked because he had not complied with the terms of his agreement when the U-Haul use was granted to him. He gave a detailed explanation of delays -- one contractor could not go ahead because another was held up -- all jobs tied in together - one depending upon another, bad weather, and now the gas company strike. They are ready to go now, Mr. McAttee said -- he thought all obstacles had been cleared away and they should be ready to operate in three or four weeks.

It was noted that Mr. McAttee could not get his permit until he has complied with the requirements.

Mr. Smith moved that no action be taken to revoke Mr. McATtee's permit for a period not to exceed 30 days - to give him a chance to complete the building of the fence, the painting and screening required. Seconded, Mrs. Carpenter. Cd. unan.

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POTOMAC OIL COMPANY

Mrs. Henderson read a letter from Mr. Hazel asking to defer this case to June 27th as Mr. Hazel was in Court at this time.

Mr. Lamond moved to defer the case to July 25th in order to give time to notify the people concerned. Seconded, Mrs. Carpenter. Cd. unan.

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Hallowing Point Marina, Inc.

A letter from Mr. Henry De Butts was read requesting that his case, Hallowing Point Marina, Inc. be heard immediately. Case filed July 6, 1960.

Mrs. Henderson noted that the Board of Zoning Appeals is not concerned with this case since marinas are presently heard before the Board of Supervisors. Mrs. Henderson agreed to answer Mr. De Butt's letter.

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The meeting adjourned.

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

The regular meeting of the Board of Zoning Appeals was held on Tuesday, June 27, 1961 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. Smith.

(Mr. Lamond was a few minutes late getting to the meeting.)

NEW CASES

1- ROBERT R. & LEE S. BOYER, to permit erection of porch and window 43 ft. from Thor Drive and an interpretation of 4.4.8 of the Zoning Ordinance, Lot 29, Holmes Run Hts. (116 Thor Dr.) Falls Church District (RE 0.5)

Mr. Boyer explained that this application had come about by the Zoning Administrator denying the processing of a building permit for the erection of a continuation of an existing front porch on the residence located on Lot 29, Holmes Run Heights. The Zoning Administrator said that the zoning for this lot requires a 50 ft. setback. The present covered porch that was erected with the dwelling extends approximately 6 ft. 6 in. over into the present 50 ft. line. The present application would increase the area of this extension over the building line even though it would not increase the extent of the variance. He showed pictures of the house - what it looks like now and what it would look like with the larger porch.

Mr. Boyer said he considered that the County Zoning Ordinance contains a provision applicable to his situation - Section 4.4.8 in the first printing of the Ordinance. This provision states that when any group of lots in a block are improved by dwellings prior to the enactment of the present zoning ordinance the average setback line of the improvements would be the setback line for the balance of the lots. It was his position that this provision in the ordinance applies in his case. Substantially all of the lots were improved by dwellings prior to the enactment of the Ordinance. Every house on Thor Drive was built prior to the enactment of the Ordinance and every house violates the present setback line by the 6 ft. 6 in. extension into the yard. Section 4.4.8 has established for the first block of Holmes Run Heights a building restriction line of 43.5 ft. and this would be within 43.5 ft.

Mrs. Henderson's impression was that this "porch" was really a covered entryway - not what she would call a porch.

Mr. Mooreland stated at the time the house was built the porch could extend as much as 10 ft. into the yard. He pointed out to the Board that the 50 ft. setback speaks of a dwelling and not of a porch.

Mr. Boyer wanted to know whether a porch is considered a part of the dwelling under the Ordinance today -- it was not considered as part of the dwelling

in 1950 and he felt it should not be part of the dwelling as defined in the present ordinance.

Mrs. Henderson said "dwelling" is defined under definitions. It does not say whether it includes or excludes porches. Mr. Mooreland said "porch" is defined at the top of page 9.

Mrs. Henderson said that in a case like this, you can keep what you have, but you cannot add to it.

In answer to Mr. Lamond's question, Mr. Boyer said they would probably take the porch back 6 inches and lower the top elevation -- it would not be extended. If this does not come under the provisions of 4.4.8 Mr. Boyer said he was at a loss to understand why it was put in the Ordinance.

Mrs. Henderson said this was put in to take care of cases where there was a vacant lot in a block where twenty-five per cent of the houses had a certain setback. The Board discussed the kind of porch proposed to be built by Mr. Boyer -- fully enclosed, concrete porch with concrete steps, and the fact that it backs up against the other footing.

Mrs. Henderson said that under the old ordinance carports were permitted to extend into the yard, but she did not think this established the setback line.

Mr. Boyer said this porch is structurally a part of the dwelling - it is tied in four places with the roof.

Mr. Smith agreed with Mrs. Henderson's interpretation of Section 4.4.8 - that it was to take care of new dwellings going into a community; the new dwelling would observe the setback which presently exists in the community.

Mr. Smith moved that the application of Robert R. and Lee S. Boyer to permit erection of a porch and window 43 ft. from Thor Drive in the Falls Church Magisterial District be denied on the grounds that a decision otherwise in this application would be contrary to the intent and purpose of the Zoning Ordinance -- the interpretation of Section 4.4.8 has been rendered previously by the Chairman of this Board, Mr. Smith said, and he agreed with that interpretation. Mr.Barnes seconded the motion.

All voted in favor of the motion to deny except Mr. Lamond who did not vote because he came in late and did not hear all the facts in the case.

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ARCHIE J. DEEM, to permit division of lot with variances as to setbacks of dwellings, Lot 24, Section 2, Englandboro, 587 Oxford St. Mason District (R-17)

The applicant requested deferral to July 18. Mr. Barnes moved that the Board

15.75 ft. of the side line between Lots 23 and 24. She has sold the

2- grant the request for deferral to July 18 and if the applicant is not present at that time, there will be automatic disposal of the application. Seconded, Mr. Smith. Carried unanimously. (Mr. K. K. Kilgore, CL 6-1590 asked to be notified of the time of the next hearing.)

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3- CONRAD DICK, to permit enclosed porch within 22.5 ft. of rear lot line, Lot 10, 1st Addition to Homecrest (416 Graham Ct.) Falls Church District (R-10)

Mr. Dick said he was asking for a variance of 2.5 feet to put an enclosed jalousied porch within 22.5'of the rear lot line. He said his neighbors and the citizens organization think this will increase the value of the community along with the value of his property. This is an old subdivision with very small lots and they are so restricted that practically nothing can be done to improve the property. The lots are smaller than the minimum size today of 8,400 sq. ft.

Mr. Dick showed pictures of the property and told the Board that he would remove the shed in back of the house.

Mrs. Carpenter stated that in view of the fact that this is an irregular shaped lot, has exceedingly small frontage, and taking into consideration also that this house sets further back than most houses in the subdivision, she would move that the variance be granted. Seconded, Mr. Barnes. Carried unanimously.

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4- MRS. DAVID C. DOSCHER, to permit lot with less width at the building setback line than allowed by the Ordinance, Part Lots 42, 44 and 46, Leewood Subdivision (on Woodland Drive) Mason District (RE 0.5)

Mrs. Doscher said they bought this lot last March from Lynch Brothers and when the builder went to get a permit he was told that they would need 100 ft. frontage which they do not have. The lot is 1 1/3 acre in size; sewer is available and they hope to get city water.

Mr. Curtin of the Subdivision Office said this would require approval of a plat since it comes under subdivision control - application has already been filed for this.

Mr. Roy Bowman said that 24 years ago he bought part of Lots 42, 44 and 46 in Leewood Subdivision. These lots were later bisected by the AT&T line. Mr. Bowman said he had been married twice and he has a daughter, who, before his second marriage, wanted a piece of his land. He deeded his land to the woman he married and she in turn deeded a part of it to his daughter. The daughter later got married and decided she needed the

4- money she could get for the land more than she needed the land itself. Then Lynch Brothers sold the property to Mrs. Doscher. The property was owned by Mr. Bowman's daughter for about seven years. Mr. Bowman said the original break in the subdivison was made about 24 years ago by Mr. Lynch. This is not a single lot, it is a part of three lots as it was originally laid out. There is an adequate driveway and plenty of room on the property; there is just not enough frontage. There is no way to come in through the back of the property.

There was no opposition.

Mr. Smith stated that in view of the circumstances that have been explained to the Board and in view of the amount of acreage here, it seems that the Board is justified in granting a variance to allow a house to be built on this property without variance in the setback -- it would certainly work a hardship on the owners of the land, therefore he moved that the application of Mrs. David C. Doscher be granted. The line of the AT&T through the property certainly is contributing to this situation, Mr. Smith continued -- there are no variances needed as to the actual house location. Mr. Barnes seconded the motion. Carried unanimously. It was noted that the applicant would have to get a subdivision plat approved before a building permit can be issued.

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5- L. G. MCLEAN, to permit erection of swimming pool 7 ft. from side line, Lot 1, Block 5, Brookhaven (305 Madison Place) Dranesville District (R-17) Mr. McLean did not have his letters of notification. He said the builder had made the application and Mr. McLean thought he should have notified the property owners in the area. The Board put this application over until later in the meeting for Mr. McLean to find out whether or not the builder had notified the people; however, later in the meeting Mr. McLean said the builder had not notified the property owners so the Board deferred this application to July 18.

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6- MABEL V. DUVALL, to permit dwelling to remain 15.75 ft. from side property line, Lot 23, Clearfield, (6605 Braddock Road) Mason District (RE 0.5) Mr. F. S. McCandlish represented the applicant. He said this is an application for a variance for a side line setback. The RE 0.5 zoning calls for 20 ft. and the setback is 15.75 ft. The owner and her husband, who died, owned two lots side by side. They got a building permit and built a house in 1945 and in 1953 they put on an addition which comes within 15.75 ft. of the side line between Lots 23 and 24. She had sold the

6- adjoining lot and in the process of doing so had a survey made and they discovered that the house that has been there since 1953 was within 15.75 ft. of the dividing line. The maximum lot size in this area is 21,000 sq. ft. There is plenty of land to support a house on each lot. Mr. McCandlish said that if Mrs.Duvall does not get the variance she has one house on two acres of land in an area where one-half acre is sufficient. She has city water and there is sewer in Braddock Road, with which she has not been connected. To the west of these lots is Edsall Park Subdivision, Section 3, zoned R-17 - in that area only 15 ft. setback is required so it would seem that where you have so much land encumbered by one house, Mr. McCandlish, said, it would be fair to give Mrs. Duvall a variance. Mrs. Duvall's husband died about three years ago and now she must sell the house because she cannot keep up a house of this size and also an acre of land. Mrs. Henderson suggested picking up 5 ft. from Lot 24. Mr. McCandlish said there is a contract on the next lot. The possibility of resubdividing has been investigated and he thought they would like to divide into three lots but this would come under Subdivision Control. There is an existing drainage situation and also because it is thought that Braddock Road is to become Monticello Highway with additional setback required, coming under Subdivision Control would make this more difficult. Mr. Mooreland stated that in 1953 the setback was 25 ft. It was brought out that no settlement has been made on the property in the contract, therefore Mr.Lamond suggested that even though it would cost money to buy the contract back, he thought Mrs. Duvall should try to do that and straighten out her lot. Mr. Lamond moved to defer the application to July 18 to see if this could be worked out. Seconded, Mr. Barnes. Carried unanimously.

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7- LESTER V. ROSENBERG, to permit dwellings to be erected 25 ft. from street property lines, Lot 1 thru 7, Sec. 7, Sunny Ridge, Lee District (R-12.5) Mr. Fred Wilburn of Wright Engineers represented the applicant. In 1955 Carl Freeman, Rosenberg, etc. purchased considerable land and proceeded to have it platted for subdivision purposes. They submitted a preliminary basically in two parts -- one which is now known as Ridgeview; the other what is known as Sunny Ridge Estates. When this was submitted to the Commission they had in mind an arterial road through here so the developer dropped back and reserved a 140 ft. strip through the property, setting aside the land for Arterial #5. The area of Sunny Ridge Estates, of which

this is a part, has been developed through Section I with several sections left to go. Nothing was done with the 140 ft. wide strip. No highway was built. At that time VEPCo intended to parallel a large transmission line through this area, with another transmission line - they saw the 140 ft. strip that was vacant and asked Mr. Rosenberg if he would be willing to sell it. Mr. Rosenberg checked with the County and found that no funds were available for building the highway so he then sold the major portion of this land to VEPCo.

Mr. Wilburn said that at the time when Sunny Ridge was built, the 25 ft. setback was available to the builder, even though he did not believe it had been utilized. It was finally decided to submit a preliminary plat on the vacant property but then the Planning Commission said there was a chance that the Park Authority wanted this property. For six months the property was held for the Park Authority, after which time the Park Authority lost interest. Again a preliminary was submitted to Planning (which is in process now) but in the orderly development of this ground, Mr. Wilburn said, this is a situation that was created by the County in requesting that the land be set aside for the highway. In order to give any developer here a better chance to put up a better type house than what could be put on the narrow strip, Mr. Wilburn said the one possibility is to allow reduction in front setback.

Mrs. Henderson said the house on parcel A would certainly have to conform with the houses on either side. That is larger than the remaining lots and the fewer variances needed the better. At the end of the cul-de-sac she thought there would be no variance needed.

It was brought out in the discussion that Mr. Rosenberg does not build the house - he sells the lots. Mrs. Henderson thought a 30 ft. house could be put on all of the lots but Mr. Wilburn disagreed - he said there are 30 ft. left, but that is not a buildable lot because of the curved nature of the land.

Mr. Delcoco and Mr. Robert North appeared in opposition to the application - they thought this would have a most unfavorable impact on the general area and suggested that this might be speculation.

There was discussion of an easement for construction and maintenance of the highway - it was suggested that if the highway is not going through, then the easement may be lifted. Mrs. Carpenter asked what would happen to the rest of the easement. Mr. Wilburn said it is in flood plain.

7- Mr. Wilburn said he appreciated the feelings of the people in the area but under the present setup Mr. Rosenberg can build houses here. It is merely that the depth available under the ordinance is not sufficient to build houses which would be compatible with what is there now.
If Mr. Rosenberg is forced to sell lots on this basis, he could sell them and develop them but that is not his intent. He wants to utilize the land to some advantage compatible with the area.
Mr. Smith thought that to deny this would deny the man reasonable use of his land; therefore he moved to defer to July 18 to view the property. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Peter L. Conway, Jr., President of the Hollindale Civic Association, stated that he was interested in the case of the Washington Gas Light Company, but he could not stay until time for it to be heard.
He left a petition to be read into the record on this case.

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8- BRANCH OF THE JUNIOR EQUITATION SCHOOL, to permit operation of riding school, S. side of Rt. 603, approx. 1 mile east of Rt. 681, Dranesville District (RE-2)
Dr. McGriff, owner of the property, said this school would be operated by Mrs. Dillon in Vienna. If would be for teaching horsemanship and riding to children. The operation would take place on this seventy acres. There is already a permit for the original school. Mrs. Dillon will furnish the instructors and some of the horses.
There was no opposition.
Mrs. Carpenter moved that Dr. McGriff, representing the Branch of the Junior Equitation School, be given a use permit to operate a riding school on property located on the south side of Rt. 603, approx. 1 mile east of Rt. 681, in Dranesville District, for a period of three years in accordance with the Ordinance. Mrs. Carpenter felt that this use would not be detrimental to the neighborhood. Seconded, Mr. Barnes. Carried unanimously.

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9- SIBARCO CORP. to permit erection & operation of gasoline station and permit pump islands 25 ft. from road r/w line, Lot 3, Blk. B, Ingleside, Dranesville District (C-D)
Deferred to July 25 at the applicant's request as notices had not been sent out 10 days prior to the hearing. Seconded, Mr. Barnes. Unanimous.

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10- MRS. MILDRED BLEVINS, to permit operation of a beauty shop in home as home occupation, Lot 40A, Sec. 2, Pleasant Ridge (200 Trammell Road) Falls Church District (R-12.5)

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Mr. Douglas Adams represented the applicant. Mrs. Blevins was present. Mr. Adams explained that the applicant wants to put a beauty parlor in her home which is located in Pleasant Ridge Subdivision. They feel that this would not be detrimental to the character of the area or the adjoining property. This houses faces Trammell Road, the dividing line between the two subdivisions. Pleasant Ridge is an area of large heavily wooded lots, with nice homes ranging up to $40,000. The applicant owns Lot 40A which is actually part of the Pleasant Ridge Subdivision but it is the only property facing on Trammell Road. To the west is Holmes Run Heights with asphalt shingle homes ranging from $15,000 to $20,000. The character of the subdivisions is entirely different. This house, while located in Pleasant Ridge faces in the other direction.

Mrs. Blevins is a licensed beautician with six years experience. She would do her work in her basement which has a rear entrance. She intends to put in a parking lot which is required by the County. She does not want to run a commercial enterprise; she would have only one chair, no help and no advertising. Mr. Adams presented a petition signed by 16 people in the area -- she had approached 17 persons and only one of them did not sign. This would in no way affect the people living in Pleasant Ridge.

Mrs. Carpenter asked why such a large parking lot for only two cars? Mrs. Blevins thought this is what the County would require. The Board thought two parking spaces would be sufficient. Mrs. Blevins said the family owns two cars and a truck.

Mr. Fred Babson appeared in opposition in behalf of the citizens in the area, and individually. He said he bought his home about six and a half months ago and although Mr. Adams had represented that Mr. Sheim did not object, that was a mistake; Mr. Sheim strongly objects to this application. Mr. Babson said that Mrs. Brinker whose property adjoins the applicant's property has seen as many as four cars there at one time. It was Mrs. Brinker who reported this activity to the County authorities. The citizens of Pleasant Ridge and the Keith Moore Subdivision which is farther away from the location on the other side of Pleasant Ridge, comprise the Annandale Northwest Citizens Association. He presented a petition signed by these people in opposition to the application. The people of Pleasant Ridge have circulated a petition and have 86 signatures in opposition, Mr. Babson continued. Sixteen of these are residents of Holmes Run Heights facing the applicants property. The remainder live in the Pleasant Ridge area.

10- Mr. Sheim was concerned about the parking lot which would be right next to his house; he would see the traffic coming and going from this house. He wanted to find out were most of Mrs. Blevins' clientele comes from. Mrs. Curik said the school buses all stop on this corner and she thought this would increase the danger to children getting on and off the bus. Mr. Adams, in rebuttal, said this is not a commercial-type enterprise; it is the type of thing anticipated by the Ordinance to permit people to have home occupations. Under the Ordinance it is impossible for this to become a commercial operation and it would not create any precedent. Mrs. Blevins stated that she has been doing friends and relatives strictly on a non-paying basis. She has lived here since January. The cars parked in the driveway belong to her family and friends, not all of which come to have their hair done.

Mrs. Blevins said she would like to operate from 10:00 to 5:00 four to five days a week. Most of her customers are friends, neighbors and relatives.

Mr. Stanley Leith of Holmes Run Heights, living there for six years, said he did not know whether or not Mr. Sheim was aware of the condition of the property as it was when Mrs. Blevins bought it. He feels that she has improved her property and that she is offering a service which the community needs.

Mrs. Cottington living in Holmes Run Heights for eight years said that her sister lives in the area and is most anxious that this be granted. Her sister has two little girls and is looking forward to being able to walk to this shop and having their hair done.

Mr. Smith stated that in view of the opposition to this application he would move that Mrs. Mildred Blevins be denied a permit to operate a beauty shop in her home located on Lot 40a, Sec. 2, Pleasant Ridge in the Falls Church District, for reasons stated. Seconded, Mr. Lamond. Carried unanimously.

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11- LANGLEY SCHOOL, INC. to permit addition to school, E. side of Rt. 686, approx. 1/4 mile N. of Rt. 694, Dranesville District (R-12.5)

Mrs. Carpenter stated that since she is a member of the board of this school, she would abstain from voting on this application.

Mr. Mackall represented the applicant. He stated that there are 150 children now in the school. The maximum increase would be 36 (probably only 18 next year). This is to add two classrooms and a multi-purpose room to be used for activities on rainy days, for music, etc. The American Legion is next to the school. There are no variances on the property.

11- There was no opposition.

Mr. Lamond moved that the Board of Appeals grant the permit for addition to Langley School on the E. side of Route 686, approx. 3/4 mile north of Rt. 694, Dranesville District. Seconded, Mr. Smith. All voted in favor except Mrs. Carpenter who did not vote.

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12- WASHINGTON GAS LIGHT COMPANY, to permit gas transmission pipe lines 24" or more in diameter located in the public right of way or easement of more than 25 ft. in width, Lee & Mt. Vernon Districts

Mr. Hugh Marsh represented the applicant. He introduced Mr. George D. Mock who has been employed by the Company for 28 years. Mr. Mock read a statement,which is on file with the records of this case, summarized as follows: One of the most recent projects undertaken by his company was the planning for the construction of approximately 15.8 miles of 24" o.D. steel pipeline extending from the end of an existing 24" pipeline at Hybla Valley, Virginia in an easterly direction to the Potomac River, across the River to near Palmers Corner, Maryland, and thence in a northerly direction to Naylor Road and the D.C. line, at which point it would be connected to an existing 24" pipeline. The section across the Potomac River would consist of two submerged 24" steel pipes, each approximately 1.3 miles long. They have made estimates of future maximum day requirements and found out that additional transmission facilities should be installed in 1961 in order to meet the potential maximum loads for the winter 1961-62. This installation will complete a major loop of the transmission facilities from the Atlantic Seaboard Corporation pipelines located near Dranesville, Virginia, and Rockville, Maryland. This will assure a better continuity of supply to the distribution system of the entire area, and also permit a more effective use of peak shaving facilities.

The lengths of pipe will be joined by electric arc welding. The pipeline will be coated and cathodically protected against corrosion. The pipes in the river portion will be given a heavy coating of reinforced concrete to prevent them from floating.

Present indications are that the land portion should be constructed by mid-October and the river portion by mid-November, 1961.

During construction of the pipeline through the properties where easements were granted, it may appear rough. However, after the construction the sites will be cleaned of debris, graded and seeded in accordance with the provisions of the right of way easements.

12- Ingress and egress during construction of the pipeline will be from public and dedicated streets and not through properties adjacent to the right of way. The company also has the right of ingress and egress for future maintenance and repair of the pipeline which also will be from public streets and not through properties adjacent to the right of way. It is not expected that much maintenance will be required. However, it is the policy of the company to restore the appearance of any site where repairs have been made. This concluded Mr. Mock's report.

Mr. Marsh then asked Mr. McKinley Downs to make a report on the effect on adjacent property of this project. Mr. Downs gave a lengthy report and concluded that the proposed pipe line would not be detrimental to the character and development of adjacent land and that it would be in harmony with the purposes of the comprehensive plan of land use embodied in the existing County Ordinance.

Mrs. Henderson read a letter from the Fairfax County Park Authority, dated June 15, 1961 stating that "part of this line will run under the property acquired by the Fairfax County Park Authority from Mr. C. Kirk Wilkinson (County Identification Map 93-3 ((2)) part of Parcel A1. The Park Authority has executed an easement with the company granting its approval to utilize its property for this purpose."

Mr. Lamond noted that his property comes up to the line and these gentlemen have been most agreeable to work with.

There was no opposition.

Mr. Smith moved that the application of Washington Gas Light Company to permit gas transmission pipe lines 24" or more in diameter located in the public right of way or easement of more than 25 ft. in width, Lee and Mt. Vernon Districts, be approved in accordance with amended Section 12.8.2 Group II of the Ordinance. Seconded, Mr. Barnes. Mr. Lamond did not vote because this is near his property. All others voted in favor of the application. Carried.

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13- WASHINGTON GAS LIGHT COMPANY, to permit natural gas measurement, regulation, control and distribution stations, including storage of propane or natural gas underground, local warehouse or office space, mixing or other accessory equipment thereto, NE intersection of Southern Railroad and Rolling Road, Falls Church and Mason District

Mr. Marsh asked Mr. Mock to make the report on the Ravensworth Station. (This report is on file with the records of this case.) The report is summed up as follows: The Washington Gas Light Company proposes to

construct a plant on Parcel "A" (42.1736 acres) of the Munro Tract located east of Rolling Road and north of the Southern Railway Company right of way in Fairfax County, Virginia.

The basic reason for the construction and operation of this plant is one of economics. During cold weather conditions this plant could supply a portion of the gas load at less overall expense than it would cost to purchase this portion from ~~our~~ their supplier of natural gas. Such a plant could be used for standby purposes in the event of interruption of service or a similar emergency. The possibilities of a plant in Virginia have been considered for some time. It was concluded that this would be the next logical step in the main supply picture after the construction of the Hybla-Valley-Naylor Road portion of the loop.

Mr. Mock explained how the Rockville storage station came into being, how it has grown and how it is operated. He explained that in order to use propane-air, natural gas must be available to produce a mixture for satisfactory applicance operation. With this in mind, they considered that a plant in Virginia near the 24" line and adjacent to a railroad for the delivery of propane would meet their requirements. They also investigated the storage of propane in mined underground caverns and concluded that if the proper formation could be found, this form of storage would be more economical than storage in large steel vessels. The Ravensworth site was explored and they have been informed by their consultants that construction of an underground cavern for the storage of propane is feasible and can be done economically. The site is near a source of natural gas which can be used for mixing, and is also adjacent to a railroad for delivering propane by tank car.

The plant site is well screened with trees, Mr. Mock continued, is largely screened from housing encroachment on the north by a power line right of way, and would be a minimum of 500 ft. from the northerly property line.

The office and control building is planned to be 55 ft. long, 35 ft. wide and 25 ft. high; the boiler house is planned to be 115 ft. long, 50 ft. wide and 22 ft. high at the ridge; and the compressor house ultimately will be 150 ft. long, 40 ft. wide and 23 ft. high at the ridge. It is contemplated that the compressor house initially will be one-half this size and will be increased as additional compressors are required for increased production at the station. It may be necessary in the final plans to modify the horizontal dimensions of these buildings and their location from this preliminary plan. This would not make any essential

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changes in the plant nor in the screening surrounding it.

Mr. Mock said the site of the project will be adequately fenced. During the production of propane-air gas, three shifts a day of five to seven men will be working in this station. At other periods, three shifts per day of two to three men will be on duty. The only road traffic to the site will be for personnel working at the plant. Thus, after construction a maximum number of cars to the site during one 24 hour period would probably not exceed 20. Adequate parking space on the premises will be provided for these vehicles. Of course, during construction of the plant the number of vehicles will undoubtedly exceed the above mentioned number. These vehicles will be parked on the premises.

To mine and complete the propane cavern, Mr. Mock said, will require approximately 15 months. They believe the other plant facilities can be designed, constructed and tested within this same period of time.

With completion of the station by December 1962, and the fact that propane liquid has to be delivered to the cavern, construction on this project must be started within the next month of five weeks, otherwise the economic advantage of the plant will be substantially reduced.

Mr. Mock discussed the tests made by their consultants, Fenix & Scisson, Inc., which indicated that a cavern mined in this formation would be suitable for the storage of liquid propane. It was recommended that the floor of the cavern be located at a depth of 440 ft. with the maximum cavern height not to exceed 40 ft., that the maximum width of mined drifts should not exceed 25 ft. and that pillars should be at least 40 ft. square located on 65 ft. centers.

Mr. Mock showed an exhibit of the sectional view of the cavern being constructed showing pillars, mining equipment and the steel pipe shaft through which the rock, men, and equipment are transported during the mining operations. Three such caverns have been constructed in Pennsylvania, and are now in operation. Fenix & Scisson, Inc. has engineered and constructed twenty-five caverns for the storage of liquid petroleum gases and have three under construction at this time - one in Baltimore County for the Baltimore Gas & Electric Company, and two in Middleton, Ohio, for Texas Eastern Transmission Corporation.

Mr. Marsh asked Mr. Walter Cameron of Cameron's Radio & Television Company to make a statement. He described the tests which he had made to determine whether or not this plant would in any way interfere with radio or television reception in the adjacent residential areas, and concluded that there would be no interference from this plant.

Mr. McKinley Downs gave a report which concluded that the proposed use would not be detrimental to the character and the development of adjacent land and that it would be in harmony with the purposes of the comprehensive plan of land use embodied in the present County ordinance.

The Chairman asked for opposition.

Mr. Omer Hirst stated that there were several points made on which he would like to be sure that he was absolutely clear -- (1) in the matter of radio interference the representation was that there would be none; (2) the matter of noise, the representation was that there would be none; and (3) air pollution, there would be none. (This is right, he was told.) Now, Mr. Hirst continued, I would like to know whether the storage of liquid propane in the earth creates any possibility of the contamination of the water table. He asked Mr. Marsh to assure him that there would be no contamination of the water table, then he would have no objection to the application.

Mr. Marsh said that according to the evidence presented at the hearing today, it shows that the water table will not be affected - there is no danger of contamination.

Mr. Lamond moved that the application of Washington Gas & Light Company be granted as it will not adversely affect the surrounding neighborhood; the site will be completely surrounded by fencing and all trees will remain except those needed to be removed for construction of the building. The material that will be stored there is liquid propane, not natural gas. Site plan approval is required. Seconded, Mr. Barnes. Carried unanimously.

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14- CITY OF FALLS CHURCH, to permit erection and operation of a pumping station at the interchange of Rt. 123 and Rt. 413, Dranesville District (RE-1)

Mr. Brophy represented the applicant. He showed the interchange and where the pumping station would be relative to the interchange. They are limited in their choice of location, he said. Mrs. Beufelder was contacted prior to the time she left the country, he said, and at that time she had no objection to this going on her property providing it was across the road in this location. Her manager of affairs, Col. Sealy, wrote a letter in which he said they are in agreement with the proposal to locate a pumping station immediately adjacent to the interchange of #123 and the Circumferential. This is the same thing exactly as the one at McLean, previously granted by the Board.

Mr. Brophy said that 10 to 15 ft. away from the station house you cannot hear the noise. The only thing to be heard from this operation would be the electric motor, the pumps cannot be hard.

There would be a routine monthly inspection of the pumps, otherwise, except in emergency or repair situations, the only traffic through here would be for monthly inspection. There would be no watchman here, only an occasional person. The impact on the area is nil; they have contacted people in the neighborhood and the owner of the property, who seem to be in agreement.

They have asked for two pumping stations and two tanks in this area, and this is the last of their requests to the Board in the foreseeable future. This will complete their system that is outlined in their agreement with the Water Authority. The paving of #123 is going on and they must get their pipes under there before the paving goes down or else tear up the paving and put in the pipes. This will house the pumps; there will be no storage here whatsoever.

There was no opposition.

Mrs. Carpenter moved that the City of Falls Church be granted a use permit to erect and operate a pumping station at the interchange of Rt. 123 and Route 413, Dranesville District and that the building be as shown to the Board. The property shall be landscaped around the building. This will not be detrimental to the character and development of adjacent property. Seconded, Mr. Lamond. Carried unanimously.

(This carries the recommendation of the Planning Commission, it was noted.)

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15- MIMSCO METAL PRODUCTS, to permit industrial road through residential property, W. of U.S.#1 at the end of a private road and 1100 ft. S. of Rt. 600, Lee District (I-G and RE-1)

Mr. Mims located the property on the map as being next to the railroad. They would have a 60 ft. right of way which they hoped the State would take over as an industrial road in the future; until then they will improve it. The ground rises from the railroad up to Route 1 and it is all in woodland. There is no sewer or water but percolation tests show that the land will perk. The residential property through which this road will pass is owned by Mr. Mims.

There was no opposition.

Mr. Lamond moved that the Board grant a permit to Mimsco Metal Products to permit an industrial road through what is termed "residential property". Most of the land around it has been zoned for industrial or business use and

is outlined in the Industrial Plan for industrial purposes. This is tied to Section 4.2.1.1 of the first edition of the Ordinance. Seconded, Mr. Smith. Carried unanimously.

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DEFERRED CASES

1- DIXIE LAND COMPANY, INC, to permit erection of six dwellings closer to street lines than allowed by Ordinance, Lots 1, 2, 3, 4, 5, and 6, Sec. 10, Falls Hill, Providence District (R-12.5)

Mr. McGinnis asked that the application be deferred. Mr. Lamond moved to defer to July 25. Seconded, Mr. Smith. Carried unanimously.

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2- J. L. ALBRITTAIN, to permit erection of three dwellings closer to street lines than allowed by the Ordinance, Lots 35, 36, 37, 38, 39, 40, 41 and 42, Block E, Weyanoke, Mason District (RE 0.5)

No one was present to represent the applicant. Mrs. Carpenter moved to defer the case to July 25 and if Mr. Albrittain is not present at that time the Board will dispose of the case. Seconded, Mr. Lamond. Carried unanimously.

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3- Z. E. BRITTAIN, to permit applicant to be relieved from screening south property line, Lots 9, 10 and 11, Fairhill on the Boulevard, Providence District (C-G)

Mrs. Henderson read a letter asking that a copy of the decision on this matter be mailed to Mr. Edwin Bush.

Mr. Brittain agreed with Mr. Lamond that fencing and screening on his property would keep trash from blowing on other property. They have a 10 ft. exit on the lower side of the lot and also a drainfield that they have to go around to get to the exit. The drainfield is 25 ft. from the property line but by the time screening and fencing are put in, 6 ft. is taken up. He has put in one curb already and is doing the grading for the exit. They have found that it will be cramped for a turn. If they put in a fence someone will be dragging the fence or running over the curb all the time - if they leave out the fence, there is no reason why it should not be all right. The screening has been done, the plants are 3 1/2 ft. apart. The Board discussed the screening regulations. Mr. Schumann said there never has been a complete discussion with the Board of the screening purpose; it is not the purpose of the screening requirements to screen the building but to screen the activity.

Mr. Brittain said a fence would not add to anything. The hemlock screening would protect the property and the adjoining property just as much as a fence would. They now have five tenants in the building; there is no trash blowing around on the property as the tenants put their trash in an enclosed trash bin and it is taken away regularly.

Mr. Smith moved that after hearing the evidence and seeing the property and in view of the fact that the fence would impede the normal flow of traffic in and out of the area, he would move that Mr. Z. E. Brittain be relieved from erecting a fence on the property line -- it is understood that the other screening has been planted in accordance with the original plan.

Mrs. Henderson suggested tying it to amendment 4.5.3 for topographic reasons. Fencing would not serve a purpose of screening.

Mr. Smith accepted this as part of his motion. Seconded, Mrs. Carpenter. Mr. Lamond voted no - all others voted yes. Motion carried.

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4- E. M. MCGEE, to permit erection of a building on property lines and 26 ft. from Wilson Boulevard, Lot B, W. S. Hoge Subdivision, Fort Buffalo Falls Church District, (C-G)

This case was heard at the previous meeting. Mr. Lamond moved that Mr. McGee be given a permit to erect the building as sketched on the map showing that it backs up to old Wilson Boulevard and that the Board shall receive three copies of the plat before the building permit is issued. Seconded, Mrs. Carpenter. She suggested adding "subject to Staff recommendation". This was accepted by Mr. Lamond as part of his motion. Carried unanimously.

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5- DOMINION BUILDERS, INC. to permit dwelling to remain 38.8 ft. from Weaver Ave., Lot 153, Section 3, McLean Manor, Dranesville District (R-12.5)

Mr. Robert Kohlhaas represented the applicant. He said he had found out this afternoon from Mr. Marshall that he and his foreman had measured from the street. The houses are all exactly the same distance from the curb but there is a little jag in the right of way which put them out on this one house. The distance from the house itself to the curb is the same as the adjoining house. The property line veers toward the house as you go down Weaver Avenue. These are the first four houses that they have built in Fairfax County and they believe that from the aesthetic beauty of the house and what they have done in every possible way to conform to the zoning regulations, that this oversight on their part should be

considered by the Board. When they found the mistake they reported it immediately and asked for a variance. They did everything in their power to rectify the mistake and to live by the rules and regulations.

The Board discussed this at length, and Mr. Lamond moved that the application of Dominion Builders, Inc. be denied as they had not made a case before the Board that would give the Board the right to authorize the variance. Seconded, Mr. Barnes. Carried unanimously.

Mr. Lamond moved that the applicant have 90 days in which to comply with the Ordinance; seconded, Mr. Smith. Carried unanimously.

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6- HERMAN GRENADIER, to permit dwellings to be erected 27 ft. from East Oak Street, Lors 474, 475, 476, 477 and 478, Block L, Memorial Hts. Mt. Vernon District (R-12.5)

Mr. Tutko who was in opposition to this application stated that he had not had adequate notice of this hearing. Mr. Grenadier said he had sent the notices out but some mistake had been made and the post office had returned some of the letters to him.

Mrs. Henderson read a letter to the Board from Mr. Tutko regarding this application.

Mr. Lamond stated that these houses are going to be built in flood plain, something the Board of Supervisors have been fighting for some time.

Mr. Grenadier said he had been told by Public Works that he could build houses here. Mrs. Henderson said she would like to see this in writing.

Mr. Lamond moved that Mr. Grenadier get a report from the Director of Public Works and a soils report from the Soil Scientist and that this be deferred to July 25. Seconded, Mrs. Carpenter. Carried unanimously.

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7- POTOMAC OIL COMPANY, INC. to permit erection of a service station and permit pump islands 25 ft. from Leesburg Pike and permit canopy 49 ft. from street r/w line, Lots 1 and 2, Block B, Courtland Park, Mason District (C-D)

Mr. Hazel stated that this was deferred to work out problems in the plats. Now he would like to withdraw the application for variances. They are asking for a use permit only, under Group X in C-D zones. The revised plat shows the building in conformity with all setbacks, leaving out the C-O zone completely.

Mr. Hazel said they have reserved the front portion of the property and intend to use it for a service road. This is for a gas station only.

This is the parcel of land at the rear of the A & P Store which is zoned C-D. He showed pictures of the area involved.

Mr. Hazel said that Mr. Guinn had told him that he would not be at the hearing today, but he has discussed this quite a bit and feels that someday he would like to get commercial zoning on his property, so now he is not so opposed to this application.

Mr. Hazel said the people in the vicinity were advised that the hearing would be held today and he has heard from several of them. He said Mr. Horner, spokesman for the group indicated at the last hearing that he would not be here today. With the matter down to this issue of the use permit only, Mr. Hazel thought a good many of the problems that were involved before may have been eliminated.

The land between Bailey's Crossroads and Route 7 has developed very rapidly in the past few years, with the coming of apartments it will develop more rapidly. Mr. Hazel felt that this is one of the most heavily traveled roads in the state - this is destined or doomed to be used for increased commercial uses.

Mr. Hazel said this application is solely for the entire Lot 1 and 2: the smaller plat shows the portions of Lot 1 and 2 involved in this. The part to the rear (11,000 sq. ft.) is now planned to be for some office structure. 11,800 sq. ft. is zoned C-D at the rear of Lots 1 and 2. Lot 3 is C-O.

Mr. Hazel said they have removed the canopy. This will be a plain three bay station and the setback requirements are met. The service road would hook into the road that is paved already to the A & P. This would go to Payne Street.

Mr. Smith said there is a problem coming out from the A & P. It seems that if a continuation of that road would come in all the way through it would be more desirable from the shopping center standpoint. This would relieve a situation and make traffic flow more evenly through the shopping center.

Mr. Hazel said this would be a Phillips station of which there are very few in the entire area. It would be leased by this company.

Mr. Smith thought it advisable to keep pump islands away from the building as far as possible for fire reasons. The Board discussed the width of the pump islands and the distance between them. Mr. Hazel thought the width of the islands could be reduced.

There was no opposition.

Mr. Lamond moved that the application be approved subject to the pump islands being moved back to a distance of not less than 25 ft. from the proposed service road (51 ft. from the property line) granted for service station only. There will be no U'Haul's and no Pepsi standard canopies on the property, and tire stands and sheds are eliminated. Seconded, Mrs. Carpenter. The Staff report notes that a site plan will have to be submitted. All voted in favor of the motion except Mrs. Henderson who voted no because she could see various points in the basic standards for permitted uses which she did not see that this meets, particularly the traffic.

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WOODLAWN WATER COMPANY - Mr. Schumann said at the last hearing on this application Mr. Lamond offered a motion which carried to defer the case for not longer than 60 days. The Board agreed that whenever the applicant had complied with the 1957 resolution the Board would act on the case. In 1957 Mr. Lamond moved to approve the application with fencing, landscaping, etc. There has been a contract issued to install a 6 ft. anchor fence around the property with three strands of barb wire on top of it. Mr. Martin has submitted a check to the County together with a letter to the Board of Zoning Appeals stating that if Mr. Martin does not get this work done within the time the Board might specify the Board has the right to use any funds in this check to do what should have been done. Mr. Schumann read a letter from Mr. Corbalis of the Water Authority which said that there is a pressure shortage in this area and something should be done about it.
Mrs. Henderson did not think the Board could act on this until all the people who were heard in opposition to the application at the last hearing were present. Mr. Schumann said he had called these people the night before. Col. Tucker had said he would notify Mrs. Royce and Mr. Long, and Mrs. Royce would notify Mrs. Koski. Mr. Wall had said that he did not know that there was anything further he could say.
Mr. Lamond said he thought Mr. Schumann was most diligent in trying to pursue this. He had met with Mr. Schumann on the property last week with the thought in mind of trying to do something to help this situation. Two weeks ago he made a suggestion that Mr. Martin fence the area immediately where the 36 ft. hole is and he had expected to see it fenced; however, this was not done.
The lot has been cleaned up, Mr. Lamond noted, but he thought that a week was plenty of time in which to put up a temporary fence around

June 27, 1961

Woodlawn Water Company - Ctd.

the hole in the ground.

Mr. Martin told the Board that the fence has been put up now. It is a 4 ft. woven wire fence, all around the hole.

Mr. Martin said they have planted quite a few trees on the property, ranging from 5 to 8 ft. in height and have ordered quite a few fast growing trees.

Col. Tucker said the Board should have more technical advice from the Fairfax Water Authority because Mr. Corbalis' letter did not tell him anything. He also said that he did not like Mr. Lamond's suggestion that a permanent chain link fence be put around the property -- the idea of a chain link fence, he said, "left him cold" and he did not think it would be in keeping with the area.

After more discussion Mr. Martin said the fence could probably be used on one of the other sites owned by the company. Mrs. Henderson suggested that the Board relieve Mr. Martin of the permanent chain link fence requirement but that this check be held to insure that adequate planting would be done.

Mr. Lamond agreed with the suggestion of relieving Mr. Martin of the fence requirement but thought that he should be required to plant a sufficient number of evergreens surrounding the property and the type of trees to be put in should be recommended by the Soil Scientist.

Mrs. Henderson asked Mr. Schumann to contact Mr. Coleman tomorrow so Mr. Martin can order the trees immediately. She said she would call Mr. Corbalis and see when he could talk with the Board about the watersheds, etc. The Board decided to call a special meeting on this for making a decision. The date would be set up later.

The meeting adjourned.

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

By Betty Haines

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Don't appear
at the time
of filming

A special meeting of the Fairfax County Board of Zoning Appeals was held on Wednesday, July 12, 1961 at 10:00 a.m. in Room #218 of the County Courthouse. All members were present; Mrs. L. J. Henderson, Jr., Chairman, presided.

This meeting was called to conclude the hearing on the application of WOODLAWN WATER COMPANY. Mrs. Henderson, Chairman, told members of the Board and those present that since the last hearing on this, she has met with Captain Porter to discuss the Woodlawn Water Company in connection with this case. Captain Porter had told her that for two years they have tried to get this company to meet the County requirements but they have not done so, however, now in the extension of this service, it is incumbent upon the County to see that established standards are met.

The following letter had been requested from Mr. Martin:

"5 July 1961

The Board of Zoning Appeals
Fairfax County, Virginia

Dear Madam Chairman and Members of the Board:

Mr. Curtis Martin, President of the Woodlawn Water Company has requested me to inform your Board as to the height of standpipe which sound engineering practice would require at the Colonial Acres Well site in order to fulfill County requirements for domestic water service and fire protection in the area now served by the facilities at this site.

The two most critical areas are:

1. Riverside Estates, where the ground elevation of a number of lots is above 90.0 (from mean sea level datum).

2. Mount Vernon Park, Woodlawn Manor, the west end of Mount Vernon Grove and Yacht Haven Estates which, although at relatively low ground elevations of 18.0 to 40.0, are remote from the site and require approximately 2 miles of feeder main to supply them.

In order to provide gravity supply meeting the County minimum standards as to residual pressure at Riverside Estates we would require a minimum water level of 175.0 in our standpipe. The 4 hour fire demand amounts to 120,000 gallons, which would require an additional 16 feet of height to elevation 191.0. Since the ground elevation at the standpipe site will be 98.5, the minimum water level in the standpipe should be maintained at a height of 92.5 feet. We should have a working range of at least 6.0 feet between maximum and minimum levels. Therefore the standpipe should be 100.0 feet high; the overflow being one foot below the top.

In order to provide gravity supply meeting County minimum standards as to residual pressure at the second group of subdivisions (relatively low-level), we would require a minimum water level of 178.0 feet. Allowing for fire demand the minimum water level should be held at 194.0. The ground elevation at the standpipe site being 98.5, a 100 foot high standpipe would allow us a 3.5 foot working range only. However, when the future distribution mains loop is completed through Mount Vernon Gardens and Mount Vernon Grove to Route 623 at Yacht Haven Estates we will have at least 7 feet or more of working range in the standpipe.

We realize that the use of booster pumps as supplementary facilities would permit the adoption of a lower height for the standpipe, but there is always a very real possibility of a power or pump failure and according to best practice the maximum requirements of the system should, whenever possible, be met by gravity feed. Furthermore the costs of auxiliary pumping generally necessitates higher water rates, and the Woodlawn Water Company is anxious to keep these as low as possible.

Very truly yours,

(S) F. T. Norcross
Professional Engineer #306 (Va.)"

Mrs. Henderson went on to say that she also met with Mr. James Corbalis of the Water Authority, who showed her the report from Greely & Hanson, Engineers, who in July 1960 made a study of this company and recommended that when the Fairfax Water Authority takes over the Woodlawn Company the initial improvement should be a 100 ft. high water tank. The standpipe type construction was considered satisfactory to take care of near future years, but for long term needs an elevated tank may prove better. The tank must be high enough to provide both pressure and storage.

Captain Porter said he could not say that Woodlawn's system is adequate today - he did not know, but in some places they have been working with them to improve the pressure and storage but he could not be sure the system is inadequate. However, he did say that they will need additional water facilities as subdivisions go in and as development goes forward. They cannot extend their connections as they do not conform to County requirements. They are trying to bring all water systems in the County up to County standards and in this case in this area additional storage is a must.

Capt. Porter was asked if this storage tank could be put elsewhere. His answer was yes - but it would probably mean changing the distribution system, change in pipe lines, etc. to make it function. He noted that two schools are planned in this area as well as other developments which must be served.

Mrs. Henderson pointed out that a 100 ft. high tank, elevated or standpipe, is the minimum height which will meet County requirements for storage and pressure.

Mrs. Tucker whose property is across the street from this site asked if it is necessary to have the tank on this particular property.

Capt. Porter said - if the Woodlawn Water Company and the Alexandria Water Company are acquired by the County this system will be tied together and ~~if~~ whether they will continue to use a tank in this location will depend

upon the Alexandria supply from the Occoquan. That would be a matter of economics at the time. If there is ample supply and pressure, he continued, they would probably continue to use it. The Water Authority would have to determine that.

Col. Norcross, Engineer for Woodlawn, stated that the tank which supplies this area must be on high ground and it must be centrally located. The Water Authority has said, Mrs. Henderson noted, that they must have this kind of tank and it must be either on this site or across the street.

Capt. Porter explained that the layout of the distribution system is based on large pipes leading out from this area. They could have the water storage at a lower level and put in booster pumps but that would be expensive and inadequate in case of an emergency power failure as there would be no stand-by power. The elevated tank would provide gravity flow.

Mr. Lamond pointed out that this company has a tie-in with the Alexandria Water Company, at this time lines are in place and he thought if the need should arise they could tie in with those lines.

Mr. Martin said they have no agreement with the Alexandria Water Company for this - but it is possible they could make one.

Capt. Porter stated here that that is the real reason for the County Water Authority - to bring the water distribution system together under one head so the lines of one company will be available to serve another when necessary.

Mr. Lamond insisted that such an agreement with Alexandria should be made. He thought this tank was detrimental to property values in this area. The tank now on the property could be hidden, Mr. Lamond continued, but a tank 100 ft. high could never be adequately screened and it would always be an eyesore.

Mr. Dan Smith said the Water Authority has made a study of the needs here and has come up with the 100 ft. tank. They must have considered having an agreement with Alexandria and not found it practical. He thought the elevated tank more objectionable than a standpipe type tank.

If the Board of Appeals denies this case, Mrs. Henderson pointed out, and the County buys this company and comes in next year for this same tank - would the Board say they could not have it?

Capt. Porter pointed out that this area does not presently have adequate fire protection because of inadequate pressure. They have agreed with

the County that they will provide increased pressure in order to meet County standards for fire protection. The degree of adequate fire protection at the time depends upon so many things, Capt. Porter said -- the time of day, size of pipe lines, location of the fire, etc. But it is a fact that they do not have sufficient reserve capacity - they need 500 gallons per minute for a continuous period of not less than four hours. He explained the need for a storage tank rather than pumping directly from the wells into distribution system.

Capt. Porter discussed the standpipe storage as opposed to an underground tank which would probably not be greatly different as to cost, but the additional requirement of electric pumps would raise the consumer cost considerably. It would also leave the area without water in case of power failure and therefore without fire protection.

Capt. Porter discussed his own personal interest in this area (he owns and lives in a 150 year old reconstructed home in this area). He spoke of many similar homes of historical and aesthetic interest which are served by this company and which he considered important to protect.

Col. and Mrs. Tucker stated their opposition to the location of the tank, expressing the belief that this would devaluate their property, make it undesirable for any purchaser and that such an installation would ruin the neighborhood.

Mr. Lamond urged that the Board explore what connection could be made with the Alexandria Water Company.

Capt. Porter said these people operate under a strict franchise from the State Corp. Commission and while he thought such a connection a good one, it has not been done and any move along that line would have to go through the State Corp. Commission which would be a long process.

Mr. Smith pointed out the increasing trend of development in this area and expressed regret that in the path of progress some people are undoubtedly hurt. Schools and subdivisions require water and it is incumbent upon the County to supply it, he stated.

Mrs. Tucker asked about the overflow, which she considered a hazard in winter when the water stands and is frozen.

Mr. Martin said that would be taken care of.

Mr. Lamond wondered why no one had come in complaining of a lack of water.

Mr. Martin answered that they know of the growing needs and are trying to anticipate them.

The Board continued discussing all facets of this case -- the need for

the 100 ft. tank; the impractibility of the Alexandria Water Company connection, need for pressure, sizes of pipe lines; Mrs. Tucker's suggestion that the tank be located in an industrial district on U.S.#1; advantages of painting the tank green; Col. Tucker's suggestion that no Board member would buy a home near this tank; the increase in property values resulting from adequate water.

Mr. Smith pointed out that 12" pipes lead out from this site, graduating out to smaller feeder lines all over the area. To change the system to another location would be expensive and impractical.

Col. Norcross said the company must do something - they are required to meet County standards. The system is here, based on this location granted by the County. They were granted a 100 ft. tank on this property in 1957 in their original application (they did not build the tank that high) and they have developed their system on the basis of their location.

It appears from the expert testimony, Mr. Smith said, that the 100 ft. tank is necessary to give adequate height in order to continue development in this area and to have adequate fire protection.

Mr. Lamond thought the Fire Department should be present to testify to that.

This company is under agreement with the County, Capt. Porter told the Board, to expand their system immediately. There is practically no fire protection in this area and the County wants it.

Mrs. Henderson noted in the minutes of 1957 that there were no objections from the area where the Board granted a 100 ft. tank and most of the houses have come in here since that time. Houses around this lot particularly.

Col. Tucker asked if this is approved would it be necessary to keep the smaller tank. Mr. Martin and Col. Norcross said it would be.

Mr. Schumann read the recommendation from Mr. Coleman on the planting and also Mr. Coleman's suggestion that no tree planting take place in summer.

Mr. Martin said they would remove all equipment now on the property except that necessary for construction.

Mr. Mooreland told the Board that some of the equipment now on this property belongs to developers who were given the right to park there by the Board of Appeals several years ago.

Mrs. Carpenter suggested an 80 ft. tank above ground and 20 ft. below.

That would not produce sufficient gravity flow, Mr. Smith answered, and they would have to supplement the flow with pumps(with gas or diesel pumps)which would be objectionable because of noise. Electric engines would not guarantee power in case of storm or other emergencies. Expansion of the system would be greater with the 100 ft. tank which the Water Authority says is needed.

Mr. Lamond contended that supplemental water could be furnished by the Alexandria Water Company who have two large lines running through the Woodlawn franchise territory. They have agreed not to sell water within the franchise - but they could go to the State Corp. Commission and ask that right in case of emergency. Mr. Dowdell from the Alexandria Water Company and Mr. Martin would both have to appear before the State and ask this revision of the franchise.

This may be possible, Mrs. Henderson recognized, but such a revision to the franchise may take years and she considered the immediacy of this situation to be very important.

Mr. Lamond asked that the hole now on the property be kept fenced.

Mr. Dan Smith moved that the application of Woodlawn Water Company be approved with the understanding that the applicants shall meet all provisions of the County Ordinance except that the setback requirement from Colonial Avenue shall be varied in order that the applicant may install a 100 ft. tank as outlined in the application presented. The minimum variance allowed from Colonial Avenue shall be 64 ft. and it is required that the 100 ft. setback shall be met from all other property lines.

The screening and landscaping shall be done as outlined on the plat which has been presented to the Board and in conformity with advice of the County Soil Scientist - Eastern Red Cedars shall be planted to be 4 ft. apart, 6 ft. high and on 4 ft. centers. The property shall be properly landscaped and seeded.

Landscaping shall be completed as soon as practical but upon advice of the County Soil Scientist, and in no event not later than November 1961. All equipment shall be removed from the property as soon as construction and landscaping is completed. The only equipment which shall be allowed on the property would be automobiles and light trucks which are to be used by the water company personnel in the maintenance of the water system. It is understood that the grounds and landscaped area shall be maintained to the highest degree at all times. The painting of the existing

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tank and the proposed tank shall conform with the color now being used by the Fairfax County Water Authority, which is green. The color and paint shall be to the same specifications as that used by the Fairfax County Water Authority. All noise and other nuisances shall be kept at a minimum within the landscaped area.

Mr. Barnes seconded the motion.

Mr. Smith, Mr. Barnes and Mrs. Henderson voted for the motion.

Mr. Lamond and Mrs. Carpenter voted against the motion. Carried.

From the technical advice before the Board, Mrs. Henderson said she considered that there is an immediate emergency in this case and other possibilities of handling this situation are too remote to consider at this time.

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The meeting adjourned.

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

The regular meeting of the Fairfax County Board of Zoning Appeals was held on July 18, 1961 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. Mr. T. Barnes was the only member not present; Mrs. L. J. Henderson, Jr., Chairman presided.

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

NEW CASES

1- FRED L. & DONNA B. CROUSE, to permit erection of carport to be 9.4 ft. from side property line, Lot 65, Sec. 5, ElNido Estates (5807 Dryden Dr.) Dranesville District (R-12.5)

Mrs. Crouse appeared before the Board stating that this house and one other are the only ones in their area that do not have carports. The house looks unfinished and bare - to add the carport would make it in keeping with the others. No one in the neighborhood objects. This would protect their car in winter; they would build up the carport with bricks eight high supporting the roof with posts. The bricks are just outside the concrete slab to give sufficient width. This will be their permanent home, Mrs. Crouse continued; they wish to improve the house and add to their convenience. The house next adjoining does not have a carport and probably will not want one as it is a different style structure which would not lend itself to the addition of a carport. The builder did not plan to put on the carport but told the applicant to apply to the Board.

It was noted that this house was completed after September 1959, since the adoption of the new ordinance.

Mr. Smith noted that this is a one foot variance at the front and the lot line angles in toward the rear.

Mr. Mooreland said these lots were recorded before the Pomeroy Ordinance.

Mr. Lamond moved to defer the case to July 25 pending review of the subdivision plat; seconded, Mrs. Carpenter. Carried unanimously.

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2- ROBERT E. & RUTH B. VAN DUESEN, to permit lot with less width at building setback line and less area than required by the Ordinance, Lot 15 and portion of acreage adjacent to Lot 15, Green Acres Subdivision (NE'ly corner of Georgetown Pike & Miller Ave.) Dranesville District (RE-1)

This case was held over until 10:30 at the request of the applicant.

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3- BILLY C. TUTT, to permit erection of carport 12.10 ft. from side property line, Lot 32, Boulevard Acres (120 Cedar Dale Lane) Mt. Vernon District RE 0.5

July 18, 1961

3- Billy C. Tutt - Ctd.

Mr. Tutt presented his letters of notification and pictures of his home showing proposed location of his carport. The two neighbors adjoining and most affected had signed statements saying they had no objection to this. Mr. Tutt said this would not crowd his neighbor who cannot put in a carport on this side and it will leave ample room between houses. There are a few houses in the neighborhood which do not have carports. Most of them do not want one or they would have to apply for a variance. Some have garages in the rear. The house is five years old, Mr. Tutt continued, and at the time it was built a carport could have extended five feet into the prohibited area. He plans only to put a roof over the existing driveway which extends to 13'8" from the house. The lot is level, presenting no topographic problem. Sewer is available but he still uses the septic which is immediately back of the house. The tank is back of the rear stoop and the field beyond that. The carport would be bricked up 3 ft. There would be no direct entrance from the house to the carport. He considered it necessary to have the 14 ft. width to give clearance in opening the doors. Mr. Tutt said he wishes to improve his home - this end looks chopped off; the neighbors are pleased with the proposed addition.

While there were no objections from anyone in the area, Mr. Smith pointed out that there are other locations for a carport and this is not an isolated situation - in fact, it is very like others in many subdivisions - no topographic condition; he saw no justification for the Board to grant this. He moved that the request of Mr. Tutt for permission to erect a carport 12.10 ft. from the side property line, Lot 32, Boulevard Acres, be denied on the basis of the fact that no hardship has been presented to the Board; seconded, Mr. Lamond. Carried unanimously.

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2- ROBERT E. & RUTH B. VAN DUESEN - Ctd.

Mr. Van Duesen presented a written statement covering the following facts: The total property involved contains 62,376 sq. ft. with 247.50 ft. on Georgetown Pike and 249.49 ft. on Ellsworth Avenue. Lot 15, containing 24,409 sq. ft., adjoins this property running to Miller Avenue. It has 161.50 ft. frontage on Georgetown Pike and 107.81 ft. on Miller Avenue. Mr. Miller, the owner of Lot 15, proposes

2- Robert E. & Ruth B. Van Duesen - Ctd.

to purchase a 72.02 ft. strip of ground from the Van Duesens which will be combined with his lot. If this strip is added to Lot 15 it will give it 42,691 sq. ft. - an area slightly less than the required 43,560 sq. ft. and the frontage on Miller Avenue is less than the required 175 ft. (By adding to this old non-conforming lot it must conform to the present subdivision regulations.) Therefore unless the variance can be granted the sale of this strip cannot be consummated. The balance of the Van Duesen property will conform to the present code.

This would have no detrimental effect, Mr. Van Duesen said, but rather would be in the best interests of the County since the non-conforming Miller lot would be practically up to standards and it would make a considerably larger building lot.

Mr. Van Duesen wishes to sell the property to finance a very delicate brain operation on their physically handicapped son.

Mr. Chilton pointed out that division of this property would require subdivision approval and dedication of a service road along Georgetown Pike. He suggested that the right of way be dedicated and the Board of Supervisors be asked to waive construction. Most of the lots in this area are half-acre, Mr. Chilton noted.

This seems to be a good distribution of the land, Mr. Smith observed, and the division takes nothing away from the Van Duesen property. Their lot will more than meet zoning requirements and Lot 15 will be more buildable. Mr. Smith agreed that the service road construction should be waived by the Board of Supervisors and Mr. Van Duesen should not be held up for this road when he is actually improving a situation.

Mr. Smith stated that in the application of Robert & Ruth Van Duesen to permit lot with less width and area than required by the Ordinance Lot 15 and adjoining land, Green Acres Subdivision he would move that the application be granted as applied for, subject to the Board of Supervisors waiving the subdivision requirement of a service road along the frontage of this property. Seconded, Mr. Lamond. Carried unanimously.

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4- EDWARD & MAXIE BRENNER, to permit erection of a canopy 44.9 ft. from U.S.#1 Highway (3007 Richmond Hwy.) S. junction of Old U.S.#1 and New U.S.#1 Lee District (C-G)

This will be a carry-out ~~restaurant~~ business with service at both ends of the building. They need the overhang canopy to protect the service windows. Inside will be a small stand-up service - no chairs. People

4-Ctd. Edward & Maxie Brenner - Ctd.

will carry the food out. This is a 2 ft. variance on the canopy which will be an accordian type. They have more than the required parking. The sign on top of the building (indicated in the picture) will be taken down.

The Board agreed that this was a good use of the property - it would take less parking than most businesses.

Mr. Brenner said right of way will be taken off of both old and new U.S.#1 - about 8 ft. on each side.

There were no objections.

Mr. Lamond moved that the variance requested by Edward and Maxie Brenner to permit canopy 44.9 ft. from U.S.#1 at south junction with Old #1 be granted because of the unusual shape of the lot and it is the opinion of the Board that this meets Step I and II of the Ordinance; this is the minimum variance that will grant relief and allow a reasonable use of the land. This is granted subject to site plan approval by the Planning Commission, such approval to be given before a Building Permit is issued; seconded, Mrs. Carpenter. Carried unanimously.

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5- CHARLES C. CLARK, JR., to permit proposed Lot 1, with less width at building setback line than required by the Ordinance, Proposed Lot 1, Resub. Lots 13 and 14, Oakton Subdivision, (N. side of Blake Lane & E. side of Gray St.) Providence District (RE 0.5)

Mr. James Whytock represented the applicant, pointing out that this is a 1/2 acre zoned area involving approximately 90,900 sq. ft. They wish to divide the tract into four lots. Two of the lots can conform to the required area and frontage. The problem results from a dedication for widening of Gray Street and Blake Lane (8 ft. on Gray Street and 25 ft. on Blake Lane). The taking of these dedications reduces the area on two lots to 20,200 sq. ft. each. It also cuts down the corner lot frontage to 115 ft. at the building setback line on Blake Lane.

Mr. Whytock pointed out that the wide obtuse angle at Blake Lane and Gray Street would permit especially good visibility after the dedication is made. As a matter of fact, Mr. Whytock went on, this arrangement improves visibility. This, therefore would be advantageous to the County to have the dedication on these two roads and it would not change the character of the area. Lots 2, 3 and 4 could be built upon without a variance on the setbacks.

The Chairman asked for opposition.

July 18, 1961

Charles C. Clark, Jr.

Mr. J. P. Rodgers represented himself and a neighbor opposing this division for the following reasons: he has 26 acres adjoining this property and he felt that such a division of property would depreciate his property and change the character of the area which is largely developed in larger lots or owned by people who live on acreage and who want to retain the rural character in this area. The lots do not meet the minimum zoning; they look squeezed. He suggested that this property be developed with three lots.

Ogden Miller, owner of property across the street, objected for himself and one neighbor.

These lots will average 22,007 sq. ft.+, Mr. Whytock said. The objections, he noted, are mostly directed to the area and the meaning of zoning. Zoning is for the purpose of permitting an orderly development of land which can be controlled by the legislative body. This area is zoned for half-acre lots and it is the intent of the Board that this land be used for half-acre lots. Mr. Whytock pointed out that the character of the area which was at one time rural, has already changed - there are many half-acre lots built upon. These houses will be in the $22,000 to $25,000 class - necessary to have that price house in order to pay the cost of the land dedications for street widening. These lots do not justify that expense. If they build on these lots there would be no dedications and Blake Lane would remain 30 ft. and Gray Street 35 ft. He pointed out that this request is in the interests of the County and to the area in that good houses would be built and the streets would be made a desirable width.

It must be noted, Mr. Smith stated, that this is half-acre zoning and the applicant has offered an improvement in the road dedications and it would appear that the division suggested allows a reasonable use of the land.

He moved that the application of Charles Clarke to permit proposed division of land with Lot 1 having less width at the building setback line than allowed by the Ordinance - Oakton Subdivision, be granted - that the variance be 9.37 ft. with the stipulation that a subdivision plat showing the division of these lots be approved. There was no second.

Mr. Lamond moved that the applicant in this case be allowed to divide his property into three lots instead of four as requested. Mr. Lamond further moved to deny the application as applied for because to break this area up into four small parcels does not conform to surrounding lots which are mostly developed on one acre or more. Seconded, Mrs. Carpenter.

Mr. Lamond, Mrs. Carpenter and Mrs. Henderson voted for the motion.

Mr. Smith voted against the motion. Motion carried to deny.

6- A. R. EVERS, to permit erection of dwelling closer to side property line than allowed by the Ordinance, Lot 24, Forest Villa (on Forest Villa Lane), Dranesville District (RE 0.5)

Mr. Evers said he would like to put the house closer to the north line because there is a 10 ft. storm drain along the south edge of hisproperty. Before purchasing this property Mr. Evers said he was told by Street & Design that the depth of the storm drainage would be 9 ft. Now the storm drain has been installed and it is at a depth of 4 ft. This will work a hardship for him because he will have to put in a considerable amount of fill to raise the house. The farther he moves his house toward the north line the less he will have to fill. If the storm drainage had been 9 ft. deep as he was told it would be before he bought the property he could have crossed over the storm drainage way with his driveway. There is a 10 ft. drop in the lot from front to back of the house. In order to use the easement now for his driveway and get into the garage he would have to raise the house to the easement level.

Mrs. Henderson suggested changing the entrance to the garage to come in at the front - facing the street.

Mr. Evers said he had gone into that before he purchased the property and was told he could go over the easement and his plans were made on that basis. Apparently he was ill-advised.

The Board discussed the possibility of going into this with Street and Design but Mr. Evers said the storm drainwas in now and there probably was nothing they could do.

Mr. Lamond moved to defer the case pending a conference with Capt. Porter and Storm Drainage Department and to view the property.

Seconded, Mrs. Carpenter. Deferred to August 8.

Mr. Evers said he had the plat at home which authorized him to go over the easement with blacktop.

Mr. Lamond changed his motion to defer to August 8 to view the property.

Seconded, Mrs. Carpenter. Carried unanimously.

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7- DENNIS COSTIGAN, to permit operation of a dog kennel, N. side of Pohick Rd., Rt. 641, 368 ft. W. of Rt. 636, Lee District (RE-1)

Mr. Kim represented the applicant who was present also, He presented the letters of notification along with a letter from Mr. Tolson, adjoining property owner, who stated that he had no objection to this use.

This is a 3.5 acre tract, Mr. Kim said, and the location of the kennels would be within a secluded wooded area where operations could not be

7- Dennis Costigan - Ctd.

seen from any road. Since the Staff says this property is in violation of the Subdivision Ordinance Mr. Kim said the applicant would put a ~~put on~~ plat on record. Mr.Costigan would also dedicate for the widening of Pohick Road and other requirements of the subdivision ordinance will be met. This kennel will be conducted for the purpose of breeding German Shepherd dogs. These dogs will particularly used by State and local police. There is no kennel within five miles of this area. It is a needed facility. They plan to have a maximum of 25 dogs. There are no homes nearby and they knew of no objections. The dog area will be fenced, Mr. Kim said, at all times with a 7 ft. fence.

Mr. Smith observed that this type of dog can become vicious. He thought the Board should be assured they would be kept within enclosures.

Mr. Kim said they would be. These dogs would be raised here but are trained some place else by other people. Any dogs they sold to families would not be trained to be vicious when they sell them. They are sold at from 8 to 10 weeks.

Mr. Costigan said they will board and breed these dogs only or they would board other dogs only while being bred. This will not be a regular boarding kennel.

Mrs. Carpenter moved that Dennis Costigan be permitted to operate a dog kennel on the north side of Pohick Road 368 ft. west of Rt. 636 for a period of three years, the maximum number of dogs more than four months of age to be 25 and the property where the dogs are to be kept shall be fenced with a 7 ft. fence; the applicant shall meet the specific requirements of the standards under Group 8 - Section 30-139 of the Ordinance. This is granted to the applicant only. Seconded, Mr. Lamond. Carried unanimously.

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8- LAURA A. & WILLIAM H. MEDD, to permit erection of a roof over existing front porch closer to street, Lot 23, Sec. 1, Greenway Downs (221 E. Cameron Rd.) Falls Church District (R-10)

Mr. Medd said he wanted to put a roof over the little porch on the front of his house for a shelter entry and to improve the house. Many houses in this area are non-conforming in location; it is an old subdivision. Some have porches and roof shelters which do not meet the required setback. Mr. Medd said he has consistently worked on his house to improve it - he hoped to put on a roof which is a little more attractive than the aluminum awning. The house does not comply with the required setback. This would be a roof with posts.

8- Mr. Mooreland pointed out that the old building line was a covenant line, established before the Zoning Ordinance.

The Board agreed that adding a non-conforming roof to this non-conforming house was not out of line as the subdivision is already a mixture of varying setbacks and any improvement is good.

There were no objections from the area.

Mr. Smith moved that Laura and William Medd be granted a permit for the erection of a roof over an existing front porch closer to street right of way than allowed by the Ordinance, Lot 23, Section I, Greenway Downs, as this is an old house and this addition will in no way be a detriment to the surrounding neighborhood and this appears to be a reasonable request on the part of the applicant. This will be a roof only, the overhang not to be greater than 7 ft. 9 inches which will extend slightly farther than the existing porch which is 7 ft. wide. It is understood that at no time is this porch ever to be enclosed. The Board is of the opinion that this case conforms to the regulations regarding variances and that it meets those requirements. Seconded, Mrs. Carpenter.

Mr. Smith, Mrs. Carpenter and Mrs. Henderson voted for the motion. Mr. Lamond voted no.

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The Board adjourned for lunch. Upon reconvening they continued the agenda.

9- BURGUNDY FARM COUNTRY DAY SCHOOL, INC.to permit erection of additional 2-classroom building to furnish more adequate facilities for school as presently constituted, at the end of Burgundy Road, 3200 Burgundy Road, Lee District (R-10 and R-12.5)

Mr. Ed Prichard represented the applicant. He told the Board that this school was established in 1946 - when it was permitted by right. They are now asking for two additional classrooms. This will not extend the use of the school. It will provide better educational facilities for the children.

This is a 26 acre tract. The new building is to be located 118 ft. ~~from the~~ from the center line of the Burgundy Road. This building, and the parking lot to go with it, is the only new construction contemplated. They now have 155 pupils - they do not plan to have more. However, the school has a capacity for 180. If they wish to exceed the present number or to have more construction they will come back to the Board.

Mr. Prichard showed drawings of the proposed building and floor plan. This is a non-profit school, he said; it is operated mostly by parents. The Director and officers of the school were present.

Mr. Prichard said they had had no complaints on the operation or presence of the school in this area.

The Chairman asked for opposition.

Mr. Samuel Koelkebeck, whose property abuts this tract, presented an opposing petition signed by 36 people - stating as their reasons for objection to this use -- this is a non-conforming use which does not conform to the present residential zoning in this area; they object to commercialization as practiced by this school in the past and as now projected further for the future, the school has abused their privilege, that this school be required to conform to the County code, and that they cease all forms of commercial enterprise and that no expansion of these commercial activities be granted.

Mr. Koelkebeck discussed at length the commercial projects engaged in by the school in which the public can participate for a fee. He noted particularly public use of the picnic grounds, ads in the papers about their public activities for which they charge, the noise, traffic. Such activities are depriving people in the area of their normal rights of peace and quiet. They have complained to the police many times. They asked the Board to revoke the present permit.

Mr. Smith pointed out that the applicant is trying to improve the school without adding to its personnel. The use is there, he continued, and the Board cannot revoke the permit without reason. These activities have been going on for many years - this addition will add nothing to the intensity of the use and this use is not incompatible with the zoning. Mr. Smith said this is a permitted right in a residential area, even a school run for profit would be permitted.

Mr. Koelkebeck described the commercial activities, swimming parties, camping, horseback riding, dog kennels, night picnicking, all of which he said was very objectionable.

Mr. Prichard pointed to Section 30-104 (g) page 543 of the Ordinance which established the fact that this use is now non-conforming - but that any extension of facilities must come before this Board.

It was noted that this school was in operation when people now objecting bought their homes. However, Mr. Koelkebeck said the character of the school has changed greatly. He discussed at length the unpleasant characteristics of the school.

9- Mr. Prichard said many activities are carried on at the school to raise money for school operations - the grounds and uses are not open to the general public on a fee basis; the people using the grounds contribute to the school. They have summer day camp and a swimming pool but that is not operated on a fee basis, merely by contribution. The parents pay for the children's education and that goes to maintain the school and for this expansion. No one profits from this - if the project is dissolved the money will be paid to a scholarship fund.

The status of Burgundy Road was discussed, noting that it is part public and part private, private from the creek crossing and public from there on out to Franconia Road, which part is maintained by the Highway Department.

Mr. Prichard described this area as ideal for a school - it is near two subdivisions, a gravel pit on one side and public schools are near. They have a natural buffer in the stream.

They are not asking for more density; this is a question of the school wanting to better serve educationally those in attendance.

With regard to the application of Burgundy Farm Country Day School, Inc. to permit erection of an additional two classroom building - on property located at 3200 Burgundy Road, Mr. Smith moved that the application be approved as applied for, as the evidence has pointed out that this will not increase the intensity of the plant but it will improve the facilities which the Board considers will better serve the children. It is noted that this school now could have a capacity of 180 children. It is further understood that all other provisions of the Ordinance shall be met. Seconded, Mr. Lamond. Carried unanimously.

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DEFERRED CASES

1- CARL R. JENNINGS, to permit dwelling to remain 46 ft. from Navaho Dr., Lot 63, Sec. 2, Lincolnia Park, Mason District (RE 0.5)

Mr. Gordon Kincheloe represented the applicant. He did not have letters of notification signed by the recipients. It was also noted that the letters were dated July 10 which did not cover the required time of notification. Mrs. Carpenter moved to defer the case to August 8 for notification. Seconded, Mr. Smith. Carried unanimously.

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2- TANARACK STABLES, to permit operation of riding school and boarding of horses, westerly side of #1, approx. 2000 ft. S. of Pohick Creek, Lee District (RE-1)

(See next page)

2- The applicant did not have letters of notification to property owners. Mr. Lamond moved to defer the case to August 8 for proper notification. Seconded, Mrs. Carpenter. Carried unanimously.

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3- ARCHIE J. DEEM, to permit division of lot with variances as to setbacks of dwellings, Lot 24, Sec. 2 Englandboro (587 Oxford St.) Mason District (R-17)

Mr. Frank Morgan represented the applicant. He stated that due to his client being out of town the notices to adjoining and nearby property owners were not sent ten days ahead of this hearing.

Since the room was partially filled with people interested in this case Mr. Lamond moved that the Board go on with the hearing since the people evidently have been notified and the strict requirement of notification may be waived. Seconded, Mrs. Carpenter. Carried unanimously.

It was noted that people owning adjoining land and across the street were present - those most affected.

Mr. Morgan gave a brief history of this property -- in 1946 this land was zoned for half-acre lots. In 1949 the owner built a structure on the front part of the lot. This was a garage-like structure, the type of which was being built at that time by people who intended later to build their permanent home - they lived in the garage until the permanent home was completed. Since that time this property has been rezoned to R-17 lots which allows lots from 17,000 to 15,000 sq. ft. The proposal now is to permit the resubdivision of Lot 24 into two lots, each with an area of 16,956 sq. ft. That is well within the permitted size, Mr. Morgan pointed out. If this lot had been cut in half - through the middle - it would have been granted administratively, he went on, but the question is now - will the Board allow this lot to be cut as shown on the plat?

Mr. Morgan contended that the Ordinance requirements as to the rear yard setback is met under definition of what is the rear yard. This is determined by the manner of finding the rear setback in case of a lot that comes to a point in the rear.

Mr. Mooreland told the Board that the applicant is asking to set up a lot line that does not exist.

Mr. Morgan said this rear lot line technically conforms to Sec. 30-1 (page 459) of the Ordinance. There is an existing 13.1 ft. setback on the side yard on Lot 24-B. They are asking a 1' 11" variance on this in accordance with their plat.

If Mr. Deem is required to move this building to the half of the lot facing Old Columbia Pike it would mean that it would face a colored area where good development would not be encouraged. If Mr. Deem is forced to do this he would necessarily have to rent or sell to the colored.

Mr. Morgan described the area and development and stated that when people in this area bought they were well acquainted with what was on this property - there were two occupied dwellings.

When sewer came to this area the Health Department sent Mr. Deem a letter saying he would be required to put plumbing on this property.

He went before the Board (PLUMBING INSPECTOR) and filed an application for permit to install plumbing on two lots. The application showed two houses. Mr. Deem spent $2,000 putting plumbing in these two houses. He met all requirements of the Code. If now he is required to comply with the Ordinance he should be given some consideration and not be told to take this plumbing out and discontinue use of these two dwellings. Both have been hooked up as separate units.

Mr. Mooreland said that at the time this happened his office did not know there were two dwellings on the property - they found out only when they had a complaint. All his records show one dwelling. The procedure is now changed so that his office must approve these things. There was a lack of cooperation which allowed this to happen.

Mr. Morgan showed pictures of houses in the area and across Old Columbia Pike which he pointed out are not too good and which would depreciate this property. Some of these houses are on 50 ft. lots on Old Columbia Pike. There are 39 lots across Old Columbia Pike - all developed. Many of them are long and narrow and anything could be put on the deep part which faces Old Columbia Pike.

Mrs. Henderson asked what topographic condition here would justify granting this, the only reason the Board could grant this request.

Mr. Morgan said he was asking only a 13% variance and the Board could grant up to 15% variance. Their hardship is that they are not allowed to continue use of this building as a dwelling. This building has been used as a dwelling since 1946. Mr. Mooreland has said the Board could grant this under certain conditions - this, however, is not a topographic condition. It is only a 2 ft. variance. They have been directed to hook up to the plumbing and now it will be a substantial financial loss if this is not granted. Surely some Board or court has authority to relieve this man - Mr. Deem did not know of any violation until this complaint was lodged in the Zoning Office.

The County officials knew of these two houses, yet they required him to hook on to the sewer - when it was in violation. Mr.Deem is now asking to be in conformance with the Ordinance by the granting of this variance. This will not hurt the neighborhood, Mr. Morgan continued - there are many other lots in the area that do not come up to the size of these lots. If this would damage the neighborhood, it would be different, he urged, but in this case it will not and there is a situation here which is existing and has existed since 1946.

Mr. Mooreland said that in December 1946 Mr. Deem made application for a dwelling and garage on this lot. In 1950 Mr. Loestetter made application for Mr. Deem to build a dwelling showing the location of a garage. The garage was on this property legally; the house is on the lot illegally because the garage was then being used as a dwelling. Mr. Mooreland said he did not know of that fact until late in 1960.

If in 1950 the County authorities issued a permit and granted permission to use the house without inspection - that is the fault of the County, Mr. Morgan said. He did not know just how this came about.

If Mr. Loestetter made wrong statements and the County did not check - and if the plumbing officials saw the property and said it was all right - then can you blame a layman for this? This man should have been notified at the time that he was in violation - now all these things must be rectified and paid for by the victim of these mistakes. This County is responsible for requiring the plumbing hook-up and not saying the house was in violation, Mr. Morgan charged. These people were not taken by surprise - these buildings were here and were being used.

Mr. William Chaney, owner of Lot 23 adjoining, presented a written statement summarized as follows: While they object to the two residences on Lot 24 they are also greatly concerned over the conditions prevailing on the lot - the garage dwelling does not come up to covenant restrictions ($6,000); it is a sub-standard eyesore, detrimental to the neighborhood; it is overcrowded; it is 10 ft. from the property line, illegal for a dwelling; invades their privacy; and they felt to grant this would open the way for similar divisions of lots; it destroys the picturesque appearance of the spacious community.

Henry Hillsinger, 1413 Oxford Street, adjacent owner, opposed any variance on Lot 24, saying there is no reason to grant this request which would depreciate a high class neighborhood; to deny this does not

deny the man a reasonable use of his land - it would devaluate property values.

Mr. Kenneth Kilgore appeared as President of Englandboro Citizens Association, which passed an opposing resolution at a special meeting - opposing this as it would reduce property values; would encourage sub-standard development in the area; does not meet the $6,000 minimum cost restriction; and they urged denial.

In rebuttal, Mr. Morgan said none of the people opposing have dealt with the 2 ft. variance, therefore whatever they said regarding personal objections, which is their main opposition, is not within the province of this Board to consider. These people are only concerned with their own possible personal loss. He asked the Board to reconsider his references made on financial hardship to his client. Other large lots in this area can be resubdivided, he continued, and the first person offered anbig sum to do that would no doubt take it. If these people do not want smaller lots they should have protested the R-17 zoning when it was considered by the Board of Supervisors.

When Mr. Chaney bought, making perhaps the biggest investment of his life he did not know what was going on next door. He did know of the building next door. But this Board is not sitting to consider maintenance.

If the Board denies this case it will change nothing but the 2 ft. variance which does not concern these people. It does not interfere with them - it affects only the yard distance between the houses. The neighborhood with many 50 ft. lots is very near these people. The property two lots away has requested commercial zoning and there is commercial property proposed in the immediate area. The trend is toward older buildings to go commercial. If this is denied, Mr. Morgan said he would be impelled to go to court.

This is rented property, Mr. Morgan said, and it will continue to be rented. Everything will remain the same. Mr. Deem will only have to move the garage and divide the property into two lots. This will not eliminate the situation that now exists. If the Board grants the division of this property as requested, it was pointed out, they will be granting a variance on the rear line of the garage and the rear line of the dwelling. Mr. Mooreland said that in his opinion the Board did not have the authority to set up a lot that could be used as the applicant requests.

The Chairman noted that this property could be divided into two lots without a variance of any kind and therefore the applicant was not being deprived of the full use of his land.

Mrs. Henderson agreed that the Board could not create a lot as proposed - the Board cannot create a situation which will require all the variances as shown on the plat.

Mr. Morgan asked where in the Zoning Ordinance does it say this?

Mrs. Henderson said the Board could not create a lot like this from a recorded lot.

Again Mr. Morgan insisted upon knowing the authority for this in the Ordinance - what section of the Ordinance?

Mrs. Henderson read from Section 30-34 (page 488) - this does not comply with section 30-36 on granting variances, she said, therefore the Board cannot grant this. There is no proof of hardship caused from a topographic condition.

Mrs. Carpenter moved that the application of Archie J. Deem, to permit division of lot with variance as to setbacks, Lot 24, Sec. 2, Englandboro be denied as the Board has been shown no evidence of hardship as set forth in the Ordinance and it is apparent that this lot may be divided into two lots without a variance. Seconded, Mr. Lamond. Carried unanimously.

Mrs. Henderson pointed out that the two houses now on the lot are in violation and the applicant would be given 90 days to correct that violation, either meet the Ordinance requirements or vacate within 90 days.

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4- L. G. MCLEAN, to permit erection of swimming pool 7 ft. from side line, Lot 1, Blk. 5, Brookhaven (305 Madison Place) (Dranesville District, (R-17)

If the pool is located 15 ft. from the side line, Mr. McLean said, it would be within 4 ft. of the house. This is the only place on the property where the pool could be located as immediately to the rear the land rises sharply - he would have to blast to go back into that area. He wants the pool near the house because of the children. On the west side of the property is a drainage easement owned by the County and no house will be built there. That ground falls off sharply.

No one in the area objected.

While the Board members recognized that this is a hilly area and the lot has very few level spots, Mr. Smith suggested that the size of the variance be reduced by 2 - 3 ft.

Mr. Smith moved that the application of L. G. McLean to permit erection of a swimming pool 7 ft. from the side line on Lot 1, Blk. 5, Brookhaven, be granted for a 9 ft. setback from the side line instead of the 7 ft.

4- requested. It is understood that all other provisions of the Ordinance shall be met; seconded, Mrs. Carpenter. Carried unanimously.

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5- MABEL V. DUVALL, to permit dwelling to remain 15.75 ft. from side property line, Lot 23, Clearfield, 6605 Braddock Rd., Mason District (RE 0.5)

Mr. Ed Prichard represented the applicant. This case had been deferred to see if the applicant could purchase more land.

Mr. Prichard presented new plats and reviewed the case -- this property was subdivided in 1941 before both the zoning and subdivision ordinances. Lot 23 was purchased in 1944. The owner got a permit to build a smaller house than presently on the property. In 1953 he added to the building - the side setback was 15.71.

Mr. Prichard showed a plat indicating a resubdivision of Lots 23 and 24 on which a panhandle belonging to Lot 23A and running between Lots 24A and 23B could be set up as easements - on a 99 year lease basis which would correct this 15.71 ft. setback by adding an extra 5 ft. This lease would run with any sale of the property. However, Mr. Mooreland said this lease line could not be considered, therefore Mr. Prichard said he filed for this hearing to get relief. Since this error is greater than 10% Mr. Prichard asked the Board to authorize a Certificate of non-conformancy which could be issued under Section 30-104-i-2-b.

This error was existing when Mr. Duvall applied for the building permit but he did not know what position he was putting himself in with reference to the other lot. He got the permit for the addition without taking into consideration the ownership of the two lots. Both lots were greater in area than required.

The Board objected to the panhandle idea. It was understood that the Certificate of non-conformancy would run with the property which Mr. Mooreland said the Board could authorize if they find that this error will not cause serious detriment to the neighborhood and will not be seriously adverse to the purposes of the Ordinance. Mr. Prichard pointed out that the space between the houses was not impaired.

With regard to the application of Mabel Duvall to permit dwelling to remain 15.75 ft. from side property line, Lot 23, Cleaffield, Mr. Smith stated that the Board finds that a Certificate of non-conformancy will better serve the purposes of this application, therefore he moved that a Certificate of non-conformancy be issued to the above described property and this certificate shall be valid regardless of the ownership of the property, as long as the property retains the zoning in the present status. Granted

5- under Section 30-104 [redacted]-i-1, 2, and b. Seconded, Mrs. Carpenter. Carried unanimously.

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6- LESTER V. ROSENBERG, to permit dwellings to be erected 25 ft. from Street property lines, Lots 1 thru 7, Section 7, Sunny Ridge Estates, Lee District (R-12.5)

Mr. Fred Wilburn, engineer, represented the applicant.

In reducing the setback, Mr. Wilburn said, a better house could be put on the lots - houses which would contribute to a better community. He said, however, that he could not guarantee what kind of house would be put on these lots but the reduced setback would allow for a larger house and therefore a more expensive one.

Mr. Lamond thought to grant a blanket variance as requested here was in effect breaking down the standards of the Ordinance. If the Board could talk with the builder and know what size and what type house he would put up the Board could probably justify a variance - or the Board could consider variances on individual lots as the houses are being built.

This is a topographic condition, Mr. Wilburn explained, which makes it difficult for a builder to come here with a good house, without more leeway.

After further discusssion Mr. Smith suggested variances on certain lots, those which seemed to be in the greatest need, and to reduce the amount of variance.

Mr. Wilburn said the variances should be enough to insure that houses comparable to those already built could be put up, he recalled variances had been granted in this area, and also so a builder could get variety in treatment.

Mr. Smith made a motion striking Lot 1 from consideration and granting the other lots a maximum variance of not more than 8 ft. in order to produce an orderly development of this property - the last part of this subdivision, as this seems to be as reasonable a way this could be built upon. By not granting a variance, smaller and much less desirable houses than already in the community would have to be built. All other provisions of the Ordinance must be met.

Mrs. Carpenter said she would second this if Mr. Smith had said a 5 ft. variance instead of 8 ft. There was no second.

Mr. Lamond moved to deny the application because this Board has no jurisdiction over what might be built upon these lots. To grant this the Board should have specific plans of the proposed buildings. No second.

6- Mr. Smith recalled that the Board had granted similar variances on another part of this subdivision and the County does have a responsibility and interest in extending orderly development, Mr. Smith continued -- we have so indicated that in the last application. In granting variances at this time it would give some builder a chance to develop this property in keeping with the surrounding houses. If a lesser variance than 8 ft. is more desirable, Mr. Smith went on, he would go along with that.

Mr. Lamond held out for not granting without specific plans.

Mrs. Carpenter moved that Lot 1 be given no variance but that Lots 2, 3, 4, and 5 be given a 5 ft. variance because of the narrowness of the lots and that lots 6 and 7 be given a 5 ft. variance because of the flood plain on these lots. This is the maximum variance that can be granted on these lots. Seconded, Mr. Smith.

Mrs. Carpenter, Mrs. Henderson and Mr. Smith voted for the motion.

Mr. Lamond voted no. Motion carried.

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7- SUN OIL COMPANY, Edsall Road - to permit building 50 ft. from street property line and permit pump islands 25 ft. from street right of way, property located on southerly side of Rt. 648, just west of Shirley Hwy.

Mr. Hansbarger represented the applicant. He presented new plats and withdrew the request for a variance on the building because that was not necessary. The building may be 50 ft. from the right of way - he asked only for the 25 ft. setback for the pump islands. (This under Section 30-7-h) This is a major secondary road and the 75 ft. setback does not apply, he explained. He presented a copy of an agreement giving an additional 10 ft. for widening Edsall Road.

He noted on the revised plats that all setbacks are figured from the property line including the 10 ft. dedication. The building will go all the way back to the rear line which is a lease line rather than a property line.

No one in the area objected.

Mr. Smith moved that the application of Sun Oil Company, located on the southerly side of Edsall Road (648) just west of Shirley Highway be granted a permit to place pump islands 25 ft. from the easement of Edsall Road and 25 ft. from the property line of the access road and that all other provisions of the Ordinance shall be met (granted under Section 30-7). Seconded, Mr. Lamond and carried unanimously.

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Mrs. Henderson read a letter from Mr. Grover asking for a rehearing. Mr. Lamond moved that a rehearing not be granted as the evidence presented does not justify a rehearing. Mr. Grover had presented no new evidence which could not reasonably have been presented at the original hearing, and also it was noted that the request was made after the 45 days had expired. Seconded, Mrs. Carpenter. Carried unanimously.

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Mr. McGinnis sent a letter withdrawing the application of DIXIE LAND COMPANY.

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Mrs. Henderson asked the Board to discuss the Merritt school case. She recalled that Mr. Scott had asked for a rehearing which the Board denied. In her opinion, Mrs. Henderson said, the case which Mr. Scott has now filed on the same property (but reducing the grades to kindergarten and first grade and reducing the number of children to 80 instead of 300) was a new case. In the case of a new application Mr. Scott would not have to wait the year for a hearing.

The question has been raised as to the status of this application, Mrs. Henderson continued...does the status of the Merritt application, if it is the same property and the same subject, change by the refiling, and because of the reduction of the use become a new application? Does this mean that the application is "substantially" the same, or is it a new case?

Mr. Schumann told of a case before the Board of Supervisors which was denied for C-G zoning - application was refiled on the same property for C-D zoning and the Commonwealth's Attorney said this was not substantially the same but was substantially a different case and could come back to the Board before the year. This was not the intent of the Ordinance Mr. Schumann said, but it was the interpretation of the Commonwealth's Attorney.

The intensity of the use was the main reason for denying the Merritt case, Mr. Smith recalled.

Mr. Lamond said he was for the application in the beginning, but was opposed to hearing this as a new case.

Mrs. Carpenter recalled that the McLean rezoning to which Mr. Schumann referred was filed under a different ownership. She thought the objectors in the Merritt case could question this if it were heard within the year. The Board discussed this at length - considered asking Mr. Scott to file the same application under a different name - which was termed a subterfuge; comparison with the Board of Supervisors rezoning; the Ellis

tract which the Board of Supervisors is rehearing on its own motion; the propriety of denying the rehearing because it was a changed case; the fact that the Board gave Mr. Scott the impression that he could refile immediately with the new case.

Basing this motion on the information that was relayed to Mr.Scott when he appeared before the Board asking a rehearing, when he had reduced the density and according to statements made at that time, Mr. Scott had reason to feel that he had presented substantially a new application; therefore it should be treated as such and could be heard before the year. Mr. Smith moved that the Board hear the application on August 8. No second. The minutes of the Merritt case were read and it was found that "the Board agreed that this was a new application presented by Mr. Scott" therefore giving Mr. Scott the impression that it would be treated as such. Mr. Smith made the following statements - that the impression given on the one hearing and shown in the minutes of that meeting must have conveyed to Mr. Scott the thought that the Board considered his presentation as a new application and Mr. Smith noted that he voted against the rehearing because he considered it a new case. It was generally agreed by the Board that this was a new application, therefore Mr. Smith moved that, based on the minutes of the rehearing, this be considered as a new application and that the Board agree to hear the case on August 8. Seconded, Mrs. Carpenter. Mr. Smith, Mrs. Carpenter and Mrs. Henderson voted for the motion. Mr. Lamond voted no. Carried.

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Mr. Hansbarger came before the Board to ask for a ruling in the Wallingford School case. He reviewed the case as follows: In 1955 Mr. and Mrs. Wallingford came before the Board with an application for a school on a certain parcel of ground. The granting motion did not restrict the building to any particular size or shape. A plat was presented showing the ground with a penciled-in square indicating either a building or the building setbacks. There were no dimensions on the pencil drawing. Now these people wish to put on an addition. The Board has said that an addition must come back for public hearing. Mr. Hansbarger questioned this as in this case the application was granted on a certain piece of land with no mention of the building. The use was granted and these people have acquired a vested right in the use if it was used within the year. This was granted on 37,000 sq. ft. of ground. No building plan was submitted; they were told only to conform to setbacks. There were no limitations in the number of pupils. They do not plan to have more pupils - this is an addition to

They have 96 pupils now. When this is completed they will have from 96 to 100. This right stands, Mr. Hansbarger continued.

Mr. Lamond agreed that the use is a granted fact but he contended any addition should come again to the Board.

But they had the right to build much more than they did, Mr. Hansbarger pointed out, and if he had the right to use more building at that time and did not use it, and if he lost that right by coming to the Board, that would be taking away a right granted by this Board.

Mrs. Henderson said it is not desirable for changes to be made without the Board's sanction.

There were no limitations on the building nor on the pupils, it is only an interpretation of the Board that this man could build only one building, Mr. Hansbarger contended.

The Board discussed this further, Mr. Mooreland contending that the penciled drawing indicated one building - how far can these applications get out of hand if they do not come back to the Board, Mr. Mooreland asked. He discussed the impossibility of administering such cases - how can you restrict them from building up all the usable ground?

Mr. Smith suggested that from the reading of the motion this was a special case - because of the absence of limitations. Further discussion -- could these applicants, operating under such a motion, put anything they desire on the property as long as they comply with regulations; the question of precedent as against each case being treated individually; the possibility of reaching an agreement on this case because of the looseness of the motion and agree to 96 pupils only and no more buildings on the property - at least this would give Mr. Mooreland control over the number of children to be allowed.

Based on the evidence presented and the 1955 motion and considering this particular case only, Mr. Smith moved that a public hearing on this proposed new building be waived but at the same time the Board limits the number of pupils in the school to 96 and the extension of the school shall be limited to this one building only; it is understood that all provisions of the Ordinance shall be observed. Seconded Mrs. Carpenter.

This motion is offered, Mr. Smith explained, in view of the 1955 motion in the Wallingford case - the Board considers that it has no other choice and in so passing this resolution Mr. Mooreland will have control over the number of pupils and any extension of the school. Carried unanimously.

The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr., Chairman 10/3/61

The regular meeting of the Board of Zoning Appeals was held on Tuesday, July 25, 1961 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.

NEW CASES

1- LONNIE MUTERSBAUGH, to permit division of lot with less width and less area than allowed by the Ordinance, Lots 6A, and 7, D. P. Devine Subdivision, Devine Street, Dranesville District (RE-1)

While the present zoning on this property is one acre, most of the lots are developed in half-acre. The two lots in question would be 31,522 sq. ft. and 31, 551 sq. ft. respectively. Lot 6A is a 50 ft. lot and Mr. Mutersbaugh said he did not know how it got there. It was apparently left over with no intent to use it. By taking this 50 ft. lot and adding 50 ft. from Lot 7, two 100 ft. lots can be created. There are only two large lots in the area - 8 and 9 - neither of which have been divided. Almost all of the other lots are one-half acre with 100 ft. frontage. Houses are built on all the other lots except 5, 9 and one other. No one in the area objects, Mr. Mutersbaugh stated, and he could not see where this would hurt the neighborhood in any way. The price of this ground is very high - too much for one house - he estimated it at about $8,000 per acre, which is too much to put a $25,000 or $30,000 house on. By the division proposed, the lots could be purchased for about $3500 each. With this price he could build and sell for around $30,000 or a little less.

It was suggested that lot 9 would come in for the same kind of division and Mr. Mutersbaugh said it was true that at the going price they probably could not afford to develop on that lot or any other large lots in the subdivision. This is a good development, he said, and he was interested only in putting up a house that would be in keeping with what is already there.

There were no objections from the area.

It was brought out that there is no topographic condition here although the ground slopes up hill immediately after it leaves the stream.

Mr. Lamond pointed out that the applicant had shown no hardship and the Board cannot grant this without a topographic condition or some other hardship caused by strict application of the ordinance. There are some larger lots in this subdivision, Mr. Lamond said, and he could see no authority under the Ordinance for granting this.

Mr. Mutersbaugh said he could not split 6A between Lots 6 and 7 as

he does not own Lot 6. He noted, however, that one could build on Lot 6A - the 50 ft. lot since it is a lot of record.

Mr. Lamond moved to deny the case as no evidence of hardship caused by the Ordinance has been shown by the applicant. Seconded, Mrs. Carpenter. Motion carried.

Voting for the motion - Mr. Lamond, Mrs. Carpenter and Mrs. Henderson. Mr. Smith voted no because in his opinion the land distribution would be better as proposed by the applicant.

Mrs. Henderson voted yes because the only argument for this is financial.

Mr. Lamond said by granting this the Board would be changing a conforming lot to one that is non-conforming and he did not think the Board could justify doing that.

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2- VIRGINIA ELECTRIC & POWER COMPANY, to permit erection and operation of a power transmission line, easement from Idylwood Station to CIA, Providence District and Dranesville District

Right of way has been acquired on this and the line is in, Mr. Marsh announced, delay in coming before this Board has been caused by interpretations of the law.

Mr. Marsh introduced Mr. L. J. Eley, Chief Design Engineer for VEPCo, who traced the line from CIA to Idylwood. Mr. Eley read a prepared statement, summarized as follows: This is a 110 KV transmission line 6.4 miles long connecting CIA with Idylwood sub-station, installed to serve CIA. A thorough study was made as to the best means of delivering this service, both as to route and construction consistent with sound engineering practice. The line is planned to create the least possible impact upon the area, a substantial portion of the line following the sewer right of way. All safety precautions have been met - there is no sound, vibration, smoke, glare, radioactivity or other adverse effects from this.

Mr. Marsh called Carroll Wright, Real Estate Consultant and appraiser, who read a statement regarding property values, summarized as follows: After a complete study of the feeder line and structures of this line, Mr.Wright said he had come to the conclusion that the line has been selected with great care and consideration; it has accomplished its purpose with the least possible impact upon the community. He cited areas where first class development has taken place, since the line has gone in and land prices have remained high.

Mr. Wright's conclusion was that this line will not be detrimental to the character and development of adjacent land.

Mr. Marsh called W. S. Cameron, who testified that after extensive tests he could assure the Board that this line would not interfere with radio or television reception in the adjacent areas.

The Chairman asked for opposition.

Mr. Clarence Bean said the line crosses his property. He objected to his dealings with VEPCo, stated that the line did interfere with his television, and asked why VEPCo did not appear before this Board before the line was put in and the land condemned.

Mr.Bles said the line goes over his property. He stated that the County has a sewer easement through his property but that easement does not include a power line; they put poles on his property when they were not supposed to do that, according to agreement It interferes with his television. They cut more trees than necessary. (These objections would come under a civil action, Mr. Smith noted.)

Mr. Harold Kenny said the line crosses his property; he said he was refused a building permit by the County in a flood plain area unless he presented grading plans. VEPCo put poles in the flood plain area. He considered the poles a structure or an improvement. No drainage plans have been submitted by VEPCo. He questioned the right of the Board to act on this case under these circumstances.

Mr. Kenny discussed at length his compaaint against VEPCo and the restriction against his building on the flood plain ground without drainage plans. He charged that VEPCo is grossly in violation of County regulations.

The Board discussed definitions of structure and improvements.

Mr. Kenny went on to say that the Board has no jurisdiction to grant this in conflict with the law and the ground should be returned to its original status. This not only conflicts with County regulations but the Company has not complied with Section 15.923. He objected to structures which obstruct the flood plain and also to the manner in which VEPCo has gone about this - the application is a "post application" and the Board acting at this time is nothing more than a rubber stamp and if the Board acts it is without jurisdiction.

Mr. Marsh said there is a legal question of interpretation of the Ordinance as it applies to this Company. They were requested to file this application by the County authorities. They reserve the right to question if Section 15.923 applies to them. This right of way was acquired before the Pomeroy

Ordinance was adopted. They learned then that this Ordinance was not geared to this type of procedure so requested that the Ordinance be amended - this applied to the policy on posting.

Mr. Marsh said he did not know of the difficulties these people objecting had had with the company, but he was sure the company would stand back of any of their agreements.

Mr. Lamond moved that this Board confer with the Commonwealth's Attorney as to the status of this Board in this matter and if a law has been violated the Board should know that before taking action.

The Board discussed the legality of their situation - Mrs. Henderson said it appeared that under any circumstances this Board is in a difficult place. If it goes ahead, the question of legality is there, but can the Board hold up on this? The line is in and it is a necessary facility. She asked why not apply before taking the right of way?

Mr. Leon Johnson, VEPCo District Manager, said they started working out this line location in 1957 when CIA asked them to serve their installation. The question of getting a permit came up on another line about that time. They went to the Board of Supervisors and told them what they were doing. The Ordinance was new and it was uncertain in the minds of the County officials how it applied to this company. The Commonwealth's Attorney said there was a question in his mind if the Ordinance applied to VEPCo. They had a contract to complete the CIA line - they had to go ahead. Last September they received a letter from Mr. Schumann requesting the company to apply for a permit in conformity with the Ordinance - Section 15.923 also. This application has been in process since that time.

In the future they will work out the location of the line with the County Planning Staff, then make a survey and acquire right of way, then apply for a use permit before construction is started.

They are here to do business in the County, Mr. Johnson continued, they pay big taxes, they try to support things of a civic nature in the County and they progress as the County progresses. It is difficult to keep abreast with the increase in the County, but they are proud of the system they have built and they wish to contribute to the welfare of the County.

Asked why they delayed so long in applying for a permit Mr. Johnson said it takes time for the lawyers to study the Ordinance and apply it - they still are not sure that they come under provisions of the Ordinance. They do not want to go to court with the County and they do not wish to quarrel over an interpretation.

These people will make application in the future, Mr. Smith pointed out,

before construction begins - even though they are not sure the Ordinance applies to them. This shows a desire to conform to the Ordinance rather than go to court.

Mr. Lamond objected to the company taking the law so lightly - he thought such disregard for law was alarming.

The Board discussed VEPCo at length. While she disliked the manner of going about this, Mrs. Henderson said, if the Board denied this request, the courts would proably say it was arbitrary and capricious because of the nature and extent of this operation.

Mr. Mooreland said the Commonwealth's Attorney agreed with VEPCo's interpretation on this. These people have the right of eminent domain and they have been through the courts on a portion of this. Mr. Mooreland said he agreed that to deny this would be arbitrary. This has been discussed with the Commonwealth's Attorney many times.

Mrs. Carpenter asked that the Board have a written statement from the Commonwealth's Attorney giving his opinion.

Since they have complied with all requirements of the County Mr. Marsh said he thought the company was entitled to have the Board rule on this application in accordance with the evidence produced. They are doing what the County officials asked.

Mr. Lamond moved to defer the case to August 8 and in the meantime to request a written opinion from the Commonwealth's Attorney setting forth his thoughts in this matter. Seconded, Mrs. Carpenter.

To put the Commonwealth's Attorney and the County in the position of requiring a written statement on this is not good, Mr. Smith said. These people have made an application and presented evidence showing that this is a very necessary facility. They will comply in the future by getting a permit before any construction has begun. This complies with the Ordinance. He thought VEPCo entitled to a decision at this time and he objected to any further delay.

If the opinion of the Commonwealth's Attorney will help members of the Board to make up their minds, Mrs. Henderson thought the Board should have it.

For the motion - Mrs. Henderson, Mrs. Carpenter and Mr. Lamond.

Mr. Smith voted no. Motion carried to defer to August 8.

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3- CITY OF FALLS CHURCH, to permit an addition to pumping station building in connection with existing living quarters for tenant, part Lot 1, D. P. Devine Subdv. on Kirby Rd., Dranesville District (RE-1) over --

City of Falls Church - Ctd.

Mr. Brophy represented the applicant.

This pumping station has been in the present location since 1949. They were issueda permit at that time for the station ahd living quarters for a care taker. They are asking for a small addition (one room) to the caretaker's quarters to provide for an increase in his family. The addition will conform to all setback regulations. The room will be 16' x 13'6". This man is on duty 24 hours a day.

There were no objections.

Mrs. Carpenter moved that the City of Falls Church be permitted to put an addition on the pumping station in connection with existing living quarters which need has been shown. The plan of addition granted as shown on plat dated May 24, 1961. The Board considers that this will not be detrimental to adjacent property. Seconded,Mr. Lamond. Carried unanimously.

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4- POTOMAC OIL COMPANY, to permit installation of gas pumps on existing island, southeasterly side of U.S.#1 and Barneby Road, Mt. Vernon District (C-G)

Mr. Tilden Hazel represented the applicant. This is an operating garage which at one time had two pumps in front of the building. The use of the pumps was abandoned. This application is for restoration of use of the pumps. The tanks and location of the pump islands are in place. This is an area of very few filling stations, Mr. Hazel pointed out. While the pumps would be only 8.2 ft. from the right of way they will cut off the access from Barneby Road which Mr. Hazel thought would improve the entrance. However, he suggested that entrance will be approved by the Planning Staff. This is not a particularly good location as it is - but by improving the entrances he thought the entire property could be put in better shape and made more usable. They will rework the front of the building and paint the whole place. It will be a much better operation when completed. This will be a small operation, serving mostly people in the community.

This is primarily a repair garage, Mr. Hazel went on, any improvement in the entrance to U.S.#1 would be a real benefit to people in the area.

Mr. Smith noted that they could have only one lane for pump service because of the sidewalk and header curb.

Mrs. Henderson could not see how the Board could justify granting the pump island 8 ft. from the right of way when the building sets back only 23 ft. - such variances would be far beyond anything the Board has ever considered and this does not meet the standards for variances.

These people will make application in the future, Mr. Smith pointed out,

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There were no objections from the area.

Mr. Lamond moved that this application be denied as it does not define a hardship as set forth in the Ordinance and to deny this application does not deprive the applicant of a reasonable use of his land. Seconded, Mrs. Carpenter. Carried unanimously.

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4- GEORGE W. MCCAY, to permit resub. of Lots 55 - 59, and outlot B, and for interpretation of application of that portion Sec. 30-7 which reads as follows: "No yard or open space provided about any building for the purpose of complying with the provisions of this chapter shall be reduced so as to be less in width, depth or area than is required by this chapter, and no such yard or open space shall be considered as providing any part of a yard or open space for any other building, except as part of a building group and subject to all regulations of this chapter applying thereto," W. Langley Subdv. Dranesville District (RE-1)

Mr. Orlo Paciulli represented the applicant.

While this area is zoned one acre - development has taken place under the old ordinance under 1/2 acre zoning.

Mr. Paciulli asked for an interpretation under Section 30-7, paragraph (f) 2, (page 472) to determine if these lots come under these provisions. Right of way for the Capital Beltway has taken the rear portion of four lots, 55, 56, 57, 58 and outlot B West Langley. The applicant requests a resubdivision which by combining the residue of Lots 55, 56 and 57 would create Lot 57A, containing 25,765 sq. ft. A house can be located on only one portion of this new lot and it would require the 20% reduction in front setback - 40 ft. instead of the required 50 ft. This creates a reasonable size lot compatible with lots in the area. The owner of these lots cannot settle finally with the State on the Beltway right of way until this is determined and it is established that he can get a building permit.

Mr. Mooreland said he had written this portion of the Ordinance and it was intended that this section apply to a situation of this kind.

Mr. Lamond moved that the last paragraph of Section 30-7-f apply to Lot 57A shown on certified plat dated May 16, 1961 and that the Zoning Administrator be permitted to issue a permit for a house on this lot with the 20% reduction in setback as set forth in Section 30-7-F. Seconded, Mrs. Carpenter. Carried unanimously.

With regard to Lots 58 and 59 and Outlot B, the residue of Lot 58 shall be combined with the residue of Outlot B to form Lot 58A - containing

20,116 sq. ft. The old lot line between lots 58 and 59 runs through the proposed house. This line would be shifted to the east creating Lot 59A with 26,998 sq. ft. These lots will require a variance on frontage and area and the 20% variance on the house setback would be required on Lot 58A. Lot 59A will need no variance on setbacks.

(Mr. Paciulli pointed out that a preliminary plat was drawn up on this subdivision before the change in the Ordinance.)

These are the best divisions that could be made with the amount of property left, Mr. Paciulli said, and if the division is allowed the variance will be required in setback.

Mr. Lamond moved that the application for variance be approved and that the Board find that steps 1 and 2 apply. There are unusual conditions here and circumstances here applying to the land for which the variance is sought and the minimum relief that can be afforded is that applied for. Seconded, Mrs. Carpenter. Carried unanimously.

As to the minimum relief - Mr. Lamond noted that the side yard setback required be observed and the building restriction line of 40 ft. apply in this case as the 20% reduction. It is the opinion of the Board that this will be in harmony with the intent of the Ordinance and such a granting will not adversely affect land in the balance of the neighborhood. Seconded, Mrs. Carpenter. Carried unanimously.

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6- DUNN LORING WOODS NURSERY SCHOOL & KINDERGARTEN, to permit operation of nursery school and kindergarten, Lot 87, Sec. 3, Dunn Loring Woods, Providence District (R-12.5)

Mr. William Hansbarger represented the applicant. Mrs. H. F. Schumann, applicant, was present.

The applicant has operated a nursery school and has been a teacher for 20 years, Mr. Hansbarger told the Board. The lot upon which this school will be operated contains 16,485 sq. ft. The house has not yet been built.

Since the County has no Ordinance governing nursery schools, Mr. Hansbarger said, in view of this - the school has been designed to conform to not only the county requirements that do apply, but also to the full requirements of the Falls Church nursery school ordinance. In that ordinance the number of pupils is directly related to the area in the school rooms and the play yard, 35 sq. ft. per school child in the building, 25 sq. ft. per child for kindergarteners and 100 sq. ft. of play yard. This school will meet these standards and by following this Ordinance the Board can be assured of sufficient space and proper installation. The applicant does not intend to

alter the house for the school as they may live in it some time.
The plan is to have two sessions - one morning and one afternoon, with between 30 and 40 pupils at each session. However, the number of children will conform to space requirements as outlined in the Falls Church Ordinance. The children will be in the building or in the fenced play yard. They will provide dust-free parking area.
There were no objections from the area.
Mrs. Henderson noted that all parking would be 25 ft. from the property lines. Mr. Hansbarger said that would be corrected on the plat and they would comply with that requirement.
All the children will be transported by bus except a very few who will walk. None will cross Cedar Lane. No more than 40 children will be in attendance at any one time.
The Planning Commission recommended approval of this use.
Mr. Lamond moved that Dunn Loring Woods Nursery School and Kindergarten be granted a permit (to Mrs. H. F. Schumann, Jr., only) to conduct a nursery school and kindergarten on Lot 87, Sec. 3, Dunn Loring Woods as this will not adversely affect surrounding neighborhood. Seconded Mr. Smith. Carried unanimously.
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The Board adjourned for lunch and upon reconvening took up the deferred cases:

1- HARRY D. HAINES to allow garage 30.3 ft. from Clover Dr., Lot 501, Sec. 4, Glen Forest (6426 Longbranch Dr.) Mason District (R-12.5)
This had been deferred to consider vacation of Clover Drive.
Mr. Aylor represented the applicant. He reviewed the case as follows:
Mr. Haines obtained a building permit for this house and garage with the intention of building it himself. He measured for the house location from the curb on Clover Drive rather than from the right of way line. The house is 23 ft. from the adjoining lot to the north, but it did not leave the required setback from Clover Drive. The house has a basement and it has been impossible to correct this error. Clover Drive has never been used as a street - it is used as a walkway to Glen Forest School. They cannot move Clover Drive because it would cause a violation in setback on the house on Lot 501. They have the consent of all adjoining property owners that the building be left as it is. There were no objections from the neighborhood.

This is an attractive house, Mr. Aylor said, and further pointed out that it was practically completed before the new ordinance went into effect. The error occurred under the old Ordinance and Mr. Aylor thought the conditions of the old ordinance should apply. But even under the new ordinance there are circumstances under which this could be granted. There is no safety hazard involved as Clover Drive is little used and is not a through street - it stops at the end of this subdivision. This garage could have extended 10 ft. under the old Ordinance.

The neighborhood has accepted this error, it is not injurious to the land nor to the area. This is an honest mistake, this man was not trying to get around the Ordinance, he was simply trying to reduce his expenses and do the work himself and he measured incorrectly.

Parents of children going to St. Anthony's say it would be satisfactory to them to have a private road with a walkway for their children; however, maintenance would be difficult and the State would not take such a road over. It would be difficult to get all the signers to vacate the road. This must be justified under Section 30-36 in order to grant it, Mrs. Henderson noted.

The real necessity for maintaining the setback does not exist, Mr. Aylor pointed out, and the fact that this will never be a through street is an unusual circumstance. The possibility of cutting off 10 ft. of the garage is impossible - to remove the ~~highway~~ driveway and put the garage against the house would cover windows and such a change would really depreciate the value of this house and make it impractical to use.

Clover Drive cannot be extended to become a used street because a house is located in the path of the continuation, Mr. Aylor stated, the relationship of this house to the street is unusual. The people do not want Clover Drive ~~moved~~ opened because they want only the one entrance to the subdivision. If the street continues on they would have to build a bridge which would not be practical.

Mrs. Carpenter moved that this application be denied because it does not conform to the three steps pertaining to the granting of a variance. The Board has had no evidence of hardship as set forth in the ordinance. Seconded, Mr. Lamond. Carried unanimously.

This is clearly a case of a request for a variance to correct a mistake made by the applicant, Mrs. Henderson said.

This permit was granted in 1959, Mr. Aylor stated and the major part of the structure was completed before September 1959.

Harry D. Haines - Ctd.

Mrs. Henderson pointed out that under the old ordinance a carport could have extended 10 ft. into the side yard but not a garage.

Mrs. Carpenter added that the applicant comply with this motion within 90 days.

Mr. Haines asked whom this would benefit to tear down part of his building. Mrs. Henderson answered that the Board is not empowered to grant this. Based on the Ordinance the Board has no power to correct mistakes of this kind.

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2- HERMAN GRENADIER, to permit dwellings 27 ft. from E. Oak St. Lots 474, 475, 476, 477 and 478, Blk. L, Memorial Hts. Mt. Vernon District (R-12.5)

The following is an excerpt from a soil report on this property from Mr. C. S. Coleman: " The areas suitable for the location of houses on these lots is very limited. A stream passes through the center of these lots and the boundary of the flood plain is 53 ft. from the street right of way. The slope from the street to the stream is steep. It will be very difficult to do any filling around the proposed houses and keep all of the fill out of the flood plain."

Mr. Grenadier said he would fill in the stream and locate it at about the middle of the property. The house as located appeared to be about 2 ft. from the flood plain.

Mrs. Henderson asked if the Park Authority was considering this property.

Mr. Grenadier said he did not know but the area now is being used practically as a dump.

If the houses are located 27 ft. from the street, Mr. Grenadier said they would be out of the flood plain and would still be in conformity with houses in the neighborhood. The houses would be one story in front and two story in the rear.

Mr. Lamond said he still could not visualize those houses being out of the flood plain.

Mr. Smith was concerned over building these houses in a location which could flood and selling them to unsuspecting people who might suddenly find their basements flooded. He suggested that something should be done about drainage in this whole area before putting any more houses on this property.

Mr. Grenadier said this is the only land in this area that could be developed - all that back of this property is undevelopable and no one would want to go into a drainage project. The water in this open ditch never gets more than about 2 ft. high.

In view of the testimony submitted and the report from the soil scientist, and because the lot seems to be undesirable from the building standpoint and not desirable because of the flood plain and open ditch, Mr. Smith moved that this application be denied. Seconded, Mrs. Carpenter. Carried unanimously.

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3- J. L. ALBRITTAIN, to permit erection of three dwellings closer to street lines than allowed by the Ordinance, Lots 35, 36, 37, 38, 39, 40, 41 and 42 Block E, Weyanoke, Mason District (RE 0.5)

No one was present to discuss the case. This was the second time no one had appeared. In view of the fact that Mr. Albrittain has made no appearance at the last two meetings and this has been on the agenda, Mrs. Carpenter moved that the application be denied; there seems to be no interest on the part of the applicant in this case. Seconded, Mr. Lamond. Carried unanimously.

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4- DIXIE LAND CO. INC. to permit erection of six dwellings closer to street lines than allowed by the ordinance, Lots 1, 2, 3, 4, 5 and 6, Sec. 10, Falls Hill, Providence District (RE 0.5)

The case was withdrawn by the applicant. Mrs. Carpenter moved to allow the applicant to withdraw the case. Seconded, Mr. Lamond. Carried unanimously.

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5- SIBARCO CORP. to permit erection and operation of a gasoline station and permit pump islands 25 ft. from road right of way line, Lot 3, Block B, Ingleside, Dranesville District (C-D)

Mr. William Hansbarger represented the applicant. He said he believed this case to be in complete compliance with requirements of the Ordinance and asked the Board to consider this in the light of the facts presented. Knowing of the opposition in McLean to filling stations, Mr. Hansbarger said he had met with the McLean Citizens Association in an effort to discuss this thoroughly and to assure them that his client wished to develop this property in a way that would be compatible with the area. Mr. Hansbarger displayed a map of the McLean Business Plan adopted by the Board of Supervisors and indicated that this area is part of the Plan which has already been zoned commercial (C-D). He pointed out that the plan includes a considerable amount of C-D zoning on the periphery of the Business Plan with C-G within the town area. Filling stations have been developed largely on Route 123 and Old Dominion, he noted.

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This location was picked by Atlantic after an extensive survey of the area; it would be in the line of travel for those going into the McLean shopping area. The company also feels that there is a need for this; market determinations have shown that it is needed and will be used.

Mr. Hansbarger filed a new set of plats with the Board indicating that the building has been moved from the originally planned location to a distance 45 ft. from the side line which adjoins residential zoning. No setback is required on the opposite side as this property adjoins commercial. It is 75 ft. back from the property line of Electric Avenue. They will widen the pavement along Electric Avenue to the grass plots. The rear of the property runs to Maple Street, where as the plat indicates and Mr. Hansbarger pointed out, they will screen. If the Ordinance is not changed they will screen all the way down the east side. There is an amendment pending to eliminate screening requirement against planned commercial property.

This station is laid out in accordance with the Ordinance and all regulations are met, Mr. Hansbarger pointed out. They do not know if they will have to dedicate from the property line back to the grass plots but if this is required, they will do so.

Mr. Hansbarger filed a copy of minimum standards for commercial enterprises put out by the State Highway Department - these standards set forth provisions required to insure safe ingress and egress. They have met all these requirements.

Mr. Hansbarger quoted from Planning Advisory Service, a national publication published by ASPO, in which it was stated that filling stations are becoming not unlike public utilities. The article suggested the desirability of designing filling stations in such a manner as to be compatible with the area and discussed the need to control the unpleasant aspects of filling stations, such as standards which would minimize traffic and safety hazard by safe egress and ingress.

The oil companies are beginning to realize the necessity of more flexible and more attractive building designs. Mr. Hansbarger said he had worked with these companies over a period of years in an effort to point out this need. He agreed that filling stations have been ugly, cluttered, and disagreeable and they have unwittingly brought much of the filling station prejudice upon themselves. But the Ordinance will no longer permit these mistakes, he pointed out. The County now has one of the best zoning ordinances in the country and through the ordinance has control over screening, protective setbacks, safety of ingress and egress and lighting.

Under the Ordinance, the Board can place restrictions on design. By applying these regulations controlling filling stations the effect of a filling station is limited to

Mr. Hansbarger said the applicant has complied with all standards set up in the Ordinance. This is a reasonable use and is permitted under the present zoning. He displayed a drawing of the station they propose to build -- colonial in design.

Mr. Robert Corey, representing McLean Estates and the McLean Citizens Association, quoted from the County Zoning Ordinance - " This ordinance is adopted for the purpose of promoting the health, safety, order, prosperity...and the general welfare....." The people of McLean have no quarrel with Atlantic nor with any other filling station; they are concerned only with the effect upon their area, he said. He pointed out that this station would be near the McLean by-pass and no doubt would appeal to the by-pass traffic. Cars turning off and on would destroy the purpose of the by-pass. This is located at the farthest extremity of the planned commercial area which would be detrimental to the existing neighborhood and would establish an unwelcome precedent to plans for the future development of Old Dominion Drive and set up a filling station entrance to the by-pass to which they object. Mr. Corey visualized Old Dominion Drive as a possible "gasoline alley". They objected to the traffic hazard resulting from this.

The McLean Citizens Association objected to C-D zoning along the by-pass. They recommended C-O with no access to the by-pass and recommended that Ingleside Road be opened. This street may be opened through Lot 2, Mr. Corey continued, which would create a 10 ft. setback for the filling station.

Mr. Corey suggested that a filling station, to be profitable, must give services beyond gasoline - particularly they need to do repair work. He questioned that this station would have enough business in this location under any circumstances, to make it profitable.

He presented 72 petitions against this use. The Resolution passed by the Executive Committee of the Broyhill-McLean Estates Civic Association on July 12, 1961, opposed this.

Mr. Corey said Mr. Hansbarger had met with the Board of Directors last night and the feeling of the Board was that the June 1960 Resolution still stands - opposition to any more filling stations in the area. They passed no formal resolution as they did not have a quorum but the majority present were opposed to this.

The design displayed by Mr. Hansbarger was satisfactory to the group, if a station were to be located in this area.

Mrs. Marie Wiernick objected to this use at this location. She was apprehensive over a possible "gasoline alley" and the lack of a long range

plan for this area. She considered this an improper use of the land. A filling station is not necessarily compatible with a C-D zoning unless it has been planned to fit in with the planned C-D uses.

Earl Saunders objected to this station being located in what he termed a residential district (five lots zoned commercial - all the others residential). Mr. Saunders said a bank was supposed to have been put on this land when he sold it - he did not object to that. He would not have sold for a filling station.

Mr. Robert Alden, living near the property, concurred in objections already stated, pointing out particularly that a filling station here would adversely affect the future of the area around the by-pass - it would be a threat to future commercial encroachment along the by-pass - contrary to the plans of the Planning Commission.

Mrs. Henderson read a letter from Mrs. Elizabeth Mitchell opposing, stating that if a filling station is located in C-D zoning it should be as part of a planned shopping center.

In rebuttal, Mr. Hansbarger suggested that Ingleside Avenue would not likely be put through but if it is they would comply with County requirements. He noted that the Master Plan does not show business on the by-pass and there is no plan for any business to go on the by-pass at any point.

The Board can limit all repair work, Mr. Hansbarger continued, or can prohibit repairs in connection with the filling station - that is within its jurisdiction.

As to the location of this project at the far extremity of the planned commercial area, Mr. Hansbarger recalled that the old ordinance had said filling stations should be lumped together in compact groups - the Pomeroy Ordinance does not say that. It is assumed that such a grouping is no longer considered desirable. It is a logical fact that business locates where there is business.

Regarding traffic, if they comply with all the known and definite standards for ingress and egress and safety, then they have met any possibility of a traffic hazard. It has been shown, Mr. Hansbarger continued, that filling stations are more safe than traffic around single-family homes. Statistics show that filling stations have no record of accident nor fires.

Mr. Hansbarger concluded that in this case he was convinced that they have more than complied with all the standards existing in the Zoning Ordinance

and standards put out by the State, and having done so, he felt the Board should authorize that a permit be issued.

He suggested that the layout, as shown, be made the basis for granting and that the use be made contingent upon following the layout as presented, including the design of the building. They will commit themselves to that plan, Mr. Hansbarger went on to say. They will comply completely with the Sign Standards Resolution passed by the McLean Citizens Association in 1958.

Mrs. Carpenter made the following statement - it appears to the Board that this is a precedent for setting up a pattern for the development of this area. She moved to deny the case because it does not conform to Section 30-127 - d - the location, size, intensity of this use would be objectionable to the residential area to a greater degree than is normal with respect to proximity of commercial to residential uses. Seconded, Mr. Lamond. Carried unanimously.

Mr. Hansbarger noted an appeal.

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The Board discussed the McAtee U-Haul at Seven Corners, the fact that he has not complied with the Board's motion.

Mr. Lamond moved that Mr. McAtee be notified to appear before the Board on August 8 and show cause why he has not complied with the Board's requirements; if he does not comply by September 12 the permit will be revoked. Seconded, Mrs. Carpenter and carried unanimously.

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Mrs. Henderson said there have been many complaints about the Leewood Nursing Home - they have a permit for 42 patients and they are petitioning to Richmond for 47.

Mr. Mooreland recalled that the Board had given these people a permit in 1957 and had not restricted the number of patients, granted for the duration of the ownership of the applicant. Mr. Dalton has said he would comply with the 25 ft. setback on parking but asked if he could use that area for a driveway.

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The meeting adjourned.

Mary K. Henderson
Mrs. L. J. Henderson, Jr. 10/3/61
Chairman

August 8, 1961

The regular meeting of the Board of Zoning Appeals was held on Tuesday, August 8, 1961 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present except Mrs. Carpenter. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

NEW CASES

1- T. L. WALTHALL, to permit erection of a dwelling 37.8 ft. from Frazier Lane, Lot 8, Section 3, Westmont, (on Frazier Lane), Dranesville District (R-17)

Mr. Roy Swayze appeared before the Board saying notices to adjacent property owners had not been sent.

Mr. Lamond moved to defer the case to September 12. Seconded, Mr. Smith. Carried unanimously.

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2- FIRST PRESBYTERIAN CHURCH OF ANNANDALE, to permit operation of a day school, kindergarten (non-profit), Parcel A, Sec. 1 Cedar Crest, (on New Castle Drive between Bristow Drive and Erie Street), Falls Church District (R-12.5)

Mrs. Hildebrand and Mrs. Bateman represented the applicant. The school will be conducted in the parish house and educational building, hours 9:00 to 12:00, 5 days a week, a maximum of 36 children (five-year olds); there are four rooms in the building, two baths and a kitchen. They have contacted the fire marshal who has made suggestions which will be followed. The play area will be on the side of the building within the wings. Parking area is adequate. The church will operate the school, hiring teachers.

The suggestion was made that church schools need not come before the Board, however, it was agreed that all private schools should have approval of the Board.

Mr. Lamond moved that the Board grant First Presbyterian Church of Annandale a permit to operate a day school, kindergarten (non-profit) based on the proposed location shown on plat presented with the case. The school shall not exceed 36 children. This permit is issued to the applicant only. Seconded, Mr. Smith. Carried unanimously.

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Mr. Mooreland informed the Board that people on Beulah Road have asked that Mr. Sorber's fence be removed (which is supposed to shield his gravel operations) in order that the State might work the road. Communication was received from Mrs. Qualls. Set aside for discussion later.

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3- ANTHONY A. BENSON, to permit dwelling to remain as built 45.3 ft. of Lee Ave., Lot 110, Sec. 2, Wellington, NE corner of Alexandria Ave. and Lee Ave., Mt. Vernon District (RE 0.5)

Mr. Gregory Orndoff represented the applicant. On July 12, Mr. Orndoff said the Board of Supervisors issued a temporary permit to the Bensons to occupy this house. They are an elderly couple who were given a very few days to vacate their quarters and had no other place to go.

Mr. Mooreland said this was a misunderstanding - he had told Mr. Orndoff that the Board of Supervisors could not give a temporary occupancy permit and the only way they could issue an occupancy permit of any kind was to adopt an amendment to the Ordinance. Mr. Orndoff went before the Board and he (Mr. Mooreland) was ordered by the Board of Supervisors to give these people a temporary permit until the Board of Zoning Appeals could act. This house was built and an error in location was found. They moved in July 15, 1961 under the temporary permit. The house was staked out wrong. Mr. Mooreland said the violation was not discovered until the certified plat came through. The plat was dated June 30, 1961.

Asked about the wall check which should have been made in the beginning, Mr. Orndoff said he was new to building in this County and did not know he was supposed to have that check. The violation is only one corner of the house toward Lee Avenue which is not a through street and never will be because a house sets in the way of its continuation.

Mr. Orndoff said the violation is not noticeable from any point. No one in the neighborhood objects to this evidenced by a petition signed by fifteen in the neighborhood. The error was made in overlooking the width of the street.

The Board questioned the action of the Board of Supervisors in ordering this temporary permit.

Mr. Smith suggested that no real harm was being done in granting a permit here. The violation is small; there is no carport or garage which could easily be removed, but on the other hand, it would be very difficult to move or cut-off part of the house itself. This was a hardship case and it would be an undue pressure on these people to deny the permit.

Mr. Lamond said the Commonwealth's Attorney had said that the Ordinance is very restrictive and probably should be liberalized in places but that at the present time the Ordinance as it stands puts the Board in a straitjacket in many instances.

Since the people are occupying the house a delay will not cause a further hardship, Mrs. Henderson said.

Mr. Smith again protested delay.

Mr. Orndoff said he would like to settle this, the Bensons are 62 and 63 years old. They have never owned a home before and have been very happy with the house, but this trouble has upset them so badly that Mrs. Benson has had a stroke. They have had a great deal of trouble over a period of time and he was hopeful that the Board could help them at this time. This violation will affect the financing until it is cleared.

Mr. Lamond moved to defer the case to the second meeting in September in order to discuss this with the Board of Supervisors. He did not understand why this went to the Board of Supervisors before coming to this Board. (Mr. Mooreland said they wanted a permit immediately and there was no time to come before this Board.)

The Board adjourned to read the minutes of this hearing before the Board of Supervisors.

After reading the minutes Mr. Lamond moved to defer the case to September 26. No second.

In view of the testimony presented before this Board and considering the health of the people in question and the fact that the Board of Supervisors has seen fit to order issuance of a temporary occupancy permit so these people could move in and use the dwelling, Mr. Smith moved that the application of Anthony A. Benson to permit dwelling 45.3 ft. from Lee Avenue, Lot 110, Section 2, Wellington be granted as applied for. Seconded, Mr. Barnes.

For the motion - Messrs. Smith and Barnes.

Mrs. Henderson and Mr. Lamond voted no. Tie Vote.

Tie to be broken September 12, 1961.

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4- KENWOOD SCHOOL, to permit operation of private school, kindergarten through fourth grades, Parcel A, Section 3, Plymouth Haven (2200 Ft. Hunt Road) Mt. Vernon District (R-12.5)

Mrs. Frazier represented the applicants. This school will be conducted in the Plymouth Baptist Church on a two-acre tract. They plan to have kindergarten through fourth grade, children from 4 to 9 or 10. Kindergarten and first grade will operate from 9:00 to 12:30, other grades from 9:00 to 3:00. This will run for 9 1/3 months of the year. They will have a maximum of 90 children - a total of 14 teachers. Approximately 20 children to a class. They will serve no lunches.

Mrs. Frazier said she had operated her school at Christ Church in Alexandria but they needed her space and since many of her pupils come from this area, she is petitioning to change her location. The children will come in car pools and school transportation. The arrangement with the church is on a year to year basis. They will have public sewer and water. There were no objections.

They have contacted the fire marshal and Health Department.

Mr. Lamond moved that the application of Kenwood School be granted - that the permit be granted to Mrs. Mildred Frazier and that the applicant, Mrs. Frazier only, is to operate the school, kindergarten through the fourth grade, located on Parcel A, Sec. 3, Plymouth Haven (2200 Ft. Hunt Road) as it does not appear that this use will adversely affect the neighboring property. It is understood that enrollment will be limited to 95 children. This is granted subject to approval of the fire marshal. Seconded, Mr. Barnes. Carried unanimously.

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5- TRI-STATE ELECTRONICS, INC. to permit scientific research and development operation, NW corner Lee Hwy. & Mary St., Providence District (C-G)

Mr. Donald Holbert represented the applicant. Mr. Reinis who will operate the business was present. They will occupy 1500 sq. ft. of space in the building immediately adjoining the restaurant. This firm will develop electronic parts and their components.

The Planning Commission recommended approval, provided sufficient parking is provided.

The Staff recommended that enough parking space be required to serve the three uses on the property - Mr. Pound's business, restaurant and this warehouse.

Mr. Reinis said he would have a maximum of ten employees. Mr. Pound has from 20 to 30 employees, many of whom go directly to their jobs and do not come to the shop.

Mr. Chilton said the determination of the parking was up to this Board; the Ordinance requires two parking spaces for each three employees.

Mrs. Henderson suggested that adequate parking be a condition of the permit and the amount to be considered adequate would be worked out in the site plan.

There were no objections from people in the area.

In view of the recommendation of the Planning Commission, Mr. Smith moved that Tri-State Electronics, Inc. be granted a permit for development of scientific research on property located at northwest corner of Lee Highway and Mary Street subject to site plan approval and adequate parking for the three uses. It is understood that all other provisions of the Ordinance

shall be met. Seconded, Mr. Barnes. Carried unanimously.

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6- DENTAL HOSPITAL CORP. to permit erection and operation of dental hospital on W. side of Sleepy Hollow Rd., Rt. 613, just south of Seven Corners. Falls Church District (R-12.5)

Mr. James R. Harris represented the applicant. Dr. Alexander was also present.

Mr. Harris described the building - ~~250' x 400'~~ 50' X 57' - two and a half stories brick colonial, designed to resemble a dwelling. Mr. Harris pointed out that this type of use will not create a traffic hazard because of the nature of the activity. This would be a fine thing for the County and a great asset to dentists in the area, he assured the Board.

Dr. Alexander told the Board that this is a new concept in the practice of dentistry - they can give the people better care, since the cost of full facilities which will be installed in this building would be prohibitive to the individual dentist. These will be available to all dentists in the area. It will be a complete installation which will take care of all dental problems which up to this time have not been available in this area. No dentistry will be practiced here. They will have four operating rooms and ten beds.

Mr. Lamond told the Board that at the Planning Commission meeting, many of the people in the area were present asking that this be granted.

It was noted that this property is approximately 400 ft. from the commercial zoning at Seven Corners.

Mr. R. J. Wyson said he had heard no objection to this, in fact people in the area are hoping that it will be granted.

No one in the area objected.

The Staff recommended that if this is approved the use permit be made subject to approval of a site plan in order that storm drainage, curbs and entrances may be reviewed and approved.

Mr. Lamond moved that the application of Dental Hospital Corporation to operate a dental hospital on the west side of Sleepy Hollow Road, just south of Seven Corners, be approved with the understanding that the applicant complies with standards set up under Section 30-126 of the Code - Special Permits. It is the opinion of the Board that this will not be a hazard and will not be incompatible with the neighborhood. Further, the Board sees no conflict with traffic in this neighborhood. This is approved subject to approval of a site plan by the Planning Commission and for review and approval of the drainage, entrances, etc. Seconded, Mr. Barnes.

7- JACK H. & DELORES MERRITT, to permit operation of kindergarten and nursery through first grade, Lot 1 and outlot A, Resub. of portion of Lot 11 Leewood, Mason District (RE 0.5)

Mr. John Scott represented the applicant.

Mrs. Henderson recalled that when the conditions incorporated in this application were presented to this Board and Mr. Scott asked for a new hearing the Board determined that the material presented did not constitute new evidence but that the material presented was a new case and therefore should be filed as such. It was recalled that the original hearing was denied May 13 because of the large number of children planned for the school which would cause too great an impact upon the area.

Mr. Lamond stated that the Commonwealth's Attorney had said that because the denial was based mostly upon the quantity of children - this, in his opinion is a new case.

Mr. Douglas Adams, representing opposition stated that he did not agree that this is a new applicahion - it is substantially the same, Mr. Adams contended, merely a reduction in density. It could not be more closely identified with the original application without being the same case.

Mr. Scott continued, saying this would be an all day nursery and kindergarten and first grade school on 4.5 acres of ground. The property has approximately 200 ft. on Backlick Road immediately across from its intersection with Edsall Road. He pointed out the land use in the area.

In the beginning, Mr. Scott recalled that the Planning Commission had recommended granting this - vote 6 to 3. When the case came up the second time they did not review the case. It is assumed that they would make the same recommendation. All utilities will be available. They will connect with public water and sewer and will make other improvements to the property. He showed a picture of the property indicating that it is partly wooded. The trees will be left as much as possible to make a natural buffer. The lot is more than 1000 ft. deep.

Mr. Scott continued - there is a four bedroom house on the property now, which will be renovated with additional bath, better heating facilities, new wiring, and paint inside and outside. The Merrits will conduct the school which will ultimately have 80 children. They are now operating the Spring 'N'Dale School.

Mr. Merritt gave his educational background, also his wife's, their activities in the community and described the type of school they plan. They will have four levels of education, all kinds of skills, reading, attention to work habits, field trips, everything to give a full well-rounded education.

[illegible] It is understood that all other provisions of the Ordinance

Jack & Delores Merritt - Ctd.

The school will operate from 7:00 a.m. to 6 p.m. five days a week.

He assured the Board that this would be a clean and sanitary operation with new and modern equipment,adequate light and ventilation and modern and safe play equipment.

They will run two buses and a station wagon.

This will be a State approved school. Mr. Merritt said there is a great need for this school. There are sixty families in the community who have not been able to get their children in school - they have turned away fifteen. For that reason they have gone into this expansion program.

They will have adequate play area for each age group, equipment will be suitable for young children.

They plan to have twenty children all day and twenty children half day.

They will use the first floor of the building. When they wish to expand to 80 children they will come in for another building. At present there will be no more than forty children and five teachers. They may serve lunches.

Mr. Merritt asked that he have no time limit on this because of the expense involved in remodeling. They will screen and landscape the grounds.

The play area will be at the back of the present structure. They will fence about one-half acre - fence on the north property line. It will not be necessary to fence on the south because that is where the new structure will be and the play area will be a considerable distance from the south line.

The Highway Department will work with them on the ingress and egress. Parking area will be in front and on both sides. Mrs. Henderson noted that parking must be 25 ft. from property lines.

This will be a twelve month school - five days a week. This is a service for working mothers. In the summer months they will have a day camp, with outdoor activities.

Mr. Merritt pointed out also that there probably would not be eighty children on the property at any one time as the play activities must be controlled and geared to the different age children.

Mr. Scott told the Board that the ideal area for children in the public schools is approximately 600 children on a ten acre tract as compared to this school - 80 children on 4.5 acres.

Mr. Scott said Mr. Burroughs of the Highway Department has made the statement that there is no problem as to traffic congestion - that Backlick Road will be widened to four lanes and he did not anticipate that the flow of traffic from this use would affect traffic on Backlick.

Mr. Merritt said there had been no objection to his present school.

The Health Department will inspect the property, Mr. Scott continued, and they will comply with their suggestions - the same with regard to the fire marshal.

According to State regulations each child must have 20 sq. ft. of inside area and 200 sq. ft. of outside area. They comply with that, Mr. Scott noted.

Mr. Scott read from the Public Facilities Plan which points up the public school problem in Fairfax County and he also noted that no provision for kindergarten is being made in the County. These people are attempting to provide the County with a real need - there are more than 65,000 people in the trade area here at this time and by 1978 it is anticipated there will be 100,000.

The Chairman asked for opposition.

Mr. Douglas Adams represented Mr. Jacobs and 76 property owners who have signed a petition against this. 44 lots were represented.

This is an attractive old subdivision, Mr. Adams stated, one of the oldest in the County. The people have tried to maintain the large lots, the woods and the large old homes.

Mr. Jacobs has a 400 ft. common boundary with these people. This is his permanent home. He has improved the property in the amount of approximately $11,000.

Mr. Adams said he was assured that these people run a good school, but he was also sure that this is not the place for it. It will change the character of the area. It is in the heart of Leewood. These people object to the noise, traffic and to disrupting their quiet way of life. He recalled that an addition to the Leewood Nursing Home was turned down to preserve the rustic rural neighborhood.

The shape of this lot is particularly objectionable, Mr. Adams pointed out. It is long and narrow, it affects many people, abutting many acres of ground, bringing the actual school area very close to homes. A square piece of ground would be far less objectionable.

The traffic pattern here has been bad for a long time, Mr. Adams went on to say - it has been necessary to have a traffic officer at evening. It has been noted that 6,277 vehicles per day travel Braddock Road. Edsall Road at this point has 4,976 vehicles per day. This will increase traffic and expecially being located directly across from the Edsall Road intersection it will cause a serious problem. Mr. Adams noted that no letter has been produced from Mr. Burroughs saying he would approve this. There are no sidewalks in this area to protect people from the heavy traffic.

Jack & Delores Merritt - Ctd.

Mr. Adams read a petition signed by people in the area - also a letter from Mr. & Mrs. Edwards, all objecting for reason of traffic, noise, disturbance, creeping commercialism and encouragement to other commercial enterprises.

Mr. Adams suggested that there are many areas in this part of the County that are not fully developed with homes, which would be well suited to a school; areas with young familes with young children. This is an old subdivision, well established and settled, why come here with a school?

This is exactly the same case as the Board turned down, Mr. Adams argued - the only change is in the number of children, from 300 to 80. The particular thing that bothered the Board before was the number of children. Do these people ever intend to enlarge beyond 80 children?

Mr. Smith said his objection to the original case was definitely to the 300-pupil school.

Mr. Scott insisted that on May 15, 1961 Mr. Burroughs said that plans on the widening of Backlick Road will be available in two weeks and Mr.Burroughs stated that he did not think a school here would create traffic at the intersection. Mr. Scott noted that three people on one side of this property have no objections.

Mr. Scott told of previous difficulty between Mr. Merritt and Mr. Jacobs.

Mrs. Henderson asked if there would be night activity or week-ends.

Mr. Merritt said not on weekends - they might have a few meetings at night during the week, parents night about twice a year.

Mr. Scott said this application is for 80 children and no more.

Mrs. Henderson objected to the type of school - the day care, all day every day and all through the summer - a 12 month operation. She also objected to the long narrow lot which she considered would make the impact upon neighbors much more unpleasant.

Mr. Smith said it was important to him that three of the four adjoining people do not object. Mr. Smith said schools of this size have not proved to be a nuisance - the Board has granted schools with this many children and on less area. He was conscious of the impact from the long day but he also noted that the children would have close supervision and no more than 20 or 30 children would be in the play yard at one time. He did not think 30 young children playing could create a great disturbance.

Mr. Merritt said there had been no objection to his present school.

Jack & Delores Merritt - Ctd.

It was recalled that Mr. Merritt had asked for C-O zoning on his present school at one time in order to be able to expand without coming before the Board of Zoning Appeals and because of financing. The zoning was refused.

Mr. Lamond moved that the case of Jack H. and Delores Merritt be approved for, not to exceed 80 children, that the permit be issued to the applicant only, and that the standards of Section 30-126 shall apply in this case. It is the opinion of the Board that this use will not create a hazardous traffic condition nor will it change the character of the neighborhood. This is to be granted for and limited to a kindergarten, nursery school and through the first grade. It is also understood that the play area will be fenced and it is also understood that this shall meet all other provisions of the Ordinance applicable to this use. Seconded, Mr. Smith.

For the motion - Mr. Lamond and Mr. Smith.

Voting against the motion - Mrs. Henderson and Mr. Barnes.

Mrs. Henderson said she did not consider that this meets the standards under Section 30-126 - the road is narrow, and this would add to the traffic problem already here.

Tie vote - to be broken by Mrs. Carpenter on September 12.

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The Board adjourned for lunch.

Upon reconvening television cameras had been set up for a documentary film to be used in public relations, especially in West Germany.

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8- SIBARCO CORPORATION, to permit erection and operation of a gasoline station and allow pump islands 25 ft. from right of way lines, part Lots 1, 2 and 3, Block E, Courtland Park, Mason District (C-N)

Mr. Al Hiss represented the applicant. When this property was rezoned, Mr. Hiss recalled, the "proposed use" was advertised and posted as a filling station. There was no question in the minds of the Board of Supervisors that the applicant would apply to the Board of Zoning Appeals for that use. Apparently the Board of Supervisors did not think it incompatible with the area and the people in the area were well advised that a filling station was proposed. The Board of Supervisors granted the zoning by a vote of 5 - 2. The Planning Commission reviewed this case, three abstained from voting - the others recommended to deny it. The Staff recommended to grant.

Mr. Hiss pointed out that this site includes only a part of these lots - approximately 70 or 80 ft. are unused to the west. Mr. Hiss located other uses and other zoning in the area, indicating that this is not unlike other uses in the area. He showed pictures of the property in question.

Mr. Hiss related this use to each step in the criteria pertaining to filling stations, stating that it meets requirements in every instance. He also noted that people owning land to the east and west of this do not object. However, he also noted that the people behind this property in Courtland Park opposed the rezoning and he assumed they would oppose this use.

This would be operated by Atlantic Refining Company; they will keep the station open until probably 9:00 or 10:00 at night. The area immediately to the west has been sold and will be developed commercially; land to the north also has been sold. Mr. Hiss said it was his understanding that a 7-11 Store will go on the property to the west and a flooring business will go in to the north.

There is nothing unusual in this request, Mr. Hiss continued - it is a permitted use. The land was zoned for this purpose, it has met the criteria, and it is entirely within the jurisdiction of the Board to grant.

Mrs. Henderson said the fact that a filling station was set up in the Ordinance in a business district, still requiring a special permit was evidence that the Board of Supervisors considered filling stations incompatible in certain places. She thought the Board should give very special consideration to determine if this would be compatible with the area.

Mr. Hiss agreed that the special permit put this in a little different light, but he noted the many other uses that could go here without a special permit -- uses which could be annoying and over which the Board would have no control.

The Chairman asked for opposition.

Mr. J. H. Nagel appeared representing Courtland Park Citizens Association. (Mr. Nagel lives on Oak Street.) Mr. Nagel discussed the traffic condition at Bailey's Crossroads and the effect this station would have on the traffic. He considered it would have an adverse effect on the use of the ground in this area and the homes in Courtland Park.

Sibarco corporation - ctd.

Mr. Nagel noted the sixteen filling stations in the Bailey's Crossroads area - two under construction - which he said well supply the need. He did not consider that this meets the criteria set up in Section 30-127 because of the location, size, intensity, noise, fumes, and lights. He considered many other types of business more compatible with the area. He recommended denial of this use.

Mrs. Barnt agreed with Mr. Nagel. She also represented the Huddlestones in opposition. She thought filling stations should be allowed in C-N zoning only in exceptional cases and there should be no question of compatibility with the area.

Asked if she considered this would generate more traffic, Mrs. Barnt said there would be more ingress and egress on to Columbia Pike which makes it difficult for people to travel the road. She also opposed a restaurant going in here. Mr. Smith pointed out that a McDonald's Hamburger Stand could go here by right.

Mr. Lamond said the Board could do nothing about the traffic, that is the responsibility of the Highway Department.

Mr. Hiss again discussed other uses which could go in here by right and the Planning Commission recommendation with which he did not agree.

Mr. Smith made the following statements: that the Board of Supervisors rezoned this property knowing full well that a filling station was planned - the plan submitted to this Board offers some buffer between residential property and the filling station if there is need for a buffer. There is a filling station just up the street from this location, a car wash is across the street washing some 300 cars a day which is more cars than would come into a filling station. A filling station in this location would not generate traffic, Mr. Smith continued, the people using it will be transient or people in the community. There are many businesses that could go in here by right that are far more objectionable than a filling station (particularly a restaurant with curb service) which could keep later hours and would generate traffic, and more ingress and egress. Therefore Mr. Smith said this seems to be a suitable use for this property. This is commercially zoned, the Board of Supervisors zoned this knowing that the intended use was for a filling station - Mr. Smith moved that the application of Sibarco Corp. to permit erection and operation of a gasoline station and allow pump islands 25 ft. from right of way lines, part of Lots 1,2,3 Block E, Courtland Park, be granted. It is understood

Sibarco Corp. - Ctd.

that this is granted for a filling station use only. Seconded, Mr. Barnes. Mr. Lamond, Mr. Smith and Mr. Barnes voted for the motion.

Mrs. Henderson voted no, stating that she was in agreement with the Planning Commission recommendation. Motion carried.

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9- BEECH PARK CORP. to permit erection of buildings to side lines and to rear lines, Lots 3, 4, 31, 33, 35, 36, 37 and 38, Beech Park, Providence District (I-L)

Mr. Tex Harrison represented the applicant. Mr. Harrison pointed out that his property has been cut by the corporate line of the Town of Fairfax - part of it is residential zoning and part industrial. The land in the Town (now City) is zoned for heavy industry. Mr. Harrison also pointed out that this entire area was planned by the County for industry - but this was abandoned when the Town took over part of the area and no study has been made. He was of the opinion that this will be set up for industry in view of the uses and the location. There is General Business zoning in this area. Mr. Harrison said he asked to take his buildings up to the line because of the fact that this entire tract is certain to go for either industry or heavy commercial. Similar variances have been granted in this area and other areas where property adjoining was residential but scheduled to go industry.

Draper Drive will be widened, Mr. Harrison went on. He has tried to get the state to lower the street - the City of Fairfax will take the road up to the line but nothing has firmed up on this yet.

Mr. Harrison said he would have no prefabricated buildings. All would be brick or equal.

The Board discussed this at length -- waiving the screening requirements, the use of residential lots across Draper Drive, other uses in the area, and location of the building.

Mr. Harrison said he had tried to buy Lot 34 which is between two industrial zones but the man will not sell. No one is living in the house on Lot 34. That lot will surely become industrial, no one could meet the 100 ft. setback required.

This is, for all intents and purposes, industrial property, Mr. Smith said. This in itself is a peculiar and exceptional circumstance. The only practical approach to this is to grant variances. This residential land will be sold for industrial purposes - it could not be anything else. To allow development of the property the Board should grant

Beech Park Corporation - ctd.

a variance in order that this man can go ahead with his building plans. Mrs. Henderson thought the screening should not be waived but Mr. Harrison said he could not screen without going on the other man's property, if the building is located up to the line.

Mr. Harrison said as the land lays now he will have to do a considerable amount of grading or put in a two level building. All the other buildings in this area were set back 35 ft. Mr. Harrison continued, at a time when that was the required setback. Mr. Harrison said he could set back 50 ft. if the Board wished. It has been made difficult to develop this area since some have property which they will not sell and will not develop. The area is in such a situation now that residential development would be impossible.

There were no objections from the area.

The Planning Commission made no formal recommendation.

Mr. Lamond moved to defer action on this case to view the property. Defer to September 12. Seconded, Mr. Smith. Carried unanimously.

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DEFERRED CASES

1- ORVA MORRIS, to allow enclosed porch to remain 23.25 ft. from Washington Ave., Lot 13B, Section 1, Huntington (1421 Washington Ave.) Mt. Vernon District (RM-1)

Mr. Trotter represented the applicant. This case was deferred to contact the contractor who got the building permit for a back porch and no permit for the front where he built the porch.

Mr. Trotter introduced Mr. Timlin who had contacted legal counsel in Maryland trying to get in touch with the contractor.

Mr. Timlin said it was his understanding that the Board suggested that the applicant had legal recourse against the builder and asked Mr. Trotter to see what could be done.

Mr. Timlin wrote to these people asking them to settle without going to court but he received no answer. He then contacted Mr. Rothman, a member of the firm, who denied any liability in this case. He suggested that the applicants go ahead and sue and see if they could collect. They then contacted Paul Cotter, attorney in Maryland, to bring action against these people. After writing to the company and receiving no answer, Mr. Cotter discovered that there are three judgments against this company and there is no chance of satisfaction. It would cost $300 to bring the suit and the Morris's would probably get nothing. Mr. Cotter said it would appear

to be an undue hardship on these people since they have no chance of recovery.

Mr. Trotter continued to discuss the case recalling that this was an existing porch under the old ordinance, which was an enclosed porch. There are many like this in the area and no one objects to this. These people were not flounting the law - they thought they were taking every precaution - the result is not their fault. Mr. Trotter urged the Board not to make them tear the structure down as the slight violation is not a detriment to the area and it does add to the house to make it more attractive and livable.

If this is granted, Mrs. Henderson suggested that many others might come in for the same thing. Mr. Smith noted that many other porches in this area have been enclosed, one much closer than this.

Mr. Mooreland pointed out that houses in this development were mostly built during the '40's and with a 30 ft. setback under the old Ordinance.

This is not an act of the applicant, Mr. Smith noted, it is the result of licensing of these irresponsible people by the District and Maryland. Such people stay in business by organizing a new company and then dropping the old company name as soon as they get too many judgments behind them. When they disband and form a new company it is practically impossible to get them.

This is unusual, Mr. Smith continued, in that the County does not have this happen every day. These people thought they were complying with all the regulations; they got a permit and paid this company, who disappeared before they found out about the violation. He thought consideration should be given the applicant because he had nothing to do with the mistake. He has done everything he possibly can do to straighten it out. This gives these people a little more room. The lot is narrow and it is about the only way they can add to the house.

The Board agreed that there were unusual circumstances here - the narrow lot, this is an old subdivision, and it is the rule of the Board to handle each case on its own merits.

In view of the unusual circumstances surrounding this case, the narrow and old lot which is in an old subdivision and the applicants have tried every possible means of getting redress against the contractor, the mistake was not of their own making, therefore Mr. Smith moved to grant the application to Orva Morris as applied for - to allow enclosed

Orva Morris - Ctd.

porch to remain 23.25 ft. from Washington Ave., Lot 13B, Sec. 1, Huntington. 250

Seconded Mr. Barnes.

For the motion - Mr. Barnes and Mr. Smith.

Mr. Lamond voted no - he saw no hardship caused by the Ordinance and the only hardship discussed was financial. To grant this he thought not within the jurisdiction of the Board.

Mrs. Henderson refrained from voting.

Motion carried.

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A. R. EVERS, to permit erection of dwelling closer to side property line than allowed by the Ordinance, Lot 24, Forest Villa (on Forest Villa Lane) Dranesville District RE 0.5

This was deferred to view the property. Mrs. Henderson stated that the house is under construction and the garage is on the wrong side of the house. The cut in the apron for the driveway is on the opposite side of the house. The plat shows that the house under construction meets the setback requirements.

In view of the house location plat shown the Board, Mr. Smith moved that A. R. Evers, to permit erection of dwelling closer to side property line than allowed by the Ordinance, Lot 24, Forest Villa, be denied his request as there is no evidence of hardship shown in the case. Seconded, Mr. Barnes. Carried unanimously.

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3- CARL R. JENNINGS, to permit dwelling to remain 46 ft. from Navaho Drive, Lot 63, Section 2, Lincolnia Park, Mason District (RE 0.5)

Mr. Gordon Kincheloe represented the applicant.

Mr. Jennings built this house, Mr. Kincheloe said. This is his first building in Fairfax County. He came to the courthouse for advice and was told he must have a survey. He went to Carpenter & Cobb and had them survey the lot and locate the house. The check on the foundation was not made until the final check was made. The house is located on a dead-end street (cul-de-sac). The lots all around this property are developed. This street will never be put through any farther as a house is directly in the way of farther extension. This is a matter of only 4 ft. at one corner of the house. The ground slopes, very steep in all directions; the house is practically on a knoll.

Mr. Kincheloe said he had talked with Mr. Carpenter about this and he did not admit that this was his error.

Mr. Jennings has gone to great lengths to straighten this out, Mr. Kincheloe continued, he tried to have the lots resubdivided to give him more frontage and tried to buy more ground. He was unable to do any of these things. The people on adjoining lots have no objection to this, but the one next to this violation would not sell to him. The builder has done all he can, Mr. Kincheloe went on, but nothing has worked out. The surveyor made the mistake in the beginning, but Mr. Kincheloe said, the house is on a cul-de-sac which will never be continued, the ground slopes in all directions, the basement is almost walk-in level. There are large glass doors at the rear of the basement which lead out on to a terrace. The house is back just about as far as it can be under any circumstances.

There were no objections from the area.

Mr. Lamond moved that steps 1 and 2 under the ordinance pertaining to variances apply to this case - that there are unusual circumstances applying to the land which has steep slopes in all directions. The strict application of the Ordinance would prevent the applicant from a reasonable use of his land. The minimum variance that could be granted is that applied for. It is the opinion of the Board that granting this variance would not adversely affect the neighborhood. Seconded, Mr. Barnes. Carried unanimously.

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4- TAMARACK STABLES, to permit operation of riding school and boarding horses, on westerly side of U.S.#1, approx. 2000 ft. south of Pohick Creek, Lee District (RE-1)

Deferred for notices to adjoining property owners.

Mr. Leon Majewski, owner, discussed the case with the Board.

Mr. Majewski said they have a three year lease on this property upon which five buildings are located. (two barns) They intend to train horses and rent them to polo players. They will also have one class a day in riding lessons - six days a week - lessons conducted by a qualified riding instructor. They will also have about five boarders. They wish to establish a kind of retreat for horse owners.

There were no objections from the area.

Mr. Lamond moved to grant the application to Tamarack Stables to permit operation of a riding school and for boarding horses, on westerly side of U.S.#1 approximately 2,000 feet south of Pohick Creek, granted as applied for, to Mr. Leon Majewski only, for a period of three years. The

Board is of the opinion that this will not adversely affect neighboring property and that such a use is harmonious with the area. Seconded, Mr. Barnes. Carried unanimously.

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5- FRED & DONNA B. CROUSE, to permit erection of carport to be 9.4 ft. from side property line, Lot 65, Section 5, ElNido Estates (5809 Dryden Drive) Dranesville District (R-12.5)

It was noted that the final plat of this property shows an existing carport but the applicant stated that there is no carport on the property. Mr. Crouse said he had asked his surveyor to present corrected plats to the Zoning Office.

Mr. Lamond moved to defer the case until September 12 for corrected plats. Seconded, Mr. Barnes. Carried unanimously.

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6- VIRGINIA ELECTRIC & POWER CO. to permit erection and operation of a power transmission line, easement from Idylwood Station to CIA, Providence District

Mr. Hugh Marsh represented the applicant. This case was deferred for written opinion from the Commonwealth's Attorney regarding the Board's right to act on this case in view of the fact that the applicant had already constructed the lines.

Mr. Mooreland read the following opinion from Mr. Fitzgerald:

"To: Board of Zoning Appeals

From: Robert C. Fitzgerald, Commonwealth's Attorney

Re: Permit for Allowing Transmission Lines

Mr. Lamond asked that I give my opinion to the Board of Zoning Appeals concerning whether or not the Board, in passing on an application for a use permit for the erection of high-powered transmission lines, should decline to act on same for the reason that the applicant had already constructed the lines in such location. It is my opinion that the fact that such lines have already been constructed should not affect the Board's action nor should the fact that the applicant reserved any rights that he might have in applying to the Board of Zoning Appeals affect the Board's decision. The case should be heard and determined upon its merits.

Robert C. Fitzgerald
Commonwealth's Attorney"

Following is the motion passed by the Board with regard to the VEPCo application:

In view of the opinion of the Commonwealth's Attorney that "the fact that such lines have already been constructed should not affect the Board's action nor should the fact that the applicant reserved any right that he

might have in applying to the Board of Zoning Appeals affect the Board's decision - therefore the case should be heard and determined upon its merits", Mr. Lamond moved to grant the application of VEPCo for a special permit filed April 21, 1961 under Section 12.8.2, Sec. 2 of the Fairfax County Zoning Ordinance, to erect and operate a power transmission line on easement running from Idylwood Station to CIA, property located in Providence and Dranesville Magisterial Districts. The line is more particularly described as follows:

Starting at Idylwood Substation on Shreve Road, the line extends in a generally northeast direction to the Leesburg Pike (Rt. 7) avoiding the congested areas wherever possible. In this section, it was necessary to consider future plans of the Department of Highways for road construction and the best information available at that time was taken into account.

Just north of the Leesburg Pike, the line picks up the course of Pimmit Run and follows it for about 2.5 miles to Great Falls Road (Rt. 694). Between Great Falls Road and Westmoreland Road (Rt. 693) there was a 33 kv pole line that had been in existence for several years and also followed Pimmit Run. This line was rebuilt in the same location to provide for the new 110 kv line as well as the existing 33 kv line.

From the Westmoreland Road the line continues to follow the course of Pimmit Run for about two miles to a point near (and south of) Potomac School where it turns more to the north and follows the road (Rt. 688) between the Potomac School and Chain Bridge Road (Rt. 123) for about .75 miles. In this area an existing low voltage line was rebuilt in its existing location to provide for the new 110 kv circuit.

To the north of Chain Bridge Road, the line enters the Government-owned property occupied by the Bureau of Public Roads and continues to the site of the CIA installation.

A substantial portion of the line follows the right of way of the county sewer line, for which permission has been obtained by VEPCo from the county.

The motion was seconded by Mr. Barnes and carried unanimously.

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7- KARLOID CORP. to permit addition to laboratory buildings, on northerly side of Rt. 7 opposite Andrew Chapel, Dranesville District (RE-1)

August 8, 1961

Karloid Corp. - Ctd.

Mr. Gibson represented the applicant. He pointed out that there are two buildings on the property. The application seeks to connect the buildings with a 2200 sq. ft. structure. This will be for the purpose of housing an electronic microscope.

No one in the area objected.

Mr. Lamond moved to grant the application of Karloid, Inc. to permit addition to laboratory buildings located on northerly side of Rt. 7 opposite Andrew Chapel, as this does not appear to adversely affect the surrounding area. Seconded, Mr. Barnes. It was noted, however, that site plan approval would be required. Carried unanimously.

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8- U-Haul -- McAtee, part Lot 39, Buffalo Hills

Mr. McAtee appeared before the Board in answer to the show-cause why his permit should not be revoked - because of lack of compliance with terms of the motions passed by the Board of Appeals regarding installation of U-Haul business at Seven Corners.

Mrs. Henderson read the motion approving this use and the motion passed subsequently when Mr. Marcus Beckner brought the site plan to the Board of Appeals for approval.

Mr. Smith objected to Mr. McAtee parking commercial vehicles in front of his business where he said the road is narrow and trucks block the road and the view. Mr. Smith suggested that all parking should be inside the wall. The Board noted that the site plan approved by the Planning Commission was not the same as that presented to the Board by Mr. Beckner and approved by the Board.

Mr. Chilton said he had understood that parking of passenger vehicles was allowed between the wall and the street right of way.

Mr. McAtee said he would get rid of the little building on this property when he gets his occupancy permit. He has been greatly handicapped in getting things done on this project; everything has been contingent upon something else -- and one thing after another has been held up. He was hopeful that the difficulties were all ironed out now.

Mr. Smith said the area between the wall and the sidewalk looked shabby - no planting had been put in and no grass.

Mr. McAtee said he had been told not to plant trees in June; then again he was told to plant them. He thought they should not go in until fall but he had put out the trees.

It was agreed that passenger cars could be parked in front of the wall

but that no commercial vehicles should be parked on the street or in front of the wall; no commercial display outside the wall.

Mr. McAtee said the Planning Staff was requiring a 16 ft. 15" pipe to run into the cateh basin but he did not think that should be required as it will have to be torn out when the man next door builds. Mr. Smith said that Mr. McAtee would probably have to put that in or get it waived. Mr. Chilton said Public Works thinks this drain is necessary until such time as the property next door is developed.

Mr. McAtee agreed to complete his sodding as soon as he could move the old building and complete the fencing. It was noted that he had only 25 ft. of fencing on the sides of his property. The minutes showed that there was no talk of 25 ft. of fencing - the discussion was of a fence on the side property line. Mr. McAtee said he would fill in the fencing on the sides. He agreed also that there would be no parking of commercial vehicles outside the fence and that the place would be in good order by September 12. In view of this the Board took no further action on the show cause.

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FALLS CHURCH WATER COMPANY to extend permit for installation located on northerly side of Rt. 123 opposite Hunting Ridge Subdivision.

Mr. Brophy appeared for the applicant, stating that their time on the permit is up and the applicant would like an extension for one year. Mr. Brophy said they had been delayed because they did not know what the grade would be on the airport access road. This is within the interchange. Mr. Brophy said there had been legal difficulties which are being straightened out now.

Mr. Lamond moved that the Board extend the permit of Falls Church Water Company on installation at the airport access road interchange at Rt. 123 in Lewinsville, for a period of one year because of unsettled conditions of the airport access road and it is understood that all other conditions of the application will remain the same. Seconded, Mr. Smith. Carried unanimously.

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Mrs. Henderson read a letter from Mr. and Mrs. Tutt - asking a rehearing. After reading the letter the Board recognized the fact that the only new evidence which might be considered is the fact of the location of the septic field and that it was agreed was hardly new evidence. The

Mr. and Mrs. Tutt - Ctd.

Board adjourned to read the minutes of the case. It was agreed that no new evidence had been shown to justify a rehearing.

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Mr. Robert R. Boyer came before the Board regarding his case which was denied by the Board on June 27.

Mr. Mooreland read the following opinion on this case written by the Commonwealth's Attorney: (dated August 2, 1961)

"The question has been raised in the Boyer case as to the application of the above section (Section 30-7) to a situation where all the houses in the block (more than 25%) are built with a front stoop or porch closer than the required setback. It is my opinion that you must apply the definitions and requirements of the current ordinance instead of the terms of the old ordinance which would in effect establish the setback in such block at the average setback of the dwellings in such block existing at the time of the passage of the ordinance measured from the property line to the nearest point of the building including the porch. It is further my opinion that the terms of the Zoning Ordinance would permit Mr. Boyer to construct what he desires as a matter of right."

Mr. Mooreland did not agree with the opinion; he discussed the definition of "non-conforming" as given in the Ordinance, stating that the opinion expressed by Mr. Fitzgerald cannot be reconciled with the definition of "non-conforming". Mr. Boyer had asked to extend his porch across the front of his house and claimed that the porch as built before the Ordinance, when porches were allowed to extend into the front yard, had established a setback and that set back was not non-conforming, therefore he could extend his porch as though it met the required setback -- an opinion which Mr. Boyer pointed out, conforms to that of the Commonwealth's Attorney.

Mrs. Henderson recalled that this had been discussed at length at a previous meeting and the Board had determined that the house wall was still the setback and not the porch, even though that porch was built before the Ordinance and she saw no reason to change that interpretation.

Mr. Boyer pointed out that, in that case, every house in Holmes Run Heights is in violation. He considered the porch to be a part of the house and therefore it forms the legal setback. More than 25% of the houses in the block had porches - with the same setback. This was done and the setback established before the Ordinance, Mr. Boyer

Robert Boyer - Ctd.

contended, and it became a conforming location with a 43 ft. setback upon adoption of the present ordinance.

The question -- is the porch a part of the house?-- was discussed.

Mr. Boyer contended that it is. The Board disagreed with this.
Mr. Boyer contended that the Ordinance was changed for the purpose of taking care of these preexisting houses that were non-conforming. If the County created a situation where 100% of the houses in a block or subdivision are non-conforming - that is capricious, Mr. Boyer contended.

Mrs. Henderson pointed out that the location of any new house would be based upon the wall of the house rather than a porch; the porch is an extension and is non-conforming.

It was suggested that Mr. Boyer was not formally before the Board. The memo from Mr. Fitzgerald was addressed to Mr. Schumann, not the Board, and they would take no action at this time; however, it was suggested that Mr. Boyer still had time within his 45 days to request a rehearing. Mr. Boyer said he had lost his appeal rights to the court since 30 days since his denial have expired but that he would file for the rehearing and if the Board gives an adverse decision he could appeal on that. He thought the court would reverse the Board's interpretation.

No action was taken at this meeting as it was only an informal discussion.

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The Board again discussed the Sorber fence.

Mr. Mooreland was instructed by the Board to contact Mrs. Qualls and if she can assure the Board that other people in addition to Mrs. Qualls who who are affected by this Sorber case are in favor of allowing the fence to come down so the road can be fixed - it would be agreeable to the Board. But Mr. Mooreland said he must be sure before taking any action that this will be entirely satisfactory to the community.

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

10/3/61

The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 12, 1961 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 was opened with a prayer by Mr. Lamond.

NEW CASES

1- EDMOND K. GIVENS, to permit rear porch 21 ft. from rear lot line, Lot 63, Sec. 1, Ravensworth Park, (7702 Bristow Drive), Falls Church District (R-12.5)

Mr. Givens appeared before the Board stating that the porch is almost completed. He did not realize he needed a permit for this construction. He needs this for summer and winter shelter. They have a small patio in the rear of the house - this would adjoin the patio. It would be merely a roof with supports - no enclosure.

Mrs. Henderson suggested setting the posts in 25 ft. from the rear property line and allowing a 3 ft. overhang, thus avoiding the need for a variance.

Mr. Givens contended that the odd shape of the lot which was wide in front, narrowing toward the rear and with an angled rear line was the reason for this request. Had the rear line been more or less parallel to the front line he would have needed no variance.

There were no objections from the neighborhood.

Mrs. Carpenter moved to deny the case as it does not conform to Section 30-36 - Variances, and no evidence has been presented of hardship as set forth in this section. Seconded, Mr. Lamond.

The applicant was given 90 days in which to conform to the terms of this denying motion. Carried unanimously.

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2- D. W. TARDIF, to permit erection of porch 18' 8" from rear property line, Lot 25, Blk. 33, Sec. 8, Springfield, (6105 Ashley Place) Mason District (R-12.5)

Mr. Tardif presented a letter stating that the Architectural Committee of Springfield had approved this addition architecturally. He noted that only approximately 50 sq. ft. of the porch is in violation. Mr. Tardif pointed out the unusual shape of the lot which he said restricted him in the location of the house. He noted also that he is about the only one in this block of thirty houses that is restricted from adding a porch in this location which he noted is the natural place for a porch. It gives easy access from the house. This planned addition is 12' x 15' - identical to porches on adjoining lots.

Mr. Tardif said he considered his main hardship the shape of the lot. He

told the Board that there are no objections from people in the neighborhood and the onesmost affected have stated in writing that they have no objections. Mr. Tardif said he considered that the restrictions in the Ordinance do not allow him a reasonable use of his land because of the irregular shape of his lot. He showed what effect moving the porch away from the side line would have in that it would partially cover his sliding door. He said there were at least ten ramblers and several split levels in his area which have screened carports or an additional room and carport. There are only two lots in this block that have this irregular shape.

Mrs. Henderson noted that even had the house been located to the north on the lot the porch could not be added within the regulations. The only way the porch could have been added was to have revised the floor plan of the house.

This is a situation that does not apply generally throughout this subdivision, Mr. Smith observed. This is an unusual shaped lot and due to the physical irregularity of the lot it would appear that a variance is justified.

Even if the house had been moved 2 ft. farther from the line the need for a variance would not be eliminated. The applicant has a considerable amount of land and there is no evidence that he is attempting to crowd the property. Mr. Smith moved that the variance be granted as applied for noting that step one and two apply in this case and the minimum amount of variance that can be granted is that applied for. Seconded, Mrs. Carpenter. Carried unanimously. (18' 8" from rear property line, granted.)

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3- C. E. BRIGGS, to permit an addition to dwelling 7 ft. from side property line, Lot 148, Valley View Subdivision (2607 Valley View Drive), Lee District (R-17)

Mr. Briggs stated that the present porch is too small for any practical use. They would like to tear that out and put on this addition which would be an 8 ft. extension. The present structure is 7'7" by 13'4". Mrs. Henderson, noting that the lot is very deep, suggested going back with the addition - Mr. Briggs said that would make an odd kind of addition to the house and would not be practical nor convenient.

It was noted that the plat contained no dimensions.

Mr. Lamond moved that the case be deferred for 30 days for presentation of certified plats. Seconded, Mr. Barnes.

Mr. Briggs asked if this would pass if he had the certified plats - he did not wish to go to that expense if it was reasonably certain that he would be turned down.

Messrs. Lamond and Smith agreed that the applicant had not made a case. They noted the large amount of ground in the rear which would allow an alternate location.

The Board agreed that unless Mr. Briggs had further evidence which could be termed hardship his case probably would be refused for the reason that the Board must necessarily be governed by the regulations in the Ordinance and the evidence must warrant a granting.

Voting on the motion to defer for 30 days: Messrs. Lamond and Barnes and Mrs. Henderson voted for the motion. Mr. Smith and Mrs. Carpenter voted no. Motion carried to defer.

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4- HOOPER DEVELOPMENT CORP., to permit erection of dwellings closer to street property lines than allowed by the Ordinance, proposed lots 11, 12, 14, 15, 16, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, J. Hooper's Addition to Chesterbrook Woods, Dranesville District (R-17)

Barnes Lawson represented the applicant. Mr. Lawson asked for a 35 ft. setback for buildings on these lots instead of the 45 ft. required. He showed in detail by drawings and charts the need for this blanket variance. He showed two charts indicating on each lot the amount of fill necessary at the 45 ft. setback and the resulting tree line (indicating that more fill would be necessary and the tree line would necessarily be pushed back farther - remove more trees). On the second chart he showed each lot at a 35 ft. setback and again depicting the amount of fill and the tree line. This made it plain that by observing the 35 ft. setback less fill would take place and more trees could be preserved thereby lessening erosion and run-off drainage. This is a hilly wooded area, Mr. Lawson went on and he considered it very necessary to retain all the trees possible both because of aesthetics and in order to disturb the land as little as possible and therefore cause less run-off. They would also terrace the rear yards on most of the lots and retain even more trees than shown on the chart. At the 35 ft. setback, Mr. Lawson continued to explain, the houses would be on grade with the street which is good - it would follow the natural topography. Mr. Lawson also showed cross-section drawings of new houses on lots showing both set-backs indicating the difference in setback, fill, grades and tree line

4-Ctd resulting from both setbacks.

Mr. Lawson said Mr. Hooper would actually go beyond the drawings and charts in many cases - he was showing only the overall picture indicating a reasonable use of the land.

Mr. Lawson said they have studied every lot in this development to be completely certain that a variance is needed and to know what the result will be. He noted that it came up in the studies that one lot can be withdrawn from the request - Lot 11 - they can meet the setback on that. He asked that Lot 11 be stricken from his application - that particular lot would actually make a better layout at 45 ft. setback.

There were no objections from the area.

Mr. Smith commended Mr. Lawson highly on his presentation saying that this was the most complete and comprehensive report on a case he had seen in his term on the Board. All other Board members agreed with Mr. Smith.

It has already been pointed out, Mr. Smith continued, that these variances as requested do meet the requirements under which variances can be granted and the minimum variance that can be granted to afford relief to make this an orderly development is the variance applied for. By granting the variance it will create lots that are better both for the builder and for the purchaser. Therefore Mr. Smith moved that Hooper Development Corporation be given a permit to erect dwellings closer to street property lines than allowed on Lots 12, 14, 15, 16, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, Hooper's Addition to Chesterbrook Woods and that this case be granted as applied for in accordance with the presentation made here at this meeting. Seconded, Mrs. Carpenter. Carried unanimously.

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5- F. R. GREEN, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 65, Sec. 2B, Sleepy Hollow Estates, (1208 Woodville Dr.) Mason Drive (RE 0.5)

Mrs. Green appeared before the Board explaining her case as follows: Two years ago they returned from overseas and bought here with the intention of making this a permanent retirement home. They had planned to put on the carport at a later time. The house was built with a carport in mind, a carport which would continue the line of the living room and carry out the architectural plan of the house. This is a hilly area and in winter it is difficult to get out of their driveway.

When they bought here they were told a carport could be put on but in the meantime the Ordinance was changed and more setback for the carport is required. The area where the house stands has been leveled off but the elevation between the house and the wooded area to the rear is a difference of 12 ft. and where the carport would go is a rise of about 5 1/2 ft. This is the only place they could put a carport. The width of the carport is barely enough for 1 1/2 cars. They have one large car and an MG. Since the property next door is lower they could guide the drainage to the street.

Mrs. Henderson suggested that the carport could be cut down. Mr. Smith suggested cutting the width and extending the carport to a length that would take care of the two cars, one behind the other.

Mrs. Green said they could not do that because of the excavation - 28 ft. deep is as deep as they could make it. To go further back would cause a drainage problem. She said they had considered going back farther and had discussed it with their architect. The narrow carport would not blend with the architecture of the house.

Mrs. Henderson pointed out that these are 1/2 acre lots and such a variance was not warranted, certainly she said it is beyond anything the Board had been accustomed to granting.

There were no objections from the area.

Mr. Smith again suggested extending the carport back and excavating behind it to take care of the drainage. He thought the variance should be held down to allow for the width of one car.

Mrs. Carpenter stated that in this case of F. R. Green, steps 1 and 2 apply and with regard to the minimum variance to afford relief - she considered a 12 ft. carport adequate, therefore she moved that F.R. Green be permitted to erect a carport 12.72 ft. from the side line on Lot 65, Section 2B, Sleepy Hollow Estates. Seconded, Mr. Lamond. Carried unanimously.

In answer to Mr. Mooreland's question the Board agreed that the applicant could extend this carport to the rear line of the house if she so desires.

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6- WILLIAM C. FROGALE, to permit erection of pump island 25 ft. from Glen Carlyn Dr. part of Parcel 4, Sec. 1a, Culmore, Mason District (C-D)

Mr. Carl Dusinberre represented the applicant. Mr. Griffith was also present. This is a request for a pump island 25 ft. from Glen Carlyn Drive only. It was noted that the site plan on this has been approved and this

application is for an additional island to open on to Glen Carlyn Drive. The permit was first granted in April 1960 and extended.

This is a neighborhood type of business, Mr. Dusinberre stated, and they believe they can better serve the community if an entrance from Glen Carlyn Drive leads directly to an island. This would eliminate a great deal of coming and going on Route 7 - people turning into the apartments could be served and go on to their homes without again going out on to Route 7. It would also eliminate the need to left turn from the filling station on to Route 7 just north of the stop light. Cars could come in from the stop light intersection and go out the same way. This will not create traffic, Mr. Dusenberre continued - it would tend to make this more of a community service facility and would reduce ingress and egress from the busy highway.

Mrs. Henderson questioned this and suggested it might cause added congestion at the intersection.

Mr. Fisher discussed the traffic saying that in his opinion this was almost a necessity to relieve ingress and egress at left turns on Route 7. He thought it would serve a distinct purpose in catching traffic either before or after it enters upon Route 7.

Curb cuts on Glen Carlyn are allowed whether the pump island is there or not, Mr. Fisher noted, and to have this island would take people away from Route 7 as they would have a much quicker access from Glen Carlyn.

In the application of William C. Frogale to permit pump island 25 ft. from Glen Carlyn Drive, part of parcel 4, Section 1A, Culmore, Mr. Smith moved that the application be granted as applied for. It is understood that all other provisions of the Ordinance shall be met and it is understood that this is to be the only amendment to the original application and plan that has been approved by the Planning commission for this filling station. This would appear to lessen traffic going off on to Route 7; it would afford a safer approach and exit from the property and would better serve the community. Seconded, Mr. Barnes.

Mr. Lamond said he could not vote without first seeing the set of plans that were approved in the original application.

Mr. Smith added to his motion that this granting is tied to the original site plan and the original application. This is an amendment only and it is understood that this is to be the only amendment to this application.

Messrs. Smith and Barnes, and Mrs. Carpenter voted for the motion.

Mrs. Henderson voted no. Mr. Lamond refrained from voting. Carried.

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7- LUEN CORP., to permit erection and operation of a 60 unit motel, NE corner of Columbia Pike, Rt.244 and Spring Lane, Mason District (C-G)

Mr. John Aylor represented the applicant stating that the decision to plan this motel was the result of a thorough study of this area by experts to determine the best land use for this ground. The building will have efficiency apartments as well as transient motel rooms. The apartments will be used mostly for short duration by people coming into the Washington area and looking for a permanent home. Capital Research Association have determined by survey that this type of facility is needed. People coming into the area need a place to stay temporarily. It is not practical for them to live in hotels or motels, what they really want is a small place where they can fix meals and be convenient to the area where they are house hunting. There are very few such places in the metropolitan area.

Mr. Aylor presented a brochure indicating their plans.

The owners will dedicate 40 ft. along Spring Lane and will build a service road on their Columbia Pike frontage which will continue the service road on adjoining property. A cut will be made in the median strip to enable people to get in and out to Spring Lane.

Mr. Aylor located the different types of business in this immediate neighborhood - filling station, shoe store, warehouse, tire company, garage, etc. This would be an improvement over any building in the immediate area at this time, Mr. Aylor pointed out.

It was noted on the plat that the building is 62 ft. back on the property - it will not infringe on any other building. It is not near residential property.

Parking on the plat was shown to be adequate.

Mr. Aylor said that the trend at this time is toward in-town motel-apartments. This is something of a new innovation in this area.

The Board agreed that this falls in the category of a motel.

There were no objections from the area.

Mrs. Carpenter moved that Luen Corporation be permitted to erect and operate a 60 unit motel at the northeast corner of Columbia Pike and Spring Lane, because this use will, in the opinion of the Board, not be detrimental to surrounding property. Seconded, Mr. Lamond.

Carried unanimously.

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8- HAZEL S. HODNETT, to permit extension of motel 2 units, (total units 15) 4305 Richmond Highway, Lee District (C-G)

This is an extension of an old motel which was built about 25 years ago. Several years ago the applicant was granted the right to connect the motel units which were originally built in separate room units.

Mr. Lamond moved that the application of Hazel S. Hodnett to permit extension of motel (two units - total fifteen units) at 4305 Richmond Highway be granted as it does not appear that this would adversely affect the neighborhood, but as a matter of fact, would improve the property which is located in a business district. Seconded, Mrs. Carpenter. Carried unanimously.

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9- THE PLANTATION SCHOOL, to permit erection and operation of a nursery, kindergarten and first grade, (3022 Westmoreland Street), Dranesville District (R-10)

Mrs. Rogers represented the applicant. She said she would have just the nursery and kindergarten now but wished to add the first grade within one year. The house is large with grounds of over two acres. She planned to have 15 or 20 children from 9:00 a.m. to 6:00 p.m. - twelve months of the year. The children would be from two or three to seven years old. They plan to have station wagon pick-up service. Play activity will be limited to small things - blocks, blackboards, swings, slides, sand box, and a horse. The play area will be fenced, in fact, Mrs. Rogers said the entire property is fenced now and a 6 ft. hedge is around most of the property. Mrs. Rogers said she has two children there now. If she has 15 children she will have two teachers.

They have contacted both the fire marshal and the Health Department. Public sewer and water are available. Since the fire marshal made no recommendations, Mrs. Rogers said she assumed the house was satisfactory. There is no fire escape from the second story but it was noted that it is not required in a two-story building. Fire escape would be required from a third floor.

The Chairman asked for opposition.

Mr. M. J. Ament, 3016 N. Westmoreland, objected to this use, saying it would depreciate property values, the house is not safe, and could be considered a fire hazard, and that this would encourage further commercial encroachment and rezonings. Mr. Ament presented a petition signed by six persons, opposing the application.

Plantation School - Ctd.

Mrs. Henderson explained the difference between this use permit and re-zoning and pointed out that this use is permitted in a residential district. Mr. Ament objected to relaxing of the zoning laws. He objected to the building as unfit for 20 children and objected to construction of another building.

Mrs. Rogers said she would withdraw that part of her application, calling for "erection of a building" and would operate in the existing house only. If the first grade is added or if another building is desired, she said she would come back to the Board.

Mrs. Ament spoke in opposition, particularly to disturbing a quiet permanent neighborhood.

Mrs. Rogers assured the Board that with the 6 ft. fence and the hedge the Aments would not be disturbed. Mrs. Rogers stated that she had secured approval of the people on the other side of her, as their property was the one most affected. She had discussed the school with Mrs. Miller of Richmond and would get a day-care permit from her.

Mr. Smith noted that this permit, if granted, will cover only that part of this property which lies in Fairfax County. That part of the application relating to first grade, is hereby omitted, Mr. Smith stated. The school will be for children ranging in age from three to seven years, school located at 3022 Westmoreland Street. This shall be contingent upon the granting by the State of a day care school - to Mr. and Mrs. Rogers only. The applicant must have approval of the Health Department and the Fire Marshal, both of which approvals must be filed in the Office of the Zoning Administrator, and when these letters are submitted, the Zoning Office may issue a permit to Mr. and Mrs. Rogers only to operate in the existing building for a period of three years. All other provisions of the Ordinance shall be met. The number of children will not exceed twenty. With these provisions, Mr. Smith moved that the application be granted. Seconded, Mr. Barnes.

Mr. Lamond thought all approvals, Fire Marshal, Health Department and State, should be in the hands of the Zoning Administrator before the case is approved. The other Board members considered a contingent approval sufficient safeguard.

All voted for the motion except Mr. Lamond who refrained from voting. Carried.

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The Board adjourned for lunch.

Upon reconvening the Board continued with the regular agenda.

10- FAIRFAX COUNTY WATER AUTHORITY, to permit erection of a pump and well house and to allow building 41 ft. from Belmont Landing Road, Lot 46, Belmont Park Estates, Mt. Vernon District (RE-2)

Mr. William Bauknight represented the applicant. Mr. James Corbalis and Mr. Fred Griffith were present also.

Mr. Bauknight explained the case as follows: On the 16th of May 1961 this Board granted the Authority the right to put in a pump and well house on Lot 1. The well proved to be dry. They dug another well on Lot 46. They are now asking for the same permit on Lot 46. However, the structure will encroach on the front setback by approximately 15 ft. Mr. Bauknight showed an elevation of the building. This is needed for obvious reasons, Mr. Bauknight stated, there are houses in the service area now without water.

Mr. Corbalis stated that the location of the building is dictated by the pipes. By placing the building as indicated on the plats they get the best utilization out of the building and the piping and equipment which must be housed in this building. However, Mr. Corbalis noted that the building could be placed at the 50 ft. setback line if necessary but at greater cost to the Authority. There are no other buildings in this area, he pointed out, and no one would be adversely affected by this encroachment. The well has been dug and is waiting for equipment and the building. He noted also that the location of the well at this point does not affect the location of the building.

Mr. Lamond objected to a County agency breaking down the regulations which others are required to meet, especially when economics are involved as the only reason.

Mr. Smith thought the location of the building would affect the neighborhood. Mr. Corbalis noted that the size of the building compared to the size of the lot and the difference in setback would not be noticed. The lot is well-wooded.

It was recalled that the Board has refused many requests for setbacks on economic hardship basis - and considered it unfair to grant this in the face of other refusals. Mr. Corbalis said they could turn the building to make it conform if necessary.

The Planning Commission approved this under Section 15.923.

Mr. Smith moved to approve the application of Fairfax Water Authority to permit erection of a pump and well house on Lot 46, Belmont Park Estates, but that the request for a reduction in setback be denied. Seconded, Mr. Lamond. Carried unanimously.

FAIRFAX SCHOOL, INC. to permit erection of an addition to private school (6485 Glen Forest Drive), Mason District (R-12.5)

Mr. John Testerman represented the applicant. Mr. Stuart Rees was present also.

Mr. Testerman explained the case as follows: This school was granted originally in 1954 without limitation of time. It has been successful and they now wish to expand their facilities. The addition planned will be 49.3 by 25.3 ft. Adequate parking is provided on the property. This is an accredited school, through the sixth grade. Mr. Testerman said this school has proven to be an asset to the county - the people want it and are pleased with the program as evidenced by a statement signed by seven persons. They will continue to have the same age group. They now have 160 children and may expand as much as 50 with the new addition. They would not exceed 210. If the school continues to expand they may have to buy more acreage.

They have normal recreation facilities - but no large organized sports - no baseball diamond and the like - more emphasis is placed on scholastic achievement.

They will have a fleet of buses for transportation within a limited area. If they increase to 210 they will add two more buses.

They will meet all setbacks. Mr. Lamond noted the 25 ft. setback on parking which must be observed.

This is approximately a twelve-month operation, Mr. Testerman continued, with short vacation periods at the beginning and ending of summer.

The Chairman asked for opposition.

Mr. John Aylor said he was not exactly in opposition - his property adjoins this - but he noticed on the plat that the building now on the property is 103 ft. from the property which faces on Route 7, which he said is practically sure to go commercial some day. He wondered why the new building could not be located farther from residential property.

Mr. Aylor said he agreed that the school is an asset to the neighborhood - but he did think that with so much property the building could probably be relocated.

Mr. Testerman said if expansion of the school continues they will have to put in another building on the other side. This seems to be the best location at this time.

Mr. Smith agreed that this is a good thing, but if the applicant plans to enlarge beyond the 210 pupils he had better look around for a larger piece of ground as this property would not accommodate more than the 210. He noted that the County requires 10 acres for 600 pupils.

Fairfax School, Inc. - Ctd.

As to relocating the building, Mr. Reese said this is the only logical location for the addition at this time - to do the job properly. The building itself is quite a distance from any neighbor, probably 125 ft. This is the spot the architect picked out as being most feasible and the most economical. It is necessary that the building go along with the existing building, all facing the same way, because of convenience. They can get better utilization of their facilities. Actually this location is largely determined by economics, he continued.

Mr. Smith moved that the application of Fairfax School, Inc. be granted as applied for - to permit erection of an addition to private school, 6485 Glen Forest Drive - with a limitation of 210 pupils, which will be the entire enrollment for this particular school. All other provisions of the ordinance regarding this use shall be met. Seconded, Mr. Barnes. All voted for the motion except Mrs. Carpenter who refrained from voting, stating that in her opinion the number of pupils requested is too many for this two-acre tract. Carried.

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12- FAIRFAX LITTLE LEAGUE INC. to permit operation of a Little League baseball field, on south side of Rt. 620, approximately 300 ft. east of Rt. 612, Centreville District (RE-1)

Mr. Hurst represented the applicant, explaining the application as follows: The Little League has grown to such an extent during the past five years that they now have the eastern and western divisions. Several of the fields they have been using are no longer available. This five-acre tract is open to the League. They will build three fields, have a snack bar and furnish parking. They need to have the permit now so fields can be put in readiness for continuation of the program next year. The nearest house is about 1/4 mile away and the land on either side is undeveloped.

Mr. Smith said he knew of this need and the desire of the League to buy their own ground, he noted that this is being paid for by the League and its sponsors. They have an option on this, Mr. Smith continued, and it appears to be an ideal location - there appears to be no objection.

The Staff recommended as follows: Site plan is required, approval of Health Department, no parking within 50 ft. of any property line, and questioned how many parking spaces would be required.

Mr. Smith said they would not need more parking space than for 10 or 12 cars. However, it was noted that the property could provide for 30 or 40 parking spaces which the Board thought should be allotted.

Fairfax Little League, Inc. - Ctd.

The question of getting approval of the Health Department before acting was brought up. That delay might lose the option, Mr. Smith said. He recalled that many permits have been given pending approval of the various County agencies. He also noted that many fields have no sanitary facilities. Mr. Mooreland said that no permit would be given until his office had word from the Health Department.

Mrs. Carpenter moved that Fairfax Little League, Inc. be granted a permit to operate a Little League Baseball field on the south side of Rt. 620 approximately 300 ft. east of Rt. 612, Centreville District provided the Health Department approves this operation. It is to be noted also that a site plan is required, that a minimum of 35 parking spaces for cars be provided and that no parking shall take place within 50 ft. of any property lines. It is the opinion of the Board that this will not be detrimental to the surrounding neighborhood. Seconded, Mr. Lamond. Carried unanimously.

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13- ATLANTIC REFINING COMPANY, to permit erection of addition to gas station and permit building closer to street line than allowed by the Ordinance, property on north side of Edsall Road, approx. 600 ft. W. of Shirley Hwy. Mason District (C-N)

Deferred to September 26 at the request of the applicant.

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DEFERRED CASES

1- T. L. WALTHALL, to permit erection of dwelling 37.8 ft. from Frazier Lane, Lot 8, Section 3, Westmont (on Frazier Lane) Dranesville District (R-17)

Withdrawn by applicant.

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2- ANTHONY A. BENSON, to permit dwelling to remain as built 45.3 ft. of Lee Avenue, Lot 110, Sec. 2, Wellington, (NE corner of Alexandria Avenue and Lee Avenue) Mt. Vernon District (RE 0.5)

This was deferred to break a tie vote. Mr. Lamond moved that this case be deferred until this Board has the opportunity to discuss with the Board of Supervisors the temporary occupancy permit they granted to these people. Seconded, Mrs. Carpenter. Deferred to September 26.

Mr. Mooreland reviewed the case saying he had told Mr. Benson he could not issue the occupancy permit and the only way a permit could be issued was for the Board of Supervisors to change the Ordinance. Mr. Benson evidently misunderstood him and thought he should go on to the Board of Supervisors for a permit. He did go to the Board and everyone seemed confused. The Board wound up by giving him a temporary permit. He did not think the Board

understood just why the man was before them. Motion to defer carried.

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3- JACK H. & DELORES MERRITT, to permit operation of kindergarten and nursery school through first grade, Lot 1 and outlot A, Resub. of portion of Lot 11, Leewood, Mason District (RE 0.5)

Mrs. Henderson read a letter from Mr. Finlayson urging approval.

Mr. Merritt read a letter from the Highway Department (Mr. Burroughs) stating that if the access is in accordance with highway standards, as it is planned, he considered that it would not be dangerous.

Mrs. Carpenter said she had not realized this was to be a twelve-month operation. She asked how many children in the summer? Mr. Merritt said about 40. They will not operate on Saturdays. They plan to have eighty children during the year after the building is expanded. At present the building will take forty.

Mr. Douglas Adams said - the opposition contended that this is substantially the same application as presented and refused a short time ago. He asked that the Board again refuse the permit.

Mr. Lamond moved that the application be granted, as in the opinion of the Board it will not have an adverse effect on the neighborhood and that this be granted to the applicants only. There shall be no restriction as to the time limit. It is understood that this shall meet all other County regulations. There shall be a maximum of eighty children. Seconded, Mr. Smith.

Voting for the motion: Messrs. Lamond and Smith and Mrs. Carpenter.

Voting no - Mrs. Henderson and Mr. Barnes.

Mrs. Henderson voted no for the reason that the shape of the lot does not lend itself to this operation, being long and narrow - a twelve month's operation will create annoyance for the neighbors and when the neighborhood concerned is not being served, the opposition of that neighborhood should be considered. Motion carried.

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4- BEECH PARK CORPORATION, to permit erection of buildings to side lines and rear lines, Lots 3, 4, 31, 33, 35, 36, 37, and 38, Beech Park, Providence District (I-L)

Mr. Tex Harrison represented the applicant. In view of what is planned in this area for the future, Mrs. Henderson said she thought this was a very reasonable request, and in order to develop the area it is necessary to grant variances. Mr. Smith agreed.

Beech Park Corporation - Ctd.

Mr. Smith moved that the application of Beech Park Corp. to permit erection of buildings to side property lines and to rear lines, Lots 3, 4, 31, 33, 35, 36, 37, 38, Beech Park be granted as this property will all eventually be developed in industrial uses and this granting would not be detrimental to adjoining property owners in the area. It is agreed that steps 1 and 2 of the variance regulations apply and the minimum amount of variance that would allow the maximum use of the land is that applied for. It is understood that all other provisions of the Ordinance shall be met. Seconded, Mr. Lamond.

Also in connection with the Beech Park Corporation, Mr. Smith moved that under Section 30-8-c he would move that the screening requirements shall be omitted completely in this case due to the topographic situation and that fencing and screening of any kind be eliminated as any screening would not actually screen this property from adjoining residential property and would serve no useful purpose. Seconded, Mr. Barnes. Carried unanimously.

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5- FRED L. & DONNA B. CROUSE, to permit erection of carport to be 9.4 ft. from side property line, Lot 65, Sec. 5, ElNido Estates (5809 Dryden Dr.) Dranesville District (R-12.5)

This was deferred for complete plats - it was noted that there is no carport now on the property.

Major Crouse was present, stating that he would like an additional 8" so the roof could go over the concrete slab. He noted that this is the only house in the area without a carport. As planned it would be 11 ft. wide and 21.5 ft. deep. He would like to extend it to the full depth of the house. Major Crouse said he wanted to put a 3 ft. wall along the side - that would be outside the slab.

Major Crouse discussed his need for this shelter and the fact that his house is bare and plain without it, especially since all the other houses have the carport and no one objects to this.

While there was no topographic condition, Mrs. Henderson noted that the lot does narrow toward the rear.

Mr. Smith said he thought this case warranted consideration, due to the fact that all the other houses in the area have carports and the applicant would not extend this farther than the depth of the house. If the applicant could make use of the slab that is already there and which was intended for a carport, Mr. Smith said he would be inclined to go along with this, the lot is narrow and it becomes more narrow toward the rear. The fact that

others have carports, it would seem a little arbitrary to deny this man. Mr. Smith moved that the application be granted as applied for as this is harmonious with the development of the neighborhood and other houses similarly located have carports, the lot is long and narrow toward the back. This is the minimum variance that could be granted in this case to afford relief. Seconded, Mr. Barnes.

For the motion - Messrs. Smith and Barnes and Mrs. Carpenter.

Mrs. Henderson refrained from voting.

Mr. Lamond voted no because the case has not been shown to be a hardship as outlined in the Ordinance. Carried.

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U-Haul - show cause: Mr. McAtee appeared before the Board stating that everything had been done now to his property except remove the little building. This will be done very soon as the Fire Department has said they would carry the building away. If they do not do it, Mr. McAtee said they would destroy the building.

The Board agreed that if the building is not taken away within seven days it should be torn down. If the building is down by the end of seven days, the show cause will be dismissed, the Board stated.

Mr. Smith so moved; seconded, Mrs. Carpenter - that the show cause will be dismissed by Tuesday, September 19 when and if the little building is removed. Carried unanimously.

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Mrs. Henderson left the meeting and Mr. Lamond took the chair.

Mr. Rockwell Lillard came before the Board stating that his client, Mr. Bostnick, owns seven plus acres fronting on the Potomac River, on which he has built his residence. He wishes to have as an accessory building a four bedroom and bath building for guests. There will be no cooking facilities. He has made application for this structure and Mr. Mooreland has said this is not permitted under the Zoning Ordinance. Mr. Lillard asked the Board for a ruling on this.

Mr. Mooreland said Mr. Lillard was asking for a guest house under the definition of an accessory building which he did not think applied. He noted that the Ordinance does not mention "guest house".

The Board discussed "guest house" and "accessory building" at length, Mr. Smith agreeing with Mr. Mooreland that the meaning of an accessory building includes garages, barns, buildings for animals but not buildings for human habitation. If sleeping quarters are separate from the main dwelling, Mr. Smith continued, it becomes another building.

"Guest house" - Ctd.

Mr. Lillard contended that land use is a prerogative of the land owner unless he violates the law. The question here is, he stated, if this structure is permitted under the Zoning Ordinance. He read the definition of a dwelling - a building containing only dwelling units, etc. (30-1). Without cooking facilities, he contended, the structure cannot be defined as a dwelling. This is a building incidental to the main dwelling - an accessory building under Section 30-5. A place to sleep and bathe, Mr. Lillard continued, is incidental to a residence. This, Mr. Lillard contended, is a permitted use and any applicant is entitled to a building permit for such a structure.

Mr. Mooreland said he could not give a building permit under his interpretation of the present ordinance for a bedroom and bath over a garage. Mr. Mooreland said he saw no place in the Ordinance to rule on this until a definition of a guest house is put in the ordinance, which he thought should be done.

Mr. Lillard referred to "customary and incidental" uses that are permitted and contended that you cannot say a structure with only bedrooms and bath is not incidental to a dwelling. Mr. Mooreland said incidental to a residence but not in another building.

This is not done customarily in Fairfax County, Mr. Smith pointed out - if it is done it represents a separate dwelling. People will live in it, he continued, and it cannot be classified as an accessory building.

Mr. Lillard contended that a denial of this permit was denying a man the right to do what he wants with his land under the Ordinance.

Mrs. Carpenter said in her opinion guest houses should be in the Ordinance and allowed under certain circumstances, but under regulations designed to control guest houses.

Probably so, Mr. Lillard agreed, but he was asking for this permit now, under the present ordinance.

Mr. Mooreland recalled that a similar case came up about a year ago and it was discussed with the Commonwealth's Attorney, Mr. Burrage and Mr. Massey. It was then ruled that under the present ordinance you could not have a guest house - even that a farmer could not have a tenant house without setting up a lot. This is unfortunate, Mr. Mooreland went on, but it is the Ordinance. It was agreed at that time that an amendment should be written permitting guest houses. Mr. Burrage agreed to write the amendment but it has not yet been done. Without proper controls, Mr. Mooreland explained, this interpretation of a guest house as suggested by

Mr. Lillard could get completely out of control. The County would be over-run with trailers, houses of all kinds under the guise of "guest house".

The Ordinance must be interpreted as it is written, Judge Brown has said, Mr. Mooreland continued - this is a permissive Ordinance and those things not written into the Ordinance are not permitted. We should have a means of permitting guest houses, Mr. Mooreland went on, but it should be clearly defined.

Mr. Lillard said he was still satisfied that his client could go ahead with this structure under the Ordinance. He asked that he be given the permit and that the Ordinance be amended at a later time. To deny an application because you foresee difficulty in the administration of the Ordinance Mr. Lillard stated, is a very bad policy and subject to more trouble than is now evident.

Living quarters are the main use in a house, Mr. Smith pointed out, and when you detach part of the living quarters there is no subordination. Which is more important in the use of a dwelling -- eating, or sleeping, he asked? They are equal actually, Mr. Smith went on, and cannot be separated nor one subordinated to the other.

It was suggested that the building be attached by a wall. Mr. Lillard said his client wanted the building completely detached.

Mr. Lillard said he was formally appealing from Mr. Mooreland's decision at this time.

Mr. Smith quoted the definition of an accessory building and said this is not subordinate - it is the same use. He moved to uphold Mr. Mooreland's interpretation. Mr. Barnes did not agree.

Mrs. Carpenter agreed with Mr. Smith. Mr. Lamond disagreed with Mr. Smith. Tie decision.

Mr. Lamond ruled that the tie would be broken at the next meeting.

Mr. Smith moved that provision for a guest house be made in the Ordinance and that a definition of guest house and standards be set up at the earliest possible date. Seconded, Mrs. Carpenter. Carried unanimously.

The Secretary was instructed to forward this request to Mr. Burrage asking that this amendment be sent to the Board of Supervisors to be adopted as an emergency amendment.

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The meeting adjourned.

Mary K. Henderson

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

10/3/61

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, September 26, 1961, 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- THOMAS E. LOWRY & BERNICE CARTER DAVIS, to permit division of property into three lots with less than required area; one with less than required width and to permit construction of dwelling on proposed lot 502 with less than required sideyards, Lots 1 and 2, Wellington Estates and Lot 4, Clydesdale Subdivision, on west side of West Boulevard Drive, approx. 400 ft. S. of Virginia Avenue, Mt. Vernon District (RE 0.5)

Mrs. Davis presented signatures from two people in the immediate area but no signatures from adjoining owners. However, it was established to the satisfaction of the Board that these people were well-informed of this hearing.

Mrs. Davis told the Board that the wording of her application was confusing and, in fact, incorrect in that she is not asking for a variance in setback on Lot 502.

Mrs. Davis explained the case as follows. In 1933 she bought this two-acre tract. It was irregular in shape (diamond shape) and difficult to develop. However, she subdivided and put the lots on record twelve years ago. The lots ranged in area from approximately 10,000 to 20,000 sq. ft. because of the irregularity of the property. About two years after this Wellington Estates was developed with small lots - 50' x 150 ' except the corner lots. Mr. Lowry bought Lots 1 and 2 from her. Lot 2 was 50' x 150', Lot 1 approximately 50' x 150' (across the back). Lot 4 has 204 ft. frontage - diamond shaped, approximately one-half acre. Mrs. Davis' home is on Lot 4, well back on the lot. Because of the size of Lot 2 and the irregular shape of Lot 1 and in order to get the best utilization of the land, Mrs. Davis proposed to combine this property (her lot and lots 1 and 2) to make three fair sized lots each with 100 ft. frontage. They would be regular rectangular shaped lots. This would give room for 60 ft. houses on the two lots. (Mrs. Davis withdrew that portion of her application asking for variances in setback.)

Mrs. Davis pointed out that Mr. Lowry could now build two houses on Lots 1 and 2 even though they do not meet present requirements because they were lots of record before the adoption of the Ordinance, but she contended, they are not good lots and only a very small building would fit on Lot 2.

Mrs. Davis showed on her plat that the new lots to be created out of this two acres (300 ft. frontage - Lots 501, 502, and 503) would have 14,100 sq. ft.; 15,300 sq. ft. and 15,700 sq. ft. respectively - a size comparable to lots in the immediate neighborhood. She pointed out property in the area which was put on record in small lots and which could be built upon because they are lots of record. Many have been combined, as she plans at this time, to give better frontage and create better building area. Many of the lots have less than 100 ft. frontage and less area than is proposed on these lots. Mrs. Davis contended that she is asking for nothing different from that which already exists in the neighborhood. The lots as presently divided are difficult to landscape and to maintain.

The Chairman asked for opposition.

Carlyle Burdette, adjoining property owner, stated that he had talked with Mrs. Davis about seven years ago about her plans to develop this land. She had a very fine plan but it never materialized. She built a garage on the back of her lot and conducted her real estate business there. People coming and going, especially on week ends, invaded his privacy. They would like to see a good house go up on this property but not two houses; they are apprehensive of what Mrs. Davis will do with the property.

Mr. Burdette claimed that Mrs. Davis was not upholding the zoning laws when she used her garage as a dwelling. Mrs. Davis is responsible for these irregular shaped lots, Mr. Burdette went on. She bought property to sell and is not interested in the welfare of the neighborhood.

Mr. Nelson Lewis who owns Lot 5 and part of Lot 4 questioned why a lot could be created that is smaller than half-acre. Mrs. Henderson pointed out that lots of record can be built upon; a newly created lot such as these must have variances in area, the reason for this application.

Mrs. Nell Burdette, Mrs. Schultz and Miles Reynolds all spoke opposing this division, telling of the strong feeling against it in the neighborhood.

The Board discussed at length Section 30-7 (g) especially with regard to the 85% of the minimum area prescribed for the district. Mrs. Davis said her lot was unsightly because it sprawled out in such a way that it is almost impossible to care for it properly. It was agreed by those in opposition that this could very well be solved by cutting the whole area into two good lots.

Mr. Lowry told the Board that when he bought the property he and Mrs.

Thomas E. Lowry and Bernice Carter Davis - Ctd.

Davis discussed the irregularity of the lots and the general lot sizes in the neighborhood and he had planned at that time to come before the Board to ask for this change to straighten the lines and make reasonable size lots. Actually it was on the basis of this thinking that he bought the property. He had discussed this with many in the courthouse, particularly Mr. Schumann, who thought this division was the best solution to the land. The lots are comparable to other lots in the area; they will need no variances to put up good houses. The lots will be regular and the neighborhood will not be depreciated in any way.

Mrs. Davis discussed at length her part in developing the neighborhood, her desire to maintain a high standard. She charged that certain people in the area wanted this land kept free of homes in order to retain their view. She thought that asking too much. She recalled that many of the houses in this area on half-acre were built before sewer was available. She again emphasized the generally small lots in the area stating that these lots were of equal size and compatible.

The Board took a five minute recess to discuss this and upon their return Mrs. Cappenter made the following motion: that this application be denied - as it does not appear that evidence of hardship as outlined in Sec. 30-36 of the Ordinance has been presented and this property can be used in its present status. Seconded, Mr. Barnes. Carried ~~unanimously~~ o/c.

Mrs. Henderson said she voted against this because with half-acre zoning set up in the master plan - that is the lot size intended for development in this area for the future.

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2- FRANK J. SARDINIA, to permit operation of dance studio, Lot 4, Section 1, Beverly Forest, (7508 Backlick Road) Mason District (RE-1)

Mr. Sardinia discussed his plans, stating that he wishes to have a part-time dancing school for adults in his recreation room. He is now teaching children's dancing at various places through the schools after school. This would be a small operation probably not more than eight or ten couples. It would run two or three nights a week from approximately 8:00 to 10:00. This would not be a noisy operation. The homes are 60 - 70 ft. apart and no one objects. In fact, Mr. Sardinia said, his nearest neighbor was present and was highly in favor of the dancing class.

Mrs. Henderson read a letter from Mr. Cahill of the Beverly Forest

Citizens Association asking the Board to deny the application. No one was present in opposition.

Mr. Sardinia said he had not been able to talk with the citizens group to explain what he was planning. He thought they would have no objections if they knew what he had in mind. He did not know this was to be discussed at the one meeting at which they took this adverse vote.

There were about twenty present at the meeting at which they passed the resolution opposing this. Mr. Sardinia questioned if this resolution expressed the majority opinion.

The Board discussed the need to provide adequate off-street parking which would be 25 ft. from property lines.

Mr. Sardinia said he would conduct the school on Wednesday, Friday and Saturday nights - he would teach very little in summer. He realized that he could not have a sign.

With regard to the application of Frank J. Sardinia to permit operation of a dance studio, Lot 4, Section 1, Beverly Forest, Mr. Smith moved that a permit be issued to Mr. Sardinia in accordance with Section 30-137 Group VI, community uses, etc. It is understood that this operation will be limited to three evenings a week, with instruction terminating by 10:00 P.M. It is also understood that parking requirements in the Ordinance will be met and all other provisions of the Ordinance pertaining to this type of use shall be adhered to.

It is also included that this operation be limited to ten couples and this is granted for one year with the possibility of renewal to the applicant only. Seconded, Mr. Barnes. Carried unanimously.

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3- COOK & ORA LEE CLELAND, to permit operation of antique shop in home, W. side of Roberts Rd., south of City of Fairfax line, Providence District (RE-1)

Mrs. Cleland appeared before the Board.

Mr. Mooreland said this was filed under Group IX.

This is their home, Mrs. Cleland told the Board. She will live in the house and use three rooms for the salable antiques. The shop will be open six days a week. This is a very large home. The house sets well back on the property, it cannot be seen from the road. She bought the house with the idea of using part of it for this purpose. It meets all requirements under group IX. They have a large area in the rear for parking, but they will probably put in a circular driveway from the road.

There were no objections.

Cook & Ora Lee Cleland - Ctd.

Mr. Lamond moved that the application of Cook and Ora Lee Cleland to permit operation of an antique shop in home on west side of Roberts Road, south of the City of Fairfax line, be approved as it does not appear that this would adversely affect the surrounding community and it does appear that this would be harmonious with the area. It is understood that all specific requirements of the Ordinance pertaining to this use shall be met under section 30-140. It is also understood that this is granted to Mrs. Cleland only. Seconded, Mrs. Carpenter. Carried unanimously.

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4- F. M. BECKER, to permit awning closer to street property line than allowed by the Ordinance, Lot 7, Aura Hts. (6700 Wilkins Dr.) Mason District (R-12.5)

Mr. Becker said he was asking for this 6 1/2 ft. aluminum awning to shield his very large windows across the front of his house. He needs protection, particularly in the summer. The house faces in a westerly direction and the afternoon sun makes the living room practically unbearable. In winter it protects the entrance from snow and rain. The awning they have selected is of heavy aluminum construction with ornamental support pillows. This is a far better protection than a canvas awning would be. It is permanent and attractive. The windows are so large this is the only way they can get adequate protection. Mr. Becker said he knew of no objections.

Mr. Smith objected to the width of the awning, which he said practically becomes a porch.

Mrs. Henderson suggested that the applicant look into putting the posts back to a point 40 ft. from the right of way and take the 3 ft. overhang. This is asking a maximum variance when the Board is empowered only to grant the minimum, Mrs. Henderson pointed out.

Mr. Becker thought that not practical and that it would not give them sufficient protection, nor would it be as attractive.

Mr. Smith pointed out that this could be corrected without a variance. The Ordinance does not provide for variance because of appearances, he continued; variances can be granted only on the basis of a hardship, which this applicant does not have. There is nothing peculiar to this lot, many others in the neighborhood probably have the same situation.

There were no objections from the area.

With regard to the application of F. M. Becker to permit awning closer to street property line than allowed by the Ordinance, Lot 7, Aura Hts., Mr. Smith stated that in his opinion the applicant has failed to present a case based on hardship and therefore it would appear that the Board does not

have the authority to grant this, based on the evidence presented. Mr. Smith moved to deny the case. Seconded, Mr. Barnes. Carried unanimously.

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5- AVIS BOOTHE - Show Cause

Mr. Mooreland stated that this case was withdrawn.

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6- MISTER DONUT, to permit extension of variance granted by Board of Zoning Appeals 10/26/60, south triangle U.S. #1 and Old U.S.#1, Mt. Vernon District

Mr. Robert Duncan and Mr. Lechter, architect, appeared before the Board. Mr. Lechter recalled that this variance was given an extension to last April but for many reasons they could not get started within that time. Therefore this new application has been filed. However, he noted that the building has been greatly reduced in size and they plan to construct a Mr. Donut, Jr. on this lot. This will solve many problems which confronted the Board and the applicant at the earlier hearings. They can meet ordinance requirements except one setback and still have an adequate shop. The trash enclosure noted on the plat would be enclosed with a shadow glass screen, they could move it to the rear of the building if nenessary. The main building will be 54 ft. by an average of 15 ft. making a total square footage of 810 sq. ft. The original building planned was 1,500 sq. ft.

The Board agreed that this was a great improvement and considered that this was making good use of the land.

Mr. Lamond moved to approve the application with the understanding that the applicant file a site plan to be presented to the Planning Commission setting forth their plan for curb and gutter and sidewalk, etc. and that the variance from Old Route 1 be granted as applied for as it appears that the building as located on the plat is the only way a building can be placed on the property. Mr. Lamond contended that steps one and two apply in this case because of the shape of the property and this is the minimum variance that would grat relief in this case.

Mr. Smith commended the applicant for re-arrangement of his plans, which he termed a great improvement over the original application.

Mr. Smith seconded the motion. Carried unanimously.

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7- HOLIDAY INN, to permit erection and operation of motel (108 total units) and dining room, property on northerly side of U.S.#1, approx. 600 ft. NE of Fairhaven Ave., Mt. Vernon District (C-G)

Holiday Inn - Ctd.

Mr. Lytton Gibson represented the applicant. When this case came before the Board of Supervisors, Mr. Gibson said, the zoning was asked for this purpose. They showed the Board of Supervisors drawings and pictures of their plans. It was all approved. Mr. Gibson recalled the question of the Potomac Freeway which was planned across their property. That objection was wiped out.

Mr. Bauknight was present representing property owners across the Street from this property - Brookside Motel. He said a drainage problem exists in their area now and he asked that if this is approved it be subject to site plan approval. Since the stripping and grading of this property they have suffered greatly from silt drainage. They have discussed this with Capt. Porter and wish to be assured that every step of the way in the development of this property they will be protected and they asked that proper drainage requirements are imposed so this problem will be cured. He asked for an assurance that the permit will not be issued until the site plan has been approved.

Mr. Mooreland said this could be approved subject to approval of a site plan and that no permit will be issued until the site plan is approved. The land cannot be used until the site plan is approved.

Mr. Bauknight asked that the Board keep all its rights and not turn over anything to anyone else. He thought this Board should know what effect this development would have on any other area.

Mrs. Henderson said the drainage would have to be approved by Public Works and this Board has no control over undeveloped land adjoining or or in the area.

Mr. Gibson stated that there was a question if this particular piece of property drains in the area of Brookside Motel. He agreed to advise Mr. Bauknight when this site plan comes before the Commission.

Mr. Smith moved that the application of Holiday Inn, to permit erection and operation of a motel (total 108 units) and dining room located on the northerly side of U.S.#1 approximately 600 ft. NE of Fairhaven Avenue be approved subject to a site plan, in accordance with Group X, Section 30-141 of the Ordinance, and that it is understood that all other provisions of the Ordinance pertaining to this use shall be met. Seconded, Mr. Lamond. Carried unanimously.

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DEFERRED CASES

1- ATLANTIC REFINING COMPANY, to permit erection of addition to gas station and

permit building closer to street line than allowed by the Ordinance, property on north side of Edsall Rd. approx. 600 ft. W. of Shirley Hwy. Mason District (C-N)

Mr. Cooper represented the applicant. This is a request to add a third bay, Mr. Cooper told the Board. Mr. Strong, the lessee, has found that the quantity of business and the demand from the area requires expanded services.

Mr. Cooper recalled that when this filling station was put here Atlantic Research was just beginning and there was very little development in the immediate area. They thought a two-bay station would be sufficient. But Atlantic Research has more than trebled their personnel and development in the area has greatly increased. There is a demand to take care of the growth. They are asking a 2 ft. variance on one corner of the new bay. This will not affect nor alter the drainage around the building nor will it affect the sight distance.

Mrs. Henderson suggested pushing the bay back a distance to take care of the 2 ft. making an off-set at the entrance to the bay.

Mr. Cooper said an off-set is not good. It is difficult in going in and out and it would be expensive to change the design of the building.

Mr. Smith agreed that to off-set a bay is impractical architecturally and it would not be as safe in backing out - sight clearance would be impaired to some extent as people walk back and forth in front of these bays at all times. He thought it would create something of a hazard as far as accessibility is concerned.

Mr. Smith moved that the application of Atlantic Refining Company to permit erection of an addition to gas station and permit building closer to street line than allowed by Ordinance, property on the north side of Edsall Road approximately 600 ft. from Shirley Highway be approved as presented with a variance to the extent of 2 ft. on the corner of the proposed additional bay and it is understood that this addition is for filling station purposes only. There shall be no U-Haul or other rentals of a similar nature. It has been brought out that the additional bay is badly needed to maintain the type of service that has been given the community. There is a need for this proposed addition and to deny it would be denying the company and the lessee the full use of the property. There is plenty of land but this was not planned for in the beginning. There are unusual circumstances applying in this case because the bay is being used to serve cars and to move it back would create a hazard that would not be good from the safety

standpoint and it would require changing the design of the building and architecutrally that would not be good. This is unusual in this sense and a hardship would be created. This is the minimum variance that could be granted to give relief. This is a standard bay used throughout the country. It is the minimum variance that would afford proper access and serviceability.

Mr. Lamond agreed in many of Mr. Smith's statements but said it did not fit the Ordinance regarding things of this nature. This bay could be put on the property, he continued, and the hardship in this case actually does not exist.

Mr. Smith pointed out that site plan approval would be required. He thought the Board could easily lose sight of being practical when it starts requiring redesign of these filling stations. This is only a 2 ft. variance, he went on to say, and this amount of variance will not harm anyone. This is commercial property and has been set up for this type of use.

Mrs. Henderson noted that the applicant is not deprived of the use ~~of the use~~ of his land and he has plenty of land. She felt that he should meet the setback.

Mr. Smith pointed out that this filling station is set up to serve the people who live and work in the area. It is better to build an additional bay rather than an additional filling station to serve the demand in this area. This is a growing business, a successful business, people in the area patronize it and most of the filling stations today have bays - some have four. Many in the County are within 20 or 22 ft. of the main road. This is practical and it is a minimum vasiance.

Mr. Barnes seconded the motion.

Messrs. Smith and Barnes voted for the motion.

Mrs. Henderson, Mrs. Carpenter and Mr. Lamond voted no. Motion lost.

Case denied.

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2- ANTHONY A. BENSON, to permit dwelling to remain as built 45.3 ft. of Lee Avenue, Lot 110. Sec. 2, Wellington,(NE corner of Alexandria Ave. and Lee Ave.) Mt. Vernon District (RE 0.5)

Mrs. Henderson reported on her meeting with the Board of Supervisors as follows: The Board of Supervisors instructed the Commonwealth's Attorney to draw up an amendment to the Zoning Ordinance which will take into consideration the matter of human mistakes; therefore in this case, Mrs. Henderson continued, the Board has no choice but to defer until the

amendment is made a part of the Ordinance. The Board has no authority to grant this under the present Ordinance; if the Board were to act now, it would be necessary to deny the case.

The Board agreed to advise the applicant when this amendment has been adopted at which time this case will be put back on the agenda.

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The meeting adjourned.

Mary K. Henderson

Mrs. L. J. Henderson, Jr. 10/10/61
Chairman

The regular meeting of the Board of Zoning Appeals was held on Tuesday, October 10, 1961 at 10:00 a.m. in the Board Room of the 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- SIBARCO CORP., to permit erection of pump islands 25 ft. from road right of way lines, Lots 38 and 37 and western 38 ft. of Lot 36, Rock Terrace, Mason District (C-G)

Mr. Price represented the applicant. He said this request is not unusual - in that the ordinance does provide for a 25 ft. setback on pump islands if the building is 75 ft. from the right of way. The pump islands in this case are actually 27 ft. from the right of way which allows for widening of Seminary Road. He pointed out that the 25 ft. setback for pump islands is particularly advisable as the turning radius entering and leaving the property is greatly reduced.

Mr. Lamond noted the overhang on the building which appeared to be more than the allowed 3 ft. The 75 ft. setback was measured to the building and was correct. Mr Price was not sure of the amount of overhang but thought ~~was~~ it was about 3 or 4 ft., the same width as the sidewalk around the building. It was suggested that the building be pushed back a sufficient distance to assure the fact that the overhang would not encroach more than the 3 ft. beyond the setback line.

Mr. Lamond moved that the Board approve the application of Sibarco Corp. to permit erection of pump islands 25 ft. from road right of way lines, Lot 38 and 37 and western 38 ft. of Lot 36, Rock Terrace, for use of a filling station and it is understood that the building itself will be moved in a northwesterly direction in order that the southwesterly corner of the building ~~including the overhang~~ shall be at least 75 ft. from the right of way of Seminary Road and that the overhang shall not encroach into the 75 ft. setback area more than 3 ft. It is noted that the 75 ft. setback for this building does not apply on Scoville Street. This is granted for a filling station only. Seconded, Mrs. Carpenter. Carried unanimously.

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2- FUTURE FARMERS OF AMERICA, to permit an addition to an existing building on east side of Rt. 235, approx. 500 ft. S. of U.S.#1, Mt. Vernon District

Mr. E. J. Hawkins, General Manager, National Supply, appeared before the Board, representing the applicant.

Future Farmers of America - Ctd.

The proposed additional building, 50' x 158 ft. will be located directly behind the ~~proposed~~ EXISTING building. It cannot be seen from Route 235, Mr. Hawkins continued. The new building will be built for two story use, however, only the first floor will be finished at present. It will be the same design and construction as the existing building with the same architectural details. The building will be 28 ft. high, the present building is about 40 ft. All facilities are available.

Mr. Hawkins said they wish to make this a very attractive center. It is the publishing headquarters for their national magazine and it is the national supply headquarters for Future Farmers. They will abandon the present parking in front and push it to the back where they have ample room. They have a total of 25 acres here for which they have no present plans for development, Mr. Hawkins continued. They now employ sixty people and probably will expand by twenty more and will have parking for eighty in addition to visitor parking.

Mr. Smith moved that the application of Future Farmers of America, to permit an addition to an existing building, on east side of Route 235, approx. 500 ft. south of U. S. #1 highway, be granted in conformity with the plats submitted and it is understood that the site plan must be approved before obtaining a building permit. It is also understood that the applicant will furnish eighty parking spaces. The spaces will be in addition to the already existing visitor spaces. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

1- C. E. BRIGGS, to permit an addition to dwelling 7 ft. from side property line, Lot 148, Valley View Subdivision (2607 Valley View Drive) Lee District (R-17)

Mr. Mooreland said the applicant had asked for a deferral until November 14. Mr. Smith so moved. Seconded, Mr. Barnes. Carried unanimously.

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2- WILLIAM L. SMITH, to permit an addition to repair garage closer to side line than allowed by the Ordinance, Lot 13 and part of Lots 12 and 14, Southern Villa, Mason District (C-N)

Mr. Mooreland reported that this case has been withdrawn.

Mr. Smith moved that the case be withdrawn without prejudice. Seconded Mr. Barnes. Carried unanimously.

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Mr. Mooreland asked the Board's advice on the following: a barn built before March 1, 1941 has been moved on property which originally belonged to the tract upon which the barn was located on March 1, 1941. This barn would be used as a summer theatre.

Mr. Mooreland asked if this could be handled under Group IX.

The Board agreed that it could.

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The Board members discussed informally the handling of cases filed by the Unitarian Church involving interpretation and permit for group meetings.

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It was agreed by unanimous vote to cancel the second meeting in December.

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Mr. Mooreland discussed the Deem case which is now in court in which the date of filing of a decision of the Board is under discussion. Mr. Mooreland said it has been determined by the Commonwealth's Attorney that the date of filing of a decision of the Board of Zoning Appeals is the date the Chairman signs the minutes.

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After discussion regarding recording of the minutes of the Board Mr. Lamond moved that the minutes of all meetings of the Board of Appeals be recorded. Seconded, Mrs. Carpenter. Carried unanimously.

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This is with the understanding that both the written minutes and the recording shall be made.

The meeting adjourned.

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

October 18, 1961
Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, October 24, 1961 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided. (This meeting was recorded.)

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

NEW CASES

1-- LOUIS M. CREWS, to permit carport 8' 1" from side property line, Lot 40, Section 3, Elnido Ests., (1605 Elnido Drive), Dranesville District (R-12.5)

Mrs. Crews appeared before the Board. This carport now has a 3 ft. overhang, she explained. They wish to move the posts out, put in new footings to come within 8 ft. 1 inch of the side line. This is asked in order that they can get the car door open on the side adjoining the house. Mr. Crews is in a wheelchair most of the time, almost completely paralyzed, and it is difficult to get him into the car unless the door can swing entirely open. Mrs. Crews said most of the houses on this street and in the area have carports. This house was built before 1959.

This would only entail putting in a strip of concrete and moving the posts over on that concrete. It would not extend the carport.

There were no objections from the area.

Mrs. Carpenter moved that because of the unusual circumstances which the applicant has outlined and in granting this variance it would not be changing the existing roof and by moving the posts 2 ft. this would not be detrimental to the surrounding neighborhood, the application be granted.It is found that steps 1 and 2 apply in this case and the minimum amount of variance to afford relief is 8' 1" as requested. Seconded, Mr. Barnes.

Having measured from the center of the post, Mrs. Crews asked if that would make a difference. The Board agreed to an 8 ft. setback from the side line. Carried unanimously.

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2- ASHBY L. EAKIN, to permit erection of carport 17.5 ft. from side property line, Lot 37, Sec, 2, Ankerdale, (903 Higdon Dr.) Providence District (RE-1)

Mr. Eakin showed pictures of his property which explained his situation. The lot is sufficiently large but the ground slopes away on one side to such an extent that a carport would be unusable on the side where there is sufficient setback. The house was pushed closer to the side by the builder because of the steep slope on the opposite side. There is an 8 ft. difference in elevation between the two sides of the house. Mr. Eakin also pointed out that the septic tank and field is on the low side of the house.

October 24, 1961

Ashby L. Eakin - Ctd.

Most of the houses in the immediate vicinity have carports - this is the only house that has such extreme topo.

There were no objections from the area.

Mr. Lamond moved that due to unusual topographic conditions on this land, steps 1 and 2 regarding variances apply and the minimum variance that could be afforded is 17.5 ft. from the side property line. This is granted also due to the location of the septic tank and field which leaves no alternative location for the carport. Seconded, Mrs. Carpenter. Carried unanimously.

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3- FRANK L. FLANDERS, to allow porch to remain 44.8 ft. from Rolfs Road (1108 Rolfs Road) Lot 14, Knollwood, Falls Church District (RE 0.5)

Mr. Flanders said he built this porch so his wife who is ill could be in the sun as much as possible. He built it himself. He did not know that his zoning indicated that he could not put the porch on. The house is 50 ft. 8 in. from the roadway. He considered the porch an asset to the house and it gives protection in both summerand winter. He was never told that a permit would be necessary for this addition, until an inspector told him he was in violation and should get a building permit. He discovered that he must come before this Board. The neighbors do not object. It is very practical, attractive and adds value to the house.

Mrs. Carpenter noted that in granting variances the applicant must either have a topographic condition or show that there is no other possible location on the property. (It was noted that Mr. Flanders has a large porch in the rear.) These conditions do not apply in this case, she continued. There is nothing peculiar about this house or lot, in fact there are six other lots almost exactly like this in the immediate area. The lot itself is very large and level. Had the house been placed back farther on the lot the variance would not have been necessary.

Mr. Lamond thought the reasons given for this variance not sufficient to warrant the granting - others would ask the same thing and it would result in an irregular house line on this street. Mr. Lamond noted that the applicant has a carport and back porch and shed and while the porch is attractive he could not see where the Board has the authority to grant it. There were no objections from the area.

Mrs. Carpenter moved that the application of Frank L. Flanders be denied as the Board has been given no evidence of hardship as required in the Ordinance. Seconded, Mr. Lamond. Carried unanimously.

It was agreed by the Board that Mr. Flanders would be given 60 days in which to make this comply.

Mr. Flanders said he would check with his lawyer and would probably take this decision to court.

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4- MARY B. ROBINSON & LOUISE SAMPSON, to permit operation of kindergarten (25 children) Lots 29, 30 and 31, Blk. 6 West McLean, Dranesville District (R-12.5)

The Board discussed at length whether or not the notices sent out included the two adjoining property owners. It was determined by the Board that the notification was adequate.

Mrs. Robinson described her plans as follows: she would like to have about 25 children, ages 3 to 5, all day, five days a week. She has notified the Health Department and fire marshal and knows what changes will be required. The Health Department has said they must have a second kitchen if they are to serve lunches. They already have a very complete kitchen on the upper floor. This is a bi-level house. They will conduct the school in the above ground basement. The school will run through the summer if there is a need for it. This will be pre-school and kindergarten. They will furnish transportation for those who need it. Some will be brought by the parents. The property will be fenced.

The Chairman asked for opposition.

Mr. Hugh Tankersley and Mr. Probst were present representing the opposition. Mr. Probst who owns property next door to the school said he opposed this because he works at night and the noise from the school would disturb his day sleep. He objected to the infiltration of a commercial use in this purely residential area. The street is narrow and the lot is small.

Mr. McIlfresh, owner of property next door to Mr. Probst, agreed with Mr. Probst in his objections; twenty=five children in the yard every day he thought too much.

Mrs. Sampson, who appeared with Mrs. Robinson, said the children would never all be on the grounds at one time - they will be separated into age groups. Probably no more than five would be on the grounds at a time. Play will be supervised. They will fence the play area which will not be on the Probst side. The children will never be in the yard without an adult - this, Mrs. Sampson said, would be no more impact than an ordinary family, probably not as much as the school will have strict discipline.

It was noted that those notified of this (7) spoke favorably of this use. Mr. Tankersly said some of those were not property owners.

Mrs. Henderson said she objected to the second kitchen and the small lot.

Mrs. Carpenter moved to defer the application to November 14 to view the property and the general area. Seconded, Mr.Barnes. Carried unanimously.

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5- CATHERINE E. KORFANTY, to permit operation of day school (25 children) Lot 46, Woodley Hills Subdivision (207 Laurel Rd.) Mt. Vernon District (R-17)

Mrs. Korfanty described her proposed school as follows: she would have mostly kindergarten children, approximately 20 ~~school buses~~ - 7:00 a.m. to 6:00 p.m. The Health Department has approved the house. She would use the entire basement. No one would live in the house. When she first proposed this school there was no opposition, now she finds many are against it. Mrs. Korfanty said she had operated a day school on Mt. Vernon Road but the owner of the house did not follow through with his agreement to connect with water, so she had to give up the school. The plumbing was bad too. She now has seven children who come in the morning and there are three children who stay with her. These children are taken care of in the building she now proposes to use. She probably would not have more than twenty children.

The Chairman asked for opposition.

Donald West, 208 Laurel Road presented a petition signed by 50 people, some renters, including adjoining neighbors. He also presented an opposing letter from an adjoining property owner who is not in the area at the present time.

These people objected because of the commercial nature of the school and because Mrs. Korfanty would not serve the people in the area in which the house is located. If a school is located here, they contended, it should have a residential use and be wanted and used by the people in the subdivision. This is a narrow dead end street which would not take the traffic.

Mrs. West stated that people in the rear of this property have complained of noise. The property is not fenced and the children run all over the neighborhood.

Mr. George Eggers, who lives next door, said there are more than seven children in the school at present. (Mrs. Korfanty said she picks up her own children and sometimes two others stay with her children.)

Catherine Korfanty - Ctd.

Mr. Eggers objected for reasons already stated.

Mrs. Korman who lives on the opposite side of the building objected for reasons stated, also said she has a swimming pool which is a hazard. She claimed they would not be able to sell their home with a nursery next door. It would devaluate property.

Mrs. Korfanty said if the permit is granted she would fence the property. Asked why she was operating the school without a permit, Mrs. Korfanty said she spoke to the Zoning office and since she could not continue the other school for which she had the permit she was allowed to take care of the few children already registered.

Mr. Mooreland noted that Mrs. Korfanty was told she could continue while her application was pending. He said his office had had no cooperation whatever.

Mrs. Carpenter moved that the application of Mrs. Korfanty be denied as it would appear that this use would be detrimental to the surrounding neighborhood and to adjoining property. Seconded, Mr. Smith. Carried unanimously. It was agreed by the Board that the nursery school use should be abandoned within 15 days from the date of hearing (October 24, 1961).

The Board recessed for 10 minutes.

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6- WILL E. & FERN B. HOLLINGSWORTH, to permit operation of antique shop in home, Lot 1, Lebanon Subdv. (335 Leesburg Pike) Mason District (R-12.5)

Mr. Mooreland called attention to the fact that this was filed under the new amendment (Group 6) operating in the home with no outside display except one small sign.

There were no objections from the area.

Mrs. Henderson read a letter from Paul W. McGann who lives two lots from this building saying there are covenants on this property restricting the use to single-family use. If this is granted he asked that strict conditions be placed on the granting.

With regard to the application of Will E. & Fern B. Hollingsworth for permit to operate an antique shop shop in their home, Lot 1, Lebanon Subdivision, Mr. Smith moved that the application be approved for the use requested in accordance with Section 30-137 of the Ordinance as amended September 26, 1961 as follows: (g) antique shop providing that any building which is the bona fide residence of the operator, and provided further that there shall be no outside display of any goods or merchandise.

October 24, 1961

Will E. & Fern B. Hollingsworth - Ctd.

Notwithstanding the provisions of Section 30-130 pertaining to maximum sign area, no sign permitted on the premises shall exceed two square feet in area.

It is understood that this is granted to the applicant only.

Seconded, Mrs. Carpenter. Carried unanimously.

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7- MT. VERNON UNITARIAN CHURCH, appealing a decision of Zoning Administrator relative to use of church property at 1275 Fort Hunt Road, Mt. Vernon District (R-17)

Ed Prichard represented the applicant. He questioned if the notification letters met Board requirements since the only adjoining land owner is Mr. Thorpe - who, while he was not formally notified, saw the posting and did know of the activities of the church. The notices were sent to five persons who immediately adjoin the Thorpe property. The Board agreed without formal motion that notification given was satisfactory.

Mr. Prichard briefly reviewed the history of this church. This property was contracted for purchase from Mr. Thorpe in 1958 at which time an attorney was employed to advise the church on applicable county ordinances. They made some changes in the property in order to comply with county requirements. Under the ordinance effective in 1958 the present uses being made of this church were being permitted by right. The church took title in 1959. In September 1959 they opened a nursery school - church run and non-profit.

This property, which Mr. Prichard pointed out, is very beautiful. There is a large dwelling, 13 bedrooms, 10 baths and four half baths, carriage house, guest house, garages, greenhouse and gardens, and is particularly well suited for the uses intended.

At this point Mr. Lamond asked that the Zoning Administrator state his decision which the applicant is appealing and that the applicant confine his remarks to answering the appeal.

Mr. Mooreland made the following statement - that he had received a complaint regarding the use of this church property. He inspected the property and found that 30 or more persons were living on the premises and according to the information he had received, they were conducting classes. Mr. Mooreland, Mr. Casey and Mr. Oldhaus met with the Commonwealth's Attorney and discussed the use of the property. It was the

opinion of the Commonwealth's Attorney that the church was in violation; Mr. Mooreland then told the representatives of the church that since it was determined that they were in violation they would have to get a permit from the Board of Appeals. This application was then filed.

Mr. Prichard continued his statement - that the buildings and grounds were especially suited to their needs - they could use the buildings for meetings and conferences for various groups not necessarily directly connected with the Church. They did hold such meetings, two times before this, Mr. Prichard went on, meetings where meals were served and people spent the night, but no complaint was made until this one particular group came - a CORE meeting. These people had permission of the church to use their facilities. Mr. Prichard charged that the reason for the complaint was that this was an integrated meeting.

Mr. Prichard argued that under the present ordinance the present activities of the church are permitted by right, Section 30-48: "Churches, convents, and uses pertinent thereto.." The Church takes the position that a nursery school operated by the church, not for profit, is allowed by right and when an organization uses the church facilities, not for profit, these things are permitted by right - also such activities are carried on by many churches, Mr. Prichard continued, as a normal community church function. However, they were told by Mr. Mooreland that they must have a use permit as an eleemosynary institution.

Mr. Mooreland said it is true that a nursery school run by the church itself is a permitted right but when the premises are leased out to others, these persons must have a use permit. This was described to him, Mr. Mooreland said, as a conference, not a school - the permit was then requested under eleemosynary use.

Mr. Mooreland and Mr. Prichard discussed this further, Mr. Prichard arguing that Group 5, Eleemosynary institutions, did not apply to this use - he noted that while this group is not sponsored by the church, it is a group of which the church approves and they consider it closely allied - or "pertinent" and therefore permitted by right. It is a use connected with and carried on along with the church. If the County goes into what activities are pertinent to or allied with the church, the County is actually going into the operation of the church, which Mr. Prichard said he did not think was the intent of the Ordinance. He noted that most churches sponsor Boy and Girl Scout troops and many groups which are not actually a part of

the church.

Reference was made to Holiday House, which it was recalled was a non-conforming use.

Mr. Prichard cited groups which meet in conference at Episcopal Churches in other communities, groups which are not church connected. These groups stay overnight and are served food. Where does the line drawn say that a use is not "pertinent thereto"? If you list uses, Mr. Prichard pointed out, you exclude things not related thereto, then you are excluding by inference. This use existed prior to the present ordinance. The last conference was held in the spring of 1959, a conference of ministers.

Asked if this conference type use was carried on by other churches in the community, Mr. Prichard said the situations were not comparable because no other church in the area has the facilities, but he continued, it is done in other communities. In many places conferences are held which have nothing to do with the church where the conference is held.

It was suggested that such activities might be termed a "school of special instruction" - however, Mr. Prichard pointed out that there is no formal instruction given in these conferences; there is a chairman, discussion and exchange of views.

In most cases the trustees of this church arrange for the conference, Mr. Prichard explained, or if the conference is of a controversial nature, the congregation votes on acceptance of the group. In this case the congregation voted acceptance. They provide no leadership - that is a function of the group. This is under permission of the church but not church sponsored, Mr. Prichard said. He noted a conference of the League of Women Voters held here where meals were served.

Mr. Summerfield, pastor of the church, spoke saying there is no activity carried on here without permission of the church but it is not likely that anything would be carried on without the church being in sympathy with the activity. Mr. Summerfield discussed the desire of the church to carry on its program without censorship or pressure on any group. He noted that all activities are open to the public at all times.

However, Mr. Mooreland observed that he was refused admittance to one of the session rooms when he made his inspection.

Mr. Smith made the following statement -- that the use being made of the property when the Zoning Administrator visited the premises, having received a complaint, does not come under the category of church uses as the Board recognizes it and such a use is not generally carried on in this area by churches. This appears to be an outside group that contracted to use the

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church for a particular purpose; therefore Mr. Smith moved that in the matter of the appeal of Mt. Vernon Unitarian Church, that decision of the Zoning Administrator be upheld. Seconded, Mrs.Carpenter.

Mr. Mooreland stated that he believed the situation would have been different if it had been found that this conference was held just during the day, probably there would have been no complaint made. But here we have, over a period of time, a group of people remaining for from two or three weeks. That, Mr. Mooreland said, is the important feature. This group was here for a few weeks. Who is here to say that a group under similar conditions could not stay four or five months? It could become a hotel or motel use.

The motion was carried unanimously.

Mr. Prichard said - then the Board rules that this type of activity would be classed as an eleemosynary institution and would require a permit.

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8- MT. VERNON UNITARIAN CHURCH, to permit use of property for church and conference center at 1275 Ft. Hunt Road, Mt. Vernon District (R-17)

Mr. Ed Prichard represented the applicant.

Mr. Mooreland said this case should have been filed under Group VI, since the activities are in the nature of a school rather than a conference.

Mr. Prichard said the case was filed under Group V as recommended by Mr. Mooreland. The case was heard under Group V.

Mr. Prichard again described the buildings and grounds, emphasizing the particularly isolated location of the property which lends itself very well to this type of use. He showed photographs of the buildings and gardens.

Asked how many could be accommodated here, Mr. Summerfield said if it is a daytime conference - they could take care of 150 --overnight, 40.

The Board and Mr. Prichard discussed at length the type of conferences held here.

Mr. Prichard said there would be many activities going on in which the pastor of this church would not take part - it could be a ministers conference of which he would not be a part. Mr. Mooreland said the Board is concerned only with conferences that last for a period of time, several days.

Mr. Smith made it plain that the Board isn't trying to restrict the normal activities of the church in any way - it is concerned only with groups outside the church who take up living quarters in the buildings and who stay for educational, study or other purposes not connected with the church.

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Mr. Prichard presented a petition to the Board signed by 102 people, all living nearest to the property and stating that they have not found the church to be a nuisance in any way.

Mr. Summerfield discussed the aims of this church, pointing out their desire to forward educational, social and recreational activities. The Human Relations Council is not connected with the church but they consider it a part of church functions, Mr. Summerfield continued, and they think activities should be carried on without interference or restriction. They may have church members who are members of CORE, for example, but they may have groups in which none of the church members participate but they consider all these things a part of their program. This is in accordance with their religious convictions and ethical and moral principles.

Mrs. Henderson again stressed the fact that the County is not interested in imposing any restriction on the principles or program of the church - it is only concerned with the use of the facilities. If the church has a conference wherein people live on the premises, the church will need a permit. This is the County's concern, Mrs. Henderson went on, if such uses were carried on without permit, it could grow into a permanent hotel-type use and whether this use is carried on at a church or any other organization, it should be allowed only by permit.

Mr. Mooreland read from the Board of Appeals minutes of 1947 where the Board had granted a similar use to Barraca-Phileathia. This use is still being carried on under permit.

Mr. Prichard presented two letters highly critical of the County, which Mr. Summerfield had received from ministers in this area, letters which had been solicited by Mr. Summerfield. Mrs. Henderson, supported by the Board, ruled that the letters not be entered in the record since the Board did not have a copy of the letter sent out by Mr. Summerfield.

Mr. Smith said that it should not be construed that the County was attempting to restrict any religious activity of the church on their property but as was brought out in the appeal hearing, a group, not connected with the church met here for a period of time using living quarters of the church. The County is not interested in any restriction of the religious life of the church but it is of the opinion that this church should obtain a permit for the activities described just as other churches in the county come before the Board for the same use. He recalled especially the Retreat House where people live for short periods of time. Although this use is of a religious educational nature the church considered it necessary to have a permit.

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The County agreed.

Mr. Summerfeld discussed the letter which he had sent to various ministers in the County saying that it contained inferences that the County was seeking to challenge the right of the church to determine and pursue its own program.

Mrs. Henderson and Board members restated the position of the County which is not to censor nor dictate any phase of the church program and made it clear that those functions are for the congregation to determine.

From the evidence brought out in the previous hearing, Mrs. Henderson said the Board takes the position that a permit must be obtained under the circumstances outlined by the Board. The fact that it was CORE meetings that brought about these complaints does not alter the fact that it could have been any other body - it so happened that it was CORE.

Mr. Prichard made it plain that it was the opinion of the church that the fact of integrated CORE meetings triggered the complaint. He said the church strongly resisted any attempt on the part of the County to judge which conferences were church sponsored and which are not. They think it unrealistic to clear such things with the courthouse. He discussed again the appropriate location for these extended meetings. They are asking to continue carrying on activities which were permitted under the old Ordinance and which they consider to be a non-conforming use.

The Board discussed setbacks which should be 100 ft. from all property lines and which these buildings did not meet.

The Chairman asked for opposition.

Mr. Conway, president of Hollindale Citizens Association and Col. Fritchie appeared before the Board. Mr. Conway read a letter from the Association's Executive Committee opposing this use stating that it would adversely affect future development of the Thorpe property. Mr. Conway said they had no objection to the church and its normal uses but did object to the motel or hotel use which was being made of the property which he said was adding a commercial character to the area. This would downgrade the neighborhood. If a permit is issued to a church for uses of a commercial nature then they would object. He thought a church should meet the same requirements as individuals. Mr. Conway said there was no reason for the church to act as an inn-keeper - Route 1 and Alexandria accommodations are near.

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Mr. Conway questioned the efficiency of water supply and septic facilities and the 100 ft. setbacks. He also stated that people signing the petition which Mr. Prichard had presented were not aware of the question before the Board. He charged that the petition was improperly drawn. (Mrs. Henderson disagreed with this.)

Mr. C. B. Fritchie also spoke in opposition; however, the Board agreed that most of his statements were not to the point. He urged the Board to require a permit if the activities of the church, as previously described, are continued.

Mr. Prichard summed up his case by stating that the impact of the church would be less upon the roads and neighborhood with this use than if residentially developed, that new development around the church property would be fully aware of church activities; they could provide 75 parking spaces.

Mr. Smith noted on the plat that if this is granted it would require setback variances if the existing buildings are to be used. He suggested that the Board consider granting these variances at the time if the case is acted upon favorably.

Mr. Smith moved that Mt. Vernon Unitarian Church be issued a special use permit to allow the use of church property for instructional, recreational and educational conferences for outside groups as outlined under Group V, Section 30-136 (d) of the Ordinance and that the permit be issued under conditions considering all conditions outlined in the ordinance except that in the favorable action being taken on the use permit - the same action would constitute the granting of a variance as to setback requirements on certain buildings now erected on the property; it is also understood that this variance would apply only to buildings now established and this does not set a precedent for any variances on any future building. It is also a part of this motion that 75 parking spaces which would appear adequate to take care of the use under this permit shall be provided. It has been brought out in the hearing that the facilities in these buildings would accommodate only up to and including 40 people. It was noted that the buildings contain 13 bedrooms and 10 baths that would be used for this type of facility. Seconded, Mr. Barnes.

For the motion - Messrs. Smith, Barnes, Mrs. Carpenter and Mrs. Henderson.

Mr. Lamond voted no saying he was of the opinion that this is not an eleemosynary

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use but rather it is conducted as a school of special instruction and should have been handled in that category. He argued that this is not a charitable institution. Motion carried.

(Note: Comment by Planning Staff noted that a site plan must be approved under Group V.)

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The Board adjourned for lunch. Upon reconvening the agenda was continued.

9- POTOMAC DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD, to permit dwelling to be used as offices and permit less setback than allowed by Ordinance, Lot 92, Section 2, Springvale (6818 Spring Drive) Mason District (RE-1)

Reverend Odum presented this case to the Board. The Church wishes to purchase this property for their administrative church offices and council. This would take care of the three district offices. This is something of a temporary use as the church is attempting to buy property and build at a later time in the Springfield area. When the new building is erected this building will be used for a parsonage for one of the district managers. This is not commercial, Reverend Odum went on, in any way - they will make a very limited use of the place since it will be used exclusively for church conferences. The superintendent who is in the field much of the time will consult here with ministers in the area. Reverend Odum said this will not have any of the aspects of commercialism. They will do a certain amount of disbursing of church materials to the different churches, literature, etc. No one will live in the house.

Mr. Obie Hara discussed the use - saying that two times a year about twelve ministers will come here and sit in conference during the day and take care of business matters of the church. There will be no buying nor selling. It is merely a way of bringing together and correlating the work of the church in this area. They hope within four or five years to have their church building in Springfield, at which time this will revert to residential use. The work of the Council is not carried on in homes.

The Chairman asked for opposition.

Mr. Burnett from the Spring~~field~~VALE Citizens Association presented an opposing petition signed by fifteen people. They had very little time to work on canvassing but found people definitely opposed to this use. They felt the office of the church should be in a commercial area - in Springfield, for example, where there is plenty of commercial zoning - that it would adversely affect property values, it would be a precedent for

Potomac District Council of the Assemblies of God - Ctd.

other commercial uses, and Mr. Burnett said there was a problem with the septic. They had not been able to put a third bedroom on this house because the septic would not take it. Ten were present in opposition, mostly those who live very close to the property.

Mr. Smith suggested that this could be a very limited commercial use, one which probably would have little impact upon the neighborhood.

It was suggested that this sort of thing is usually conducted on church property in connection with the churchbuildings. It was also suggested that this might expand and grow to the adjoining lot and that it would serve as the open door for other commercial uses, which was of great concern to people in the area.

Mr. Mooreland pointed out that a professional man could live here and have his office, lawyer or doctor etc.

Mr. Odum said the building was not large enough to use for a dwelling and this office.

Mrs. Drier, from Lynch Brothers, said in the beginning there seemed to be no objection to this, but something has come up to change people's thinking. She said they cannot sell a two-bedroom house; people don't want it. This is well isolated. The building cannot be seen from the road. They would not want anything here that would be detrimental to the Springfield area. Mrs. Drier said office space in Springfield is very expensive - $2 - $3 per square foot which these people cannot afford, even for C-O property it would cost in the neighborhood of $80,000.

Mr. Lamond suggested that either someone live in the building or that they acquire C-O property which the County has set up for this particular type of development. Mr. Lamond did not think the Board had the authority to grant this; the applicant is actually asking for a C-O use in a residential zone.

As to getting the lot next door for enlarging, Mr. Odum said they had discussed that for the time when it was thought this might be used for a parsonage in the future. Mr. Odum continued to discuss the limited use of the property as they planned it. He said they would do some landscaping, the driveway would come in on Spring Drive and go out on Tanager Street. They will furnish parking for six or eight cars. Actually to have this use would greatly improve the property, Reverend Odum said, and they would not abuse the right.

In essence, Mrs. Henderson said, this probably would not be detrimental to the surrounding area but to grant this is contrary to the spirit of the

Potomac District Council of the Assemblies of God - Ctd.

ordinance, the provisions of which do not pertain in this case and such provisions were put in the Ordinance not to be ignored.

Mr. Lamond could see nothing in the Ordinance which would give the Board the right to grant this. Mr. Lamond said he was in sympathy with the plans of the church and he thought it was actually all right but to grant this would be breaking down the ordinance and the Board would be in a difficult position if this type of thing came up again. He wished there were some way this could be granted, or that someone could live in the house. He moved that the application of Potomac District Council be denied for the reason that it would not conform to Section 30-1~~7~~2 6 of the ordinance, standards set up for special use permits. Seconded, Mrs. Carpenter

All voted for the motion except Mr. Smith who voted no because he was not convinced that the Ordinance does not allow this use; there is some doubt on this, Mr. Smith continued, and he thought the church should be given the benefit of any doubt in order to carry on their necessary church business and he did not think this would be in any way detrimental - he thought the business of consolidating the work of the church could be done very well and that it could operate in a residential area without creating a hardship on anyone.

It was noted that if the church held regular bona fide church services here, as a church building, this activity could be carried on without special permit - it would be classified as a church. It was brought out, however, if this is used as a church they would have to provide one parking space for every five seats.

The question was raised whether or not this use would be permitted along with a church. Mr. Lamond thought it would, noting that his church has offices in the church buildings - open from 9:00 to 4:00 every day. It is considered a part of the church.

Asked how many would be in the office, Mr. Odum said two or three. The Superintendent would be out a great deal. No further action was taken.

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10- CHANTILLY HILLS DAY SCHOOL, to permit operation of a day school, W. side approx. 1000 ft. South of the intersection of Rt. 657, of Route 645, Centreville District (RE-1)

Mrs. Coates, owner of the school, was present.

Mr. Mooreland said there was a misunderstanding on this and he felt to blame. Therefore he would like first to speak to the Board. Mrs. Coates came in to inquire about a day nursery and was told what had to be done.

Chantilly Hills Day School - Ctd.

She saw the Health Department and Fire Marshal, then came in and paid the fee but became confused in what she had to do. She thought paying the fee was all that was necessary. Mrs. Coates then made arrangements for the children and when she was ready to open the school she came back to the Zoning Office. Mr. Mooreland said he thought it was all right for her to operate pending this hearing. He spoke to Judge Rothrock about this and the others. All thought it was all right for Mrs. Coates to open. She has a letter from Judge Rothrock and Mrs. Miller at Richmond. This is on forty acres - not close to any home. It is not far from the airport.

Mr. Mooreland asked the Board to approve this request.

Mrs. Coates said she would have about 30 kindergarten children. The school will be conducted in the basement and 20 children in the garage and home, first grade. She will operate from 7:30 to 4:30, twelve months a year. She has two acres fenced. The downstairs of the house was built especially for this school.

Mr. Smith said he knew Mrs. Coates by reputation - that she has been a school teacher for 31 years - he knew her to be a fine person and felt that she would do a good job in this.

There were no objections from the area.

Mr. Smith moved that the application of Chantilly Hills Day School located on the west side of Route 645, approximately 1000 ft. south of the intersection with Route 657, be granted with a maximum of fifty children and it is understood that all other provisions of the Zoning Ordinance shall be met. Seconded, Mrs. Carpenter. Carried unanimously.

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11- GEORGE E. WEBER AND OLGA H. WEBER, to permit operation of nursery, Lot 13, Third Addn. to Beddo Hts. (Beddo St.) Mt. Vernon District (R-10)

Mr. Mooreland noted that the case was withdrawn.

Mr. Barnes moved that the Board allow this case to be withdrawn. Seconded, Mr. Lamond. Carried unanimously.

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12- VIRGINIA ELECTRIC & POWER CO. to permit erection and operation of power transmission line, easement from Occoquan-Middleburg line to Dulles Airport, Centreville District

Mr. Hugh Marsh presented the case. Mr. Leon Johnson, District Manager, Potomac District, was present also. Mr. Johnson read a statement (on file in records of this case) outlining and describing the case.

Virginia Electric & Power Co. - Ctd.

It will be a 110kv line, 8.5 miles long, connecting Dulles Airport with the Occoquan-Middleburg line. Mr. Johnson said they had made a comprehensive study as to the location of the line which would follow sound engineering practices which would serve adequately and economically. He described the type of construction and structures, and the route which would have the least possible effect on residential property.

This line will produce no audible sound, vibration, smoke or other air pollutants, no odor, radioactivity, no glare, etc.

In answer to questions from the Board Mr. Johnson said this line is now in full operation and they have heard of no unpleasant repercussions from it in any way, no noise or interference with reception of radio and television.

In view of the fact that there have been no complaints on this, Mr. Lamond moved that reports on these matters be dispensed with. Seconded, Mr. Barnes. Carried unanimously. (All written reports are on file in the records of this case.)

Mr. Lamond moved that this application be granted and that the statements of the experts offered in testimony (and made in writing) be made a part of the record. Seconded, Mrs. Carpenter. Carried unanimously.

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It was noted that the Briggs application was on the agenda in error.

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DEFERRED CASES

1- WILLIAM PAGE' to permit operation of auto sales lot on east side of Rt. 649 approximately 300 ft. north of Route 50 (C-G)

Mr. Lytton Gibson represented the applicant. He showed the plan of development saying this will not be the usual kind of building - it will cost $45,000 - brick. Mr. Mr. Gibson pointed to the surrounding uses saying this use would be in conformity and it was the use requested when the rezoning was granted by the Board of Supervisors. This will take care of fifty cars.

There were no objections from the area.

Mr. Lamond moved to approve the application. Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed signs - Mr. Mooreland noted that a standing sign is not counted against the sign area on the building. He also pointed out that sizable sign area now can be granted by right.

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October 24, 1961

Mr. Mooreland read a letter from E. K. Givens who was denied an application by the Board on September 12, asking for a rehearing, to give additional information. (It was noted that Mr. Cotten had asked that this be reheard.) The Board agreed to hear Mr. Givens' new evidence and if it warranted a new hearing, the date would be set.

Mr. Smith moved that the Board hear Mr. Givens and if he can present evidence which could not reasonably have been presented at the previous hearing, and the Board is of the opinion that Mr. Givens is entitled to a new hearing, it will be scheduled by this Board. Seconded Mrs. Carpenter. Carried unanimously. It was agreed that Mr. Givens appear before the Board on November 14.

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Mr. Mooreland discussed the Avis Boothe Show Cause: He said that when the time on this show cause was up the property was very well cleaned up and the permit was not revoked. But since then it has been discovered that five garbage trucks and two other trucks and three taxi cabs are parking on this property.

Mr. Mooreland suggested that rather than go to court that Mr. Boothe be notified to come back to the Board so the Board can correct this and get the whole picture.

Mr. Smith moved that the recommendation of the Zoning Administrator in the case of Avis Boothe to show cause why special use permit granted to him for a filling station should not be revoked, be adopted. Show cause - November 28, 1961. All voted for the motion except Mr. Barnes who refrained from voting. Carried.

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Mr. Mooreland discussed remodeling of an old pre-civil war building which is in violation on setbacks, stating that he thought it could be handled by this Board as a situation where something unusual pertained to the building.

Mr. Smith suggested that there is a great interest in preserving these old buildings and most of them are non-conforming in location. The Board agreed that this could be handled by the Board.

The meeting adjourned.

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

November 21, 1961
Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, November 14, 1961 at 10:00 a.m. in the Board Room of the 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- PRINCE WILLIAM ELECTRIC COOPERATIVE, to permit erection and operation of a power transmission line, Harrison Substation to Bull Run, Centreville District (RE-1)

The case was represented by Mr. R. B. Hicks, Manager, Mr. H. Bowman, Electrical Engineer, and Theodore Crosby. Mr. Hicks traced the route of the two mile line and outlined the area to be served and gave the following facts: the line is designed by consulting engineers and Mr. Bowman; it meets all safety and design requirements of the national code standards; it is proposed to be 69 kv, single pole wooden structure, basic span between poles 450 ft.; poles 50 ft. above ground except in low places; they have notified all land owners affected and have acquired right of way without condemnation.

Mr. Lamond called attention to the Staff report regarding relocation of Route 28 and the desire of the Highway Department to protect the corridor. The Staff recommended relocation of the line as shown on the plat. However, since there has been no acquisition on the part of the Highway Department preparatory to relocating the line and the Highway Department has stated that the road is at least two years off and the company cannot get accurate information as to the exact location of the road, the applicant questioned the reasonableness of changing the line. Mr. Hicks said they had contacted the Highway Department on this. If the road could be laid out, Mr. Hicks said, they would be willing to move their line.

Mr. Smith said to ask these people to change their line after they have purchased easements and right of way is hardly fair when they discussed this with the Highway Department and were in agreement to change their line, but could not get a definite location and they need the line now. Mr. Hicks also stated that this would not interfere in any way with VEPCO, that under the Utilities Act this territory has been allotted to them to serve. Mr. Hicks also explained their deal with Mr. Packard where they narrowed the right of way to preserve tall trees on the 25 ft. aprons. The Planning Commission recommended approval of the application.

Mr. Lamond moved that Prince William Electric Cooperative be allowed to

erect this line as outlined by Mr. R. B. Hicks and as shown on plat presented with the case; it is understood that the applicant will cooperate as far as possible with the Highway Department in the relocation of Route 28. Seconded, Mrs. Carpenter. Carried unanimously.

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2- VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection and operation of a power transmission line, easement from CIA to Dulles Airport, Dranesville, Providence and Centreville Districts

Mr. Hugh Marsh represented the applicant. He displayed maps to indicate the location of the 19 mile line and the area to be served. He introduced Mr. L. L. Ely, Chief Design Engineer of VEPCO who read a prepared statement which statement in full is made a part of these records. The purpose of this line is to provide an alternate source of supply to CIA and Dulles Airport. When completed it will have a closed 110 kv loop with automatic devices at Idylwood, CIA, Dulles and Occoquan. This will assure uninterrupted service.The line is located where it will have the least possible adverse effect. Mr. Ely described the route of the line and the property through which it passes. Most of the line (13 miles) will be wood pole, the balance (6 miles) steel tower. They have purchased generally 75 ft. right of way.

Mr. Marsh presented Mr. McK. Downs real estate appraiser, broker and consultant, who presented a written statement and a series of illustrated map charts showing the area through which the line goes. His appraisal showed that the line is largely through undeveloped land or along established rights of way and that it would not be detrimental to nearby property. His full statement is made a part of this record.

Mr. Walter Cameron made a full report (written statement a part of this record) showing that this line would not adversely affect radio and television.

There were no objections from anyone present; however, the Chairman read an opposing letter from Raymond H. Porter expressing his opposition and saying he believed this line would have a detrimental effect on property in the area, particularly Greg-Roy Subdivision and surrounding areas.

The Planning Commission recommended granting the application.

With regard to the application of VEPCo for permission to erect and operate a power transmission line, easement from CIA to Dulles Airport, Dranesville District, Mr. Smith moved that the application be approved and that a permit be issued in accordance with Section 30-125 and that it is

the opinion of the Board that this will not be detrimental to the character and development of adjoining land and that this granting is in harmony with the Zoning Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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3- VIRGINIA ELECTRIC & POWER COMPANY, to permit erection and operation of power transmission line, easement from Occoquan Creek to McKay's Junction, Lee District (RE-1)

Mr. Hugh Marsh represented the applicant.

Mr. L. L. Ely, Chief Design Engineer, presented a written statement (on record in the files of this case) summarized as follows: 1.45 miles of this 14.7 mile 230 kv transmission line is in Fairfax County, running from Occoquan Creek to McKay's Junction. The purpose is to reinforce VEPCO's facilities in Northern Virginia to meet the ever increasing load. Existing lines are insufficient to carry additional power from the new 200,000 kw generator at Possum Point. This will be a double circuit steel tower line, built on right of way adjacent and parallel to right of way of an existing line. It will create no new traffic nor will it adversely affect the neighborhood.

Mr. McK. Downs, real estate appraiser, broker and consultant, gave a complete analysis of the property through which the line is proposed to run, illustrating with pictures and maps. The line is over undeveloped land. Conclusions were that this line will not be detrimental to the character and development of adjacent land. (Written statement is made a part of these records.)

Mr. Walter Cameron showed by exhibits, studies and investigations that this line would not affect radio or television.

There were no objections from the area.

Mrs. Carpenter moved that VEPCo be permitted to erect and operate a power transmission line from Occoquan Creek to McKay's Junction, Lee District, as this conforms to Sec. 30-125 of the Fairfax County Zoning Ordinance. Seconded, Mr. Lamond. Carried unanimously.

After a ten-minute break Mr. Osusky came before the Board stating that the posting signs on the CIA-DULLES VEPCo transmission line case set the time of hearing at 11:00 a.m. instead of 10:30 as advertised and set on the agenda. Consequently a group of citizens from Greg-Roy Park, who were vehemently opposed to the line running through their subdivision, did not get in the Board Room before 11:00 at which time the hearing was closed. They asked the Board to reopen the case so they could be heard.

Mr. Osusky stated that he represented Greg-Roy Subdivision, twelve or fifteen owners who were present, and would like to speak in their behalf.

Mr. Smith suggested that the Board hear the opposition and if the evidence presented warranted it to reopen the case. The Board agreed.

Mr. Osusky discussed their opposition as follows -- that the steel towers cross their subdivision which comprises approximately thirty acres, about 17 houses. The towers would be located in the undeveloped part of the subdivision and the people believed that the presence of this line would blight the surrounding area and preclude further good development. The towers would be within 400 ft. of the nearest home. The towers would destroy the landscape, depreciate property values and particularly depreciate the value people in the community place on their location. They do not want to live in the shadow of 110 ft. steel towers. The towers would also give a commercial character to a residential area. They realize the necessity for this line but cannot understand why the towers cannot be put in the open fields just to the north of the presently located line which runs through Greg-Roy subdivision. He asked the Board not to approve this part of the line.

Mr. Smith recalled that the developer of the subdivision gave the consent and had indicated that he would lose no lots and had no objection to the line in its presently proposed location.

Mr. Osusky said he would like to know why the line made a jog just near the subdivision and encroached into the subdivision area rather than making a straight line which would have been farther to the north and farther from homes.

Mr. Smith said they were following the existing pole line.

At this point the Board sent for Mr. Marsh and his representatives from VEPCo.

It was stated that a local newspaper had carried the time incorrectly. However, it was revealed that the official newspaper ad in the Fairfax Herald was correct.

Mr. Marsh and the others returned to the Board Room and were told what had taken place and of the request to reopen the case and relocate the line.

Mr. Marsh said they had met all County requirements. They had sent notices to people affected. They had heard the case and been given a favorable decision. If there was a mistake in the posting it was made by someone else. They had nothing to do with that. They object to any further proceedings in the case.

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Mrs. Henderson agreed that the applicant had met all its obligations and requirements but asked Mr. Marsh to go along with these people in view of the fact that the County had apparently been at fault in the posting. She asked if the Board might question Mr. Ely and probably others.

Mr. Marsh answered - yes, over his objections.

In order that VEPCo representatives might be fully informed on the objections, Mr. Osusky re-read his statements.

Mr. Bryson Pursell questioned the safety factor in the high voltage towers and the danger as an attractive nuisance to children. There are 32 children in this development. He urged that the line be moved away from the subdivision.

Mr. Dennis Webley (nearest home), Wetzer Katron, Philip M. Theenal, Mrs. Osusky, all spoke expressing strong opposition to the line as located. Each located his property on the map.

Mrs. Henderson asked Mr. Ely if there was a particular reason for putting the line in this community.

Mr. Ely said the line was laid out with the thought of causing the least objection; it was run across undeveloped land at least 400 ft. from any home. He considered it impossible to meet everyone's objections. They thought they had done a good job. As to relocating the line, Mr. Ely said they would have to go out on the ground; there was most assuredly a reason for the jog that brings the line closer to the subdivision but he did not know what it was.

The Board agreed that in view of the question brought up by people in the area, it should be answered, Mrs. Henderson suggested coming back on November 21 for clarification of this. Can the line be changed at this point, and if not, why?

(Mr. Marsh filed the court order, saying this line is necessary.)

In view of the possible error that was committed, Mr. Smith moved that VEPCo be requested to furnish the Board with additional information regarding a possible relocation of this portion of the line - said information to be presented November 21 at 10:30. It is to be understood that no further testimony will be heard at that time.

Mr. Marsh asked Mr. Downs to testify as to the effect transmission lines have had in the County upon subdivisions.

Mr. Downs showed pictures of Greg-Roy Subdivision and discussed the line with relation to the homes. He also showed pictures of other subdivisions where transmission lines have been run, giving actual value of the homes and

sale price, all with towers visible, some very near the homes, indicating that the towers have not affected property values. He particularly noted Lake Hills and Rose Hill.

Mr. Smith moved to defer further action on this until November 21 at 10:30 and that VEPCo be requested to answer the question - why is it necessary for the proposed line to run through Greg-Roy subdivision and can it be moved along a straight line rather than the two curves now proposed? It is to be understood these are the answers the Board wants. There will be no further evidence to be presented on November 21. Seconded, Mrs. Carpenter. Carried unanimously.

Mr. Marsh said he objected to the procedure.

Mrs. Henderson said after hearing VEPCo on November 21 the Board would decide if the new evidence warrants reopening the case but until such time as any further action is taken the case stands granted.

The Board recessed for lunch and upon convening resumed the agenda:

4- ROBERT GILL, to permit erection of 40 ft. building 40 ft. from street property lines, 15 ft. from rear line and 15 ft. from side property line, Lots 41, 42 and 46, Birch Subdivision, Falls Church District (C-O)

Mr. William Hansbarger represented the applicant. After purchasing this property in 1954, Mr. Hansbarger said, it was zoned C-G. Under the Pomeroy Ordinance it became C-O and under this zoning it is difficult to put up a building of any size and meet the setbacks. The lot to the west is zoned R-10 but if a request were made, Mr. Hansbarger stated, it would undoubtedly be zoned C-O as would all the lots in this triangle. He noted that Lot 38 at the intersection of Arlington Boulevard and Meadow Lane is zoned C-O. If he applied the setbacks the buildable area would allow only a 900 sq. ft. structure at the first floor level. The building cannot be moved east because of a sewer easement and the drainage ditch which will be located by the sewer easement. They can use the easement area for parking. The owner of Lot 45 has no objection to the 15 ft. setback. His lot will probably come up for C-O zoning. This is actually the only lot involved. A dwelling could come within the 15 ft. setback. This is not asking for more than the ordinance would allow under residential zoning. It was noted that all buildings in the block have a 40 ft. front setback.

The applicant plans to have a four-story (including basement) office building. Screening will be required under the site plan.

There were no objections from the area.

With regard to the application of Robert Gill, to permit erection of a 40

ft. building - 40 ft. from street property lines, 15 ft. from rear line and 15 ft. from side property line, Lots 41,42,46, Birch Subdivision, Mr. Smith moved that Step I applies in this case as there are unusual circumstances here, in that residential zoning backs up against this C-O zoning creating a need for a variance. Mr. Smith moved that step I applies also because the lot is irregular and narrow. Seconded, Mr. Barnes. Carried unanimously.

Due to the forementioned circumstances, the irregular shape of the lot and the C-O zoning backing up to residential zoning, the variance is in order and step II applies. Mr. Smith so moved. Seconded, Mr. Barnes. Carried unanimously.

Without a variance the property could not be put to a reasonable use, therefore Mr. Smith moved that the variance applied for be granted due to the fact that without the variance only a 900 sq. ft. buildable area is available. Mr. Smith moved that the variance be granted. Seconded, Mr. Barnes. Carried unanimously.

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5- MARY E. SMITH, to permit dwelling to remain 43.7 ft. from front property line, south end of 8th St., Mason District (RE 0.5)

No one was present to support the case. The Board agreed that it be put on the bottom of the list.

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6- LEONARD THOMAS, to permit erection of carport 32 ft. from Chateau Ct., Lot 50, Sec. 4, Elnido Estates, (5824 Chateau Ct.) Dranesville District, (R-12.5)

Mr. Thomas said his was the only house on El Nido and Chateau Court that does not have a carport. He asked for this for the reason that it would act as a shield against inclement weather both summer and winter, strong northwesterly winds and ice and snow make it almost impossible to open the door in winter. There is no other place on the lot where a carport could be located. It would improve the appearance of the house and serve a real need.

Mrs. Henderson agreed that there was no other place on the lot for a carport probably because the lot was too small for any more building. The fact that there was no carport on the property when Mr. Thomas bought was probably because the builder knew there was not enough room, Mrs. Henderson suggested.

Mr. Thomas showed pictures of his property and again stated his complaint and need.

There were no objections from the neighborhood.

Mr. Barnes observed that this house is located on a small lot and according to the plat it would appear that the house is taking over the greater part of the lot and there is no room left for a carport. He moved to deny the case because there is not room enough for the carport. Seconded, Mrs. Carpenter. Carried unanimously.

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7- SEVEN CORNERS MEDICAL BUILDING, INC., to allow building 30.25 ft. from adjoining residential lot, Lot D and part of Parcel C, Arthur G. Dezendorf property (#4 Castle Place) Mason District (C-O)

Mr. James R. Harris represented the applicant. The building is completed, he said, and he was not sure how the discrepancy in location occurred but it was probably a result of the grading which they made conform to the grading on the adjoining lot and somehow they lost sight of the actual setback location.

Mr. Chilton said the site plan showed a building 30 ft. high and the finished building is 33 ft. plus 3 ft. high.

Mrs. Henderson suggested purchasing property from the adjoining lot to correct the violation but Mr. Harris said that was not possible.

The Board discussed this at length. The suggestion was made that filling around the building would reduce the actual height and therefore the setback requirement. Mr. Smith noted that too much of the building is out of the ground. But Mr. Harris answered, they graded it to conform to the adjoining building which presents a better appearance.

Mr. Lamond moved to defer the case to November 28 for the Board to view the property. Mr. Smith asked the applicant to explore the possibility of acquiring more land from ~~Mr. Chiles~~ THE CHILD GUIDANCE CENTER or to suggest that ~~Mr. Chiles~~ THE CHILD GUIDANCE CENTER rezone ~~his~~ ITS property to C-O in which case the setback would be all right. Seconded, Mr. Barnes. Carried unanimously.

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8- ROLAND E. GOODE, to permit addition to existing building 6 ft. 10 in. from side property line, Lot 53, Annandale Subdv. (7257 Maple St.) Falls Church District (C-D)

Dr. Goode came before the Board. He stated that this building is used for dental offices. It is an old house to which he has added approximately 25 ft. in the back. He now wishes to add another 10 ft. in the back. This addition will come within 6 1/2 ft. of the side line of the property that is

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not zoned for commercial uses. All the other lots adjoining this property are commercially zoned. The addition must be 10 ft., Dr. Goode continued, if he is to have usable space. The property next door will be used in the same manner as this building. Dr. Goode said he was not changing the character of the area in any way - it would continue the line of the house and would give him a small additional space which he needs badly. There are three dentists in the building.

Dr. Goode pointed out that the street will be widened and he would lose some space - one parking space when that takes place.

Mrs. Henderson read a letter from Mrs. Steed, adjoining property owner, who stated that she had no objection to this - she hoped to sell her property for commercial zoning.

This area is all actually commercial in character, Mr. Lamond said, and it is in the commercial plan. He thought that should be considered.

No one in the area objected.

Mr. Lamond moved that the application of Dr. Roland E. Goode to permit an addition to existing building 6 ft. 10 in. from side property line, Lot 53, Annandale Subdivision, be approved, noting that steps I and II apply in this case. With the property immediately adjacent being included in the Master Plan for commercial development, the applicant could come closer to the property line if that property were zoned commercial. The minimum amount of variance that can be afforded in this case is the amount applied for, 6 ft. 10 in. Seconded, Mr. Smith. Carried unanimously.

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9- WALTER A. HONEYCUTT, to permit addition to existing building closer to street line than allowed by Ordinance, 801 Leesburg Pike, Mason District (C-G)

Mr. Honeycutt and his builder, Mr. Rector, appeared before the Board. Mr. Honeycutt said this is a little corner of his building which he wished to square off and put in a small office for his customers. It would be a little display room in which to receive people. This building was originally an old filling station, Mr. Honeycutt continued, when he bought the property. They remodeled it and built on to the back but they never finished off this little corner. The addition would take the same setback from Route 7 as the balance of the building and would come to the side property line.

The Board discussed the plat at length which appeared to be incorrect. If the applicant followed his distances shown on the plat, he would be on the adjoining property, it was noted.

Mr. Mooreland said the distance from the right of way nearest the property line was approximately 39 ft. following out a direct extension of the existing building. It would allow a room approximately 10 ft. wide at the front.

Mr. Rector said all they wished to do was to fill in the small corner running to the property line.

The Board discussed at length why the old dwelling on the property had not been torn down, why the last variance granted had not yet been used, and the great number of variances granted on this property.

Mr. Honeycutt said he had had a series of troubles which he did not completely understand but he was working them out with Mr. Schumann. Mr. Rector said he thought they were being held up on the parking - he has a contract to go ahead with the new building but cannot get the permit until he conforms to something, he was not entirely sure what.

The Board asked that Mr. Schumann come in and explain Mr. Honeycutt's difficulties. The case was put over until the Board could talk with Mr. Schumann.

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10- ROBERT D. SINGEL, to permit erection of stable with less than required setback, S. side of Rt. 681 at entrance to Colvin Run, Dranesville District (RE-2)

Mr. Singel explained the contour of his ground, showing that this is the best location for the stable because it is well shielded by either slope in the ground or trees. Mr. Burritt, the owner of land immediately to the south, and the one most affected, wants the stable in this location as it is completely screened from his house. If he put the buildings back 100 ft. from all property lines, Mr. Singel said, it would be out from under any trees and would be easily visible from all angles - this is the only place it could be located where it cannot be seen by anyone. He pointed out that from a distance to the north the buildings probably could be seen through a swale.

Mr. Mooreland said this was for sure the best location for this - any other place would stand out like a sore thumb.

There were no objections from the area.

Mr. Lamond moved that the application of Robert D. Singel for permit to erect a stable with less than required setback, on south side of Rt. 681, at entrance to Colvin Run, be approved as the Board finds that steps I and II apply due to the topography of the land and the minimum amount of variance that can be afforded the applicant is that applied for. It is found that this conforms to Section 30-136 of the ordinance. He moved that it be granted.

November 14, 1961
Robert D. Singel - contd.

Seconded, Mrs. Carpenter. Cd. unanimously.

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At this point, Mr. Schumann came before the Board regarding the Honeycutt case. Mr. Mooreland stated that in March of 1958, Mr. Honeycutt got a permit to build an addition to his building and again in March of that year, got a permit to move the old building. (The Board has asked when the old building was to have been moved or torn down.)

Mrs. Henderson recalled that the Board gave Mr. Honeycutt a permit in 1960 contingent upon provision of sufficient parking. Apparently ~~has~~ he has not provided the required parking. Mrs. Henderson said she objected to granting another variance on this building before the variance granted has ~~not~~ been taken advantage of. If the parking situation prevents the applicant from building, Mrs. Henderson asked, why grant another variance?

Mr. Schumann said that what Mr. Honeycutt wants to do will have no effect upon whether he can provide parking or not -- there will be no problem of enough on-site parking. They are now dealing with the Highway department on what Mr. Honeycutt is required to dedicate. With regard to removal of the building, Mr. Schumann said the site plan will have to be approved and he would recommend that the site plan provide for removal of the building, and that they do not approve the site plan until the old building is removed. Mr. Schumann said this can be worked out and reduce Mr. Honeycutt's problems to a minimum.

There were no objections from the area.

It is apparent, Mr. Smith stated, that this application has no bearing on the previous applications. This request seems to offer nothing detrimental to the building but it actually would improve the situation for Mr. Honeycutt and it is doing nothing more than bringing the full frontage of the building to the side line - which is permissible. It probably would give a better front to the building. It does not encroach on the front setback as much as the present building. In the discussion it was pointed out that there is a need for this room to take care of the customers. The building is an odd shape the way it is and to fill in this small corner would not in any way be detrimental. Mr. Smith continued that in the opinion of the Board, Steps 1 and 2 apply and the

November 14, 1961
Walter Honeycutt, contd.

minimum variance that could afford relief is that applied for - which is 11 ft. from Rt. 7 at the nearest corner. Mr. Smith moved that the application be granted as requested. Seconded, Mr. Lamond.

Mrs. Henderson asked to have added to the motion that in the site plan it be stipulated - removal of the old building before an occupancy permit be granted. It is understood that the applicant can go ahead on a temporary occupancy permit - but it is understood that the old building must be torn down. (Mr. Smith accepted the addition to the motion - also Mr. Lamond.) Cd. unan.

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11- ALEXANDRIA LOYAL ORDER OF THE MOOSE LODGE, #1076, to permit erection and operation of a Moose Lodge, on northerly side of Route 626, Buckman's Road, approx. 300 feet from its intersection with U. S. #1, Lee District. (R-12.5).

Mr. Paul Peachey represented the applicant. Mr. Peachey said this Lodge is now meeting in a rented property in Alexandria. They have contracted to purchase this property - on a contingent basis. They plan the Lodge building to be 80 x 110 ft. with swimming pool and recreation area in the back. Mr. Peachey said this would be a great improvement to this property as it is presently grown up and ill kept. The old house on the property will be removed.

There were no objections from the area.

Mr. Ledbetter said his company was donating the heavy equipment work on this - that the people want it and they expect to have a very fine community project. There are 265 active members - therefore, they need more room and recreational area than they have in Alexandria. There is no other Moose in the area.

Mr. Peachey said they will build the building so it can later have a second story - the present project will cost about $48,000 for materials - much of the labor will be donated. They have shown 38 parking spaces - although they can furnish many more if necessary since they have a large piece of ground.

Mr. Wallace Deihl said they have from 180 to 200 at one time at some of their meetings - usually about 10% of their membership at regular business meetings. They are on good bus service from Alexandria - many people will come that way. They will add to the parking when it is needed. Mr. Diehl said they really plan a good project that will be a credit to the community.

November 14, 1961
Alexandria Loyal Order of the Moose Lodge, contd.

Mrs. Carpenter moved that Alexandria Loyal Order of the Moose Lodge No. 1076,(to permit erection and operation of a Moose Lodge on the northerly side of Rt.626, approx. 300 ft. from its intersection with U. S. 1,)be permitted to erect and operate their Moose Lodge as requested. This is granted as it does not appear to the Board that it will be detrimental to the character of adjacent property and it also is understood that 100 parking spaces will be adequate for this use at the present time.

Seconded, Mr. Lamond. Carried unanimously.

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12 - ALAN HAMLETT, to permit erection and operation of a dog kennel, south side of Lee Highway, approx. 1000 feet east of Route 645, Centreville District (RE-1).

Mr. L. C. Wixson represented the applicant. Mr. Wixson located the property showing that there are many businesses in the area and this property actually joins a repair garage. The proposed kennels will be 212 feet back from Lee Highway and 120 ft. from any property line. There are four buildings now on the property. The applicants plan to take in any dogs that do not have a home. They have a great love for dogs - often they go to the dog shelters and take dogs which might have been destroyed - take them home and place them in good homes. They will be boarding dogs. They may raise a few to sell but this will be mostly for dog boarding. It is not planned that they will live in the house at this time.

The kennel building will be cinderblock - with concrete runs and floors. Someone will live on the premises - in the house nearest the kennel. They will have a separate septic for the kennel - there are two wells on the property. The Board discussed the drainage condition on this ground - it is low and might be difficult to get sufficient septic and percolation. It was noted that the case could be granted subject to satisfactory percolation. They do not expect to have more than 50 dogs. The building will be planned in conformance with American Kennel Club requirements. They will have a cinderblock fence in front to shield the dogs from the highway. The dogs will be inside at night.

There were no objections from the area.

November 14, 1961
Alan Hamlett, contd.

With regard to the application of Alan Hamlett to permit erection and operation of a dog kennel on the south side of Lee Highway, approx. 1000 ft. east of Rt.645, Mr. Smith moved to approve the application for a period of three years, subject to approval of the Health Dept. for proper sanitary facilities which will take care of the complete operation.

It is understood that the kennel area will be screened from view of Rts. 29-211 and all other provisions of the Ordinance shall be met. The Board is particularly concerned that the runs will be screened with a cinderblock wall -- so they will not be seen from the highway. It also is understood that this kennel will have a maximum of 50 dogs - and this use is granted to the applicant only. Seconded, T. Barnes. Cd. unan.

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13 - ANTHONY L. CERMELE, to permit an addition to nursery school, located on Route 613, Lincolnia Road, approx.450 ft. south of Summit Place, Mason District. (RE-0.5)

Mr. Cermele said they wish to construct one large room to be used in connection with the school -- it will be one story with outside entrance. They now have 65 pupils and this probably will increase the enrollment. They have a capacity now for 37 in the mornings and 42 in the afternoons. This addition will give them a maximum of 52 at any one time. They need this large room especially for inside activities during the winter. There were no objections.

Mr.Lamond moved that the application of Anthony L. Cermele to permit addition to nursery school be granted as it appears that this is not out of harmony with the neighborhood and it will not interfere with normal traffic conditions in this area. It meets requirements under Group 6 of the Ordinance. This is granted to the applicant only. This also includes the stipulation that no more than a maximum total of 60 children will be in attendance at any one time.

Seconded, T. Barnes. Cd. unanimously.

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November 14, 1961

14 - CHANTILLY FIRE DEPARTMENT, INC. - to permit an addition to fire station 48.3 feet from Route 28 and no setback from rear line, located on west side of Route 28, approx. 200 feet south of Route 50, Centreville Dist. (C.G.).

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Mr. H.D. Smith represented the applicant. Mr. Smith presented a letter from the Fire Commission stating their approval of the addition.

Mr. Smith explained that because of the extremely crowded conditions in their fire house, it is very difficult to operate with any degree of efficiency. The present fire house has only one equipment door - with this addition, they will have another door so the men will not have to go all the way to the back to get in. He showed pictures of the lineup of equipment indicating that the driver must enter equipment from the right side and the one-foot leeway between ambulance and fire truck -- the driver cannot enter the ambulance from the left side. Such things slow up their response to a call. This station started in 1947 Mr. Smith said and has increased rapidly. They served Chantilly Airport during construction and now have a large and fast growing service area. Commercial zoning joins the firehouse lot. Such crowded conditions hamper quick response and render them greatly handicapped in performing a needed service.

There were no objections from the area.

With reference to the Chantilly Fire Department application to permit addition to fire station 48.3 ft. from Rt.28 and no setback from rear line, located on the west side of Rt.28, approx. 200' south of Rt.50, Mr. Smith moved that the application be approved as applied for - that the unusual circumstances pertaining to this fire house - storage of ambulance and equipment make it necessary to have more room - for the reason that the ~~County~~ FIRE DEPARTMENT has out grown the present facilities, - the addition is absolutely necessary for the group to properly serve the area and the adjoining neighborhood. This area has grown greatly and there will be even more service demand when Dulles Airport is completed. Step one and two apply in this case. The variance shown is the minimum that could afford relief and allow the convenience of entering the front of the building instead of the rear, which would save valuable time in getting out to do their job.

November 14, 1961
Chantilly Fire Dept., contd.

Mr. Smith moved that the application be approved as applied for, in accordance with the Ordinance. Seconded, T. Barnes. Cd. unanimously.

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DEFERRED CASES.

1 - MARY B. ROBINSON AND LOUISE SAMPSON, to permit operation of a kindergarten, (25 children), Lots 29, 30 and 31, Block 6, West McLean, Dranesville District (R-12.5)

After viewing the property, Mr. Lamond said his opinion was that this use would be detrimental to the area as the impact upon the neighborhood would not be in harmony with the character of the surrounding area. He moved to deny the case. Seconded, T. Barnes. Cd. unanimously.

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2 - C. E. BRIGGS, to permit an addition to dwelling 7 feet from side property line, Lot 148, Valley View Subdivision, (2607 Valley View Drive), Lee District. (R-17).

Mrs. Briggs appeared before the Board stating that they wish to tear down the little side room which is not attractive and which serves very little use and build a larger room. It will be of brick construction and will come closer to the line than the present structure. They cannot put the addition on the back as it would cut off the breeze. This house is older than the others on the street, Mrs. Briggs stated, and they wish to do something of a modernizing job.

Mrs. Henderson noted that this is a 70' lot in an R-17 district, an old house in a new neighborhood.

Mr. Smith thought a variance was justifiable but not as much as requested. He thought a setback of 9' would be more in keeping with what the Board could grant and still give the applicant a usable room. He noted that the room could be extended in the back if the applicant wished.

Mrs. Briggs objected to the long narrow room which would not be attractive or as usable.

There were no objections from the area.

On the application of C. E. Briggs to permit addition to dwelling 7 feet from side property line, 2607 Valley View Dr., Mr. Smith moved that the application be approved for a setback from the side property line of 9' rather than the 7' requested. In view of this being an old house in an R-17 district, the variance is permitted in order to allow the applicant to modernize the house with the removal of the present porch

November 14, 1961
C. E. Briggs, contd.

addition and to put on the new addition. This will give a worth while living space. This appears to be the minimum variance that would afford relief in this case - therefore, Mr. Smith moved that the Board approve a 9' side setback from the property line. Seconded, T. Barnes. It also was noted that the applicant could go back with the addition if he wished. For the motion, Messrs. Smith and Barnes, and Mrs. Henderson.
Voting against the motion - Messrs. Lamond, Mrs. Carpenter. Motion cd.
Mrs. Carpenter said this does not conform to Section 30-36 - she saw no evidence of hardship.

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3 - EDMUND K. GIVENS, for rehearing.
Mr. Givens was unable to appear at this time. He was deferred to December 12th.

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NEW CASE

15 - M. P. BUILDERS, INC. - to permit dwelling 38.3 feet from Royston Street, Lot 38, Section 1, Ravensworth Grove, Falls Church District (R-12.5)
Mr. Jack Coldwell represented the applicant. This was an error made in the field and discovered when they made intermediate location check. The contractor stopped work on the building. Construction is up to the first floor.
It was noted that the Board of Supervisors adopted an emergency Ordinance granting power to the Board of Zoning Appeals to allow variances on an honest error. The emergency passed for the reason that several cases of this type are pending.
Mr. Coldwell pointed out that this error is very small, it is on a curve and does not in any way interfere with site distance nor is it noticeable since the houses in this curve do not appear to have exactly the same setbacks. It would cost in the neighborhood of two or three thousand dollars to move the house.
Mr. Lamond noted that this is an irregular shaped lot with a curved front line and narrowing at the rear.
Mrs. Henderson noted that the lot does not narrow sufficiently to prevent moving the house back.
Mr. Smith pointed out that the applicant admits the honest error and filed under the provision of the Ordinance relating to that.

November 14, 1961
M. P. Builders, Inc. contd.

Mr. Lamond moved that the application be granted in view of the emergency ordinance relating to honest mistakes. The applicant states that this was an honest mistake and granting this will do no violence nor will it be detrimental to the Ordinance. He moved to approve. Seconded, Mrs. Carpenter. (This is granted under the emergency section of Sec. 30-36 of the Ordinance.)

For the motion: Lamond, Carpenter, Barnes, Smith.

Mrs. Henderson refrained from voting as she objected to the manner in which the emergency ordinance was passed - without conference with the Board of Zoning Appeals.

Mr. Smith said he also objected to the procedure and he felt the emergency ordinance should be reworded as it should not be left up to the Board of Zoning Appeals to say who is honest and who is not.

Motion carried.

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5 - Mary E. Smith deferred to bottom of the list. No one present. Deferred to Nov. 28th. Mr. Lamond so moved; Mrs. Carpenter seconded. Cd. unan.

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The meeting adjourned.

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

December 6, 1961
Date

A special meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, November 21st, 1961, at 10:00 A. M., in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

SHIRLEY INDUSTRIAL PROPERTY, INC. to permit erection of a warehouse closer to Street line than allowed by the Ordinance, north of Southern Railroad, west of Shirley Highway on the Shirley Industrial Property, Mason District. (I. G.)

Mr. C. Boguess represented the applicant. This request would allow construction of a building located at the same setback as a building already under construction. This applicant plans also to put a third building between this structure and the one under construction which they wish also to locate at a 40' setback. This completes the buildings on the street, all with a uniform setback. It was noted that all buildings on the Shirley Industrial property have the 40' setback and that all roads within the Shirley Industrial area are dedicated to the State except this road which does not run through to the state highway. It is used only as an industrial road within the area. There were no objections from people living in the area.

Mr. Lamond moved that the Board find that steps one and two apply in this case as outlined in the Ordinance and the amount of relief that can be allowed is the setback applied for (40') - for the reason that this land is irregular in shape and the building already under construction is at a 40' setback. While this does not front on a street, the setback is established. (It is also noted that the same setback as these buildings should be followed for any future construction along this street, viz 40')

Seconded, T. Barnes. Motion carried.

Mr. Lamond then made the following motion: He moved that any future building between these two structures shall be set back 40' - the setback already established by the proposed building and the one under construction. It would be logical that any building lying between the two structures should have to be at the same setback line - 40'. It is to be noted that this road, upon which the buildings face, serves this property only.

Seconded, T Barnes. Cd. Unan.

November 21, 1961
Shirley Industrial Property.

During the time gap between the first case and VEPCO, scheduled at 10:30, Mr. Mooreland asked the Board for direction on certain matters: Definition of antique shop - would it include an "old book shop"? The Board agreed that "antique shop" as intended in the Ordinance does not constitute an antique book shop - but rather it pertains to antique furniture.

Mr. Mooreland asked if a building, under the old General Business zoning, was allowed to set 35' from the street r/w, and under the new Ordinance, 50' is required, does that make the use non-conforming under the present Ordinance? Mr. Mooreland said the Director of Planning considers the use should be held non-conforming. Mr. Mooreland said he did not agree. In that case, Mr. Mooreland continued, if the use in the building is changed it would have to conform to the required setback which, he considered not the intent of the Ordinance. A use which was changed but which was permitted by right would require that the building be moved or set back to the required setback.

The building stays non-conforming as to location, Mrs. Henderson pointed out but the use in the building (permitted by right) should be allowed to change from one type of business to another.

It was agreed that any addition to the building would have to conform in setback or if the front were destroyed and replaced it would have to conform.

Mr. Lamond moved that this be discussed with the Commonwealth Attorney. Seconded, Mrs. Carpenter. However, Mrs. Henderson pointed out that Section 30-104 (h), Page 543 of the Ordinance, takes care of this situation, confirming Mr. Mooreland in his opinion:

> "(h) The rights pertaining to a nonconforming use or building shall be deemed to pertain to the use or building itself, regardless of the ownership of the land or building on or in which such nonconforming use is conducted, or of such nonconforming building or the nature or the tenure of the occupancy thereof."

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VEPCO - Re transmission line from CIA to Dulles Airport.

Mrs. Henderson recalled that this case was granted at the last meeting but was deferred without a change in the granting motion to determine if the power line could be moved out of Greg Roy subdivision .

Mr. Hugh Marsh, representing the applicant, asked Mr. Leon Johnson, District Manager of VEBCO, to discuss the case in point.

Mr. Johnson said in the original layout of the line, the right-of-way was designed to follow a straight line and miss Greg Roy Subdivision, but it was found that the route conflicted with the road program which requires that on all limited access roads the power line must cross the road right-of-way at a 90 degree angle. They then worked over the right-of-way and changed their lines so the crossing of the Airport Access Road was made at 90 degrees. There are many things to consider in locating a right-of-way, Mr. Johnson pointed out, particularly do they try not to disturb nor work a hardship on private property. They are not allowed to come within 60' of a dwelling. In this case, they brought the line along the backs of lots where there are many trees between the line and existing homes. He stated also that if they moved the line 400' farther from the homes it still could be seen - it might even be seen more easily than in the present location. Mr. Johnson said he walked this line and observed it from many different angles and still considered it would not be objectionable.

Mr. Johnson said he had talked with Mr.Betor, developer of GReg Roy, and the owner of the ground through which the line passes, and Mr. Betor said he might lose one or two lots. Mr. Betor had also stated that he had made up a preliminary plat of this area and found that only a few of the lots could be built upon because they would not take percolation. In order to develop on septics, he would have to make 3 acre lots. Therefore, Mr. Betor said he probably could not develop these lots as it would not be feasible economically. Mr. Johnson said they had therefore not considered this subdivision property. No plat is on record showing lots in this section of Greg Roy.

In answer to a question, Mr. Johnson said the towers are about 1000 ft. apart.

While the complete hearing of the opposition was held at the last meeting (after VEPCO had completed its presentation) the Chairman allowed those to speak again who so desired.

Mrs. Charlotte Ketron, Mrs. Osusky, Mrs. Phienel, and Mrs. Hatton all spoke - restating their objections to this line so near their homes and making many suggestions for a change in the directions of the line -- all of which Mr. Johnson showed were either impossible or impractical.

Mr. Marsh recalled that the Court has ordered this line to be built, and they have located it according to the best engineering standards and have met all requirements.

Mrs. Henderson stated that the development of the County and the Court Order make it imperative that this line be built. The two big installations in the County - CIA and Dulles Airport, must be supplied with power and these lines cannot be put in without affecting someone. It may affect this subdivision to some extent, Mrs. Henderson continued, but if the line is moved it may affect four more houses. In the subdivision actually it affects only two or three houses. It is a problem, she went on, which is not to everyone's liking but it must be faced.

Mrs. Henderson ruled that the use permit granted to VEPCO at the last week's meeting stands.

The meeting adjourned.

Mary K. Henderson
Chairman
Board of Zoning Appeals

December 6, 1961
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, November 28, 1961 at 10:00 a.m. in the Board Room of the Fairfax County Court House. All members were present (Mr. Lamond arrived late); Mrs. L.J. Henderson, Chairman, presided.

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

NEW CASES

1- AVIS BOOTHE, to show cause why permit issued September 16, 1952 for filling station should not be revoked, on W. side of Rt. 617, approx. 1000 ft. S. of Rt. 644, Mason District

Mr. Mooreland stated that this case had been set for hearing in September but upon making inspection of the property during the day it was found that the violations had been cleared; however, later on it was revealed that at night there were trash trucks, taxi-cabs, trailers, etc. being parked on the property. The Board of Appeals granted a permit for the filling station in 1952. At that time the property was zoned in the Agricultural classification. This is a non-conforming use.

Mr. Boothe said he has leased the property to the Sinclair Oil Company and he did not know who gave them permission to park these vehicles here overnight.

Mr. Platts, Washington Branch Manager of the Sinclair Refining Company, said they have leased the station on a dealer basis to Mr. Kelly who has been their dealer for seven years. This matter was brought to the company's attention on Thursday -- on Friday Mr. Platts spoke to Mr. Kelly who then came to the courthouse to talk this over with Mr. Mooreland but found that the courthouse was closed for the holiday. At this time Mr. Kelly has given notice to all except the cabs and he is willing to give notice to them if the Board requests him to, Mr. Platts continued. He has several accounts at the station which use his products and in return he allows them to park there overnight. In giving up these accounts, Mr. Kelly is giving up considerable revenue, Mr. Platts stated.

Mr. Jack Rouse, representing the citizens association in his area, stated that he has lived on Calamo Street for five years and that the condition of the station gets worse each year. He said he had talked with Mr. Mooreland and Mr. Schumann and had actually caused this action here. Until a few weeks ago, he said, there were from five to ten garbage trucks (some loaded, some unloaded) parked overnight at the station, and also moving vans, trailers and taxi-cabs, Mr. Rouse continued. The citizens in the area cannot live with such conditions.

Mr. Platts assured the Board that there would be no further violations at this station.

Mr. Kelly stated that if he is limited in the services he can perform, he will not be able to pay the rent. These people would not deal with him any longer if they are not permitted to park their vehicles here. Mr. Smith asked if the taxi-cabs had a place to go; Mr. Kelly replied that they could move over to Keene Mill Road. They now have all their transmitting equipment set up at the station. Mr. Smith said it would take some time for them to get permission from FCC before they can move their transmitter. The telephone also will have to be moved.

Mr. Smith moved that in view of the effort that has been made in the past to clean up this operation, and statements made by Messrs. Platts and Kelly, that the Board give Mr. Kelly 20 days in which to have the taxi-cabs removed from this property; that there will be no trucks parked there overnight, and that the trailers used for dropping freight be moved within 36 hours. If the report at the end of 20 days shows that this has not been cleaned up the permit will be automatically revoked without further hearing. Seconded, Mr. Barnes. Carried unanimously.

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2- PETER E. PAULY to permit erection of addition to dwelling 15 ft. from rear property line, Lot 67, Sec. I, Gunston Heights, Lee District (RE-2)

Mrs. Pauley said they wish to build two rooms onto their house - a living room and a dining room. This is the only place they can build due to the contouss of the land. She showed slides of the house and the yard.

Mr. Barnes moved to defer to December 12 to view the property; seconded, Mrs. Carpenter. Carried unanimously.

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3- RUTH ELLIOTT, to permit operation of day nursery, Lots 9 and 10 Kings Highway Subdivision (417 Harrison Lane) Lee District (R-17)

Mrs. Elliott said she wishes to operate a day nursery, Monday through Friday, no nights or week ends, with ten children or less to start. This would be a year-round operation. There is city water piped into the house; all they have to do is connect it to the meter, Mrs. Elliott said. The children would range from 1 to 6 years of age. She would provide adequate play area with swings, sand boxes, etc. She said the Health Department has no objection as long as she uses city water. There was no opposition.

Mrs. Carpenter moved that Ruth Elliott be permitted to operate a day nursery with a maximum of ten children, that there be adequate fencing

and play area provided, that all fire and health laws be met, and that this be granted to the applicant only. She also stated that she did not feel that this operation would be detrimental to the surrounding neighborhood. Seconded Mr. Barnes. Carried unanimously.

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4- VICTOR M. LONGORIA, to permit erection and operation of veterinary hospital, part Lot 2, Lawrence H. Butt property on Rt. 7 near Shreve Road Providence District (C-G)

Mr. Hiss represented the applicant. He stated that Dr. Longoria is operating a small animal hospital at present. He has purchased another piece of property nearby and wishes to move his operation to this site. His building is presently 25 ft. in width and in his plans he indicates that he wants to increase the width to 35 ft.

Mr. Mooreland explained that Dr. Longoria was before this Board when he wanted permission to erect his present building. The Board granted permission but later found out that this property was located in the City of Falls Church. This was in 1954. Dr. Longoria is located on the left side of the Myers property now and he wishes to move to the right of it and put up a new building. The proposed building would be 100' x 35'. The old building will be rented for some other use.

Mrs. Carpenter quoted the Staff recommendation on this: "This tract is subject to the approval of a subdivision plat since the tract was conveyed in violation of the subdivision control ordinance. Dedication and construction of a service drive will be required in connection with plat approval. Site plan approval will be required for this use. How many parking spaces will be required for this use?"

Dr. Longoria said there is room for a service road and adequate parking for 25 cars. However, it was thought by some Board members that probably 10 spaces would be adequate.

Mrs. Carpenter moved that a use permit be granted to Dr. Longoria to permit erection and operation of veterinary hospital, part Lot 2, Lawrence H. Butt property on Rt. 7, near Shreve Road, as this would not appear to be detrimental to the neighborhood, and that at least 15 parking spaces shall be provided. Seconded Mr. Barnes. Carried unanimously.

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November 28, 1961

5- JOE BRISCOE & ERNEST BELL, to permit operation of used car lot, 4116 Richmond Highway, Mt. Vernon District (C-G)

The applicants said they have moved about thirty cars onto this property which they have since discovered is not zoned for commercial use. They have filed a rezoning application but so far nothing has been done. (IN checking with the Planning Office it was found that the application had been filed but no plats had been submitted and no fee had been paid.)

Mr. Mooreland said it has been the policy of the County for twelve years that where there is a violation, and a rezoning application has been filed, they can keep operating until something is done on the application.

Mr. Smith moved that the application of Joe Briscoe and Ernest Bell, to permit operation of a used car lot, 4116 Richmond Highway, be deferred due to the fact that it has been discovered that the application has been made on residential land and not commercial, with the provision that the owners immediately pay the $65 rezoning fee in order to expedite the rezoning application and submit the necessary plats to the proper authorities, for this deferment to be actually effective.

Seconded, Mr. Barnes. Carried unanimously.

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6- HELEN JO PAYNE, to permit operation of antique shop in home, Lot A, Bailey Tract, (750 S. Carlyn Spring Rd.) Mason District (R-12.5)

Mr. Payne explained that his wife wishes to sell antiques in their home by appointment only. There is ample parking space. They have approximately 2 1/2 acres of land and are about 115 ft. off the road.

There was no opposition.

Mrs. Carpenter moved that a use permit be granted to Helen Jo Payne to permit operation of antique shop in her home, Lot A, Bailey Tract, (750 S. Carlyn Spring Rd.) and that all provisions of the ordinance pertaining to antiques be met. This is granted to the applicant only.

Seconded Mr. Barnes. Carried unanimously.

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7- AMERICAN OIL COMPANY, to permit pump islands 25 ft. from r/w lines, Lots 82 & 83, part of Lot 94, Bryn Mawr (SE corner #123 and Old Dominion Dr.) Branesville District (C-G)

The applicants requested deferral to December 12 in order that adjoining property owners could be notified. Mr. Smith moved to grant the request of the applicant. Seconded Mrs. Carpenter. Carried unanimously.

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8- HUMBLE OIL & REFINING CO. to rebuild service station 54.37 ft. from Rt. 7 and 52.90 ft. from Arlington Blvd. and to allow pump islands 25 ft. from both Rt. 7 and Arlington Blvd. property at the intersection of Route 7 and Arlington Blvd. at Seven Corners, Mason District (C-G)

Mr. Hansbarger represented the applicant.

(Mr. Lamond came into the meeting at this point.)

Mr. Hansbarger showed pictures of what is presently on the property. He said there are several things wrong there now, ~~which~~ AND a use permit and variance would go allong way toward improving the situation. This property was acquired by Esso in 1959. At that time there was an existing lease with the U-Haul company, which the Esso people normally would not permit. In this case the use will be discontinued and will not again be established. He read the following letter from the Humble Oil & Refining Company:

"November 28, 1961

Mrs. L. J. Henderson
Chairman of the Board of Zoning Appeals
Fairfax Court House
Fairfax, Virginia

Dear Mrs. Henderson:

Please be advised that the "U-HAUL" trailer rental service now being conducted on the premises of the 7-CORNERS ESSO Servicenter is to be discontinued and will not again be re-established when the proposed ESSO Servicenter is constructed on these premises.

Very truly yours,

HUMBLE OIL & REFINING COMPANY

BY: (S) S. W. Paxton"

Mr. Hansbarger stated that Esso was not responsible for this in the first place.

The new building would be approximately in the same location as the present building because of the shape of the lot. No matter where they build it they will be in violation of the 75 ft. setback.

In checking with the Planning Staff, Mr. Hansbarger said he found out that the Arlington Boulevard and Route 7 have both been widened to maximum width.

The two buildings now on the property will be removed and there will be no U-Hauls.

There was no opposition.

Mr. Smith moved that the application of the HUMBLE OIL & REFINING COMPANY, to rebuild service station 54.37 ft. from Route 7 and 52.90 ft. from Arlington Blvd and to allow pump islands 25 ft. from both Rt. 7 and

Arlington Boulevard, property at the intersection of Route 7 and Arlinton Boulevard at Seven Corners, Mason District (C-G) be granted as applied for as this is one way of cleaning up this corner and that reference be made to letter from Humble Oil Company dated November 28, 1961 in relation to the fact that there will be no U-Haul operation on these premises after the rebuilding of the service station. This is granted for a service station only. Seconded Mr. Barnes. Carried unanimously.

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9- JOHN H. & CICELY F. REITER, to permit division of property with less than required frontage, southerly adjacent to Clearview Manor, Section 1, Dranesville (RE-1)

Mr. Reiter said Clearview Manor was created about the same time as CIA, in three stages. Stage I, Mr. Hirst's property, has now all been zoned and accounted for; Stage II the same way. When it came to Clearview Manor III, Mr. Rieter said, they refused because they did not like the shape of the lots. At first they tried to sell two one acre lots but they had no buyers. A few days ago when everything was practically sold in the neighborhood, they were approached to sell two one acre lots. Mr. Chamberlin of DeLashmutt Associates told them that probably the simplest way in which to handle this matter was to ask the Board for a variance. Mr. Reiter said they have two well laid-out lots, in good shape. This will close out and end up the subdivision work in their vicinity. This would be granting a variance on only one lot.

Mrs. Carpenter said that Mr. Sedgewick's lawyer had called her and for some reason he wanted it put into the record that there was a covenant running with this land that not more than one house could be built behind the 100 ft. setback line off Rockland Terrace.

There was no opposition.

Mr. Smith moved to approve the application of John H. and Cicely F. Reiter to permit division of property with less than required frontage, southerly adjacent to Clearview Manor, Section 1, Dranesville District, in accordance with plat submitted and to be initialed by the Board 11/28/61, and that all other provisions of the ordinance shall be met. Seconded Mrs. Carpenter. Carried unanimously.

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DEFERRED CASES

1- ANTHONY A. BENSON, to permit dwelling to remain as built 45.3 ft. of Lee Avenue, Lot 110, Section 2, Wellington, Mt. Vernon District (RE 0.5)

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Mr. Gregory Orndorff represented the applicants.

Mrs. Henderson noted that this has been deferred for some time. An emergency amendment has been passed on account of this.

Mr. Orndorff gave the following background on the case -- when he laid out this house he acquired a plat from the records department and had photographs made from the plat on record. It showed a survey with 30 ft. wide streets. The survey was changed to show 40 ft. wide streets. When he laid out the house it was based on 30 ft. right of way, not realizing that it should have been 40 ft. Instead of coming off the center line 20 ft. as he should have, he only came off 15 ft.

The Board discussed this briefly and Mr. Lamond moved that the application of Anthony A. Benson, to permit dwelling to remain as built 45.3 ft. of Lee Avenue, Lot 110, Section 2, Wellington Avenue, be granted on the conditions laid down in the emergency ordinance, that this was an honest mistake and by granting this variance the ordinance was not impaired, and the living conditions along the street and in the particular neighborhood are not impaired. Seconded, Mr. Barnes. Carried unanimously.

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2- MARY E. SMITH, to permit dwelling to remain 43.7 ft. from front property line, south end of 8th Street, Mason District. (RE 0.5)

No one was present to represent the applicant. It was noted that the applicant might want to withdraw the case, but how could it be withdrawn when it is in violation?

Mr. Robert S. Baggett stated that evidently he had set the house too close to the line - they have an attorney who is looking into this.

Mr. Smith moved to defer the application pending a letter giving reasons for withdrawal from the applicant - deferred to December 12. Seconded, Mrs. Carpenter. Carried unanimously.

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3- SEVEN CORNERS MEDIEAL BUILDING, INC. to allow building 30.25 ft. from adjoining residential lot, Lot D and part of Parcel C, Arthur G. Dezendorf property (#4 Castle Place) Mason District, (C-O)

Mr. Roan was present, stating that this was built in accord with the plans. The location is all right, the only thing in question is the height, he said. When this was originally applied for, the ground was a lot higher than it is now.

Mr. Chilton said the problem seemed to be the same man giving the County two sets of plans, one saying 30 ft. and one 36 ft. It is not the con-

tractors' fault nor the Zoning Office's fault, Mr. Chilton said. He did not know of any other case similar to this one.

Mr. Smith moved that in view of the fact that the exact person who made the error cannot be pinned down, this seems to fit very closely the "honest mistake" category - the applicants have investigated the possibility of acquiring additional land and that is not possible; it seems the only solution is a variance under the emergency amendment dated November 8, 1961 on the mistake policy. There certainly has been a mistake and it has been pinned down as closely as possible. Seconded, Mr. Barnes.

Mrs. Henderson pointed out that they do set back 4 1/2 feet beyond the FRONT SETBACK requirements.

Motion carried, Mrs. Carpenter not voting.

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The Board discussed several problems brought up by Mr. Mooreland but took no action.

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The meeting adjourned.

(By Betty Haines)

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

January 17, 1962
Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held on Tuesday, December 12, 1961 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

NEW CASES

1- M. P. BUILDERS, INC. to permit dwelling 35.2 ft. from Royston St., Lot 62, Section 1, Ravensworth Grove, (formerly Heritage Hills, Section 3), Falls Church District (R-12.5)

Mr. William Stuart represented the applicant, making the following statement: they have four types of houses which they are putting on this property. They had planned to have the hip roof house on this lot but the purchaser of the lot wanted a rambler which has a porch across the front. It is 4 1/2' x 22'. The houses are the same size, the only difference being the porch. The house was located as though it was the hip roof type with proper setbacks but no allowance was made for the porch. This brings the house plus porch to within 35.2 ft. of the property line. No one in the area objects to this violation which is not noticeable because the houses at this particular location are on a slight curve. There is a cemetery on Lot 63 immediately to the north. It was stated that the porch probably was added after the ~~immediate~~ INTERMEDIATE check was made.

Mr. Smith suggested that the Board view the property. He thought that if the porch could be removed without hurting the property, it should be done. He moved to defer the case to January 9, 1962. Seconded, Mrs. Carpenter. Carried unanimously.

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2- HARRY L. McFARLAND, to permit erection of carport 6. 1 ft. from side property line, Lot 7, Resub. Lots 45A and 47A Leewood (7101 Homestead Place) Mason District(RE 0.5)

Mr. McFarland asked the Board to deny his case. His neighbor objects to the variance.

Mr. Lamond moved that the case be denied at the applicant's request. Seconded, Mr. Barnes. Carried unanimously.

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3- SHIRLEY ENTERPRISES, INC. to permit erection and operation of drive-in theatre, W. side of Rt. 617, Backlick Road, approx. 1100 ft. S. of the Belvoir Interchange, Lee District (I-G)

December 12, 1961

3- Shirley Enterprises Inc. - Ctd.

Mr. Hansbarger represented the applicant. This property is zoned I-G and is within the County Industrial Plan, Mr. Hansbarger pointed out. The project would be a combination of open air and enclosed theatre, the latter of which does not require a special permit. Parking area for 500 cars is provided for the open air theatre and space for 268 cars for the other. Entrance will be from Route 617. This project will meet all State requirements for open air theatres - the screen is not closer than 1300 ft. from the principal highway and is located in the southeast corner facing away from the highway and shielded from Route 617. The location of the facilities shown on the plan are subject to site plan changes and further approvals by the State. Each car will have 168 sq. ft. They have allowed 768 ft. between the ticket office and the highway as required by the State. Screening will be provided as shown on the plat, with a stockade fence along the westerly boundary.

This is an area that lends itself very well to this development, Mr. Hansbarger continued - no dwellings would be adversely affected and it would put the land in a good tax paying category. The enclosed theatre will operate durin g the entire year.

Mr. Hansbarger said Mr. Coleman would test the entire property but there is no problem here with regard to sanitary facilities, he has said. The system will probably have to be by means of seepage pits which Mr. Coleman says is feasible. The Health Department has suggested that this be deferred until it is known if sewage can be installed but at the time of this statement they did not know of Mr. Coleman's report. Whatever system they have, it will have to comply and the theatre cannot be put in until this is resolved.

Mrs. Henderson questioned paragraph (a) and (b) under Section 30-127.

Mr. Hansbarger said they would have the sewage layout by the next meeting.

Mr. Moncure stated that he was present as an observer.

Mr. Washbaugh who lives on Backlick Road objected to this use, saying vandalism is already at a high peak in this area. He thought this would encourage that and other objectionable standards.

In view of the report from Dr. Kennedy, Mr. Smith said he thought the Board should consider a deferment to give time for a solution to the sewage before going into this. He suggested that the applicant contact Dr. Kennedy.

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Shirley Enterprises Inc. - Ctd.

Mr. Smith moved to defer the case for 45 days for the Health Department and the applicant to clear up any question regarding sanitary facilities on this property. Seconded, Mr. Barnes. Carried unanimously.

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4- ATLANTIC REFINING CO. (SIBARCO CORP.) to permit erection and operation of service station and permit pump islands 25 ft. from right of way line of Cedar Street, N. side of Cedar St. at intersection of abandoned Washington-Virginia Railroad right of way, Mt. Vernon District (C-N)

Mr. William Hansbarger represented the applicant. He presented a petition signed by approximately 26 people favoring this use. This is an old commercial zoning, Mr. Hansbarger pointed out - upon which many uses could be established without a special permit. Across the street is the store operated by Mr. Leo. Mr. Hansbarger also noted that practically all the people surrounding this property do not oppose the use. It would not have an adverse effect as there are very few homes in the neighborhood, and none near. He showed a picture of the type station to be built. It would be a brick building and have only one pump island.

Mrs. Henderson asked where the customers would come from.

Mr. Hansbarger said there were many subdivisions within the area. He showed an aerial photograph indicating about four developments which could be served by this station. This company considers the potential, shown by a market survey, to be good. Water is available and sewer is about 900 ft. away.

The Chairman asked for opposition.

Mr. William Maloney, from Potomac Valley Civic Association, representing 114 homes read an opposing statement, summarized as follows: this use is neither desirable nor appropriate for this area. This is an old zoning probably granted as a location to serve passengers on the railroad which has long sence been abandoned. Cedar Street is narrow with little surfacing, the access roads are not conditioned to carrying additional traffic, it is close to the Mt. Vernon and new high school, this would not be in the best interests of the County and of this neighborhood.

Col. Benjamin Shute, representing three subdivisions (Stratford Landing, Dumbarton and Stratford-on-the-Potomac) presented a petition signed by 244 people opposing this use. Their objections followed the same lines as previously stated.

Mr. Smith pointed out the many uses that could go here without special permit, and noting that with a filling station the Board does have certain controls. He also noted that the Board of Supervisors could not zone this land back

to residential use legally. He wondered if the signers of the petition had taken into account the fact of the possibility of many other probably obnoxious uses that could go in here under the present zoning.

Mrs. Henderson thought this premature.

Mr. Charles Chilton asked what the plans are for the abandoned railroad. He thought those in favor of this were the ones who might benefit by such a development.

Mr. Alex Bridges, builder in the area, opposed this - saying it would be a wedge. He objected to spotty commercial uses in a residential area. He thought a filling station itself probably not too bad, but it is what may follow, Mr. Bridges said, that he objected to. If this could be stopped at just a filling station it might be all right, but no one could be sure of that.

Mr. Hansbarger pointed out that other rezonings in this immediate area have been denied. He thought there was little chance of any further zonings. He stressed the fact that this station is attractive and the Board can place controls on it. Some type of business will go here, he went on, and it would be better to have a controlled use.

Mr. Bridges spoke again, saying people do not care to trade in their immediate area - they prefer to go away where they can get other commercial facilities.

Mr. Hansbarger said these people will use only about 20,500 sq. ft. of this two acre tract. There are plans, he continued, for the balance of the zoned area, probably a Seven-Eleven store, who will put up a building similar to the one proposed by this company.

Mr. Carl Hink, real estate appraiser, said he has no interest in this property in any way. In his opinion this use would not devaluate any homes in this area nor would it adversely affect the area. In fact, he thought it would upgrade the area in view of the type of building they have agreed to put up.

Mr. Hansbarger said they would agree that if the Seven-Eleven goes in here the building will be the same design as the one proposed for the filling station. In addition to these two uses, Mr. Hansbarger said, there is a plan to put in an office building. This, too, would conform to the same general architectural design.

It appears that there will be a commercial development on this property, Mr. Smith observed, and since Mr. Hansbarger has committed the owners to one general design in the buildings, it would seem that the people in the area would favor this opportunity of getting something on the property

that will be attractive and well carried out. This is commercial ground and could be sold at commercial prices. There is no telling what may be put on the ground. The only alternative would be for someone to buy up the land and zone it back to residential use, but to pay commercial prices and then try to use it for residential purposes would not be economically feasible.

Mrs. Henderson asked how long the store which is on the property has been abandoned. It was said about eight years, and apparently there was no need for the store. The ground was zoned for commercial use in 1944. Mrs. Henderson suggested that the people in the area consider getting together on a purchase of the ground with the thought of zoning it back.

Mr. Smith moved to defer the case to the next meeting to view the whole area and the roads and for the applicant to explore further the complete development of the store and the office building with the thought of tying it in with the filling station and the whole development. It is also suggested that the applicant contact Col. Shute in order that he might see what the plans are for complete development of the commercial area. Deferred to January 9. Seconded, Mr. Barnes. Carried unanimously.

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5- VIRGINIA BEAN, to permit operation of a beauty shop in home as home occupation, Lots 79, 80, 81, 82 and 83, Block E, Weyanoke, (301 Chowan Avenue), Mason District (RE 0.5)

Mr. Mooreland said this would be withdrawn because the Health Department will not approve sanitary sewer facilities. The report from the Health Department was read.

Mr. Lamond moved that the applicant be allowed to withdraw this case for reasons stated in the Health Report. Seconded, Mrs. Carpenter. Carried unanimously.

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6- VIRGINIA POTOMAC BROADCASTING CORP. to permit erection and operation of transmission towers closer to property lines than allowed by the Ordinance on the east side of Stuart Road, Rt. 680, approx. 1 mile south of Route 7, Centreville District (RE-1)

Mr. William Winston represented the applicant. Mr. Albert Borghi was also present. They showed photographs of the area and the property.

Mr. Winston made the following statements: that the overall height of each of these towers is 246' - a 240' tower on a 6' concrete pedestal,

supported by guy wires. The towers must be 171 ft. apart to create the radiation pattern which is carried in the direction of the Fairfax-Loudoun County line. The location of these towers can be varied very little, even on the property, as they must consider other channels which have already been granted. These towers cover a certain limited area and they cannot converge on the franchise of other channels. Mr. Winston said the owner of this station had tried to get more land in order to reduce the amount of variance necessary but were unable to acquire more than the 7.5 acres. This is a lease with option to purchase. The 7.5 acres would provide sufficient land to place the antenna in pattern to produce the proper amount of radiation.

Mr. Winston read a letter from FAA indicating that from the air space utilization standpoint there is no objection with regard to Dulles airport as long as there is no interference with Dulles.

Mr. Winston also read a letter from Stainless Corporation, manufacturers of these towers, testifying to their strength and stating that if the towers should fall they would jack-knife rather than fall flat and that when they are guyed they do not fall from the base of the tower. Therefore they would not fall on property belonging to anyone else. As to wind velocity, they are capable of standing between 110 and 120 miles per hour.

Mr. Moffett, construction engineer for the applicant, showed a map indicating other radio towers in the County and their nearness to homes and development. WEEL, for example, located at the American Legion building in Fairfax would fall on the parking space, Mr. Winston noted. Mr. Smith said the height of the tower would still be on leased ground.

Mr. Winston located and discussed other towers throughout the metropolitan area, which he said would fall on property not controlled by the radio station. He pointed out that they have bought far more ground than generally considered necessary to locate three towers.

Mr. Winston continued, saying that this is a day time station, 6 kw, frequency of 1440 kilowatts. (FM and AM) The studio will be located in Herndon.

Both Mrs. Henderson and Mr. Lamond suggested acquiring more land, that the variances requested were excessive.

Mr. Harris, president of the company, said he realized that and they had made a great effort to get more land but people owning adjoining land did

Virginia Potomac Broadcasting Company - Ctd.

not want to sell or lease. They have a deadline to meet with FCC. They have exhausted all the resources they know of and this was the best land area they could find. He thought the possibility of the towers falling very remote.

There is a great potential in this area for a station, Mr. Harris continued - the growth has been slow up to now but with recent developments in this part of the County, another station will be in demand.

Mr. Borghi said they tried to find land in Loudoun County but found little available that would not encroach. The scope of the area within which they can operate is limited. To meet the required setbacks, Mr. Winston said they would need about 12 acres - that much ground is not obtainable in this area.

Mr. Moffatt, who designed this station, discussed their problem of encroaching on adjacent frequencies and the limitations of their area. He showed maps of the coverage of various stations indicating that with this station this area would be blanketed.

Mrs. Henderson asked how much the towers could be reduced to more nearly conform to requirements.

Mr. Moffatt said if you change the height of the tower you change the coverage and the service area would be shrunk - they have an area to cover which these towers will meet. The taller towers are more efficient. Reducing the towers would be a matter of calculation and would take time. He would have to prepare a statement to show the pattern it would cover and show the efficiency - they would be reluctant to reduce the towers and reduce efficiency and coverage.

Mr. Moffatt said the towers are put up in 20 ft. sections. At 240 ft. they would have fifteen guy wires. Since 1945, Mr. Moffatt said, only two towers have failed. The towers practically never fall flat - they break off or fall in sections.

Mrs. Henderson pointed out that while there may be no danger, the setback requirement is in the ordinance and if it is not a necessary requirement, the Board of Supervisors should be convinced of that. She suggested deferring the case to see what could be done about the height of the towers and to see if the owners could not obtain falling easements on adjacent property that would cover the difference in setback.

The Planning Commission recommendation was that the Commission considered only the use permit and recommended approval. They did not consider the variance.

The Staff recommendation quoted Section 30-36 (page 488) of the Zoning Ordinance. They recommended that the area is too small and granting this would establish a precedent for similar variances. They recommended against granting the application.

Mr. Smith suggested that an easement might solve the problem for the applicant. He moved to defer the case to give the applicant the opportunity to acquire either additional land to comply with the Ordinance or to get easements to coincide with the lease on the land. Deferred to January 9 - if the applicant needs more time on this, he is to notify the Board. Seconded, Mrs. Carpenter. Carried unanimously.

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7- CASSIUS C. CARTER, to permit gravel operation on 35.419 acres of land, on E. side of RF&P RR off Beulah Road opposite intersection of Hayfield and Beulah Road, Lee District.

Mr. Lytton Gibson represented the applicant. He displayed a map and aerial photograph indicating the land in question with relation to the roads, location of excavation, ingress and egress, which would not be through subdivisions and the location of Walker Lane which they will have and use.

Mr. Gibson pointed out that this area is not included in the Natural Resources Plan, which he indicated and pointed out places now in operation. The question has been raised that wells in adjoining subdivisions might be dried from this operation, Mr. Gibson continued; in this connection, he had had a study made by a geologist who said he did not think the digging would affect the wells but that no one could say this for sure. Mr. Gibson then consulted another geologist who said the same thing. With this in mind, the applicant will execute a fidelity bond which will guarantee replacement of the wells if they go dry. Since they do not know just what the situation regarding the wells will be, it may be more practical to lay a water line, if a great number of wells go dry. Mr. Gibson suggested a $100,000 bond to cover the wells. The wells in question are in Lewin Park and Windsor Estates.

How could it be determined for sure that this operation affects the wells? Suppose only one goes dry, or should they not go dry for a matter of ten years? Mr. Gibson thought Mr. Coleman could tell if this operation affected the wells. If the wells had been continuously good and suddenly went dry; only if it were just the one well, it probably would be the result of these operations. He thought there would be no problem in tracing the fault.

Cassius C. Carter - ctd.

7- Mr. Gibson discussed the location of this area, which although it is not in the NR Plan, is ideally situated from the standpoint of traffic. The plans for rehabilitation call for a 50 ft. buffer of trees along the two sides and they will comply with all recommendations of the Staff and meet the requirements in the NR PLAN regarding areas outside the NR zone.

Mr. Coleman said he made a study of this tract for Mr. Schumann about three years ago and at that time he found three springs. There was ground water coming from the face of the slopes. He checked the wells in Lewin Park and found many to be from 17 to 30 ft. deep. Noting that in the subdivision areas there is a strata of clay under the gravel, Mr. Coleman said it is possible that in the digging some of the wells could be affected, probably those nearest to the operations.

Mr. Ross Payne was asked why this area was not included in the NR zones. Mr. Payne read a statement discussing generally the NR zone plan and calling attention to the fact that the County cannot entirely restrict an individual from taking gravel from his property, but the plan is set up to strictly control all gravel taking, with special restrictions on areas granted outside the NR zones. This particular area is practically surrounded by subdivisions; it is isolated from other NR zones and was therefore not included in the Plan. However, provision is made for such areas and this tract, because of its nearness to NR zones, where processing can be done and the access which will be provided will not go through subdivisions, would appear to be satisfactory for this operation, although the Staff is reluctant to grant permits outside the NR zones. Requirements call for double indemnity bond and one two-year permit with one two-year extension. This deposit of gravel is the last in the Windsor area. After removal the land can be developed. The factors involved in this tract do not necessarily apply to other areas outside the NR zones. Each case would stand on its own merits.

Mrs. Henderson asked that a copy of the report on Natural Resources zones be made available to each Board member.

Mrs. Moreland read the report of the Planning Commission which recommended against granting the application because there is no immediate plan for development of this ground after rehabilitation and there appears to be no lack of gravel in this area.

The Chairman asked for opposition.

Mr. Roberts from the Franconia Citizens Association stated that they are opposed to this application because of the well situation. To be without water for only a short time would be intolerable; any area outside the NR zones should have immediate development plans; assurance that subdivision roads would not be used. Even though the roads are not used, this operation would cause dust, dirt and noise, and any time gravel is excavated next to a subdivision it devaluates the property. He asked that this be denied.

Mrs. Henderson pointed out that it is not stated in the NR zoning Plan that specific plans for development after restoration be presented.

Mr. Gibson said he knew of no way to handle the well situation other than that he had suggested.- since the geologists have agreed that there is no way to determine whether or not this operation will affect the wells.

This was not put in the Plan because it adjoins subdivisions and water and sewer are available, but the gravel is here and the owner has a right to its use. The important thing is to get the gravel out of the way as soon as possible. They will comply with all conditions of the Natural Resources ordinance.

These people are out of gravel, Mr. Gibson continued - they wish to keep going.

Mrs. Henderson said she would like to read the report on the gravel studies and see what is in the ordinance which applies to this case and also have a little time to think about this. She would like to see the ground these people already have rehabilitated.

Mr. Gibson said this was filed in July and they have waited for so many things. He suggested authorizing the permit and deferring imposition of conditions until January 9. Mr. Mooreland said he could not issue the permit until the conditions have been imposed.

Mr. Smith suggested stipulating the things that would apply.

Mr. Lamond thought the Board could handle this, knowing that the County has an ordinance that is very restrictive for NR zones which also applies to this. It was noted that the Restoration Board would make periodic inspections.

Mr. Mooreland discussed the make-up of the Restoration Board, its powers and duties.

Mr. Lamond moved that the application of Cassius C. Carter to permit gravel operation on 35.419 acres of land located on the east side of RF&P Rail-Road off Beulah Road, opposite intersection of Hayfield and Beulah Road be approved under the following conditions:

That the bond required by the Ordinance be set at $2,000 per acre, with a limitation of two years to extract the gravel, and that it is understood that no processing shall be allowed on this property and whatever processing is necessary shall be carried on into the NR-2 zone; that the people who extract the gravel shall leave a 100 ft. buffer strip along all property lines, this 100 ft. area to be left undisturbed; it is also understood that a $100,000 indemnity bond will be provided by the extractors of the gravel to be used if any damage is done to wells in the area.

These requirements will be in addition to all stipulations contained in the Natural Resources Development Plan and it is understood that the requirements of the NR zone will apply to this property and these conditions shall be met where applicable.

It is also agreed that the recommendations of the Staff with regard to barricades on the property line at the end of Hale Drive, Barbara Road and Lewin Drive, and a fence shall be erected along the south and east property lines, shall be met.

It is also agreed that improvement to Walker Lane will follow the terms of the agreement between the applicant and property owners. Seconded, Mr. Smith.

Those voting in favor of the motion were: Messrs. Lamond, Smith, Barnes and Mrs. Carpenter.

Mrs. Henderson refrained from voting.

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The Board adjourned for lunch and upon reconvening continued the agenda:

8- A. G. MCDEVITT, appeal on allegation of error, S. side of Old #123 at intersection of #193, Dranesville District (RE-1)

Mr. Mooreland gave the background information on this as follows: This is a non-conforming filling station. On November 16, 1961 a Mr. Lettman came to the Zoning Office to get a permit to install gas tanks. The permit was issued through error. He then notified Mr. Lettman that he was revoking the permit because the use had lapsed.

Mr. Mooreland said according to information the last gas delivered to this station was January 6, 1961 and the last man to operate the station pumped the last gas on February 1, 1961. In march the station was damaged by an accident on the highway. The ordinance says a non-conforming use ceases to exist if it is non-operative for six months. A building destroyed to not more than 50% of its appraised value can be replaced

within one year. Mr. Mooreland said the damage was not to the building but to the pump island which damage was greater than 50%. He therefore revoked the permit because the station did not operate for a period longer than six months.

Mr. Maddox represented the applicant. He presented a petition sighed by adjoining land owners (85% of those surrounding him) who want the filling station to continue operating.

Mr. Maddox contended that this station has been operating continuously and there was no cessation in operations. The last gas was delivered to Perkins (a sub-lessor) at the end of January 1961. Mr. Maddox stated that article (f) on page 542 of the Ordinance does not apply in this case and if conditions of sub-section (e) are met this six months provision is eliminated. He presented the tax appraisal for the building in the amount of $6,000. $1,100 or $1,200 was spent for repairs after the accident, considerably less than 50% of the appraised value.

The question was discussed at length -- was this a non-conforming building or a non-conforming use at the time of the accident? Because no gas was being pumped at the time of the accident, what effect does that have on the status of the use? Gas was delivered in January; the accident occurred in March. Gas was pumped in March before the accident, Mr. Maddox contended. Only a few weeks elapsed in which no activity took place on the property, Mr. Maddox said, and that was after the accident when repairs were being made.

Mr. Maddox discussed a series of changes in the operators of this station which took place after January 1, lessee and sub-lessee. On June 30, 1961 Mr. ~~Maddox~~ McDevitt signed a lease with American Oil Company, effective July 1, 1961, after the original lessor, Sinclair Refining Company, and Mr. ~~Maddox~~ McDevitt had agreed to a mutual cancellation of Sinclair's lease. This cancellation was dated March 30, 1961.

After further discussion of the non-conforming status of the building and of the lease, Mr. Compton from American Oil (the new lessee) stated that his company got a permit on November 11, 1961 to put in the pump and electrical equipment. The owner retailed gas in March, approximately one hundred gallons.

Mr. McDevitt said the operator of this station, Perkins, gave up the place in January; during February a Mr. Brumbach was sent to continue operation. He sold 100 gallons, became discouraged on March 10, 1961 and gave up the station.

A. G. McDevitt - Ctd.

Mr. McDevitt told of the destruction to the station and subsequent repair, and stated that no structural changes were made. The last gas was pumped on March 10; the accident occurred March 12. It was April 12 before the insurance company was handling the clearing up of the station, Mr. McDevitt said. The Company (Sinclair) paid him three months' rent so they could get out of their lease. He is now leasing to American Refining Company. The time between July 1 and November 16 was spent in getting things going -- negotiating for a good man to operate the station and technicalities. The company paid him rent from July 1.

Mr. Compton said this deal was handled through their district manager - it takes time to get started. They spent $1,100 on a complete change in electrical equipment, then when the permit for the pumps was revoked, they stopped work.

The Board questioned the time lapse between July 1 and November 16 when the permit was obtained.

Mr. Compton explained that, by saying negotiations were carried on by the district manager who in turn dealt with the company, a procedure which is time-consuming. The last delivery of gas was made in January, Mr. Compton said - the tank was filled. When his company took over the station there was still some gas in the tank.

Mr. Maddox referred to sub-section (e) which says an owner of a non-conforming use has one year in which to repair his building. When does that year start? In any case it could not have elapsed even if the time were figured from the last gas delivery date. If Mr. McDevitt has one year in which to repair his building, his six months could not have expired and does not apply and therefore sub-section (f) of the Ordinance does not apply.

Discussion followed, regarding control of the property after the accident. Mr. Lamond contended that Mr. McDevitt did have control of his property since he was able to negotiate a new lease with American. Mr. McDevitt said Sinclair was still paying him up to June 30 and therefore he did not have the right to use his property.

Again the Board discussed provisions of sub-section (e) and (f) as applied to this business.

Mr. Smith stated that the chain of events here show that the property was not occupied at the time of the accident; the accident occurred between occupancies. One firm was giving up their lease and the other firm was negotiating for a lease. Had this been closed for six months it would no

A. G. McDevitt - Ctd.

longer be permitted - but one company had a continuous lease and the station was closed intentionally between operators. No move was made to reopen the station until November 10 when the electrical permit was gotten.

Mr. Compton contended that the station was out of control of Mr. McDevitt during this series of events of January - June 1961. This was again discussed at length- also repairs without a building permit, non-conforming building vs. non-conforming use, Mr. Maddox contending that the purpose of the Ordinance in these non-conforming uses is to prevent hardship for the owner. If a building is destroyed the only way the use can continue is to repair the building. The building was used, he contended, all during this time in the sense that it was leased. What is the time element for ceasing the use? Mr. Mooreland said the question is - when did the cessation of the use happen? before the accident? or because of the accident?

Mr. Smith suggested that the intent of Mr. McDevitt should be established - the station was closed periodically during these few months and it appears that at one time the station was not operating for a period of eleven days. Further, he considered that Mr. McDevitt did not have control of his property until the lease ran out June 30. The lease had no bearing on the use. The station was not operating for eleven days -- does that establish the fact that the use had ceased?

Mr. Mooreland said that if Sinclair had continued on with the lease and had come in seven months later for an occupancy permit, they would have been denied. The change from one lessor to another, he continued, has nothing to do with the case.

Mr. Smith moved to defer the case to January 9, 1962 for clarification, viz: a letter from Sinclair Refining Company stating the last day of operation of the station under their lease, the name of the operator and a copy of the letter from Amerian Oil Company that became effective July 1, 1961. Seconded, Mr. Lamond. Carried unanimously.

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DEFERRED CASES

1- EDMOND K. GIVENS, Rehearing - to permit rear porch 21 ft. from rear lot line, Lot 63, Section 1, Ravensworth Park (7702 Bristow Dr.)Falls Church District (R-12.5)

Mr. Lamond moved to defer the case to January 9. Seconded, Mr. Barnes. Carried unanimously.

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2- PETER E. PAULY, to permit erection of addition to dwelling 15 ft. from rear property line, Lot 67, Section 1, Gunston Heights, Lee District (RE-2)

This had been deferred to view the property.

Mr. Lamond moved that the Board finds that Steps I and II of the Ordinance apply in this case and that the minimum relief that can be given is the 15 ft. from the rear property line as requested; seconded, Mr. Smith. Carried unanimously.

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3- AMERICAN OIL COMPANY, to permit pump islands 25 ft. from r/w lines, Lot 82 and 83, part of Lot 94, Bryn Mawr (SE corner #123 and Old Dominion Drive) Dranesville District (C-G)

Mr. Rodney Compton represented the applicant. This is an old existing station, Mr. Compton told the Board, which his company intends to rebuild and install modern equipment. The pump islands are now on the right of way. The present building will be taken down and a new two-bay structure put in and pump islands moved back to within 25 ft. of the right of way. In his staff comments, Mr. Chilton recommended that if this is granted, curb, sidewalks and entrances should be required as indicated on the plan approved by the County Engineer. This would be in conformity - with Giant and other stores. They wish to hold the same alignment as shown on the Plan of this area presented with this case when it was before the Board of Supervisors for the rezoning. This would put the curb back farther on this property providing 9 or 12 ft. between the sidewalk and the pumps.

If this plan were going into effect soon that would be perfectly satisfactory, Mr. Compton observed, but there is a question when it will be implemented. It is very certain, he went on, that Sharon Lodge on adjoining property, with the hedge around it will remain there for an indefinite time. If the building goes back as shown on the plan it would be practically hidden by the hedge and the company would gain nothing by rebuilding and relocating this old building.

The Board discussed at length the time table on right of way acquisition; setbacks of other buildings in the neighborhood; poor visibility caused by hedge on adjoining property.

Mr. Compton suggested putting the pump islands as requested with the provision that they will be moved back when the road is widened. At that time, when the Highway Department buys right of way, Mr. Compton noted, they will take the hedge also and visibility on their property will not be obstructed.

American Oil Company - Ctd.

Mr. Chilton suggested moving curb and pump islands back when necessary at the expense of the applicant. He also pointed out that the Planning Commission would have to approve this in the site plan and that the Board of Appeals might recommend that to the Planning Commission.

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Mrs. Henderson pointed out that this plan as presented is an improvement on this corner and there is the possibility that no improvement will be made if this is not granted. She thought it might be well to grant this with the provision attached and leave it to the Planning Commission. It was agreed that it could be a long time before the Highway Department moves on any improvement in the road here, since it has been talked of for twenty years.

The Board considered the hedge on adjoining property to be a great hindrance to visibility.

The Company could not go ahead with the new building if they were forced to follow the plans shown by Mr. Chilton, Mr. Compton said.

Mr. Lamond moved that the application of American Oil Company, to permit pump islands 25 ft. from right of way line, Lot 82 and 83 and part of Lot 94, Bryn Mawr, be granted as shown on map dated 5-9-61 and approved 5-16-61.

While the pump islands are approved for a 25 ft. setback from the property line, at any time if it becomes necessary to move the pump island back because of the widening of the road, it is understood that the oil company will move the island back and install the curb and sidewalk at their own expense. The building will remain as sketched on the plat 89 ft. from the property line, on the side adjacent to the Masonic Lodge.

The Board considered that the hedge around the Masonic Lodge on adjoining property would greatly hinder visibility if these facilities were required to set back farther from the right of way. Seconded, Mrs. Carpenter. Carried unanimously.

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4- MARY E. SMITH, to permit dwelling to remain 43.7 ft. from front property line, S. end of 8th St., Mason District (RE 0.5)

Question of withdrawal - the Board asked -- can the applicant comply? If so, how? The building is completed.

Mr. Smith moved to defer to January 23 and ask the applicant to be present and show cause why the application should not be denied. Seconded, Mrs. Carpenter. Carried unanimously.

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

January 12, 1962 (Date)

The regular meeting of the Board of Zoning Appeals was held on Tuesday, January 9, 1962 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.

Election of officers was deferred for arrival of Mr. Smith.

NEW CASES

1- CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA, to permit erection of a telephone dial center on W. side of Rt. 623, opposite Whitman Intermediate School, about 2800 ft. S. of intersection with Rt. 235, Mt. Vernon District (R-17)

Mr. McCandlish represented the applicants. He first stated that the Commission had asked that he present a statement from the Department of Defense indicating that national security factors are involved in the location of this senter. (There is a Commercial zone on U.S.#1 within one mile of the selected location which the applicant contends he cannot use.) Mr. McCandlish read a letter from W. D. Joslin, Colonel in Signal Corps, Chief Army Communications Systems Division, confirming the need for increased military emergency facilities at Fort Belvoir, stating that such installations should be kept away from U.S.#1 and recommending that this center be located along State Route 623.

The location chosen is near the center of the area they are to serve, Mr. McCandlish said, and away from U.S.#1. He presented a site plan indicating that the building will be 75 ft. from Route 623, and showing planting, driveway and parking area and woods bounding two sides of the 2.97 acre tract.

Mr. McCandlish said he had contacted Mr. Cecil Wall of Mt. Vernon who stated that he had no objection to this installation.

Mr. McCandlish showed a map of the area to be served with relation to other C & P facilities. This dial center would be called "Mt. Vernon." The building, brick colonial in design, would be used as a dial center, unattended except for repairs.

Mr. Robert deMassey, Engineer for the Company, said the operation would cause no noise; no heavy machinery would be running and very few cars would be coming and going. No one would be there at night and only two or three during the day, and no one would be there on week ends.

Mr. William Mullen, Jr. Engineer, discussed the site plan and rendering of the building. They will preserve all the trees possible and plant where it will add to the attractiveness of the grounds. They had

considered trees to be a more attractive screening than fencing, which Mr. Chilton said he did not think necessary as the parking is "accessory to the use."

Mr. McK. Downs briefed his written statement on the effect on the immediate area of this project. His study and analysis of the situation revealed the following - description of the land, rolling slopes under 10%, well drained, partially wooded, water, sewer and all services available. This is located within a residential area - homes ranging from $14,000 to $30,000.

Area of the proposed building is approximately 8,000 sq. ft. - one story structure 76.67 x 105.17 ft. with basement. The building is attractive and in harmony with quality construction in the area.

Investigation of similar installations indicates that buildings and grounds are well landscaped and well maintained and that they blend with residential areas.(Mr. McK.Downs showed pictures of other similar projects.) All are free of noise, electrical disturbances, and have no adverse effect upon surrounding areas; the buildings mostly upgrade the neighborhood.

In view of the proposed architecture, the site plan, landscaping and general development of this use, Mr. McK. Downs concluded that this would not in any way be detrimental to adjacent land but rather that it would be in harmony with land use of the County.

Mr. Shapiro, owning land to the south (adjacent) stated that he was interested in the architectural plan of the building. He might develop his land and would necessarily have a road along his boundary line and the houses would face this project. He wished to be assured that the property is well and attractively developed. He had no objection to the use. He plans to put up $30,000 houses.

Mrs. Henderson read the Planning Commission recommendation, quoted in part:

"The Planning Commission recommends that the application be approved subject to the following conditions:

1. That there be a substantial showing that it is impossible for satisfactory service to be rendered from an available location in such C Districts as are located in the immediate Route 1 area within a distance of one mile from the proposed location. The Commission indicated that this purpose might be served if someone in authority from Ft. Belvoir would testify as to the desirability and necessity of dispersal of existing facilities from the immediate Route 1 area.

2. That a site plan be submitted to and approved by the Planning Commission before a building permit is issued.

3. That the proposed building be set back not less than 75 ft. from the right of way line of Route 623.

4. That the site plan indicate maximum screening of the proposed building. "

C & P Telephone Company - Ctd.

Mrs. Carpenter moved that the ~~application of~~ Chesapeake & Potomac Telephone Company of Virginia be permitted to erect and operate a telephone dial center, as located in the preceding description, provided the building is set back 75 ft. from Route 623 and that the architecture of the building is to be confined to the rendering shown at this hearing and that site plan approval by the Planning Commission shall be met.

It is the opinion of the Board that this use would not be detrimental to the surrounding property. This is granted in accordance with the Planning Commission recommendations and shall comply with those recommended items, referred to above. Seconded, Mr. Lamond. Carried unanimously.

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Mr. Smith having arrived late, the Board took up the election of officers. Mr. Lamond nominated Mrs. Henderson for Chairman. Seconded, Mrs. Carpenter. Nominations closed - motion Mr. Smith; seconded, Mr. Lamond. Mr. Smith moved that the Secretary be instructed to cast a unanimous ballot - the Board agreeing that Mrs. Henderson's chairmanship for the past three or four years had been most effective and successful. Seconded, Mr. Lamond. Carried unanimously.

Vice Chairman: Mr. Barnes nominated Mr. Lamond. Seconded, Dan Smith. Mr. Smith moved that the Secretary be instructed to cast a unanimous ballot for Mr. Lamond. Seconded, Mrs. Carpenter. Carried. (Mr. Lamond refrained from voting.)

Mrs. Henderson, with agreement of the Board, appointed Mrs. Lawson Secretary.

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Mr. Lamond asked to be excused from the meeting for several hours.

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2- WALTER BURKE, to permit erection of carport closer to street line than allowed by Ordinance, Lot 5, Sec. 2, Braddox, Providence District (RE-1)

Mrs. Burke said they were asking this variance from the street for the reason that they cannot move the building back further because of the septic field which is directly behind the house. This is an open two-car carport (20' x 20') detached.

Mrs. Burke said they could not come in from Braddock Road - on the other side of the house, because there is a high bank along the road.

Walter Burke - Ctd.

Mr. Smith said he felt that this warranted consideration by the Board and that Step I of the Ordinance applies. There are unusual circumstances applying to the building and to the land, the grade off Braddock Road precludes coming in from that side and the septic field covers a good portion of the land immediately back of the house, making it impossible to locate the carport back farther from Groves Lane. Therefore in the case of Walter Burke, to permit erection of a carport closer to street line on Lot 5, Section 2, Braddox, Steps I and II apply as the circumstances and conditions warrant a variance and without a variance the applicant would not have a reasonable use of his land. It is also the opinion of the Board that this is the minimum variance that would afford relief (42 ft. setback.) He moved that the application be granted. Seconded, Mr. Barnes. Carried unanimously.

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3- GERALD MOSLER & INGEBORG MOSLER, to permit addition to dwelling, 8 1/2 ft. from side property line, Lot 86B, Section 3, Huntington (1325 Arlington Terrace) Mt. Vernon District (RM-1)

Mr. Robert Lainoff represented the applicants. He told the Board that Mrs. Mosler was a victim of multiple sclerosis and was unable to get upstairs. They plan to add a bedroom and bath for her use on the first floor. He noted that there are 33 ft. between this house and the house on the adjoining lot. With this addition there would still be 25 ft. between houses. If they stayed within the setback requirements the addition would be only 6 1/2 ft. which would be too small for any practical use. This case is based on hardship and need, Mr. Lainoff stated. The neighbors all know of the variance and are in favor of it. It is only 1 1/2 ft. variance.

Mr. Lainoff noted that there is a porch across the back of the house but said it could not be remodeled into a room because of the inconvenience of its location and because of the expense. It would be impractical to tap the plumbing from the rear. However, it was noted that the kitchen is at the rear of the house. The Board pointed out that they could not consider finances a matter of hardship according to the ordinance.

Mr. Barnes moved to defer the case to January 23 to view the property, particularly with reference to the reasons why the addition could not be put on the rear. Seconded, Mrs. Carpenter. Carried unanimously.

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4- LAURENCE & HILDA WELCH, to permit erection of carport 8.1 ft. from side property line, Lot 53, Section 1, Fairfax Villa (711 Roma St.) Providence District (R-12.5)

Mrs. Welch stated the case. Mrs. Henderson asked why the carport could not go in the rear where there appears to be ample room.

The neighbor, Mrs. Austin, who would be most affected, said she had no objection; even with the addition the distance between houses would be about 48 ft.

The Board could see no reason for this request which, under the Ordinance, could justify a variance. It was noted, however, that the house sets at an angle on the lot. Had it been straight the variance would not have been necessary.

Mr. Barnes moved to defer the case to January 23 to view the property and the area. Seconded, Mr. Smith. Carried unanimously.

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5- ROBERT C. HARRIS, to permit erection of carport 7'8" from side property line, Lot 5, Section 2, Roundtree, (1609 Roundtree Road) Falls Church District (R-10)

This is the only place he could have a carport, Mr. Harris said. There is no room on the other side of the house; there is a 12 ft. drop from the patio at the rear, straight down to the woods. He could not build there. This will give 27 1/2 ft. between houses after the carport is built. About 35% of the houses in the subdivision have carports. At the time of purchase, Mr. Harris said the salesman told them the lot line was about 4 ft. farther toward Slade Run Drive. He had considered at that time that he could put in a carport or garage at some later time. Mr. Harris said there was 21 ft. from the house on Lot 4. The plat said 20 ft. Mr. Harris said whatever the distance there would be more distance between his carport and the neighboring house than many others in the subdivision.

This is a new house, Mrs. Henderson pointed out, and there is no reason to have a carport - only that the applicant wants one. It was evident the builder did not put the carport on because there was not room.

But he thought he had 4 ft. more, Mr. Harris stated, until his neighbor had his lot surveyed and he saw where the lines were. Some who bought here ordered their carports when the houses were built - others waited to build them later themselves. The lots are different shapes. Some take carports without a variance.

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Robert C. Harris - Ctd.

The back part of this carport would be a screened porch. Mr. Harris said this would be for summer use and he would also have a storage area and a shelter to get into the house. The neighbor has no carport but if he did have one, it would be on the opposite side of his house where they have room.

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Mrs. Henderson pointed out that this is not a situation peculiar to this particular house or lot and that there are probably many other houses in the County without carports and who have no intention of having one because there is not room.

Mr. Smith said he could see no particular need here for the length of the carport - the additional storage in the rear did not appear to be necessary and the carport could still be covered and a shelter for entry into the house without the storage and porch.

Mr. Harris said this would be an open carport with a 2 ft. wall around it. The unusual circumstances are that he cannot move this back farther because of the big dropp Mr. Harris said, and there is no room on the other side of the house.

Mr. Smith moved to defer the case to January 23 to view the property. Seconded, Mr. Barnes. Carried unanimously.

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6- MRS. HARRIETT S. RILEY, to permit teaching of piano in home, Lots 17 and 18, Lee Manor, 225 Maple Lane, Providence District (RE-1)

Mrs. Riley appeared before the Board making the following statements -- she has 50 pupils, all of whom come singly for lessons, except a small group (six) who come Saturday afternoon. The single lessons are one-half hour, Saturday group from 1:00 to 2:00. At one time she had a permit to teach in her home, then stopped for a time and is now teaching again. She had delayed getting the permit. Her house is on a dead end street, the houses well apart. She has plenty of room for parking in the driveway or on the street and there are no objections. It is seldom that more than two cars would be in her yard, only for a short overlap.

Mrs. Henderson pointed out that the Ordinance does not allow parking within the setback area.

Mr. Smith moved that the application of Mrs. Harriett Riley, to permit teaching of piano in her home, Lots 17 and 18, Lee Manor, be approved with the provision that all requirements of the Ordinance shall be met and this is granted in accordance with Mrs. Riley's statements that she will hold one group session on Saturdays - otherwise the pupils will come singly. It is also understood that the pupils will be inside the house at all times.

Seconded, Mrs. Carpenter and carried unanimously.

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7- JAMES L. MORGAN, to permit erection of amateur radio tower closer to side and rear lines than allowed by Ordinance Lot 81, Section 1, Ravensworth Park (7719 Killebrew Drive) Falls Church District (R-12.5)

Mr. Morgan said he was appearing in behalf of the changed location of his 60 ft. radio tower which was not in conformity with his original permit. The change in location was made because the original location was on a thirty degree incline which is subject to erosion and shifting of soil since it is fill dirt. The present location is a flat ground which is not subject to erosion. The change in location was required by the National Association who said the location on fill dirt was not safe.

The tower is constructed under the most exacting standards set up by the American Amateur League. It will withstand winds in excess of 120 miles per hour, tensile strength of the guy wires is more than 700 pounds. There are 15 guy wires anchored in concrete.

This tower serves a widespread community need, Mr. Morgan stated - especially in communication with overseas personnel and their families; means of outside contact in time of flood or hurricane emergencies and an aid in relief work; it is a great source of interest and instruction for teen-agers; it has important qualities in the neighborhood for lightning protection; it will remain in operation in time of emergency and through auxiliary power could provide refrigeration, heat and emergency light to adjacent neighbors.

Mr. Morgan showed by means of his plat that the tower is so located that it would not fall on any building; he explained, however, that the tower is so constructed that it would not fall from the base, if it collapsed it would be below the guy wires.

Mr. Morgan stated that his tower is less high than others recently granted in the County. While it could fall on other people's property, it could not fall on any building.

Mrs. Henderson read a letter from four neighbors stating that they do not find the present location or appearance of the tower objectionable. In fact, they consider the present location more safe than that originally planned. They have encouraged the construction and use of the amateur radio which they consider a public service and benefit to the community.

Mr. Morgan said he was told in the Building Inspector's office in October 1961 that he did not need a building permit. He agreed to

a certain height and location but he changed the location. He also changed the kind of construction. Rather than wait until the Building Inspector's office was open on Monday he had the labor to complete the job on Saturday so he went ahead. Once it was underway he could not stop. He discussed this with Inspector Barry. Mr. Morgan was convinced that he was doing the County and his neighborhood a service by carrying on this operation and to stop his operation would be to discourage amateur radio interest in the County.

Mr. Smith stated that the Board should have all these neighbors sign a statement that they knew about this and have no objection and if this tower collapses they agree to take the responsibility. One neighbor had already signed such a statement. He suggested that the Board not act until all these neighbors have sent a statement to the Board. Mr. Smith said he thought this a good thing for the young people but the County has an Ordinance that must be complied with.

Mrs. Henderson agreed, but questioned the very big variances and the way this was done. The applicant had the permit but paid no attention to it.

Mr. Smith made it plain that the Board must have a letter from the two neighbors on Bristow Drive which would put them on record as knowing that if this tower falls they have made their statement that they did not object to its location. These people are directly affected, Mr. Smith continued. The tower probably will never fall but still the neighbors are entitled to protection from this Board.

Mr. Smith moved that the application of James L. Morgan to permit erection of an amateur radio tower closer to side and rear lines than allowed by the Ordinance, Lot 81, Section 1, Ravensworth Park, be deferred to January 23, 1962 for additional signed notices from the two neighbors on Bristow Drive, stating they have no objection to the tower. Seconded, Mr. Barnes. Carried unanimously.

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8- W. R. ROWLAND, to permit operation of auto body shop in present building, on south side of Rt. 193, approx. 500 ft. E. of Route 681, Dranesville District (C-G)

The applicant asked to withdraw the case because of objections from people in the area.

Mrs. Carpenter moved that the Board allow the applicant to withdraw his case. Seconded, Mr. Smith. Carried unanimously.

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9- RAVENSWORTH SWIM & RACQUET CLUB, INC. to permit erection and operation of a swimming pool, bath house and other recreational facilities, SW corner of Ivanchapel Rd. & Rt. 620, Falls Church District (R-12.5)

Captain Elliott, President of the club, represented the applicant. Mr. Hendrick was also present.

Capt. Elliott made the following statements -- they purchased the ground from Mr. Steinberg who has helped them get started with the club. They will have a combination of four pools, the main pool being 82' x 42' built in a Z shape - diving and training pools, and a wading pool. There will also be a bath house and office space. Facilities will be within a fenced area. This is a 1.4 acre tract. They plan for 450 families. They had planned parking for 86 cars but cut it down when they found the set-back areas could not be used. They now have 34 parking spaces. They have an option to buy more ground from Mr. Steinberg. In lieu of that, he will grant them a 25 ft. easement to increase the parking on the north boundary.

Mr. Mooreland said the setback was from the property line - not from an easement.

Mr. Hendrick said there is a 4 ft. drop from the road to the swimming pool which would hide the parked cars from the roadway. He also suggested putting in trees to shield the parking on the front and side. They would like to have parking for 100 cars, Mr. Hendrick said, and they were told that the County had no parking regulations, but changed their plans when they learned of the setbacks.

The Board agreed that the parking would have to be increased to at least 100 spaces and that a subdivision plat would be required which would be approved by Public Works to assure that no building took place in the flood plain. If the area is increased it was noted that probably some filling would be necessary.

It was agreed that the applicant should acquire more land and provide at least 100 parking spaces.

Mr. Barnes moved that the application be deferred to January 23 so the applicant can present new plats which will provide at least 100 parking spaces within the requirements of the Ordinance. Seconded, Mr. Smith. Carried unanimously.

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The Board recessed for lunch. Upon reconvening the agenda was continued:

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10- ST. MICHAEL'S CATHOLIC CHURCH, to permit erection and operation of a parochial school (10 classrooms) Lots 8, 9 and 10 and part Lot 7, Div. of Mary E. Coffey Est. on E. side of Rt. 649 adj. to Ravensdale Subdv. Mason District (R-10)

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Mr. Brault represented the applicant. Father Scannell, pastor as St. Michael's, discussed the case, giving a background briefing on the parish which was started in 1953. He was contacted at that time, he continued, by a man who said he planned to build homes on the property adjoining the church property. This was the start of Ravensdale. They put in a road (Bradford Drive) which dead-ended at the church property, and built homes facing the street. After some time, about 1957, the church had need to use Bradford Drive and therefore made a cut through and connected, which gave them their access. People were living in the houses on the street. A considerable amount of traffic occurs on Bradford Drive on Sunday mornings- people going to and from church, otherwise they use it very little. The road was there through no fault of the church. It was reasonable that it would be used. They continued to build on the church property and the church just completed is very beautiful, Father Scannell continued. They have grown now to 7,000 or 8,000 in the parish. The school has grown to 1400 children and they are needing more accommodations - ten more classrooms. They have been using a basement and doubling the sessions. They feel this is no longer practical nor can they meet their standards without additional rooms and facilities. The school has been expanded to include the 8th grade. They must meet the established criteria set by the State. He pointed out each area in which classrooms and equipment are needed. It appeared that the most economical and practical step would be to put in a new building. They discussed all other possible locations for this building but upon the advice of architects and engineers have found this the only location on their property which would be feasible. They had considered using a portion of the 24 acres purchased by the Diosese of Richmond - to the north, but found the area available was in flood plain and they could not use it. They would leave 15 or 20 ft. of trees between this building and the property line facing the houses.

The area is growing at such a rapid rate, Father Scannell went on - this parish will probably be carved up at some later time but they must plan for any contingency.

Mrs. Carpenter suggested putting the school where future parking is designated - the answer was that they need the parking and don't want the school near the church.

St. Michael's Catholic Church - Ctd.

Father Scannell said their bus garage area, which is across from homes, is not good to look at. He agreed that it could be better cared for but they will screen that so it will not be objectionable.

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It was noted that all parking must be 25 ft. from property lines. Mr. Brault pointed out that from the property line to the service road is 25 ft. The service road is 25 ft. wide. Therefore the parking will be 50 ft. from the nearest property line.

Mr. Giangreco, parishoner of St. Michael's, said there is very little traffic coming into the area from the south, that it mostly comes in by St. Michael's Lane. The traffic is only on Sunday and no school buses come in by Carmine Drive except on rare occasions. He also stated that the presence of the school in this area was a big talking point in sales in the surrounding subdivisions.

Mr. Colton, who lives on Carmine Street, contiguous to St. Michael's (Lot 11) said 13 families are objecting to this and all but two are contiguous. They have no objection to the school - they consider it has been very successful and it is needed but they have the following objections: drainage; the parking area next to the school; and they object to the bus garage which is unattractive. As to drainage, the drainage easement along the property line is supposed to carry the water - it does not function properly now, it overflows. Cutting trees for the building and parking lot will add greatly to this problem.

Mr. Mooreland pointed out that this would be taken care of before these people can get a building permit - that is a matter for Public Works, Mr. Mooreland continued, and not the problem of this Board.

Mr. Colton said he was told that the building would be 75 ft. from the line; that is not so, he charged -- they are putting a large parking area within 25 ft. He thought the trees would not screen sufficiently as the houses on adjoining lots are on high ground. The parking lot would be used for skating and he objected to the noise.

Regarding the garage area, Mr. Colton said it was very unsightly -- a nuisance, and a dangerous fire hazard and it was detrimental to homes close to it. He again said that they think St. Michael's is an asset to the community and they want it here, but they see no reason for the large parking lot facing the homes. They consider it would be detrimental to houses along this border and that it would depreciate values.

Col. Jones, who lives on Lot 14 said the buses do dome down Carmine Street, many of them. He also said the architect had said the trees would have

to come down. Father Scannell said the trees would remain. His objections followed the same line as Mr. Colton, plus objection to the possibility of a new incinerator. Trash and rats are a menace - he asked the Board to defer the case and see the garage area.

Mrs. Henderson pointed out that the Board has no control over any other buildings on the property.

The main issue with the objectors was the parking lot.

Mrs. Ellen Schobel discussed the inadequacy of the drainage ditch and flooding.

Nine people were present in opposition.

In rebuttal, Mr. Brault said the drainage would be taken care of by Public Works. The garage will be adequately screened although this issue is not before the Board.

Mr. Brault said the parking is necessary near the building. This building is to be the hub for parish activities. Some small meetings held at night will be in this building. It would not be practical to have the parking off on some other part of the grounds. There are only 20 spaces. They will have the service road. They are adding only 20 ft. for the parking which will be 50 ft. from the property line.

Mr. Brault said the traffic was not relevant. The school has a total of 10 buses, 8 for tramsportation, no routes are scheduled down Carmine Drive but it could be that an occasional driver took that route. They would make every effort to prevent that in the future.

Mr. Brault said the school will be an asset to the County. It will alleviate school costs for the County - the County cost of each child in school is $450 per year.

Mrs. Carpenter asked why the parking could not be moved to the rear of the building and Mrs. Henderson asked why the building plan could not be completely reversed - facing the building and parking away from Ravensdale.

The answer was - it would be too expensive as the building was already designed and because of topography. Father Scannell thought such a change unnecessary as all the people were objecting to were the 20 parking spaces. They did not object to the building or the service road. They could not park any other place on the grounds. The large paved area in the center of the property is used for play area during the day. There is a bank, he said, on the other side of this building and some time in the future, an addition to this building will go in to the north. Their plans

St. Michael's Catholic Church - Ctd.

are worked out with that in mind.

Mr. C. B. Souleb, architect, said he would remove no more trees than absolutely necessary for construction. They would preserve those along the property line. They have gone to great lengths in their plans to grade in such a manner as to save the trees. The new building addition planned on the high ground north of this building will be on ground 10 ft. higher than this - the first floor. They also want the building as far from the property line as possible to allow drainage around the building.

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Colonel Jones again invited the Board to view the property.

Mr. Brault said it was important to start construction now to be in operation by September. He asked the Board to act today.

The Board took a short recess. Upon reconvening Mr. Smith made the following motion:

That the application of St. Michael's Catholic Church, to permit erection and operation of 10 classrooms (addition to parochial school) Lots 8, 9 and 10 and part of 7, Mary E. Affee Estate, be approved as applied for with the provision that the screening be supplemented in the area adjacent to the service driveway - the driveway immediately behind Lots 8, 9, 10 and 11. It is also understood that the 25 ft. screening will remain between the service drive and the property line. The applicant will consult with Mr. Mooreland and the Soil Scientist in regard to the screening and it will be approved by Mr. Mooreland's office. All other provisions of the Ordinance pertaining will be met. Seconded, Mr. Barnes. Carried unanimously.

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11- CITY OF FALLS CHURCH, to permit erection of water storage tank and permit closer to property lines than allowed by the Ordinance, northeasterly of #7 and #123 at the end of a private easement off #7, west and adjacent to U. S. Microwave Station, Dranesville District (C-G)

Mr. Lionel Richmond represented the applicant. Mr. John Patteson was present also.

Mr. Richmond recalled that after a site in this area was refused by this Board about a year ago the City found a site in C-G zoning which later turned out to be unusable. This is another location.

Mr. Richmond showed a plat indicating all the sites proposed for this tower. Sites 1 and 2 were accepted by the Board; site 3 is no longer obtainable nor is it desirable because of the growth in this area.

This is located immediately adjoining the radar station and the interchange

ramp. It is a perfect location as it will not adversely affect any property. This is C-G zoned land and therefore does not require a special permit. They will have to build the tower closer to the line than allowed by the Ordinance. The tower itself will be shielded by the radar tower and will be almost completely screened. A letter from Mr. Rosser Payne states that this site is the best possible site in the area (letter in file). A letter from the Highway Department (Mr. Harwood) says there will be no conflict with water line or tower.

This tower, Mr. Richmond continued, will supply the Tyson's area and is not in conflict with Fairfax County Water Authority. Agreement is that Falls Church shall serve this area.

The tower is planned to be 56 ft. high and 70 ft. in diameter.

There were no objections from the area.

The Planning Commission and Staff recommended to grant the application and noted that site plan approval is required.

Mr. Lamond moved that the application of the City of Falls Church for variance on water tower location be approved as it does not appear that it will adversely affect surrounding property. Seconded, Mr. Barnes. Carried unanimously.

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12- J. MAYNARD MAGRUDER, to permit erection and operation of a nursing home, Lots 21 - 44, excluding Lot 36B, Strathmeade Springs, Falls Church District (RE-1)

Mr. Sam Carpenter represented the applicant.

Mrs. Carpenter disqualified herself to participate or to vote on this case because of her family connections with the representing attorney.

Mr. Carpenter explained the project as follows: This will be a 2 1/2 million dollar installation; 400 beds including administration building, buildings for nurse corps, semi-invalids, apartments, recreation; 50 car parking spaces for employees and 100 for visitors. These would be two story buildings. Total building coverage about 10.2% with paving areas about 22.4%. Approximately 90% of the land would be left for landscaping and walkways. 78% of the land is uncovered. This home will be constructed under the new National Housing Act. The preliminary design is in accordance with FHA standards and plans conform to FHA. They have not received their final approval and will not receive such approval until the Board of Appeals has granted the permit.

J. Maynard Magruder - Ctd.

Mr. Carpenter went on to say - the question of sewering was before the Planning Commission. Public sewer under the new bond issue will be available within about 18 months. The back part of the land will not be built upon now - that area cannot be sewered for three years. However, 18 months will just about meet the time of completion of these buildings. They will put in the road from the site to Woodburn Road. It is now only 40 ft. They will acquire the added 10 ft. right of way from Chiles. They will post bond to the County for construction cost of the road and reimburse the County. They will pave the right of way to be used. They also hope to obtain access through the hospital property immediately to the north, an especially desirable thing as this nursing home will be closely tied in with the hospital. They will work very closely with the County to fulfill all provisions of the Ordinance.

Mr. Chilton said before this site plan can be approved a portion of Beverly Drive must be vacated by the Board of Supervisors. This probably will be approved for vacation. Planning Engineer recommended approval subject to construction of a 36 ft. surfaced curb and gutter, to connect with an existing state road along Tobin Road, Knox Road and Thompson Road and that developers dedicate access through their property from Beverly Drive to the adjoining property opposite Thompson Road on the west and to the same 36 ft. typical section.

There were no objections from the area.

Mr. Carpenter said this is primarily for the elderly.

The Planning Commission and the Planning Staff recommendation read - grant subject to provision for adequate sewer and adequate access.

Mr. Tom Kamstra, architect, restated Mr. Carpenter's information relative to use of the front part of the property and later developing the rear. In the meantime they will clear up the mechanical details, vacation of Beverly Road, getting right of way, etc.

With regard to the application of J. Maynard Magruder to permit nursing home, Lots 21 thru 44, excluding Lot 36B, Strathmeade Springs, Mr. Smith moved that it be approved as applied for, and that the Planning Staff's, Planning Commission's and Planning Engineer's recommendations be met. Seconded, Mr. Barnes. Carried, all voting for the motion except Mrs. Carpenter who did not vote.

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13- POWHATAN LODGE NURSING AND CONVALESCENT HOME, to permit erection and operation of a nursing and convalescent home on W. side of Powhatan Street at the intersection of North Nottingham Street (R-10)

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Mr. Talmadge Wilcher represented the applicant. He said this area was originally set up for a subdivision; it is now under option. The buildings as planned will be two story, divided into four wings, with a bomb shelter under the administration building. There will be one all purpose wing where crippled children, older people or different stages of illness will be taken care of, in separate quarters.

The State Health and Welfare have approved in substance the entire plan. This will be a 160 bed, $1,250,000 project, building and facilities. Recreation will cost about $700,000 - golf course, skating, swimming pool. Sewer is available within 300 ft.

There were no objections.

The applicant is in agreement with the Planning Commission recommendation, Mr. Wilcher said - no occupancy permit to be issued until Powhatan Street has been accepted by the Department of Highways for maintenance from the end of present state maintenance to the site. Site plan approval is required.

Mr. Smith moved that the Board approve the application of Powhatan Lodge Nursing Home, to erect and operate nursing home on west side of Powhatan Street at North Nottingham Street, subject to provisions and recommendations of the Planning Staff, Planning Engineer and Planning Commission, with a total of 160 beds, and that the permit be granted in accordance with Group V, and that all provisions of the ordinance pertaining to nursing homes shall be met. Seconded, Mr. Barnes. Carried unanimously.

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14- GEM INTERNATIONAL, INC. to permit erection and operation of a service station on southerly side of #7, approximately 1000 ft. northwesterly from Tyson's Corner, Providence District (C-D)

Mr. Lionel Richmond represented the applicant. He showed the layout plan of the store and filling station. They have C-D zoning which requires special permit for the filling station. The Gem contract calls for furnishing of full services to the public, including a filling station, Mr. Richmond said. This is usual with Gem stores. The Board of Supervisors did not grant a C-G zoning, which he had asked for, Mr. Richmond said, but it was the thought of the Board that obtaining a filling station use would not be objectionable, nor difficult. This is merely a service of gas and oil. They do not work on cars. The station will have a very small building and will carry no accessory items, nor will they install them. It will not

generate additional traffic. It is here to serve the store customers. There were no objections.

Mrs. Carpenter moved that Gem International, Inc. be permitted to erect and operate a filling station located on the southerly side of Route 7, approximately 1000 ft. northwesterly from Tyson's Corner. It is the opinion of the Board that this use will not be detrimental to the surrounding neighborhood. Seconded, Mr. Barnes. Carried unanimously.

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DEFERRED CASES

1- M. P. BUILDERS, INC. to permit dwelling 35.2 ft. from Royston St., Lot 62, Section 1, Ravensworth Grove (formerly Heritage Hills, Section 3) Falls Church District (R-12.5)

Mrs. Henderson read a letter from Mr. Mace regarding this request, asking that it be granted. (Letter on file with records of this case.)

Mr. Smith made the following statements: It would appear that this is an honest mistake and that it meets the requirements of the amendment on variances in the Ordinance which allows this Board to grant variances because of a mistake or error on the part of the builder.

In view of the letter just read (from Mr. Mace) and the amendment above referred to, Mr. Smith moved that M.P. Builders, Inc. be granted a permit in accordance with the amendment which gives the Board the authority to grant a case in error. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Henderson said she voted for the motion reluctantly because of the two recent mistakes and suggested that the applicant take care about making another trip to this Board.

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2- ATLANTIC REFINING CO. (SIBARCO CORP.) to permit erection and operation of service station and permit pump islands 25 ft. from right of way line of Cedar St., N. side of Cedar St. at intersection of abandoned Washington-Virginia Railroad right of way (Mt. Vernon District) C-N

Mr. Hansbarger represented the applicants. This was deferred for a plan of the entire commercially zoned acreage here, approximately 2 acres, to show development as a unit.

Mr. Hansbarger showed a rendering (on file in the Zoning Office) of these buildings - filling station, Seven-Eleven, and office building with individual stores. The buildings were all attractive and in colonial design. Mr. Hansbarger said they would widen the road and so indicate that on their site plan. The Seven-Eleven is already committed to this design and the

others who will build the larger building say this building is the design they will follow.

Mrs. Henderson contended that this development is premature.

At present there are no houses in the adjoining property, Mr. Hansbarger noted - there is no one to adversely affect, but if they wait until they build apartments right up to this commercial district, then no one would want to develop the place.

This is a small tract, Mr. Hansbarger continued, only 2+ acres. The Board has turned down other zonings in this area, across the street and at the corner. It is not likely that they would reverse themselves and grant more business in this area.

The two buildings could go in here without a special permit, Mr. Smith pointed out -- it is only the filling station that is in question. The architecture is in keeping with the area and while he didn't particularly care to see this development go in at this time, he thought this was about the best anyone could do with the property.

After having heard the case of Atlantic Refining Company to permit erection and operation of a filling station and permit pump islands 25 ft. from Cedar Street, and having listened both to the applicant and to the opposition, Mr. Smith said that it appeared that from the rendering submitted by Atlantic Refining Company that this is about as good a development that could ever come out of this small parcel of C-N zoning. There is nothing here which would cause an increase in traffic - the services provided would be for the people in the immediate area. The Board has thought about the narrow road and the only thing that might be questionable is the filling station. But their safety record is good. It appears that this development will not cause a hazard to the neighborhood and as a matter of fact it will clear up a bad situation that exists in the area. Therefore Mr. Smith moved that the application be granted in accordance with the rendering submitted here today. This is granted for a filling station only and it is understood that all other provisions of the Ordinance pertaining will be met. It is specifically understood that this permit does not allow trailers nor U-Hauls. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson voted for this because it is an old commercial zoning and this development will clear up an unsightly condition and safeguard this area from further encroachment. The Board of Supervisors has recently refused other zonings in this area and this small two-acre tract will serve for commercial development for this area.

3- VIRGINIA POTOMAC BROADCASTING CORP. to permit erection and operation of transmission towers closer to property lines than allowed by the Ordinance, on east side of Stuart Road, Rt. 680, approximately 1 mile south of Route 7, Centreville district. 371

Mr. Mooreland read a letter from the applicant asking to defer the case to February 13. Mr. Barnes so moved. Seconded, Mrs. Carpenter. Carried unanimously.

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4- A. G. McDEVITT, appeal on allegation of error, S. side of Old #123 at intersection of #193, Dranesville District (RE-1)

Mr. Maddox represented the applicant. He presented the letter from Sinclair requested by the Board, showing the last date of gas delivery to this property. He reviewed the situation here, saying the agreement to open the station in March did not take place because of the storm, and then because of the accident. Mr. McDevitt had leased this station for years, Mr. Maddox pointed out, and at no time when it was under lease did he have control over it, unless Sinclair would allow it, and they never did. After the accident Sinclair wanted to release Mr. McDevitt who had tried to get a release many times before this. When he got this release he negotiated with the other oil company and signed the lease effective July 1. Mr. McDevitt had done everything in his power to see that his station was in use all the time. The lease with American had to be approved by those higher up. It was not until September that the final ratification took place, although he was paid from July 1, 1961. At no time during 1961 did Mr. McDevitt actually have control of the station unless the lessee said he could have control, Mr. Maddox continued. The Ordinance provides for extenuating circumstances as when the landowner has no control over his property. The other provision made by the Ordinance is regarding unusual events that would put the property partly out of commission. The Ordinance gives one year in such cases as this - they doubled the time in justice and fairness to the owner. This accident occurred at a time between tenants. This should not prejudice McDevitt in his effort to keep his livelihood going - this station is his only source of income. The pumps were put out of commission because of change in companies but the station was there and usable. The other facilities - water, air and the phone booth, were there available and used by the public. There has been no opposition by surrounding land owners; they want him to continue here with the station. It would be a great hardship to take this station away from him. Mr. Maddox said Mr. McDevitt looked at the ordinance and he honestly thought he had one year but he kept pushing to get the station going.

He did not know about the "red tape" in order to get American operating. He thought they would go in and operate immediately after they signed the lease. The lease was dated September 6, 1961 but it was effective July 1 and he was paid from that date.

Mrs. Carpenter asked-if a company leased a station for two years and pumped no gas would the lease lapse?

This is the question for the Board of Appeals to decide, Mr. Maddox answered, to see if the company has the right to sit on an agreement and still keep the non-conforming use alive.

Mr. Mooreland said he brought this to the Board for one reason -- did the happening of this accident toll the statute as far as the six months is concerned. After many discussions and research, Mr. Mooreland said, with various people, most of them agree that he was wrong in the first place and should never have made the decision.

In the letter from Sinclair Mrs. Henderson said they appeared to want to keep the station going; they had someone in tow to go in to operate the station but the accident prevented this.

On the appeal by Mr. McDevitt on allegation of error regarding his filling station located on Old #123 at the intersection with #193, Mr. Smith said he would move to grant the appeal from decision of the Zoning Administrator and ask that the permit be issued to Mr. A. S. McDevitt in accordance with the non-conforming use section of the Ordinance. This non-conforming use has been operating on these premises for many years. It is understood that all provisions of the Ordinance pertaining shall be met. Seconded, Mr. Barnes.

Mr. Smith, Mr. Barnes and Mrs. Henderson voted in favor of the motion. Mrs. Carpenter voted against the motion. Mr. Lamond did not vote. Carried. Mrs. Carpenter voted against the motion because in her opinion this does not come under Section 39-04. Mrs. Henderson said she voted in favor reluctantly.

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Mr. Lamond asked to be excused from the meeting.

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5- EDMOND K. GIVENS (Rehearing) to permit rear porch 21 ft. from rear lot line, Lot 63, Section 1, Ravensworth Park (7702 Bristow Drive) Falls Church District (R-12.5)

This case was denied on September 12, 1961. It was heard October 24 granting Mr. Givens a rehearing. At the first rehearing Mr.Givens did not realize

that a topographic problem could be considered. He wished to present further evidence.

This is a one-story house in front - two story in the rear. The land slopes abruptly in back and on both sides. He has a small pocket in back of his house in which the septic is located. His wife cannot go in the sun because of her health and this rear porch would give her a sheltered place to sit and watch the children in the back.

Only one corner of this is in violation - one corner of the roof is about 12 sq. ft. that is in violation. The roof line as planned will match the appearance of the front of the house; Mr. Givens said, he had no intention of disregarding the County regulations.

Mrs. Henderson suggested the 3 ft. overhang with supporting posts within the setback requirements, however, Mr. Givens said that would not give him enough room.

Mrs. Henderson discussed other means of getting a good porch -- taking the porch straight back in line with the end of the house. That does not keep the same architecture nor does it shield the back window, Mr. Givens said, and he would have to excavate.

There is an alternate location, Mrs. Henderson went on - the new amendment to the ordinance does not cover a situation like that. Also the Ordinance says the Board cannot consider financial or personal hardship.

Mr. Givens pointed out his pie-shaped lot which has a very small back yard. Most other lots in this area are rectangular, he said - in fact, he thought he had the only pie-shaped lot and topography is irregular. He would have to dig out a place in back.

Due to the irregular shape of the lot and having to dig out in order to have any sizeable space in the back for a porch, Mr. Smith said maybe that would warrant a variance. He did not know about the alternate location. But the Board probably has a reason to grant this due to the irregular shape of the lot. However, Mr. Smith said he did not condone Mr. Givens going ahead with his porch without having a building permit. There is a slope on either side of the house and if he moved closer to the corner he would have to dig out the hill.

Mr. Givens pointed to the very small area in violation.

Mr. Smith said he believed Mr. Givens was sincere when he stated to the Board that his error was unintentional, and he had no wish to avoid the Ordinance. The Board does have the authority to grant variances and should consider a variance in this case due to the irregular shape of the lot. He noted that the

January 9, 1962

Edmond K. Givens - Ctd.

house is one story in front and two story in the rear. Topography also is a consideration.

Mr. Smith moved that the application of Edmond K. Givens to permit rear porch 21 ft. from the rear line in Lot 63, Section I, Ravensworth Park, be granted due to the irregular shape of the lot and the fact that in this variance only one corner of the porch is in violation. This appears to be an honest mistake, Mr. Smith continued, after hearing Mr. Givens and noting the facts that he failed to point out in the previous hearing, the irregular shape of the lot and other considerations. He moved that the application be granted as applied for. Seconded, Mr. Barnes. Messrs. Barnes and Smith and Mrs. Carpenter voted for the motion. Mrs. Henderson did not vote. Carried.

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Mr. Mooreland read a letter from CHARLES BROWN stating that the variance granted him has expired. He asked for an extension as he could not get started within the year's time because of financial difficulties. He asked for an extension of six months from December 27.

Mr. Smith moved that Mr. Mooreland be instructed to extend the variance for six months. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Mooreland asked for definition of agriculture; chinchillas - should they come under agriculture? Are they allowed as a matter of right or should they come under "kennels"? Answer - "livestock".

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The meeting adjourned.

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

January 30, 1962
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, January 23, 1962 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- H. J. ROLFS, to permit pump islands 25 ft. from #236 and Chambliss St. also building 50 ft. from #236, property located NW corner of #236 and Chambliss Street, Mason District (C-G)

Mr. Rolfs said Socony has a contract on this provided the 25 ft. setback for the pump islands is granted. The building is set back 53 ft. and 66 ft. from the two streets - Little River Pike and Chambliss Street. The property line is 40 ft. from the center line of Little River Pike.

Mrs. Henderson asked what setback the Texaco Station has - across the street. Mr. Rolfs said he did not know but that is an old business, probably started operating before the Ordinance.

Mr. Smith thought the building should be back 75 ft. It was noted, however, that the lot is narrow with little back yard and that the widening right of way has been taken for Little River Pike.

Mr. Smith suggested moving the building back to the rear line another 5 ft. Mr. Rolfs said he would have an access road at the rear of this property as an entrance to his other commercial property adjoining.

There were no objections.

Mr. Lamond moved that the Board approve the request of H. J. Rolfs to permit pump islands 25 ft. from Route 236 and from Chambliss Street and the building 53 ft. from Route 236 because the lot is irregular in shape and there is not sufficient room to have the building closer to the rear line than shown on the plat which indicates that the building is back more than 50 ft. and, Mr. Lamond continued, in his opinion, the section of the Ordinance on page 474-30-7 which refers to "major Secondary roads etc. when one half of the ultimate right of way has been provided" is applicable to this case. This is approved for a filling station only. Seconded, Mr. Barnes.

Mr. Smith questioned the way the Board has handled cases of this kind. The Board is handling the pump islands as a variance rather than a special use permit. A variance can be granted on pump islands under special use permits which gives the County authority to require the owner to remove the use when and if it is needed. This is irregular, Mr. Smith continued, and the Board does not have the authority. (578-g)

Mrs. Henderson pointed out that Route 236 is a primary highway and is

already widened to its ultimate width therefore the need for the 75 ft. setback is taken care of. The Board could then grant the use permit on pump islands 25 ft. and a variance on the building because Route 236 is a primary highway and has been widened. Carried unanimously.

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Mr. Mooreland asked the Board if they would always include in filling station applications - to grant for a filling station only. In too many instances a second business on the property is being operated and he cannot stop it without this restriction in the motion.

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Mr. Lamond and the Board asked that Mr. Burrage be asked to amend the Ordinance to include "major secondary highways, etc." to include "primary highways". (30-7, page 474)

Mr. Smith suggested that the Board stay as close as possible to the pertinent points in the Ordinance in making these motions.

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DEFERRED CASES:

1- GERALD MOSLER & INGEBORG MOSLER, to permit an addition to dwelling 8 1/2 ft. from side property line, Lot 86B, Section 3, Huntington, (1325 Arlington Terrace) Mt. Vernon District (RM-2)

This was deferred to view the property. Mr. Lainoff presented a letter from Mrs. Mosler's doctor testifying to the need for her living and working quarters to be on one level.

The Board discussed again the possibility of putting this addition in the rear, enclosing and extending the existing porch.

Mr. Lainoff said any extension in the rear would be in a marshy area and the porch enclosed as it is would not be wide enough to have any real utility. Also by enclosing the back porch it would block the neighbors' light and air and they felt it was not fair to do that. All the neighbors have stated that they have no objection to the extension on the side. A structure protruding out in back would detract from the whole neighborhood. What they plan to build would be in keeping with the present structure.

Mrs. Henderson pointed out that all the other houses in the block have the same situation and if they asked for such an addition it would be almost impossible not to grant it. This may be the logical place to put the addition but the reason for the variance is a personal one, Mrs. Henderson said, and unfortunately, in many cases, the Board cannot consider that a valid reason for the variance.

Gerald & Ingeborg Mosler - Ctd.

Mrs. Henderson suggested putting the bath at the end of the rear porch jutting into the side yard to give full use of the porch.

Mr. Lainoff said the width of the building gives them only 16 ft. and they would have to tear out the deck and start from scratch. They would have to go out 14 ft. to get a good room and that would cut off the air and sun from the neighbor and it would get into the marshy ground. They would have to have twice as much width as the present porch.

After discusssing cantilever, overhang and bay window Mr. Lainoff agreed that the side ~~porch~~ OF THE HOUSE could be used with the 3 ft. allowed for a bay window (ordinance, page 470).

Mr. Mooreland pointed out that the foundation for the bay window would not come from the ground - it must be freestanding - attached to the side of the house.

In the case of Gerald Mosler to permit addition to dwelling 8 1/2 ft. from side line, Lot 86B, Sec. 3, Huntington, Mr. Smith moved that the case be denied, as a solution to the problem was reached by the applicant's attorney by use of the bay window. This application has been given thorough consideration by the Board due to the conditions existing but there are no unusual circumstances here that would reasonably allow the Board to grant the case. Under the "unusual circumstances clause" in the Ordinance there are many houses in the immediate vicinity that would have the same conditions. Seconded, Mrs. Carpenter. Carried unanimously.

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2- LAURENCE & HILDA WELCH, to permit erection of carport 8.1 ft. from side property line, Lot 53, Section 1, Fairfax Villa, (711 Roma St.) Providence District (R-12.5)

The Chairman read a letter from Mrs. Welch regarding Mr. Welch's physical condition and the need for winter protection of his car. Also, Mrs. Welch presented information regarding location of existing carports in the Fairfax Villa area. She did not have this information at the January 9 hearing. It appears now, Mrs. Welch noted, that these carports are in the exact location as the Welch application. Mrs. Welch listed about 40 house numbers and street names, about 80% of which have carports. Therefore, Mrs. Welch said this would not be establishing a precedent - it would be following the trend.

Mr. Mooreland said he had checked the subdivision plat on this area and found these carports are 12 ft. or better from the side lines.

Mrs. Henderson noted that the applicant could have a 10 ft. carport and

meet the requirements.

Mr. Barnes moted that the application of Laurence Welch be denied as it does not comply with the section 30-36(e)-1 the regulations for allowing variances. Seconded, Mr. Barnes. Carried unanimously.

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3- ROBERT C. HARRIS, to permit erection of carport 7' 8" from side property line, Lot 5, Section 2, Roundtree (1609 Roundtree Road) Falls Church District (R-10)

Mrs. Henderson said the Board had visited the property and saw nothing peculiar to this lot to warrant granting a variance. Such a granting would pave the way for many others in the area to ask the same thing. There are other houses of the same type in the same position.

In the application of Robert C. Harris to permit erection of a carport 7' 8" from side property line in Lot 5, Section 2, Roundtree Road, Mr. Smith moved that the application be denied for the reason that there has been no evidence presented to the Board to warrant a variance under Section 30-36(e) #1 which the Board must use as a guide in granting variances - therefore he moved to deny the request. Seconded, Mr. Barnes. Carried unanimously.

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4- JAMES L. MORGAN, to permit erection of an amateur radio tower closer to side and rear lines than allowed by the Ordinance, Lot 81, Section 1, Ravensworth Park (7719 Killebrew Drive) Falls Church District (R-12.5)

Mr. Morgan presented the letter requested from the remaining adjoining property owners stating that they know of the application and have no objection to the tower in this location. (Mr. R. Arnold and J. R. Odum.)

These are very large variances - 35 ft. from one line and 75 ft. from the other. Mrs. Henderson thought it completely out of line. She objected to Mr. Morgan's manner of handling this case. He was given a permit, then deliberately put the tower in another location. The Board of Supervisors have required a setback here for a definite reason. This is flagrantly ignoring the Ordinance, she continued, it is not a variance.

Mr. Morgan went into the background of his case recalling the danger of the first permitted location which he said was on fill dirt and he was advised that it was not safe. He discovered this on Friday and Saturday morning 15 neighbors were present to help him erect the tower in the new location. Once they were started they could not stop. The Courthouse was not open and he could not change the permit. He discussed other towers in the County which are not in compliance with setback requirements. However, Mrs. Henderson pointed out that they are non-conforming and do not have permits from this Board.

James L. Morgan - Ctd.

Mr. Morgan said the tower would not collapse and it does not jeopardize neighboring property. He had no alternative but to use the new location. Mrs. Henderson pointed out that had he come to the County and been refused the other location he would have had to make other arrangements.

Mr. Morgan said he would not be in this country for long and wished to have this remain for the duration of his stay. He would leave for Mexico by about June 1 or before.

Mr. Smith suggested allowing this to remain for that length of time. He said he agreed with Mrs. Henderson in disapproval of the very big variances and the manner in which Mr. Morgan had handled this. He agreed that this installation is a valuable contribution to the County and to the neighborhood. He suggested denying the case and giving Mr. Morgan until June 1 to remove the tower. He made the following motion - to deny the case and that the Board give Mr. Morgan until June 1 to remove the tower from its present location. Seconded, Mr. Barnes.

Mr. Smith and Mr. Barnes voted for the motion.

Mrs. Henderson and Mrs. Carpenter voted against the motion.

Mr. Lamond refrained from voting as he had not heard the full presentation of the original hearing.

The Board recessed for Mr. Lamond to read the minutes of the original hearing.

Upon reconvening Mr. Smith put his motion again - to deny the case and advising Mr. Morgan that he shall remove the tower from its present location by June 1, 1962.

Mr. Smith, Mr. Barnes and Mr. Lamond voted for the motion; Mrs. Henderson and Mrs. Carpenter voted against the motion. Carried.

Mrs. Henderson and Mrs. Carpenter thought the time for removal of the tower too long.

Mr. Morgan suggested that the County adopt more lenient regulations for amateur radio towers.

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5- RAVENSWORTH SWIM & RACQUET CLUB, INC. to permit erection and operation of a swimming pool, bath house and other recreational facilities, SW corner of Ivenchapel Rd. & Rt. 620, Falls Church District (R-12.5)

Capt. Elliott and Mrs. Hendrich were present. They presented new plats showing 2.06 acres with 101 parking spaces, all parking to be more than 25 ft. from property lines and 40 ft. from the front line. Water and sewer are available. They understand about the subdivision plan; they have discussed this with Mr. Chilton.

January 23, 1962

Ravensworth Swim & Racquet Club, Inc. - Ctd.

Mr. Dan Smith moved that the application of Ravensworth Swim and Racquet Club, Inc. to permit operation of a swimming pool, etc. be granted as applied for in conformity with plat presented and which plat was initialed at this meeting by the applicant and representative. The applicant has been made aware of the requirement to put in a subdivision plat. All other conditions of the Ordinance shall be met. Seconded, Mrs. Carpenter. Carried unanimously.

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6- MARY E. SMITH, to permit dwelling to remain 43.7 ft. from front property line, property at S. end of 8th St. Mason District (RE 0,5)

Mr. Moorehand said this case was withdrawn because it was decided in the Subdivision office that this did not come under Subdivision Control. He explained the circumstances to the Board.

Mrs. Carpenter moved that the applicant in the case of Mary E. Smith be allowed to withdraw her application. Seconded, Mr. Barnes. There appears to be no violation under the ruling of the Planning Staff. Carried unanimously.

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7- SHIRLEY ENTERPRISES, INC. to permit erection and operation of a drive in theater, W. side of Rt. 617, Backlick Rd. approx. 1100 ft. S. of Belvoir Interchange, Lee District (I-G)

Mr. William Hansbarger represented the applicant. He presented corrected plats. A tentative site plan was presented to the Staff, he told the Board, and discussed with them. He noted the deceleration lane approaching from the north, which has been increased, the curb cut (40 ft.) and the deceleration lane at the exit. This will all have to be approved by the Staff for site plan - ingress and egress; there may be some changes. The ticket office may be moved back and change the lane approach to some extent, he went on, but he stated that this is substantially what will be done. They will assure that the entrances and exits will be safe and that sufficient distance is given for storage space on the approach.

Mr. Coleman will advise the applicant what kind of sanitation can be installed in this particular soil - what kind of system and the process involved. This ground has a layer of hardpan which precludes having a septic tank. The only type disposal they could use would be a seepage pit. The property across the road from this has seepage pits which were put in a year ago and they are working satisfactorily. Water would be furnished from wells. However, they can bring water in from the Alexandria Water Company, if necessary.

Mr. Smith noted the large parking area and asked if that would affect

the seepage pit location. Mr. Hansbarger said they could use the ground under the parking area. The pits are 4 ft. or more below the surface. These pits would require an extensive layer of gravel.

Mr. Coleman thinks this sytem could be installed, Mr. Hansbarger stated, without interference with the installation proposed.

Mr. Hansbarger showed a rendering of the proposed building. The camera for both the indoor and outdoor theatre will be in this building. They will have a restaurant (snack bar) in the building. They will have matinee for the indoor theatre on Saturday and Sunday and two shows in the evening. The indoor theatre will operate all year around.

Mr. Hansbarger noted that the screen would have to be 1300 ft. from the highway.

Mr. Yaremchuk pointed out that there is a conflict on the zoning of this property and asked Mr. Rosser Payne to discuss this with the Board.

Mr. Payne explained that the NR zone was developed actually as a temporary zone, effective for a limited time based upon the life of the gravel deposit. The Planning Commission approved the NR zone amendment as presented by the Staff. This did not rezone property to a lesser use than was already on the ground, it was simply adding another zone and another use to be effective for a limited time. This was cleared with the Commonwealth's Attorney who agreed that this was not intended to change the existing zoning. But when this came to public hearing before the Board of Supervisors the people in the gravel areas requested that the time limit be dropped. The Board of Supervisors dropped that part of the amendment then they made this a permanent zone. In effect it zoned this land to NRI and II and removed the original zone. The Commonwealth's Attorney said this could be handled by amendment, which he drew up and forwarded to Mr. Massey. This amendment will reinstate the original zones. There is no question but what this amendment will go through, Mr. Payne said, and in light of that he suggested that this case be granted subject to this amendment, since the NR zone does not permit industrial and commercial uses.

Mr. Yaremchuk read the proposed amendment stating that the NR zones will not change the original commercial and industrial zoning.

Mr. Payne said he would be glad to give the Board a presentation on the entire Natural Resources Plan whenever they set a date.

Mr. William Moncure was present representing a client and stating that Mr. George Washabaugh is also opposed to this but was unable to be present.

Mr. Moncure quoted the Virginia Code stating that no screen can be placed so the pictures will be visible to the highway and it must be set away from the highway at least 1300 ft. Mr. Moncure said he thought the screening is inadequate - that the screen would be visible and he considered it dangerous especially to traffic on the narrow road. He questioned the wisdom of the ingress and egress which he said he realized the State Highway would approve or disapprove but he thought the Board should consult with the State regarding both screening and adequacy of entrances and exits in order to assure the safety of the public.

Mr. Ed Holland discussed the intersection leading into the Hunter Motel - he considered that this would complicate the traffic problem for motorists and would create an unsatisfactory entrance for this theatre. He discussed the problems at evening when people are going to the motel or continuing on the Shirley or crossing the bridge - the great amount of traffic in and out of the theatre would add to complications and create an extreme hazard. This is not a primary road, Mr. Holland noted, but it carries primary traffic. He also thought the screen would be visible from Route 617 at an angle which is very dangerous for motorists - the flicker of the lights and the movement would be distracting. Mr. Holland continued at length to discuss the hazards of coming out of this theatre late at night into an area which has been predominantly rural. He recounted the dangers and confusion to motorists.

Because of the highway safety and welfare of the traffic pattern, Mr. Holland urged that this case be denied.

Mr. Smith asked where might be a good place for a business of this kind. On a straight road, Mr. Holland answered, with long distance visibility both ways and not near a complicated intersection. It should not be near a high speed highway but rather a secondary road with good sight distance and light usage. There should be room for the traffic to thin out and gradually go into the highway - not enter almost immediately into a high speed highway. Mr. Smith noted that Route 617 is not a major highway and actually the traffic does go out onto a secondary road before it filters into the major highway.

Mr. Hansbarger said there was no question but what the screen would be shielded from Route 617 - it would have to be according to State regulations. The screen is protected by three shields which are particularly designed to prevent interference with the screen itself and at the same time shield the screen from the highway.

Shirley Enterprises, Inc. - Ctd.

Mr. Lamond asked about screening the lights, which Mr. Hansbarger said would be done. The screen is at the lowest point and the ramps are going up. It was put this way deliberately so it would not be seen. The Shirley Highway is lower than this and the fence will prevent any visibility of the screen.

Mr. Hansbarger agreed that this would add more traffic as would any use on this property, but with the outlay they have proposed, and planning with the Staff and the Highway Department, he considered they have done everything that can be done to meet any situation that may arise, and they will do whatever is necessary to assure this will not be a hazard.

Mr. Hansbarger also noted that any industrial use on this property would create traffic during the day, early and evening rush hours, while this is particularly an off-hour business.

The Board discussed this further - assurance that the seepage pits would work, compatibility, etc.

Mr. Hansbarger said they would continue their tests on the seepage pits as soon as the use is granted.

Mr. Smith said that while he was concerned about the sewage disposal he felt that could be worked out with the Health Department. It appears, Mr. Smith continued, that the application as proposed meets the standards set forth in the Ordinance and subject to approval by the Health Department and site plan clearance, the Board has no alternative but to approve this in this zone. The Board must have assurances, however, that all conditions of the Ordinance are met.

In view of the NR zone and the amendment which Mr. Payne has explained will take care of the present zoning on this property AND noting that BY the amendment to the Ordinance the zone will not be lessened but simply will add an additional use on the property, Mr. Smith moved that the application of Shirley Enterprises, Inc. to permit erection and operation of a drive-in theatre on the west side of Route 617, approximately 1100 ft. south of Fort Belvoir interchange, be approved subject to clearance by the State Highway Department and the Health Department, assuring that proper facilities shall be installed for sewage disposal and proper water arrangements will be made to supply an installation of this type. This is granted in connection with the plan presented which permits a building and a snack bar on the premises. It is also understood that all other sections of the Ordinance pertaining shall be met.

Mr. Lamond expressed his concern about shielding the screen from the highways.

January 23, 1962

Shirley Enterprises - Ctd.

Mr. Smith added to his motion that the applicant will make sure that the screen is screened from both highways - Route 617 and Shirley Highway. Seconded, Mr. Lamond. Carried unanimously.

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Mr. Mooreland discussed Fenbrook Bath & Racquet Club which he said is operating now as a non-conforming use. It went in as a matter of right several years ago. The Ordinance was changed and this use is no longer a matter of right. It has become non-conforming. They now wish to increase their facilities and add another pool. Shall they apply under the community pool? The Board said yes.

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The meeting adjourned.

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

February 27, 1962
Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, February 13, 1962 at 10:00 A. M. in the Board Room, Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

Mrs. Carpenter present p.m. only.
Mr. Lemond present p.m. only.

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

NEW CASES

1 - Burton, Robinson and Thayer, Inc., to permit division of property with less frontage than required by the Ordinance, N. W. corner of Rosemoor Lane and Robins Ridge Road, Providence District. (RE-1).

Mr. Robert Thayer represented the applicant. He pointed out that this is a two acre tract and the only variance request is on the frontage on Rosemoor Lane. One lot would have 125 feet and the corner lot 138' plus. This is not out of harmony with other lots in the area, Mr. Thayer said; across the streets are lots with as little as 110' frontage.

Mrs. Henderson suggested dividing the tract with the dividing line running parallel to Rosemoor Lane, both having frontage on Robin Ridge Road. This, Mrs. Henderson considered would make a better division of the property and would give more frontage. Mr. Thayer said aesthetically the view from Rosemoor was better and the topography would change the location of the septic field, pushing the house far back on the lots and the septics in front of the house. This would put the backyards of these houses against adjoining lots. This would also cause a considerable amount of grading and subsequent removal of trees. He noted that people like the deep lots - it gives them more privacy for their back yards than a square lot.

Mr. Thayer said these lots conform in size and shape to other lots in the subdivision. Pinkney, owner of the property immediately behind these lots, will not subdivide his property and other homes in this area are on established tracts of land which probably will not be changed for many years. Mr. Thayer said the members of this firm own homes and live in this subdivision. They would not propose to do anything which would reduce the character of development.

The most important reason, however, for not facing the lots on Robin Ridge Road, Mr. Thayer said, is the topography. The ground is high in back so the septics should be in front. If the property is divided the other way the septic would be on a slope -- a side grade where they would have to remove trees and grade and fill. He thought the privacy and the general layout they have planned would result in more desirable lots.

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1 -contd. The area has very good percolation.

There were no objections from the area.

Mr. Thayer also noted that there would be the same distance between houses - he pointed out that more area has been given to the corner lot because of the required corner setbacks.

Mr. Smith moved that the application of Burton, Robinson and Thayer, Inc. to permit division of property with less frontage than required, northwest corner of Rosemoor Lane and Robins Ridge Road, be approved as applied for. This area appears to be almost fully developed and the frontage of these lots and the lot areas are consistent with the surrounding area. This seems to be the most practical way to divide this property as the applicant must use septic fields. The division, as requested, is more harmonious with the existing development in the area, and would not appear to be detrimental in any way. It is also noted here, Mr. Smith continued, that steps one, two and three of the Ordinance apply in this case and the minimum amount of variance that could be afforded is that applied for. Seconded, T. Barnes. Cd. unan.

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2 - Wright properties, Inc., to permit dwellings to be located as follows: Lot 3, 45 feet from Street line; Lots 4 and 5, 40 feet from street line, Lots 3,4,5, Section 1, Oak Run Park, Mason Dist. (RE-0.5)

Mr. William Bauknight represented the applicant. Mr. Bauknight noted that all the letters of notification to property owners were returned saying they had no objections,except one.

Mr. Bauknight showed a plat which explained the unique topographic condition existing on this property and pictures which indicated the steep drop immediately back of the proposed houses, running through the middle of the lots. If the homes were set at the required setback line, they would be below road level - in a swale. Otherwise, they will have to be located very far back on the lots. This occurs on only three lots.

Mr. Mooreland said the surveyor showed him the problem and this was his own suggestion that they bring it to the Board.

The one person who objected to this by letter, Mrs. Chatham, was not present.

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2 Contd. The houses will sell for $28,000 and $29,000. They will not have garages or carports -- the houses are large and there is no room for attached garages.

On the application of Wright Properties to permit dwellings to be located as follows: Lot 3, 45 feet from Street line; Lots 4 and 5, 40 feet from street line, Lots 3,4,5, Section 1, Oak Run Park, Mr. Smith moved that the application be approved as applied for and that steps one and two of the Ordinance regarding variances do apply. This is granted in accordance with surveyor's final certified plat approved November 3, 1962, which was submitted with the application, plat dated August 21, 1961. Mr. Mooreland has stated that he feels this is the minimum variance that could afford relief and it is the opinion of the Board that this is the variance that can be allowed. It is noted by the Board that the applicant plans to build substantial houses on this property and no evidence has been presented to indicate in any way that this would be detrimental to the surrounding area. Seconded, T. Barnes. Cd. unan.

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3 - Harold W. Ross, to permit an addition to dwelling 5.6 feet from side property line, Lot 17, Block B, Section 2, Burgundy Manor, (3133 Janelle Street), Lee District, (R-10).

Mr. Joseph Gartlan represented the applicant. Mr. Gartlan noted the odd angle at which the house is placed on the lot - showing one corner very near the side line and a considerable amount of ground on the other side of the house. The distance between houses on the short side is approx. 13' 10".

Mr. Gartlan said Mr. Ross had intended to remove his carport and put on another bedroom. He applied for a permit and it was issued to him. He planned to use the materials from the carport for a screened porch on the opposite side of the house. He planned to use the space for the porch, created by a jog in the side of his house. This, Mr. Gartlan said, would be the unusual physical condition -- if he were not allowed to do it, it would deprive him of the proper use of his property. He also

3 contd. noted that there are twelve houses in the block which have additions to the side of the houses which appear to be closer than he is asking. These are small houses and this is the only way they can expand.

Mr. Ross said he had thought his lot was in a zone which would permit this encroachment on the side line up to 5 feet. He thought that because of the other additions in the neighborhood. He applied for a permit for the location where the carport would have been. The inspector looked at the place where the slab would be but he did not raise objection to the setback. The error grew and was compounded, Mr. Ross said he could not explain the reason for this being misplaced (it was noted that his building permit was issued for the opposite side of the house).

Mr. Lamond asked why not put the addition on the opposite side of the house. Mr. Ross said he wished to extend his living room there. The bedrooms will go on the side where the old carport was located.

Mr. Mooreland said application was made for an addition. The inspector found the carport on the opposite side from which the permit was issued. Mr. Ross was told to stop construction and get a permit. This has been going on for over a year, Mr. Mooreland said. He wrote to Mr. Ross and gave him plenty of time to take the structure down. He then served him with a warrant. Before the return date, he came in and made this application.

(He got a permit to build two rooms where the old carport was. The inspector saw the work going on on the opposite side of the house, without a permit.)

Mr. Gartlan said Mr. Ross now realizes his obligations and if it is necessary for him to build less than he had wished, he would do so. This is a series of unfortunate circumstances. The unusual circumstances apply to the building -- the house which is badly placed on the lot.

Mrs. Henderson noted that Mr. Ross has not been deprived of the use of the house and there is an alternate location for the addition.

Mr. Mooreland said the 25% does not apply.

The Board discussed alternate locations which could be used.

Mr. Lamond moved that the application of Harold W. Ross to permit an addition to dwelling 5.6 feet from side property line, Lot 17, Block B, Section 2, Burgundy Manor (3133 Janelle Street) be denied as the applicant has shown no evidence of hardship as outlined by the Ordinance - and to

3 Contd. deny this does not take away a reasonable use of the land. Seconded, T. Barnes. Cd. unan.

Mr. Gartlan asked that a specific time for removal of the construction be set. The Court case, Mr. Mooreland said, was continued to see what action the Board takes. He wished to have the case tried.

Mr. Smith moved that the applicant be given a dead line of February 15, 1962 to have this structure brought under compliance with the Order of the Zoning Administrator. It should be inspected before court on Friday. If this can be complied with by that time, Mr. Smith continued, it would save the time of the Court, the applicant and all concerned. The time, Mr. Smith said, is set for 6 P. M., Friday, February 15, 1962 for this structure to be brought into compliance with the Ordinance.

Seconded, T. Barnes. Carried unanimously.

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4 - Albert G. Fortune, to permit division of lot with less frontage than allowed by the Ordinance, proposed Lot 43-A1, Section 2, Pleasant Ridge Subdivision, Falls Church Dist. (R-12.5)

Mr. Barnes moved that the applicant be permitted to withdraw his case. Seconded, Dan Smith. Cd. unan.

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5 - Sibarco Corporation, to permit pump islands 36 feet from Lee Highway right of way line and 25 feet from future property line of Nutley Road, property at NW corner of Lee Highway and Nutley Road, Providence District. (C.G.)

Mr. H. W. Price represented the applicant. This property was zoned about two years ago for the purpose of putting in a filling station. They are asking only the variances in this application - 36 feet from Lee Highway and 25 feet from Nutley Road. The building is set behind the 75 feet from Lee Highway - about 98 feet. The County wants another 25 feet on Nutley Road, Mr. Price stated, but no one knows what right-of-way will be needed for Lee Highway. For this reason, they have allowed for any contingency in placing the building at the 98 foot setback.

It was noted that the building is set practically on the rear zone line and that adjoining residential property is in the same ownership. The building is located 45 feet from the rear line of that property owned by the applicant. It was noted that the setback is measured from the

5 contd. property line - not the zone line.

There were no objections from those present.

Mr. Smith moved that the application of Sibarco Corporation to permit pump islands 36 feet from Lee Highway right-of-way line and 25 feet from future property line on Nutley Road be approved and that a use permit be granted for the setbacks as requested. All other provisions of the Ordinance pertaining shall be met. This permit is granted for a filling station only.

Seconded, T. Barnes. Cd.

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Mr. Chilton said that when the residential property and the commercial property under consideration are in the same ownership, the Planning Commission may require screening at the time of approval of the site plan -- but such requirement is not necessarily made.

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6 - The Belmont Bay Yacht Club, to permit erection of an administration building, club house with facilities for eating, sleeping, bathing, tennis courts, swimming pool with patio, shop for essential marina supplies and game room, facilities for repair, fueling and maintenance of members boats and pleasure craft also slips and piers necessary to accommodate 300 boats, property on private road off #611 on Belmont Bay, Mt. Vernon District. (RE-1).

Mr. John Scott represented the applicant. Mr. Scott first located the proposed marina on the map and pointed out the location of the proposed new access road leading from the Marina to Old Colchester Road, Rt. 611, which they will construct in accordance with State standards, if this use is granted. The road is 1-3/5 miles long. There is an old road leading off Colchester Rd. (Rt. 611) known as Gunston Road, #601, which forks just north of the Marina and which they will not use. Mr. Scott noted that Captain Karns lives on Gunston Road at the fork. Approach to the marina would be by Old Colchester Road, U. S. #1, or the Shirley Highway. Gunston Road could be blocked off at the fork, Mr. Scott said, if the County so desired -- they have no intention of using it.

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6, contd. Mr. Scott showed the location of communities nearest this site -- all range from one to four miles away. The nearest is Belmont Bay - 1½ miles. Mr. Scott said this case was being heard under Article I, Section 30-1 and Article 12- Sec. 30-138 of the Zoning Ordinance. The applicant proposes to operate a private club type commercial marina which will offer its members piers and slips for 300 pleasure craft. In explaining the use, Mr. Scott said it would be a commercial marina of the club type -- it is a membership club but will be commercial in that it is run for profit.

They will have an administration building, club house with eating facilities, overnight guests, recreation and game room, a swimming pool with patio, tennis courts and facilities for repair and maintenance of membership boats and parking facilities.

By club type, Mr. Scott said, it means that each person must be sponsored by three members of the Club. Members will be carefully screened for good character. Members can be expelled for breach of good conduct.

Mr. Scott quoted from an article by Prentice-Hall on marinas, stating that 37 million people now participate in one way or another in marinas. Marinas are too few and inadequate to meet the demand. The country needs double the present facilities. This is highly specialized service -- therefore, Mr. Scott said they had retained Mr. Charles A. Chaney, one of the foremost authorities on marinas in the County, to discuss this with the Board.

Mr. Chaney, who has had 40 years of experience dealing with waterfront improvements and with a long history of marina construction, author of marina books and pamphlets, and a marina consultant, stated that he had inspected this site, walked over the ground and viewed the site from a boat and he thought this a very favorable location. The site is well protected, it will not be injurious to other property owners in the area and it is conveniently located.

Mr. Chaney said many of the details of the project have not yet been worked out in detail -- they would adhere to all fire regulations and would install chemical fire extinguishers. They would also have trash receptacles 50 or 75 feet apart on all piers for use of boat owners.

6 contd. As to sanitation, Mr. Chaney said swift flowing streams take care of sanitary sewage -- but in this case, he would recommend installation of a gate control system -- trap gates -- to assist in moving the debris in a down-stream direction. These gates would be located about 2000 feet from the main channel of the river. Mr. Chaney showed a plan of the gates. Mr. Chaney read a list of the important features to be considered in trap gates (List on file in the records of this case). Mr. Chaney explained in detail the effect of the in-flow of the tide and the outflow with relation to operation of the gates which would control sewage disposal. This system was established in 1920 by the U. S. Corps of Engineers.

Of the 8 million pleasure craft afloat at this time, Mr. Chaney said about 1% have chlorine or chemical sewage disposal. Manufacturers are now in the process of making a different kind of disposal system for boats. These systems are now being tested and will be on the market in large quantities within two or three years. This appears to be a very effective sewage disposal - it can be installed on old or new craft.

At present there is no completely satisfactory way of handling sewage disposal, Mr. Chaney went on -- some states have laws forbidding emptying sewage -- some seal toilets in port, others have no regulations, some have regulations that are not enforced. Therefore, the public is not prepared for this enforcement. Something must be done to clean up the streams throughout the country. As it is, if one location has strict regulations and another area has no regulations, the boat owners will usually patronize the "no regulations" marina, or boats would be anchored out beyond the limits of the regulations. In certain instances, the laws have been cancelled. This would necessarily have to be a state or several-state action to be truly effective.

To protect the marina waters, Mr. Chaney recommended sufficient shore accommodations to take care of all boats. The State of New Jersey requires that for every 25 boats, one toilet be installed on shore -- one for men and one for women. These people are willing to do that. The management should put up notices requesting that people do not discharge waste into the water but that they use the public facilities when possible. It is true, Mr. Chaney stated, that most people comply with this.

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6 contd. Mr. Chaney said he had never considered that a marina was noisy or objectionable. If good parking space is provided, there should be no traffic hazard. Parking space varies -- he would suggest 1¼ parking spaces per boat. If they have 1¼ times the land area as the water, all parking could be taken care of. This land area will be almost double the water.

It was noted that the plat did not show sufficient parking.

Sewage disposal will be by septic field, or they will build a treatment plant, if necessary.

Mr. Scott stated that Dr. Kennedy had stated that Belmont Bay is not suitable for swimming and recreation; there is too much bacteria and pollution.

Mr. Scott read the following letter to Mr. Schumann from the applicant, stating agreement by the applicant:

> "The applicants propose and agree to take the following measures to ensure that the marina will be operated and maintained in a clean and sanitary condition at all times:
>
> 1 - To provide covered metal receptacles at 50 foot intervals on each pier for the collection and disposal of trash, garbage and other debris.
>
> 2 - To have garbage and debris disposed of at least three times each week and more often if necessary.
>
> 3 - To install such toilets and washrooms in the vicinity of the piers and elsewhere as needed and as may be required by the County Health Department.
>
> 4 - To police the grounds and facilities of the marina at regular intervals for the purpose of collecting any paper or other debris cast on the grounds by a careless visitor or otherwise.
>
> 5 - To install breakwaters and tidal flushing gates to ensure sanitary control in the area of the piers. (Please see diagram of proposed flushing gates prepared by C. A. Chaney and Associates on December 12, 1961, together with his explanatory letter of December 15, 1962, both of which are attached hereto as Exhibit 1.)
>
> 6 - To promulgate rules and regulations forbidding the flushing of toilets and heads by pleasure craft tied up at the piers or within 100 yards of the piers.
>
> 7 - As soon as required by Federal and/or State and/or local law, to require all pleasure craft using the piers to have attached to the craft a facility for the internal disposal of all wastes and solids from toilets and heads, thus preventing the dumping of raw sewage into open stream.
>
> 8 - To comply with all lawful rules and regulations which may be promulgated by the County Health Department or Federal, State, or County authority pertaining to sanitation or orderly operation of the marina.

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6 contd.

8 - To comply with all lawful rules and regulations which may be promulgated by the County Health Department or Federal, State, or County authority pertaining to sanitation or orderly operation of the Marina.

In conclusion, may I say that the applicants earnestly solicit the advice and suggestions of governing authorities; and, further, the applicants invite timely inspections by the authorities.

If any further information is required, I shall be pleased to furnish it.

Respectfully,
(Signed) John L. Scott
Atty. "

Because of the Planning Commission opposition to the original access proposed, Mr. Scott said they have acquired rights to the new road and will build it.

They have verbal approval for this Marina from the Corps of Engineers. They will necessarily have final approval before this is started.

Mr. Scott again discussed the need for marinas in the County, the ideal location of this site, the fact that it would not adversely affect anyone, will not create a hazardous condition, and that they will do everything reasonable to assure it is operated in a clean and sanitary condition.

Regarding #7 in the letter of January 4th, Mr. Chaney advised that if Fairfax County alone should enact an ordinance, it could serve to make operations of a marina prohibitive. He suggested that #7 be amended "as soon as required by local law".

Mr. Smith asked if people would live on the boats or remain on them overnight. Mr. Scott said sometimes -- but overnight facilities at the club would be available. However, they could stay on the boats and the public facilities would be available within 500 feet.

Many marinas prohibit living on the boats, Mr. Chaney said -- it is usually discouraged.

Sound carries well over water, but in this case, Mr. Chaney said, the trees will break the sound.

Mrs. Henderson asked who would be the operators of this project.

Mr. Scott said there are three, two of whom live in the immediate area -- Stanley Stein, Chevy Chase, Elliott Marshall of Alexandria and Bob Switzer, Alexandria. Charles Hoff owns a great deal of land in the area.

They will have 16 employees. Club House will have ten hotel type accommodations. This is only a convenience -- they are not in the hotel business. This will be a $700,000 project.

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6 contd. The nearest fire department is the Gunston Volunteer Fire Department -- three or four miles away. A 1½" hose line will be available for use on the boats. Also, they will have chemical extinguishers. They will also have a monorail hoist.

As to the mooring area, Mr. Chaney said that would have to be taken up with the Corps of Engineers. They can only go so far. That would be approved by the Engineers. They will provide electrical plug-in-wiring and flood lights.

Opposition:

Captain Karns, who lives on Old Gunston Road, nearest to the Marina, said people in the area are greatly concerned over pollution in Belmont Bay. There has been confusion regarding the condition of Belmont Bay. Captain Karns said Dr. Kennedy had said it is polluted and tests made three years ago show that the Bay was not polluted. It is greatly used for recreational purposes, Captain Karns suggested that before this marina is allowed, tests should be taken at different seasons of the year -- to get the bacteria count and to really know the present condition of the water in order to have a background knowledge of the marine area before the marina is installed. Captain Karns discussed the dangers of pollution in Belmont Bay -- which will occur unless controls are established and exercised. They have removed the objection to this - through change in the road -- the Captain continued, but they feel that it will be a continuing threat to the County unless the County has reasonable controls.

Mr. Gladstone Butler said they do not want things to come in here that would be a detriment to the area and the County. He challenged Dr. Kennedy's statement that the Bay is polluted -- on the basis that his tests were taken seven miles away. This is the flow from the Occoquan and they have no sewage from the tide - the flow is out. About 6 days in the year there is no flow -- other days there is a flow. Mr. Butler said the greatest care should be exercised to keep the Bay as it is - with no pollution.

Colonel Parkin, owner of a 30 foot sailboat, said he would like to see a place in the County for boats. Boat owners, he said, look upon marinas as an asset and an aid in safety matters on the Potomac.

Mr. Scott said Dr. Kennedy knew of Captain Karn's remarks about the

6 contd. condition of the Bay - and he still maintains the Bay is polluted. The tests made are the only ones they have to go on. Under any circumstances the granting of this application should not hinge on whether or not Belmont Bay is polluted, Mr. Scott stated. The question is - is this a suitable location and assurance that the applicant will comply with all the requirements. This case was lodged in the Health Department for two months, there have been many hearings on its merits, and the pollution question has been resolved. The tests were made and Dr. Kennedy has given the answer. Dr. Kennedy's statements were made before the Planning Commission. Mr. Johnson of the Health Department discussed the Hallowing Point tests -- he said the bacteria count was variable -- caused by discharge of disposal plants already on the Occoquan and increase is assured because of the Prince William disposal plant. He was certain that pollution had increased during these three years. The water flow varies with wet and dry years and the demands by the Alexandria Water Co.

Mrs. Henderson asked if this marina would create a great deal more pollution - the answer was that with good controls, it probably would not.

Mrs. Henderson said, in her opinion, it is necessary to know what the pollution is now before the marina is installed - otherwise, there is no way to judge if the stream is becoming more polluted.

To get an accurate test, Mr. Johnson said they would have to take tests through all seasons - as there are so many varying factors.

Mr. Johnson said they were getting together information which could form the basis for marine regulations.

Mrs. Henderson asked Mr. Johnson if tests could be made before the marina is started. Mr. Johnson answered that tests are made by the Commission on the Potomac along with the State Health Department. Mr. Johnson thought samples could be taken very soon.

The Chairman read the Planning Commission recommendation:

> "The Commission is advised by Dr. Harold Kennedy, Director of the County Health Department, that a preliminary survey for sewerage treatment facilities and percolation tests on the site have been completed. The Health Department will require a ten thousand gallon septic tank with four thousand feet of subsurface drain tile. Dr. Kennedy further advises the Commission that regulations could be drawn which might effectively control maintenance and operation of marinas.
>
> The Commission recommends that the use permit be approved on condition that the construction of the proposed access road

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6 contd.

be completed in accordance with plans to be submitted to and approved by the Department of Public Works before beginning of such construction and that this road be accepted into the State System before an occupancy permit is issued authorizing use of the marina facilities; that the conditions offered by the applicant (copy of which is attached) will be complied with; that the application be approved under these conditions with the clear understanding between the applicant, the Planning Commission and the Board of Zoning Appeals that this marina area will be inspected periodically by the County Health Department and the Water Control Board at intervals to be determined by both these agencies; and that any adverse report received by the Board of Zoning Appeals on conditions in this marina area would be the basis for a public hearing on the revocation of the permit."

Mr. Smith moved that the application of Belmont Bay Yacht Club to permit erection of an administration building, club house with facilities for eating, sleeping, bathing, tennis courts, swimming pool with patio, shop for essential marina supplies and game room, facilities for repair, fueling and maintenance of members boats and pleasure craft also slips and piers necessary to accommodate 300 boats, property on private road off #611 on Belmont Bay, Mt. Vernon District, be approved in accordance with Group 7 under commercial recreational establishments, Sec. 30-138 of the Zoning Ordinance and that the recommendation of the Planning Commission that there be a private road constructed according to State standards, to be used for ingress and egress, said road to be completed and accepted into the State Highway System before an occupancy permit is issued be included in the granting. Also, the other provisions in the Planning Commission recommendations along with the agreement and proposals submitted by Mr. John Scott, attorney for the applicant, shall be made a part of this motion and all provisions shall be adhered to.

It is also required that the club house living facilities or transient rooms shall be limited to ten. Five hundred parking spaces shall be provided to this facility.

It is also provided that no one berthed in the marina will be allowed to live on the boat. All other provisions of the Ordinance pertaining shall be met.

The approval of the site plan will be subject to the Planning Commission and the Planning Staff. The site plan shall also be approved by the Board of Zoning Appeals. Seconded, T. Barnes. Cd. unan.

Mrs. Henderson noted that on the west side of the plat, the parking is closer than 50 feet of the property line. Mr. Scott said that would be cleared up in the site plan.

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7 - Colchester Marina, to permit operation of a club type marina, property on Occoquan Creek and at end of Hyde Street, Mt. Vernon District. (RE-2)

Mr. Lee Bean represented the applicant. Mr. Bean gave the following explanation of this case:

The ground, 17.3 acres, is owned by Mr. Timberlake McCue. The request is for a club-type marina operated for profit. There are two approaches to the property - industrial road off U.S. #1 or by Hyde Street, which is dedicated and will be constructed and accepted into the State System. There is a 50 foot right of way from Hyde Street into the marina.

Mr. Bean showed an aerial photograph of the property and of the channel which is 150 feet wide and six feet deep to Taylors Point and 6 feet deep and 100 feet wide to the Town of Occoquan. This channel was dredged by the U. S. Corps of Engineers.

They plan 9 piers for fueling and public use, monorail launching, a boathouse where boats can be worked on, boat sales and service building, a total parking for 450 cars (they figure 1-1/4 parking space per boat), fifteen room limit of hotel rooms (sleeping quarters limited and incidental). The social activities building and pool may have to be relocated because of the septic field. They will have four boat sheds, 14 feet high, one larger shed 88 feet long. Water will be furnished by Belmont Bay Estates or they will join with Belmont Bay Yacht Club and bring water in some other way. At present, they plan a septic field but that may be worked out with Mr. Andrew Clarke for a sewage disposal plant.

Mr. Bean noted that in this case, Item 5 of the conditions in the Belmont Bay case should be excluded in view of Mr. Charles Chaney's letter of January 29, 1962, in which he states that the natural flow of Occoquan Creek is considered sufficient to keep the water clear at the site and accordingly, Mr. Chaney did not recommend the installation of flood control gates in connection with this marina.

Regarding sanitary conditions and locking and sealing of toilets in port, Mr. Bean also stated Mr. Chaney says in his letter of February 12th that only one percent of boats now have chemical toilets and that if any action is taken on this, it should be taken on a State or several States or governmental level. Paragraph 7 should be reworded to read "Federal and/or State and local law, etc."

Health regulations are needed, Mr. Bean went on, but it would be unfair to put in conditions that boat owners cannot live with.

To: Mr. C. C. Massey
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7 contd. Mr. Bean asked that the two letters from Mr. Chaney, January 29 and Feb. 12, 1962, be made a part of this record.

They also asked that paragraph 5 be eliminated from the conditions, Mr. Bean said. Mrs. Henderson asked if there was always enough water at this location to assure sufficient flow to keep the stream clear. Mr. Johnson said not always -- not when demands from Alexandria Water Company are high. However, Mr. Johnson said they did not have complete information on this and he would like to discuss this with the Water Control Board. He thought the Health Department would have no objection to this.

If the flood control gates will be needed, Mr. Smith asked if it would not be better to install them now. Mr. Johnson said he did not know - he did not have enough information on this now. He discussed regulations which are being considered by the State.

This will be a club type marina, Mr. Bean said, open only to membership and guests. All service facilities will be for members only.

Mr. Smith objected to boat sales, which Mr. Bean said was purely incidental -- it is a usual and necessary thing in marinas. Mrs. Henderson noted that "sales and service" is included in the Ordinance - 30-1(460). This was discussed further - the possibility of boat sales and second hand boats becoming too big a thing. Mr. Bean said they would sell only to members - that this is incidental and is included for the benefit of the members only.

There were no objections.

Mr. Bean said they would have 20 employees during the season. There are no homes near this property - the marina area is within property owned by Mr. McCue. Parking is planned 1-1/4 to each boat. They have contingent approval of the U. S. Corps of Engineers.

The Planning Commission recommendation was read:

> "The Commission is advised by Dr. Harold Kennedy, Director of the County Health Department, that a field inspection and percolation test indicate that a septic tank installation can be installed on this property. The proposed facilities will be comprised of a ten thousand gallon septic tank and subsurface absorption field containing seven thousand lineal feet of 4" subsurface absorption tile lines. Dr. Kennedy further advises the Commission that regulations could be drawn which might effectively control maintenance and operation of marinas.

7 contd.

The Commission recommends that the use permit be approved on condition that the Board instruct the Zoning Administrator that an occupancy permit authorizing use of the facility not be issued until after construction of Hyde Street is completed and accepted into the State System; that the conditions suggested by the applicant in the case of the Belmont Bay Yacht Club also apply to this operation with the possible exception of condition No. 5 which reads as follows:

5 - To install breakwaters and tidal flushing gates to ensure sanitary control in the area of the piers. (Please see diagram of proposed flushing gates prepared by C. A. Chaney and Associates on December 12, 1962, together with his explanatory letter of December 15, 1962, both of which are attached hereto as Exhibit 1.)

It is suggested that determination as to whether this condition should be applied be postponed until the required site plan is submitted and approved.

It is recommended that the application be approved under these conditions with the clear understanding between the applicant, the Planning Commission and the Board of Zoning Appeals that this marina area will be inspected periodically by the County Health Department and the Water Control Board at intervals to be determined by both these agencies; and that any adverse report received by the Board of Zoning Appeals on conditions in this marina area would be the basis for a public hearing on the revocation of the permit."

Mrs. Henderson said samples of the water, as agreed upon in the Belmont Bay case, should be taken here also. Mr. Johnson said they would take samples from both marina areas and make the tests. They would not be sure which marina is polluting the stream if bacteria increases, Mrs. Henderson noted. Mr. Johnson said they would run tests for six months. In the application of Colchester Marina to permit operation of a club type marina, property on Occoquan Creek and at end of Hyde Street, Mt. Vernon District (RE-2), Mr. Smith moved that the application be granted with the provisions attached as recommended by the Planning Commission and the Planning Staff and subject to the provisions agreed to in the previous application (Belmont Bay etc.) shall be applied to this case except paragraph 5. It is also agreed that the site plan shall be approved by both the Planning Commission and the Board of Zoning Appeals and the Planning Staff. However, paragraph 5 (referred to above) shall be made a part of the site plan and subject to approval if it is felt at the time of approval of the site plan that it is necessary and that such installation as referred to in paragraph 5 would be of any benefit regarding pollution control in the area. The transient sleeping rooms shall be limited to 15, the parking shall be as indicated on the plat which shows 585 total parking spaces.

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7 contd. All other provisions of the Ordinance pertaining shall be met. It is also made a part of this motion that no occupancy permit shall be issued until Hyde Street is constructed and accepted into the State System. It is also included that paragraph 7 is amended to read (first line) "as soon as required by Federal and/or State and local etc."
Seconded, T. Barnes. Cd. unan.

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8 - Springfield Mart, Inc., to permit erection and operation of a service station and permit pump islands 25 feet from right of way line of Backlick Road, on west side of Backlick Road, approx. 300 feet south of Calamo Street, Mason District. (C-N.)
Bernard Fagelson represented the applicant. Mr. Fagelso n pointed out that the pump island is to be located 40' from the right of way of Backlick Road instead of the 25' requested. They have found that they need only the 10' variance. The building is 92' from the right of way. Mr. Fagelson pointed out the tremendous growth in this area during the past few years and the need for a filling station at the location. He emphasized his points by showing an aerial photograph. He also showed the Board a picture of the type station they would build - which the Board agreed was an improvement on the usual station. Mr. Fagelson said he believed the oil companies had become more or less conscious of their bad public relations and were attempting to rectify that by designing more attractive buildings.
Mr. Fagelson presented a projected plan of the commercial development of this area (the filling station is within a larger C-N tract) indicating that this station is so located that it will not be too near the planned stores. There is a 30 foot alley between this property and that adjoining. They have dedicated an additional 10 feet to this. This separates this use from residential property by a 40' access road. They will install flourescent lighting directed down onto the property so they will not reflect out on adjoining property. They will operate from 6:00 A. M. to 10:00 P. M.
There were no objections from the area.
The Planning Commission recommended to grant this.
Mrs. Carpenter moved that Springfield Mart be permitted to erect and operate a filling station on the above described property and that they be permitted to locate the pump islands 40 feet from the right of way of Backlick Road.

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8 - contd. It is the opinion of the Board that this use conforms to Section 30-127 of the Ordinance and that it will not be detrimental to the character and development of the surrounding area.
This is granted for a filling station only. It is also required that there will be no light glare from this property directed on or reflecting on residential property. This is also granted subject to approval of the site plan. Seconded, T. Barnes. Cd. unan.

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9 - Raymond Edwards, to permit erection and operation of a service station and to permit pump islands 25 feet from right of way line Route 236, part Lot 1, Hanna Park Subdivision, Mason District. (C.N.)
The applicant was represented by Mr. Hansbarger who described the proposed use -- filling station only, no trailers. He showed the means of ingress and egress as approved by the Highway Department and they have eliminated entrance to Martin Street as suggested by the Planning Commission. They will screen at the rear and to some extent on Martin Street. The building is located 75 feet back - they request the 25' setback for pump islands. The building is located 73 feet from the rear. He noted the residential buffer at the rear owned by Edwards.
Mr. Hansbarger pointed out the uses in the area, telephone building, gulf filling station, stores.
There will be no difficulty with traffic congestion, Mr. Hansbarger noted, because there is no cross-over in the Highway at Martin Street and therefore traffic could not make a left turn into this property -- it would necessarily get its business from one way traffic on Rt. 236. Filling stations do not bring traffic to an area, Mr. Hansbarger stated. They rely on traffic already existing. Traffic count on Rt. 236 last year was in excess of 20,000 vehicles per day -- there is more now.
No fumes will carry beyond the property, no noise or dust will result from this use, there will be no major repairs, lights will be directed toward the property and will not be reflected on to residential property.
They will meet all requirements of the Ordinance. The architect showed a rendering of the Sunoco type building - which would be erected here.
Mrs. Henderson suggested that the building be constructed of brick in keeping with the telephone building across the street.
Mr. Hansbarger and Mr. Brittingham, who was present also, both stated that they will carry this suggestion to the Company and they believed the

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NEW CASES

9 contd. Company would go along with a brick colonial building. Mrs. Carpenter suggested a building like Sun Oil in McLean.

Mr. Hansbarger said they would screen wherever the Planning Commission says they must -- with the 50 foot buffer in the same ownership, he was not sure. Under any circumstances, the 50' buffer will be left in grass.

Mr. Mooreland said the Board of Supervisors could not cut a man off from use of his property by leaving a buffer -- he had reference to the Planning Commission suggestion of no entrance across the 50' buffer on Martin Street. Mr. Hansbarger noted other cases where commercial zoning is residentially zoned for a buffer strip along the highway and entrance is made across the 50' buffer to the commercial property - particularly Future Farmers which had a 70' reservation along U. S. #1. Their entrance was from U. S. #1.

Mrs. Henderson referred to Section 30-5 (1) of the Ordinance, noting that this property has another entrance -- nor, she continued, does permission to allow an entrance to commercial property apply to land zoned in 1961.

There were no objections - Mr. Kramer, a former objector was not present.

Mrs. Henderson noted that the rear buffer should be left in grass and not used for parking.

If that area is used for parking, Mr. Hansbarger said, they would have to go to the Board of Supervisors for a permit, however, they do not intend at this time to use it and that ground could be so restricted.

The Planning Commission recommended approval, provided no entrance from Martin Street.

In the application of Raymond Edwards to permit erection and operation of a service station and to permit pump islands 25 feet from right of way line Route 236, part Lot 1, Hanna Park Subdivision, Mason District, (C.N.), Mr. Smith moved that the application be granted as applied for with the stipulation concerning elimination of entrance from Martin Street being made a part of the application. The granting of this is being made in accordance with Sec. 30-41 of the Ordinance. This is granted for a filling station only and all other provision of the Ordinance pertaining shall be met. Seconded, T. Barnes. Cd. unan.

The Board also requested and it was agreed upon by Mr. Hansbarger, that the rear 50' buffer strip will not be paved but that it will be kept in grass.

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February 13, 1962
DEFERRED CASES.

1 - Virginia Potomac Broadcasting Corp., to permit erection and operation of transmission towers closer to property lines than allowed by the Ordinance, east side of Stuart Road, Rt. 680, approx. 1 mile south of Rt. 7, Centreville District, (RE-1).

Mr. Mooreland read a letter from the applicant asking to defer this case for further negotiations regarding acquisition of more property. T. Barnes made a motion to defer this indefinitely pending word from the applicant. Seconded, Mr. Smith. Cd. unanimously.

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Mr. Mooreland asked the Board to hear statements regarding St. Michaels. Mr. Mooreland said he had had many calls from some of the objectors at the hearing on St. Michaels, asking for a rehearing. He told them that if they wished to present their problem to the Board to be present at the end of today's agenda. No one was present.

Mr. Brault explained the situation to the Board. During the grading, it is necessary to remove a great many trees within the 25' buffer strip. They are having to make some changes in the grade. But the buffer will be replanted and they will follow the advice in the planting of the soil scientist and the planting will be approved by Mr. Mooreland.

Mr. Mooreland read the letter from people in Ravensdale requesting the rehearing because they say St. Michaels has not complied with the ruling of the Board of Zoning Appeals in that they have not left the 25 foot buffer strip. This letter was signed by four or five people. It was assumed that the people had lost interest since they were not present to present evidence for the rehearing.

The Chairman read the motion passed by the Board in the granting of the St. Michael's addition.

The Board and Mr. Brault discussed the 25' buffer at length. The motion said the existing planting would be supplemented.

Father ~~Schenneal~~ SCANNEL said they had put red markers on the trees for the bulldozer operator so he would know the outer row of trees that could be cleared. The bulldozer stayed within that line of marked trees. When he finished his operations, they made the final grade and the red markers were still up. Further on in the discussion, Father ~~Schenneal~~ SCANNEL said he did not understand that the buffer was a uniform 25' of trees. In some places there was more than 25' of trees and in other places, probably 15'. It varied.

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Mrs. Henderson said the Board understood that there would be a 25 foot line of tree screening -all trees. She read from the minutes which confirmed this. Mrs. Henderson asked if they would replant the whole 25 feet to trees after the regrading. Mrs. Henderson said her thought was that there was existing 25 feet of trees which would be supplemented with lower growth.

Mr. Brault said they wanted it to remain as it was on January 9. He did not wish to say that they will replant the 25 feet all in trees. They want the 25 foot strip to be as it was, that is from 15 to 25 feet of trees.

Mr. Mooreland said it was more like from 10 to 25 feet of trees.

Mr. Mooreland said, in accordance with the Board's statements - the requirement is - 25 feet of planting between the service drive and the property line.

The Board ruled that not enough evidence had been presented to warrant a rehearing.

Mr. Smith moved that the petition for a rehearing be denied. Seconded, T. Barnes. Cd. unanimously.

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The meeting adjourned.

Mary R. Henderson
Mrs. L. J. Henderson
Chairman

March 27, 1962
Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held on February 27, 1962 at 10:00 A. M. in the Board Room of the 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. R. Broyhill Company, Inc., to permit porch 22.8 feet from rear property line, Lot 26, Section 6, West Lewinsville Heights, (6110 Xavier Court), Dranesville District. (R-12.5).

Mr. Broyhill said this was one of those errors which creep into construction work, no matter how carefully one may plan. The porch was put on after construction started and this was the only logical place for such a porch. The Bedrooms and carport are on the other side because the dining room door enters at the very end of the porch. This is an open screen porch - only one small corner of the structure is in violation.

There were no objections.

The porches are a matter of choice on these houses, Mr. Broyhill said. Construction had started and the purchasers decided they wanted the porch. Mr. Broyhill said he did not know if the initial permit included the porch - but he thought the builder had gone back to the zoning office and asked for the porch permit.

They considered buying more land to eliminate this encroachment, Mr. Broyhill explained, but the lots are all recorded and sold and mortgages are recorded based on the recordation of the lots. It would be very difficult to become entangled with mortgage companies in trying to take a slice off of another lot. It was noted that had the house plan been reversed, there would have been no need for a variance. The porch was built when they discovered the mistake -- at the time of the loan survey.

Mr. Smith asked if this was a mistake in computing the setback distance or is it a variance? He also asked if there is a permit on the porch. He suggested checking the permit before making a decision on this.

Mr. Barnes moved to put this at the end of the agenda and for the Board to check to see if a permit was issued for the porch. Seconded, Dan Smith. Cd. unan.

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NEW CASES.

Norman Medvin, to permit storage shed to remain 20" from rear property line, Lot 187, Section 8, Hollin Hills, (303 Beechwood Road), Mt. Vernon District. (R-17)

Mr. Medvin said his neighbor had a combination shed and carport which they wished to get rid of. He needed a little shed so he moved it to the rear of his property and took off part of the building and most of the overhang and used the carport. Since this was a portable building, he did not think it would be required to meet County setback regulations. The lot is steep and wooded. He tried to put it in the most inconspicious place possible -- in a cluster of trees. The building is 5' from one line and 20" from the other. Mr. Medvin said he was told that this may be in violation - after he had located the shed - so he came to the zoning office. He did not get a building permit -- that, too, he thought was not necessary because the cost was under $400. The nearest house is about 200 yards away. Mr. Medvin showed pictures of the little frame building, showing trees which are in the way of a relocation -- away from the side in violation - and also indicating the sharp rise in the ground.

Mr. Medvin said no home would be built on the adjoining property because it belongs to the County.

The shed is 8 x 11 with an overhang, making a total of 16' x 11'. It is portable in that it is bolted to the foundation. (Mr. Mooreland said this does not meet the definition of a portable shed). The building is used for garden tools and equipment, toys, etc. There is no driveway access to this building.

Mr. Medvin discussed the topography at length, saying that because of the steep slope he could not move the shed. He wanted to save the trees which help to shield the shed.

Mr. Lamond moved that the application of Norman Medvin to permit storage shed to remain 20" from rear property line, lot 187, Section 8, Hollin Hills, be deferred to March 13th for the Board to view the property. Seconded, Mrs. Carpenter. Cd. unan.

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February 27, 1962
NEW CASES.

3 - Guardian Construction Company, Inc., to permit carport to remain as erected 4.6 feet from side property line, Lot 371, Westview Hills (6500 Harwood Court), Falls Church District. (R-12.5)

Mr. Edward Foreman represented the applicant. When the house was being built, Mr. Foreman told the Board, the purchaser decided he wanted the carport. Because of the outlot immediately to the east, the builder thought the line extended away from the home at an angle which would have allowed sufficient room. They did not attempt to put the carport on the other side of the house because of the slope falling away from the house. This error was not caught until the final house location survey was made. Also, the sewer line is on the other side of the house -- he indicated the sewer line on the plat. Only one corner encroaches.

Mr. Simon, the builder, said this is the only house location they have had trouble with. He showed a drawing of the house which had a continuous roof extending over the carport. It could not be detached. The lot adjoining is not built upon -- it is acreage.

Mrs. Henderson asked if they could buy a strip of ground from that property.

Mr. Foreman said they have a contract to buy that property and if the deal goes through, they will add to this lot and wipe out the violation.

Mr. Simon emphasized the fact that this had generally been considered a triangular shaped lot and that ample room on this side was available.

Mr. Simon said it may take several months to complete their negotiations for the adjoining property; after purchase they would have to zone the land.

Mrs. Sailons, purchaser of the house, said they knew nothing of this action and the violation. (It was noted that the carport has a 2-½ foot overhang).

Mrs. Sailons contended that the carport was in their original purchase contract, that they did not ask for the carport after the house was under construction.

Mr. Mooreland said the building permit did not call for a carport. He said the company and the occupant were both in violation because the house should not be occupied without an occupancy permit. None had been issued.

Mrs. Sailons said they had been living in the house since December 18th on a rental basis until the purchase contract is completed.

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3, contd. Opposition:

Mr. Edward Gorman, owner of the property adjacent to this lot, objected, saying he had been approached by the company for purchase of a strip of ground to round out this lot. He did not sell to them. He thought not enough care had been taken in determining the lot line. He was surprised that this violation was allowed to go on so long before it was caught. Mr. Gorman said granting this variance was prejudicial to future use and development of his property - and if the variance is allowed, he held the County responsible for any damage to any clarity of title or monetary loss to him. Mr. Smith said it should be understood that the County is in no way liable in this. If this variance is granted, it will be in accordance with the County Code.

Mr. Gorman said he had a contract offer from Mr. Simon for 21.6 acres -- he planned to offer a counter proposal. He is willing to sell - at a very good price.

Colonel Meredith, 6504 Harwood Court, suggested that if this is granted, it should be because of an error and not as a variance in order that this not be considered a precedent. He also said he had not had a proper survey of his property -- he could not find his lines.

Mrs. Sailons said in her contract the cost of the carport was included -- the error did not occur because she had requested a carport after construction was started.

Mr. Simon said the four lot stakes would be put in when the grading was all completed and the sod put down.

Mr. Simon also pointed out that the carport was part of the plans submitted to the County but not a part of the permit.

Mrs. Henderson noted that no carport was shown on the plat.

Mr. Freedman said they had paid for the extra permit to include the carport but he neglected to mark the carport on the application. Mr. Freedman said so many changes on the plat are made as they go along, houses reversed or moved, carports added or taken off, mistakes can happen. When they laid out the plan, it showed the carport but it was not added in the beginning -- it was just an error. They intended to have the carport but they gave them airconditioning instead and they had arranged to have the carport extra, but they made the mistake. And, again the outlot threw them off -- they thought they had room on the lot.

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NEW CASES.

3 contd. Mr. Smith said they had apparently sold the house with a carport but nothing about the carport was in the building permit. The plat filed with the building permit did not show a carport.

Had they realized there was not enough room and had they known the true lot line, they could have moved the house over, Mr. Simons said.

Mr. Freedman noted that the sewer placement was on the other side of the house and the land slopes off about four feet. FHA would not approve a loan on that location. The grade is more than 12%.

If a building permit had been issued, Mr. Smith said, it would show they considered the location but on this it was just an omission. The error of the builder is not correctable under the Ordinance.

Mr. Freedman noted that variances can be granted on topographic reasons and in this case, there is a topographic condition and because of the sewer easement which is in the way of a carport.

The testimony in this case is based on error, Mr. Smith said -- there was a building permit that shows no carport. Had the applicant come in before construction of the house, there would have been a reason.

This is not a large enough lot to accommodate this size structure.

Had the man applied for a carport, the permit never would have been issued.

Mr. Lamond moved that the application of the Guardian Construction Co. to permit carport to remain as erected 4.6 feet from side property line on Lot 371, Westview Hills, be denied because there has been no evidence of hardship as outlined in the Ordinance regarding variances. Seconded, T. Barnes. Carried unanimously.

Mr. Lamond moved that the applicant be given 30 days to comply with the Ordinance with regard to the carport. Seconded, Mrs. Carpenter. Cd. unan.

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4 - L. M. Northern, to permit operation of an antique shop and ceramics in in home, southerly adjacent to Westburg Heights at end of Cecile Street, Dranesville District. (R-12.5)

Mr. Charles King represented the applicant. Mr. Northern has had a furniture repair shop and re-upholstering shop. He now wants to expand into antiques and ceramics. This is a quiet operation, no gas, noise, fumes, and there would be no parking problem. The work would be carried on in the shop which is well back from the street. This will not in any way adversely affect the neighborhood -- it will, in fact,

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4-contd. serve a very good purpose, Mr. King said. He recalled that the Board had granted him (Mr. King) a permit for a ceramics shop in his home which he said has been very well received in his neighborhood. This would be the same type of activity - no outside work or display, no display material or work in the yard. The building to be used is already on the premises - they would remodel it a little, but no new construction.

It was noted that this is applied for under Group VI. The antique shop will be carried on in one wing of the house which is the bona fide residence of the applicant. They will not sell from the shop building. There will be some storage of materials there -- particularly those used in ceramics. They will give instruction in ceramics.

Mr. King pointed out that all the homes adjoining and near this property back up to the Northern property. None of the owners object to this use and have so indicated in written statements. Mr. King also submitted a petition favoring this application signed by nine persons.

Mr. Smith said he was well aware that ceramics classes as a home occupation are an excellent thing and that such schools serve a very worthwhile purpose. His only objection was to the sale of materials in a residential area. He could not see where in the Ordinance that was allowed for a school of special instruction. For pupils in the classes, yes, it would probably be necessary to sell materials to them for the articles they are working on, but not to others on the outside. That, he contended, would be defeating the purpose of the school. Mr. King said it would be necessary to sell a limited amount of materials to those who came for instruction but that other sales would be very limited -- that very few would walk in to buy materials of any kind.

Mr. Smith questioned how this could be limited.

Mr. King said the materials would necessarily go with the hobby. The sale of materials to get one started, Mr. Smith thought, all right -- but to have those people coming back to make all kinds of things - that, he contended, is getting into a real commercial sales operation.

Mr. Lamond referred to page 576, Par. 2 (d). That, he pointed out, ties the sale to that used in the instruction.

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4 contd. It was agreed that one could not buy materials that were not tied to instruction. People may take instruction and carry their materials home to continue work on them -- that the Board agreed, was all right. This it was agreed, would take place in any school of instruction -- but the shop would not carry on regular sales.

After the instruction is completed, Mr. SMith said the pupils should not have the right to come back and buy materials -- neither could people passing by stop to buy materials to be worked on at home.

The property owner immediately adjoining this land said he had recently bought property -- the nearest of any homes to this property - and he had no objection to this request. He did not want to see any kind of commercial zoning.

In the application of L. M. Northern, to permit operation of an antique shop and ceramics in home, southerly adjacent to Westburg Heights at the end of Cecile Street, Dranesville District (R-12.5) Mr. Smith moved that the application be approved in accordance with the Ordinance -- that the ceramics class shall be conducted in accordance with the Ordinance where it relates to schools of special instruction; no materials shall be sold to anyone other than for use in the school or for people taking instruction in the school, and such materials are for use during the time of instruction; all other provisions of the Ordinance pertaining shall be met. This is granted to the applicant only. Seconded, T.Barnes. Cd. unan.

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The Board recessed for ten minutes.

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5 - Wilburn L. Shelton, to permit operation of a riding school, on south side of Lee Highway, adjacent to Social Circle, Centreville District (RE-1) Mr. Smith said he was well acquainted with this area. He thought it had been used for a riding stable at one time. He considered it well adapted for keeping horses. The property has wide frontage on Lee Highway, the house sets well back and it is a beautiful farm of about 50 acres with no development around it.

Mr. Shelton said they would keep horses to rent in connection with their school. This will be operated as a school of instruction -- one must be a student of the school or a friend of a student in order to rent a horse.

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5 contd. Mr.Shelton said he believed this school would serve a multiple purpose -- it will give young people something constructive to do and teach them about horses. He has found that children who like horses seldom become juvenile problems. It will keep them off the streets. This instruction will teach them self control and they will learn how to care for horses and how to ride properly.

There were no objections from the area.

In consideration of the application of William L. Shelton to permit operation of a riding school on the south side of Lee Highway, adjacent to Social Circle, Mr. Smith moved that the application be approved in accordance with Section 30-139, Group 8 of the Zoning Ordinance. This permit is granted for a period of three years to the applicant only. Seconded, T. Barnes. Cd. unan.

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6 - Charles F. Miller, to permit erection and operation of a service station and permit pump islands 25 feet from right of way line of Rt.236, north side of Route 236, adjoining Michaels Shopping Center at Annandale, Mason District. C-D.

Mr. William Bauknight represented the applicant. Mr. Bauknight said he was aware that this would come under subdivision control and they would dedicate the service road and because of the land taken up for that, they are asking this ~~variance.~~ pump islands set back. They will locate the pump islands back 25 feet from the new property line and the building 75 feet back.

It was noted that the plat shows only one pump island (with four pumps)

No one from the area objected.

It was pointed out that when this property was zoned to C-D, the Board of Supervisors was aware of the fact that one of the uses requested was a filling station.

In the application of Charles F. Miller to permit erection and operation of a service station and permit pump islands 25 feet from the right of way line of Route 236, north side of Route 236, adjoining Michael's Shopping Center at Annandale, Mason District, Mr. Smith moved that the application be approved and that the building shall be set back 75 feet as required by the Ordinance. This is granted for a filling station only. All other requirements of the Ordinance pertaining shall be made including the requirements outlined by the Staff -- subdivision plat approval, service drive dedication and construction before a building permit is issued,

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6 contd. approval of site plan. Seconded, Mrs. Carpenter. Cd. unan.

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7 - James R. and Elizabeth Crigler, to permit operation of a kindergarten through 9th grade (65 students) ages 4-1/2 through 18, property at 321 Munson Hill Road, Mason District (R-12.5)

Mr. Dennis Duffy represented the applicant. Mr. Duffy gave the following background sketch: This is not a new school -- it has been in operation in Arlington for three years. The Criglers have looked for many months for an ideal spot for a permanent location. They believe they have found it here. The house is well back from the road and is well screened on all sides by trees, the yard is beautifully landscaped.

Mrs. Crigler has had 22 years teaching experience in Virginia, California and in the District of Columbia. Mr. Crigler has had 33 years of administrative experience -- he is not a teacher.

They will have kindergarten through 9th grade. They now have 35 pupils. They have five instructors all of whom have Bachelors or Masters degrees. They teach in small groups, stressing mathematics, science, current events, languages and many other subjects the public schools do not take up.

The County inspectors have been to see the property. This is a brick building with slate roof. Two of the rooms used for classes are almost all glass. The building has three baths. The lawn in front is 180 ft. deep. Mr. Duffy showed pictures of the building and the landscaping.

The children will be outside very little, Mr. Duffy continued, and then only in the rear. They will be closely supervised. They plan to have them out only one hour at a time. He noted the trapezoid shaped area of grass in the rear which would be used for outside activities.

All the balance of the property is in thick trees. They would remove a few trees from the center of the property to increase the play area but would maintain the trees on both sides of this open space.

Mr. Duffy noted that the Williamson's home on the west is approximately 200 ft. from this - it will be completely screened as well as the Dyes' property which adjoins on the same side. The people facing Hollran Road back up to this property. They too will be well screened. They plan to put a fence along the rear because of the steep slope down to the stream.

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7 contd. There would be no more than five cars and two Volkswagon busses on the property. Any additional parking would necessarily be put in on the side in order to maintain the trees.

They would make two trips a day with one Volkswagon and one car to carry the children, around 9:00 A. M. amd 3:30 P. M. If they have 65 children, the vehicles used would be doubled.

This building is located on a three lane road. Most of the children would come from Arlington -- nine are within five minutes of the school. They would use Glen Carlyn Road to Munson Hill Road.

Mr. Crigler said none of the children would be farther away than ten minutes -- however, they hope to have more pupils.

They must be in a residential area, Mr. Duffy continued, and this site conforms completely with requirements. Nature has screened the site but they will do whatever in addition the Board says to make this use compatible with the area.

These are credible people, Mr. Duffy went on, they have operated in Arlington without objections from the area and they will conduct a first class school. In this connection, Mr. Duffy pointed out that the school would have no depreciating effect upon the neighborhood. It has not done so in the past. He noted the other schools in this neighborhood - St. Anthony's, for instance, that has not hurt the neighborhood.

Mr. Smith noted that this operation would have less ground and more pupils than the Arlington operation.

The children are outside very little, Mr. Duffy said, the building is the important thing. In Arlington, they could not expand the structure. In Arlington, they had two baths and three rooms. Here, they will have three baths and 6 rooms. The Criglers will occupy the house for living quarters.

Mr. Duffy said the Health Department had okayed the three baths for the use they wish to make of the property. They know they plan for 65 children.

Mr. Smith objected to the fact that the Criglers are doubling the enrollment but not the facilities. He also objected to the wide age span - 4½ to 18 years - as too much difference.

That is the outside limits, Mr. Duffy answered, the oldest child they

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7 contd. ever had was 16. None now are over 15 - ninth grader. They could curtail the number of pupils if the Board wished, Mr. Duffy said, but they had thought of 65 as an optimum. They may find that too many for the building.

Mrs. Carpenter said she worked with a group in private school and she thought 4½ to 16 a very difficult age range to handle. The older children would need a great deal of equipment and space for special studies -- she questioned how this could be done in this space.

Mr. Duffy said there would be three groupings -- the very young ones in one group, then the 4th, 5th and 6th grades form a group. Most of the 9th graders would be together. The children are grouped by physical and mental abilities.

Mr. Smith pointed out that the Criglers have outgrown their present quarters, yet they would be moving into the same thing ~~thing~~ within a few years. He also questioned the age grouping - only three groups for children 4½ to 16.

Mrs. Crigler said there is a garage attached to the house which they would use for expansion. They will use all the rooms in the house for teaching except one room and the kitchen. The large living room could be separated. The young group is very small, Mrs. Crigler continued, but they are completely separated -- they have a special teacher for them. These children leave at 12:00. They would never group children of all three ages and expect them to work. The 4,5,6 is the Junior group; 7,8,9's are the senior and they have many separate classes for the different groups.

Referring again to the rooms - Mr. Smith said four rooms for teaching and three baths -- yet they will double the pupils.

The space they had figured, Mrs. Crigler explained, did not include the garage and basement which they could use in time.

The Chairman asked for opposition.

Mr. O. W. Williamson, who owns adjacent property, spoke in opposition, representing Long Branch Citizens Association. They object to this semi-commercial use in the midst of an established residential area. While the applicant may think this is an ideal place for a private school, it is not ideal for people who live in the community, Mr. Williamson contended. The area is not entirely screened from his property.

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7 contd Munson Hill Road is only a two lane road - so is Glen Carlyn and St. Anthony's school is just around the corner. Twelve school busses are now on the road at one time. Some of the children walk to St. Anthony's. There are no sidewalks and the children are walking at the same time the busses are traveling.

This is a commercial enterprise, Mr. Williamson said, and should be treated as such. It could be enlarged to many more pupils and many more activities. It should be in a neighborhood where it is compatible. The building is on a septic field now, which would probably be inadequate for the intended use.

Mrs. Dye, also adjoining property owner, recalled the statement that these people have looked for a long time for this spot. The people who have homes in this area also looked for a long time for their homes -- and they have worked for a long time to maintain their homes -- they represent a large investment and a great amount of work and they do not want this kind of project in the neighborhood. She presented an opposing petition signed by 33 nearby property owners.

Mrs. Pratt, secretary to the Citizens Association which represents 250 homes, objected for reasons previously stated. She noted that other schools are on main roads or near shopping areas.

Mr. Price, adjacent property owner, a long time resident in this area, pointed out that those 18 or 19 year old students who are in the 9th grade must be retarded. He thought this not a proper location for a school of that kind. His other objections had been covered earlier in the hearing.

Mr. Homes, who owns property immediately adjacent, said there is a drainage and sewage problem from this property and he did not think they could get sewer connection.

About 18 were present opposing this -- all living near the property.

In rebuttal, Mr. Duffy argued that this is not a commercial use --it is, in fact, a permitted use in a residential area -- the same as in other jurisdictions . The Criglers have been operating in Arlington in a residential area - without opposition. They expanded the school two times -- each hearing without objections.

These are people who keep their word, Mr. Duffy continued, they are good citizens in the community.

7 contd. As to the school expansion, there is no plan for that -- they want a maximum of 65. If they ever planned to have more than that, they would have to come back to the Board and it could be effectively stopped - but they have no such plans.

Mrs. Miller, across the street from this property, has no objection, Mr. Duffy pointed out. They discussed this with her thoroughly.

There are from 3 to 6 feet along Mr. Williamson's line that are not tree screened -- all the other boundary lines are well screened with heavy growth. This is not a densely settled area, Mr. Duffy said, the tracts are fairly large and most of the lots back up to the Crigler property.

There are no mentally retarded children in the school, Mr. Duffy stated, and they do not anticipate taking retarded children. They have never taken children over 16 years of age. There could be an emotionally retarded child among the group but not mentally, and it would not be the intention of the school to take the mentally retarded.

There was a drainage problem on this property before they contracted to buy, Mr. Duffy went on to say. Mr. Crigler will discuss this with Mr. Homes and whatever is the difficulty, it will be worked out.

They are now on septic and well. If this is granted, they will have city water. Sewer is available.

They will definitely not tear down any trees except the few within the property needed for play yard. They will even screen the place better if the Board so wishes.

The Planning Commission recommended denial -- they considered the school incompatible with the neighborhood and objected to it being located on a narrow street.

Mr. Williamson questioned if sewer connection was feasible without an easement to the rear - as Munson Hill Road is too high.

In the application of James R. and Elizabeth Crigler, to permit operation of a kindergarten through 9th grade (65 students) ages 4-1/2 through 18, property at 321 Munson Hill Road, Mason District (R-12.5), Mr. Smith moved to deny the case. This does not in any way question the integrity or capability of the applicant, Mr. Smith pointed out, but the Board does question the amount of the use the applicants propose to make of this house which is located in a residential area. This appears to go

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7 contd. beyond the scope of a private school in many respects. The property is now not on public water or sewer. The size of the operation far exceeds the property which is now available to them. This does not comply with Section 30-12.6, paragraph (a) " . . . . location and size of the use, the nature and intensity . . . and impact upon the surrounding area." This is in the middle of a subdivided area and the children attending would not primarily come from this section -- it is not harmonious with the surrounding neighborhood. This is a permitted use in a residential area but this does not meet the standards outlined in the Ordinance. Seconded, T.Barnes, cd. unan.

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1 contd. The Board recessed for lunch and upon reconvening took up the Broyhill case which was deferred to the end of the agenda.

Mr. Smith made the following remarks -- that in the case of Broyhill's application to permit porch 22.8 feet from rear property line, Lot 26, Section 6, West Lewinsville Heights, (6110 Xavier Court), Dranesville District (R-12.5), he would move that the application be granted in accordance with Section 30-36 (e)-4 of the Zoning Ordinance as the testimony brought out the fact that this was an error and the violation was only on one corner -- it is a minor error. The applicant did have a permit for the carport. It is also noted that this is an irregular lot. It is noted that the houses on Lots 14 and 15 are well over 100 feet from their property line but the chance of re-subdividing is very difficult because of mortgages already established and it is practically impossible to revise the size of the lot to the satisfaction of the mortgagor. It is the opinion of this Board that this variance is justified under the Ordinance. Seconded, T. Barnes. Cd. unan.

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Mr. Mooreland toldthe Board that Arlington-Fairfax Elks Lodge #2188 -- granted a use permit on April 12, 1961, had been unable to get started within the year -- financing has taken more time than they anticipated. They ask for an extension of their permit. Mr. Smith moved that the Board extend the time for Arlington-Fairfax Elks Lodge #2188 for eight months. Seconded, Mrs. Carpenter, Cd. unan.

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Mr. Mooreland referred to Page 508 of the Ordinance - C-O District uses permitted by right. Under Special Permits - Group VI - (e) Barber shop ...

as a home occupation. A request has come in, Mr. Mooreland said, to have a barber shop in a professional building. The Ordinance would appear not to allow this by special permit because -- located in a professional building - it would not be a "home occupation". Yet, Mr. Mooreland went on, it would allow a barber school or beauty school.

Mr. Mooreland referred to Page 516 (C-G)(b)(2) "Any other use ...etc." The Board may grant or rule that those things that are similar to those allowed as a matter of right may go in as a matter of right but Mr. Mooreland noted that that does not go back to C-O.

That is right, Mr. Smith observed, it should not refer back -- that would be contrary to the intent of the Ordinance. The Board agreed. It was not the intent of the Board that a barber shop should be in a professional building.

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The Board discussed home occupations - particularly with relation to antiques and upholstering.

It was agreed that one could buy and refinish antiques for resale but that the public could not take antiques to a home shop for refinishing.

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The meeting adjourned.

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

April 4, 1962
Date.

March 13,1962

The regular meeting of the Board of Zoning Appeals was held on Tuesday, March 13,1962, at 10:00 a. m. in the Board Room of the Fairfax County Courthouse. All members were present ~~except Mr. Smith~~. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

NEW CASES

1 - Mary M. White, to permit operation of a rooming and boarding house, Lots 1, 2,3,4,5,6,61,62,63 and 64, Block H, Beverly Manor, Dranesville District (R-12.5).

Mr. John Rust represented the applicant. Mr. Rust presented petitions to the Board signed by eight people in Mrs. White's immediate neighborhood, all asking the Board to grant this permit - also a letter from her pastor asking that the use be allowed. Mr. Rust said the Health Dept. has advised Mrs. White of certain changes she would have to make. Two rooms cannot be used until some remodeling is done. These things will be taken care of. The well has been drilled as required by the Health Dept. Mr. Rust said Mrs. White has been living in this house since 1937 - operating a rooming house. The Board questioned why she was before them since she obviously had a non-conforming use. Mr. Rust said she had added to the house during the last five years and she will need to do remodeling -- however, he noted, there has been no lapse in the rooming house operation. She has had as many as six or seven rooms rented.

Mr. Rust discussed the needed changes in the rooms -- the two which could not be rented could probably be combined with other rooms. One lacked access and the other will require windows.

Mrs. Henderson pointed out that the Ordinance allows no more than 5 roomers. Mr. Rust agreed that she would have no more than that.

Mrs. White has never had boarders, Mr. Rust said, and she does not want them now.

There were no objections from people in the area.

Mr. Mooreland pointed out that this case comes under Section 30-140 (a) (Specific Requirements, page 576 in the Ordinance.)

Mr. Lamond moved that Mrs. Mary M. White be permitted to operate a rooming house on Lots 1,2,3,4,5,6,61,62,63 and 64, Block H, Beverly Manor, which will consist of 5 ~~rented~~ ~~rooms~~ roomers (4) and without any boarders. This is operated subject to approval of the Health Department and the specific requirements under Group 9 shall be met.

It is the opinion of the Board that this will not be detrimental to the

1 contd. surrounding neighborhood. This is granted to the applicant only. Seconded, T. Barnes. The remodeling will not require "structural changes" Mr. Rust said. Motion carried unanimously.

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2 - Anne K. Hart, to permit operation of an antique shop in home, Lot 51, Orchard View Subdivision (321 Rambling Road) Providence District (RE-1)

Mrs. Hart appeared before the Board stating that she will live in the house, she wants no sign for display, no outside display of antiques. She wants this permit in order to do antique shows and she will sell some of the very old things which she has in her home. She has operated a shop in Lovettsville, Virginia, on Hunter Mill Road and in Arlington. This will be a very limited operation. She really wishes to operate as a producer of antique shows -- which she has done.

Mr. Mooreland said Mrs. Hart wants a retail merchant's license which she cannot get without an occupancy permit. Granting this will give her the right to apply for the license.

This was applied for under Group VI.

There were no objections.

Mrs. Carpenter moved that Anne K. Hart be permitted to operate an antique shop in her home, Lot 51, Orchard View Subdivision, as requested, as this will not affect adversely the surrounding neighborhood. Mrs. Carpenter also added that this will comply with specific requirements of the Ordinance relative to this use -- 30-137 - no parking will be permitted within 25 feet of property lines. This use is granted to the applicant only. Sec. T. Barnes. Carried unan.

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3 - Jim L. Wells, to permit operation of an antique shop in home, part Tract 1, Fairhill Subdivision, (3271 E Lee Highway) Providence District (RE-1)

Mr. Whorton represented the applicant -- who also was present. Mr. Whorton said this is a very lovely old farm with a cluster of farm buildings. The buildings are all well back from the highway and all property lines. He considered this an attractive utilization of this ground. It would preserve the rural farm character of the place. The use would include the 8 acres.

(It was noted that this is filed under Group VI)

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3 contd. Mr. Wells said he is now operating in Alexandria but is being displaced. He is in a commercial area. He would repair the buildings on the property and live in the house. He would do no reupholstering of furniture.

Mr. Lamond said he knew Mr. Wells operation in Alexandria and he considered it not an antique shop but a second hand shop. He recognized that Mr. Wells probably had some antiques but very few and that his real business was dealing in second hand things.

Mr. Wells agreed that he did buy up old furniture -- just individual pieces -- not a whole house full of furniture -- he chose from sales the pieces that either were old or particularly interesting. He said he never buys articles less than ten years old. It is difficult to say, Mr. Wells stated, just when an article becomes an antique. He tried to handle rare or unusual articles -- for example he has player pianos which some may not class as antiques -- but they are very popular and are becoming rare. He also has older spinets. He also sells piano-player rolls. This is not a swap shop. They buy everything, Mr. Wells said he was known for having a clean operation.

Mr. Wells said he also goes in for old glass. Carnival glass is sought after now -- it is a collector's item. Anything that is in demand and has some age on it he handles.

The Board discussed at length -- when does an article become antique - and where does one draw the line between an antique shop and a second hand store -- which would, by necessity, be located in a business district.

Mrs. Henderson asked about use of the out buildings. She could visualize things strung all over the place. Mr. Wells said he wished to straighten up the garage and the shed and also the barn. These buildings he plans to use. When questioned further, he said he planned to use these buildings for display. No actual selling would be carried on in the buildings, he said, the office in the house would be used for that purpose -- but he wished to use the buildings for storage and display.

Mr. Smith considered this a wide scope -- difficult to control. Mrs. Henderson said this was being worked backwards -- from commercial to residential and this is too big a business. Antique shops are small restricted businesses, highly controlled and personal, Mrs. Henderson pointed out. This goes far beyond that, Mr. Wells said only he and his wife would operate the business.

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3 contd. The Board discussed this at length with Mr. Wells in an effort to determine the extent of this business and its relation to a second hand business. Mr. Wills was told no outbuildings could be used for sales-- however, he expected to use them for storage. The Board considered this a difficult thing to handle without a detailed statement of just what Mr. Wells expects to do with the property.

Mr. Lamond moved to defer the case pending a written statement from Mr. Wells listing the things he wishes to do on this property -- showing definite plans as to how the property will be used.

As to storage in the outbuildings, Mr. Smith thought that should be allowed -- he recalled that the Board had given others that right. Storage but no sales from the buildings.

T. Barnes seconded the motion.

Mrs. Henderson told Mr. Wells the Board would want to know what he will sell -- what kind of articles, size, age, etc.

The Board said they would try to visit Mr. Wells' present shop.

Deferred to March 27th. For the deferral, Lamond, Carpenter, Barnes and Henderson. Mr. Smith voted no. Motion cd.

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4 - Charles E. Barron, to permit a camping trailer sales lot, Lot 15, Pinewood Subdivision, Providence District. (C. G.)

Mr. Barron said he would use the house on this property as an office from which to sell the 13 to 15 foot Hi-Lo Camping trailers.

These are not mobile homes, he said -- they are small and are used exclusively for camping. He would have about six trailers on the property for display.

Mrs. Henderson questioned the trailer display within the front setback -- as shown on the plat. Mr. Smith pointed out that in a C-G district they display cars right up to the line -- he didn't see how that could be prohibited here unless these were mobile homes.

Mr. Smith pointed out the commercial zoning in this area which runs into the City of Fairfax line, and the uses which are not incompatible with this proposed use.

Mr. Floyd McCord, who lives just back of this property, said they objected to so many trailers in this area-- that they are ruining both the residential and commercial property.

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4 contd. Mr. Smith said it was probable that all this ground will go commercial in the near future. He also noted that since this lot is zoned C-G there are many other uses which could go in here without a permit which would be more objectionable than these trailers. These are small trailers and the County will require screening, he said.

Mr. Stickel also objected to this use which he termed undesirable -- he asked how residents in the area could fight this encroachment. Mrs. Henderson pointed out that several requests for further extension of business in this area have been refused by the Board of Supervisors.

On the application of Charles E. Barron to permit a camping trailer sales lot, Lot 15, Pinewood Subdivision, Providence District. (C-G)

Mr. Smith moved that the application be approved as applied for with the proper restrictions and stipulations in accordance with the Ordinance. Site plan approval shall be required on the lot and screening as proposed on the plat shall be adhered to. All other provisions of the Ordinance shall be met. It is also included in this granting that the applicant will be allowed no more than six trailers on the property for display purposes. Seconded, T. Barnes. Cd. unanimously. It was noted again that the Board could not restrict the display of trailers within the front setback.

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5 - Lenora M. Hunter, to permit operation of an auto sales lot, part Parcel 4B, Simmsco Property at Springfield, Mason District. (C.G.)

Mr. John T. Hazel represented the applicant. This is a three acre tract of land within the Springfield Shopping Area, lying between Backlick Road, Brandon Avenue and Commerce Street, which will be extended in front of this property. Mr. Hazel located the uses in the immediate area and showed a series of pictures indicating that this is a purely commercial area. There is presently a used car lot along Brandon Avenue-- under lease. This tract includes that leased area. The business to be erected will be for the major outlet in this area of Logan Motor Sales (Ford). The project will cost approximately $400,000 and will cover 250,000 sq. ft. - the building to be 137 x 150 ft. Mr. Hazel showed a rendering of the building which will offer complete sales and service. The used car operation will be incidental to the new car business. They have discussed their architectural plans with the bank which business is

NEW CASES.

5 contd. adjacent to this.

Mrs. Henderson said the Board would like to feel assured that this operation would not look like Wissinger's at 7-Corners.

Mr. Hazel said it definitely would not -- they will make this a first class agency.

There were no objections from the area.

In the application of Lenora M. Hunter to permit operation of an auto sales lot, part Parcel 4B, Simmsco Property at Springfield, Mason District, Mr. Smith moved that the application be approved as applied for under C-G , ~~Section~~ Group #10, that all building setbacks and parking requirements shall be met and all provisions of the Ordinance shall be met. It is also required that the site plan be approved and that a subdivision plat will be approved if this tract is divided as indicated. It is also included in this motion that building and service structures will be constructed to harmonize with adjoining architecture and it is noted that the rendering presented today at this hearing will be harmonious with the area. Seconded, T. Barnes. All voted for the motion except Mr. Lamond who refrained from voting. Motion carried.

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6 - The Sleepy Hollow Bath and Racquet Club, to permit erection of an additional swimming pool, on west side of Sleepy Hollow Road, Route 613 on north side and adjacent to Holmes Run, Falls Church District. (RE-0.5)

Mr. Edward Turrou represented the applicant. Mr. Turrou presented new plats upon which changes had been made particularly with regard to lowering the channel of Holmes Run and improvements in drainage. This was originally a commercial swimming pool, which became non-conforming after changes in the Ordinance, Mr. Turrow said. Now this is a community non-profit swimming club with recreation facilities for people in the area. This will now be a conforming use. This pool will be 18 ins. above the 100 year flood mark and also is above the existing flood plain mark. They feel sure that the changes they have made here will alleviate the flood conditions in this area. This new pool will be three feet above the present pool and three feet above the sewer and four feet four inches above the Sleepy Hollow Recreation Association pool which is on land immediately adjoining to

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6 contd. the south. That area was involved in flooding a few years ago. The Board of Directors have recommended this additional pool, Mr. Turrou went on to say, because their community is deeply interested in swimming. The present pool is not adequate for the kind of training they wish to offer and for the meets. The new pool will run from three feet in depth to ten feet, forty-five feet wide with provision for six lanes. They have a 9 hole golf putt course. They have a big program of improvement.

The Board discussed parking at length. Mr. Smith did not think the 120 spaces were sufficient for a 350 to 400 membership club. (They propose to limit membership to 400). The Sleepy Hollow Association membership was filled two years ago, Mr. Turrou said, and others in the community heard this property was for sale so they formed an Association to buy it. At least 50% of the members are from the immediate area and many of them would walk to the pool, especially during the week. He estimated about 100 members are within 1/4 mile. This is a greatly needed and wanted facility, Mr. Turrou said, people are very interested in competitive swimming. This is being done to provide adequate facilities which the area has not had. They could make room for more parking if needed, as many as 220.

It was noted that the parking spaces were not shown on the plat.

Mr. Turrou presented a petition with 55 signatures of families living in the immediate area, all wanting this and urging the Board to approve the request.

In the application of Sleepy Hollow Bath and Racquet Club to permit erection of an additional swimming pool, on the west side of Sleepy Hollow Road, Route 613 on north side and adjacent to Holmes Run, Falls Church District, Mr. Smith moved that the application be approved as applied for with the stipulation that 220 parking spaces be provided on the property for use of the members and that the now non-conforming use of this property shall be abolished. This present use is abolished and is now brought into conformance with the present Ordinance under Section 30-137. The parking requirements and all other provisions of the Ordinance shall be met. Seconded, Mrs. Carpenter. Cd. unan.

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7 - Northern Virginia Construction Company, to permit a gravel operation on 4.2462 acres of land, on north side of Route 644, approximately 800 feet west of Route 613, (Franconia Baptist Church Property), Lee District (R-12.5).

Mr. Richard Long represented the applicant. Mr. Funk from the Franconia Baptist Church also was present.

Mr. Funk told the Board that the church had bought this land which they intend to grade and use for parking and recreational facilities, for the present, and also for their educational building. They have arrangements with the Northern Virginia Construction Company to remove the gravel and grade the land back so it will be useable for their purposes.

Mr. Long said the grading necessary to put this land in condition for the purposes could be done without a permit, but there is gravel on the property and the applicant is here for a permit to remove and sell this gravel. They would take out approx. 20,000 square yards of material, then regrade it back. They need a permit for only six months. There is a 3:1 bank against the adjacent property owned by Mrs. Martin who does not object to this operation. If the gravel is not sold, it would have to be moved away, Mr. Long said, at the expense of the church. By selling the gravel, it will help the church finance their improvements. The ground in front of the church will remain as it is.

Mr. Long said they had met with the Franconia Citizens Association to learn what restrictions they wished to place on this operation and they have agreed to incorporate the Association's suggestions in their application.

Gravel trucks are presently running on Van Doren Street, Mr. Long said, and any material from this project coming out on Franconia Road could cause something of a traffic problem. If a problem does develop, they will work it out with the Police Department. They would agree to remove this within six months.

Opposition:

Mr. William Moss said he was sorry to oppose this application since the sale of the gravel would be a financial assistance to the church, but he was very conscious of the gravel situation in Lee District. The survey of gravel in the County, he continued, was practically a survey

7 contd. of Lee District and it has become a very real problem. Last year at the road hearing, Mr. Moss said 16 persons from Lee District spoke -- the roads were put in a bad condition because of gravel trucks.

Mr. Moss recalled that the County had recently adopted minimum standards for removal of gravel - and it had been a great relief to Lee District. The districts from which gravel could be removed were established. This is outside of these areas.

Mr. Moss recalled the great number of commercial zonings which the Board of Supervisors had denied along Franconia Road and pointed out the Board's desire to keep this area free of heavy commercial uses and a cluttering similar to U. S. #1.

This case has merit, Mr. Moss stated, but to grant it would set a precedent which would be difficult to ignore if other similar cases come before the Board. There is no justification for this as far as need is concerned, Mr. Moss said, and the area is staggering now under the impact of gravel operations and he could see no reason to add this one more impact -- a parcel of land outside the Natural Resources Zone. Mr. Moss indicated other areas which are opposing this - RoseHill, Clarmont, etc. He could see no justification for the granting from the standpoint of welfare, health and safety which things he urged the Board to consider.

Captain Dolan, from Rose Hill Citizens Association, made a long and detailed statement in opposition, recalling the citizens' participation in development of the gravel pit ordinance. He pointed out that this does not meet requirements of the Natural Resources zone as to acreage and frontage. The Ordinance requires areas outside the NR zone to meet the same requirements as within that zone.

Captain Dolan went into the intent of the Ordinance -- to control and protect areas outside the NR zone and to control the gravel industry.

He asked the Board to consider this case on its merits and not to consider the fact that this is a church. He recalled that the Staff had discouraged gravel removal from small isolated areas. He insisted that there is no provision for a six months permit and the Board could not grant one for that time.

Captain Dolan pointed out that the Church was built at a level with Franconia Road and if they excavate as planned, the whole side of the property will be a big hole. This, he said, is dangerous. He said there was very little rise in the ground, the general flow of water is away from Franconia Rd.

7 contd. Captain Dolan said granting this would be a precedent -- he thought the church should go ahead with their plans for a new building and grounds in a regular manner -- excavate where necessary but to excavate out a big hole is an abusive use of the land.

Mr. Smith said he understood that they would have to do a certain amount of excavating to build the educational building and to bring the parking area in line with the existing drainage -- should it be affected.

Captain Dolan said it might be all right to sell off some of the ground -- but just to dig a big hole and leave it there was certainly undesirable.

Mr. Smith said - these people have this saleable material and the sale of it will help them in the construction of their building. The Board can grant a six months' permit (Captain Dolan's opinion, notwithstanding) -- that is within the Board's prerogative to place such a limitation, it is a small operation -- he could not see where it would be detrimental and it would have a lasting beneficial effect upon the church and the membership.

For the parking lot, it needs only to be graded, Captain Dolan pointed out, and the grading proposed would create a hole below Franconia Road.

The ground would have to be rehabilitated, Mr. Smith pointed out and this may be an improvement over the existing situation. The traffic will be rerouted while the hauling is going on, Mr. Smith continued, and the fact that the land will be rehabilitated and the church will have the advantage of the sale of the gravel and can go ahead with their new building is important, and he could not see where the operation will be detrimental.

Captain Dolan had no faith in this ever really being rehabilitated -- he claimed it has never been done. He described the traffic problem -- two left turns against traffic which would be hazardous.

Mr. Long said he was informed that the Franconia Citizens Association, the people most affected in this, have agreed to leave this up to the Board to decide the case on its merits. They are not present, Mr. Long pointed out, and it is to be assumed they have no objection. The objectors, Mr. Long noted, are from Rose Hill only.

The material will have to be hauled out, Mr. Long went on, sooner or

7 contd. later and the material should be sold. This will be a short operation -- they hope to be in their building by October, 1963.

The Chairman read the recommendation from the Planning Commission:

> "The Commission recommended that this be granted by the Board of Zoning Appeals with the provisions suggested by Mr. Long and the Citizens Association being made a part of the granting:
>
> Six month permit, no gravel trucks allowed on Triplett Lane, and that this is granted under the same conditions as required under the National Resources zone, and traffic control on Franconia Road as recommended by the Police Department.
>
> The Commission considered this an exceptional case and therefore it should not be considered that this would set a precedent and the Commission thought the impact upon the community would be negligible.
>
> For the motion: Mrs. Bradley, Mrs. Wilkins, Messrs. Carper, Hartwell, Eggleston, Giangreco, Price, Wright. Voting against the motion: Messrs. Quackenbush, Johnson, Tepper. Mr. Lamond refrained from voting."

There was a discussion as to how this would be handled under the Ordinance. It was noted that this case was filed in 1961.

Mr. Smith saw no evidence of where this would be detrimental -- there was no citizen opposition - something that had never happened before -- the operations now taking place below this would be suspended during this operation (the two pits would not be worked simultaneously) -- therefore the gravel traffic would not be increased. Gravel is being hauled now, every day, Mr. Smith continued, and the police can cope with it -- this condition would remain the same -- he thought this application warranted consideration.

The Board discussed the case - the precedent this might establish - the right to sell a natural product and the benefit to be derived -- deciding cases on merit rather than precedent.

Mr. C. L. Bishop, pastor of the church, gave a brief background on the growth and needs of the church and their desire to conform to all regulations in this.

Mr. Smith said he respected the advice of the Planning Commission and Staff in this. The Commission recommended granting this - Mr. Smith thought they would not have done so had they thought it in any way detrimental.

Mr. Lamond thought the Board should know what Ordinance this case was covered by.

Captain Dolan insisted that the case comes under the Natural Resources zone. Mr. Lamond recalled that this application was filed in May of 1961.

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7 contd. The Ordinance was passed in January of 1962. But since the amendment to the NR zone is not yet passed, he questioned if the Board should be governed by that Ordinance.

Mr. Mooreland said that technically the NR ordinance cannot be administered as adopted. There are standards in the Ordinance which the County is not set up to meet -- he thought the Board not legally bound until the Ordinance is put in form so it can be administered. The Ordinance is adopted but it cannot be used.

Mr. Lamond said the case should be deferred for a conference with the Commonwealth Attorney and Ross Payne. He also said he would like to view the property. He so moved. Seconded, Mrs. Carpenter (defer to March 27.)

Mr. Smith said he questioned if this ordinance is now law in the County, that the Commonwealth Attorney has said that it is not enforceable. For the motion to defer: Lamond, Carpenter, Henderson. Voting no - Dan Smith, T. Barnes. Motion carried.

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The Board adjourned for lunch and upon reconvening continued the agenda.

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8 - Sun Oil Company, to permit erection and operation of a service station and permit pump islands 25 feet from Old Dominion Drive and allow building 24.4 feet from rear property line, on south side of Old Dominion Drive, approx. 400 feet east of Kirby Road, Dranesville Dist. (C.N.)

Martin Morris represented the applicant. Mr. Morris recalled the two other trips this property has made to the Board. In 1958, a variance was granted Atlantic (13 ft. from the side line). This variance was not used. Sun Oil Co. asked two variances 11 ft. from the side line and 36 ft. from the rear. They were both denied. The 7-11 was not constructed then and there were questions in the minds of the Board. Since that time, 7-11 has been built and located on the property line. This property has 190 ft. on Old Dominion -- 118 ft. depth on the 7-11 side and 158 ft. deep on the opposite side. Property adjoining on the 158 ft. side is zoned residential, owned by Nichols. Miller owns the property at the rear, up to Kirby Rd.

After the last case was denied, they tried to develop this property in other uses but no one was willing to put in anything like a cleaning

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8 contd. establishment or drug store because those things are already available in McLean and this did not lend itself to any type of development other than that found in a service area. The trend here has already been set. There are four filling stations across the street and the 7-11 caters to a drive-in trade which will be harmonious with a filling station. This location would catch the traffic coming out of McLean only -- it would not generate traffic -- there is no cross-over here in the highway. The area eliminates many other kinds of business.

The Sun Oil people will recommend construction of a colonial type building like the one built on Rt. 236.

The owner tried to purchase more ground on the side and in the rear to straighten out his line but could not. There is a road along the back of the property which cannot be moved.

Mrs. Carpenter suggested that there were certainly some other businesses that could go here -- car appliances, for example and supplies.

Mr. Morris said a business of that kind is usually near or in a shopping center -- it must have a walk-in trade. If the Chesterbrook Shopping Center had gone in, that kind of business might have been a logical thing. But now they cannot get anyone else who wants to go in.

Mrs. Henderson noted that any other business would have an additional 50' to work with. Mrs. Henderson questioned another filling station here when one across the street has been vacant for some time.

It was pointed out that Sun Oil is in McLean, 2½ miles away and Shell is 1-3/4 miles away.

There were no objections from the area.

Mr. Smith made the following statements: This property has been before the Board two or three times before and variances were granted and never taken advantage of. Now a 7-11 has developed on the property adjoining and it appears that there are other businesses that could go in here without a variance -- apparently there are no takers.

Just because this property is setting here and is not used is no reason to grant this use, Mrs. Henderson said.

Because of the development across the street, Mr. Smith stated, the pattern has been set and something of the same character should go in here. The old ordinance said filling stations should be located in compact groups, Mr. Smith said, and he thought these things should be considered and the variance requested is very small and there is no objection from

8 contd. NEW CASES.

the area. There is nothing indicated that this would create anything of a hazard.

Mrs. Henderson thought the ground too small for this use.

Mrs. Carpenter moved that the application of Sun Oil Company be denied as there has to be a variance granted to have this use on the property and other businesses could go in here without a variance. It is the opinion of the Board that hardship has not been shown as defined in Section 30-36 relating to variances. Seconded, Lamond.

For the motion: Carpenter, Lamond, Henderson.

Voting against the motion: T. Barnes, Dan Smith. Case denied.

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9 -- Virginia Electric and Power Company, to permit erection and operation of a power transmission line, Easement from Occoquan Substation to Jefferson Street Substation in Alex., Lee and Mason Districts.

Mr. Hugh Marsh represented the applicant. Mr. Marsh presented the decree of the Court in condemnation -- VEPCO vs. Stanley Makowski.

Mr. Marsh introduced Mr. Leon Johnson, District Manager, who outlined the need for this line. Mr. Johnson traced the increase in electric load in Northern Virginia and forecast the expected load for the future and the hazards which would result without additional lines which will meet future demands.

This is a 230 KV Tower line approx. 14 miles in length extending from Occoquan to Jefferson station in Alexandria.

The line, for the most part, parallels or is adjacent to the existing line. It makes three deviations, Route 600 near the southern end of the line, crossing the Shirley Highway and in the Rose Hill area. The routes selected in these areas will have the least possible effect on adjacent property. This line will create no new traffic which would be hazardous, it will conform to National Electrical Safety Code. It will not create noise, vibration, smoke or any other disturbing features. (Full statement by Mr. Johnson is on file in records of this case.)

Mr. Marsh also filed a statement by W. G. Finney, Engineer for Stone and Webster, outlining a study of the line area (statement in file with the case)

Mr. MacKenzie Downs, real estate appraiser and consultant, gave a detailed description of the line, description of the area adjacent to the proposed line, showing pictures, and maps, also showed areas adjacent to similar lines and concluded by giving a full evaluation -- that the line would not

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9 contd. be detrimental to the character and development of adjacent land. (Full statement on file.)

Walter S. Cameron concluded, after detailed explanation and examples, that this line would not be a source of interference to electrical equipment used in residential areas through which it passes (Full statement in file).

Opposition:

Mr. Sidney Harris asked why this line could not be put on the same towers, he considered these lines dangerous, especially in snow weather when they snap, high tension wires are a detriment to the growth of this area, it does interfere with radio.

Mr. Sidney N. Benford, from Ridge View, discussed the right-of-way taken from him and the lot line.

Mrs. Elsie Ray from Lorton said the Company had agreed to put no more towers on her land - but they did and now they plan to put up these monster towers. Her land has been depreciated. She objected to the fact that VEPCO is using over six acres of her land which she can do nothing with. She has built several dwellings on her property but will do nothing more with the land because of these towers. Her land is depreciated but her taxes continue to rise.

Stuart Sullivan, from Franconia Road, was concerned with the size of the towers and whether or not this would be a distribution line.

Mr. Harris had a question for VEPCO which did not concern the case. He also spoke of the danger from these lines.

Mr. Johnson explained the safety features of the line and the difficulties in winter from snows, falling trees, etc.

These lines cannot be put on the existing towers because they are not large enough to take any more wires.

The Chairman read the recommendation from the Planning Commission to grant. One member of the Commission asked that underground wires be considered.

Mr. Smith stated - this is an old set of towers built 30 years ago and the two lines will serve the same area. It is, no doubt, a good thing to put the lines underground but it would not appear practical at this time.

Mr. Smith moved that the application of VEPCO to permit erection and

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9 contd. operation of a power transmission line, easement from Occoquan Substation to Jefferson Street Substation in Alexandria, Lee and Mason Districts, be approved as applied for under section 30-133(b) concerning power transmission lines. All other provisions of the Ordinance pertaining shall be met by the applicant. Seconded, Mr. Lamond. Cd.unan.

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10 - SIMON S. MEERMAN, to permit erection of a building 22.8 ft. from Public Road, (33 ft. wide), on north side of Old Dominion Drive, approx. 200 ft. east of Route 123 . Dranesville District. (C.G.)

Mr. Meerman said this variance will put him in line with the Standard Oil Building on the adjoining property. A variance was granted for the filling station on that adjoining property. This building will have a repair shop in the basement, stores on the first floor and offices on the next floor. He was not entirely sure if he would have two or three floors.

Mr. Chilton said a revision of the parking will be required in the site plan. He objected to the parked cars backing out on to the 33 ft. road. He questioned if there would be enough parking space on this lot for a three story building.

Mr. Smith said the size of the building (70 x 31') could not be cut and still have a practical building. The kind of businesses going in here would determine the amount of parking space needed, Mr. Smith pointed out.

Mr. Meerman did not know he had to show detailed parking spaces. He thought that would be taken care of by another Board.

Mr. Chilton said he should show 12 spaces for each floor less what space may be used for non-sales area. It would take off 6 or 8 spaces for office use. After these areas are taken out, Mr. Chilton said he would probably need about 8 spaces per floor.

This is a small piece of land, Mrs. Henderson noted, she thought the Board should know what uses would go in the building.

The Board discussed this further -- the man was uncertain what size building he would have, how many floors, and he did not know what kind of business he would have here. The Board was concerned if he could put the proposed building on the property and provide enough parking.

Mr. Smith stated that the Board had set the pattern when it approved the variance on the filling station and he thought the same variance should be granted on this property. His only concern was whether or not he could get this particular building in here and have the required parking.

10 contd. If he can't, he may have a variance he can't use.

In the application of Simon S. Meerman to permit erection of a building 22.8 ft. from Public Road, (33 ft. wide), on north side of Old Dominion Dr. approx. 200 ft. east of Route 123, Dranesville District, (C.G.), Mr. Smith moved that the application regarding the variance be approved as applied for. It appears that the Board set the pattern for development here at the time it granted a variance to Standard Oil for a filling station on adjoining property. The 33 ft. road has not been accepted by the State and that was the reason for granting the variance on the filling station. Mr. Smith moved that the application be approved and that all other provisions of the Ordinance pertaining be met.

This has been considered under Steps 1 and 2 of the Ordinance and they apply and the minimum amount of variance that can be granted is that applied for. Seconded, T. Barnes. Motion carried.

Voting yes -- Smith, Barnes, Lamond. Voting No - Mrs. Henderson

Mrs. Carpenter refrained from voting as she did not agree with the motion but did not know what amount of variance should be granted.

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11 - CHEST WOODS TRAIL AND SWIM CLUB, to permit erection and operation of a swimming pool, wading pool, bath house and other recreational facilities, on north side of Chesterbrook Road, approx. 200 feet east of Maddox Lane and bounded on the west by Little Pimmit Run, Dranesville Dist.(R-17)

Mr. Richard Wynn , Chairman of the petition committee represented the applicant.

Mr. Wynn presented a petition favoring this project signed by 397 people and a list of 38 members contributing $400 each. This is a representation of 200 families.

Mr. Wynn located the property which has access on Chesterbrook Road and the plat showed a 30 ft. gravel road along the east side of the property. He also pointed out a 25' right of way leading off from the east side of the property which would lead to an internal road system in Chesterbrook Woods. This, Mr. Wynn pointed out, would preclude all traffic coming and going by way of Chesterbrook Road.

Mr. Wynn showed a map, including the property of 292 owners - indicating their property in relation to location of the pool area. These people all favored the project.

11 contd. This is approximately a six acre tract, three acres of which is above flood plain. The ground is part of a park area that runs through Pimmit Run. Mr. Wynn said the property is bounded by two roads plus the right-of-way connection which will enable those in that area to get to the pool without going out in the highway. Also, he stated the pool is so situated that many could walk.

They had hoped to put a building on the property, Mr. Wynn continued, but they have a flood plain problem and will have only the small bath house. They plan an $80,000 pool installation - 75' x 36', and wading pool. This property was originally bought in 1958 for a community club. These people have been working steadily on this and are pleased with the interest and progress.

Mr. Wynn showed the house locations of people in the area who do not go along with this, but he pointed out -- this area has already been designated as park land by the County Park Authority. This whole area is lacking in recreational facilities, Mr. Wynn continued. One swimming club in the vicinity is entirely filled and has a waiting list of about 150. There are many people in the area who want a place of this kind - they feel the need for community facilities.

Mrs. Walters who owns property across Chesterbrook Road said she would like to see this project developed -- this land is vacant and has become a dumping ground. She thought this development would be an asset to the neighborhood and especially good for young people. They are close and would no doubt be subject to noise -- but she did not object to a happy noise and she thought the good would far out-weigh any bad features.

Mr. Wynn said the pool plans are worked out by an engineering firm. They have utilized the ground to the very best advantage, parking can be provided in the flood plain. He indicated the areas of the ground they probably could not use.

Mr. Coddle, Chairman of the committee to plan and develop the project, said this is the only land that is available in this area close enough to walk or bicycle to. They have looked thoroughly for land. They want to build

11 contd. something that will be a real asset to the community -- a project that is well planned and developed.

Mr. Wynn said a prior permit for a commercial club on this property did not go ahead probably because this ground will not take percolation. Now they will have sewer -- coming up Pimmit Run -- sometime this summer. He noted that Pimmit Creek becomes something of a sewer when they have floods. This will all be taken care of now. This will be well kept and restricted to the neighborhood. There are 196 houses in Chesterbrook Woods and they expect to have 100 memberships. The other 100 will come from the surrounding area. They are geared to 200 families -- they wish to keep this small.

Mr. Wynn said the 25' right-of-way mentioned earlier runs to Oakland St. into the subdivision. This right-of-way, he said, makes this property unique, this right-of-way actually serves as a walk-way now. They will give the land to widen the bridge on Chesterbrook Road.

Mr. Smith noted only 64 parking spaces -- he suggested that the project should have at least 100.

Mr. Wynn said they could provide all the parking needed as one half the property is flood plain which could be used for that purpose.

Mr. Wynn said the entrance will be moved to give better access and that the widening of the road area is left clear.

Opposition:

Mr. James Clark appeared before the Board representing eleven property owners living around the pool site. These people, Mr. Clark said, will be directly affected. He spoke as follows: This pool is located at the bottom of a bowl and these people live around the edge of that bowl. The acoustics are such that the noise will magnify and create a continuous disturbance. If each noise is multiplied by 100 or 200, the decibels would be intolerable.

The 25 foot right-of-way discussed by Mr. Wynn is not a right-of-way to this property, Mr. Clark went on, and the side road does not go around this property. Mr. Clark questioned if many could walk to the pool as there is no access to the north or west without crossing other people's property. The result would be that access would be across private property around

11 contd. the pool.

Chesterbrook Road is two lane, it is narrow, hilly and curved and has a one way bridge.

Mr. Clark noted on the plat that they plan a baseball field and tennis courts -- a complete athletic complex. He recalled the accidents and hazardous condition of Chesterbrook Road. The State Highway Department say they have no plan to widen Chesterbrook Road before five years. They will necessarily cut many more trees on the property -- the 25 foot sewer easement will take out a wide strip.

In 1958 when this was up for a permit, there was only one house on the lots on one side of this area -- the situation is different now - many trees have been cut and many more houses have been built.

Mr. Charles Moore, who lives three houses from this area, said he is for swimming pools but he was not in favor of changing the zoning classification of the ground if it adversely affects the people in the area. (Mrs. Henderson noted that this is a use permit, not a change in zoning).

Mr. Moore said the people around this area are not adequately protected -- there is not enough screening to take care of the noise. He thought this would lower the value of homes in the area and make them less desirable. He also stressed the hazardous road and lack of safe pedestrian access.

Mr. Moore said he had built many very nice homes to the west of this property and he thought they should be protected. He had planned to build $40,000 homes on the Smoot property to the west, which he was proposing to buy, but installation of this project would lead him to question this. This property can be utilized for residences, he continued, if it is properly engineered.

As to the lack of community facilities for recreation, that is for the County to initiate. There are large undeveloped areas available for this purpose. Such areas should be planned with natural trees and good buffering. One can buffer with new trees but it would take 10 or 15 years for them to become effective.

Mr. DeFrance, from Chesterbrook Hills area, noted that most of the 397 signatures favoring this are in the Chesterbrook Woods area -- away from the pool area. Those immediately affected are not pleased. His objections

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11 contd. followed the same line as the previous speakers.

Mr. Levendisky, Dr. Tompkins and Mr. Smoot objected. Mr. Smoot said Mr. Moore had agreed to buy his ground and now he has changed his mind. He would therefore be damaged. His property is immediately to the west. He objected particularly to the noise.

Mr. Tom Diggs, property owner of part of this tract since 1947, considered this would be a nuisance to the neighborhood, a detriment to property owners.

Clifford Grant, property owner immediately adjacent on the east, said he knew nothing about the 1958 permit until after it was granted. He said 14 property owners around this area are opposed to this use. These people are vitally affected and should be seriously considered in this. He said he know of no right-of-way as described by Mr. Wynn, to Chesterbrook Woods.

Mrs. Robinson objected for reasons stated by the others.

In rebuttal Mr. Wynn said:

The trees would be cut for the pool area only --only the very necessary trees will be taken out. With regard to safety, Mr. Wynn said that is the responsbility of the parents. The right-of-way he described, Mr. Wynn said, has been outlined to him by the engineers and it is shown on the County Map.

This would be a difficult situation for them if this case is refused now -- forty people have money in the project. It has been a well developed plan involving money, time and work.

While Mr. Wynn was very sure Chesterbrook Road would be widened, he did not know when that would be.

As to the noise, any noise from this area will carry, Mr. Wynn said, even from homes, but this is a responsible community and the members of this group would keep within that responsibility. Children who tramp through other people's yards should be curtailed by their parents -- that would not be the fault of the project. He thought this would be a good outlet for children in the area. This has been sincerely thought out, he went on, they have been very conscious of the rights of adjoining land owners. This pool is designed the only way it can be designed on their limited amount of

11 contd. useable ground. Many of the opposition are not near this area and they have large acreage. They have good screening along Chesterbrook Rd. and Pimmit Run. Some trees have been removed but the screening as it is now is effective.

Sewer should be here by August if the contract is let as expected. They would build the project this Fall.

Mrs. Carpenter said this use does not conform to Section 30-126 (a) -- it will increase the traffic hazard in this residential area and its installation will be detrimental to adjoining property. She moved to deny the case. Seconded, Mr. Lamond.

Mrs. Henderson said also that the access is not acceptable. Chesterbrook Road is dangerous and that is the only access except through other people's property. When the road is widened and the sewer is in, this might be all right.

All voted for the motion except Dan Smith who voted no. Motion carried.

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12 - The Chesapeake and Potomac Telephone Company of Virginia, to permit erection of a telephone dial center on east side of Route 650, approx. 1200 feet south of Routes 29-211, Falls Church District. (R-12.5)

Mr. Robert McCandlish represented the applicant. He located this as the same property on which the Board granted a repeater station. The Planning Commission recommended approval. They will take down the corrugated iron building now on the property and put its uses into the new building. The tract has 4-3/4 acres. He showed a rendering of the proposed building.

This is a necessary installation, Mr. McCandlish said -- it is in the center of the area to be served.

There were no objections from the area.

Mr. Lamond moved that the Board approve the application of the C. & P. Telephone Company to permit erection of a telephone dial center on the east side of Route 650, approx. 1200 ft. south of Route 29-211, Falls Church District (R-12.5) as applied for and the applicant shall comply with all Fairfax County Ordinances pertaining.

Seconded, T. Barnes. Cd. unan.

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March 13, 1962

DEFERRED CASES

1 - Norman Medvin, to permit storage shed to remain 20" from rear property line, Lot 187, Section 8, Hollin Hills, (303 Beechwood Road), Mt. Vernon District. (R-17).

The Chairman read a letter from Mr. Medvin who was unable to remain all day -- waiting for his case to be called.

Mr. Lamond said he had seen the property and he considered that there is an alternate site -- he therefore moved that the case be denied. Seconded, Mrs. Carpenter.

Mr. Lamond agreed that there is a topographic situation but he thought the 20" too much.

Mrs. Henderson pointed out that there is a park in the rear and no house would ever be built on that property. She thought this would not hurt anyone and it was unnecessary to make Mr. Medvin pull the building up when there is no particular advantage to anyone.

The motion lost; Voting to deny, Carpenter, Lamond. Voting no, Mrs. Henderson, T. Barnes, D. Smith. Motion lost.

Since there is a topographic situation, Mr. Smith moved that the application be approved to permit the shed to remain as requested 20" from rear property line. There has been no evidence that this would hurt the neighborhood, no hazard is connected with it. It is a small shed and would use a minimum amount of space and to require the applicant to move the shed would not help the situation at all. He might place it in a position that would be more objectionable to the area. Seconded, T. Barnes. Voting yes, Mrs. Henderson, Messrs. Smith and Barnes. Voting no: Mr. Lamond, Mrs. Carpenter.

Mrs. Henderson again pointed out the park in the rear where no building will ever be put up and the fact that this is not harmful to anyone.

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Mr. Mooreland spoke of a question regarding a country club which was to have come up today but only one side was present. The Board agreed that they could only interpret the Ordinance.

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Mr. Mooreland referred to Section 30-104 (f) non-conforming use, if the use has been abandoned for reasons "beyond the owner's control". Property now in C-D was used as a used car lot. The company went bankrupt.

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Now the operator wants an occupancy permit. The property is not now being so used. The property is under lease. Mr. Mooreland said he had refused the permit because the abandonment did not come under the clause "for reasons beyond the control of the owner". The owner contends he could not rent the property for another use and the abandonment was beyond his control.

The land was not used since last June and the abandonment had taken place for a period of six months.

Mr. Lamond moved that the Board uphold Mr. Mooreland's decision that the use had been abandoned for six months and that such abandonment was not beyond the control of the owner.

Seconded, Mrs. Carpenter. Motion carried unanimously.

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The meeting adjourned.

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

April 10, 1962
Date

445

March 27, 1962

The regular meeting of the Fairfax County Board of Zoning Appeals was held on March 27, 1962 at 10:00 a. m. in the Board Room of the Fairfax County Courthouse. All members were present except Mr. Dan Smith. Mrs. M. K. Henderson, Chairman, presided.

The meeting opened with a prayer by Mr. Lamond.

NEW CASES

1 Herman W. and Juanita A. Deuell, to permit operation of a beauty shop in home as a home occupation, Lot 13, Section 2, Southampton (407 McKay Street), Dranesville District. (RE-1).

Mr. Deuell appeared before the Board saying his wife would operate the shop -- no help - one chair. She would get her customers from among her friends and acquaintances -- no advertising. Mr. Deuell said the driveway is on the east side of the house. He estimated that there are about 44 ft. between houses. The plats did not show the driveway nor did they indicate where the parking could be located 25 feet from the property line and not within the setback area.

Mr. Lamond moved to defer the case for Mr. Dauell to show the parking area and the driveway - on the plats.

Mr. Deuell said they would pave the driveway which is gravel now. He has a building permit which would allow him to put in an outside entrance to the basement.

Mr. Mooreland noted that the lot is only 90 ft. wide and the house sets 40 feet from the road right-of-way. The applicant could build a carport within 14' of the line but he could not allow his customers to park in that area. The parking must be 50' from the street line and 25' from the sides.

There were no objections from the area.

Mr. Mooreland said the Health Department had tried three times to inspect the house, but found no one home. It was noted that the applicant has sewer and water.

Mr. Lamond restated his motion that the application be deferred until April 10 at which time the applicant will present surveyor's plat indicating the parking area and present a report from the Health Dept. Seconded, Mrs. Carpenter. Cd. unan.

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NEW CASES

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2 - Richard W. Turlington, to permit erection of a carport 7.2 feet from side property line, Lot 4, Block 1, Section 1, Woods of Ilda, Falls Church District (RE-1)

Mr. Turlington said he needed a two car carport and it is necessary to have the 21 foot width because of the chimney which juts out 1ft.9" on this side of the house. This would allow 6'7" for each car. This gives enough room for two cars and to open two doors, get out of the car and clear the chimney.

The lot is not level, Mr. Turlington explained - the difference from front to the back of the house is the height of one floor -- it is basement level at the back. This house is three years old -- most of the houses in the area have carports. The house was not located on the lot so the carport could be put on without a variance. If this is put on it would be about 27"2" from the neighboring carport. Mrs. Carpenter noted that no matter how the house was located on the lot, a carport would require a variance.

Mrs. Henderson suggested a single carport -- at least to lessen the variance.

Mr. Lamond pointed out that the 17,000 lot zoning on the Rutherford property across Guinea Rd. has a tier of 1/2 acre lots facing Guinea Rd., made larger particularly to protect the large lots in the Woods of Ilda. He questioned reducing this setback to the extent requested.

Mrs. Carpenter moved to defer the case to view the property. Deferred to April 10. Seconded, Lamond. Cd. unan.

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3 - Addison S. Varner to permit dwelling 42 feet 3 inches from Route 701, 655 and Route 66, Providence District (RE-1)

Mr. Mooreland said this case was before the Board in error. Under Sec.30-7 he has the right to grant a 20% reduction in setback which he has done. (This property was reduced by highway condemnation). Since this was handled administratively, the case was removed from the agenda.

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Mr. Mooreland said he had a letter regarding Wright Properties case on which they had made application asking variances on five houses. The Board of Zoning Appeals had granted three. The letter from Robert Murray asked

reconsideration. He claimed the adjacent property owners had not been notified nor was the property posted. However, it appeared to the Board that the property had been advertised and posted and the notifications met requirements. The only objection at the hearing had been from someone across the street. Mrs. Henderson suggested that the objector be asked to state his case before the Board at a later time and the Board take action at that time.

It was agreed that this be put at the end of the April 10th agenda.

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4 - Flint Hill Private School, to permit an additional classroom building, (10 classrooms), property on east side of Route 123, just north of Route 66, Providence District. (RE-0.5).

Mr. Don Nicklason and Hugh Nicklason appeared before the Board.

The plat showed the proposed building location, existing buildings, parking and highway taking, which cut down the parking area by quite a considerable amount. With this increase in building and reduction in parking, the Board asked where additional cars would go. Mr. Nicklason said this new building would mean only a few more busses. The whole school is not in operation at one time. They very seldom have the families all present at the school and at such time, they can use the athletic field.

He thought the parking sufficient.

Because of the highway taking, Mrs. Henderson suggested that the applicants show more permanent additional parking.

Mr. Nicklason said the taking actually included very little of the parking space -- it was mostly trees and shrubbery.

It was noted that the school has 24 busses and 30 teachers, most of whom drive the busses.

Mr. Chilton said they probably should have 2 or 3 spaces for each class room -- he was not sure of the present ratio of spaces to classrooms but at least that ratio should be continued.

Mr. Nicklason said they have 20 classrooms - they will add 10. Then they should have 1/3 more parking, Mr. Chilton said. Mr. Chilton said the ordinance shows no formula for parking in these cases but it is obvious that they will need more.

There were no objections from the area.

Mr. Lamond moved to defer the case in order that the engineer show the

4 contd. present parking and the additional parking on the plat which will take care of the additional classrooms. This parking shall all be within the required setbacks. Seconded, Mrs. Carpenter. Cd. unan.

Defer to April 10.

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5 - John A. Cosgrove, to permit erection of garage 8.8 feet from side property line, Lot 41B, Section 14G, North Springfield (5312 Woodland Drive), Mason District. (RE-0.5)

Mr. Cosgrove gave his reasons for asking this variance; He cannot put the carport back of the house - detached - because there is a 5' drop and also that would put his building on the 30' storm sewer easement. This is an open ditch. In the rear, attached to the house, it would be difficult and expensive because of the necessary filling and the filling would partly cover the basement bedrooms.

Mr. Cosgrove said he bought the house in November and made inquiry from his broker if he could do this and was told he could.

Mrs. Henderson noted that Mr. Cosgrove could not even build a one car garage without a variance. She suggested other locations all of which Mr. Cosgrove said were impractical.

No one in the area objected to this variance - all signed statements so indicating.

Lot 41A is jointly owned, Mr. Cosgrove stated -- no house is on the property. There is a house on lot 43 adjoining, with a garage which is 10 ft. from the side line.

Mr. Cosgrove pointed out that the 30' drainage easement and the sloping topography of his lot had greatly reduced the usability of the area. He said he had no use for a one car garage.

Under Section 30-36 (variance section) Mrs. Carpenter said steps 1 and 2 apply - but she could not consider that step three applies because of the size of the variance. There is an alternate location for this, therefore Mrs. Carpenter moved that the case be denied. Seconded, Mr. Lamond.

Cd. unan.

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NEW CASES

March 27, 1962

6 - The Royal Pool Association, to permit erection of and operation of a swimming pool, bath house and other recreational facilities, property at the end of Halifax Court, and approx. 1000 feet south of Braddock Road surrounded by Kings Park Subdivision, Falls Church District. (R-12.5).

Mr. Richard Krach represented the applicant. This is a rather unusual situation, Mr. Mooreland told the Board. These people wish to put their pool on community property and have the balance of their recreational facilities on County park land.

Mr. Schumann stated that when this property was zoned the developer told the Board of Supervisors that he would deed 9 acres for park purposes. This has been done. The developer also said he would provide certain recreational facilities. THis proposal shows the pool on the one acre which belongs to the Assn. and that the parking to serve the pool as well as the other facilities are on the County property. The Ordinance says that parking to serve the use must be provided on the use itself. Mr. Schumann suggested deferring this in order that he might help these people work this out. He would wish to talk with Mr. Massey and come back to the Board at a later time.

Mrs. Henderson noted that the tennis courts and other things are on the County property -- she asked who would maintain that part of the area.

Mr. Schumann thought the recreation department.

Mr. Krach said people around the pool area are members of the Association. There is a great deal of public interest in the Club and as far as he knew, no opposition.

Mrs. Henderson read a letter from Mr. Reno. He asked that a 50 ft. buffer be maintained around the pool area. Mr. Reno said he was not in opposition to this - he had paid his $250 - but he did want the protection that a 50 ft. buffer would give.

Mr. Karch said the pool was located about 36 ft. from the line and it could be moved but very little because of the utilities -- they must get into the sewer - and this is the best location to use public sewer and water.

Since there is so much ground, Mrs. Henderson suggested that the pool might be moved on to County property. They have enough ground to provide the buffer without crowding.

6 -contd.

Mr. Russell, Secretary to the Association, discussed Mr. Reno's request which he thought a little strange as Mr. Reno was in perfect accord with all the plans at one time. He said they probably could move the pool - but he objected to being pushed into it by one man.

Mr. Lineman said people who came into this area and bought were aware of the proposed location of the pool and many of them bought here because of the pool and the park. There is no opposition to this - they have the plans and design of the area all under way and have signed a contract to go ahead -- contingent upon this hearing. They have over 100 members. They want to get going on this by summer. He also noted that the lots around the pool are extra deep and there is virgin timber on the back of those lots which would make excellent screening and a separation between the houses and the pool. They will put a six foot fence around the pool area. If the Board wishes them to screen more, they will do so. It was recalled that Mr. Reno was one of the earliest members and strong supporters of the Association. Mr. Lineman said he thought Mr. Reno's objection had been overcome.

Mr. Barnes moved to defer the case for Mr. Schumann to work out the problem with Mr. Massey. Defer to April 10th. Seconded, Lamond. Cd. unan.

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DEFERRED CASES.

1 - Jim L. Wells, to permit operation of an antique shop in home, part Tract 1, Fairhill Subdivision, (3271 E. Lee Hwy.), Providence District. (RE-1).

Mr. Wells presented the following letter requested by the Board:

March 22, 1962

"Mrs. L. J. Henderson, Chairman,
Board of Zoning Appeals,
Fairfax Court House,
Fairfax, Virginia

Re: Fairhill Farm Antiques.

Dear Mrs. Henderson:

Pursuant to a motion of the Board of Zoning Appeals on March 13, 1962, regarding the above application for a special permit use to operate an Antique Shop in my home situated at 3271 East Lee Highway, Fairfax, Virginia, please be advised as follows:

1 - That I intend to sell antiques from the residence on subject premises, the name of the shop to be Fairhill Farm Antiques.

2 - That the out-buildings on subject premises will not be used for the sale of any articles which may be permitted under a special use permit.

3 - That I intend to engage only in the business of buying and selling of antiques as hereinafter defined.

4 - That the antiques that I propose to offer for sale in the residence on subject premises are the following:

March 27, 1962

DEFERRED CASES

1 contd.

a. Glassware

b. Silverware

c. Furniture

d. China

e. Bric-a-brac

For the purposes of the aforesaid application, I understand the word "antiques" to mean a piece of furniture, table-ware, or the like, made at a much earlier period than the present.

Very truly yours,

(Signed) Jim L. Wells"

Mrs. Henderson pointed out that this case is handled under Group IX.

Mr. Wells said he wanted to handle really old things - antiques. The question of what is an antique was discussed. Mr. Lamond said the definition of antiques given by Mr. Wells did not satisfy him -- it would include second hand furniture that was made last year. He thought articles made 50 years ago would be the minimum.

Mr. Wells said he did not know any other way to state it.

Since the man is presently in the second hand business, Mr. Lamond said it was reasonable to expect, with this much leeway, that he would continue the same line. Mr. Wells said you have a different kind of license for second hand goods . He would not have that in his shop here. Mr. Lamond pointed out that "swap shops" deal in things "made at an earlier period."

Mrs. Henderson suggested putting a time limit on this permit in order that the Board see what this operation is. This is a good sized piece of land, Mrs. Henderson went on, and if it is run properly, it might not adversely affect neighboring property -- but she thought the Board should watch operations closely for a certain period of time.

Two neighbors of Mr. Wells were present -- Mrs. Lehman said she lives on Cedarest Road and was concerned over what will take place here. She had not been to the earlier hearing because of illness in her family. She wished to know what kind of people this business would attract, where the customers would come from and pointed out that the access is dangerous. An increase in traffic on Lee Highway at this entrance would create a bad situation. She objected to infiltration of business within a residential area and the impact upon neighboring property owners. She described the dangerous entrance into Lee Highway from this property.

Mrs. Henderson read the restrictions that would be placed upon this use -- which is filed under Group IX.

March 27, 1962

DEFERRED CASES.

1 - contd. Mrs. Lehman said that except for the entrance, this probably would not be objectionable.

Mr. Dana Miller asked about the entrance.

Mrs. Carpenter moved that the application of Jim L. Wells to permit operation of an antique shop in home, part of Tract 1, Fairhill Subdiv., be granted with the following condition -- that this permit is granted for a period of one year and if, at the end of that time, this has been operated as an antique business and not as a second hand shop and if the applicant has met all requirements of Group IX, the application will be renewed. This operation will be reviewed at the end of one year by this Board which will decide if the permit will be extended. It will not be necessary, however, to file a new application. This permit is granted to the applicant only. Seconded, T. Barnes. Cd. unan.

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Mr. Wells said he would widen and clean out the approach -- in fact, he said he had already discussed this with a man who does grading.

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2 - Northern Virginia Construction Company, to permit a gravel operation on 4.2462 acres of land on north side of Route 644, approx. 800 feet west of Route 613, (Franconia Baptist Church Property), Lee District, (R-12.5). Mr. Richard Long was present. This was deferred to talk with the Commonwealth Attorney and to have his advice as to which part of the Ordinance this application is being considered under. The Commonwealth's Attorney's advice was that this is heard under Sect. 30:132, Group I, because this is not in the NR zone.

Mr. Long said they intend to connect the new building to the present church structure.

Mr. Long discussed their grading plans at length - they will carry the grade on over to the adjoining lot which will allow for a better utilization of the property. They are removing only about five feet to carry the line along even with the church. This will put the land in good shape for parking or other uses. The grades are not excessive. They will meet all requirements, Mr. Long said, this will be only a six months operation, the police will control the traffic. They will make a recommendation on traffic control when they see what the traffic situation is -- and what

March 27, 1962

DEFERRED CASES.

2 -contd.

is needed. Mr. Long pointed out that this is a very small operation -- the church is getting their grading done, which they have to do in order to build and have their recreation ground, and they are getting paid for it - enough money to help finance their new building. Mr. Long said if they go in here and do a good job, he thought it would create a better understanding in the area and would show what can be done. They can get a maximum use out of the land if they can use it as one unit rather than two separate pieces of property on different levels. Mr. Long said also that the desire of the church people to put more space into recreation rather than cover all their ground with buildings was a good thing. Too many churches have all building and no grounds.

These people hope to start within a week, Mr. Long said, and will finish within six months -- no material will be hauled off the property after that time. They would cut a 4:1 slope and no back fill -- this, Mr. Long said, would make a better bank.

Mr. Lamond objected to the fact that the applicant showed no sketch of the whole project.

Mrs. Henderson said the major purpose of this is to get money for the gravel, which she thought reasonable, but said she objected to these little spot gravel diggings. She questioned if people on adjoining property (Martin) would not request the same thing.

Mr. Long said these small operations are not economically worth while-- and, under any circumstances, each case would be considered on its own merits.

Mrs. Henderson read a letter from Captain Porter of Public Works and the recommendation from the Planning Commission.

Mr. Lamond moved that a permit be granted for a period of not to exceed six months and that the Board consider this to be in essence strictly a grading operation and not a taking of gravel; that the removal of gravel is incidental. Therefore, the Board does not consider that granting this is setting a precedent. It is the opinion of the Board that this is the proper development of this property as it exists -- as the property is, in its present condition, not readily adaptable to single family development. It is a provision of this motion that during this operation no trucks shall use Triplett Lane in the hauling of gravel, this for the

March 27, 1962

DEFERRED CASES

2 contd. duration of this permit. A bond of $2000 per acre shall be required by the applicant. This case is being heard under Section 30-132, Group I - land excavation and filling ....

Traffic control on Franconia Road shall be recommended by the Police Department - and the applicant will follow such recommendation. This permit is tied to plat dated March 27, 1962, initialed by Richard Long, marked in red and relating to the grading map which also is initialed. This Board has been advised - after consultation with the Commonwealth's Attorney - that Section 30-132 of the Zoning Ordinance applies in this case. Seconded, T. Barnes. Cd. unan.

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Mr. Mooreland said a property owner had obtained a permit for a garage in 1949. This was approved by the Board of Zoning Appeals. He learned recently that the garage is now used as a residence and has been so used since 1949. The property now has been sold to an elderly retired couple. Mr. Mooreland asked if he, under these circumstances, can grant these people the right to use this building as a dwelling (with no additions) for the life of this building? It is too close to the line to be a dwelling -- 9 or 10 feet -- there is no dwelling on the lot which is about 1½ acres - in Cleremont Subdivision. They will make application for this.

Mrs. Henderson said this is a condition that could apply to the building that does not apply generally to buildings. Also the amendment, "error in location in which the new owner is not responsible" could apply.

The Board agreed that this could be legalized by granting a variance if a case is filed for this.

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Mr. Mooreland said the YMCA case of Polladian was granted with the statement, "This case will be subject to review". How will the "review" be handled, Mr. Mooreland asked. Applicant to appear before the Board for discussion and review of the operations, the Board of Zoning Appeals agreed.

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DEFERRED CASES.

March 27, 1962

Col. Turron from Sleepy Hollow Swim Club came before the Board saying they have additional evidence regarding their case -- particularly relating to parking. The Board said they should furnish 220 parking spaces. Col. Turron presented a very complete and comprehensive brochure on parking. He also presented new plats with easements.

He had made a complete analysis of attendance - the number of members, families and guests for 1960-1961 - graphs of attendance and ledger of signatures. He showed the number of cars from 9 A.M. to 9:P.M., number of people using the club, average attendance and average number of cars. Based on this he showed the same figures projected to the needs of an additional membership.

They have carefully gone into the parking situation, the Colonel said, the architect tried in every way to get 220 parking spaces on this property. They can get 143 cars outside the fence line. To get the balance of 220 they would have to remove two holes on the golf course. This will make the golf course most unattractive to their users.

On Sundays, they have had only 110 cars -- only on two Sundays did they go up to 140 cars.

In order not to destroy the golf holes, the Association asked the Board to lower the 220 count to 143 spaces. If these 143 spaces run short, they could put 20 more spaces in but they feel the 143 will be sufficient based on their past experience and projected future.

Mrs. Henderson suggested moving the fence over so they can provide the additional 20 spaces now. The ground could be stabilized

As a result of the presentation by Colonel Turron, Mrs. Carpenter moved that the Board amend their previous motion on the Sleepy Hollow Swim Club to read 163 parking spaces rather than 220 spaces. This is based on the thorough evidence presented by Colonel Turron that 220 parking spaces are not needed. Seconded, Lamond. Cd. unan.

(The complete brochure presented by Colonel Turron is on file with the records of this case.)

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The meeting adjourned.

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

May 1, 1962
Date

April 10, 1962

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, April 10, 1960, at 10: A. M. in the Board Room of the Fairfax County Courthouse with all members present except Mr. Eugene Smith (who is newly appointed and will replace Mr. Slater Lamond); Mrs. L. J. Henderson, Jr. Chairman, presiding.

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

NEW CASES

1 - Mat H. and Farish E. Snead, to permit erection and operation of a dog kennel Lots 1 and 2, Center Heights, (on north side of 29-211 just west of Centreville), Centreville District (RE-1).

Both Mr. and Mrs. Snead appeared before the Board. Their request was for the right to raise and train show dogs (cockers) and for boarding on a small scale. They recalled the kennel which they had operated and sold about one year ago.

Mr. Smith said he was concerned over the number of kennels on Lee Highway between Kamp Washington and Centreville -- approximately 10.This use has become almost a nuisance, Mr. Smith stated, and he questioned if it was not being overdone from the economic standpoint since none of them are operating at capacity and are complaining at the lack of business.

Mr. Snead said this would be a very small operation. He explained that their handling of the dogs was a little different from most kennels in that they have a great personal interest in their dogs since they take in so few. They have 8 dogs of their own which they train and show. This is not much more than a hobby - the business is secondary.

Mr. Mooreland said they come under a kennel designation because they board and have stud service.

These dogs are all housed at night, Mr. Snead told the Board -- there would be practically no barking and they would be enclosed until after most people get up in the morning. He considered that one dog running loose could cause more disturbance than their kennel.

Mrs. Henderson noted that six people were notified of this and only one objected. Mr. Green and Mrs. Fairfax wrote that they had had no objection to the kennel the Sneads ran last year. Mrs. Fairfax was an adjoining property owner.

Mrs. Dorothy Vandeveer, owner of Kriss Kross Kennels on Rt. 29-211 said she had operated a kennel here for 20 years. Ten kennels had sprung up in the area during the past then years and there is not enough business to keep them all going. She had three boarding dogs all last winter, which is not enough. There are not enough dogs in Fairfax County to justify

NEW CASES.

April 10, 1962

1, contd. so many kennels.

Mr. Gillian pointed out that there is a subdivision just to the rear of this property and practically all people living there are opposed to this. He presented an opposing petition signed by 22 people. They objected for the following reasons -- nuisance, this is a commercial enterprise which will tend to depreciate property and detract from a residential area. Mr. Gillian said he worked at night sometimes and slept during the day -- that while he loved animals he objected to kennels.

Mr. North said he signed the paper -- not opposing this but had thought the Sneads were only raising show dogs. He objected to the boarding and for reasons stated previously.

Mr. E. D. Gothwaite who lives 200 yards away said he has 360 acres which has been sold to a first class developer who will put in 720 homes ($20,000 class). Mr. Gothwaite said he had known the Kushners (who are selling to the Sneads) for a long time and wished to do nothing to harm them but he objected to any variation from the Master Plan which would seek to put business in this area. Such an installation would adversely affect the development projected on this ground.

There were four present in opposition.

Mrs. Kushner, owner of the property, said they have no close neighbors - she thought those objecting were so far away they would not be affected in any way.

Mrs. Snead related how they had contacted many people all of whom said they had no objection -- she thought the neighborhood was friendly to their plans. She noted that a $50,000 home went up across from their other kennels after they started operating and most people considered their kennel a show place. No one thought it was in any way detrimental.

Mr. Smith agreed that the Snead's other kennel was in an appropriate location -- it was within open ground areas. But this is within an area that is planned for intense development -- a large subdivision. No matter how well one takes care of the dogs there will be noise. Mr. Smith said he was concerned about the peace and tranquillity of the property owners who are now living there and who will come in. This whole area is getting ready for big development, Mr. Smith continued.

The whole problem here, Mrs. Henderson said, is the location. She had no question about the Snead's operation, but she considered it too close to people.

NEW CASES.

April 10, 1962

1, contd. The Board discussed this at length with the applicants -- the character of the planned operation, the excellence of their former operation, their two large signs, their satisfied customers and the Snead's disappointment at finding the opposition from the area.

On the application of Mat H. and Farish E. Snead, to permit erection and operation of a dog kennel, Lots 1 and 2, Center Heights, Mr. Smith moved that the application be denied because the intensity of dog kennels in area does not warrant another. Mr. Smith said he was concerned about the peace and tranquillity of the property owners in the area and the proposed intense development planned around this property. Under the new Sanitary District #12, this area will be sewered and the proposed development for this area is 17,000 sq. ft. lots which is intensive concentration of homes. This is at the entrance to a subdivision where people have lived for a long time and this is not an appropriate use to have located at the entrance to a fine subdivision, as it would permanently injure the people and property owners in this area. Mr. Smith said he was concerned that this would be disturbing to the peace and tranquillity of the area. Seconded, T. Barnes. Cd. unan.

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2 - Lawrence Salzberg, to permit erection of carport 17.6 feet from side property line, Lot 16, Block 2, Section 3, Sedgewick Forest, Mt. Vernon District. (RE-0.5)

Mr. Salzberg said he did not know, when he bought this property, that he could not have this carport within the setback without a variance.

Mr. Salzberg told his story -- he bought the lot from Richmar and picked out his plan -- the home happened to be 62 feet long. He gave it to a builder to get construction cost. The builder then took the plan to the Building Inspector's office for a permit. The original permit which he got in January, 1962, showed a carport. This house plan was chosen from four models which are built by individual builders in this development. When he had the intermediate check, they found that a 20 foot side setback was required and they had only 17'6" from the carport to the property line. It was then, Mr. Salzberg said, that he made this application. The carport construction was not complete.

Mr. Mooreland said the original permit called for a carport to be 20 feet from the side line. No distance was shown on the opposite side of the house. The intermediate approval, Mr. Mooreland said, did not show a

2, contd. carport and the plan did not show that the structure will be closer than 20 feet from the side line.

Mr. Frasier, the builder, said he had made application for the permit. He had planned the driveway on the left side of the house but had to change it because of the topography. He did not have the official width of the lot -- he never had a surveyors plat to work from. Shifting the carport would have no bearing on the setback, Mr. Smith observed -- it is obvious, he pointed out, that you could not have a 62 foot house and meet the 20 foot setbacks on both sides of the house. It is up to the builder, Mr. Mooreland stated, to fit the building to the lot -- if the house did not fit on the lot, he should know it by checking the zoning and setbacks and lot size.

Mrs. Carpenter asked -- why no carport was shown on the second inspection when it apparently had been on the original building permit.

Mr. Frasier said-- when he got the building permit, he had no official plat of the lot. He was concerned with the plan and just assumed that it would fit on the lot. He did not see the subdivision plat. He had never had this trouble before -- he had built many houses in this area and had never run into this situation. He admitted that the house plan would have to be reversed so the carport would be on the left side. It was unnecessary to put in a retaining wall, even on that side.

Mr. Smith said this was not a hardship case -- it was simply a mistake -- the Board is being asked to correct the builder's mistake -- something the Ordinance is not set up to do.

Mrs. Henderson agreed that this is a financial hardship, but not a physical hardship pertaining to the land, which is covered in the Ordinance.

Mr. Smith said he could not understand from the testimony before the Board how this happened -- it started out with a building permit which appeared to be in order - then the setback turns up short. It was just a mistake-- how it happened is not explained satisfactorily.

It was just that the size of the lot was never discussed, Mr. Frasier said - they were concerned only with the house plan and the arrangement on the lot.

Mrs.Salzberg pointed out that no one in the area objects to this -- in fact, they want them to have this variance; most homes in the subdivision have carports and they need one badly. She described their mental

2 contd. anguish over this and the financial strain. It was a mistake, she admitted, but not their mistake, yet they are penalized and must suffer for it.

Mr. Smith said the Board appreciated the situation and was deeply sympathetic but, he emphasized, the Board has an Ordinance to uphold, an Ordinance which sets up a framework under which the Board must operate and there is nothing in the regulations which would permit the Board to grant this. It appears that this is the builder's mistake, He started construction of a carport that is in violation, then asks the Board to grant a variance based on hardship. This is not a hardship that the Ordinance recognizes as being applicable. To come under the Ordinance, the hardship should have a topographic condition or unusual circumstances.

The Board recessed for a few minutes to try to work out something -- for the applicant.

Upon reconvening, Mr. Smith said they found no provision in the Ordinance which would warrant granting this, due to the fact that the original building permit said that all requirements would be met and the drawing presented at that time showed in detail that requirements would be met on the house and carport. Then, on the intermediate approval, there is no indication of a carport.

Mr. Smith pointed out that the applicant could have the retaining wall and a place for his car but there is no provision in the Ordinance to allow the Board to grant this (the carport). Mr. Salzberg could have a 3 foot overhang into the 20' setback area and could keep the parking pad. But the roof would have to be removed.

Mr. Smith again expressed the sympathy of the Board.

Mr. Fraiser asked if they could keep a 3 ft. overhang and cantilever the roof. The answer was yes. The posts could be at the 20' setback with a 3 foot overhang.

Mr. Smith moved that the application of Lawrence Salzberg, to permit erection of carport 17.6 feet from side property line, Lot 16, Block 2, Section 3, Sedgewick Forest, Mt. Vernon District, be denied for reasons just stated. It does not meet the number 1 requirement under the hardship clause. This was a mistake on the part of the applicant in the original building permit. Had he adhered to that, this could not have happened. Seconded, T. Barnes. Cd. unan.

NEW CASES

April 10, 1962

3. Casey Club Association, Inc. to permit erection of a club house 45 feet from side property line, Remainder Lot 11, McCandlish and Farr (unrecorded sub.), (6665 Little River Turnpike), Mason District (RE-0.5)

Mr. Sheridan, architect, and Mr. McCay appeared before the Board.

Mr. Mooreland read the Resolution granting this use in 1959 at the first granting. At that time, the ordinance did not require a 100 ft. setback for the building. For that reason, they are asking this variance.

While this is a 7.5 acre tract - it is a long, narrow piece of land and it would not be possible to meet the 100 ft. setback on the two sides. The existing building is 32 ft. from the side line. They are using this frame house now.

The Board discussed the location of the building and relocation of the pool in an attempt to give greater setback and to provide more parking.

Mr. Smith pointed out that they are now parking on Rt. 236 on Saturday nights.

Mr. Sheridan said there was quite an area of flood plain at the rear of the property which prevented moving the building back. He said they had provided 57 parking spaces -- Mrs. Henderson suggested that they would need 300 parking spaces for their 400 members, if they are active members.

There were no objections from anyone in the area.

Mr. McCay said there are about 78 active families -- and it is difficult to get more than 200 in the club house. However, it was noted that more than 200 would use the pool.

Mr. Chilton said they should consider family membership on this rather than individual. Lodge memberships should be considered on the individual basis -- which in this case would be 400.

Mr. Sheridan said they actually had only 62 memberships that are in the area - 50 have moved out of the State -- 18 are clergy memberships.

They plan to have more parking in the future when they need it.

Mrs. Carpenter pointed out that they would have to show the parking when the pool is constructed. Mr. Sheridan said they would not often use the club house and the pool at the same time -- in fact the club house would seldom be open in day time. The pool would be open until 9:00 P. m. Mr. McCay said they plan to have additional parking as the

NEW CASES

April 10, 1962

3 contd. membership grows.

Since the applicant has a large amount of ground, the Commission thought more parking should be shown and that the building should be moved to minimize the variance and that approx. 200 parking spaces should be provided.

Mr. Smith said he thought this an ideal place for this use but he did not like to see the parking on Rt. 236 - and that the parking should be made available at the time the pool is opened.

Mrs. Henderson suggested doing away with one tier of parking and move the building to require less variance. The building could be moved over 18 feet.

Mr. Chilton said they must have the parking shown before they issue the occupancy permit. He thought the building could be moved over 18 feet and lay out 260 parking spaces.

In view of the original use permit granted by this Board, and the motion at that time, Mrs. Carpenter said, a variance can be given to the Casey Club -- therefore, she moved that this application be granted -- subject to site plan approval. This is granting a variance to allow 37 feet from the northwest property line and the building to be 63 feet from the side line and 100 feet from the east side line and applicant shall provide on his plat a minimum of 200 parking spaces for users of this use -- these parking spaces shall be shown on the site plan to be approved by the Planning Commission. Seconded, T. Barnes. Cd. unan.

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DEFERRED CASES

1 Herman W. and Juanita A. Deuell, to permit operation of a beauty shop in home as a home occupation, Lot 13, Section 2, Southampton, (407 McKay St.), Dranesville District. (RE-1).

This was deferred to show parking space and for Health Department approval. Mr. Deuell said Mr. Bowman from the Health Department came to see the place and said he would send a recommendation to the Board stating that the facilities were adequate. This report had not been received.

Mrs. Deuell will be the sole operator in her one chair home beauty shop, Mr. Deuell said. He showed the parking on his plats all of which was 25 feet or more from property lines. This will be conducted on a six days a week part time basis.

Mrs. Carpenter moved that a permit be issued to Mrs. Juanita A. Deuell to permit operation of a beauty shop in home as a home occupation, Lot 13, Southampton, Dranesville District, subject to approval of the Health Dept.

April 10, 1962

DEFERRED CASES

1 cont'd. This permit is given to the applicant only. This is granted as it does not appear that this operation will be detrimental to the surrounding neighborhood. It is noted that approval of the Health Department must be on file in the Zoning Office before an occupancy permit is issued. Seconded, T. Barnes. Cd. unan.

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2 Richard W. Turlington, to permit erection of a carport 7.2 feet from side property line, Lot 4, Block 1, Section 1, Woods of Ilda, Falls Church District. (RE-1)

Mr. Smith asked why a two car carport in an area where a variance is needed. He did not think the case justified that.

Mrs. Henderson pointed out that this is not a unique situation -- the house next door is identical. They had evidently planned a room under the carport to take advantage of this addition to the sloping ground. The house next door has an open brick carport 20 ft. from the line but there are other houses that do not have a carport.

Mr. Turlington said the small room under the carport would be a utility room - not living quarters.

Mr. Smith suggested that the Board might consider a small variance but not enough for two cars. He thought 11 feet would give a carport that would take care of any American car and allow them to get in and out under cover. To grant this, the applicant would need a variance of approx. 4 feet.

Mr. Turlington recalled his chimney that extends into the carport. He noted also that there are only four houses in the neighborhood in a position similar to this. He discussed the difficulty of getting into the carport from the back of it if it is only 11 feet wide.

Mrs. Henderson recalled that the Board had granted many ten foot carports.

Mr. Smith suggested allowing one foot extra for the chimney, making a 17 foot setback. He could have a one foot over hang.

Mr. Smith moved that the application of Richard W. Turlington, to permit erection of a carport 7.2 feet from side property line, Lot 4, Block 1, Section 1, Woods of Ilda, Falls Church District, be denied on the particular variance requested and substitute that the Board approve a variance of 3 feet - that is, to allow the carport to come within 17 feet of the side yard lot line with a maximum of 1 foot overhang. Seconded, T. Barnes. Cd. unan.

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DEFERRED CASES

April 10, 1962

3 - Flint Hill Private School, to permit an additional classroom building, (10 classrooms), property on east side of Route 123, just north of Route 66, Providence District. (RE-0.5)

Mr. Nicklason appeared before the Board with revised plats showing a total of 50 parking spaces (The Planning Staff suggested 66 spaces).

Mr. Nicklason recalled that the teaching staff do not bring cars since they drive busses.

Mrs. Carpenter moved that the application of Flint Hill Private School to permit an additional classroom building (10 classrooms), property on east side of Route 123, just north of Route 66, Providence District, be granted as adequate parking has been shown, and the applicant has agreed that there will be no parking within the 25 foot setback and the 50 foot setback lines. It does not appear that this will be detrimental to the surrounding neighborhood. Seconded, T. Barnes. Cd. unan.

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4 - The Royal Pool Association, to permit erection and operation of a swimming pool, bath house and other recreational facilities, property at the end of Halifax Court, and approximately 1000 feet south of Braddock Road surrounded by Kings Park Subdivision, Falls Church District. (R-12.5).

Mr. Bernard Fagelson represented the applicant. This case was deferred to coordinate Kings Park recreation area with the County. (County Property.)

The Chairman read the following memo from Mr. C. C. Massey, County Executive:

> "In connection with the application of the Royal Swimming Pool Corporation for use permit to construct swimming pool on the one-acre tract of land in the Kings Park Subdivision, I wish to advise that the Board of County Supervisors, at its meeting on April 4, requested the Board of Zoning Appeals to consider such parking areas as may be needed in the County-owned property as part of the site plan for the swimming pool subject to approval of the Park Authority."

Also, the Chairman read the following letter from Director of the Park Authority:

> "The Undersigned, as Director of the Fairfax County Park Authority, wishes to advise the Board of Zoning Appeals of Fairfax County, Virginia, that he has been advised of the action of the Board of Supervisors on Wednesday, April 4, 1962, in passing a resolution stating that the one acre site of the property of the Royal Pool Associate, Inc. and the adjoining approximately 8.1996 acres of land dedicated by the developers of Kings Park Subdivision to the

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4 contd. County of Fairfax, Fairfax, Virginia, are to be considered as one site for the purpose of granting a use permit for the construction and operation of a swimming pool by the Royal Pool Associate, Inc.

"The undersigned has no objection to the use of that portion of the parking lot containing the number of parking places necessary for the operation of the swimming pool being used by the members of the Royal Pool Associate, Inc. in conformity with the resolution of the Board of Supervisors."

Mr. Fagelson presented new plats showing parking on the land dedicated to the County for recreation purposes and which forms a part of this recreation area. The plat also showed a 36 foot setback to the apron on the pool. They had moved the post to within one foot of County property. The pool itself was shown to be 56 feet from the property line -- a 40 foot setback on the west, 50 feet to the pool itself. It was also noted that the developers would construct the two tennis courts shown on the plat.

Mr. Fagelson recalled that one year ago when the developer of Kings Park appeared before the Board of Supervisors for rezoning the developer agreed to dedicate 9 acres for park purposes and they included in that dedication ground for the swimming pool association. In addition to that they agreed to construct two tennis courts, install picnic tables, play area for children, swings, benches, etc. The developers are willing to make good on these things. Since that time this association has been formed. They have the ability and the money to go ahead with the one acre development along with the 8+ acres dedicated by the developer to the County.

At the last hearing on this it was recognized that there was not sufficient area in the one acre for parking to comply with the Ordinance. Mr. Fagelson stated further that they had contacted the Commonwealth's attorney who agreed that the Board can construe this as one site. The only question was one raised by Mrs. Wilkins whether they should have the approval of the Park Authority. They have that approval now and the amount of parking is actually more than they need. The tennis courts and Little League Baseball diamond will be constructed by the developer but will be the property of the County.

Mrs. Henderson asked who would maintain the County property. The answer was - the Park Authority. This has not yet been determined but it will be arranged by agreement with them. The swimming pool will be maintained by the Association.

Mr. Reino asked to make a statement - saying he was motivated purely by civic interest. He had no objection to this project if they maintained a 40 foot setback for the pool along residential property (two sides

DEFERRED CASES

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4 Contd. adjoining the pool area. He wanted a buffer.)

Mrs. Henderson noted that the pool is setback more than 50 feet but that the apron comes closer to the property lines.

Mr. Reino asked that the pool be moved closer to the County line. He wanted assurance that the buffer would be maintained even in the event of expansion. He suggested that certain restrictions be put in the by-laws, which Mrs. Henderson explained was a matter between the Association and Mr. Reino.

Mr. John Shannigan said they had moved the pool as far away from all homes as it was possible to do. As to the permanency of the buffer agreement he said they could take that up with Mr. Reino.

They have 121 members now who have contributed $12,000 and they wish to go ahead as soon as possible. He pointed out the enthusiasm for this in the area and the desire of almost 100% of the people to go ahead with it - people who are giving them active support.

Mrs. Henderson suggested a minimum of 35 feet between the pool and the side line of undisturbed vegetation. They could not use that 35 feet for activities.

Mr. Reino still was disturbed over not having the 40 foot buffer.

Mr. Foreman from the Civic Association discussed bulldozing and could they use the 35 foot area to get at this work. He asked what was meant by "undisturbed vegetation". The answer was, just that - undisturbed growth - nothing further than taking care of fallen trees.

Mr. Foreman pointed out that people all bought in this area knowing where the pool would be. He thought the undisturbed area unduly limited the usability of the land. Mrs. Henderson pointed out that this buffer was only on the one acre parcel - not the County land. This area is 147.69 X 326.

On the application of Royal Pool Association to permit erection and operation of a swimming pool, bath house and other recreational facilities property at the end of Halifax Court, and approximately 1000 feet south of Braddock Road surrounded by Kings Park Subdivision, Falls Church District. (R-12.5), Mr. Smith moved that the application be approved as amended by the additional parking granted by the Park Authority on land owned by the County Board of Supervisors. It is also made a part of the motion that a 35 foot buffer of undisturbed vegetation shall remain on the south and west sides of this development along the entire length of the one acre tract containing the pool and this shall be fenced. All other construction shall be completed in accordance with the plans as submitted and all other provisions of the Ordinance pertaining shall be met. Seconded, Mrs. Carpenter. Cd. unan.

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5 - Review of Y. M. C. A. Day Camp, Parcel D, Penn Daw Village.
Mr.Mooreland said he had reviewed this project and found it to be operated in complete compliance with the granting motion. He had never had complaints regarding it - the only comments were complimentary. They have done everything the Board asked them to do and more. They had drained some of the land and reduced the number of mosquitos. He noted that this is approved by the American Camping Association.
Mr. Smith said he considered this a commendable operation - he recalled that it was a messy place when these people started and the County had had many complaints about the area.
In view of the record of Y. M. C. A. Day Camp, Parcel D, Penn Daw Village, Mr. Smith moved that this extension be approved for a period of three years and that this shall be reviewed at the end of that time without an additional application. Seconded, Mrs. Carpenter. Cd. unan.
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NEW CASE

Phillip M. Mitchell, to permit operation of a shooting preserve, on west side of Route 658, approximately 3/4 mile north Route 28, Centreville District. (RE-1).
Planning Staff noted that this land is included within the proposed Bull Run park area, however, Mr. Mooreland did not think that would affect this.
Mr. Mitchell made the following statements: After locating the property he stated that the nearest house is 7/10 of a mile away. This is surrounded by farm land and open country. This is within Sanitary District No. 12. The site has been approved for a hunting preserve by the State Commission of Game and Inland fisheries and by the Fairfax County Game Warden. The preservation of open spaces is consistent with planning thinking, the land cannot be farmed - it is too expensive - it is therefore reasonable that a man should be allowed some profitable use of his land. The Department of Agriculture has recommended the use of farm land for preservation of wild life and recreational facilities - such as hunting preserves. He read an excerpt from an Agricultural Bulletin - "Land and Water Resources Policy" - which emphasized the need and desirability of conservation areas and improvement of wild life habitat on private land.
Mr. Mitchell pointed out other locations in Fairfax County which are moving along this line - Isaac Walton League and Northern Virginia Field Trials Club.
The use of fire arms will be limited to hunters using shot guns firing

NEW CASE

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Contd. only birdshot and the activities contemplated will not create any hazard to the general public. Records show that these shooting preserves have a high safety record - accidents are almost negligible.

Traffic will be so limited that no problem will result and all cars of customers will be parked nearly a mile from the nearest highway. The hunting season runs from October 1 through March 31.

Mr. Smith pointed out that this is one of the last areas in the County that would be suitable for this kind of thing - he thought it very worthwhile.

Mr. Mitchell said he would stock pheasant, quail, partridge, and other birds. They will cover the ground with growth attractive to game. This is a controlled type of hunting at a fee. They will provide dogs and guides if one wishes. Fees will be set later and it is planned that this will be made into a club. Activities will be carried on during the seasons for hunting and fishing, Mr. Mitchell continued - saying there are buildings on the property some of which will be remodeled. There will be no archery hunting.

Mr. Mitchell read a letter from John A. Smart, Area Conservationist - stating his approval of this project and further indicating his approval of local interest in preserving wild life and development of natural resources. He stated that he had seen the property and believed that it is well suited for this preserve.

Adjoining property owners favor this.

Mrs. Carpenter moved that Philip M. Mitchell be granted a permit to operate a shooting preserve on the west side of Rt. 658, approximately 3/4 mile north of Rt. 28 as it does not appear to the Board that this use will be detrimental to adjoining property owners. It is also a part of this motion that the applicant will meet all other provisions of the Ordinance pertaining. Seconded, D. Smith. Cd. unan.

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The Board adjourned for lunch and upon re-convening Mr. Donald Krounce appeared before the Board regarding the case of Sibarco, denied by this Board on July 25, 1961, and remanded to the Board for rehearing.

Mr. Krounce said the motion to deny was not quite as thorough as the Judge would have liked. Mr. Hansbarger said before the Judge that the only reason for denial was Sec. 30-127 - Standards of special permit in

a C or I district. In the case the motion for denial read that it was denied because of Sec. 30-127-d. Mr. Krounce said this was for many reasons like the Court hanging its hat on one thing and not ruling on the others, that the motion did not include the complete section. Mr. Krounce said he agreed to a remanding of this case to the Board for re-hearing.

At the rehearing Mr. Krounce suggested that if the Board arrives at the same conclusion as in the earlier hearing - they include each of the four steps in the standards in their motion - does the case meet each step - a, b, c, d or does it not.

Mr. Smith said that part of the basis for the motion was Sec. 30-125. Now that the Court has remanded the case, Mr. Krounce said the Board was at liberty to make a different motion. This will be advertised and handled again as a new case - set for hearing May 8.

Mrs. Henderson suggested that it be put on the posting sign and in the ad - "pursuant to Court Order."

Mr. Krounce said that the fact that the Board found this objectionable only on one count was weak and put some doubt in the mind of the Court. A complete review of each step should be made and a summary of the Board's findings as related to each step. It is all right, Mr. Krounce continued, to deny the case on one count - but the conclusions on all other counts should be spelled out.

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Re: Gem application.

Mr. Moomland said the State had taken about 200 feet of this property and as a result it will be necessary for these people to move their filling station - he showed the new proposed location. No variances will be needed. This will put the filling station on the street side - it had been planned in the rear.

Mr. Barnes moved to accept the amended plan which transfers the filling station to the other side of the property and locates it with no variances. Seconded, Mrs. Carpenter. Cd. unan.

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The meeting adjourned.

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

May 29, 1962
Date

April 24, 1962

The Fairfax County Board of Zoning Appeals held its regular meeting on Tuesday, April 24, 1962, at 10 A. M. in the Board Room of the Fairfax County Courthouse with all members present, Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

The Chairman announced that, upon the completion of Mr. Slater Lamond's term, Mr. Eugene Smith had been appointed to fill the vacancy. Mr. Eugene Smith was present - his first meeting.

The Chairman asked for election of a vice chairman, the office formerly held by Mr. Lamond. Mr. George Barnes nominated Mr. Daniel Smith. Seconded by Mrs. Carpenter. Elected unanimously.

NEW CASES

1 - Harold M. Shaw, to permit a summer day camp, on north side of Leesburg Pike, approximately 1200 feet west of Route 193, Dranesville District (RE-1) Mr. Thomas Mays represented the applicant who also was present (Ranger Hal, TV personality). Mr. Mays described the proposed use as follows: This is a six + acre tract with a fine old home and outbuildings which he would use and a lake. He would have Mrs. Marjorie Hopkins as camp director. The children in the day camp will have instruction in arts and crafts, drama, ballet, archery, nature lore, or organized projects and supervised play. Both Mr. Shaw and Mrs. Hopkins are well known for their community activities and work with children. Children will range in age from 6 to 16 - approx. 40 at the present time. However, with this much ground they would probably expand in the future. Transportation will be by busses, therefore, they would not require a great deal of parking. Mr. Mays indicated that the circular driveway could be used for ~~sideway~~ present parking and they could develop more parking if necessary and meet all setback requirements. He showed pictures of the buildings and grounds.

The Shaws will live in the house.

This will be a five day week operation - no Saturday groups. No children will play in front of the house. The activities will take place back of the back line of the house. The lake which is fenced is not approved for swimming. They will have one counselor for every ten children and junior counselors.

There were no objections from the area.

Mrs. Carpenter moved that Harold M. Shaw be permitted to operate a summer day camp, on north side of Leesburg Pike, approx. 1200 feet west of Route 193, Dranesville District, as it appears to the Board that this use will not be detrimental to the surrounding area and it is agreed by the applicant that all provisions of the Ordinance pertaining will be met. This permit places a limitation of 150 children. This is granted subject to

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NEW CASES.

1 contd. approval of the Health Department and the Fire Marshal. Seconded, T. Barnes. Cd. unan.

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2 - Kenneth McLean, to permit erection of dwelling 25 feet from Seventh Street, Lots 1 thru 9, Block I, Weyanoke, Mason District. (RE-0.5)

Mr. William Bauknight represented the applicant. Mr. Bauknight said the applicant has bought 8 small lots and put them together to make a good sized building lot. He has found that the plat of this subdivision shows a dedicated street (7th St.) along the north side of the property which has never been cut through. Mr. Coleman, Soil Scientist, has gone over the property and says there is only one place where the house can be located out of the flood plain. This would place the house too close to 7th Street - 30 feet. Mr. Bauknight said the variance is asked because of the unusual topography of the lot.

Mr. Dan Smith noted that this is an old subdivision and there are probably many other houses this close or closer to property lines. Since the edge of the carport is at the flood plain level, Mr. Bauknight suggested that the applicant should have a 25' setback to assure the fact that all structures would be completely out of the flood plain.

Mr. Endy, owner of lots on E Street and a house on 8th Street, said he did not object to this but wanted to know what kind of structure Mr. McLean proposed. Mr. Bauknight said they would discuss this with Mr. Endy later - as that had no bearing on the case here.

Mr. E. Smith said he thought this case very well met the variance standards in the Zoning Ordinance - he thought the proposal would not be detrimental to the neighborhood but would probably enhance the sale or desirability of property in the area.

In the application of Kenneth McLean to permit erection of dwelling 25 feet from Seventh Street, Lots 1 thru 9, Weyanoke, Mason District, Mr. Dan Smith stated that all requirements of step one do apply in this case and also that of step two. This, it appears, Mr. Smith continued, is an ideal case for hardship as set up in the Ordinance. This is the smallest house possible in width that could be built and useable -- therefore, the request is reasonable to provide relief due to flood plain and other things brought out in the testimony. Mr. Smith moved that the application be granted for a 25 foot setback from Seventh Street and that all other provisions of the Ordinance pertaining shall be met. Seconded, T. Barnes. Cd. unan.

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NEW CASES

3 - W. L. Peele, to permit erection of a pump island, south side of Columbia Pike, approx. 1000 ft. west of intersection of Route 7 (6520 Columbia Pike), Mason District.

Mr. Peele said he has an operating car wash. This is a request for the addition of a pump island at the back of his building, approx. 180' feet from Columbia Pike. This is a new service in car wash operations, Mr. Peele explained. The cars come in on either side of the pump island - they are gassed and vacuumed at the same time. It is a new trend - complete service. They will have two pumps. This is not a filling station in the usual sense, Mr. Peele said, since it is not competing with other filling stations. It is a service for their customers only. He noted the 12 foot outlet which they have extended to 15 feet. They are not advertising gas as such -- it will just be here for the customers' convenience. The new trends start and one must go along with them in order to meet competition, Mr. Peele said. This will not bring more people to the area.

There were no objections from the area.

In the application of W. L. Peele, to permit erection of a pump island, south side of Columbia Pike approx. 1000 ft. west of the intersection of Route 7 , Mason District, Mr. Dan Smith moved that the use permit be issued for this one pump-island to be used in connection with the operation of Mr. Peele's car wash. It is also added that all other provisions of the Ordinance pertaining shall be met. It is also stated that the Staff recommendations shall be incorporated in this motion viz: this is approved subject to the owner removing the pumps and island at his own expense when the proposed by-pass is constructed. Seconded, T. Barnes. Cd. unan.

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4 - Murray Plopper, to permit porch to remain 13 feet from rear property line, Lot 13A, West Langley, (1401 Delf Drive), Dranesville Dist. (RE-1)

Mr. Plopper said he purchased this home last November. The builder was putting up two other houses in this area at the same time. He could not complete the porch at the original price of the building. However, he bought the materials for the porch and put in the concrete slab. He expected Mr. Plopper to furnish the labor. Mr. Plopper then went ahead with construction himself. It was 75% completed when the inspector came by and asked him if he had a permit. He told him he thought the builder had taken care of that. They checked and found no permit for the porch. Mr. Plopper then made this application. The structure is 85 feet from the house on adjoining property. He would put in additional screening with shrubbery if the Board wished. Mr. Plopper also noted that because of the curve in Delf Drive the neighbor cannot even see the porch. The other houses that the builder (Mr. Lingenfelder) put up are all within the setbacks.

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4 cont'd. Mr. Plopper assured the Board that this was a completely innocent action on his part. He had no idea of any violation and would never have gone ahead with the work had he known.

Mrs. Carpenter said she had seen the property and the porch is completely hidden from all directions. It is hidden by the deep setback of the house and the bank at the rear. The house on adjoining property is well back and it is higher.

There were no objections.

Mrs. Henderson thought the odd shape of the lot was a more valid reason for a variance than the mistake. The severe curve limits the location of the structure and at the rear there is a bank.

Mr. Dan Smith agreed that there were unusual circumstances applying to the land. This is a situation that applies only to this lot. While there is another location for this addition (on the side of the house) this is the best place and the most logical. This meets step one as to topography.

Mr. Plopper said this would be screened only - no wall. It would be entirely open.

On the other side, Mr. Plopper said the addition would not go with the house -- the bedrooms are there and the laundry and utility room . The garage is on the north side. There really is no alternate location, Mr. Plopper said.

Mr. Plopper again explained his action in going ahead with this -- he saw the other houses the builder had constructed exactly like his and they apparently met all setbacks.

Mr. Gene Smith moved that Mr. Plopper be permitted to have his porch remain as erected 13 feet from the rear property line of lot. This is granted because of the unusual shape of the lot and the topography in the rear of the lot, therefore, step one of the Ordinance applies and further, step two applies. Failure to grant relief would deprive the applicant of a reasonable use of his property because other identical property does have a screened porch like this. To grant this as requested is a minimum variance that could be granted. Therefore, Mr. Smith moved that the application be granted. It is also noted that Delf Drive narrows the lot and there is no other suitable place on the lot for the porch. Seconded, Mrs. Carpenter. Cd. unan.

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5 - Springfield Recreation Corporation, to permit erection of a community building and recreation area, Parcels C and D, formerly Carr Property, north end of Byron Avenue, Mason District. (RE-0.5).

Mr. Bruce Brock represented the applicant, Mr. Brock said they had been working on this project for a year when they applied for a permit for the restrooms and found they would have to come before the Board. They

5 contd.

have cleared 15 acres and put in sub-surface for the road. They have also drained the ground as most of this area is in flood plain. They will come in by Byron Avenue, off of Keene Mill Road. This does not face on a dedicated road. The balance of the land, other than the 15 acres, is in woods. Mr. Carr gave the property for this purpose.

Mr. Brock showed the proposed layout -- community building, rest rooms, parking and various activities, ball fields, tennis and badminton courts, shuffleboard, horse shoe, etc., located approximately. The plans will not be worked on further until this is granted. The Health Department will designate the location of the rest rooms. This facility will serve 3,000 homes.

This is a non-profit corporation, Mr. Brock continued. Mr. Carr gave 39 acres to the Methodist Church and they lease it to this corporation for $1.00 per year with a long term lease. This Corporation consists of 16 clubs, service clubs, civic and religious groups in the Springfield area -- Lions, Optimists, Kiwanis, American Legion, Babe Ruth League, Little League, civic organizations and churches -- all are represented in this. This would be for the use of all groups. The community building would be a shed pavilian type structure, all open, floor and roof only. It would not be used in winter. The churches are now working on a fund drive to put up the building.

Opposition:

Mr. John Whitley who lives on Hastings St. adjacent to this park objected to the unlimited permit. This would be a noisy, distracting use -- incompatible with a residential area. He objected to the manner of administration and the unlimited baseball=complex,carnival-type plans. This plan appears to have commercial tendencies. He suggested that these activities should be carried on in summer on school grounds where they would be well supervised and organized. He objected to the lack of responsible administration. He would see widespread litter of trash, trespassing, erosion caused by removal of trees and annoyances from crowds.

Mr. Sanford who lives adjacent said they knew about the church property and the park but their main objection was to the location of the rest rooms which would be almost immediately adjoining their back yard. They had been told that they would have to be located here because of the sewer. They must put the rest rooms where the Sanitation Dept. says and it must be out of the flood plain. They object to having the rest rooms on this side of the access road - it destroys their privacy and the odors, trash and flies accompanying a rest room would be distasteful to them. The Sanfords were also concerned that the parking areas be made ready when the park opens in order to keep parking from the streets.

5 contd.
Mrs. Sanford pointed to where they now say they want the rest rooms (not as located on the plat) - immediately across from their house. They cannot get a statement from anyone that the rest rooms will be moved. Mr. Dan Smith said the odor and flies would be controlled by the Health Department. He also thought the rest rooms could be screened with a solid fence. He suggested that the people using these facilities would not be like campers -- this would be a special community use with no night activities.

Still Mr. Sanford could not see why the rest rooms had to be in this particular spot.

Mr. John Dzamba was concerned over the change in character in the area, destroying the natural beauty and wild life and creating a special purpose recreation area for baseball. He also said this will be a difficult area because this land often floods and it would be a problem to maintain.

Mr. George Wilson, from Byron Avenue, objected to the location of the rest rooms and the traffic jam on Byron Avenue, which is a small street. Why include 3000 homes? Why not have other scattered recreation areas rather than crowd so many in here? He also objected to concentration in baseball -- had this been recreation of a general character he might not object.

Mr. Whitey objected again to the type of administration which he said would be inadequate.

Mr. Brock said they would not have gone ahead with this had they known so many were opposed. They thought they were doing the community a service. People bought here knowing this park ground was set aside; they have put in a tremendous amount of work; they have shown them their plans and talked with Mr. Sanford and invited him to their meeting. They agreed that before putting a rest room any place in the park they would talk with him -- they do not want to hurt anyone. They really want to do the community a service. It will probably take 5 years to complete the park and when it is completed they think it will be very fine.

Two years ago they had nothing, Mr. Brock states. Now they have $5,000 they can spend for the rest rooms and other development. Sixteen picnic tables have been donated but they cannot use them until they have the rest rooms.

They will seed the ground when it is dry and prepare it for future use. It was suggested that the Board view the property. Mrs. Henderson said she was concerned about the two cul-de-sacs, unless their rear lines are fenced.

Mr. Brock said their property was high.

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5 contd. Mrs. Henderson said she would like to have more information as to the number of children expected here, size of the community building, number of parking spaces, what hours they would be open, who is responsible for this -- these things should be put in writing. How about night operation -- a snack bar - the Board should have much more information. Mr. Barnes moved to defer the case to view the property and for the Board to receive a letter from the applicant, explaining what they intend to do on the property, what they will have here and who is responsible. Defer to May 8th. The applicant shall also indicate on the plat where these uses will be located. All these things, Mr. Dan Smith noted, should be in the original application. It would appear that some group or some special person or persons should be directly responsible. Seconded, Dan Smith. Cd. unan.

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6 - Robert W. Blake, to permit erection and operation of a nursing home, on south side of Columbia Pike opposite Larchwood Road (Barcroft Hills), Mason District (R-17).

Mr. William Koontz represented the applicant. He described the project as follows: This is a 4.0479 acre tract, a nursing home for elderly people, a two story building containing 43,556 sq. ft. covering 12.3% of the ground. Parking spaces - 61 for patients, guests and personnel. They will provide more parking if the Board wishes. This will be a 168 bed - 84 room building.

Asked about a service drive on Columbia Pike, Mr. Koontz said the land is available if it is required. They will have a two way entrance on Columbia Pike - the building will be set well back and can go back far enough to provide the service drive if necessary. He noted that the site plan will take care of that.

Mrs. Henderson asked what area the applicant expected to draw from for patients. Mr. Koontz said he realized that there were 423 beds in Fairfax County, 302 occupied, but he thought the patients or lack of patients was the concern of the applicant - not this Board. He didn't pin down where the patients would come from but he thought the increase in population would take care of that and would create the need. The Federal Government will finance this.

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5 contd. Mr. Eugene Smith pointed out that FHA would require that this be certified by the Health Department as to the need. Mr. Koontz said they would ask for that certification after the permit is granted.

Mr. Koontz pointed out after discussion regarding the number of beds and proposed nursing homes that there are no nursing homes in Arlington County and most of those places in operation in Fairfax County are not modern. The complete building plans must be approved by Dr. Ham before a permit is issued by the State.

It was pointed out that the one new nursing home on Columbia Pike is not nearly filled and probably because of the prices. Mrs. Henderson questioned reducing prices to meet competition and also reducing standards.

Mr. Blake discussed the point of overhead and efficiency as related to cost if the home contains 100 beds or more. He noted that few nursing homes in the metropolitan area have less than 100 beds.

Mr. Blake said this is not a retirement home nor is it a home for the aged. These patients will require almost constant bedside care. However, it would not be a hospital either - no surgical type care. If they cannot feed themselves or if they need care, all the time, they then can go to a hospital. This is for older people - 70 or older.

Mr. Eugene Smith noted that many beds have been authorized and not built; Probably because of the time involved in getting financing.

The Commission discussed the need for more nursing homes, vacancies, the number granted and unused, the fact that the State must issue a permit if the use is granted and can qualify.

Also, Mr. Dan Smith questioned if another nursing home should be granted on Columbia Pike - is not this too much concentration in one locality?

He thought such facilities should be scattered throughout the County rather than in one area. The question of administration of some of these homes - previous testimony of patients wandering into the neighborhoods - was discussed. Is the County granting too many nursing homes - beyond the gradually increasing need?

Mr. Blake thought not; he also pointed out that the impact of this installation upon sanitary and road facilities would be no greater than single family homes. He noted that his capacity shown on the layout was the ultimate -- they may never reach that maximum. Their plans follow those recommended by FHA.

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6 contd. Mr. Mooreland said since the Ordinance was amended, this use is put under Group VI and does not require the 100' setback from all lines. Mr. Chilton said the Board could require that. Building proposed would be 182' x 256', almost half the size of Fairfax Hospital, Mr. Dan Smith observed, obviously an impact upon the residential area. If the Board granted others in this area, it would certainly change the character. Mr. Smith went on to say, this is a 24-hour operation, it will require the services of doctors, ambulances which we think of in terms of a hospital, this would serve a wide area, therefore these projects should be scattered except perhaps one near the hospital.

Opposition:

Mrs. Riley from Barcroft Hills and Belvedere Citizens Association, registered opposition by Resolution. There are homes directly across from the proposed project -- there is a hazard to the safety of children going to Belvedere.

Mrs. Riley disagreed with Mr. Blake's comparison between the impact upon the sewers of this use and single family homes.

Mr. Rolfs made the following statements:

This property would make only seven lots, 28 people, while the nursing home proposes 168 plus their operative personnel. Their logical sewer access would be through Forest Hills subdivision, that sewer is under contract to him (Rolfs). Mr. Rolfs said he had offered to discuss easements for their sewer connection but they had made no effort to go into this -- sanitary sewer is not practically available to this site -- he asked that this be considered by the Board.

Omer Hirst, broker on this, said these places have little impact upon traffic at the busy hours - he gave statistics to substantiate this.

Mr. Dan Smith asked Mr. Hirst if he did not think 168 beds and approx. 85 administrative and custodial personnel would have an impact upon a residential neighborhood. There is an operating nursing home NEARBY and the Board has another application for one immediately adjacent to this, Mr. Smith pointed out.

Mr. Hirst thought the difficulties would work themselves out, especially with the 100' setback which the applicant will observe. He thought these new uses should be seen in balance. 245 people in this building coming and going, Mr. Smith said, would create an impact which nothing could

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6 contd. minimize. He questioned if Mr. Hirst's figures showed the true picture of a large nursing home in full operation.

Mr. Hirst suggested use of the bus lines - which Mr. Smith said was not practical for people over 70 years who need constant care and attention. Mr. Hirst had in mind that the busses would serve the help, much of which would come from D. C.

Mr. Koontz said one of the requirements on the other nursing home on Columbia Pike was that they be on a bus line for the help.

Mrs. Henderson agreed with Mr. Smith that this was too much concentration in one area.

If there are standards set up and they meet them, Mr. Koontz said, the application should be granted - he saw no evidence that there would be an undue impact upon this area and that this was not in harmony with the area.

Mr. Smith said he was concerned about the intensity and the impact -- which he thought not in harmony with the general regulations of the Ordinance. It is the obligation of this Board to inquire into and determine whether or not this is in harmony.

Mrs. Henderson thought a small few-bed nursing home would not be inharmonious with a residential area.

Mr. Gene Smith said there were many pressures in this general area which may change the character - particularly zoning changes which are not the concern of this Board. By granting three of these homes within sight of each other, he thought the Board would be, in effect, changing the character of the neighborhood.

In the application of Robert W. Blake to permit erection and operation of a nursing home, on south side of Columbia Pike opposite Larchwood Rd. (Barcroft Hills), Mason Dist. (R-17), Mr. Dan Smith moved that the case be denied for the following reasons: Under amendment to Chapter 30-126(c) the use here proposed is not in harmony with the general purpose and intent of the map and would, in his opinion, affect the use of neighboring property and would not be in accordance with the zoning regulations and map. There is a school across the street. This area is residential in character. There is an existing nursing home a short distance away. These are things that must be taken into consideration -- ~~and~~ on an application of this size and intensity. Therefore, Mr. Smith moved to deny. Seconded, Gene Smith. The Planning Commission recommendation on this application

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6 contd. stated that the County is pushing the limits of the number of beds which are needed; also the traffic situation should be considered by the Board of Zoning Appeals. The recommendation of the Planning Commission is to deny. Motion carried unanimously.

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7 - Henry J. Rolfs, to permit erection and operation of a nursing home, on south side of Columbia Pike northerly adjacent to Forest Hills Subdivision, Mason District (R-17).

Mr. Rolfs asked that his case be withdrawn without prejudice or that it be deferred.

Mr. Gene Smith moved to defer six months. Seconded, Mrs. Carpenter. Cd. unan.

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The Board adjourned for lunch and upon reconvening, continued the agenda.

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8 - G.B.L. Associates, to permit building to be used for scientific research and development, property on south side of #1 Highway, opposite McCreay Motel, Mt. Vernon Dist. (C.G.)

Mr. A. J. Heine, President of the Company, represented the applicant. He described this project as being research and development of small electronic devices, a prototype operation. Much of their work will be for the Government and classified. After development, these products are put out on contract for production. It would be called a table-top type of manufacturing and research and development. The devices are checked out completely.

They will have five employees to begin with. Area on the east side of the building will be cleared for parking.

Staff report said this tract was conveyed in violation of the Subdivision Control Ordinance. A plat would have to be recorded before an occupancy permit could be issued. They would have to get a variance from the Board of Supervisors if a service drive is not provided for.

Mr. Heine said they are the lessee - he thought the owner of the property is responsible for these things.

The present condition of the property was discussed - it has had very bad treatment, Mr. Heine said, they would necessarily make many repairs and clean up the place. The owner does not want to spend any money.

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9 contd. considered that it would be depreciating to the character of the area. A large auditorium and a large parking place are never attractive. Mr. Smith said the people in the area really don't know what is going on here -- or they would be even more disturbed. They don't realize the impact. He also objected to the great number of people who would use Karen Drive. He asked the Board to consider all these things and to be sure that the design of the building will be compatible with the area. He asked how will this be done and for whom - he thought the Citizen's Association should have more clear-cut information. He could see this growing to enormous proportions and becoming noisy and a nuisance.

Mr. Gibson said the building would be cinderblock faced with brick.

Mr. Dan Smith said he believed this could become something very desirable. The renting of the auditorium would be very like the public schools. The 100' buffer of trees and the sloping character of the ground would be attractive.

General Kastner, from Mantua area, spoke representing people in his area. He pointed out the large amount of flood plain on this property. He questioned if this is a good place for this use.

Mrs. Parker of Mantua Hills, Lot 16, Glenbrook Rd., said they have no personal objection -- this does not come too close to their property. She was concerned for the community. This could be a very lovely thing, Mrs. Parker said, if it is not abused by having so many people there. She suggested that Karen Drive not be used, except perhaps for emergency, but not as an open street. It could be dangerous for children walking to school from Karen Drive on to Barkley. Keep the traffic on Route 50, she suggested.

Mr. Gibson said the applicant will put the service road in all the way to Barkley Drive along Arlington Boulevard. They will keep a gate across Karen Drive and use it only for emergency.

Some one asked, what would be considered an emergency? Mr. Gibson said he did not know.

Mr. Dan Smith said, having access from the rear for maintenance is good - and the road could be kept exclusively for that purpose, maintenance equipment getting in and out.

Mr. Gibson said the people would not like that, big trucks coming and going. They will have some maintenance equipment which they will keep on the property, he said, in their own building.

9 contd.

There was a discussion as to how valuable a locked road would be in case of fire or other emergencies.

Mr. Gibson said there would be a small maintenance upkeep fee for the Little League field, swimming pool fee - everything is supposed to be free to those who are invited. This is not open to the public --one would have to be invited by a member. One does not have to be a Shriner or Mason to use these facilities. The recreation will be limited to guests. The auditorium will be rented.

Mr. Gibson said he could appreciate Mr. Smith's desire for more information on this - this thing has been in the making for a long time and many changes have been made in the plans and the layout.

The Planning Commission recommended approval - considering this compatible with the area and that it will be a valuable County use.

In view of the recommendation of the Planning Commission, Mr. Gene Smith moved that the application be approved and permit be issued to Kena Temple to permit erection and operation of a lodge and recreation area on south side of Arlington Boulevard, approx. 400 feet west of Barkley Drive, Providence District, (RE-1), This is granted in accordance with the plans which the applicant has submitted with the case. However, the access road through Karen Drive is not to be constructed beyond the end of the parking lot and a service road is to be built along Arlington Boulevard from Barkley Drive to the west boundary of the Kena Temple property. With these exceptions, Mr. Smith moved that the application be granted. It is also added to the motion and required that all structures on the property shall meet the 100 foot setback and the 100' buffer shall be maintained with supplemental planting. All buildings will be brick faced and all with the same general design and none of the buildings will be constructed of exterior cinderblock.

Mrs. Henderson also asked that the applicant bring a sketch of the proposed buildings to see if the Board approves. Mr. Gibson agreed to this. These sketches (of each building as it is ready) shall be brought to Mr. Mooreland - one at a time or as they are ready.

This is also granted subject to site plan and the working out of satisfactory parking requirements. Seconded, T. Barnes. Cd. unan.

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10- William J. Jennings, to permit erection of dwelling closer to Forest Hill Drive than allowed by the Ordinance, Lot 19, Kiels-Gardens (corner Forest Hill Drive and Spring Street). Centreville Dist. RE-1.

Mr. Roy Swayze represented the applicant, stating that Forest Hill Drive is a stub street dead-ending into Spring Street. Forest Hill Drive has

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10 contd.

never been constructed and is now completely covered with shrubbery and undergrowth. In talking with Mr. Kielegard, Mr. Swayze said he learned these facts from him. After the subdivision was planned, it was discovered that there was a very old cemetery along the side of this lot which contained 68 graves. They did not know what to do with it so they made it a part of Forest Hill Drive. The road is dedicated but never put through and there is practically no chance that anyone will ever construct it, Mr. Swayze said, at this location. Since it is shown on the plat, it must be taken into consideration in this case.

These people wish to face their house on Spring Street, Mr. Swayze continued, it is an attractive plan - in keeping with other houses in the subdivision. The carport is under the house so no variance would be requested for that. He showed pictures of the lot and Forest Hill Drive, indicating the growth in the street.

Mr. Dan Smith said Spring Lane is not a heavily used street, it does not intersect with the Boulevard. The lot across from this, owned by Mr. Kielegard, will not take percolation and cannot be built upon.

In the application of William J. Jennings to permit erection of dwelling closer to Forest Hill Drive than allowed by the Ordinance, Mr. Dan Smith moved that the application be approved as applied for. This meets Step I of the Ordinance because of the very unusual facts applying to this case. There is a cemetery in the right-of-way dedicated for a street and Spring Street, which dead ends just above this property, carries traffic for only about 3 or 4 houses in the area. Even if the cemetery were opened up, this house location would not mar the view as far as the intersection is concerned. The lot across from this will not take percolation and there are other lots in the immediate area that will not pass percolation. There is no plan for sewer. If this were not granted, it would mean that the owner of this property would not be given a reasonable use of his property, therefore this variance is the minimum variance that could be granted in this case. Seconded, T. Barnes. Cd. unan.

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At this point, Mr. Heine (from G.B.L. Associates) asked to come before the Board again. Mr. Heine said, after discussing this with Mr. Schumann and Mr. Chilton, it appears that occupancy permit cannot be issued to him until subdivision plat is recorded. This was a condition of the granting motion. Mr. Schumann suggested that the Board decide if this condition should be in the permit or could the building be occupied temporarily just as it is.

Mr. Heine said they want to be ready during May. They have already lost one month's rent and their commitments are pressing. He asked if the

Board could do something to allow him to get into the building and get going on their work. He rented this building thinking he could get a use permit without further delay.

The Board discussed this at length -- could the Board give the man a temporary permit? Mr. Mooreland said he could not see where subdivision control can say this man must do certain things because he is not building a building - he is merely using an old building.

Mr. Mooreland suggested issuing an occupancy permit for 90 days.

Mr. Chilton thought the subdivision recordation could not be accomplished within 90 days . That is up to the owner and he may not wish to comply with County requirements.

Mr. Heine said that he was in between, that he could not force the owner to do what the County says. They will need larger quarters, Mr. Heine said and it is possible he will buy the property and make the improvements necessary.

Mr. Smith suggested granting a one year permit with the understanding that this will all be cleared up within that time.

Mr. Smith made the following statements, that since Mr. Heine has a one year's lease, he be given a one year temporary permit with the understanding that if he buys the property, he would have to clear up these violations and come under subdivision control before getting a permanent occupancy permit.

Mrs. Henderson called attention to 30-37 (a) re issuing a permit "subject to whatever modification and conditions the Board deems necessary".

Mr. Dan Smith said he was not convinced that the lessee is in violation. It is the owner only. Therefore, the Board could authorize a temporary occupancy permit for one year to allow this man to use the building and he states that he may purchase the property and clear up the violation. In the meantime, the lessee should notify the owner and start working on him to get these things cleared up.

If he does not purchase by the end of the year, Mrs. Henderson said, Mr. Heine will move to another location and the owner will have to clear this up before he can make any further use of the property.

Mr. Mooreland said the owner should be given notice of these notations and told that if they are not cleared up he will be taken to Court.

Mrs. Henderson said this Board has no authority to make any kind of a motion regarding this occupancy permit. The Board thinks the lessee is not responsible. The owner should be required to comply. No action was taken by the Board.

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Mrs. Henderson read a letter from Mr. R. W. Wynne requesting a rehearing in the matter of Chest Woods Swim Club. Mr. Wynne was not present to offer evidence as instructed by the Zoning Office.

Mr. Dan Smith moved that Mr. Wynne be notified that he will be heard at the end of the agenda, May 8th, to present new evidence for the Board to determine if a rehearing will be granted. The time lapse was discussed. Mr. Mooreland said it had been considered within the 45 days if a letter requesting a rehearing is received by the Board within that time.

The Board agreed to defer action today and notify Mr. Wynne to appear before the Board, May 8th, and if he is not present at that time, his petition for a rehearing will be denied.

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Mr. Mooreland asked if one could have a pool hall in C-D. Is this similar to bowling alley and skating rink? The Board thought not.

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The meeting adjourned.

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

May 29, 1962
Date.