

The regular meeting of the Board of Zoning Appeals was held on Tuesday, April 14, 1964 at 10:00 a.m. in the Board Room of the County Courthouse. All members were present except Mr. Eugene Smith. Mrs. L. J. Henderson, Jr., Chairman, presided.

FAIRFAX CHRISTIAN SCHOOL, to permit erection and operation of a private school, kindergarten thru 12th grades, (400 children) property on south side of Popes Head Road, Rt. 654, approximately 1000 ft. W. of Route 123, Centreville District (RE-1)

Mr. Robert Thoburn represented the applicant. He described the project as follows: the tract contains 12.6 acres -- 475 ft. frontage by 1285 ft. deep. They will erect one building this summer -- 48 x 64 for classrooms to take care of 120 children. In another year or two they plan to put up another building which will take care of 400 children. The kindergarten at that time will be conducted in the smaller building they are putting up this summer. After the big building is erected they will come back to the Board and ask for a total of 520 children. All buildings will be well set back from the road and from property lines -- they can provide sufficient parking at least 25 ft. from property lines. They plan to take out no more trees than necessary -- only for the buildings, parking and outside facilities. Very few of the buses will park on the grounds; most of the drivers take them home. They will use Volkswagens and a few larger cars.

Mr. Thoburn also pointed out that this school is now operating in the City of Fairfax with 165 children. They will continue on there for at least another year, but eventually they hope to have their entire school on this property. However, when they increase the school to include high school it will be on other property.

Mr. Smith noted that the land area is good but thought more parking would be needed in view of the number of employees.

Mr. Thoburn said the nearest dwelling is about 250 ft. away. This will be a twelve-month operation; summer day camp -- five days a week.

Mr. Townsend said he was not entirely in opposition -- his property is adjoining and he was concerned about the drainage. He was not opposing the concept of the school but the large amount of paving for parking and facilities and a disposal for 500 people. He questioned what would happen to his property since he is downstream from this property. The two streams running through this property also cut through the Townsend property. Mr. Townsend showed a profile of his property indicating that while his house is quite a distance from the school, it is about 40 ft. lower and in a bad spot for drainage.

Mr. Townsend said there was a discrepancy in the line between the two pieces of property which might relocate the septic field. He suggested a 30 day deferral until the line could be correctly determined. He said he had a high regard for the applicant and his work and did not in any way wish to inconvenience him but the delay would be only to clear up this uncertainty.

Mr. Dan Smith said this would be taken care of on the site plan. This Board can give a permit for the use only and the site plan would take care of any drainage problems and the Health Department would locate the septic. He felt certain that any of Mr. Townsend's questions would be taken care of. Mr. Townsend will be able to watch the progress of the site plan and a resurvey will probably have to be made to determine the line. Mr. Smith felt sure that all the approvals necessary in a project of this kind would protect any adjoining property.

Mrs. Henderson asked especially that a buffer of undisturbed trees be left around the property, wherever there are trees.

Mr. Dan Smith moved that the application of Fairfax Christian School to permit erection and operation of private school, kindergarten thru 12th grade, (400 children) property on south side of Popes Head Road, Rt. 654, approximately 1000 ft. West of Route 123, Centreville District, be approved as applied for, in accordance with plat submitted prepared by Earl B. Bailey and certified by DeLashmutt, dated March 5, 1964. It is also required that there be a buffer strip at least 30 ft. wide left of the natural tree growth around the property on all sides where such growth is existing. It is understood that a site plan is required on this; it will require Health Department approval for the septic facilities; and drainage must be approved; all other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously. After the property line has been resurveyed Mrs. Henderson asked that a corrected plat be filed with this case. The setbacks should be shown on this plat and all facilities.

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MR. & MRS. JOHN P. INGRAM, to permit operation of day nursery, approx. 20 children, Lot 58, Block 6, 2nd addition to Brookland Ests. (114 Brookview Drive) Lee District, (R-12.5)

Mrs. Ingram stated that the State will give her a permit to have as many as twenty children in this building. She now has a permit from the State for under ten children. She is keeping six children now without a permit from the County which Mrs. Ingram said she did not know she had to have in view of her having the State license.

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Mr. & Mrs. John P. Ingram - Continued

Mrs. Ingram said this is purely a day care project for working mothers. These are mostly neighborhood children; some are there every day, others for a shorter period. This is a 12-month operation for children ages 2 to 6 years, five days a week. The only help she will have is her mother who lives in the home. If she gets the permit for twenty children she would have more help. The Fire Marshall has not yet seen the property. Health Department has approved. She has public water and sewer, and there is one bathroom.

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Mr. Smith did not think one bathroom was adequate for more than fifteen children.

Mrs. Funkhauser who lives next door to this property said she used Mrs. Ingram's service and found it satisfactory. She did not oppose the increase to twenty children. A second neighbor approved of the request.

Opposition: Mr. Gerald Gruin, from Brookland Estates Citizens Association, objected. He said the area is residential and people living there wish to keep it that way. The property was not suitable for twenty children, he said, and this could be a precedent for other more commercial uses. They object to traffic which this would create and parking facilities are inadequate. People would back into the street and cause a hazard. Real estate values would drop and houses in the area would not sell. Mrs. Ingram has only lived in this neighborhood for a couple of months and she has been conducting this operation in another part of the county.

Mr. Smith questioned if this limited use would devalue property; he said he saw no concrete evidence of that and it has been said many times before this Board that such is not the case.

Even though many have large families, Mr. Gruin said, the noise is not the same and there is not the same effect on the neighborhood as a commercial project.

A cooperative baby sitting service in the area was discussed. This is done on a non-profit exchange basis.

Mrs. Ingram said she had had these children in another place in Brookland Estates. She goes out with the children when they play and she was sure they had never bothered anyone. She had had no complaints.

Mr. Smith noted that there were no objections from people living contiguous to the property. He noted however, that Fairfax County did not always agree with State regulations in that we do require a County permit for any school.

Mrs. Henderson said she was willing to give Mrs. Ingram a permit for what she has now -- six children. The space is too limited for more and the required parking could not be furnished.

Mrs. Ingram again said the people did not stay, they simply dropped off the children and there is no need for parking. If she had the fifteen children she would have only two people -- herself and her mother who lives with her -- to handle the children. There is only one car on the premises.

Mr. Smith did not think that ten children and the traffic would adversely affect the neighbors and he felt this would be a service to the community. It appears that Mrs. Ingram has done a good job and is a very desirable person to look after these children. He thought the Board should give consideration to ten children. The people do not object to the six and this would be a small increase.

In the application of Mr. and Mrs. Ingram, to permit operation of a day nursery, Lot 58, Block 6, 2nd addition to Brookland Estates (114 Brookview Drive), Lee District, Mr. Smith moved that the application be approved for a maximum of 10 children aged from 2 to 6 - with the provision that all other requirements of the State and County shall be met - this is to say that no more than 10 children shall be on the property at any one time. This is granted to the applicant only.

Mrs. Henderson asked if a site plan would not be required and what about parking?

Mr. Smith stated that since the applicant has said she has adequate off-street pull-off space for parents bringing their children and there will be no parking by people coming and going - there will be no question of a safety factor. The applicant will have no help except her mother who will live in the home. Mr. Smith said he did not consider that they need to provide further parking.

Mrs. Henderson did not agree - and she thought an increase in the number to ten might be detrimental to the neighborhood.

Mr. Barnes seconded the motion. Voting yes: Mr. Dan Smith, Mr. Barnes and Mr. Everest. Mrs. Henderson voted against the motion. Carried.

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CATHOLIC WAR VETERANS OF FALLS CHURCH, VIRGINIA, INC. to permit erection and operation of a club house and to allow building closer to property lines than allowed by the Ordinance, property located on E. side of Fowler St., bounded on the N. by the W&OD Railroad, and on the E. by the City of Falls Church, Providence District (R-10)

Mr. Burnes appeared for the applicant.

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Mrs. Henderson said she saw no reason to hear the case at this time as the plats do not meet the requirements and the property is too small to meet the setback requirements.

Mr. Burnes said that was the reason he had come to the Board, to get variances on setbacks.

Mr. Smith said the plats were inadequate and the variances that would be required are far beyond anything the Board could grant; he recalled a recent case that the Board had denied with less variances. He thought it should have been pointed out when the application was filed that the Board has no authority to waive specific requirements of the Ordinance.

Mrs. Henderson noted that this is a 90 ft. variance on each side of this building and 10 ft. in front. It is obvious, she continued, that the applicant does not have enough land.

Mr. Smith suggested getting more land which Mr. Burnes said they could not do at the present time.

The Board all agreed that no purpose would be served in hearing the case since they had no jurisdiction to act. However, Mr. Burnes said he would like a decision from the Board. He pointed out that this is right at the city of Falls Church and the railroad tracks.

Mr. Dan Smith moved to deny the case. Seconded, Mr. Everest. This does not meet the requirements of Group 5 under which this is filed. Carried unanimously.

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ARTHUR M. KELLY, to permit division of property with less frontage at the building setback line and less area than allowed by Ordinance, portion Lots 93 and 94, Sec. 3, Groveton Heights, (on Oak St.) Lee District (R-17)

Mr. Kelly said this is a part of two other lots, making a third lot. The line was not cut straight so the building cannot meet the setback requirement at the building setback line. The area is slightly under the square footage required. It lacks about five feet of the proper width at the setback line.

Mr. Woodson noted that this house could be set forward to the same front setback as the house on the next lot which is about 30 ft. from the street right of way. Bringing the house forward would probably lessen the amount of variance required.

Opposition: Mr. Otis Seward who owns a lot on the 170 ft. side of Mr. Kelly (Lot 92) said he was not opposed to this - his only concern is that the house be located back the same distance as his own house which is 30 ft.

Mr. Kelly said he proposed to do just this. His house will be 28' x 50'. Mr. Seward said he wanted this kind and size house and no other. The Board advised that they could not control the size of the house. The lot could be sold, Mr. Seward was advised, and the variance if granted would go with the land.

In the application of Arthur M. Kelly to permit division of property with less frontage at the building setback line and less area than allowed by the Ordinance, portion Lots 93 and 94, Section 3, Groveton Heights, (on Oak St.), Lee District, in which the applicant needs a variance of approximately 4 ft. at the building setback line and less area in accordance with the plat presented with the case, plat prepared by Wesley Ridgeway, dated February 16, 1960, Mr. Dan Smith moved that the application be approved with the variance as stated -- 4 ft. at the building setback line and less area as requested. All other conditions of the Ordinance shall be met. Seconded, Mr. Frank Everest.

It was noted that the applicant could locate his building approximately 30 ft. from the street right of way, the same distance back as the dwelling on the adjoining lot. Carried unanimously.

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TAYLOR H. JEFFERSON, to permit garage to be built 10.08 ft. from side property line, Lot 8, Block 2, Section 3, River Bend Estates (3808 Beatty Drive) Mt. Vernon District (R-12.5)

Mr. Jefferson told the Board this would be a two car garage. It would be 19' 11" x 24' 6". It would be added to the house. He showed pictures of his home. This is a custom built house which they planned at the beginning to put a garage on when they were financially able. It was laid out on the lot with that intent. The builder did not know at the time that this would not meet setback requirements. He noted that one house in the area had a garage with a 10 ft. setback.

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Taylor H. Jefferson - Continued

Had he known, the house could have been moved over as there is room on the lot. The house plans must be approved by a committee and this was approved showing the garage. Mr. Jefferson said he really needed the garage; he had bought a wooden boat which should be housed. He could not put a shelf in the back yard for the boat -- this is not that kind of a neighborhood.

But the structure for both the car and boat could be built in the back yard, Mrs. Henderson noted.

Mr. Jefferson said there was a drainageway in the back yard near the house and he could not go back too far because of the expense. This actually is a topographic problem, Mr. Jefferson pointed out. If he built in the drainageway it would have a tendency to flood the neighborhood and it would not be practical to go on back to avoid the drainageway.

Mr. Jefferson presented a letter from Mr. Peel with his recommendation. It is the policy of this neighborhood to build two car garages, Mr. Jefferson said, and he was not aware of the zoning regulations at the time this was built and neither was his contractor. This would bring the garage 10 ft. from the side line. He also noted that he has a chimney in the garage which takes up room.

No one from the area objected.

There are some unusual circumstances surrounding this case, Mr. Dan Smith observed -- there is a drainage problem in the rear and this man has a need for a two car garage. It is in keeping with the neighborhood and he was informed by his builder that he could add this garage.

But he could have a one car garage without a variance, Mr. Everest noted. A discussion of the size of the garage followed.

Mr. Jefferson said the architectural committee would not approve a garage in the rear.

There is no topographic reason for this, Ms. Henderson said, the applicant has room in the rear.

Mr. Everest moved that in the case of Taylor H. Jefferson, to permit garage to be built 10.08 ft. from side property line, Lot 8, Block 2, Section 3, River Bend Estates (3808 Beatty Drive), Mt. Vernon District, be denied as no hardship has been shown and no topographic reason for granting this and the applicant can build a one car garage without a variance. Seconded, Mr. Barnes. Mr. Barnes noted that there is an alternate location for a two car garage. Carried unanimously.

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K-9 PATROL, to permit operation of a dog kennel on 5.2575 acres of land, property on west side of Hunter Mill Road approx. 1/4 mile south of Route 7, Centreville District (RE-1)

Mr. and Mrs. Quentin Hancock appeared before the Board. Mrs. Hancock said they are not running a kennel actually - they do not board nor breed dogs; they are wanting a place to keep their working dogs. They have no housing for them now. Whatever they build will be away from all property lines. They will have approximately ten dogs all of which will be out working every day or at night. These are guard dogs. When the dogs are rented out they furnish a man who works with the dog. These men come each day to pick up the dog. The guard service is handled on a lease basis to companies who need this service, a great deal of the work is at night. The men who take the dogs to work do not live on these premises but they are trained to understand and control the dogs and see that they perform their guard duties.

Mr. Hancock said the dogs are kept in Maryland now and will be there until they have proper housing for them here. The actual training of the dogs will be done in Maryland but when they are fully trained for work they will be brought here.

Mr. Everest said he would like to see what kind of physical layout these people were proposing to have -- a drawing of whatever will be put on the property and the kind of fencing they will have.

Mr. Smith made it plain that none of the rental dogs should be kept on this property until the applicant has a permit.

Opposition: Mr. and Mrs. J. M. Boardman appeared before the Board. Mr. Boardman stated that he is President of Brown's Chapel Cemetery Association which is immediately adjacent to the property where the dogs are kept. They oppose this use vigorously. It is a serious nuisance. Many have complaints because of the dogs. They bark so loud during funerals that the people in attendance cannot hear the service. The dogs have charged people inside the cemetery grounds. This is an old cemetery, Mr. Boardman stated, established in 1892 and 242 people are buried there. To even consider buying land for a dog kennel where it would be offensive to so many people, Mr. Boardman said, was a mystery to him. He presented a petition against this use signed by 45 people -- also a letter from one of the persons coming to the cemetery, telling of the barking dogs and one of the dogs jumping on a child.

Mrs. Boardman testified to the barking during funeral services and the general commotion caused by these dogs.

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K-9 Patrol - Continued

Mr. Kitchen, manager of the cemetery, agreed with Mr. Boardman's statements. Mr. Kitchen said the big dog was tied but the others were out in the open and young dogs ran loose. People are frightened of them. Mr. Kitchen said he gets from three to five calls a week asking about the dogs and why something cannot be done about them. A permit would correct this. It would do no good to fence them - they could get under air over the fence. The Cemetery Association never complained of anything before these dogs moved here, Mr. Kitchen said.

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Mrs. Samples, Mrs. Arnold Carlson, Mrs. Shoemaker, Mrs. Kdwell, and Mrs. Crippen concurred in the previous complaints. All were distressed over the harassment and noise and Mr. Crippen said he had a cattle lane very near the dog property and was afraid the dogs might attack his cattle. He thought the dogs were not handled right, at least they appeared to be out of control. Mr. Crippen said he joined these people on two sides and his sixty cows use the lane every day.

Mrs. Hancock said they had a female beagle who had been badly hurt and they are having difficulty with her. They have a four month old pup who gets out now and then. They ~~have~~ have a young German Shepherd but he is tied. These are the only dogs that run free. The dogs they use for guard duty are never allowed to be free, she continued. They are on choke chains and are highly trained and must be kept under watchful care all the time. They have never lunged at people.

The other dogs bark when someone comes near or when they can see people.

Mr. Everest objected to these people running a kennel before they have a permit.

It was suggested that the facilities housing the dogs be put as far as possible from the cemetery so they could neither hear nor see the people coming and going.

Mrs. Hancock said this property was an outright purchase specifically for this purpose.

Mr. Everest moved that the case be deferred until April 28 at which time the applicant will bring a preliminary design showing elevations of the proposed dog kennel and the best possible location of the kennel facilities the farthest away from the cemetery that they can put it. This is also deferred to view the property.

These people should remove all the dogs that are now on the property until such time as they have a proper permit for this use. Mrs. Henderson noted, however, that they could keep their pets but more than ~~three~~ ^{four} dogs have to be 1000 ft. from all property lines.

But also the pets should be kept from being a nuisance, Mr. Dan Smith added.

(The applicant shall bring in more detailed design of the building, the drawings shall show the size and type of facilities to be used in this connection, on a plat. All facilities shall be farther away from the cemetery. In the meantime the rental dogs will be removed.) Seconded, Mr. Barnes. Carried unanimously.

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JOHN J. RUSSELL, BISHOP OF RICHMOND, to permit erection and operation of a school and convent, property located at end of Laurel Leaf Lane, bounded on the South by Ridgelea Subdivision, Providence District (RE-1)

Mr. Brophie asked that this be deferred again to May 12 for completion of plans.

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The Board adjourned for lunch.

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LOUISE P. BANKS, (Colchester Day Camp) to permit operation of summer day camp (6 to 12 years old) approximately 40 children, northerly side Rt. 641, 1.7 miles west of Butts Corner, Centreville District (RE-1)

Mr. Banks showed pictures of his property indicating the areas they would use. Many kinds of recreational facilities, including swimming pool, place for riding and horse shows. This will operate from 9 to 4 - five days a week for June, July and August. The horse shows will be held on Saturday which would probably amount to a six day operation. They are not certain if they will pick up any children but it is expected that parents will bring some. They have plenty of room for parking. The horse show ring will be fenced. This will be day camp for both boys and girls.

No one from the area objected.

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Louise P. Banks - Continued

Mr. Dan Smith said he knew this property well and assured the Board that it is ideal for this purpose. Mr. Banks has 116 acres. This use would be an asset to the County and an especially fine place for children. He moved that the application of Louise P. Banks, Colchester Day Camp, to permit operation of summer day camp (6 to 12 years old) approximately 40 children, northerly side Rt. 641, 1.7 miles west of Butts Corner, Centreville District, be approved to permit a summer day camp for boys and girls ages from 6 to 12 years with a maximum of 40 children; this is granted to the applicant only for a period of three years. All other provisions of the Ordinance shall be met. The Board also recommended waiver of the site plan. Seconded, Mr. Barnes. Carried unanimously.

If there is no change in this operation and if there are no complaints at the end of the three year period the Zoning Administrator could bring this back to the Board for an extension. If the applicant wishes to increase the number of children next year he could come back to the Board for this addition to have the motion amended to include the increase. If the applicant wishes, he may write a letter to the Zoning Administrator asking for the ~~increase~~ and Mr. Woodson could bring it to the Board, Mrs. Henderson added.

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POTOMAC CAR & TRAILER SALES, to permit operation of used car lot and new travel trailer sales south side of Lee Highway opposite West Street, Falls Church District (C-G)

Mr. Mark Carll represented the applicant. He said they would have small camper trailers 9.5 by 26 ft. This is contiguous to a trailer park.

There were no objections.

In the application of Potomac Car and Trailer Sales, to permit operation of used car lot and new travel trailer sales, south side of Lee Highway opposite West Street, Falls Church District, Mr. Dan Smith moved that the application be approved; there has been a trailer park here for many years and it would appear that what the applicant is asking for will be an improvement to the area. Seconded, Mr. Barnes. Carried unanimously.

MR. FRANK EVEREST LEFT THE MEETING

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HERBERT E. HARRIS II & GEORGE ARKWRIGHT, to permit erection and operation of a community swimming pool and other facilities, east side of Old Mount Vernon Road (Rt. 623) opposite Mt. Vernon Grove Subdivision, Mt. Vernon District (RE 0.5)

Mr. Herbert Harris represented the applicant. He said he had talked with property owners on three sides of the project and they have no objections. The property on two sides is vacant. This is a high area set off by wooded ravines. This will be an incorporated club, Mr. Harris continued, and will be used by Westgate, Stratford Landing, Stratford on the Potomac and other nearby subdivisions. The ultimate membership will be 300 families and this will be known as Mansion House Club. They do not have approval of the Health Department at this time. They are about 250 ft. from public water and are not sure yet if they will use public water or wells.

Mrs. Henderson said the 77 parking spaces shown were not enough. Mr. Harris said they have sufficient land to develop at least 200 spaces.

Mr. Dan Smith said the whole set-up appeared all right - however, he was concerned about plats. The applicant should show all the facilities on the plat, particularly parking, at least 200 spaces. He noted that this would require site plan approval. He suggested deferral for two weeks for the applicant to work out a preliminary site plan. Mr. Harris said they wished to be in operation this summer. The ability to do this, the Board questioned, in view of the usual delays in getting site plan approval.

Mr. Smith suggested that no time would be lost in the applicant contacting Public Works to learn what may have to be done on this property and work out the preliminary site plan. Mr. Everest said he would like to view the property.

Opposition: Mr. Bernard H. Ballinger who lives across the road from this property said he represented about 50 people in opposition. These are families who have been here a long time and object to the intrusion of this club-pool into an area away from the membership. This will be located on a narrow road, Mr. Ballinger continued, and will be a nuisance to the area.

Mrs. McDonald who owns adjoining property was opposed, Mr. Ballinger said, and also Mr. Milton Laughlin.

Mr. Ballinger said there was no need for this project as the area is well served with the Mt. Vernon Yacht Club and Woodlawn Country Club, both of which have pools and membership openings in their clubs.

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Herbert E. Harris II and George Arkwright - Continued

It was noted that the petition referred to the case as a "rezoning". Mr. Everest moved that the petition be stricken from the record since this refers to a rezoning and therefore does not apply to this case. Seconded, Mr. Dan Smith. Carried unanimously.

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Mr. Ballinger discussed at length the availability of the two clubs.

Mr. Harris said he had talked with others -- Colonel Lockwood who owns property in the immediate area and he did not object, and Mrs. McDonald knew of this hearing and was not present to object. Mr. Harris said they knew of the two clubs and they are fine if one owns a boat, but the pools are not large enough to take care of this group. They do not go in for pool activities, both clubs go in for other interests such as boating or golf.

Mr. Harris said this area is cut off from other property by natural boundaries. The buildings and pool will be about 900 ft. back from the road. This is a good thing for the County, he contended, they are furnishing their own recreation and asking nothing from the County.

Mr. Smith recalled that this Board is inclined to grant these pool clubs whenever possible as they have proven good for the County and he did not recall where they had been detrimental to the area in which they are located.

They do not anticipate any difficulty with the disposal, Mr. Harris continued - they will either bring in public water or have the well, the expense would be about the same. This is expensive land, Mr. Harris went on to say, and will be developed one way or another; he thought this a good use.

In the application of Herbert Harris II and George Arkwright, Mr. Dan Smith moved to defer to April 28 and in the meantime the applicant will furnish the Board with a preliminary site plan showing 200 parking spaces and all other improvements planned on the property. Approval of the Health Department shall be indicated and it shall be shown - either the location of the well - or that public water will be used. All facilities shall be shown on the preliminary site plan. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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JOHN J. RUSSELL, BISHOP OF RICHMOND, to permit erection and operation of a school and convent, property located at the end of Laurel Leaf Lane, bounded on the south by Ridgelea Subdivision, Providence District (RE-1)

Applicant requested deferral to May 12. Mr. Dan Smith so moved. Seconded Mr. Barnes. Carried unanimously. (3-0)

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TIMBERLAKE 5, MCCUE - letter requesting extension of use permit for marina on Occoquan Creek, Colchester Marina:

No one was present to discuss the case.

Since there is not enough interest in the case for the applicant to appear here or have someone present to represent him and since this case has already been deferred and extended before many times, Mr. Smith questioned if this should be deferred again. The Board has given the applicant ample time to get the information requested, Mr. Smith continued, he therefore moved that the request for further extension of the use permit be denied. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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Moose Lodge #1315 - Report: Mr. Boyd represented the applicant. They have paved the entrance, he said, but they have not completed the parking area paving because of the drainage. The lights have been changed - dropped lower so they will not glare. If the lights are not satisfactory they would like for the people who are bothered to come and tell them how they are affected.

Mrs. Henderson said the people in Sunset Manor have stated that they are pleased with the progress Moose has made.

The Board agreed that the Moose had made progress.

// MR. EVEREST RETURNED

JOHN E. FLOWER, to permit porch 33 ft. from front property line, Lot 76, Section 5, Arden Acres (1894 Westchester Drive), Lee District (R-12.5)

Deferred for plats and decision only.

A letter from Mr. Walter Phillips was read which explained this situation which came about through a series of errors.

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John E. Flower - Continued

Mr. Dan Smith moved that the application of John E. Flower, to permit porch 33 ft. from front property line, Lot 76, Section 5, Arden Acres, (1894 Westchester Drive), Lee District (R-12.5) be approved as applied for under Section 30-36, paragraph 4. This does not appear to be detrimental to any of the surrounding property owners and it is a reasonable request. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes.

Mr. Smith, Mr. Barnes and Mr. Everest voted yes. Mrs. Henderson voted no, stating that she did not consider this an accidental error, or at least there is a question as to whether it was accidental. It did not show on the intermediate plat.

// MR. JOHN AYLER APPEARING FOR HANK ROLFS REQUESTED A YEAR'S EXTENSION ON THE LATTER'S NURSING HOME PERMIT. GRANTED UNANIM. FOR 1 YEAR ONLY AND THERE WILL BE NO FURTHER EXTENSIONS OF THE PERMIT.

Mr. Majer asked the opinion of the Board on resolving density on a strip of land on Skyview Drive zoned the front half in C-G and the rear half in RM-2. Mr. Majer said that in the preliminary site plan he found he could put 58 units on the C-G area. To comply with the setbacks and not have higher buildings on the front than on the back he could get only 50 units on the C-G. He requested that the additional eight units which are allowable be transferred to the RM-2G area. Total number of units would be the same in either case. Mrs. Henderson said this would be transferring the C-G density to the RM-2G area which the Board has no jurisdiction to grant. (He could get eight more units on the C-G area but he wished to transfer those to RM-2G. They already have hit the top density on the RM-2G.)

This would be in effect, Mrs. Henderson said, changing the zoning to C-G, a zoning which the applicant requested but did not get.

Mr. Majer said they show 29 units to the acre on the C-G and 18 per acre on the RM-2G.

The Board agreed that they did not have the authority to grant this request.

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Alroot Memorial Corporation - Mr. Hansbarger requested a one year extension to take care of his difficulties with Public Works. Mr. Dan Smith moved to grant the extension. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read a letter describing a new type of vending machine suitable for placing in apartment buildings.

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The meeting adjourned.
By Katherine Lawson, Secretary

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

June 2, 1964
Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, April 28, 1964 at 10:00 a.m. in the Board Room of the 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. Dan Smith.

ALONZO HURLEY, to permit dwelling to be built 15 ft. from right of way line of Wolftrap Road, property of Rose Hurley's Heirs on Wolftrap Road, Providence District (RE-1)

Mr. Burhaney represented the applicant. He stated that last summer Mr. Hurley was confronted with the situation where the Health Department condemned his house. When Mr. Hurley tried to build another dwelling he ran afoul of other Ordinances. On September 23, 1963 the Board of Appeals granted a variance on frontage and depth and now Mr. Hurley is back because of a setback requirement. He has been required to place two easements on his property, one across the front and one on the side of his property. He is attempting to locate the house 40 ft. from Wolftrap Road and the County requires 50 ft.

Mrs. Henderson suggested squaring the house on the lot.

Mr. Hurley explained that his lot slopes. The easements he has placed on his property are for possible widening of Wolftrap Road. The house is not under construction.

Mr. Dan Smith made the following motion regarding the application: This particular property has been before this Board on two different occasions for variances of various degrees and in order to enable the Hurleys to clean up an undesirable situation, to put in a well, and build a livable house, this variance should be granted; there is no indication that this would be detrimental to anyone in the vicinity; the Board realizes the position the Hurleys are in - the background of the situation, and what they are trying to do - therefore he would move that Alonzo Hurley be granted a variance to build a dwelling 15 ft. from the right of way line of Wolftrap Road, property of Rose Hurley's Heirs on Wolftrap Road, Providence District, as applied for. All other provisions of the Ordinance shall be met, other than the previously granted variances being adhered to - this is a 15 ft. easement and 40 ft. from the road. Seconded, Mr. Barnes. Carried unanimously.

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DAVID L. AND ARYNESS J. WIGENS, to permit lot with less frontage than allowed by the Ordinance, proposed Lot 2, Section 6, Hunters Valley Subdivision, Providence District (RE-2)

No one was present to represent the applicant. The case was put at the end of the Board's agenda - however, when the Board took this up at the end, still no one was present. Mr. Joseph Barry's office had telephoned asking deferral. Mr. Eugene Smith moved to defer to May 12 because no representative was present. Seconded, Mr. Barnes. Carried unanimously.

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BEVERLEY MULFORD, to permit operation of nursery school, kindergarten and summer day camp on 10.723 acres of land, property on south side of Old Dominion Drive, approximately 1/4 mile east of Kirby Road, Route 695, Dranesville District (RE 0.5)

Mrs. Henderson read a letter from Mr. Mulford asking withdrawal of the application without prejudice.

Mr. Eugene Smith moved that the Board allow the case of Beverley Mulford, to permit operation of nursery school, kindergarten and summer day camp, to be withdrawn without prejudice as there was no one in the room who appeared to be interested in the application. Seconded, Mr. Everest. Carried unanimously.

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MARGARET E. FRETWELL, to permit operation of summer day school, half day (20 - 25 children), Lot 26 and west 1/2 of Lot 25, Section 3, Groveton Heights (331 West Oak Street), Lee District (R-17)

Mrs. Fretwell said she wished to have a summer day school for pre-schoolers. There is no playground in the area and there are many children who have had no pre-school experience and this would give them the opportunity before entering school this fall. There will be no parking as the children will walk or be dropped off by parents. This is completely fenced. They will use the garage and the lot back of the house - this will be a 9:00 to 12:00 noon operation, five days a week. There is a walk-in entrance from the rear yard.

Mrs. Henderson noted that the Health Department had listed three cases which they were interested in and stated they had no interest in other items on the agenda; this case was not listed.

Mrs. Fretwell said the children will be ages four to six; she will have one outside helper. The garage

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Margaret E. Fretwell - Continued

is a two-car garage and at one time was used for an airplane. As to bathroom facilities, at present they are allowed 15 children to one bath but after the new nursery school ordinance becomes effective July 1 they can have 25 children to one bath. This will operate for only six to seven weeks during the summer.

Mrs. Fretwell said she teaches full time in cooperative pre-school at Fort Hunt.

Mrs. Henderson noted that under the terms of the Ordinance this would require site plan approval but the Board could recommend that the Board of Supervisors waive site plan approval for this case.

Mr. Dan Smith thought 25 children were too many for this small area and he suggested having 15 children.

Mr. Glenn Ovrevik represented the neighbors in opposition. He presented a petition which he said represented about fifteen families. Their objections were based on traffic problems and the fact that this is an inadequate facility for the use proposed; they objected to noise from this operation; no water fountains available; no direct access to the bathroom; inadequate parking; the fence is part wood which would be very susceptible to children climbing, and the flower garden and memorial with the pool on adjacent property would be an attractive nuisance to young children. This school is not needed.

Mrs. Fretwell said she did not plan to compete with other schools in the area and as to parking, there was room for three or four cars in back of the house if necessary. They would install a door on the garage, and they have already bought screens for the six garage windows.

Mrs. Henderson stated that she would like to look at the property before making a decision.

Mr. Eugene Smith agreed and moved to defer decision to May 12. Seconded, Mr. Everest. Mr. Dan Smith stated that Mrs. Fretwell seems a very capable lady and doing a good job but he was concerned about the size of the property. Carried unanimously.

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Mr. Woodson showed a picture of a portable automobile laundry and asked if this would be allowed in C-G only. This can be moved to any spot -- supermarkets, motels, etc. It could be done inside service station bays and made permanent.

Mrs. Henderson said she felt this would be permitted under the definition of service station "including structures thereon". It may or may not include facilities for lubricating or washing.

Mr. Dan Smith stated that he had no objection to this being used on service station premises as long as the Zoning Administrator knew this thing was in use in this particular location.

Mr. Eugene Smith had no objection to using these devices in gas stations but felt the operators should be held to putting them back inside a bay when not being used, and not leave them outside.

Mrs. Henderson stated that this would be permitted in gas stations only.

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WALTER W. MILLS, to permit operation of dog kennel, south side of Bennett Road, Rt. 669, approx. .8 mile east of Rt. 608, Centreville District (RE-1)

Mr. Neil Rogers represented the applicant, Mr. Mills was also present.

Mr. Rogers stated that Mr. and Mrs. Mills have lived in this location approximately four years and their hobby during this period has been raising Siberian Huskies. Recently they put a sign out on their driveway and this brought complaints from the neighbors. The Mills' have met all qualifications as far as kennels are concerned. This is not a commercial venture. They are trading and breeding and raising these dogs.

Mr. Rogers described the characteristics of the dogs and said up until the erection of the sign there had been no complaints. He showed pictures of the property.

Mr. Mills said that approximately one year after moving there, they bought their first female dog, which produced five pups; they sold three and kept two, making a total of three dogs. This number had gradually increased. They show dogs and raise them and have three adult dogs and five puppies at present, along with two pet "all-American breed" dogs. They have no dogs on their property which belong to anyone else. They would like to have eleven adult dogs ultimately. They will raise the dogs themselves. The sign is still on the property, they have not removed it.

Opposition: Mrs. Tennenbaum, owner of land adjoining this property on both sides, said she had sold the property to Mr. Mills four years ago. The people in the area are opposed to a commercial venture coming into their residential area. (Mrs. Henderson pointed out that this is not a commercial rezoning but a special permit only; the property would remain in residential zoning.)

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Walter W. Mills - Continued

Mrs. Tennenbaum continued: The people believe this is a commercial enterprise and is in violation with the site. They have a petition signed by 61 people and almost everyone around the Mills do not want this permit issued although the kennel is in operation. The Tennenbaums have their property for sale and felt the high fence now on the Mills property line would make it very difficult to sell as anything but one piece of ground. The large fence is an eyesore; it was erected by Mr. Mills several months ago. The dogs run up and down the fence barking and howling.

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Twelve people in the room stood in objection to the noise.

Mrs. Tennenbaum described Mr. Mills' mailbox with the name of his business on it, and stated that they objected to the "creeping commercialism".

(Mrs. Henderson explained that Mr. Mills may operate as contractor out of his own home as long as he lives there.)

Mrs. Tennenbaum continued -- This would devalue property values in the area and she asked the Board to deny the application.

Mr. Ace Croson, living northeast of the Mills property, said he had heard the dogs howling and they have a wail like a wolf or coyote howl. It is impossible for them to sleep with the windows open.

Mr. Ernest Kellogg said he supported Mr. Croson's statements - however, he had never heard the dogs bark, they were always howling. He said he had been conscious of the dogs for almost six months. He has lived here for one year.

Mr. Mills said that howling was a characteristic of this breed of dog. The howling is not of long duration and even the most common dogs will howl at the sound of a siren. He said he had heard other dogs in the neighborhood barking all night. He did not think his dogs were a nuisance factor as the neighbors hadn't know of them until the sign went up.

Mr. Dan Smith said ^{because of} the fact that Navy-Vale fire station is close to the area and apparently does upset these dogs and might well have effect on other dogs in the area, and apparently the wail of the siren makes it very upsetting to these people, he did not think this was the proper place for a dog kennel of any kind. Mr. Mills can have as many as four dogs as pets. The sign will have to be removed and he would move that the application of Walter W. Mills be denied for reasons stated. Seconded, Mr. Barnes.

Mrs. Henderson asked how far Mr. Mills could go if the application were denied. Could he keep four dogs as pets and occasionally have a litter of pups and sell the pups?

Mr. Eugene Smith said he felt this would depend entirely upon the scope of the operation and the intent.

Mr. Woodson said each case would have to be judged on its own merits.

Mr. Dan Smith said the intent here seems to be to sell dogs.

Mrs. Henderson stated that she would vote for the motion to deny the application, taking into consideration the provision of the Ordinance that the Board shall consider the type dog and the characteristics. These dogs do not bark but they do howl which can be as objectionable as barking and it can happen during the night because the sirens are nearby.

Motion carried unanimously. The Board agreed that Mr. Mills could have four adult dogs, with no attempt made to breed them each year and sell them, and there can be no sign.

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CLIFTON CEMETERY ASSOCIATION, to permit extension of cemetery on 2.627 acres of land, property on south side of Rt. 615, approx. 1500 ft. West of Rt. 641, Centreville District (RE-1)

Mr. Detwiler stated that this cemetery has been here for 100 years. The land was donated by Mr. Kincheloe's father and was all in timber but they have now gotten it cleaned up. This is a non-profit association. They need this extension because their present land is almost used up. They do not plan to open the entire new part, just a portion, but they want the permit for the whole area.

Ms. Seth Brown spoke in favor of the application. There was no opposition.

Mr. Eugene Smith stated that this seems like a reasonable and logical application for extension of a community cemetery and he would move that the Clifton Cemetery Association be permitted to extend cemetery on 2.627 acres of land, property on south side of Route 615, approximately 1500 ft. west of Rt. 641, Centreville District, as shown on plat of Arthur Hunsberger, not dated, but showing the title "a plat to obtain special use permit on part of Clifton Cemetery Association", and all other provisions of the Ordinance shall be met. This shall include existing area also on the permit and no interments shall be made within the required setback; this pertains to the existing area

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Clifton Cemetery Association - Continued

in case there is any room left from the road on the sidelines which would be prohibited by this Ordinance. Required site plan shall include present cemetery as well as portion granted today. Seconded, Mr. Dan Smith. Carried unanimously.

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RUTHERFORD AREA SWIMMING CLUB CORP. to permit erection and operation of community swimming pool and other recreational facilities, property approx. 540 ft. west of Guinea Road, approx. 600 ft. west of Braeburn Drive and east of Olley Lane, adjoins Section 8, Springbrook Forest, Providence District (R-17)

Mr. Douglas Mackall represented the swimming club. He stated that this was an agreement which the citizens had worked out with the builder and the Park Authority to build their own swimming pool. The builder would give this land to the area when the lots are dedicated -- the lots are not built on, and are not of record, and there are no homes in the area. The pool will be designed by Mr. Cosgrove, architect. They will swap a piece of land which they own to the Park Authority to get this. The swimming pool association has another piece which they will give the Park Authority and the developer will give this piece of ground to the swimming pool. This is 2.12 acres, not flood plain. They are hoping to construct the pool this summer. The maximum membership would be 300 members and they plan one parking space for each four families.

Mr. Dan Smith asked if this would draw members from other subdivisions in the area.

Mr. Mackall said people living in Rutherford would walk across the park to get to the pool. There are 400 homes in Rutherford plus 125 completed in Springbrook. The pool will be located between two subdivisions, within walking distance of both. Eventually there will be two pools in this area as the other civic group is planning a pool on the other side.

Mr. Everest said he felt that 80 parking spaces were not enough for this operation.

Dan Smith thought that 100 would be more in keeping with the thinking of this Board in the past on similar swimming pool parking.

Mrs. Henderson said she would settle for 100 as she thought this was being quite generous.

There was no opposition.

Mr. Eugene Smith said he was in favor of granting this because it is the proper way for community swimming pools to be developed -- as a part of an overall development plan for a given area. With swimming pool development being built with the development of existing dwellings people will know what to expect and in addition, we know as a Board that the granting of this use permit does meet the requirements of the Ordinance having to do with a positive finding that granting of a special use permit will not be detrimental to development of the area and adjoining land. This is the preferred way for these pools to come in. Mr. Smith stated that there must be one hundred parking spaces provided for adequate parking and he would move that Rutherford Swimming Club Corporation be permitted to erect and operate a community swimming pool and other recreational facilities, property located approximately 540 ft. west of Guinea Road, approximately 600 ft. west of Braeburn Drive and east of Olley Lane adjoining Sec. 8, Springbrook Forest, in Providence District, as shown on plat of Wagner & Cosgrove, Associated Architects, submitted with application, provided that 100 off-street parking spaces be provided on the site and all other provisions of the Ordinance shall be met. This will include maximum of 300 members in this organization and there must be public sewer and water. Seconded, Mr. Barnes. Carried unanimously.

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DAVID B. MCGRATH, to permit erection of addition to dwelling 31 ft. from road right of way line, property on N. side of Popes Head Rd., Rt. 654, approx. 2.8 mi. W. of Rt. 123, Robey's Mill, Centreville District (RE-1)

Mr. McGrath said they want to add a dining room on the first floor to this old house which was built around 1800, which is part of a larger estate. Mr. Bradwell, architect, had said the topographic situation is such that in the back of the house it is very steep. He showed surveys of the area around the house showing the topographic situation. Mr. McGrath said if they could avoid getting closer to the road they would do it but the house is practically in the hill now. This is carrying the line of the existing porch across.

Mr. Eugene Smith said he felt Mr. McGrath would be interested in learning that the ultimate right of way proposed for Popes Head Road is 80 ft. according to the Planning Engineer's report.

Mr. McGrath said he owns both sides of the road so he hoped they would expand on the other side. There is presently a little cabin on the property across the road. In spite of the fact that this is located on almost 30 acres, this is a topographic situation.

There was no opposition.

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April 28, 1964

David B. McGrath - Continued

Mr. Eugene Smith moved that David B. McGrath be permitted to erect an addition to dwelling 31 ft. from right of way line of the road, property on north side of Popes Head Road, Rt. 654, approximately 2.8 miles west of Route 123, Robey's Mill in Centreville District; this is a reasonable request and the minimum request which would grant relief. Seconded, Mr. Dan Smith. Carried unanimously.

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WIMSATT PROPERTIES, INC. to permit erection of building closer to property lines than allowed by Ordinance, on N. side of Rt. 413, and adj. to North Springfield Swim Club, Mason District (I-G)

Mr. Ed Gasson represented the applicant. He stated that the property is presently being used by Johnson-Wimsatt for its lumber yard and at present the lumber is being stored in the open. They propose to build a shed where the lumber can be stored out of the weather. This shed will be 20 ft. high. They want to put it at this particular location because the railroad siding is there and this means that unloading by use of rollers is only feasible in this area. They feel this is a reasonable request, Mr. Gasson continued, because this is the only place where this sort of building could feasibly be placed; this will improve the situation and will screen the lumber that is there. Johnson-Wimsatt is an asset to the County. They have complied with the County's requests. Earlehurst Road is used only for their employees and the gate is kept locked. There are other locations on the property where this building could be put but this location is most feasible. There are two buildings on the property that have been there for some time, that are closer than this would be.

Mr. Paul Williams represented members of the North Springfield community in opposition. They objected for the following reasons: The building will be a fire hazard to the community; the gate is not kept locked as Mr. Gasson stated; this would depreciate property values; there is other space for this building and the reason for wanting to put it here is the railroad but a spur could be put into the property and move the building back; they objected because there had already been a fire in one of Wimsatt's trucks and it had been pushed out in the street to burn and the residents had to call the fire department. He presented a certificate of opposition signed by 35 residents of the community.

Mrs. Paul Egan objected to the bleak gray color of the buildings and felt this would depreciate their property values.

Mrs. Henderson stated that she saw no topographic situation which would allow the Board to grant this.

Mr. Gasson, in rebuttal, said this would consolidate the operation and he felt the Board had the right to grant the application. This would not be a fire hazard as all their buildings have sprinklers. As to the color of the buildings they will paint whatever color the swimming pool people wish them to.

Mr. Everest stated that he knew of no basis on which the Board could grant this application so he would therefore move that the application of Wimsatt-Properties Inc. be denied. Seconded, Mr. Eugene Smith. There is no proof of hardship as described in the Ordinance. Motion carried unanimously.

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Mr. Dan Smith noted that he voted for the motion because there is an alternate location for the building.

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The Board recessed for lunch.

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OLD FRONTIER TOWN, INC., to permit operation of miniature western frontier town on 14.2 acres of land, property on north side of #29-211 adjacent to Hunter's Lodge, Centreville District (RE-I, C-N and C-G)

Mr. Eugene Smith was not present when this was taken up.

Mr. Robert Lainoff, director of Old Frontier Town, and attorney from Alexandria, said this has been before the Board several times. It is the purpose of the ownership of Old Frontier Town to provide a western motif facility that would be both beneficial to the County and the State as a whole. This would bring additional revenue into the county by way of visitors to the area. They intend to operate in a careful manner with due regard to use by school facilities, to try to bring them into the operation by way of participation in one activity or another. Mr. Lainoff said he was director and his partner, Mr. Cohen, is a director; Dr. Brown; Stanley Jeter, -- will have full control of the operation. They have rented three acres of additional parking from Hunter's Lodge and would have adequate parking facilities.

Mr. Dan Smith felt that better plats should be submitted before action is taken.

Old Frontier Town, Inc. - Continued

Mr. Dan Smith said the plats which they had presented had been revised so many times you could not tell what was really intended. The entrance proposed on Route 608 according to the plats, he was sure had not been posted by the Zoning Office.

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Mr. Lainoff said they propose no outlet at that point.

There was discussion of the C-G shown on the plat; Mr. Smith insisted that this did not appear on the previous applications and was not a part of the original application.

Mrs. Henderson read from the list of activities submitted by the applicants and compared it with the list of uses granted in November.

Mr. Lainoff asked what the objection was to the inclusion of additional items as set forth in this request.

Mrs. Henderson said she did not object to the fishing hole or horseshoe pitching, but felt that they were asking to sell too much in a residential zone. This would be the same as a miniature shopping center in effect.

Mr. Dan Smith felt the Board should ^{get into} not a new hearing on something they heard last fall and denied and these are the same people who were involved in that application and were told what they could do and did nothing about it. The name has been changed.

Mr. Lainoff stated that at the time of the previous hearing the property was owned by Garwood operating under the name of Western Amusements, Inc., and was run by Mr. Sprinkle. In November that was taken over by a group and run as Frontier Town, Inc. Since that time, the property has been purchased from Garwood and all the interest of the former owners of the property.

Mrs. Henderson asked what is this called now?

Mr. Lainoff said this is called Old Frontier Town, Inc. It was Virginia Frontiers, Inc.

Mr. Dan Smith asked what has been added in the way of new people in this organization.

Mr. Lainoff said that since November they had added Dr. Brown, Jack Levinson, Mr. Borden, Albert Wolfe, Mr. Martin Fields.

Mr. Dan Smith asked -- what happened to Virginia Frontiers, Inc.?

Mr. Lainoff said this is the land owner of the property at present time. The last owner of the property was Frontier Town, Inc. Frontier Town, Inc. is the operator of what was known as Old Virginia City -- there is a lease between the corporations. Mr. Garwood no longer owns the land; Old Frontier Town does not own the land. We are leasing the land from Virginia Frontiers, Inc. with a common Board of Directors, mostly the same owners in both organizations.

Mr. Dan Smith stated that this should be deferred for two weeks to give the applicants a chance to show the exact amount of land, what they plan to do with it and find out just what they plan. The parking does not show on the plat. They have C-N zoning which was zoned by the Board of Supervisors specifically for this recreational area but the original application of Old Virginia City did not have any C-G property in it. In December 1963 there was a letter asking that the application be withdrawn.

Mr. Everest said he was in accord with Mr. Smith's statements and would not consider approval of any operation on this property until complete plats showing exact parking and proposed uses are submitted. He would not grant a permit based on someone else's application.

Mr. Lainoff said the ones who applied in November have never operated.

Mr. Dan Smith said that Virginia Frontiers, Inc. owned this land and they applied for the use permit last fall.

Mrs. Henderson said in November Mr. Lainoff's name was listed as one of the persons involved in the application made in November by Virginia Frontiers, Inc. and at that time it was deferred for revised plats showing parking for 500 cars. On January 14 they received a letter from the attorney for Virginia Frontiers, Inc. asking to withdraw the application without prejudice but after discussion by the Board both Mr. Smith's withdrew their motions and Mr. Dan Smith moved to defer to January 28. On January 28 Mr. Woodson suggested that the Board allow them to withdraw the application. At that time Mr. Eugene Smith moved that Virginia Frontier Town be allowed to withdraw with prejudice. That means they may not file again within a year unless the operation was less than applied for previously.

Mr. Lainoff asked for a two week continuation in which time they can provide up to date plats showing physical layout and parking and to go along with determining what functions were permitted so they could bring this up to less than it was before.

Mrs. Henderson said the guide line would be to draw up a number of activities, buildings, and the

function in each building, which would be less in scope than that of November 26.

Mr. Dan Smith stated that in drawing up new plats he would like the applicant to show by a very readable method the proposed use for each building on the plat - what they will be used for so the use can be pinned down. Certain uses have been applied for in certain structures previously and when the Board visited the property they found other activities going on. New plats should show what activities are taking place in each building. The buildings could be numbered and then each number could list out somewhere the activities in that particular building.

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Mrs. Henderson said before the Board could act on this they must have Health Department approval. Actually this is supposed to be approved by the Planning Commission and there shall be no parking within 50 ft. of any property line.

David Stearns, President of Dixie Hill Citizens Association, said they are within hearing distance of this and have been faced with the noise problem for quite a while. The original permit was for pony rides but the application today is typical of the operation they have been faced with in Dixie Hill; granting a permit for operation and expansion of Frontier Town would cause a nuisance to Dixie Hill. They object to loud noises from Indian dances, pistol shots and train whistles.

Mr. Dan Smith said the Board realizes that this is not the most desirable operation to have anywhere, especially adjoining Dixie Hill. This area will be further developed but he thought expansion of this particular type of facility in the area would be a detriment to further expansion.

Mr. Everest moved that the Frontier Town, Inc. case be deferred to May 12 for additional public hearing, and give time to submit new plats showing location of all operations proposed on the property, along with parking facilities. This shall not exceed but be less than those uses suggested by this Board in November 1963 and show a minimum of 500 parking spaces within the area allowed for parking; and Health Department approval is required to operate such an enterprise. This does not necessarily mean that the application shall be granted, however. The applicant will furnish completely new plats. Seconded, Mr. Barnes.

Mr. Eugene Smith did not vote as he was not present at most of the hearing.

Mr. Dan Smith, Mrs. Henderson, Mr. Barnes and Mr. Everest voted for deferral.

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VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection of an addition to existing substation, (Bailey's Crossroads), Part Lot 2, B. H. Warner Subdivision, Mason District (R-12.5)

Mr. Hugh Marsh represented the applicant. He introduced Mr. Leon Johnson III, District Manager of the Potomac District for the Virginia Electric and Power Company, who gave the following report:

"The Power Company is requesting a use permit to construct, operate and maintain a 34 KV switching station in the Bailey's Crossroads Substation. It is proposed to locate this new facility on the rear portion of our property in back of the present substation. Our existing facility is located on the south side of Columbia Pike approximately .3 mile west of Leesburg Pike. This proposed facility is to be located on land which we have owned for a considerable length of time, however, we have contracted to purchase additional property south of our existing property so as to provide adequate setback clearances. . . . Bailey's Crossroads Substation is supplied by a line which connects Arlington Substation to Annandale Substation. There is another line passing by Bailey's Crossroads Substation which connects Jefferson Street Substation to Falls Church Substation. These lines are shown in red on a map of Fairfax County marked 'Exhibit 3'. These existing line facilities are inadequate as presently arranged to the extent that two serious deficiencies exist. One is that Bailey's Crossroads Substation is interrupted whenever there is trouble on any part of the line between Annandale and Arlington. This creates an interruption to electric service to the important electronic research industries and other important commercial establishments in the Bailey's area as well as some 10,000-12,000 residential customers. The other deficiency is created by the numerous substations supplied by the line between Jefferson Street and Falls Church. . . . This proposed facility is extremely necessary in the public interest."

Mr. Johnson continued -- "It is necessary that this proposed facility be adjacent to our existing equipment in Bailey's Crossroads Substation otherwise it would not provide improvement to electric service to customers supplied from Bailey's Crossroads Substation. The proposed location is a good location also from other points of view as the surrounding neighborhood is generally commercial. We have made a concerted effort to keep the construction proposed as low in height as possible. . . . the tallest structure is 24 ft. 6 in. in height. . . . All applicable setback requirements will be met. The facility will be completely surrounded by a 6-ft. diamond mesh type fence with three strands of barbed wire on arms above the fence. The gate will be locked at all times except for ingress and egress when an attendant is present. Ordinarily the substation will be unattended.

This proposed facility will not create any new traffic which might be hazardous or inconvenient to the neighborhood. It will not create any interference to radio, television or other electronic equipment. It will not produce offensive noise, vibration, smoke, odor or other air pollutants, radio-

Virginia Electric and Power Company - Continued

activity, glare or discharge liquid or solid wastes. It will be designed and constructed to meet all applicable requirements of the National Electrical Safety Code." This concluded Mr. Johnson's presentation. (A complete copy of Mr. Johnson's report is filed in the folder for this case.)

Mr. N. McKenzie Downs gave the following report: (A complete copy of Mr. Downs' report is on file with the records of this case.) The addition to the existing substation as proposed is not considered to have an adverse effect on the surrounding area. The trend of development in this area is for increased commercial zoning, and the development which has already taken place has not suffered any ill-effects from the existing installation. Existing single family residential housing in the area is in a state of transition and is considered to have a high potential for commercial utility.

Mr. Downs continued -- Housing in residential areas adjacent to existing substations have not only maintained their value, but follow the trend of values of residential housing in areas isolated from any substation influence. Multi-family development and commercial development which has taken place adjacent to existing installations is indicative of the fact that such development can and does take place adjacent to such installations, and that such development will not suffer any adverse effect.

The installation as proposed will be fenced and maximum security afforded to the public. Construction will be in compliance with the National Safety Code, and the safety of the general public is not considered to be adversely affected. With the exception of the period of construction, no additional traffic will be generated; therefore, traffic is not considered to be affected in any way.

It is therefore concluded, Mr. Downs went on to say, that the proposed addition will not be detrimental to the character 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.

Mrs. Henderson asked Mr. Johnson when the original substation was built. His reply was -- about eight years ago.

Mr. Everest was concerned about the screening of this installation -- he felt that these facilities should be made as attractive as possible.

There was no opposition.

Mr. Jessie Moore owning property next to the substation said the substation had been there as long as he had. He just wondered how this application would affect his property.

Mr. Downs told Mr. Moore that his property was shown as proposed commercial property on the Master Plan for the Bailey's area - and someday it might be so valuable that he might no longer want to live there.

Mrs. Henderson read the Planning Commission recommendation to approve the application.

Mr. Eugene Smith moved that VEPCO be permitted to erect an addition to existing substation at Bailey's Crossroads, Part Lot 2, B. H. Warner Subdivision, Mason District, provided that provision is made for adequate screening of this structure, screening to be worked out with the County Soil Scientist -- the Board will ask the County Planning Engineer to send the site plan back to the Board administratively before approval of the site plan so the Board may approve the screening provisions. It will not be necessary for VEPCO representatives to come back for another hearing, as this can be done administratively. The entire site shall be screened. Seconded, Mr. Everest. Carried unanimously.

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HERBERT E. HARRIS, II AND GEORGE ARKWRIGHT, to permit erection and operation of a community swimming pool and other facilities, east side of Old Mount Vernon Road, Route 623 opposite Mt. Vernon Grove Subdivision, Mount Vernon District (RE 0.5)

Mr. Harris introduced Mr. Arkwright, President of the club, and George Van Beesen, architect employed by the club. Mr. Harris said they had run a check list of what was required for this operation and the first point made in view of the delay was that the Board would like to know how the water situation would be handled. Mr. Harris said he had a copy of a thirty-day proposal from the Fairfax County Water Authority, and he referred to a plat indicating the water line brought down to the property. In addition, a fire hydrant will be located at the entrance to their property. He pointed out that the owners of this land have entered into contract without contingency. They have checked out the best way to handle sewer facilities and went to public water because the Board had indicated that they preferred public water facilities. He presented a report from Springfield Surveys signed by Carl Hellwig as follows:

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"Sanitary sewer is possible by means of a small ejector pump to be located on the land of the proposed site. The sewerage will be discharged from this line into an existing manhole in the Mt. Vernon Woods Subdivision approximately 500 foot offsite.

This is the same type of sewerage connection that exists at the restaurant on the Mount.Vernon Estate, with the exception that your demand requirements are by no means as high as those of the Mt. Vernon Restaurant.

I have discussed this matter in detail with Mr. Leidl of the Fairfax County Sanitary Engineering Department and he concurs that the solution is adequate and the line capacity in the Mt. Vernon Woods Subdivision is available."

Mr. Harris read a letter from the County of Fairfax, signed by Frank Houser, quoted as follows:

"In confirmation of our discussion of yesterday morning, when we reviewed your problem with respect to sewers, you will be able to tie in your main with the County main at Presidential Drive near Old Mt. Vernon Road (Route 623).

This is an 8 inch main and will be fully capable of handling your sewer requirements."

Mr. Harris said those are the first two points made by the Board in regard to the swimming pool facility, and as to the third and major point -- parking, they have conducted a rather thorough survey of what the situation is, has been, and what it should be. He read a letter from the Waterite, Inc. pool operators:

"It has been our experience through the five years Waterite, Inc. has been established, and the many years prior to 1960 that Mr. Sullivan and I individually were associated with this type of work, that the various club parking facilities needed averages about 30% of the total membership. That is to say, if the membership is 200 families, club "off street" parking would provide for 60 automobiles and still leave adequate space and thoroughfare for emergency vehicles such as ambulance, fire truck, and police, and in addition, our delivery and maintenance trucks.

We have found this percentage to be very adequate at times of peak participation, which includes team and league activities, and heavy guest and membership use. The location of your facility in relation to the location of residences does indeed have some bearing on required parking availability; bear in mind, your membership will never be at the site, in large percentages, at any one given time-- and further, not all of them will use automobiles. Guests, of course, are prohibited without a member, thus this feature does not add a burden upon parking area.

Heaviest adult and teen (drivers) participation periods, other than the special activities held just a few times during the season, as mentioned previously, are generally as follows:

Daily:-----1 to 4 pm, 7 to 8 pm
Saturday:-----12 to 6 pm
Sunday and holidays:-----2 to 5 pm

Listed below are several facilities with which we are personally acquainted, citing total membership and parking availability:

<u>Parking availability</u>	<u>Membership</u> (Families)	<u>Parking</u> (Autos)	<u>Per cent</u>
Little Hunting Park	600	120	20
Royal Arms Pool (Kings Park)	250	50	20
Edsall Park	350	50	14
Waynewood	350	50	14
Rose Hill Farms Community Center (Highland Pk.)	250	60	24
Virginia Hills	350	60	17
Springfield Swim Club	250	70	28

We have never, at any time, had any parking problems whatsoever--thus, you can readily see the 30% gives you quite a safety margin on your prospective membership of 300 families."

Herbert E. Harris II and George Arkwright - Continued

In addition, Mr. Harris continued, they have surveyed the pool construction companies orally, the ones which they felt would have knowledge of construction of this type activity. He read a letter from Lewis Swimming Pool Construction Company with regard to the number of parking spaces required. He said he thought the distinguishing factor in this case was whether or not the pool is in the middle of a subdivision or apart from it.

Mr. Harris said they are approximately 350 ft. from the edge of Mount Vernon Park Subdivision, connecting with Westgate Subdivision, which this pool is basically meant to ^{serve} comply with. The Wicks tract of approximately 50 acres has been recently sold for subdivision purposes in the past week and also another nearby tract. The abutting tract is for sale at \$110,000, obviously for subdivision. Across the street is a subdivision of one-third acre lots - these lots are for sale at \$3,000 each. This will be an area of intense impact and we feel very fortunate for getting this land this quickly, Mr. Harris continued. He said they took the most extreme example they could think of -- Brookville Pool, which caters to not the community but to all of Northern Virginia, and asked their opinion. He read a letter from them regarding parking:

"It has been our experience at Brookville that if 30 to 35% of the participating families had a parking space provided, at any given time, there will be ample parking for all occasions including peak days and special occasions.

Our membership fluctuates between 850 to 1,000 families, and our membership includes people from all over Northern Virginia, two per-cent of our membership resides in the District of Columbia.

In view of our experience I believe that if you provide the same percentage of parking spaces to total number of families, you will have more than adequate parking facilities for your members."

The ratio to be provided by Brookville, Mr. Harris said, would be 30 to 35%. He presented plats showing 114 parking spaces to the 300 maximum owner membership. Their membership would come from Westgate, Mt. Vernon Forest and Mt. Vernon Park. In checking from pool to pool, Mr. Harris said they had found that if a person lives one block from the pool they will drive -- whether it is one block or one mile or in the middle of a subdivision they will drive. He related experiences of community pools running from 22 to 28% to Brookville running 30 to 35%. Mr. Harris said they have increased their ratio from 26% to 38% and believe this almost 40% ratio will be more than adequate in this case.

Mr. Van Beesen stated that based on their experience it seemed to him that one hundred parking spaces would be more than ample for this type use. If there is any increase in this number it would mean destroying more of the very beautiful site which exists here.

Mrs. Henderson said she could not see how they could get this number of parking spaces there - the only level ground is where the club house and pool are planned.

Mr. Van Beesen showed a topo which they had received since the last meeting, which showed the level ground going almost all the way back to the tennis area. The road is roughed in now. They will have to do some filling which would require some grading - the more parking required, the more grading necessary.

Mr. Dan Smith said he wondered if all the figures presented by Mr. Harris were as accurate as the figures which he gave on parking -- for example, Mr. Harris had stated that King's Park Pool had only fifty parking spaces and Mr. Smith was sure the Board had granted 110 parking spaces.

Mr. Eugene Smith stated that basically the public hearing was over on this case and he had made an inspection of the site and to him the proposed location clearly did not meet the requirements as set forth in the Ordinance in granting a special use permit. He quoted parts of the Ordinance regarding use permits being authorized upon finding that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with land uses in the area... that there must be a finding that location, size, etc. shall be such that pedestrian and vehicular traffic to and from it will not be hazardous or inconvenient to the predominantly residential character of the neighborhood... that the use shall be in harmony with the general purposes of zoning, etc... and it seemed to him, Mr. Smith continued, that this property is located removed from existing development. This application is different from the application of Rutherford Pools which was heard earlier in the day. The land in this application is situated near Mount Vernon and this is a very strategic area - the highest use of this land should certainly be some type of very high single family development. If this pool were planned for the overall development of the entire area, Mr. Smith said he might feel differently about it but he did not feel this Board would be doing its duty to permit this facility to be constructed on this site at the time and he moved that the application of Herbert Harris and George Arkwright be denied as it does not meet the requirements of the Ordinance. Seconded, Mr. Dan Smith.

Mrs. Henderson said the case was heard two weeks ago but she would like to address a remark on her part. When Mr. Harris had telephoned her earlier and asked what the Board wanted, at that time she was in favor of the pool but after walking on the site yesterday, she had thought all the way

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home that this was not a location for that swimming pool so she made up her mind after seeing the site. The site is incongruous with the rest of the neighborhood.

Mr. Harris stated that the application had been deferred on the basis of the applicants doing certain things, which they had done, and such things are very expensive. They had incurred these expenses as a community activity, then they approached the Board and a member who was not present at the public hearing on the application proceeded to make the motion which was immediately seconded and Mr. Harris said he did not think this was conducive to sound community planning.

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Mr. Eugene Smith said it was true that he did not hear the proponents nor the opponents in this application and he had never heard a soul say anything detrimental to this application; he had made up his mind based on the physical aspects of the neighborhood in which it is located and if it be the judgment of the Chair that because he did not participate in the original hearing, he was willing to withdraw the motion.

Mrs. Henderson said it might be advisable if he withdrew the motion. Mr. Eugene Smith withdrew his motion and Mr. Dan Smith withdrew his second.

The Chairman called for a new motion.

Mr. Dan Smith said he would move to do the same thing that Mr. Eugene Smith had indicated in his motion which he thought was in good order. He moved that the application of Herbert E. Harris II and George Arkwright be denied based on reasons previously stated. This is not the proper place for this pool; too many "ifs" are involved here; this would not be conducive to good development; the previous application of Rutherford was in the middle of a subdivision going in - it was different from this case. The presentation contained inaccurate statements and he specifically referred to information on parking spaces required (the Board granted 110 spaces to Kings Park pool and in the letter we are led to believe it was granted 50); this had a bearing on his decision on the application, Mr. Smith continued. This does not conform to requirements for use permits in residential zones and the new plats do not reflect the number of parking spaces which were requested to be shown at the time the case was heard. Seconded, Mr. Barnes.

Mr. Eugene Smith did not vote as he did not hear the entire case. All others voted in favor of the motion. Carried.

Mr. Harris said he wished to file a special project which the ladies of his area had carried out, and he presented a petition signed by 122 mothers of their area urging the Board to grant this pool.

Mrs. Henderson said the case had been heard and it was too late to present this information. The entire case would have to be reopened and start from the beginning and hear everything again, including new opposition.

Mr. Everest said the next recourse would be appeal to the courts. A new application cannot be filed with the Board within a year.

Mrs. Henderson said the applicant may request a new hearing within 40 days if new evidence is submitted which could not reasonably have been submitted at this hearing -- new evidence only. The ladies' petition should have been presented at the first hearing. It will have to be ruled out of order; the next recourse would be appeal to the courts.

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K-9 PATROL, to permit operation of dog kennel on 5.2575 acres of land, property on west side of Hunter Mill Road, approx. 1/4 mile south of Route 7, Centreville District (RE-1)

This had been deferred from previous hearing to view property - today is for Board decision only, Mrs. Henderson announced. She stated that she was concerned about sanitary facilities at the kennel; there is no indication as to whether or not the land will percolate and how they would dispose of necessary wastes.

Mr. Everest asked what the cost of the building is estimated to be. The applicant did not know. He said these dogs were trained exactly like Police Department dogs - they serve the same purpose, and work on command only. They do not bother anyone's farm animals.

Mr. Dan Smith felt that this operation should not be conducted on five acres of land - but on 100 acres of land. This is not a normal kennel operation.

Mr. Everest noted that the public hearing is closed and he did not believe it was fair for the applicant for the Board to permit him to sink any further expenses into this particular area when it is in an area now that it is not wanted in. If there were a shortage of land in the County for this, it might be different but there are plenty of areas where the dogs can be kennelled, where they would not bother anyone - if this were granted it would be eventually withdrawn and for that reason he would move that the application of K-9 Kennels be denied. Seconded, Dan Smith.

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April 28, 1964

K-9 Kennels - Continued

Mrs. Henderson said she would like to vote for deferral in order to get more information on sanitary facilities. Mr. Eugene Smith abstained because he did not hear the presentation. Messrs. Barnes, Dan Smith and Everest voted for denial. Carried. The Board agreed - this was a fine idea; wrong location.

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Kena Temple Progress Report: Mr. Clark was present.

Mrs. Henderson pointed out that the Board had never received the sketch of the first building erected on the property.

Mr. Clarke said he had arranged for photographers to take pictures of the building.

Mrs. Henderson told Mr. Clark that future buildings must be presented to the Board before erection; she asked about supplemental planting.

Mr. Clark said they had set out planting, concentrated in the area where the natural wooded strip was thinnest - they set out 300 transplants of white pine. The road along Route 50 has been started but the weather has hindered them. They had taken steps to close Karen Drive but had found that part of it is dedicated street so they need better information on where to close it.

Mr. Dan Smith said there was a question of whether the State would let them close it.

Mrs. Henderson said they could put a barrier at their end of the street. She thought Kena Temple was making progress - the Board would like another report in sixty days to see how the road is progressing. She stated that the Board would look at the minutes to see how Karen Drive was discussed. This Board has spent a lot of time and so have other people in order to see that these things are done.

Mr. Clark said they were making a new effort and would try to pull together all these things. Their main problem is money.

Mr. Hansbarger and Mr. Buckley, potentate, were present. Mr. Buckley said there were a few things that were debatable -- such as planting pine trees in dense trees when no sunshine can get to them. They did apply for a building permit but were held up.

Mrs. Henderson said - next time wait till the permit is released.

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L. S. SORBER, to permit removal of sand and gravel by excavating, property on northerly side of Hooes Road, Route 636, westerly adjacent to Beverly Forest, Mason District (RE 0.5 and RE-1)

Mrs. Henderson stated that this case had been deferred previously at the request of the Board of Supervisors and Planning Commission to await passage of a new Natural Resources ordinance. The Board of Supervisors on April 22 had again found it necessary to ask deferral. They hope to be able to take the matter up again next week.

Mr. Eugene Smith moved to defer the application as requested by the Board of Supervisors. No second.

Mr. Hansbarger, representing the applicant, said this application had been before this Board on several occasions. The application contains an area of approximately 70 acres. The original application was for 30 acres but since then they have negotiated with T. C. Williams for the adjoining 40 acres.

Mrs. Henderson said her main objection at the original hearing was that she was afraid that if the Board granted the 30 acres someone would ask for the adjoining 40 acres and now this has come true; they are asking for 70 acres.

Mr. Hansbarger said the objections he had heard before were for the same reason - however, he felt it would be better to get all the gravel out at one time rather than extend it over a period of 7 to 10 years. They are asking for a permit to operate for only three years. Mr. Hansbarger told of the uses on the adjoining Fort Belvoir property -- ammo dump, test range, equipment test area, gravel operation, garage, hangar, runway for airport, helicopter pads, etc. This is located 1.4 mile from Springfield intersection and 1.5 mile from Fort Belvoir interchange and if this gravel operation is granted, the gravel from here would be used on the Shirley Highway. There is to his knowledge, Mr. Hansbarger stated, no closer location to the need of the gravel operation that he knew of in the County. The gravel has to come from somewhere. This property is not included in the NR zones. The map which Planning prepared indicated the idea of having gravel extracted in NR I and NR II zones for a longer period of time than in other areas. The Soil Scientist drew up a plat showing gravel deposits in the County, Mr. Hansbarger continued, and indicated NR I and II in which gravel excavation would be carried on for a longer period of time. They did not mean NR zones to exclude gravel removal from where it exists.

Mr. Everest asked if this were Mr. Hansbarger's interpretation - Mr. Hansbarger replied that it was Mr. Payne's interpretation.

L. S. Sorber - Continued

Mrs. Henderson said she agreed with that, but this does not mean you can take gravel out of all the other places where it exists outside the NR zones.

Mr. Hansbarger showed a map of different gravel operations in the County.

Mrs. Henderson asked Mr. Hansbarger how much of this property is RE 0.5 zoning and how much RE-1. Mr. Hansbarger replied that 30 acres is in RE 0.5 zoning and 40 acres in RE-1. The 30 acres is owned by Cassius Carter, Jr. trading as Sorber, and the 40 acres is owned by Williams. They will use only 55 acres for excavating gravel, Mr. Hansbarger stated, and with regard to sureties and bonds, he introduced a letter stating that there had been no time when the insurance carrier had had to pay a claim by virtue of it. He showed photographs taken before one of Sorber's operations, during restoration, and after restoration. With the restoration requirements of the County, and with ultimate disposition of this property, (no one can conceive of it remaining vacant property), this can be done and done properly. Mr. Hansbarger said he did not deny that those living in the area would be inconvenienced to some extent for some period of time but they are talking about a quick excavation and restoration that will leave the land in better condition than it is now. Until this is done, Mr. Hansbarger said he could not conceive of any development.

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Mr. Hansbarger stated that the Building Permits Office shows that there have been no applications for permits for new construction in this area and he attributed much of this to the fact that there is no sewer in the area. Orderly development will not take place until there is sewer and that is a minimum of five years away.

Mr. Hansbarger showed a map of the area to be used for the gravel operation and the green sections on the map showed the buffer strip which he said would not be used for excavation. On the west side of the property will be a 50 ft. wide strip, 50 ft. on the easterly side, no distance next to Fort Belvoir, and one small area which will not be excavated to provide a buffer and because of drainage.

Mr. James Patton said that Streets & Drainage recommended that they stay off 50 ft. from these lines. They have colored on the map the original drainage divides.

Mrs. Henderson asked if the swampy area was still offered as recreation area to Beverly Forest.

Mr. Hansbarger said this area was included in excavation area before but if the people still want it, it is still there. The topsoil from this operation will be stockpiled and used back on the same property. He showed the entrance and said sight distance is very good. They will be required to dedicate 25 ft. from the point of entrance on to Hooes Road east. They will be required to widen the pavement of Hooes Road along the frontage of the entire 30 acres - there will be three lanes at the entrance. Regarding sight distance, a 2 ft. object can be seen from 500 ft. away.

Mr. Hansbarger read a letter from Captain Dodson regarding fatalities on school children from gravel trucks and he said there were none from 1955 to 1963 - None since 1963 either, Mr. Hansbarger added.

Mr. Dan Smith thought this was a problem - not only in this type operation, but in any area where trucks are allowed to leave an area with gravel stuck between dual tires. He had some thoughts on how to correct this situation, he said, but nothing has been done so far.

Mr. Hansbarger presented a letter from Mr. Frank Holloway, consultant on wells and septic tanks, (letter on file with records of this case), which set forth the following conclusions: (1) Noise related to production of materials is one which considers the horsepower output of the machines being used. Essentially only three machines of appreciable horsepower are utilized in a portable gravel plant producing a crusher run material. The writer has visited the working plant facilities of Sorber and Carter and find that none of these machines involve horsepower ratings in excess of 200 horsepower. With respect to actual crushing operations, these noises are completely below the level of the sound produced by the motors, and this condition is reflected in the industry wide application of crushing.

Of greatest importance in evaluating the subject of noise, is a comparison of the noise produced by the machines referred to when compared to the noise generated on Shirley Highway itself by passage of actually hundreds of trucks in an individual hour, which condition may continue on a 24 hour per day basis utilizing diesel engines of much greater horsepower than those utilized in the gravel operation. Noises generating from Fort Belvoir's test facility will be equal to or greater than the pit operation.

In view of its location adjacent to Shirley Highway, Beverly Forest is continuously subject to vastly greater noise from the trucking operations on Shirley Highway than will ever be experienced as a result of the proposed gravel operation. In addition, the gravel operation proposed is not a 24-hour operation, but is confined to daylight hours only.

Conclusion (2): With respect to the effect of gravel operation on existing water supplies, it is important to recognize that the gravel layers in this area generally cover the tops of hills and are for the most part above elevation 220. A study of ground water clearly shows that the gravel layer referred to

is the area or zone of aeration and is not the zone of saturation such as it would have been if it were the water bearing strata. Water wells in this area and adjoining areas have their holes drilled through the gravel strata which is the intended workable layer of gravel in this case and the removal of this gravel will have practically no effect on existing wells since the finished contour of the rehabilitated area shows an average of about 8 feet lower finished than presently exists. Whereas a water table is rarely ever flat, it is usually a subdued reflection of the surface of the ground being, at a higher elevation near the tops of hills than in areas closer to the valleys. Pumping from wells somewhat alter the water table and if wells are continuously pumped, a cone of depression is formed as the water is withdrawn. As a general rule the pumping down of an area will somewhat alter the water table for a short distance away. Lateral movement of water except in very porous materials is very slow and usually ranges from 5 feet per day to 5 feet per year. Consequently, it is rare, indeed, that water elevations are affected more than 100 feet away. Final sloping and seeding of slopes further reduce and prevent interference with existing wells.

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Mr. Holloway's third conclusion was that in evaluating the effect of the proposed gravel operation on existing sanitation facilities, the net effect of reduction in existing ground elevations, together with the overall drainage outlet will in reality constitute an overall improvement in present existing conditions. It is believed that those dwellings presently using outdoor privies will eventually shift to a septic tank system and the overall drainage improvement made possible by this operation will constitute a better guarantee for the present adjoining properties. The proposed deepening of the ditch adjoining and on the Fort Belvoir property will insure the adequacy of septic systems which might eventually be installed following restoration efforts on the property involved as a gravel pit operation.

The letter ~~may~~ pointed out that the Beverly Forest area utilizes water sources other than wells and, therefore, the gravel operation would not affect in any way any of their water supplies or septic tank facilities.

Conclusion (4): The effect of the operation on overall drainage of the proposed pit and adjoining properties is partially discussed above, since both ground water and human consumption and disposal is involved. It is of major importance to observe that the disposal fields and septic tanks which occur on individual properties within the area have a much closer relation to the subject of water contamination than gravel operations located a greater distance away on other property. The gravel operations do not contaminate water supplies in this manner.

The proposed drainage plan as studied with respect to this operation will serve the purpose of eliminating an existing pond. The proposed rehabilitation contours insure that no pond will be made as a result of the pit operations and the finished condition as outlined constitutes an overall improvement to the community.

Conclusion (5): Effect of dust - and dust control - Dust can be controlled within reasonable limits. The gravel found in this area contains a small amount of surface moisture clinging to the particle surface. However, the gravel is not a water bearing strata. The material as encountered is not dusty as it is found, and the crushing operation still leaves the surface sufficiently moist as to not be dusty as the material is placed in stockpile. The passage of trucks on unpaved roads can be dusty - however, there are two methods for utilizing control of dust - application of calcium chloride on roads, plus sprinkling with a water truck.

Mr. Hansbarger presented two aerial photos showing the subject property and its relationship to other property in the area.

Mrs. Henderson asked if they expect to remove all the gravel on the 70 acres within three years.

Mr. Hansbarger said only on the actual 55 acres - the rest is buffer strip. He read an article from the Northern Virginia Sun regarding the rich veins of gravel in the County. He thought now was the time to remove gravel rather than delay what they think is going to be inevitable. There is gravel there - and gravel is only where it is deposited. The inconvenience which will be caused here is more than offset by the construction on Shirley Highway which will be done. The public welfare will best be served. Noise, dust, etc. if there is to be any, is going to be far greater when construction starts on the highway because the people contracted to build the road are not bound by County restrictions.

Mrs. Henderson stated that Shirley Highway will be widened anyway and if there were some visible reward maybe the people in the neighborhood would be willing to put up with the gravel pit.
IN THE FORM OF REDUCED TAXES BECAUSE OF THE NEARBY GRAVEL SUPPLY

Mr. Hansbarger said there is no place in Fairfax County, even in the NR zones, where somebody will not be inconvenienced by operations of this type -- you cannot go into these zones unless you get near a subdivision or where houses exist -- somebody, somewhere will be inconvenienced, but of all the public good, getting materials to build the highway - this outweighs the inconvenience.

Mr. Everest asked if there would be any processing of gravel.

The only thing proposed here, Mr. Hansbarger replied, would be a portable screening and sizing machine - one which could be moved on the highway, which sorts gravel and that which is big is crushed in the same operation. There would be no washing of gravel.

L. S. Sorber - Continued

Opposition: Mr. Richard S. Metting of 7715 Gormell Drive said he represented 199 residents within 113 of the 123 homes of Beverly Forest. He submitted an opposing petition signed by 199 residents. He showed photos of homes in the subdivision and other residents in the area adjacent to the proposed gravel operation. They object because of the inconsistency with past zoning history and projected development of the area; incompatibility with area development; lowering of property values; permanent scarring of the land; land being left unusable for residential purposes; adversely affecting salability of land; he read the following letter from the Behrens Companies expressing the view of the effect of the proposal on this community:

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"March 23, 1964

Mr. F. Wagener
7706 Gormell Drive
Springfield, Virginia

Dear Mr. Wagener:

Having been solicited by you, as one of our mortgagors, to give an opinion as to the effect of the granting of a certain request for a special use permit before the Board of Appeals, we are prepared to make the following statement.

It is my understanding that the special permit would allow the removal of gravel from certain lots in your area, creating a gravel pit operation.

It is a generally accepted rule that such industrial activities do have a de-valuating effect on property located in the proximity of this type operation insofar as resale value for residential purposes is concerned. No judgment could be made by this office as to any increment in value due to a rezoning for commercial purposes, however, it is my understanding that no such rezoning is contemplated and that the case is concerned with maintaining residential value adjacent to a gravel pit operation.

In view of this, it would be fair to say that such an operation would have a harmful effect on such residential values while the operation is underway and until such time as it has ceased and the ground has been returned to its former condition and, if this is not possible, would have a lasting effect on residential values; this depending, of course, upon both the visible proximity and the specific amount of industrial activity.

This letter may be presented in your cause to the Board of Appeals, however, it must be stated that the undersigned is not a member of the Society of Appraisers and would, therefore, not qualify as expert testimony other than that as voicing the opinion of a mortgagee with mortgagee's interests to protect.

Yours very truly,

(S) Donald M. DeFranceaux, Assistant Vice President"

Mr. Metting also read a letter from Mr. Bob Reiner, real estate agent within the Springfield area, as follows:

"March 24, 1964

Mr. Frederick C. Wegener
7706 Gormel Drive - Beverly Forest
Springfield, Virginia

Dear Sir:

With reference to your direct question as to what effect "gravel removal" operations would have on property values in the immediate vicinity of such operations, it is believed that value to residential property would be reduced by at least \$1,000.00 per unit.

This statement is based on the following facts:

- (a) Lending institutions are reluctant to accept as collateral property near gravel pits.
- (b) Purchasers of homes do not want to buy and/or make their homes in or near such operations.
- (c) When demand for housing in a given area is reduced or lessened property values are decreased in ratio.

L. S. Sorber - Continued

Therefore, it is our considered opinion that property values would be reduced in those areas near gravel pit operations.

Respectfully submitted,
(S) Bob Riner, Realtor"

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Mr. Metting continued: This has been discussed with the Springfield representative of Weaver Brothers - they state that it has been difficult to get realistic mortgage commitments in other areas adjacent to existing gravel pits. Machinery creates additional hazards to drivers and pedestrians, Mr. Metting went on to say, and school children would be endangered; roads would be damaged by gravel trucks and gravel spillage from trucks would cause damage to automobiles. The Police Department cannot control these conditions. Assuming that the applicant will rehabilitate the land to County regulations, the land from which gravel is removed should still be rendered usable for residences - the lowering of the land level and unbalanced soil conditions will not permit septic tank operation.

Mr. Metting stated that it is highly illogical to believe that the intention of the builders will be to construct houses similar to those already there; only a downgraded community can result, with loss of tax revenue. Pollution of air and water presents a grave danger. There will also be illegitimate dumping on this property after this operation has ceased.

The following is a prepared statement which was read by Mr. Clarence E. Bradley regarding this application:

"My name is Clarence E. Bradley. I reside at 7237 Ben Franklin Road, Springfield, Virginia, about 300 feet from the northeast corner of the proposed gravel operation. I am President of the South Springfield Civic Association and have been authorized to voice the objections of that Association and other citizens of our area to a gravel operation in our neighborhood. The South Springfield Civic Association comprises an area including seven county-recognized subdivisions in the immediate area of the proposed gravel pit. They are: Wilshire, Woodland, Fair Vernon, Bonniemill Gardens, Franconia Heights, Shirley Springs, and Accotink Springs.

I present to the Board of Zoning Appeals a petition containing the names of 224 persons opposed to this application authorizing me to express their objections. All of these persons reside near the proposed site or own property in that vicinity. I also present letters from other organizations in our area who stand opposed. We concur in the objections expressed by Springvale and Beverly Forest.

First, we ask that this application (dated February 14, 1964) be denied on the grounds that it was submitted less than one year from the date on which the Board of Zoning Appeals took action (April 23, 1963) on a similar application involving a substantial part of the present application as required by Section 30-41 of the Code. I submit to you an exhibit which includes the provisions of Section 30-41, a copy of the present application, a copy of the notice of denial by BZA on the previous application.

The applicant seeks a special use permit to excavate gravel in a residential area outside the Natural Resources Zones. Section 30-125 of the Code permits this Board to issue such a permit only "****upon a finding that the use will not be detrimental to the character and development of the adjacent land, and will be in harmony with the purposes of the comprehensive plan of land use." We contend that such a finding cannot be made for this application.

The basic standards applying to ALL special use permits in a residential area, as set forth in Section 30-126 of the Code are as follows: (a) The location, size, nature, intensity of the operation, its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic will not be hazardous or inconvenient to the predominant residential character of the neighborhood or conflict with the normal traffic on residential streets, both at the time and as may be expected to increase, taking into account, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections and the general character and intensity of development of the neighborhood.

(b) The nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(c) The use shall be in harmony with the general purpose and intent of the zoning regulations and map and shall not affect adversely the use of neighboring property in accordance with the zoning regulations and map.

We contend that the application cannot meet any of these required standards.

This application seeks to conduct a mining activity requiring the use of heavy excavating and processing machinery and numerous large trucks in the midst of over 400 homes, several churches, a small cemetery, and within one mile straight-line distance from the business heart of a rapidly expanding city. We contend it is highly inconsistent with the land use, both present and prospective, of the surrounding area.

L. S. Sorber - Continued

What better example do we have of such misfit activities than experience? Vividly etched in the minds of most of us opposed to this application is an incident reported in the Evening Star, on September 7, 1963. That article gives the shocking story of a 4-year old boy crushed to death by a power shovel in a gravel pit located near a subdivision in Prince Georges County, Maryland. This youngster was killed because of a badly located gravel operation. We ask you not to expose our children to this danger. I submit to you a copy of that article. Present in this room today is the sister-in-law of a 16-year old boy who drowned in the Edsall Road Pit. The proposed operation fronts on Hooe's Road (Rt. 636) which runs in an east-west direction at this point. Hooe's Road must serve as the ingress and egress road for the pit for a distance of approximately 6/10 mile where it joins heavily-traveled Backlick Road. Hooe's Road is a narrow (18 ft.), winding, rolling, inadequately drained and poorly based road without shoulders. It serves as the only arterial street for the seven subdivisions previously mentioned. Traffic also enters Hooe's Road from Beverly Forest subdivision on Constantine Avenue. The last survey made by the state back in 1963 from April to November showed an average daily traffic of 1636 vehicles. Hooe's Road is almost entirely traveled by the automobiles of its residents and the service vehicles required.

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For that portion of Hooe's Road between Backlick Road and Accotink Creek, 6 streets, 3 private roads, 35 driveways (many of which are back-out driveways) empty onto Hooe's Road. Because there is no public transportation and no sidewalks, pedestrians must of necessity use the road in and around the neighborhood and to and from the shopping centers. Five school bus stops are located on Hooe's Road in this stretch, two of which are approximately at each end of the proposed site. About 127 children ride these buses each school day. I submit a series of pictures taken March 24, 1964 at the bus stops. Hooe's Road is a street without lights, and the hours of operation of gravel pits include periods of darkness, particularly in winter months. In daylight, the east-west direction creates an additional visibility hazard from the sun in the eyes of motorists when traffic is heaviest. Hooe's Road joins Backlick Road at an extremely sharp angle, making it necessary for truck drivers to lean far to the right to see northbound traffic on Backlick Road. Many residents beyond our area also use this road, and several large developments beyond our area are in various stages of development or consideration before the County. I submit some pictures taken of Hooe's Road which are self-explanatory.

Last year when the applicant sought similar authority for a gravel operation, he estimated he would excavate as much as 500,000 tons of gravel from 30 acres of the same property involved in this application. Using his estimate, 70 acres would produce approximately 1,200,000 tons of gravel. Assuming a 5-day per week operation over a period of two years and a load of 7 1/2 tons per truck, would result in 300 loaded trucks leaving this pit daily. (1,200,000 tons ÷ 7 1/2 tons per load = 520 days = 307 loads per day.) Including empty returns an average of 614 trucks would use Rt. 636 daily. Based on a 14-hour work day, one truck would use this road every eighty seconds. To add 50 trucks a day to such a residential street is unthinkable. To add 600 trucks is nothing short of outrageous. I feel that any member of this Board would raise serious objections to such a proposal near their own home. I show you another incident reported by the Evening Star on February 9, 1964. It needs no elaboration -- 24-ton dump truck runs wild - six persons injured - nine private automobiles wrecked. The injection of heavily loaded slow moving trucks into heavy and fast traffic will encourage impatient motorists to take dangerous chances in passing on this narrow, curving, rolling road, exposing other users of the road to injury or death. We contend Hooe's Road cannot accommodate the proposed operation. Widening of the road in front of the property in question will not eliminate this hazard.

At the request of the Board of Supervisors, the Master Plan Staff prepared an exhaustive study of gravel deposits and the problems associated with its extraction and processing within Fairfax County. The study was made in 1961, titled "A Natural Resources Development Plan", and recognized the need for gravel.

After consideration of known deposits of gravel, requirements for processing facilities, access to primary roads in proximity to deposits, extent of residential development, and timing of sewer service, the Master Plan Staff recommended two zones in the County into which gravel operations would be concentrated for many years in the foreseeable future. The boundaries of the two zones were given careful consideration. Regulations to provide for the orderly extraction of gravel and rehabilitation of lands after excavation were set forth in the study.

The study recognized the existence of areas outside the two zones that contained gravel. However, it recommended against inclusion of such areas "to prevent as much as possible, the movement of trucks through residentially developed areas". The study recognized that location of such operations adjacent to residential areas was an important and valid reason for NOT EXTRACTING GRAVEL, stating that it would constitute a PUBLIC HAZARD. The study stated:

"Only in SPECIAL cases should use permits be granted to extract gravel in residential areas. In cases where an EXISTING GRAVEL OPERATION IS IN USE and there is good access to primary highways, then the Board may grant special use permits at its discretion." (p-6 emphasis added)

L. S. Sorber - Continued

We agree with the Planning staff that location in a residential area is no place for a gravel operation, as is here proposed. There are no SPECIAL circumstances in this application to warrant exception to the recommendation of the County's Planning Staff. No existing gravel operation is in use near the proposed site, nor can the access road safely accommodate this proposal. Since passage of the Natural Resources Ordinance implementing the substance of this study, the Board of Zoning Appeals has carried out its intentions by granting use permits in NR zones; including a few outside the NR zones, which were in industrial zoned areas close to existing operations; and only one in a residential zone, but the latter was near existing gravel operations. It differs from this proposal significantly in that access was not through roads primarily serving residential areas, and that the RF&P Railroad tracks acted as a buffer to the only concentration of homes in the immediate area. We cite the vital distinguishing characteristics here, although arguing against even granting any such permit in residential zones whose development has already begun. This application is not for the topping of a hill. IT IS FOR THE EXCAVATION OF A HOLE; after so-called rehabilitation, it will still be a HOLE.

According to the Planning Staff's study, there are more than 2000 acres of gravel deposits inside the NR zones, right in the midst of much of the current road-building activity. I submit a sheet from that study in support of this fact. I also point out that the applicant made all of his commitments on this property after establishment of the NR zones. **A FACT WITH WHICH HE WAS FULLY AWARE.** If the applicant wanted a gravel operation, a site within the NR zones should have been selected. Requirements for operations outside NR zones are more lenient than are those for operations inside NR zones when they should be more restrictive. I submit an exhibit to support this fact.

The mere threat of this proposal has discouraged substantial development and has served to depress improvement to existing properties. If approved, the incentive for neighborhood improvement will have vanished and our neighborhood will degenerate.

Approval of a single gravel operation in this area opens the door to requests by other owners of acreage nearby, who have every right to be accorded equal consideration for gravel operations on their land. At the hearing last year, the Chairman, Mrs. Henderson, expressed her fears that the adjoining 40 acres would go gravel if the Board approved a permit for the 30 acres then sought. Her foresight has become a reality, because that same 40 acres is now a part of this application. We anticipate 150 acres if not the entire undeveloped acreage in our area in gravel operations in the near future if this application is approved. Worse still, granting this permit would set a horrible precedent for the County. The rape of our neighborhood would make a mockery out of the County's Natural Resources Ordinance. There would no longer be any logical basis for denial of any gravel operation anywhere in Fairfax County. There is gravel elsewhere in the county. Mason Neck in Mt. Vernon District has gravel. The beautiful homes being developed there could be jeopardized by this blight, as we are today.

A gravel excavation of the dimensions here sought will be detrimental to the present character and future development of the surrounding area. It will expose us to physical danger and mental strain over the concern for the safety of our children. This application, if approved, will create safety, health, traffic, nuisance, law enforcement and assessment problems that far outweigh any advantage to be derived from excavation of gravel. Approval will serve as a public announcement that no one can have a home anywhere in Fairfax County with any reasonable degree of protection by zoning. It will change the environment unfavorably of the homes which we have provided for our families. I would emphasize that mere compliance with application procedures of the Code does not itself justify approval.

In addition to being concerned over the welfare of our community most of us opposing this application have a valid personal reason for so doing. I cite my own as an example. I have a 10-year old son who is afflicted with asthma; there are three other families on my short street who have the same problem. Since our children cannot live in a dusty environment, we have no choice but to sell our homes for whatever we could get and move to a reasonably dust free area such as ours is today. I would be afraid to predict the financial loss we would suffer.

I hope that this Board has given serious thought to the magnitude of this application. By your decision you will determine if we breathe pure fresh air or polluted dust-filled air, if we can sleep as we need and please or if our hours of rest will be confined to the hours when the gravel excavation is not in operation. There are occasions when some of us have to work late at night or all night and must sleep during the hours of operation. There are times when most of us have the opportunity and desire to sleep late. This right would be restricted for many if this application is approved. By your decision you will also determine if we can enjoy the full use of our homes and property, such as a cook-out in our back yards, just relaxing on a clean lawn, or opening our windows on a hot day.

An application involving a substantial part of the present proposal has rightfully been denied by this Board. The rapid development of the area and the enlargement of the request makes a second denial even more justified. We respectfully ask that you abide by your previous findings and deny this application, in accordance with the expressed desire of the overwhelming majority of the citizens affected by it. I thank you."

Mr. Everest asked if Mr. Bradley had read the Zoning Ordinance regulations governing gravel operations. No, not completely, Mr. Bradley replied.

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L. S. Sorber - Continued

Mr. Dan Smith said he wondered if these real estate people who wrote letters referred to by Mr. Metting had had the benefit of the topo and rehabilitation design set up by the people proposing this operation. This makes a good deal of difference as to land values. It is unfortunate that some of these people in real estate will make statements based on general knowledge without all the facts involved, Mr. Smith said.

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Mr. Bradley presented three letters in opposition - one from Crestwood Woman's Club, one from Upper Pohick Community League, and Springvale Civic Association. Letters are filed in the folder for this case.

Mr. William Plissner of Beechwood Lane discussed the degree of development which had taken place in the area, assessment values, and assumed that according to statistics which he had gathered, this gravel operation would depreciate all property nearby at least 15%. He felt it was unfortunate for this Board to hear this without a recommendation from the Planning Commission. He had hoped the Board would defer the matter. He discussed the one land bridge which he said the empty trucks would cross. This is a very dangerous road already and the hazards would be greatly increased. This is not a newly discovered gravel deposit, Mr. Plissner stated -- it was identified by the Planning Staff in 1961 and could have been put in an NR zone but was not. He felt the applicant should prove there has been a change in conditions since the last hearing and that a reversal of decision should be made; and prove that 12 months have passed since the last denial and that this is not the same application. Mr. Plissner felt that the applicant had not proved these things.

Mr. O. K. Normann said he had lived in this area for 35 years and in his present house for 14 years. His house backs up to the proposed gravel pit. He owns property along the entire west side of the proposed gravel operation and the applicant proposes no buffer strip along the entire property. He said he had built a swimming pool for children in the area because the year he moved there, a child drowned in a gravel pit and he made his decision to build this pool so the children would have a place to swim. The pool is 800 ft. from the highway and children take shortcuts across the land where the proposed gravel operation would be to get to the pool. If the permit is not granted, Mr. Normann said he could assure the Board that there would be orderly development on the west side and he would not sell to anyone who would not give orderly development and high development. The 500 ft. sight distance which Mr. Hansbarger mentioned -- Mr. Normann said might apply to truck drivers who were higher up but car drivers could not see this far.

Mr. Normann said he had worked with the Highway Department for 35 years and he felt that the figures which had been submitted on truck traffic were correct -- there would be more trucks per hour than are now on Shirley Highway -- 50 an hour in each direction. Passenger cars cannot see more than 200 ft. in front of them in most places, Mr. Normann stated, and taking that condition, one can imagine what it would be like in passing a truck on an 18 ft. road.

Mr. Normann said the minute they start digging the gravel he will have no water. His land is 30 ft. higher than the land in the application. His well is 30 ft. deep; the water is tested almost weekly by the Health Department. He uses it for drinking purposes and it is very good water. This is a dug well and has been in operation since 1945. He pumps 800 to 1000 gallons per hour continuously for 24 hours a day. Altogether he has four wells on his property (one for the swimming pool) and the wells vary from 22 to 30 ft. in depth. He stated that it would be useless to screen this portable crushing plant as the portable plants are almost as large as the permanent ones.

Mr. Hansbarger said there would be no collecting of water of the nature that the opposition spoke of in dread because they cannot wash gravel in this operation. They would be subject to NR regulations. He read a letter signed by two residents on the road adjacent stating that they had no opposition to the proposed gravel operation -- signed by Samuel T. Clark, 7702 Gormel Drive and Newton C. McMurray, 7704 Gormel Drive. Letter on file with the records of this case.

Mr. Eugene Smith stated that when this came before the Board previously he did not feel that it met the necessary standards for use permits in residential zones. He could not help but feel that this operation in this location would have an adverse effect upon the normal growth of the area; this is an area that because of lack of sewer has certainly not moved along toward urbanizing rapidly but he thought it inevitable that as other land lying in closer proximity to the central core of the city is developed that pressures on this land would be such that the sort of development as in Beverly Forest would move to the west; he could not help fearing that permitting gravel operation, even for short duration of time on this sizeable parcel of vacant land would have an adverse effect on orderly development of the property. The condition of Hooe's Road is one that gives reason for concern - he knew that gravel trucks operate on this road and on Beulah and Hayfield and other roads in the Franconia area in no better condition than Hooe's Road and realized that there is a relatively long range problem in that area in NR I or II zones and they are going to have to live with it, and make the best of it. With regard to the newspaper article given the Board by the opposition, he said he was glad that such conditions as described in the article where the boy was crushed to death by the power shovel, could not happen in this County under current use permit. It means this County has moved to get on top of the situation with cooperation from the gravel operators. This permit should not be granted as he did not feel it was in conformity with the intent of the Ordinance and it would be detrimental to the area involved.

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Mrs. Henderson said that in addition to the fact that this does not meet the standards of the Ordinance, she did not think it met (a) under standards for the specific operation on a access -- the only egress and ingress is Hooe's Road which certainly is the only means of arriving at most of these residential developments all along it. She did not think this operation could be considered as promoting public health, safety, convenience, etc.

Mr. Everest said he was in favor of this application because he felt that the future development of this land would be delayed until the time that the land values for residential far outweigh the value of gravel on this ground. If this is denied today he could almost guarantee another hearing next year and every year unless the Zoning Ordinance is written so it will preclude this particular operation.

Mr. Dan Smith said this was a very hard decision to make. He thought when this was heard previously one of his great concerns was the drainage situation which existed. He has gone over the entire property and basically, he stated, he agreed with Mr. Everest on the point that this land would lie idle for a long time. There is a valuable mineral here, one which is greatly needed in this area and is as close to the area as it can possibly be; the majority of this gravel might possibly be used for widening Shirley Highway therefore he would be in favor of granting the application with certain restrictions placed on the application.

Mr. Everest said this would cause a hardship on some people but if the Board denies the use of gravel from all areas similar to this area, gravel will have to be brought in from Maryland and down south which would in turn increase traffic on all our roads. He said he had weighed in his mind the good and the bad of this and had spent some time writing a motion and would therefore move that L. S. Sorber be permitted to remove sand and gravel by excavating property on the ^{northern} ~~south~~ side of Hooe's Road, Route 636, westerly adjacent to Beverly Forest, Mason District, in accordance with drawings filed with the Office of the Zoning Administrator, February 14, 1964, under the conditions set forth in Section 30-132 of the Zoning Ordinance of Fairfax County, and to be further governed by the requirements set forth in Natural Resource Zone I with the following exceptions:

No top soil will be removed from this property.

Portable screening equipment will not be permitted closer than 300 ft. to any property line.

The permit period will be for 3 years from commencement of excavation. Any continuation of operations beyond this time will be subject to the filing of a new application and the issuance of a new permit.

Excavation and stock piling of sand and gravel shall not be conducted closer than 100 ft. to the boundary of an adjoining property residentially zoned and containing occupied single-family residence, nor closer than 50 ft. to the boundary of an adjoining property line, unless the written consent of the owner, in fee, of such adjoining property is first secured; except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to such adjoining property. Sand and gravel excavating and stock piling shall not be conducted closer than 100 ft. to the right of way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

Restoration shall be a continuing operation subject to field and aerial review and approval at the mid-point and at the end of the permit period by the Restoration Board.

All banks shall be left with a slope no greater than 2 ft. horizontal to 1 ft. vertical on the south and west boundaries, and a slope no greater than 4 ft. to 1 ft. on the north and east boundaries.

Upon completion of operations the land shall be left in a safe condition, in such condition that sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that both natural and storm water leaves the entire property at the original, natural drainage points existing, as shown by the field topograph maps submitted as hereinbefore provided, and that the area drainage at any one such point is not increased, and in at least as good a condition for utilization for a use permitted in the district in which such land is located as before gravel removal.

The topsoil replaced or naturally developed in place by crop rotation shall contain a minimum of 1.5% organic matter. Minimum depth 4", or additional depth as specified by the Fairfax County Soil Scientist.

Upon replacement of the top soil, a ground cover shall be planted to hold the soil, according to instructions by the Fairfax County Soil Scientist as to timing and the type of cover. Within one year of top soil replacement or renewal in place, vegetation, of a nature to prevent erosion, shall be established, as prescribed by the County Soil Scientist.

If excavation is not continuously carried out in this location, this operation will be considered to have been abandoned, and prior to any further excavation a new use permit under the current ordinance will be required.

The bond shall be in the amount of \$2,000.00 per acre, based on 70.4855 acres.

The applicant shall file an agreement signed by himself and the land owner, if a different person, granting the County of Fairfax the right of access to perform all necessary rehabilitation of the bonded property in the event of forfeiture of the performance bond. This agreement shall be duly recorded among the land records of Fairfax County by the applicant.

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L. S. Sorber - Continued

Prior to bond cancellation, if compliance with the grading and drainage criteria set forth herein cannot be determined by visual field inspection, the Restoration Board may require an "as built" topograph map to be submitted to insure compliance with these criteria. All other requirements of the Ordinance shall be met prior to the issuance of this permit.

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Motion seconded by Mr. Barnes.

Mr. Eugene Smith said that although he did not agree with the basic conclusion that his colleague had reached in this matter, he wanted to commend him for the work and research he had done in trying to grant the permit, if granted it must be, with as many safeguards to the County and to the people involved as possible. Again, he felt that granting the permit was a mistake but he was impressed with his colleague's obvious concern for the welfare of the people there and the amount of work done in trying to safeguard their interests.

Mr. Eugene Smith and Mrs. Henderson voted against the motion. Messrs. Dan Smith, Everest and Barnes voted in favor of the motion.

Mr. Bradley stated that it had not been a year since the previous application and the statement which Mr. Everest had read was a prepared statement made before the public hearing.

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The Board discussed a problem brought up by Mr. Woodson - if a highway comes through and cuts the property down to 10,000 sq. ft. and if the setback can be met by a 20% variance, can houses still be put there?

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The meeting adjourned at 7:15 P.M.
By: Betty Haines

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

Date

June 2, 1964

The regular meeting of the Board of Zoning Appeals was held on Tuesday, May 12, 1964, at 10:00 a.m. in the Board Room of the County Courthouse. All members were present except Mrs. M.K. Henderson. MR. DON SMITH, VICE Chairman, presided.

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The meeting was opened with a prayer by Mr. T. Barnes.

POTOMAC OIL COMPANY, to permit erection and operation of a gas station, S. E. corner of Route 236 and Braddock Road, Mason District. (C.D.)

Mr. John Hazel represented the applicant. This part of the C-D tract which was zoned a short time ago for a shopping center, Mr. Hazel recalled. At that time, they presented the same plat and the same rendering as shown her, including the filling station. This is the final step in clearing the way with permits for the shopping center. This will be a Phillips station, integrated with the plan for the commercial development. They will put a service drive along Route 236 and probably on Braddock Road. They are asking no variances. This is an application for permit only.

There are no objections, Mr. Hazel said, at least, they know of none. This has all been worked out with the Planning Commission and the Citizens Associations, and people living to the south of the property. These people supported this use at the time of the rezoning when it was shown on the plan and they expect it to be carried out.

No one from the area objected.

Mr. Eugene Smith moved that Potomac Oil Company be permitted to erect and operate the filling station as shown on the plat prepared by Herman Courson (Springfield Surveys) and presented with this case. Plat dated April 3, 1964.

The permit is for a filling station only. There shall be no U-Haul, trailers, soft drink stands, nor any concession stands or other appurtenant uses that seem to grow from the fungus in the concrete around filling stations. All other requirements of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

DEFERRED CASES

RIVER TOWERS CLUB, use permit, operation of a non-profit club in River Towers Apartments.

Mr. Moncure said they are establishing a club for tenants of the building. They have about 70 per cent of the tenants on the petition asking for the club. The State Corporation Commission has granted a charter.

The club will operate in one fairly large room with a kitchen and rest rooms, adjacent to the boiler room and storage space in Building Number One, made available by the management at a low rent. This is a service for the tenants which makes for better living and furnishes a place for people to get together for community activities.

Mr. Wolf spoke for the tenants. River Towers is isolated as far as clubs is concerned. This would serve as a meeting place and a center for planned activities of which they have many. He listed the various group activities--garden club, bridge club, swim club, scouts, etc. They want a place where they can get together without obligation to each other and they want to work this out together, so all can share in the results. This will be open to all tenants.

In forming this club, Mr. Wolf said, they are strictly controlled by the ABC regulations. They are required to present to ABC their charter, By-laws and photographs of their facilities. They may be required to make changes. The owners of the building have no objection to this. It is entirely between the people and ABC. They send an inspector to go over the lay-out and say whether or not the license will be issued. This would also be a bottle club. The club license is quite broad. They will have lockers for storing individual liquor. They expect to get about 300 members to start. The fee will be small, probably \$10.00. The number of guests will be restricted and how often they may come. They will not allow outsiders to come too often.

Asked where this room will be with relation to the balance of the apartment house, Mr. Wolf said it would be Room 100 on the first floor. It will be isolated from other rooms where it will not be noisy. The room has about 800 square feet, which, Mr. Wolf said, would take care of their membership. They have had parties here before and it has been very satisfactory.

Mr. E. Smith said he did not particularly like Virginia's quaint liquor laws, but he had reservations about allowing bottle clubs in all high rise apartment buildings. We are going to have many high rise apartments, Mr. Smith pointed out and the planning staff, the zoning administrator, and the Police Department should give their thoughts on what this might entail. All other departments in

River Towers Club - continued

the County, which will be affected by these clubs, should be advised of the trend and be given a chance to look into what the results might be in impact.

Mr. Dan Smith recalled that this type of use had been discussed before and noted that this seems to be a loosely knit group. This is a tremendous thing, Mr. Smith continued, and should be well considered by the Board. Every high rise apartment in the County may come in for a bottle club. What impact will it have? The Board should have time to go into this further.

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Mr. Moncure assured the Board that this would be under strict regulations. The Federal Government with its taxes on entertainment, restricts this sort of thing. Their main hurdle is the ABC Board. Everything has to be done their way, that is the only way they can operate legally. If it is not well operated and in a manner set out by the ABC they will take care of that. There will be a clause in the by-laws that people creating a disturbance will be excluded.

If you had by-laws, Mr. Dan Smith said, it would be easier for the Board. As it is now, the Club is really non-existent. With the actual formation of the club, Mr. Smith continued, the Board would have something concrete to go on.

Mr. John Gilmore spoke, saying that they have made a start and now are waiting for the use permit. They have felt that they could not go farther until they have this granted use. They have the Charter but the details have not yet been worked out.

This is a club for all age groups in the building, all tenants (and tenants only) will be eligible. There are 570 apartments in the buildings. There are not a great many children in the buildings, but they have almost enough for a scout troop, and they are providing base ball for the boys.

Mr. Gilman said the Charter was issued April 7. He suggested that this be granted in conformance with the terms of the Charter. That would limit the club so it could not become commercial.

Granting this would set a precedent for bottle clubs in high rise apartments, Mr. Dan Smith said, there should be some certain criteria or decision as to the type of development that would warrant a bottle club. If this project had say 150 units and the tenants wanted a bottle club, What would the Board do? The Board should have some guide or some way of determining--probably the number of apartments required in order to permit a bottle club.

There are so many things they need to go over with the ABC Board, Mr. Moncure said, it will take time and they wish to get their activities in operation.

Mr. Dan Smith said it appeared to him that most of their activities were already in operation, the gardens, swimming, bridge clubs, ec. He could see no reason for concern over a delay since all they are really lacking is the club itself.

Mr. Wolf said it would be a great convenience for them to have the room set up so they could come in from the pool or gardening and fix lunch. The whole thing is simply a convenience and a central recreation and social meeting place. Now they have to go back and forth to each others apartments and they incur obligations in doing so. He thought it very important to bring people together so each can feel a part of these activities and still be independent of each other.

No one from the area objected to this use.

Mr. E. Smith moved that the Board defer action on this case for two weeks (to May 26, 1964) to permit the Board to seek the advice and comments of the affected County departments, particularly Planning, the Zoning Administrator, and the Police, and to enable the applicant to give the Board a copy of the Charter and the proposed by-laws. It is understood, however, that the by-laws may have to be changed in certain respects. This in order that the Board may be in a position to make a decision on this case. Seconded, Mr. F. Everest.

It was also noted that the public hearing is completed and this deferral shall be for decision only.

MR. EDGEMO SMITH LEFT THE MEETING.

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JOHN J. RUSSELL, BISHOP OF RICHMOND, to permit operation of a school, property at the end of Laurel Leaf Lane bounded on the south by ~~Ridley~~ ^{Ridley} Subdivision, Providence District. (RE-1)

Mr. Phillip Brophie represented the applicant. This property has been purchased for the purpose of erecting a church, convent and a school. The first two are permitted by right, Mr. Brophie said, but a permit is required for the school. The Catholic church usually includes these facilities - the school needs the convent because most of the teachers are nuns. This is a 20 acre tract with ample room for this complete complex. There is room to comply with the standards of the Bishop of Richmond and with the requirements of the Board of Education. The area is well wooded. He showed a planned design of the entire property.

JOHN J. RUSSELL - Continued

This will not be built all at one time, Mr. Brophie continued. They will start with probably three or four grades. They are planning on about 600 pupils now with a possible expansion to 800. No more than that.

Any development of this 20 acres would place something of a burden on the streets, Mr. Brophie pointed out, as on other facilities in the County. The children will be brought to the school by buses, either owned or rented by the school, and in car pools. The traffic would occur twice a day. It would impose practically no more burden than a full development of single family homes. If this were zoned to half acre lots, that would mean 32 houses - probably 60 cars daily going in and out. There are people always skeptical of any change and any development here would create a change, but this would provide a service to the neighborhood and would make a logical spacing between Catholic churches and schools in the County. The actual coverage of ground would probably be less than if homes were developed here, especially if the lot sizes were reduced. The grounds would create something of a park area.

Mr. Brophie said they had been asked if they would sell a buffer strip around the property for protection to home owners. He said they would not sell, but would be agreeable to a buffer-restriction around the property, screening with existing trees.

The convent would have many of the characteristics of a private home. Probably no more than eight or ten would live there. It would be located on the side where there are homes - it is approximately 125 feet from the property line. The school is farther away. On the site plan, Mr. Brophie noted that the parking lot will be well screened from all surrounding areas. The Catholic schools in this area are now overcrowded, Mr. Brophie noted. This would alleviate that to some extent.

Sewer and water are available and as far as they know there are no serious drainage problems. The burden on any of the facilities would be no greater than that of single family homes.

Mr. Brophie pointed out that the Church itself would create traffic on Sunday, a situation expected and not to be avoided.

They have explored other means of access, a second access, but there are many things involved in that so Mr. Brophie said he would make no comment at this time. They do not want to create a traffic hazard for the area, nor for themselves and they do not think the one access presently planned will be difficult until possibly they have a greater degree of completion. At that time, if necessary, something else will be done.

They do not expect full development here for another five or ten years, and they do not expect that this will impose a serious burden on the area except for the church and that will be only on Sunday.

Mr. Barnes asked where the access is for the property immediately to the rear of the 20 acre tract between this property and the Park Authority.

Mr. Brophie said through the Park Authority property or through this tract, ^{otherwise} the land is landlocked. It must have an outlet some way. He noted also that Laurel Leaf Lane may have to be extended some way to that property; they were not trying to block anyone, but something someday would have to be worked out on this.

Mr. Brophie and Mr. Barnes discussed access further, a second access for the school property and access for the property to the rear.

Mr. Smith asked how close they were getting to any kind of a second access. Mr. Brophie said it would be very costly to construct a road entering to Prosperity Avenue. He did not know the cost, but it would be high. He discussed pupil ratio - answering charges made by the opposition. He said the Catholic school's policy was not to reach a ratio of 50 to 1.

Mr. Smith said it could be that the traffic was the main problem here.

Mr. Brophie said the traffic would not exceed full residential development of this property. There would be a few light trucks servicing the project, but the cumulative amount of traffic would be practically the same. It was agreed that the people on Southwick Street and Laurel Lane would feel the entire impact from both church and school. Asked about plans for parking the buses, Mr. Brophie said that was not worked out yet as they are not sure if the buses will be owned or rented. They have ample room for all facilities.

It is a real problem in the County to find land for a large development of this kind, Mr. Brophie said, and he emphasized the fact that this property was not purchased for speculative purposes as charged by some in opposition. It is too expensive to do that, he continued. He had suggested to the Bishop at various times that they buy large tracts of ground in advance for schools and churches and sell what they did not need, but the Bishop had not gone along with that. In some cases where conditions change and their plans have not worked out, they have had to sell land, but that has not happened often.

Opposition: Mr. Frank Kause who owns the ten acre parcel immediately behind this church property

and adjoining the Park Authority said when he bought this property he checked subdivision control requirements in the County and was told that when his property was developed, Laurel Leaf Lane would have to be extended to give him access. To the east of him is a lot which Mr. Krause said is owned by the Park Authority. That lot would have given him access to Prosperity Avenue. Mr. Krause said he had no objection to the church or to the school; he had no feelings one way or the other about that but he does want access. As the tract to the south is developed the street (Laurel Leaf Lane) should be extended to his property. He does not wish to remain landlocked. If the Board acts on this, Mr. Krause said, there should be a provision that a street be provided into his property.

Mr. Krause pointed out that the Park Authority lot leading to Prosperity which might be used as access to Prosperity Avenue. It would be expensive to develop but it could be done. He has never explored this with the Park Authority, Mr. Krause continued, he only knew that when he had tried to buy this property the price was too high. If he could get this road, he would not need the extension of Laurel Leaf Lane. If this easement could be had from the Park Authority, he would give the school an easement through his property so they could have a second entrance from Prosperity Avenue.

Mr. Kenneth Roberts, President of PineRidge Citizens Association, spoke in opposition stating that people want to retain their quiet attractive neighborhood with its rural aspect. They oppose any use on this property designed to serve people from outside this area. A facility with this degree of intense development should be on a main highway with ready access to all directions. They should not expect to bring heavy traffic into a quiet residential neighborhood like this.

Prosperity has developed more and more traffic over the years, Mr. Roberts continued, until now it is very heavily used. It is a narrow hilly road planned only for residential use. They had hoped opening the Circumferential would reduce the traffic but now comes this use.

School traffic comes at a bad time of day; children are walking to public school and there are no sidewalks. They are forced now to walk single file.

The area is already served with an elementary public school and an intermediate is proposed. This school is not necessary to the local neighborhood.

It was evident to the Board that the main problem here appeared to be the traffic.

A lengthy discussion followed -- if the traffic were divided between Southwick Drive and access to the north to Prosperity Avenue; would the community object as strenuously? Objection would be less if the school were designed to serve only the neighborhood.

Commander Richardson presented a map showing location of the homes of people in opposition. He also presented an opposing petition with 350 names; people from Pine Ridge, Ridglea and Mantua.

Their objections were listed: The area is inaccessible for a school. The access point at Southwick and Prosperity is at the peak of a hill and is blind.

Asked if the facts regarding this school were well publicized - the Commander said they were; by flyer and newsletter.

Mrs. Bower, owner of adjoining property, discussed the hazard to children walking to school on Southwick Street. It is dangerous now, she claimed, and intense development here would be cause for alarm to the neighborhood. She thought it would be very difficult to construct access to Prosperity through the Park Authority property because of the topography and she contended that one entrance was not enough to serve this property. She questioned adequate fire protection for the area. Other points covered by Mrs. Bower had been previously discussed.

In rebuttal, Mr. Brophie said this is not a county-wide school. It serves this parish and perhaps a little more. It is essentially local. The fact of an existing public school in this area does not take care of those who want a Catholic School. The need is here. The public school plans a new school here and so does the Catholic School. They usually run parallel, the need is there for both.

Mrs. Brophie handed the Board a copy of the brochure circulated by the opposition.

Mr. Everest moved to defer for two weeks and requested that a copy of the minutes of this hearing be sent to the absent members of the Board so they can familiarize themselves with the case and the Board would make a decision at the next meeting. Seconded, Mr. Barnes. Carried unanimously.

The next hearing, Mr. Everest said, would be for decision only - the public hearing is closed.

The Chairman suggested that the applicant work out right of way plans with the Park Authority and Mr. Krause for a second entrance to this property.

It is evident from the hearing, Mr. Smith stated, that this church and school are designed to serve the needs of the immediate area and are not County-wide. The church and school do not create a traffic

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JOHN J. RUSSELL - Continued

problem and a certain amount of inconvenience to the neighborhood, but he hoped something could be worked out with the other parties concerned.

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DAVID L. AND ARYNESS J. WICKENS, to permit lot with less frontage than allowed by the Ordinance, Proposed Lot 2, Section 6, Hunters Valley Subdivision, Providence District. (RE-2)

Mr. Orlo Paciulli represented the applicants. Mr. Paciulli explained that Lots 1 and 2 have frontage on Hunter Valley Road. They are the residual of the whole 150 acres of the Wickens Property which has been a difficult piece of land to divide. The rear part of the property will be divided into five acre tracts. These are the last two lots to be developed in this area.

It is not desirable to extend the road or to give frontage to these lots. The people don't want it and they will be served by an easement. (Lots 4,5,6). With this variance, Lot 2 will have legal frontage. They will convey to the Park Authority the land between the land owned by the Park Authority and the Creek. The only lot requiring a variance is Lot 2.

In the application of Wickens, to permit lot with less frontage than allowed by the Ordinance, proposed Lot 2, Section 6, Hunter Valley Subdivision, Mr. Barnes moved that the application be approved as shown on plat submitted by Mr. Orlo Paciulli, dated April 1, 1964 (preliminary plat). All other provisions of the Ordinance shall be met. Seconded, Frank Everest, Carried unanimously.

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MARGARET E. FRETWELL, to permit operation of summer play school, half day (20 to 25 children) Lot 26 and west half Lot 25, Section 3, Groveton Heights, (331 West Oak Street), Lee District. (R-17).

Mrs. Fretwell appeared before the Board stating that she had new evidence to present. She did not know of the great amount of objection at the last hearing, Mrs. Fretwell said, so had done some work on a petition on her own, and many have signed in favor of her proposed use. The people in opposition had not told the full facts about the school. That it is run only in summer. Plans have been made to improve the property and also, she has reduced the number of children from 20 to 25 to 10 to 15.

She presented her petition favoring the summer school. The Health Department has approved this, also, the Fire Marshall.

The Chairman read a letter from Mr. Glenn Ovrevik, member of the Planning Commission, opposing the use.

Mr. Smith noted that there was only one bathroom on the second floor, which he thought insufficient for 15 children.

Mrs. Fretwell said they could put another in the garage.

Mr. Woodson said he had received no word from the Health Department.

Mr. Everest moved to deny the application, because the evidence presented shows that there are not adequate facilities to take care of the school. Seconded, Mr. Barnes. Carried Unanimously.

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OLD FRONTIER TOWN, INC., to permit operation of miniature western frontier town on 14.2 acres of land, property on north side of 29-211 adjacent to Hunter's Lodge, Centreville District. (RE-1, C. N. C. &).

Mr. Robert Lainof and Mr. Jeeter were present representing the applicant. In compliance with the Board's request Mr. Lainof said they had made and presented a plat showing location of each planned activity and 500 parking spaces, as requested by the Board in the deferral.

Mr. Everest pointed out that with only three members present, the applicant would have to reach a full yeas vote in order to get a permit on this. Two for and one against granting this request would still defeat the case. He asked if the applicant wished to go ahead, under the circumstances. Mr. Lainof said they want a hearing, as they need to get going soon, and while he realized denial may be eminent, he saw no alternative but to go ahead. They have met all the requirements laid down by the Board. He presented a letter to the Board detailing full activities planned on the property. The plat is in accordance with the Board's request, Mr. Lainof said.

Mr. Lainof said they were before the Board in November, 1963, and again in April. They have

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May 12, 1964

OLD FRONTIER TOWN INC., - Continued

submitted a new application as suggested by Mr. Woodson in the name of the corporation which will operate the project. Both corporations, the one discussed in November and the one in April are in this.

If this is the same group we had before the Board in November, Mr. Smith said, he questioned if the Board could act. He had thought this was an entirely new group of people with a new name for their corporation.

These are the people who purchased the property, and this is the operating group, but it is not the same group that operated Old Virginia City. The property at that time was owned by Virginia Frontiers, Inc. The two corporations have the same directors. The Old Frontier Town, Inc., the second Corporation, is leasing the ground from Virginia Frontiers.

Mr. Lainof said the list of activities shown in his letter included all the things agreed upon by the Board and the operators. They have also listed the things that will be in each building so there will be no misunderstanding. These are the same things as granted in the original application. There will be no noisy equipment, no train whistle, etc.

There has been so much controversy and so many violations, Mr. Barnes said, and the Board has heard all these protestations of good faith before. It is probably not the thing to go ahead without a full Board. He noted that the plats looked good and the listing of activities. He urged the Board to delay the hearing for a full membership.

Mr. Lainof suggested that this group had become the whipping boy for the previous operation.

Mr. Dan Smith recalled that there was a full hearing last year and the applicant dropped the case. Now they come in and ask the Board to rush this through. The Board is concerned about this operation, Mr. Smith continued. It is apprehensive that another permit will get out of control. It is very necessary that the Board have a clear understanding of what goes on here and how things will be operated.

They will correct anything the Board says, Mr. Lainof answered. They will do anything the Board wishes to make this a successful and a good operation. It can be done, Mr. Lainoff assured the Board, and they want it run right.

For the future protection of the Board in this, Mr. Barnes said, he thought all members of the Board should hear the statements made by the applicants and know the whole thing from start to finish.

Removal of the old wagon on the front of the property was discussed. Mr. Smith pointing out that they were asked to remove the wagon months ago, but nothing was done until the time came around for this hearing; then they hurriedly removed the wagon.

Based on past performance and especially since this is the same group that was here last fall, the ones who dropped the case, and now the applicant wants to rush the case through, Mr. Smith said he thought it unfair to the Board, the way this is handled.

Mr. Everest moved to defer the case to May 26, 1964. Seconded Mr. T. Barnes.

This applicant has been lax since last fall, Mr. Smith said. If this is the same group of people, the applicant has had a great deal of time and he has done nothing. The plats and the letter shall be submitted to the other members of the Board before the next meeting, Mr. Smith said.

Mr. Smith said also that the Health Department should advise the Zoning Administrator if they approve of these things proposed, particularly the toilets and septic. (Mr. Lainof said they had the notice of inspection; all inspections have been made out approved.)

Deferred to May 26, 1964.

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The Zoning Administrator read a letter from Villa Aquatic Club requesting to operate a snack bar, listing the items to be sold. This will be for accommodation of members only within the club grounds. There will be no facilities and no conflict with the residential area. This club was granted in December, 1962.

Mr. Smith recalled that it is the policy of the Board to allow vending machines only and this is a drastic change from that.

Mr. Woodson said the Board had granted one like this. He noted that Mr. Bowman from the Health Department had okayed this. This will be a very simple operation, he said, only hot dogs and other small things. No one from the area objected. None of the members of the club objected.

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May 12, 1964

Villa Aquatic Club - continued

A representative from the club showed a location plat of their facilities.

Mr. Everest thought this was a complete change in the use and could not be added without advertising. The Board's "sticking its neck out" if this is permitted. He also questioned only 137 parking spaces.

It was said that many walk to the pool.

The Board agreed that if the Club wishes to extend its operation, they should make application to do so.

Mr. Woodson asked for plats and a list of just what they would sell in the snack bar.

The Board took no action.

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The meeting adjourned
by: Katherine Lawson, Secretary

Wary H. Henderson
Chairman

August 7, 1964
Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, May 26, 1964 at 10:00 a.m. in the Board Room, County Courthouse. All members were present except Mr. T. Eugene Smith. (Letter was presented at this meeting stating his resignation effective May 20, 1964.) Mrs. L. J. Henderson, Jr., Chairman, presided.

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

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Representative for the JOHN J. RUSSELL application asked for a two-week deferral in order to get an answer from the Park Authority. The Board agreed to vote on this at the proper time on the Agenda.

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Mrs. Henderson read a letter of resignation from Mr. T. Eugene Smith, effective May 20, 1964. The Board expressed their appreciation of Mr. Smith's thoughtful approach to problems while a member of this Board and their thanks to Mr. Smith for his contributions. The Chairman asked the Secretary to notify Judge Brown of the vacancy on this Board.

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GEORGE ALLEN, to permit erection of carport 917 ft. from side property line, part Lot 13, D. P. Devine Subdivision (5829 Birch Avenue), Dranesville District (RE-1)

Mr. Lytton Gibson represented the applicant. He stated that the house is built on a 19,000 sq. ft. lot and the carport was included in their original plans. The neighbors have told him that they have no objection. He said they had a building permit for the carport when the house was built. The property used to be located in half-acre zoning but later was changed to one acre zoning. The topo is such that this is the best location for the carport. In answer to Mrs. Henderson's question as to when the house was built, Mr. Gibson said approximately nine years ago.

There was no opposition.

Mr. Everest moved that the application be deferred to view the property and to give the Board members a chance to look at the building permit. Carried unanimously. Deferred to June 9.

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RICHARD J. JACOBSON, to permit dwelling 38 ft. from Capital Beltway, Lot 57A, Section 1, W. Langley, Dranesville District (RE-1)

Mr. Lockowandt did not have the certificates of notification. Mr. Smith moved to reschedule the hearing for June 9. Seconded, Mr. Everest. Carried unanimously.

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DOUGLAS B. AND PATRICIA A. TRETIPPOE, to permit addition to dwelling 10.9 ft. from side property line, Lot 38, Fairlee Subdivision, Providence District (RE-1)

Mrs. Trettipoe said they plan to add a porch, garage and a new kitchen because their family is growing and their present kitchen is too small.

Mrs. Henderson suggested putting the kitchen at the other end of the house but Mrs. Trettipoe said this would put the kitchen beyond the bedrooms and this would not be satisfactory. This house is located near a wooded area, Mrs. Trettipoe continued, which is owned by Mr. Kaskey, and there is a 15 ft. easement for drainage between their property and Mr. Kaskey's. He plans to put a road next to the easement. The septic tank is located at the rear of the house, therefore they could not build in that location. They now have three bedrooms but the old kitchen will be made into a fourth with this new addition. Their house was constructed in 1952.

There was no opposition.

Douglas B. and Patricia A. Trettipoee - Continued

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Mr. Smith said this appears to be a rather unusual situation where there is a pending easement in connection with development of the second section of Fairlee, and the close proximity to Route 66. This was originally in half-acre zoning but later came out as one acre because there were septic tank problems in the area. He wondered whether the Health Department would permit this addition with a septic tank as they usually look at things from the number of bedrooms. He was very familiar with the area, he said, and he knew there was a natural drainage-way through the property. The photographs indicate that this would be the normal place for a drainage easement. He doubted that there would ever be another single-family dwelling contiguous to this. In view of the discussion which has taken place, the proximity of this property to Route 66 and the doubt of whether this land will remain one acre since sewer is so close and due to the fact that the septic tank is adjoining the house to the rear, and considering the explanation of putting the kitchen at the opposite end of the house, this application should receive favorable consideration. The drainage easement adjoining the property has been pointed out. The house was constructed approximately 10 years ago in an area that at that time was in half-acre zoning but since that time has been put into one acre zoning. All houses in that subdivision are on half acre lots and this request is a reasonable one, it meets the minimum requirements of the applicant, therefore, the application of Douglas B. and Patricia A. Trettipoee, to permit addition to dwelling 10.9 ft. from side property line, Lot 38, Fairlee Subdivision, Providence District, RE-1 zoning, he would move to grant. Seconded, Mr. Barnes. Carried unanimously.

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CHARLES CARVER AND E. DAVIS, to permit erection of a dwelling closer to side property lines than allowed by the Ordinance, Lot 154, Valley View Subdivision, Lee District (R-17)

Mr. Trice represented the applicants; he said that he lived in the subdivision and had sold the lot to the applicants. The neighbors have no objection to what is proposed here.

Mrs. Henderson asked if the house had been started. Mr. Trice said it had not been started.

Mrs. Henderson noted that the lot is shaped like a "five-sided triangle".

Mr. Woodson stated that all the other houses are set 45 ft. back and this one would have to stay that distance also.

Asked how this house would compare with other houses in size, Mr. Trice said it would be a little larger. The lot is approximately 8,900 sq. ft. and they have sewer and water. The house they plan will be approximately 26' x 42'.

Mr. Smith thought that would be the minimum of desirable construction anywhere. The house has been situated to take advantage of the odd shape of the lot.

There was no opposition.

Mr. Smith made the following motion: In the application of Charles Carver and E. Davis to permit erection of a dwelling closer to side property lines than allowed by the Ordinance, Lot 154, Valley View Subdivision, Lee District, R-17 zoning, he would move to approve the application and grant the variance as applied for. This is a very irregular shaped lot as indicated on the plats before the Board; the house proposed to be constructed is of minimum size, situated on the lot to take advantage of the odd shape; sewer and water are available. This is the minimum variance to afford suitable construction on the property after taking into consideration the extremely unusual shape of this lot. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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FIRST BAPTIST CHURCH OF SPRINGFIELD, to permit operation of a kindergarten in present church building, (30 children), property on NE corner of Monticello Boulevard and Gary Street, Mason District (R-12.5)

First Baptist Church of Springfield - Continued

Mrs. Mary Little stated that she was a volunteer to help get this church school started; she was not a teacher. They will have a paid teacher-director and one helper, and this will be supervised by a Board of Directors to be set up by the church. They anticipate a total of thirty children who will be five years old as of October 1, and eligible for school in 1965. Five year olds only and the hours will be from nine thru twelve, five days a week. They would have no afternoon sessions on the regular school year. This would not be limited to church members; it would be open to the public. There is a fellowship hall upstairs in this new addition and this is a part of the educational building. There will be no sanctuary here except the fellowship hall. Children will be transported by their parents. There is plenty of parking area and playground. The membership of the church is approximately eight hundred.

There was no opposition.

Mr. Smith made the following motion: That the application of First Baptist Church of Springfield be granted, to permit operation of a kindergarten in present church building (30 children) property on northeast corner of Monticello Boulevard and Gary Street in Mason District (R-12.5 zoning), for children age five; hours 9:00 to 12:00 five days a week. This is a church approved, church sponsored school, operated through a committee set up by the church and under the supervision of the committee and the church. Approve the application as applied for and all other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX-BREWSTER SCHOOL, INC. (formerly Fairfax School, Inc.) to permit erection of additions to school building, property at 6485 Glen Forest Drive, Mason District (R-12.5)

Mr. Robert S. Reese¹⁵², President and Executive Director, represented the School. This school was founded in 1954 and began operating in 1955. He showed sketches of the proposed addition. He presented letters of endorsement from nine per cent of the families in the Glen Forest Community. They opened in 1955 with kindergarten and grades one through three and at present they have a total enrollment of 166, ages three through eleven, and grades one through six. In September of 1961 they appeared before the Board asking to enlarge their facilities to keep ahead of their enrollment. Their plans at that time were to construct a four classroom building but the cost was considered prohibitive. They revised their plans to a building half the size of what was intended. This was called Westcott Hall in honor of a family ancestor. There has been no new construction since 1961. They have improved their facilities and purchased new equipment, and done everything financially possible to improve the school. They have added surfaced play areas, new play equipment, planted azaleas in front of the building, and paved the entire parking lot and the driveway. Now they wish to complete their original plans drawn in '61 to finish Westcott Hall and make an addition to Fairfax Hall. He presented revised plats showing their plans. They would use most of this additional space (particularly the completion of Westcott Hall) for the pre-school department. Possibly the other small area would be used for pre-school department also. The red area shown on the plat would be beneficial to the grades. This would be the natural expansion for designing facilities which they would find very useful. In 1961 the Board granted them a limitation of 210 pupils - entire enrollment - for this school. Present enrollment at that time was 160. The expansion of the school would accommodate approximately fifty additional students, and he felt that the limitation of 210 was arbitrary.

Mr. Smith pointed out that they did not expand as much as they had anticipated in 1961. Probably the addition they now propose is part of the expansion planned at that time and he felt that 210 should be a sufficient number.

The Board discussed the requirements of County schools, regarding space. Mr. Smith stated that this school has only two acres.

Mr. Reese¹⁵³ said this was true but the relationship to tax supported schools and private schools has no real bearing.

Mrs. Henderson asked if Mr. Reese¹⁵⁵ planned to limit the school to the sixth grade. Mr. Reese¹⁵⁴ said they had no plans to expand beyond that.

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May 26, 1964

Fairfax-Brewster School, Inc. # Continued

There was no opposition.

Mrs. Henderson pointed out that parking is adequate but asked if this was located 40 ft. off Glen Forest Drive. No parking is allowed in setback area.

Mr. Reese¹⁵⁵ said his surveyor had told him it meets all setbacks.

Mr. Everest stated that if the plats are to scale, this is not 40 ft. off Glen Forest Drive but more like 21 or 22 ft.

Mr. Reese¹⁵⁵ said this parking lot had been here for a number of years prior to this application.

Mr. Smith said that if the Board grants this application they will have to correct deficiencies. He asked if the buses use this area for parking.

Mr. Reese¹⁵⁵ said the drivers take the buses home with them in the evenings. He did not like to discard part of the parking area that he had been using for years.

Mr. Smith made the following motion: That the application of Fairfax-Brewster School, Inc. (formerly Fairfax School, Inc.) to permit erection of additions to school building property at 6485 Glen Forest Drive, Mason District, R-12.5 zoning, be granted in conformity with the Ordinance, as applied for. Student enrollment will remain at the 210 pupil level; ages 3 through 11, grades 1 through 6; and since there has been some discussion on the parking, it should be pointed out at this time that in granting this addition to Fairfax-Brewster School, Inc. that the applicants should be made aware of these provisions in the Ordinance on parking. No parking within the setback areas as set up by the Ordinance - within 40 ft. of the front property line or 25 ft. off any side or rear property line. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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JOHN K. MILLER, to permit dwelling addition closer to side property line than allowed by the Ordinance, Lot 22, Block 27, Section 11, Ravensworth Subdivision, Falls Church District (R-12.5)

Mr. Miller said he needed additional room and would like to add the carport with a storage or utility room at the rear. This would be used to store lawn and garden equipment. Also they would like to build a recreation room at the rear of the house. They have lived here for approximately six months.

Mrs. Henderson noted that the recreation room and storage space could be put at the rear of the house, and still maintain the 12 ft. from the side. This is a new subdivision and this lot could not have taken a carport in any case because there is not room for it.

Mr. Sacylotto, living next door to the applicant, presented a letter stating his reasons for opposition and in addition to those reasons, he objected because the proposed addition would come toward his bedroom window and even now on a quiet evening they can hear people talking in the adjoining living room. This, he felt, would depreciate his property value, and would set a precedent. Mr. Miller could have a metal storage shed in back of his house and would not need the addition for storage.

Mrs. Henderson noted that there is no topographic situation in this case and no reason of hardship.

Mr. Barnes moved that the application of John K. Miller be denied due to the fact that there is room for this recreation room and storage room in another location, and there is no room for the carport in any case. This does not meet the specifications of Section 36 regarding variances. This is a new subdivision and the lot was laid out in the beginning not having room for a carport. Seconded, Mr. Everest. Mr. Smith abstained from voting; others voted yes. Motion carried to deny the application.

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May 26, 1964

DOUGLAS D. ETKA, to permit erection of a miniature golf course, Lot D, Section 1, Springfield Shopping Center, (Augusta Drive), Mason District, (C-D)

Mr. Etka said they had tried since January to establish a miniature golf course in Springfield as there is a need for recreational facilities here. This property is located between Howard Johnson's and a filling station. This is a step in the right direction, they feel, because youngsters through senior citizens can participate in this activity. Their location is in a shopping center which is surrounded by commercial zoning on three sides. Shirley Highway is on the east side. Access is off Augusta Drive and a secondary road. There will be no congestion. They can park up to fifty cars with room for added parking if necessary. The course is a modern course built by one of the major manufacturers and would enhance the appearance of the shopping center and provide wholesome entertainment.

Mr. Smith said that the plats showed part of this in "agricultural" zoning. This plat is incorrect. The Board should have better plats. The plat which was presented was drawn in 1954 and showed the Skylark Motel which should have been Howard Johnson's.

Mrs. Henderson objected to red pencil being used on plats - this could be erased.

Mr. Woodson said the Health Department reports that toilet facilities must be provided.

Mr. Smith asked how many people can this course accommodate at one time. Roughly eighty; eighteen holes with four persons at a time, Mr. Etka replied.

There was no opposition.

Mr. Smith moved to defer to June 9 for receipt of new plats showing the entire facility as the applicant proposes to construct in this area; also include in construction proper facilities as indicated by the Health Department. The applicant should check with the Health Department as to what is needed prior to sketching it out. This is deferred for decision only. Seconded, Mr. Everest. Carried unanimously.

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GARFIELD, INC. to permit operation of a miniature golf course, north side of Keene Mill Road, approx. 200 ft. west of Rt. 617, Mason District (C-D)

Mr. Wight represented the applicant. He stated that this is located behind Hot Shoppes and the previous applicant said just about what they feel regarding their application. They have 4.9 acres and Mr. Carr feels this is a reasonable type recreation for all ages, especially youngsters. They have met all the zoning requirements and feel that their parking is ample; if not, they will make it ample. Parking is also available next door at the shopping center. The golf course will be approximately 220 ft. by 150 ft. with eighteen holes. They have not yet checked with the Health Department but realize that this must be done.

Mr. Smith asked if they planned to use the 10 ft. x 20 ft. building shown on the plat for toilet facilities; Mr. Wight replied that they had not gone into it this far but would provide necessary facilities.

Mr. Smith felt the Board should have plats showing size of the building and where toilet facilities would be located, and check to see if water and sewer are available in this location. In view of this Mr. Smith moved to defer to June 9 until such time as plats can be completed and the applicant shall confer with Mr. Clayton at the Health Department to see what he suggests. Deferred for decision only.

There was no opposition.

Mr. Barnes seconded the motion to defer. Carried unanimously.

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041

May 26, 1964

TREY CORPORATION - to permit erection and operation of theatre, on south side of Keene Mill Rd. approximately 320 ft. east of Spring Drive, Mason District (C-D)

Mr. Hansbarger represented the applicant, stating that this is located across the street from the shopping center. On property adjoining there is the Springfield Methodist Church, a Scot service station, and the Executive Building. Parking will be in the rear. The theatre will set back 200 ft. off Franconia Road behind the view you would have of the church going either direction on the road. In connection with this application they had to get zoning from C-OL to C-D. He presented a letter from the church stating that they are not opposed to this application. They stated that they had been advised of the indenture limiting this use to a theatre.

Mr. Hansbarger said that adequate parking has been provided - 233 parking spaces required for 900 seats - they have provided 283. Sewer and water are available. This is the same size theatre as the one going into Annandale.

There was no opposition.

Mr. Dan Smith made the following motion: In the application of Trey Corporation, to permit erection and operation of a theatre, on south side of Keene Mill Road, approximately 320 ft. east of Spring Drive in Mason District, C-D zoning, he would move to grant the application as applied for, with 283 spaces for parking as stated. It is understood that there is an agreement with the Springfield Methodist Church and the developers of the property, and this shall be adhered to. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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L. J. WILCOX, to permit operation of used car lot, NE corner of Route 1 and Gadsby Road, Lots 6,7,8 and parts of lots 2,3,5 and 9, Hybla Valley Farms, Mt. Vernon District (C-G)

Mr. Wilcox stated that the property is for sale at the present time and the Highway Department is going to widen the road which will take out his present business, the gas station on Lot 4. He has been here for 21 years and the property has been zoned commercial for ten or twelve years. All he has had in this particular location is lawn. He does not propose to make any changes, will only park cars there for sale. At the back of the property are some old cabins which have been there since 1937. This is only a temporary use to help pay his taxes. He hopes to sell the property within the next year or two as soon as the easement for drainage is completed and they can start building the apartments.

Mr. Everest noted that a service drive would have to be constructed along Route 1.

Mrs. Henderson thought that since the circumstances are such along Route 1, the site plan requirement might be waived.

Mr. Smith was concerned about the permit being granted for a used car operation; it might wind up as parking for service station's wrecked cars.

Mr. Wilcox assured the Board that this would not happen. Some of the people living in his cabins might park their cars there until they could be fixed but no wrecked cars would be parked there. They would make no changes in the property itself.

There was no opposition.

Mr. Woodson mentioned toilet facilities. Mr. Wilcox said he had toilet facilities available at his gasoline station.

Mr. Everest moved that L. J. Wilcox be permitted to operate a used car lot in accordance with plat submitted on the northeast corner of Route 1 and Gadsby Road, Lots 6,7,8 and parts of lots 2,3,5 and 9, Hybla Valley Farms, Mt. Vernon District, C-G zoning, for a period of one year. All other provisions of the Ordinance be met unless waived by the Board of Supervisors. Seconded, Mr. Barnes. Carried unanimously.

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The Board deferred JOHN J. RUSSELL's application to June 9. Motion by Mr. Smith. Seconded, Mr. Barnes. Carried unanimously.

042

May 26, 1964

RIVER TOWERS CLUB -- USE PERMIT, operation of non-profit club in River Towers Apartments.

Mr. Moncure represented the applicants. He said they had been requested by the Board at the previous hearing to obtain additional information. He presented a copy of their certificate of incorporation, articles of incorporation, and contemplated by-laws. The ABC Board goes over these with a fine tooth comb, Mr. Moncure said, and that is the reason they did not submit these sooner.

043

Mrs. Henderson asked what kind of activities are planned?

Mr. Moncure said they would play bridge, tennis, swimming, etc. and this would be restricted to people living in River Towers apartments.

Mrs. Henderson asked where the club house would be located.

In the main building, Mr. Moncure replied. It is a large room with kitchen and toilet facilities adjoining. Nothing will be built. At the time the buildings were constructed this room was called a community room. It is approximately 40 ft. x 20 ft.

Where is this in relation to the commercial use, Mr. Smith asked?

Commercial use is in the center building - building no. 2, Mr. Moncure answered. The club will operate itself, under ABC laws. The 300 people interested will elect their own president, directors, etc. as the owner cannot operate the club.

Mrs. Henderson asked if they have a lease with the owners. Mr. Moncure said that will be worked out to the satisfaction of ABC. There will be a lease. The only control they will have will be to insist that there be good conduct at all times.

Mrs. Henderson asked if the club will take charge of the swimming pool.

They cannot lease the pool, Mr. Moncure explained, unless they have a provision that all tenants have the right to use the swimming pool and tennis courts.

River Towers Bath and Tennis Club
Then the name is a misnomer, Mrs. Henderson stated.

Mr. Smith said the use permit does not include swimming and tennis facilities as people who live in the apartments have this right without joining the club. He thought it was understood that if this is submitted to ABC and they make changes it should be stated to this Board. Mr. Moncure agreed to furnish any changes to the Board.

The Board discussed the name "River Towers Bath and Tennis Club" and felt that this would be confusing to many people as the people living in the apartments have the right to use the swimming pool and tennis facilities and would wonder why they didn't have the right to use the club also. The Board felt that "River Towers Club" might be more appropriate. Then the club would not be confused with the other facilities.

There was no opposition.

Mr. Smith stated that the Zoning Administrator and his representatives should have the right of access at any time for inspection. He made the following motion: In the application of River Towers Club for operation of a non-profit club in River Towers Apartments, in a room 20 by 40 ft. in No. 1 apartment building, a club for the convenience and recreation of the occupants of the three apartment buildings in this development and to occupants only, the only persons entitled to membership in the club or entitled to its use other than on an infrequent visitors' basis, shall be operated in accordance with State and County regulations. For the benefit of the occupants of the apartments, and for their use only. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Broyhill requested elimination of two parking spaces until sewer goes in. They have no need for parking spaces but can put in four spaces at this time.

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May 26, 1964

Mr. Dan Smith stated that in view of statements made by Mrs. Broyhill and recognizing the fact that the occupants are guests living in the facilities and none of them drive, visitors are infrequent, the Zoning Administrator is authorized to grant the permit with four parking spaces rather than six, until such time as there is available space for additional parking. Seconded, Mr. Everest. Mr. Barnes did not vote. Others voted in favor of the motion. Carried. 044

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The Board adjourned for lunch.

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OLD FRONTIER TOWN, INC., to permit operation of a miniature western frontier town on 14.2 acres of land, property on north side of 29-211 adjacent to Hunter's Lodge, Centreville District (RE-1, C-N and C-G)

Mr. Robert Lainof represented the applicant. He stated that at the last meeting he had brought in revised plats and he understood that there was a letter from the Health Department stating that they have no objection. He realizes that there would have to be a final inspection of the snack bar before it could be opened. In the letter sent to the Board they had indicated that all commercial sales have been removed and the only commercial activity would be in the C-N zone. There are only two items in the form of sales - glass blowing and the "wanted" poster.

Mr. Smith objected to glass blowing - it had not been included in the last application and this application should have been for less than that one.

Mr. Lainof said they were to have come in last April but at that time the Board was leaving as Mr. Cohen came in and it was suggested that they file a new application.

Mr. Smith said they were coming in to ask whether they would have to file a new application since they had indicated to the Zoning Administrator that this was a new group.

Mr. Lainof said he was part of the group that purchased in November. There were four of them in the original group -- Cohen, Cohen, Jeter and Lainof, ~~there~~ and are in the present group. Dawson and Clark have left.

Mr. Smith said that in November the application was made by Virginia Frontiers, Inc. Have they had a name change since then?

Mr. Lainof explained that in November they were intending to lease the property but, that time the property was purchased by Old Frontier Town Inc. under Virginia Frontiers, Inc, present owner of the land. The stockholders are Bernard Cohen, Bernard S. Cohen, Martin Felds, Dr. Monroe Brown, Jack Levinson, Albert Woolfe, Burton Gordon, Stanley Jeter and Robert Lainof.

Mrs. Henderson asked why the request for withdrawal was made. There was a letter from Mr. Rothrock, their attorney, asking for withdrawal.

Mr. Lainof said this was done at the request of the Board.

Mrs. Henderson said there was a letter from the attorney last fall; we deferred decision to try to find out why the request was being made. Then came letter saying they had so much trouble they could not go on so the Board granted the withdrawal with prejudice. If anything is granted now it must be more restricted than what was granted before.

Mr. Lainof said that Dr. Monroe Brown, President, Mr. Albert Woolfe, Vice-President, Mr. Stanley Jeter, Secy-Treasurer are the three people primarily responsible for the operation. Mr. Jeter will be the general manager. He will have sole management of the operation. His word will go completely unless there are eight dissenters.

Mr. Smith said the only time there was ever a good operation was when Mr. Jeter had operated it. There were no complaints at that time.

The Board discussed the whistle of the train; Mr. Jeter said this had been removed.

May 26, 1964

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Old Frontier Town, Inc. - Continued

Mr. Smith discussed the possibility of noise from the shooting gallery. Mr. Lainof said the shooting gallery is located in building #3 and should not make noise which would carry away from the park itself.

045

Mr. Smith asked about accidents occurring in the shooting gallery. Mr. Jeter said he knew of none.

Mr. Smith said blown glass was not in the previous application and should not be there now. The print shop was not there before either. He also questioned the picture gallery.

Mrs. Henderson said the taking of pictures was in before; it was sale of film and cameras that was objected to.

The Board discussed the sale of authentic American Indian craft; Mrs. Henderson felt this would have to go out of building #3 if they were going to sell. Sale of Indian craft is out but display is permitted. If you want to sell it, it will have to be in a C-N zone, Mrs. Henderson said. Another building could be put up in C-N if you have room, or it could be done in the snack bar. However, if they do decide to put up another building, they should come in and ask approval, Mr. Smith noted.

Mr. Lainof said they had no such intentions at this time.

The Board discussed the shootings, stage holdups, bank robberies, etc. Mr. Lainof said that the sounds would not carry beyond the walls of the enclosure.

Mr. Jeter said they will be open until 9:00 p.m. (stop selling tickets at 9:00) and close the gates at 10:00 p.m. No one can come in past 9:00. They will operate seven days a week.

Mrs. Henderson read a letter from the Dixie Hill Citizens Association.

Mr. Lainof said they intend to bring the Boy Scouts in on some of the activities, also the 4H clubs.

Mrs. Henderson asked Mr. Jeter to specify the entertainment in the hotel saloon. Mr. Jeter said they would have variety acts, acrobatics, musical instruments, singers, etc. All would be on amateur basis - no professionals and no charge to this. There would be no dancing.

The Board discussed the location of the picnic area - the "educational display of animals" - how many animals and what type?

Mr. Jeter said they would display two each of domestic animals living in the area such as cows, rabbits, chickens and geese. They would have this display where the foundation is already in; they still have to put up the sides and roof.

Mr. Smith asked what about the barn that is already in existence.

Mr. Jeter said hay is stored there and one or two ponies, and several wagons are on display.

Mr. Smith objected to any increase in the number of buildings even though the foundation is already in.

Mr. Lainof gave Mr. Woolfe's address as 3507 Saylor Place, Alexandria, and Mrs. Helen Brown of 2707 Westminster Place, Alexandria.

Mr. Lainof said they plan to have 500 parking spaces. They are leasing the land from Hunter's Lodge at the rate of \$100.00 per month. There would be no conflict in parking because Hunter's Lodge will be using the parking lot after this operation has closed.

As far as he was concerned, Mr. Smith stated, the entire parking lot will have to be paved to protect the people in the area from dust. They should also maintain proper setbacks.

Mr. Stearns asked that a time limit be put on this operation if granted.

Old Frontier Town, Inc. - Continued

Mr. Smith stated that the lease was not specific as to the amount of parking space being leased. It would not be a proper lease until it had a description of the property attached. If the lessor suddenly decided that this were parking for forty cars - where would the operation be - without the legal description?

They could not operate, Mr. Lainof said. He agreed to obtain an addendum to the lease.

Mr. Dan Smith suggested granting for a period of six months with review at that time.

Mr. Everest said he would go along with that but wished to add that before they begin operating that they have Mr. Woodson inspect the property to see that the parking is in.

In view of the statement by Mr. Everest, Mr. Smith said he was prepared to make a motion to dispose of the application of Old Frontier Town, Inc. to permit operation of a miniature western frontier town on 14.2 acres of land, property on north side of 29-211 adjacent to Hunter's Lodge in Centreville District, RE-1 zoning; and this would also cover the C-G property known as Hunter's Lodge parking area, and leave out the C-N zoning as this is a zoned area where they can pursue normal things pursued in C-N. This would not hamper the operation. The area he specifically spoke of was the outlined area - the 14.166 acres - including the parking area adjacent to the entrance to the park, the entrance through the stockade fencing. The operation shall be in conformity with discussion that has gone on here. It is understood that there will be no sales within the park itself - that is on the RE-1 zoning, and all commercial activities be carried on in the snack bar that is outside the use permit, in the C-N zone.

In building #3 there will be display of authentic American Indian craft only; no sale. Building #3 - display of antique guns - no sales. No. 3 building - shooting gallery - target shooting with a .22 caliber rifle. No. 3 - picture gallery - taking and sale of pictures taken on the premises. No. 3 - saddle and leather shop - display. Buildings 3 and 4 - dentist and barber shop - display. Building #4 - Print shop - display of old printing, outlaw "Wanted" posters, sale of souvenir "Frontier" newspaper to be printed on the premises. #4 - bank and assay office - displays and exhibits, educational in nature. #5 - red school house - display. #5 - Buggy museum - display of antique horse drawn vehicles. #6 - Church - Display. #8 - Livery stable - storage of hay and buggies and stabling of animals. #9 - Jail House - Display and exhibit. #10 - Hotel and saloon - stage shows, amateur nature only. #11 - Blacksmith shop - display of smithery items. #12 - Wells Fargo Office - display, sale of tickets for pony, buggy burro and stagecoach rides only; sale of nothing other than tickets. #13 - Rides - pony, burro, stagecoach and buggy rides - limited to that. #14 - Rides on miniature steam driven train (8 to 10 minutes - same train used in the past) and no whistle under any circumstances - Display. It is understood that any holdup or anything of that type will not include the firing of firearms. Picnic and Bar-b-que in area No. 16 - and #17 - Boot Hill - Display.

There will be allowed in building #10 two soft drink vending machines. In building #4 - one; building #3 - one; building #14 - one. There will be no other vending machines other than the soft drink vending machines located within the park itself. It is meant to include that portion of the C-G property adjoining the park under lease by Old Frontier Town, Inc. as a 460 car parking area - in the area that lies between the stockade fence and the property of the building known as Hunter's Lodge. All parking spaces shown on the plat shall be asphalted (parking for 500 cars) prior to any attendance at all at the park. No parking within the required setback area. The Zoning Administrator shall inspect the property and the parking area and approve this prior to any use under this permit. Permit shall be for a period of not longer than six months from this date. If there is any change in the present Board of Directors, this Board should be notified immediately and all addresses and names of stockholders of the two corporations - one being the operator and one being the owner of the land, as well as an amended copy of the lease shall be submitted to the Zoning Administrator, the amended copy of the lease showing a plat of the parking area. Also the written lease shall be amended to encompass this entire area setting up boundaries. This shall be fully complied with prior to any use being made of the property. All other provisions of the Ordinance shall be met.

046

May 26, 1964

Old Frontier Town, Inc. - Continued

The hours of operation shall be as stipulated here - shall not open before 10:00 a.m. and no tickets sold after 9:00 p.m.; park must be empty by 10:00 p.m. No shows started after 9:00 in the park. No firing of pistols, gun powder or explosives, and noises of any type shall be confined to the park area itself and not extend beyond that.

047

Mr. Barnes seconded the motion. Carried unanimously.

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The meeting adjourned.

By: Betty Haines

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

August 7, 1964
Date

Letter from Winnaatt Properties, Inc. requesting re hearing of case denied 4/23/64. Request granted for 4/23/64. Mrs. Henderson vote No.

The regular meeting of the Board of Zoning Appeals was held on Tuesday, June 9, 1964 at 10:00 a.m. in the Board Room, County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

048

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

The Chairman welcomed the new member, Mr. Clarence Yeatman, who was appointed to fill the unexpired term of Mr. T. Eugene Smith.

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JOSEPH E. RAMEY, to permit dwelling to remain 49.5 ft. from front property line, Lot 6, Springhaven Estates, Dranesville District (RE-1)

Mr. Ramey said this was an error made in grading out the dirt which had to be piled toward the street. There is a ravine on one side and it is hard to get the line right.

Mrs. Henderson said she felt that the house did not fit on the lot in any case and it is off on the side yard requirement as well.

Mr. Woodson said the 15 per cent ^{allowance} would apply on ^{this} requirement as this is a 100 ft. lot.

There was no opposition.

Mr. Smith moved that the application of Joseph E. Ramey to permit dwelling to remain 49.5 ft. from front property line, Lot 6, Springhaven Estates, Dranesville District, be granted as applied for. This is a situation where there is a lot with less frontage than normally allowed under the present Ordinance, with a 15 per cent variance on the side yard requirement. The explanation warrants consideration. Due to the front of the lot and the fact that a flood plain easement is in the rear, it is difficult to get the house on the lot and maintain proper setbacks. Seconded, Mr. Barnes. Carried unanimously.

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FREEDOM PARK, INC., to permit erection of diving pool and to permit parking closer to property line than allowed by the Ordinance, southerly end of Hull Road and Byrd Roads adjacent to Villa Loring Subdivision, Providence District (RE-1)

No one was present to represent the applicant. This case was put at the end of the Agenda.

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Mrs. Henderson stated that since the Board was now ahead of its Agenda, she would like the Board members to know that Mr. Leone had come to see her yesterday and he has never complied with the terms of his permit since 1960. Mr. Woodson has had him in court and he pled guilty but he is appealing the case and it comes up Friday. Mr. Leone had agreed to build a solid cedar fence along the rear lot line of his property adjacent to Sunset Manor but he has never put the fence up. The Site Plan Office has granted him a four foot variance because his building is only 10 ft. from the lot line, which means that he would put the fence in at 6 ft. with planting along the side. Mr. Leone is now fighting this because he says it will leave him only four feet. He is operating an auto body shop. The Board has granted variances on this property due to the small size of the lot. Mr. Leone says he will put the fence on the property line but does not want it at 6 ft.

Mr. Smith moved that the Board inform Mr. Leone that unless he complies with the site plan requirements and erects the fence as agreed at the time the permit was granted in compliance with Staff recommendation (fence to be 6 ft. off property line with planting); within 45 days from this date, ~~as~~ the Zoning Administrator shall issue a call to show cause why permit should not be revoked for non-compliance. Seconded, Mr. Everest. Carried unanimously.

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WILLIAM S. GREEN, to permit erection of porch closer to side property line than allowed by the Ordinance, Lot 10, Section 1, Lewinsville Heights, Dranesville District (R-12.5)

Mr. Green said they want a porch very much and this is the only proper place to build it. They are asking for a variance of 2 ft. for a 9'5" porch but would settle for 9 ft. They could not put this in the back as they would have to cut through one of the bedrooms and this would render it useless. There is no exit on the side and there are no windows in the living room that could be made into a door. The house was constructed in 1953 or 1954 and they have occupied it since that time. At the time they purchased the house a porch was permitted but since that time the zoning regulations have changed.

Mrs. Breen who lived two houses away spoke in favor of the application and showed pictures of her own house which has a porch similar to what Mr. Green proposes to build.

There was no opposition.

Mr. Smith moved that the application of William S. Green, to permit erection of a porch closer to property line than allowed by the Ordinance, Lot 10, Section 1, Lewinsville Heights, Dranesville District, be approved as applied for with a 2 ft. variance and not 2 1/2 ft. as indicated on the plat. There are unusual circumstances, the property is terraced in the rear and the lot is small. This meets provisions of Section 30-36. These people purchased this home at the time this would have been permissible and there is nothing to indicate that this would be inharmonious with the surrounding area. The applicant shall be permitted to construct an open porch not ~~less~~ than 10 ft. from side property lines. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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BESSIE BURTON, to permit division of lot with less frontage at the building setback line than allowed by the Ordinance, Lot 23, Kentland Farms, Dranesville District (RE-2)

Miss Burton and Mr. Glenn Grimmel of the Alexandria Realty Company were present. Mr. Grimmel said this is a five acre tract in Kentland Farms. Miss Burton has a sales contract on the two-acre parcel to Dr. Livingood who would like to purchase the property for the purpose of erecting a dwelling. The house would front on Blue Ridge Lane. There are no dwellings on the property at present. Both lots have passed percolation tests.

Mrs. Henderson noted that this is an existing situation - the Board is not creating any non-conformity. The land is being divided and comes under Subdivision Control. The Board is asked to ~~make~~ it conforming, *approve an existing non-* a mere technicality.

Opposition:

Mr. Jules Guedalia living adjacent to the property said they are reluctant to have two houses put on this lot. This is a non-conforming condition and they prefer that no variance be granted as they are attempting to preserve this part of Dranesville in open space.

Mrs. Henderson explained that even the total lot before it is subdivided is non-conforming and the division as proposed is more than required by the Ordinance; it just happens that if there were 40 more feet on the front of this lot it could be divided with no problem and there would still be two smaller lots.

Mr. Guedalia said he owns fifteen acres and he did not know of any two-acre lots in the area. He felt this would degrade the area and objected to the non-conforming frontage.

Mrs. Henderson asked him if he would be willing to sell Miss Burton enough land to make this frontage conforming. The answer was no - they would rather buy Miss Burton's entire five acres.

049

Bessie Burton - Continued

Mr. Catalano, owning fifteen acres of adjoining property, said Miss Burton's ground is on a hill and would drain on his property. He said the lot is presently wooded and he did not want to see the trees removed. He owns a \$90,000 home and did not want a \$15,000 - \$18,000 home next to him. This would open the door to others who want to build on two acre lots. There are covenants on the property.

Mr. Smith said the Health Department and Public Works would take care of these problems concerning septic tanks and drainage.

Mrs. Henderson noted that if this were left in one lot the owner could still put the house in this location where Mr. Catalano fears the septic tank would drain on his property and if this were not under Subdivision Control it might be a lot worse.

Mr. David Holman, owning Lot 12, asked if anyone in the area would be allowed to have two acre lots. Also, he asked if it were the exceptional shape of this particular lot that made these people be here.

That is right, Mrs. Henderson answered.

Mr. Henry Carr, Lot 17, said they were told they were buying five acre lots when he bought his property. There are twenty-six couples here who have a joint interest in the lake. He wanted to know what happened to the five-acre zoning.

Mrs. Henderson said it was thrown out by the Supreme Court of the State of Virginia but Mr. Holman did not agree.

Miss Burton showed a topo map of her property and approximate house locations. One house will be for herself; plans to build in approximately three to five years. Her building site is already cleared of trees and she does not plan to remove any more. The drainage will be toward Kentland Drive, not toward Mr. Catalano's property.

Mrs. Henderson stated that although the Board is not concerned with covenants, she was reluctant to grant anything that would be illegal. She suggested that the applicants might go to the Clerk's Office and obtain copies of the covenants to see if this division is restricted. Public hearing is closed - decision will be made at 12:30 today.

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GEORGE ALLEN, to permit erection of carport not less than 12 ft. from side property line, Part Lot 13, D. P. Devine Subdivision, (5829 Birch Avenue), Dranesville District (RE-1) Deferred for viewing property.

Mr. Spence from Mr. Gibson's office, represented the applicant.

Mrs. Allen said her father built the house and the original plans for the house called for a breezeway, porch or garage. The laying of the concrete had been approved and this was in. They had been waiting till they were financially able to build the porch but now they find that the zoning has changed. The house was built in 1955 and some of the neighbors have carports.

The Board members agreed that the variance which the applicant was asking would not be in harmony with the neighborhood. There is an alternate location for either the porch or the carport. Suggested that the applicant amend her application to "not less than 12' from property line" instead of 9.7 ft. as requested.

Mrs. Allen agreed.

Mr. Smith moved that the application of George Allen to permit erection of carport on part Lot 13, D. P. Devine Subdivision (5829 Birch Avenue) in Dranesville District be granted - not less than 12 ft. from side property line. The applicant sought a greater variance to allow an open carport within 12 ft. This would be inharmonious with the adjoining area. This is a narrow lot with less square footage than required by the zoning it is located in. Structure shall not come closer than 12 ft. from the property line instead of 9:7' as requested by the applicant. Seconded, Mr. Barnes. Carried unanimously.

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050

June 9, 1964

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RICHARD J. JACOBSON, to permit dwelling 38 ft. from Capital Beltway, Lot 57A, Section 1, West Langley, Dranesville District (RE-1)

Mr. Lockowandt was present to represent the applicant. Mr. Jacobson was present also.

The engineer showed a sketch of the property showing the beginning of a cul-de-sac. The house could not be pushed back further because it would be in a hole and would look awkward because of the way the cul-de-sac is located. The Beltway is 40 ft. below this property. This is approximately 1/2 acre and nothing is involved except the Beltway. The house fronts on Churchill Road - no entrance on the Beltway. There is no sewer but water is available and the County is asking for right of way for sewer. The lot can be sewered after this is put through. The Health Department has approved the property for three bedrooms and a den which could be used for a bedroom; percolation tests show that the land can take septic tanks.

There was no opposition.

Mr. Smith moved that the application of Richard J. Jacobson, to permit dwelling 38 ft. from Capital Beltway, Lot 57A, Section 1, West Langley, Dranesville District be granted as applied for. This is an unusual situation where the house sits above the Beltway itself. Public water is available and the applicant states that the Health Department has approved the size house represented by this plat. The taking of land for the Beltway has helped create this situation. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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DOUGLAS D. ETKA, to permit erection of a miniature golf course, Lot D, Section 1, Springfield Shopping Center (Augusta Drive) Mason District (C-D)

This had been deferred for new plats. Mr. Etka presented them.

Mr. Smith moved that the application of Douglas D. Etka, to permit erection of miniature golf course, Lot D, Section 1, Springfield, Shopping Center, (Augusta Drive) Mason District be approved in accord with plat submitted showing additional information regarding sewer facilities. There will be toilet facilities available on the premises for the customers and users of this facility placed there by the applicant. All other provisions of the Ordinance to be met - 40 parking spaces provided initially and more if needed. Seconded, Mr. Barnes. Carried unanimously.

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GARFIELD, INC. to permit operation of miniature golf course, north side of Keene Mill Road, approximately 200 ft. W. of Rt. 617, Mason District (C-D)

Mr. Wight presented the new plats. They have a 4-inch sewer line running to the existing main on Keene Mill Road and will provide a 12 x 10 ft. building for toilet facilities. These will be mobile facilities - frame buildings that can be hauled away if they do not renew their lease after three years.

Mr. Everest moved that the application of Garfield, Inc. to permit erection of miniature golf course, north side of Keene Mill Rd. approx. 200 ft. W. of Rt. 617 in Mason District be approved in accordance with plat submitted. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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JOHN J. RUSSELL, BISHOP OF RICHMOND, to permit operation of a school, property at the end of Laurel Leaf Lane bounded on the south by Ridgelea Subdv., Providence District (RE-1)

Mr. Barnes moved to defer the application as requested by the applicant. Seconded, Mr. Smith. Carried unanimously. Deferred to July 14.

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051

FREEDOM PARK, INC. - Mr. Smith moved to defer the application to July 14 as requested by the applicant's attorney. Seconded, Mr. Everest. Carried unanimously.

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Rehearing - COLCHESTER MARINA: Mr. Lee Bean and Mr. T. S. McCue were present.

Mrs. Henderson said she had received a letter from Mr. McCue stating that he has plans to proceed in the very near future and that it is now feasible to connect to public sewer. She suggested that this be a reconsideration of the Board's vote of April 14 when they denied the request for extension as there was no one present to represent the applicant. Now, if there is new evidence the Board should reconsider their vote.

Mr. Bean explained that the Wright Engineers were supposed to appear before the Board on that date but thru some misunderstanding, they were not present.

Mr. Bean said that Mr. Hale has told them the sewerage lines and treatment plant will be complete by June 1964 and an additional line will be ready in March 1965. Water will be available June 1964.

Mrs. Henderson said the Board had had this letter before - this still is not definite.

Mr. Smith felt that all the Board had done today was listen to testimony and information that had previously been on record but in all fairness to Mr. McCue maybe the Board should give thought to additional information being made available.

Mrs. Henderson explained that the Board wants to know -- is the sewer finished? Is the water actually there? On what date will it be available if it isn't there now - and when will the marina be able to operate? Was the treatment plant included in the original permit? The Board would like a map of facilities as approved by the State Water Authority and the County.

In view of this, Mr. Smith moved to defer decision on this application to July 14 - when this information shall be made available to the Board.

Mr. McCue said they would have Mr. Hale available to explain this and give the Board something in writing also.

Mr. Barnes seconded the motion. Carried unanimously.

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BESSIE BURTON - Continued

Mr. Grimm presented the Board with a copy of the covenants on the property, none of which includes the five acre restriction.

Mr. Smith moved that the application of Bessie Burton, to permit division of lot with less frontage at the building setback line than allowed by the Ordinance, Lot 23, Kentland Farms, Dranesville District, be granted as applied for; it is in harmony with the two acre zoning in the area and the applicant is entitled to this as long as it meets all other subdivision requirements. Had this created the non-conforming situation the Board would have been reluctant to consider it, however, it is already existing. This does not add nor take away from the area. The area can be utilized as one or two lots and the applicant is entitled to consideration to split the lot and conform to the two-acre zoning now existing in the area. In view of the enlightening testimony given regarding the covenants, he appreciated the Chairman's position in asking for this finding, although the Board is not instructed to give consideration to covenants, he felt there should be some consideration given. The only consideration before this Board is the merits of the case which in essence is the division of a lot which under ordinary circumstances could be divided without this Board's consideration; due to the irregular shape of the lot, however, and the fact that only 168.80 ft. fronts on Kentland Drive, this Board is asked to endorse this division so the Subdivision Control Office can administer it. Seconded, Mr. Yeatman. Carried unanimously.

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Request for rehearing - HARRIS & ARKWRIGHT - Swimming Club:

Mr. Herbert Harris reviewed the events of the meeting of April 14 - the Board deferred the application to April 28. On that date the motion was made to deny the application and since that time they had checked out as thoroughly as they could the development plans for the area and found a great deal of information as to the imminence of development of adjoining land. They have changed the contour of the land somewhat to provide more flat land for parking. 053

Mr. Coker, owning land adjoining the proposed swimming club, said they bought the 42 acre tract of which the tract involved in the application was a part. They had been waiting for sewer and water to come close enough for development and now water has been brought near the property thru development of Westgate and Mount Vernon Forest. Sewer has been brought close but the situation has not improved because of topographic conditions. They have an eighteen acre parcel for sale at present but even if they do not sell they will still go ahead with their plans for development. He showed a preliminary lot layout, the topo survey which was drawn on May 12, 1964, and the proposed sewer line. The preliminary plat has not yet been submitted for approval. Mr. Harris has promised them fifteen pool memberships which would be used by residents in the proposed subdivision and in addition they have an option to buy twenty more within one year.

Mr. Anthony Dennis said his firm had owned ground in this area for seven years. They purchased the lots to sell to a reliable builder but his firm would retain the financing. He spoke in favor of the swimming club - it would be good for the community. His lots were recorded many years ago as 50 ft. lots. He has 116 building sites. These have been submitted to the County authorities by DeLashmutt Associates and the drainage situation is being worked on at this time.

Mr. Harris called on Mr. Roy Wood, member of the Board of Directors of the Mansion House Club, who gave figures relating the Plan for development to development of schools in the Mt. Vernon community.

Mr. Smith noted that this was not new evidence - this information was available at the last hearing.

Mr. Harris felt the rehearing would be in the interests of good planning in the County. They plan to have a 300 membership control. If this rehearing is granted they would like to advertise in the name of Mansion House Club, Inc.

Mr. Smith suggested that this could be added to the name Arkwright & Harris.

Mr. Harris said they can put in 200 parking spaces now but would prefer to limit parking to 150 with 50 reserved spaces somehow.

Mrs. Henderson spoke of the study made at the Pentagon a few years ago - she figured that 165 spaces should be required parking for 300 membership.

Mr. Everest felt that none of the things presented today were new evidence except Mr. Coker's preliminary plat.

Mr. Harris said they have not bought the property - they have put \$2,000 down on it which is subject to forfeiture if they do not get this permit.

He could appreciate Mr. Harris's position, Mr. Smith stated, but Mr. Coker's preliminary plat appears to be the only new evidence presented. There are many "ifs" attached to this. Maybe a parcel of 18 acres will be sold. Who is bringing in the sewer? To what point?

There is a need for this and he would like the rehearing, Mr. Yeatman said.

Mrs. Mollenburg, living in Mount Vernon Forest, spoke in favor of the application; she has three sons to which this would bring benefit. The children in the area need recreational facilities and this would bring wholesome entertainment into the area.

Mr. Yeatman moved that a rehearing be granted. No second.

Harris & Arkwright - Rehearing Request - Ctd.

Mr. Smith said the testimony presented today was the same as given previously, the only new evidence being the preliminary plat submitted by Mr. Coker, and the slight change in the lot layout. He still had the same major objection he had previously. Mr. Coker will bring in sewer under certain conditions -- he plans to sell 18 acres -- this Board has no knowledge that development will take place within a year or two. He felt if the need were there, it would be different, but it has not been proved that the need is there. This is not one subdivision but a group of people living in one and soliciting support from several others to build this pool. There is not sufficient evidence presented today to change the thinking of the Board in considering a rehearing. Moved that the request be denied. Seconded, Mr. Everest. Mrs. Henderson voted against the motion (she said she would be willing to have a rehearing even though she might vote the same way she did at the first hearing); Mr. Yeatman voted against the motion. Messrs. Barnes, Everest and Smith voted for the motion. Motion carried to deny.

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The Board decided August 4 would be the only meeting during that month. Motion by Mr. Smith; seconded, Mr. Barnes and carried unanimously.

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The meeting adjourned at 3:20 P.M.
By Betty Haines

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

August 7, 1964
Date

055

The regular meeting of the Board of Zoning Appeals was held on Tuesday, June 23, 1964 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. Smith.

Mr. Schumann said the Planning Commission had, in considering the Board of Zoning Appeals agenda for this date, removed one item, thinking that they were required to consider this as a public utility, however, since that time the Commission has been advised that this is not such a public utility as defined by State law. He introduced Mr. Averil, representing Radio Station WEAM, the applicants in the case.

Mr. Averil said they have occupied their present premises at the bank ^{IN ARLINGTON} for six years. They are located in the basement. Their lease came up for renewal in January but they did not renew as they wished to take advantage of the 10 acres where their towers are presently located, and enlarge their facilities there. The bank agreed in January to extend their use of the basement for six months, but now the bank is ready to install extensive computing equipment in the space they are now occupying. The equipment is in storage at this time and the storage is costing the bank more than WEAM could possibly pay for rent so they must move as soon as possible. They have a permit for the towers that are located on the ten acres.

Mr. Smith felt that this should be advertised as an extension of present permit rather than as a new application.

The Board agreed to hold a special meeting on July 6 at 10:00 a.m. to consider this application, provided proper notices and advertisement are given.

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The application of ALBERT S. MAYOLO was put at the end of the Board's agenda as no one was present to represent the applicant.

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JOSEPH CUSHING, to permit erection of carport 39.8 ft. from Craig Avenue (816 Washington Drive), Mt. Vernon District (RE 0.5)

Mr. Cushing said the house had been built without a basement; now it appears they need a recreation room and in order to get this they will have to convert the existing garage to a recreation room and they wish to build a carport with storage space in the rear.

Mrs. Henderson suggested several alternate locations for this addition, however, Mr. Craig rejected them for the reason that the architecture of the house would be spoiled, and because of the numerous trees which they do not wish to cut down. The house was built in its present location in order to save the trees, he said.

Mr. Everest said he could see no grounds on which to grant the application but did not wish to deny the application without first taking a look at the property. He moved to defer to July 14 to view. Seconded, Mr. Yeatman. Carried unanimously.

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SPRINGFIELD LUMBER & SUPPLY, to permit erection of additional warehouses closer to property lines than allowed by the Ordinance, at the end of Amelia Street extended, Springfield Industrial, Mason District (I-G)

Mr. Hansbarger represented the applicant, stating that the warehouses next to the railway are already in existence. They need the variance due to the narrow width of the lot. They started the project in 1951 and it has expanded to this point with every building less than 100 ft. from residential property lines. The adjoining property is owned by the Catholic church but it will never be used for a church; the property is vacant and at present there is an application pending for a change of zoning. The railroad sidings were put in in 1951 and were planned to include these buildings -- this is merely a continuation of plans made at that time.

Mr. Hansbarger said he felt this operation was perhaps the best development in the area as it was less cluttered and was the cleanest operation in the industrial area.

Springfield Lumber & Supply Company - Continued

There was no opposition.

Mr. Smith moved that the application of Springfield Lumber & Supply Company, to permit erection of additional warehouses closer to property lines than allowed by the Ordinance, at the end of Amelia Street extended, Springfield Industrial, Mason District, be approved as applied for as there is no opposition present and this extension for the industrial use was planned as far back as 1951. Considerable development in the form of a retaining wall was put on the property to provide for additional warehousing as needed by the applicant. This will not be detrimental to surrounding residential property and is in harmony with existing construction adjacent to it. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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WIMSATT PROPERTIES, INC. (REHEARING) TO PERmit erection of a building closer to property lines than allowed by the Ordinance, on the N. side of Rt. 413 and adj. to N. Springfield Swim Club, Mason District, (I-G)

Mr. Jack Lowe of the Master Plan Office told the Board that a mistake had been made on the Zoning map and the swimming pool property which had been shown as residential was actually both residential and industrial. This would mean that there would only be a variance needed on one corner in order to build a warehouse.

Mrs. Henderson suggested shortening the building but Mr. Hellwig said he did not know whether this would be practical.

Mrs. Henderson said her main objection to a variance in cases of this kind was that there is a lot of land available and the building could be moved and not need a variance.

Mr. Gasson and representatives from Little League and the Swim Club were present in favor of the application. The representative from the Swimming Club said Johnson-Wimsatt were good neighbors and this application would not affect their pool in any way; from the aesthetic standpoint, it would cover up stored lumber that is now piled up in the open.

Mrs. Eagan stated that she and Mr. Williams were at the last hearing in opposition but now since there was a change in the zoning shown on the map, they could not see that this was something they could oppose. She said she could not see the lumber from where she lives but Mr. Williams can see it from his house.

Mr. Gasson said the height of the building would be 20 ft., the same height as the lumber now stored on the property.

The President of Little League, Colonel Bailey, said they presently accommodate six hundred boys on Johnson-Wimsatt's property. There are six baseball fields. They have found it very difficult to acquire property for their operation elsewhere and Johnson-Wimsatt have been good enough to let them use their property. They have a senior league operation on adjacent property, belonging to A. P. Woodson Company.

In view of the recent discovery in connection with the additional Industrial zoning in the area Mr. Smith said he felt this application warranted greater consideration than it had received at the previous hearing. The opposition has been lessened and it has been pointed out that the height of the building will be only 20 ft. - same as the height of the lumber that is now piled on the property. This would not be detrimental or affect adjoining property owners in any way and would be safer from fire hazards than lumber piled in the open. No evidence has been shown that this would be detrimental to adjoining property owners. The swimming pool association adjacent to this approves the application and in the interest of the general welfare of youngsters in the area, (approx. 600 boys participating in Little League) this should be approved. He moved to approve the application of Wimsatt Properties, Inc. to permit erection of a building closer to property lines than allowed by the Ordinance, on the north side of Rt. #13 and adjacent to North Springfield Swim Club, Mason District, with a 72 ft. variance at the end of the building, the closest point to residential zoning. Seconded, Mr. Barnes, who added that he would like to see the building along #495 painted. Mrs. Henderson voted against the motion as she said there was no topographic reason for this to be granted, and the building could be put in another location. All others voted in favor. Carried.

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SHELL OIL CO., to permit erection and operation of addition to gas station, NE corner Rt. 50 and Falls Church-Annandale Rd., Falls Church District (C-N)

Mr. J. Grant Wright represented the applicant. He said the application had been granted before but they had let it go into lapse because of site plan problems which have now been worked out. All property surrounding this is commercial zoning. As to widening the road, they would be out

Shell Oil Company - Continued

of business if they did this and the Commonwealth's Attorney has ruled that this cannot be required by site plan. They need the addition because they wish to add State inspection service.

There was no opposition.

Mrs. Henderson said she felt the Board should have better plats, showing everything on the property, and all distances.

Mr. Smith said all distances and setbacks, as well as pump islands and anything else existing on the property, showing the proposed addition with setback from Falls Church-Annandale Road, should be on the plats - therefore he moved to defer to July 14 for new plats. Seconded, Mr. Barnes. Carried unanimously.

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SHELL OIL COMPANY, to permit erection and operation of an addition to gas station, allow addition closer to rear property line than allowed by the Ordinance, on east side of Backlick Road, approx. 200 ft. N. of Franconia Road, Mason District (C-D)

Mr. J. Grant Wright represented the applicants.

Mr. Everest noted that the plats did not show distances and moved to defer to July 14 for new plats showing distances, location of all structures on the property including the addition, and showing what variances have been granted and when. Seconded, Mr. Smith. Carried unanimously.

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McLEAN RECREATIONAL ENTERPRISES, to permit erection and operation of miniature golf course, Lots 5, 6, 7 and 8, Block 7, Ingleside Subdivision, Dranesville District (C-D)

Mr. Thomas Lawson represented the applicant.

Mr. Charles Moore of the Planning Staff told the Board that a new site plan had been submitted just this morning. The total area involved in the application is 19,500 sq. ft. and there will be a total of thirty-six holes.

Mr. Lawson said the entire piece of property is a little over two acres. The golf course will be located away from the residential area and will be lighted so as not to affect the residences. His clients would be willing to give whatever screening the Staff might recommend.

Mr. Smith asked Mrs. Morgan, adjoining property owner, if she had any intention of rezoning her property which is included in the Master Plan for Commercial zoning. (The property in this application is also included in the Commercial Plan.)

Mrs. Morgan replied that she had no intentions of rezoning at this time. She is not opposed to the application, she said, but would like screening and fencing between the properties to protect her home.

Mrs. Henderson read a letter from Mrs. Louise Curran, co-editor of the McLean Scene stating that they are in favor of the application. Mrs. Curran had taken a poll and the people in the area want recreational facilities.

Mr. Lawson showed photographs of the property and surrounding area and stated that the large trees presently on the property would be preserved. There are no other recreational facilities planned or in operation in this area except the bowling alley. The nearest miniature golf courses are at Fairfax Circle, in conjunction with a motel operation, and Arlington. He quoted Lt. John Wall of the County Police Department sub-station in McLean as being in favor of the application as there is no place for youngsters in the area to go except the bowling alley and this would provide additional recreation for them.

On week-days they would operate from 1:00 to 10:00 p.m., and open earlier on week-ends. This would be a six-month operation per year. The entire area will be covered with grass with exception of runways. They will do other planting in the area as well as preserving the trees that are now there. Toilet facilities will be available and they will not have a refreshment stand; only vending machines. The planning staff has recommended approximately 1 1/2 parking spaces per hole, therefore a 36 hole golf course would require 54 parking spaces - they are providing 59. They would like the application to read McLean Recreational Enterprises instead of McLean Enterprises as shown on today's agenda. It is made up of people living in the area -- James Reed, Wilmer Hall, Dr. Werner Krebsler, and Charles Schillman are some of the people in the project.

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June 23, 1964

McLean Recreational Enterprises, Inc. - Continued

Mrs. Louise Curran spoke in favor of the project. She said replies were still coming in from her poll in the McLean Scene - people want either a billiard parlor, duckpin bowling, skating rink or miniature golf (which ranked third). A movie house ranked first, and a skating rink second. She read a letter from a Mrs. Mansfield in support of the golf project.

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Mr. Smith moved that the application of McLean Recreational Enterprises, to permit erection and operation of a miniature golf course, Lots 5, 6, 7 and 8, Block 7, Ingleside Subdivision, Dranesville District be approved as applied for in accordance with preliminary site plan submitted for site plan approval; (taking into consideration that the site plan might be modified in accordance with Planning Staff recommendation); bathroom facilities indicated shall be installed, and screening shall be in accordance with provisions of the Ordinance and with the discussion of the Staff that screening will extend the length of the area designated there. All other provisions of the Ordinance shall be met. There shall be no overflow of lighting into adjacent areas - all light shall be contained on the operation's property. Seconded, Mr. Barnes. Carried unanimously.

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THEODORE LEE, JR, to permit operation of day care center, Lot 13, Karen Knolls, (101 Rose Lane) Falls Church District (RE 0.5)

Mrs. Lee had not sent out required notices. Mr. Everest moved to defer to July 14 for notifications to be sent out. Seconded, Mr. Smith. (Since Mr. Lee is overseas, the Board felt it might be well to amend the application to include names of both husband and wife.) Carried unanimously.

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ACCOTINK ACADEMY, to permit erection and operation of nursery and Kindergarten, part Lots 30 and 31, Fairfax Park, (southerly side of Tuttle Road, approx. 377 ft. W. of Rolling Road), Lee District (RE-1)

Mr. Paul Morgan from Edward Carr's firm was present. He said the applicants were out of town but he had a letter from them explaining the reason for the application. Mr. Morgan said his firm has sold the property contingent upon this application and the applicants wish to open in the fall. There are contractors now bidding on the construction. The applicants will not live on the premises, they live in Springfield. They will operate the school year - have not decided whether it will be a twelve month operation.

Mr. Smith said he felt this was an excellent location but he would like the applicants to be available for questioning. Are they asking for just sixty children? Are they going to increase? The Board needs more information.

There was no opposition.

Mr. Smith moved to defer decision to July 14. Apparently there is no opposition but the applicants should be present to clarify some points the Board would like to have answered. This would enable the applicants to hear what is granted - and what they will be responsible for. Seconded, Mr. Barnes. Carried unanimously.

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PALINDROME CORP. to permit erection and operation of a community swimming pool and related facilities, southern section of Reston, Centreville District, (RPC)

Mr. Prichard represented the applicant. There are no adjoining property owners, he said, as Palindrome owns all the land surrounding this parcel. They selected some owners who were contiguous to some of the property owned by Palindrome. This pool would serve people living in Section II of Reston. ^{This will be} A community-non-profit pool, financed by Palindrome Corporation, which by people moving in and buying memberships, will pass out of the hands of Reston and become a community use. The limit for this pool is 300 families and more pools will be built when the demand is there. Mr. Prichard showed a gas line crossing the property and said the parking area could be extended across the line easement, into the area marked "open space". The parking is almost unlimited. They can use as much of the Transcontinental easement as they need.

There was no opposition.

Mr. Smith asked what distance separates this from the riding stable? Approximately 600 feet, Mr. Prichard replied, and the parking area will be between these two facilities.

In the application of Palindrome Corporation, to permit erection and operation of a community swimming pool and related facilities, southern section of Reston, Centreville District, Mr. Smith moved to approve as applied for in conformity with RPC requirements of the Ordinance and all other Ordinance requirements. It has been stated that setback requirements of the Ordinance would be more than met as to distances from residential areas. In view of the 300 membership, there

Palindrome Corp. - Continued

should be parking facilities for 130 automobiles and future parking provided whenever it becomes necessary for the swimming pool operation. Seconded, Mr. Barnes. Carried unanimously.

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PALINDROME CORPORATION, to permit erection and operation of a riding stable, southern section Reston, Centreville District (RPC)

Mr. Prichard showed a rendering of the proposed riding stable, with large open areas inside for an indoor exercise ring, forty stalls, and storage space for hay. There will be no storage above the stalls or the riding arena. The horses will be individually owned by residents. The stable will be built by Palindrome, and is not intended to be a non-profit organization. Some horses will be owned by the stables. Bridle paths will be located throughout the park, and additional stables will be built when necessary.

Mrs. Henderson asked how close is the building to Route 602? The building itself is 50 ft. from the new dedicated right of way line, and close to 100 ft. from the existing road, Mr. Prichard told the Board. Again, behind the property is a 110 ft. easement so the building cannot be moved back.

Mrs. Henderson suggested reversing the stable and the swimming pool. Mr. Saunders of Reston said the ring is already in -- cost about \$5,000 to build.

Mrs. Henderson suggested deferring judgment on the application until after a consultation with the Staff and the Commission as to what they intend to do for road setbacks for buildings.

Mr. Saunders said there are no setback requirements in RPC.

This is an unusual situation, Mr. Smith noted, and unusual circumstances warrant consideration in this new type of development. When the Ordinance was written, the framers of the Ordinance did not realize we would have this type of development. This use certainly could not adversely affect people driving along the road as long as the barn is maintained in a proper manner.

Mr. Saunders said the ring was placed here because they wanted to locate it where people could park all around the ring. One reason for coming here rather than waiting till this entire section was approved and this area was included, we wanted to get into operation in advance. Would it be possible to approve it subject to them shifting it to get the 50 ft. as requested by the Board?

Mrs. Henderson said that would be satisfactory to her inasmuch as although this is a public road and they own the land on the other side, it is too close to the road now. It should be a minimum of 50 ft. and a permit could be granted contingent upon their shifting the building to get that.

Mrs. Saunders said they will have to submit a site plan to get a building permit. They are several hundred feet from residences.

There was no opposition.

In the application of Palindrome, Corp. to permit erection and operation of riding stable, southern section Reston, Centreville District (RPC zoning) Mr. Smith moved that the application be granted as applied for, that there be a distance of 50 ft. maintained between the barn and Route 602 right of way, and that there be no residential construction within 100 ft. of the proposed barn. All other provisions of the Ordinance and RPC Ordinance shall be met. Seconded, Mr. Barnes. (Granted for three years and may be renewed by Zoning Administrator at the end of this period.) Carried unanimously.

// ADJOURNED FOR LUNCH.

VINCENT J. GIOIELLI, to permit operation of a used car lot, on east side of #1 Highway, approx. 300 ft. south of Dawn Drive (1968 Richmond Hwy.) Mt. Vernon District (C-G)

Mr. Gioielli said he was leasing the corner, the entire surface of which is gravelled. The office building is already on the property.

Mrs. Henderson noted that a service road would have to be provided.

Mr. Gioielli said he would have fifteen to twenty cars, all in good operating condition. Everything in the area is commercially zoned.

There was no opposition.

Mr. Barnes moved that the application of Vincent J. Gioielli, to permit operation of used car lot, east side of #1 Hwy., approx. 300 ft. south of Dawn Drive, (1968 Richmond Hwy.) in Mount Vernon

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District, be approved and shall comply with all necessary requirements of the Ordinance, and come under site plan approval. Seconded, Mr. Everest. Carried (Mr. Smith was out of the room).

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DWIGHT H. DODD, to permit erection of an office building closer to rear line than allowed by the Ordinance, Lot 3B, Resub. Lots 1, 2, 3 and 4, Block E, Courtland Park, Mason District (C-N)

Mr. Al Hiss represented the applicant. He located the property and existing zoning in the area, and said they need this relief because there is residential property behind them. This is the last commercial zoning headed west on Columbia Pike. Mr. Dodd would like a 30 x 58 ft. office building on the property, two stories in height (21 ft.). In order to do this and not bring the building forward, and to meet the parking requirements, he has to ask for a rear variance. The 32 ft. service road requirement takes out some of their parking and the egress easement between the two adjoining property owners also detracts from their parking. They need to put the building back as far as they can, leaving the front open for parking. There was an off-site drainage problem which cost \$22,000 to solve. As to buying some of the Brothers land, they are not interested in selling.

There was no opposition.

Mr. Everest said he would like to see the property before making a decision - therefore moved to defer to July 14. Seconded, Mr. Barnes. Carried. (Mr. Smith was out of the room.)

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KERNS & EVANS APARTMENTS, to permit erection of apartments closer to property lines than allowed by the Ordinance, on south side of Leesburg Pike, approx. 100 ft. W. of Patterson Road, Providence District (RM-2G)

Mr. Sam Harrell represented the applicant. The application, he said, was a result of a comedy of errors on the part of the engineer and the architect. On the southwest side of the property is a 15 ft. strip of land, crossing about one-half of the property. The engineers were under the impression that a fee simple title had been obtained by Kerns and Evans but Mr. Harrell had advised them that Kerns and Evans had merely obtained access over this ground which has never been used. This runs down to the southern corner of the property. After this came to light, it was determined that they could not possibly purchase the fee simple title - and from his title examination, no one else has the right to use it, and nothing can be built on it. In revising the entire plan, sliding everything forward could create difficulty and expense, and would necessitate crowding the building down on the parking. There is no way to slide the parking all the way down toward the front of the property, as the topo drops off quickly in the back. Sliding the building forward would necessitate increasing the height of the wall or putting in another terrace and destroying many trees.

Mr. Smith came in at this point.

There was no opposition.

Mr. Everest said in view of the unusual circumstances surrounding this application, he thought the intent of the Ordinance would still be complied with, even though the minimum of 14 ft. variance is granted. There is a perpetual easement in the title that goes with the land, that nothing can be built there, so he would move that Kerns and Evans be permitted to erect apartments as shown on site plan of Kerns and Evans dated April 13, 1964, and all other provisions of the Ordinance be met. Seconded, Mr. Yeatman. Carried unanimously.

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SCOPE, INC., to permit operation of scientific research and development laboratory, Lot 6, Lucy C. French Subdivision, Providence District (C-G) - extension of present use.

Mr. Gordon Siegel, owner of the property, represented himself and Scope, Inc., lessees of the property. He stated that Scope is now occupying the building which was built for their use. This would be a 50 x 100 addition. All of their operation is in this one building - no other locations.

Mr. Schumann stated that the Planning Commission had unanimously recommended approval. The parking is adequate, and the whole back section has been recently blacktopped.

There was no opposition.

In view of the fact that this is an extension rather than a new permit, Mr. Smith moved that Scope, Inc. be permitted to operate a scientific research and development laboratory, Lot 6, Lucy C. French Subdivision, Providence District; they have been in operation for a number of years and are a very successful scientific research organization. They have expanded several times. The present application for extension is certainly in conformity with the original application, and the Planning Commission has unanimously recommended it for approval. This should be granted in accordance with site

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June 23, 1964

Scope, Inc. - Continued

plan shown, and all other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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GEORGE F. DODD, to permit gravel operation on 10 acres of land, property approx. 1600 ft. SE of Beulah Road, on an outlet road, and 600 ft. NW of the power line, Lee District (RE-1)

Mr. Thorpe Richards represented the applicant, stating that this is adjoining a 16 acre tract which was granted in October of 1962 and which is not quite finished - 90% of it has been worked. He showed pictures of one of Mr. Dodd's operations, which had been partially restored - everything except the seeding had been done. When Mr. Dodd got his last operation, he was asked if he would restore the old Arrington pit, a 25 acre parcel and the way they have been restoring it by rough grading, then redoing the whole thing with topsoil, fine grading, and seeding. They have brought in 40,000 cubic yards of topsoil for this pit.

Asked what happened to the topsoil off the sixteen acres (granted in 1962) Mr. Richards said that has been stockpiled and will be put back when their operation is completed. They plan to seed in the fall. He showed an aerial photo, outlining the ground they plan to use in red.

Mrs. Henderson read the following letter from Mr. Massey:

"June 17, 1964

Mrs. L. J. Henderson, Chairman
Board of Zoning Appeals
604 Juniper Lane
Falls Church, Virginia

Dear Mrs. Henderson:

Re: George F. Dodd Application
Application NR-10

The Restoration Board, on June 16, 1964, reviewed and approved gravel pit application of George F. Dodd, designated as NR-10, including accompanying plan showing restoration and access.

The Restoration Board does, however, call attention to the fact that excavation was proposed up to the property line of Alben Pettit for which a letter of approval by Mr. Pettit was filed with the application and that Section 30-132 (2) of the present ordinance is not clear to the Board as to whether or not this lack of setback for operations is permissible. The Restoration Board believes this to be a determination to be made by the Board of Zoning Appeals, and if it is determined that a setback of 50 or 100 feet is required, then the grading and restoration plans would have to be amended accordingly.

Very truly yours,

(S) Carlton C. Massey
County Executive "

Mr. Everest felt that the intent of the Ordinance would permit Mr. Dodd to go up to the boundary line if the owner of adjacent property agrees to this. Mr. Barnes agreed.

Mr. Smith stated that he felt a 50 ft. strip left between two operations was not feasible. He would like to look at the property and see what has been done previously.

The Planning Commission unanimously approved this operation.

Mr. Richards said they need the permit as soon as possible as there is only ten per cent of the gravel left in their present operation. Mr. Pettit has no objection and his is the only house affected. The house will be torn down.

There was no opposition.

Mr. Everest moved that the application of George F. Dodd, to permit gravel operation on 10 acres of land, property approximately 1600 ft. southeast of Beulah Road, on an outlet road and 600 ft. northwest of the power line, Lee District, RE-1 zoning, be approved in accordance with the new Ordinance, and as shown on existing plats. All other provisions of the ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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061

VIRGINIA SAND AND GRAVEL CO. INC., to permit gravel operation on 55.4 acres of land, property on west side of Route 613, approx. 500 ft. north of Telegraph Road, Lee District

062

Mr. DiGiullian said the property included in the application is adjoining an existing operation. They are asking for two outlets - one for egress coming down to the Newington plant at Backlick and Telegraph and the other one coming across Beulah Road, to the Modern plant. It will tie in with the existing road, and would be over their own property. Later on they will ask for a permit on property adjoining this. They are presently digging on property nearby.

Mr. DiGiullian said he felt it was to the advantage of both property owners to dig to the line. He showed aerial photos of the area. They wish to start working shortly after they get their permit, if this is approved.

Mr. Nimmer, representing the Elliott family, said they had understood that only the Morgan property would be involved in the application. The Elliott land is under lease, with a residence on it.

Mrs. Henderson noted that this operation is more than 100 ft. away from the Elliott property. She also noted that the Planning Commission, by unanimous vote, and the Restoration Board recommended approval of the application.

Mr. Smith moved that the application of Virginia Sand and Gravel Company, Inc. to permit gravel operation on 55.4 acres of land, property on west side of Rt. 613, approximately 500 ft. north of Telegraph Road, Lee District, be approved in accordance with restoration plans and the Ordinance now in effect. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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Kena Temple - Progress Report: Mr. Woodson said he had inspected the property and they were working - should be putting in curb and gutter soon. Mrs. Henderson and Mr. Yeatman also were satisfied that progress was being made. The Board instructed Mr. Woodson to recheck the property prior to August 4 meeting of the Board to see whether sufficient progress is made and there will be another report on the 4th.

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ALBERT S. MAYOLO, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 6, Block 18, Section 6, Waywood, (2107 Priscilla Lane) Mt. Vernon District (RE 0.5)

Mr. Mayolo said the cement has been poured and he needs a variance of 1.73 ft. He could put the posts in further but this would detract from the house. He would like a tool shed in the rear and a 13.6' carport. He has had several contractors in and they say the posts could be moved but he felt it would not be in keeping with the neighborhood. Most of the houses do not have carports. However, Mr. Gosnell had planned this house for a carport, and since then the zoning has changed. He paid four hundred dollars for the cement and it would cost \$2,000 to build the carport; it would be of the same construction as the house.

Mrs. Henderson said she could see no topographic reason for granting this, and the posts could be moved to make this conform with the Ordinance.

Mr. Everest moved that the application of Albert S. Mayolo be approved to permit him to erect a carport with a variance of 1.77 ft. It is unreasonable to deny the man a variance for the placing of three posts. Seconded, Mr. Yeatman. Messrs. Barnes, Yeatman and Everest voted in favor of the motion and Mr. Smith voted against the motion. Mrs. Henderson voted against the motion as she felt the request did not meet provisions of the Ordinance for granting a variance. Motion carried.

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Mr. Thorburn said they got a use permit for the Fairfax Christian School in April, for a large building with 80 ft. setback, and small building with 100 ft. setback. Since that time they have been getting site plan approval and in getting the septic field layout from this small building which they are constructing first, the Health Department had them move the field over so instead of 100 ft. from the lines, the building will be only 70 ft.

Mr. Smith moved that the original permit be amended and that new plats be submitted in accordance with discussion of today showing new location of the first building. The reason for moving the building is that the Health Department has required placing the septic field in such a way as necessitating moving the building from the original location. This in no way changes the application and no one will be adversely affected. Seconded, Mr. Barnes. Carried unanimously.

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063

Mr. Woodson said the application of Texaco, Inc. , property located across from Mr. Alexander's Texaco station, had been granted in accordance with a plat by Richard W. Long. All of the property surrounding is commercially zoned. They brought a site plan in that does not show the 18 ft. planting strip which was included in the granting of the application. Did the Board wish to maintain this requirement or delete it?

Mr. Everest said he was in favor of leaving it the way it was originally. If the applicant wishes to present a case, they can come before the Board and if there is a reason to change the original motion, they will listen.

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Mr. Woodson showed plats and asked if they were suitable for filing with an application. The application will be for warehousing.

The Board agreed that the plats should be certified as to setbacks and proposed location.

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Old Frontier Town, Inc.: Mr. Cohen said he would present evidence to the Board that five hundred parking spaces were not necessary for their operation. They would only need two hundred and sixty spaces, marked by railroad ties or other means, and were prepared to commit themselves to this or any other reasonable requirements of the Board, to get their operation started. They would surface the parking area with bluestone.

Mr. Dixon, Assistant Commonwealth's Attorney, was present.

Mr. Cohen said the largest crowd they ever had was on August 5, 1962 when Old Virginia City operated this. He presented a page from their ledger to support this statement. A chart prepared by Mr. Jeter in 1961 for their board of directors showed the paid admissions as being 59 1/2% adult and 40 1/2% children.

Mr. Cohen explained several methods he used in figuring the parking needs, and said no matter how they figured they always came up with from 200 to 300 parking spaces. The reason for the inadequate parking before was due to the fact that spaces were not marked off and a lot of space was wasted. He promised the Board that if this permit were ^{amended} granted, they would not violate any parking requirements.

Mr. Smith noted the bad situation on the Hunter's Lodge property in rainy weather. He had seen people's cars stuck there and he would not like this to happen in this operation. That was one of his reasons for requiring the lot to be asphalted.

Mrs. Henderson felt that some paving should be done, at least at the entrances.

This is not new information, Mr. Smith said, the only thing which I would consider new is the ledger sheet out of the book. Mr. Cohen was supposed to bring in new plats -- this is the same plat. There is no indication that there is a huge sign sitting here - no indication that either of the two entrances or exits are going to be used from Hunter's Lodge. He disagreed that 260 spaces for parking were sufficient - if might be on a week day, but certainly not on a Sunday afternoon.

Mr. Cohen said they would have a parking attendant to direct the traffic, and all spaces would be clearly marked. Mr. Faircloth is filling some land at the present time and if 260 spaces are not enough they can get more. They could go ahead and open for the two weeks before Mr. Faircloth is finished. They want to cooperate -- they know of the difficulty the Board has had in the past and they are asking for a chance to prove themselves.

Mrs. Henderson said she might settle for 300 cars. She noted that this would have to go through site plan approval unless the Board of Supervisors waives this requirement.

Mr. Yeatman agreed that 300 spaces might be enough provided there are proper entrances and exits clearly marked so that there would not be a traffic jam on 29-211, exits and entrances to be approved by the Highway Department. Mr. Barnes agreed.

Mr. Everest said perhaps the Board could grant 260 parking spaces and anything ^{UNDER} ~~over~~ this would be a violation of the permit and grounds for revocation. However, he felt they would probably need the entire parking area.

Mr. Cohen said that in October 1960 they signed an agreement with Mr. Sprinkle to buy his interest. That agreement had a clause that he did not have to go through with the agreement unless Mr. Cohen's group got the special permit by the end of December. The Board could not hear this case until January 14 and at that time they informed the Board that they were withdrawing their application because their option had been revoked by Mr. Sprinkle. In January or February the property was offered for sale and they were interested - they set up a new name for tax benefits, etc., called themselves Old Frontier Town, Inc. and asked the Board for permission to operate.

Old Frontier Town, Inc. - Continued

Then the rug was pulled out from under them, Mr. Cohen continued, when the Board ruled that they must pave the entire parking lot. This was done ten minutes before the end of the meeting and if they had known about the paving before they bought the property, they never would have been the owners of this "headache".

064

Mr. Smith felt that if there were to be a change in the granting, the opposition should be present.

After further discussion, the Chairman called for a motion.

Mr. Yeatman moved to amend the original granting as follows: that the applicant, before opening day, provide parking spaces for 300 cars, each space to be clearly shown, and the exits and entrances shall be paved and clearly marked as such. This must be submitted for site plan approval and Highway Department approval and the Board understands that they might wish to make minor changes on the exits and entrances. There shall be four inches of bluestone on the parking lot. Mr. Everest added that on a busy Sunday prior to the Board's last meeting in July there shall be a check and if any cars are found parking outside the area shown on the plat this shall be considered a violation and a basis for revoking the permit. The area to the rear shall be reserved for additional parking if it is shown to be needed. The applicant shall be responsible for cleaning up the area -- trash, weeds and anything else that is an eyesore. Site plan approval will be required for the whole area and it must show 300 parking spaces with reserved parking, and paved entrances and exits clearly marked as such. Occupancy permit shall be granted to applicants only, and is not transferable. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned at 5:40.
By: Betty Haines

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

August 7, 1964
Date

A Special Meeting of the Board of Zoning Appeals was held on Monday, July 6, 1964 at 10:00 a.m. in the Board Room, County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

065

(WEAM) Arlington Fairfax Broadcasting Co. Inc., to permit erection of an addition to existing transmitter station, at the South end of Crimmins Lane, Dranesville District. (R-10).

Mr. Harry Averill represented the applicant stating that there are four existing towers on this ten acre tract which have been here under permit since 1947. This application will permit the applicant to move his broadcasting station to this property.

Asked if they would add television to this station, Mr. Averill said they did not know yet - it had been discussed but no plans are made at this time to do so. They are not sure that would be practical. They have another television broadcasting station now.

This covers five counties and parts of West Virginia, Maryland, to the Pennsylvania line and as far as Delaware.

Mr. Smith asked that the applicant file a map with the case to show the extent of their coverage as required by the regulations.

Mr. Averill said that there is a small building now on the premises which will be incorporated into the larger building they plan to build. He showed a rendering of the structure planned - a neat looking two story brick colonial.

They have known since last November that they would have to move from their present location, Mr. Averill said, and have been working since that time on the building to make sure they meet all County and FCC requirements. They will have a temporary set up until the permanent building is completed.

The property is completely adequate - room for parking, the towers are located well within the 200 ft. setback requirements. (Mr. Smith said the parking should be shown on the plot.) They will have a complete crew of about 25 employees - but only one engineer will be on duty all the time. A maximum of 15 will be working there ^{at one time}. Very few come and go - this is not a station where people come to listen to broadcasts, they have no facilities for that. This is only for broadcasting.

It was noted that homes back up to one side of this property. Mrs. Henderson said they should show the parking on the plot and the parking should be away from the homes. Mr. Averill agreed that they could do that and also agreed that grass would be planted between this building and the homes.

Discussion of location of parking which was agreeable both to the applicant and to the Board. Mrs. Henderson suggested 25 parking spaces.

Opposition: Mr. Robert Ambrogie from Orlan Street said he was not notified of this - nor were others most affected. They did not see the posting.

Mr. Ambrogie objected to the size of the building - and the fact that this is getting into a commercial use. This is a development of 25 new homes. There are 16 school children in the area who use Powhatan Street - the same street to be used by this station. They did realize that the radio towers were there. They do not like the traffic hazard, they do not know what the noise level would be and they can visualize a constant coming and going of racing cars. A bigger building and more employees here will be detrimental to homes in the area.

Mrs. Henderson pointed out that ^{about} 40 homes could be built on this ten acres, which would no doubt bring far more traffic.

But, Mr. Ambrogie answered that there would be more entrance and exit streets. This is a large building, 30 X 54 Ft. - two story and in ten years it will probably be increased. Mr. Ambrogie said he would rather have the 40 homes. He thought this should be in a commercial area.

July 6, 1964

Special Meeting - Continued

066

Mr. Smith pointed out that these people are very conscious of Public Relations and they can control their employees and would no doubt go out of their way to see that there was no speeding on the roadway. He thought the plans as set forth would be an asset to the area. If they do not carry out their plans and if they do not maintain good public relations, any increase in facilities on this property could be stopped.

Mr. Averill said that they could not put more towers on this property nor a larger building as it would disrupt the pattern. They are very rigidly controlled by FCC. These are all the facilities they can put on this property.

Mr. Smith noted that the Board could pin the granting of this down to the present plans.

Mr. Smith pointed out that this is a public utility as defined in the Ordinance - it operates to a great extent for the benefit of the community and it could not be located in a commercial area.

Mr. Dodd, builder, presented an initialed plot showing 24 parking spaces.

On the application of (WEAM) Arlington Fairfax Broadcasting Co. Inc., Mr. Dan Smith moved that the application be approved as applied for. This is granted in conformity with the plat incorporated in the files of this case which is initialed by both the applicant and the builder - dated today (July 6, 1964). The plat is prepared by Fred Cardwell, Falls Church and dated May 1, 1964 at a scale of 1" to 40'. It is required that parking and the building shall be located in conformity with the rendering presented and the architectural design - which is a colonial two story building. The present facilities of the Broadcasting Company - the transmission station now on the property will be incorporated into the proposed plans. This will be finished with a hip-type roof in conformity with the plan presented. All parking will be away from the residential side of the property and no parking shall be in front of the building nor on the side adjacent to the residential area. All other provisions of the Ordinance shall be met. The four towers now existing on the property shall be included under this permit - this will include the complete plan for the property and the extension of the use.

Mr. Barnes seconded the motion. Carried unanimously.

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The meeting adjourned.
By: Katherine Lawson, Secretary

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

August 7, 1964
Date

067

The regular meeting of the Board of Zoning Appeals was held on Tuesday, July 14, 1964 at 10:00 A.M. in the Board Room, County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

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McLean Professional Building, to permit existing canopy to remain closer to Street property line than allowed by the Ordinance, Lots 1, 2, 3, 4, 5 and 6, Block D, Beverly Manor, (4949 Old Chain Bridge Road), Dranesville District. (C-D)

Mr. Correa represented the applicant. The canopy in question has been on the building and in use for four years, Mr. Correa told the Board. It was not noticed until the applicant applied for a permit to make an addition to the building.

The canopy was shown on his original building plans. Mr. Correa said the plans in the Building Inspector's office show it, but it was not incorporated into the actual building permit as issued. The plat approved in the Zoning Office did not show the canopy, nor was the canopy shown on the site plan. But because it was on the original plans, Mr. Correa said, he did not know that it was not carried through on the permit and on the plats. It is constructed of steel - bolted to the building. It could ~~not~~ be removed.

No one from the area objected.

Mr. Correa said he considered the canopy a necessary part of the building it serves as a protection to customers in the winter and it is actually only a 3 ft. violation as he would be allowed a 3 ft. overhang into the setback. If the street is widened or if there were a real need the canopy could be removed.

Mr. Yeatman said he had seen the building and the canopy was not in any way objectionable. In fact, he thought it added to the appearance of the building.

Mr. Chilton said they did not know if the small projection shown in the site plan was a stoop or a canopy.

However, the canopy as such did not appear to have been approved by anyone except in the Building Inspector's office.

Mr. Smith suggested viewing the property - he thought it was likely that this did serve a purpose and was not harmful to anyone. Mr. Yeatman said it appeared to be a small mistake which occurred along the way and not a serious violation.

Mr. Smith moved to defer the case to view the property to July 28th. Deferred for decision only. Seconded by T. Barnes. The motion was carried unanimously.

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Preston C. Smith, to permit erection of carport 9.5 feet from side property line, Lot 86, Section 5, Falls Hill, (1401 Claremont Drive), Providence District. (R-12.5)

The applicant was represented by Mr. Ed Prichard.

Mr. Prichard said he got into this case late and the notices were not sent out within the required time - therefore, he did not expect to hear the case, but that the neighbors all knew of the request and there is no objection except from one - who said he would not consent, but he would not appear against it. If the Board considered this sufficient notification, he would be glad to go ahead with his presentation, Mr. Prichard said.

The Board agreed to hear the case.

July 14, 1964

Mr. Prichard showed pictures of the area - where the carport would be located with relation to the dwelling itself and the neighbors. It would be a double carport with gable roof and would be open on two sides with a small storage shed at the back. This is a corner lot and they could probably have a carport without a variance if it were not for the chimney which projects into the area. There is also a light well on this side. Because of these things they need 20 ft. There would be an 18 inch wall along the property line.

068

Mrs. Henderson pointed out that the applicant could have a single carport without a variance - she saw no justification for the two car carport.

Mr. Prichard said the wider carport with a gable roof would make a much more attractive addition and the applicant needs a good sized shed for storage of tools, bikes, etc.

Mrs. Henderson objected to the precedent: this would set.

No one from the area objected.

Mr. Smith said he thought there was some justification for this - corner lot, the chimney and light well were factors that should be considered. He suggested viewing the property.

He moved to defer the case to view the property - July 28, 1964. Seconded by Mr. Yeatman. The motion was carried.

Mrs. Henderson also suggested that the applicant be present on the 28th in case the Board wished to ask him questions.

Mrs. Henderson voted no. The others yes.

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Joseph P. Baker, to permit division of lots with less area than allowed by the Ordinance, Lots 6, 7, and 8, Spring Valley Subd., Lee District. (R-12.5)

Mr. Joe Baker represented himself.

Mr. Baker asked for division of three lots, described in this application - into five lots with slightly less area than required in R-12.5 development. He noted that the other lots in the subdivision will average well over R-12.5 - many will be 30,000 sq. ft. and more. Since this will bring the average up, Mrs. Henderson questioned why this was before the Board. Mr. Charlie Moore, from Subdivision Control, said it was because this is a re-subdivision and could be called a new subdivision.

Mr. Everest moved that the application of Joseph Baker to permit division of lots, etc. be approved as applied for and in accordance with certified plat presented with the case. Seconded by Mr. Yeatman. The motion was carried unanimously.

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Beverly Mulford, to permit operation of a nurse and kindergarten, Lot 34, McLean Manor, (5002 McNear Street), Dranesville District. (R-10)

Mr. and Mrs. Mulford appeared before the Board stating that this small school has been operating for 4 years without a permit. Mrs. Mulford did not know a permit was required until the new nurse school ordinance was recently adopted and it stated that a permit is required.

Mrs. Mulford said she is asking to continue this school for not more than 15 children 2 1/2 hours a day - from 9:30 to 12, 5 days a week for children 3, 4 and 5 years old, to operate from September to May or June. The yard is fenced. She has practically all neighborhood children. She averages about 13 children.

Mrs. Dargo and Mrs. Stevens - both spoke for Mrs. Mulford.

July 14, 1964

Mrs. Mulford discussed her operation stating that this is the beginning of education for these children - she prepares them for kindergarten. This is not a play school - there is no outside activity. The children are always under control and well supervised. (Mrs. Mulford gave her educational background - B.S. in Education, teacher of experience) This is purely an educational program.

069

Mr. Mulford pointed out the fact that this project meets the code in all respects as spelled out in the Zoning Ordinance. This operation has not been in conflict with the neighborhood in any way, nor have there been complaints. Mr. Mulford said they have every wish to keep this compatible with the neighborhood. In their four years of operation no one has complained. They presented a petition with 40 names favoring this and also letters from neighbors asking that this be granted.

Letters were read from the Gallus, next door neighbors, and Mrs. McKinney approving this request.

Mrs. Mulford said they had lived here for 5 years. She has had no assistance in the school. Since this is a walk-in school they have no need for parking.

Opposition: Roger Shea appeared before the Board representing Mr. Chrystal who actually represented himself.

Mr. Chrystal said he regretted that he was in the position of opposing this but they are concerned about the development of the neighborhood in the future. He was concerned about any operation which might depreciate the neighborhood or set a precedent for future commercialization. (He understood clearly, however, that this is not a rezoning.)

Mr. Chrystal read a letter from Higuerra, a neighbor, and a second neighbor to the Mulford's opposing this use.

Also Mr. Ames, an adjoining property owner, objected. However, Mr. Ames said the school had caused him no trouble as he was home very little, but he was concerned for property values if this kind of activity is allowed. He thought this might prove to be a nuisance.

The question was asked - if property in this area had been sold since the school has been in operation - and if values had depreciated. The answer was that values had not depreciated.

Mrs. Henderson suggested that no one objected to this as long as it was illegal! Mr. Ames said that was correct - they knew nothing of the school until the sign was put up. It never had been a nuisance and no one complained about it. But they are aware that this could have repercussions since this whole area is on the border of a commercial district and this infiltration of a semi-commercial use could be far reaching.

Mr. Ames presented a petition with 32 names opposing the use.

Mr. Smith discussed commercial uses as opposed to use permits such as is requested here. This is like many other private schools in the County, Mr. Smith explained, there is a need in communities for these schools operated by capable people, especially in this particular category - preparing children for school. This appears to be a good thing. It has been shown that there is no nuisance value here, these people running the school are capable and there has been no objection to the operation from the neighbors. Had there been a complaint on this school, the Zoning Administrator would immediately have contacted these people and they would have been required to apply for a permit. As it was, there was no complaint and the school has operated without permit.

Mr. Mulford discussed the background of this opposition which he said probably started at Mr. Chrystal's home. He thought the questions being raised were of no consequence because of the fact that in all these four years there have been no complaints. Several who signed the opposing petition were misled and later removed their names.

July 14, 1964

As to locating this school in a commercial area, Mrs. Henderson pointed out the fact that there is only one private school in the County that is located on commercial ground. All are operating in residential zoning by permit. The County wants it this way and it is so permitted in the Ordinance.

070

It appears that there is no need for the Mulfords to provide parking at this time - but if it develops that they do need parking, it will have to be provided at the back of the house - in order to meet setbacks, Mrs. Henderson noted, she also pointed out the requirement to have approval of the Fire Marshall.

These schools are needed in the County, Mr. Smith observed. This one has operated for 4 years without complaint and while the County does not condone this operation without permit, the statements made here by the Mulfords and their subsequent action in coming before this Board show their intent and integrity. Mr. Smith moved that the application of Beverly Mulford be approved for a maximum of 15 children - ages ranging from 3 to 5 for 2 1/2 hours in the morning only and they may operate for the same term as the regular school year. All other provisions of the Ordinance shall be met. This is granted to the applicant only.

There appears to be no need for parking at this time, but if the time comes when there is a need the site plan would have to take this into account - noting that no area within the required setback can be used for parking purposes and parking will have to meet Ordinance requirements.

This school has operated for 4 years without complaint, therefore, it cannot have been a detriment to the neighborhood.

(Note: Parking requirements waived as of now.)

This case will be reviewed by this Board in three years in order that the County can be sure it is not detrimental to the neighborhood. However, it will not be necessary for the applicant to file a new application - the permit will be extended if this has been run satisfactorily. Seconded by T. Barnes. The motion was carried unanimously.

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Ilda Community Recreation Association, to permit erection and operation of a community swimming pool and related facilities, Parcel 4, Section 4, Willow Woods (on Braeburn Drive), Falls Church District. (R-17)

The applicant was represented by Mr. Hobson.

Mr. McDonald, President of the Association, was also present.

Mr. Bohnke will convey 5 acres from Willow Woods Subdivision to this Association, Mr. Hobson said and they have discussed this with Mr. Yaremchuk regarding giving the developer credit for this 5 acres in his cluster development. This can be done.

This is a non-profit Association with 175 members. They now have \$52,00 on hand. Before going further with the site plan, they need this approval.

Mr. Mc. Donald said this has been in the mill for two years. It has been difficult to find land. This is a very satisfactory arrangement for everyone - it works in with Mr. Bohnke's cluster development. Mr. Brown of the Park Authority thinks this an excellent project and there has been tremendous community response. 47% of the members are near-by property owners. They plan a maximum membership of 500. Many will walk since this is right in the middle of the community - therefore, parking could be limited. It will serve Willow Woods, Woods of Ilda, and SpringBrooke Forest.

July 14, 1964

Mr. McDonald said they will have an additional 2 1/2 acres to work with - it was noted, however, that the plat shows that the uses requested are located on 5 acres. They will have other activities in the future, Mr. McDonald continued, but for now they will have only the pool and bath house. They would also like a vendor-type machine.

Mr. Smith made it plain that the Board was considering only the 5 acres shown on the plat - which would include the swimming pool and the bath house - any additional facilities or additional land would have to come to the Board as another application.

No one from the area objected.

Mr. Smith also stated that parking should be shown - a minimum of 1 to 3 - or 165 spaces and this parking may have to be expanding if the facilities grow.

In the application of Ilda Community Recreation Assn. Mr. Smith stated that this application relates to the swimming pool, bath house and vending machine type of food dispenser. He moved that the application be approved in accordance with the plat submitted with the case dated May, 1964. All other provisions of the Ordinance shall be met. 165 parking spaces shall be provided for this major operation - the swimming pool. Any additional facilities which may be added will require additional parking spaces which will be taken care of on the site plan at the time the additional facilities are installed. Parking shall be provided before occupancy permit is issued. Seconded by T. Barnes. The motion was carried unanimously.

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Garfield, Inc. to permit erection of a canopy on Bon Food Store closer to Backlick Road than allowed by the Ordinance, on the west side of Backlick Road, 338.30 feet north of Franconia Road, Route 644, Mason District. (C-D)

Mr. Robert Fitzgerald represented the applicant.

The case as stated on the agenda was corrected to read west side of Backlick instead of east.

Mr. Fitzgerald told the Board that a variance has become necessary because of the widening dedication required along Backlick Road. This was not known at the time the building was planned and Mr. Carr had put the building back far enough to allow 50 ft. between the canopy and the right of way. But now Mr. Carr has given the strip for widening and the canopy is too close to the new right of way. This is needed, Mr. Fitzgerald continued, for the protection of people coming and going - it was planned from the start and no setback was violated, but when Mr. Carr gave this strip the variance became necessary. The canopy is approximately 8.25 ft. wide. This is a permanent type canopy, the same type as used in other markets. The building is set back about 53 ft. - they are allowed a 3 ft. extension, Mr. Fitzgerald noted. He asked if the Board grants this that the front setback be set approximately 44.49 ft. from the property line.

The fact that the builder provided for this canopy at the time of construction and the reason for the variance is the dedication of a strip of land for widening Backlick Rd., Mr. Smith said, justified this request. (Mr. Carr gave approximately 6 feet.)

In the application of Garfield, Inc., Mr. Smith moved that the application be approved as applied for in accordance with the plats submitted with the case and that the canopy be allowed to come 44.49 ft. from the front property line.

This canopy was planned in the construction of the original building and the setback was made to permit this without variance. But the land was given for widening Rt. 617 (Backlick Rd.) and, therefore, reduced the setback. All other provisions of the Ordinance shall be met. Seconded by T. Barnes. The motion was carried unanimously.

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071

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Thomas E. Cozzo, to permit erection of an office building closer to side property line than allowed by the Ordinance and allow screening to be put on property line. Lots 96 and 97, Greenway Downs, Falls Church District. (C-O)

The property owner most affected here was away and could not be notified of this variance request. The Board did not choose to act in the absence of the person most vitally affected.

Mr. Barnes moved to defer the case until July 28, 1964, to notify the adjoining property owner. Seconded by Mr. Frank Everest. The motion was carried unanimously.

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American Oil Company, to permit erection and operation of a service station, property at S.W. corner of Route #1 and Southgate Drive, Mt. Vernon District. (C-D)

L. R. Compton and Mr. Whitten, engineer, were present to speak for the applicant.

There is an existing station on the property which will be removed when the new one is built, Mr. Compton said. The building is back 80 ft. from the right of way - the pump is 25 ft. back. This will be a three bay station.

Mrs. Henderson noted particularly that the company's lease with the operator states that this is for a filling station only - no trailers - U-Haul or other operations will be allowed.

Mr. Compton said they were fully aware of that and would comply.

No one from the area objected.

In the application of American Oil Company, Mr. Smith moved that the application be approved as applied for. All other provisions of the Ordinance shall be met. It is understood that this is a replacement of an existing station which will be abandoned and the building removed as soon as the new building is ready.

Seconded by T. Barnes. The motion was carried unanimously.

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Frederick A. Ballard, to permit dwelling addition closer to property line than allowed by the Ordinance, Lot 1 and pt. lot 2, Blk. 4, Sec. 1, Belle Haven, (25 Woodmont Road). Mt. Vernon District. (R-10)

Mr. Ed Prichard represented the applicant.

This is planned for addition to dining room and kitchen, Mr. Prichard said, the variance is on a minor side of the house where it would have no adverse affect. The house is 35 ft. from the curb line but is only 20 ft. from the property line. This addition would be about 11 feet from the line and 27 ft. 6 inches from the curb. They cannot get this additional space without practically tearing out the house and starting all over and re-building the house. This is a very comfortable house, Mr. Prichard went on to say, it is in the \$50,000 class, located in an old subdivision - built when there was no zoning ordinance. If it were not a corner lot the variance would not be needed, the area is zoned R-10. They will not need to take out trees or shrubbery. This will be architecturally attractive and will add to the character of the house. They will put in new front steps and a bay window.

The applicant did not realize this variance would be necessary when the plans were drawn for this addition. There are no objections from the area and this does not violate any covenants on the property.

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Mt. Vernon Terrace on which the addition faces is not a through street - it is narrow and will not be widened.

073

No one from the area objected.

Mr. Everest moved that Frederick A. Ballard be permitted to put this addition on to his dwelling provided it will not be more than 8 feet in width, property known as Lot 1 and part of Lot 2, Block 4, Section I, Belle Haven.

This is an old subdivision and the street which fronts on the variance side (Mt. Vernon Terrace) will never be widened - it is not a through street. This addition is in conformity with the balance of the neighborhood and will not affect the area adversely.

Mr. Smith added that this is an unusual situation where we have an old residential building erected before the Zoning Ordinance. The road is very narrow and short; it is actually more of an outlet than a traffic artery. To refuse to give this case full consideration would be depriving the applicant a reasonable use of this land. This is the only proper place for the addition in order to improve the living facilities. This is an old colonial type house which should be preserved. There is no indication that this would be detrimental to any of the surrounding neighborhood. It meets that part of the Ordinance pertaining to old structures. Seconded by Dan Smith. The motion was carried unanimously.

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William B. Hix, to permit erection of dwelling closer to street property line than allowed by the Ordinance, Lot 439, Sec. 5, Lake Barcroft, (Cross Woods Drive corner Stoneybrae Drive). Falls Church District. (R-1)

Mr. Hix represented himself. He said he was asking this because it is architecturally appropriate and to provide more room in the rear yard. The required 45 ft. front setback will cut the rear yard down to only 25 ft. which is not enough. The house is not too large for the lot - it would fit on but in order to get more usable space in the rear - because of the extreme slope in the ground - they need the extra 10 feet. The building sets 75 ft. from Stoneybrae Drive. The site distance at the corner is very good. The adjoining house is located 100 ft. from this building. Also they will be able to save a very large oak tree and 24 dogwood trees with this setback. A letter from the architect was read explaining the need for this variance.

Mr. Smith recalled that Lake Barcroft had had many variances in trying to locate houses on these lots to the best advantage. Mr. Smith considered this a reasonable request - the size of the house is not excessive for the lots nor is it larger than other houses in the area.

Mrs. Henderson noted that these are larger lots than the first Barcroft houses - which were built on R-12.5.

No one from the area objected.

There have been many variances and many peculiar situations in this area, Mrs. Henderson noted, but this is certainly not one. There are many houses built in strange locations without any variance. There is no topographic situation here and the only reason for this is it gives a better back yard.

Mr. Smith pointed out that Mr. Hix owns the adjoining lot which would be affected - in fact the only one who would be affected. The other adjoining neighbor is 50 ft. away.

In the application of William Hix, Mr. Smith moved that the application be approved as applied for with the house to be built at a 35 ft. setback line rather than 45 ft. as required in the Ordinance. This is granted

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due to the facts that have been stated in the architect's letter and from statements made by the applicant. All other provisions of the Ordinance shall be met. Seconded by T. Barnes.

074

Messrs. Smith, Barnes, Everest, and Yeatman voting for the motion. Mrs. Henderson voting no and stating that this is a level lot and there is no topographic reason to grant this. The house could be built at the 45 ft. restriction line.

The motion was carried.

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The Board adjourned for lunch.

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DEFERRED CASES:

Freedom Park, Inc., to permit erection of a diving pool and to permit parking closer to property line than allowed by the Ordinance, southerly dead end of Hull and Byrd Roads adjacent to Villa Loring Subdivision, Providence District. (RE-1)

Freedom Park, Inc. was represented by Mr. James Whytock. This is an old swimming pool club, Mr. Whytock reminded the Board, granted nine years ago. Now they wish to add a diving pool, which will cost in the neighborhood of \$23,000. The present installation cost about \$19,000. They already have most of the money. They will take in an additional membership of 25 families @ \$250 each. The maximum membership will be 325. They now have 300 families, 294 of which are active members. They have shown 78 parking spaces which will be more than adequate. On their biggest day they had 657 people and the maximum number of cars was 49. 22 cars were parked on Byrd Road.

They are locating the new pool so they can furnish these parking spaces in time and still have their septic field for the present. The sewer will be here within three years - when that happens there will be no parking problem as they will use the septic area for parking. There are no homes built to the north of this property because the land will not park. The land owners are waiting for the sewer. Parking on the roads will not affect anyone because there are no homes^{7^{1/2}'} and homes^{1^{1/2}'} are on these streets will have sewer and this property will have plenty of area for parking on their own ground.

Only one person objects to this, Mr. Whytock said. There is a dense woods between this project and that house and it is about 200 ft. away.

Mrs. Henderson pointed out that parking is a specific requirement and would have to be met on the site plan. The Board cannot vary specific requirements.

The President of the club recalled that at the time they built this project parking on the use was not required. They now have a small amount of parking at each end of the road. They will install more bath^{facilities} as requested by the Health Dept. They will use the same bath house facilities for both pools.

They have no snack-bar, only picnic tables, 5 brasiers, the place is fenced and is all wooded. They have about 1000 ft. of septic field. Their problem is that the septic field ties them up - they have plenty of land and when they can abandon the septic field they will be all right.

Mr. Smith objected to use of the roads for parking. They use the roads very little, Mr. Whytock said, as so many can walk or ride bikes. The fact that the Board requires others to furnish parking bothered the Board. It was recalled on another case that for a 565 membership the Board required 165 parking spaces, one for each three, and this case does not even meet the minimum requirement.

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Mr. Whytock said the land was taken up either with the septic or with slopes which cannot be used for parking.

The only reason this parking requirement could be reduced, Mrs. Henderson said, is because this is an old pool, granted before parking spaces were required.

The fact that they expand their facilities will most assuredly bring in more people, Mr. Smith said. He suggested that the Board view the property.

Mr. Carroll appeared in opposition stating that he objected to the noise from this place and the depreciation of property values. (He lives on Woodford St.) This was supposed to be open from 12 to 9, Mr. Carroll said, and well supervised. It is noisy, late parties, radios play loud up to midnight, they park all over the place, drink beer and swear. They have complained but the answer is that the management can't control these things.

Mr. Lee Becker said there had been some difficulties, but he saw no reason why these obnoxious things could not be controlled as well as the closing time and they could close off the streets for parking. A very few times they have been open late when it was very hot.

Mr. Smith moved to defer the case to August 4, 1964 to view the property. Seconded by T. Barnes. The motion was carried unanimously.

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John J. Russell, Bishop of Richmond, to permit erection and operation of a school and convent, property at the end of Laurel Leaf Lane bounded on the South by Ridgelea Subdivision. Providence District.

Mr. Brophie represented the applicant.

Mr. Brophie said the Park Authority had ^{REVIEWED} ~~renewed~~ their request for access and stated that they thought the present proposed access was adequate and saw no reason for additional access through their property. This decision was in part influenced by the report from Public Works, Mr. Brophie said, stating that they saw no necessity for another public street. Mr. Brophie said this decision was a surprise to him, as when he had first discussed this with the Park people he got the impression that there would be no problem in getting this road. The Krause property could also use this access - this leaves access to the Krause property with its only possible access through the applicant's land. Mr. Brophie said they had no objection to giving Mr. Krause a right of way, but they would not build him a road. The location of the right of way would have to be determined at a later time. This could continue Laurel Leaf Lane on to the Krause property.

This would be only an elementary school, Mr. Brophie said. They would have an estimated maximum 600 students but probably could go to 800. Approximately 20% would walk. Sewer could be made available, also public water. They would have about 10 busses.

Discussion of the traffic, curved road, and deep ditches - no sidewalks - traffic counts on Prosperity and Arlington Boulevard are high, also at Prosperity and Southwick Street. The failure to get another access through the Park land, Mr. Smith noted, brings the situation back to the two access points previously under consideration and which the Board thought insufficient.

Mrs. Henderson thought this an excessive use in a residential area. She noted that there are also busses from three other schools using Southwick Street.

Mr. Smith was not pleased with the access and thought the property in the rear should have definite assurance of access through this property and that the road should be located before a decision is made on this.

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Mr. Gordon Kinchloe representing Mr. Krause said they were mainly concerned that a dedicated street be put in and built. If this land were cut up in lots the street would have to be built. If this is done they would have no objection to this use.

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Mr. Brophie said they could rest assured that they would not built the street from Laurel Leaf Lane to the Krause property. They might re-arrange the school property so they could better use the flood plain for open space. They could work out another arrangement and dedicate the 50 ft. right of way - but no street - building to the Krause property.

Discussion of another try with the Park Authority access. The Board suggested that Mr. Brown be told that the Board wants another access. Mr. Brophie said that is the access they really need and want - eventually they will have to have more access but so far they have been unable to deal with Mr. Brown.

Mr. Smith said he was very conscious of the effort Mr. Brophie has put into this and his willingness to help the residents and to sewer the land in the rear. Actually, Mr. Smith continued, the school will not place as much burden on the traffic as the church - which is a permitted use - but this is an extensive use of the property with both the church and school. It is not compatible from the traffic standpoint with the residential area, however, he was reluctant to deny the case because private schools are needed - but at this point he could see no alternative but to deny it.

Mr. Barnes suggested Mr. Brophie going back to the Park Authority and negotiating further with them and telling them of the urgent necessity for this road. It appeared rather an arbitrary decision on the part of the Park Authority. This 50 ft. outlet road would not harm them.

Discussion - to defer or deny without prejudice so Mr. Brophie could come back any time if he makes any headway with the Park Authority.

Mr. Brophie was agreeable to the denial under these circumstances.

Mr. Smith moved to deny the case without prejudice. Seconded by T. Barnes. The motion was carried unanimously.

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Joseph Cushing, to permit erection of carport 39.8 feet from Craig Avenue, (816 Washington Drive), Mt. Vernon District. (RE-0.5)

Deferred to view the property.

The request is for additional storage room - the applicant has no basement. Mrs. Henderson suggested building an attractive little storage house apart from the dwelling. Mr. Cushing said that could be done but it would be inconvenient. They have things in the attic now which are difficult to get at. This would turn the existing garage into a playroom and add another garage with storage space.

This is a corner lot which takes up a considerable amount of ground, Mr. Smith observed, the side street is not a thoroughfare - it carries a small amount of traffic. While there is no topographic problem there are other features here that should be considered. The house is not well placed on the lot and, therefore, it restricts the use of the property. The difficulty has been created largely by the fact that the house is set at an angle in such a way that it renders much of the land unusable. Mr. Smith said he considered this something of an unusual situation. The carport will be almost 40 ft. from Craig Avenue - there is no traffic on Craig Avenue. It dead ends at the Cushing property. They have public sewer and water.

In view of the reasons stated and the unusual circumstances surrounding this case and the fact that Craig Ave. is not a through street and due

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to the unusual placement of the house on the property which is a corner lot which renders a considerable amount of the land unusable, Mr. Dan Smith moved that the applicant be permitted to erect a carport as applied for and that the application be granted. All other provisions of the Ordinance shall be met. Seconded by T. Barnes.

Voting for the motion: Messrs. Smith, Barnes, Everest, Yeatman. Mrs. Henderson voted no - reluctantly - stating that there actually is an alternate location for the carport. The motion was carried.

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Shell Oil Co., to permit erection and operation of an addition to gas station, N.E. corner Route 50 and Falls Church - Annandale Road, Falls Church District. (C-N) (See attachment for plat)
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Represented by Mr. J. Grant Wright. This also was deferred for complete plats. This building was put up in 1956, Mr. Wright said, and since that time a reservation has been taken for the widening of Backlick Rd. This is for a variance on the rear setback and a request for extension of the use.

Mr. Wright noted that this was not built exactly as the permit said. At that time the Ordinance was not specific in these things. Now, however, the Ordinance pins everything down. He pointed out the alley in the rear. There is a small retaining wall behind the filling station. This is a two bay station now - this addition will add another bay. This has become necessary because of the increase in business. Mr. Wright also stated that there would be no other business along with this filling station - no trailer rentals - no U-Haul, etc. This will be in the lease.

In the application of Shell Oil Co., Mr. Smith moved that the application be approved. This is an extension of the use that was granted Jan. 24, 1956. This is granted for a filling station only and all other provisions of the Ordinance shall be met. This building was built before the present setback requirements - the addition is not encroaching farther than the existing building setback line. Seconded by T. Barnes. The motion was carried unanimously.

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Theodore Lee, Jr., to permit operation of a day care center, Lot 13, Karen Knolls, (101 Rose Lane) Falls Church District. (RE-0.5)

This was deferred at the request of the applicant. The motion was made to defer by Mr. Smith. Seconded by T. Barnes. The motion was carried unanimously to defer to September 8, 1964.

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Accotink Academy, to permit erection and operation of a nursey and kindergarten, part lots 30 and 31, Fairfax Park, Southerly side of Tuttle Road, approximately 377 feet west of Rolling Road, Falls Church District. (RE-1)

Mr. & Mrs. W. H. O'Connell appeared before the Board.

Request for a maximum of 60 children in the morning and 60 in the afternoon (120 with two sessions); ages 3 to 5 years. They would also have summer day camp. Mrs. Henderson said the application would have to be amended to permit that and also Mrs. Henderson noted this permit would be for the proposed building and not for future buildings - five days a week for the normal school year.

Mrs. O'Connell said most children would come in their two Volkswagons. They show a seven car parking place.

077

Shell Oil to permit operation of an addition to gas station. Also to rear property line. The alley, C. side 25-47, 20 ft. x 10 ft. of 12-4-54.

Text on this case? See agenda This case not described

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They plan three classrooms - this meets the state standards, 20 sq. ft. per child, one teacher per class room.

078

Mrs. Henderson suggested 10 parking spaces.

No one from the area objected.

In the application of Accotink Academy (Mr. and Mrs. W. H. O'Connell owners and operators) to permit erection and operation of a nurse and kindergarten, Mr. Smith moved that the application be approved for not more than 60 children at any one time. It is understood that there will be two sessions 9-12 A.M. and 1-4 P.M. with no more than 60 students present at any one session. This is for nursery and kindergarten only - children ages from 3 to 5. This permit shall be issued to Mr. and Mrs. W. H. O'Connell and the permit shall be granted to the applicant only for a period of three years. This permit may be renewed at the end of three years and may be extended if there are no complaints. All other provisions of the Ordinance shall be met. Seconded by T. Barnes. The motion was carried unanimously.

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Dwight H. Dodd, to permit erection of an office building closer to rear line than allowed by the Ordinance, Lot 3B, Resub. Lots 1, 2, 3 and 4, Block E, Courtland Park, Mason District. (C-N)

Deferred to view.

It was found that the adjoining property is not zoned for business, therefore, Mr. Dodd asked for the variance on the rear line. It was noted that this would be a 4 foot variance on the northwest side - it would be 8 feet from the building to the line.

Building proposed 30' x ^{60'}~~30'~~ - two story office building.

Mrs. Henderson suggested granting the variance because of the restrictions and get a waiver to put the fence on the line and waive the planting. This variance would be contingent upon site plan approval.

Mr. Smith said he would consider this favorably because of statements made by the applicant in the original hearing. He moved that the variance as requested be approved and that approval be contingent upon approval of the site plan for variance by the planting and fencing.

The applicant will also present to the zoning office a copy of the amended site plan for the files of this case.

Seconded by T. Barnes. The motion was carried unanimously.

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It was noted by the Chairman that the Board of Supervisors has approved an emergency amendment to the Ordinance that they will hear gravel pits outside the NR zone.

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The meeting adjourned.

By: Katheryne Lawson, Secretary

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

August 7, 1964
Date

July 14, 1964

079

Shell Oil Co., to permit erection and operation of addition to gas station, N.E. corner Route 50 and Falls Church-Annandale Road, Falls Church District. (C-N)

Mr. J. Grant Wright represented the applicant. Deferred for complete plats. Mr. Wright presented the new plats. Mr. Wright recalled that this case was granted by this Board some time ago, but the applicant was unable to get started during the life of the permit. This station was built in April, 1954, Mr. Wright said, and one year later a third bay was added. The present request is in conformity with the existing ordinance.

Mrs. Henderson noted that this is non-conforming in location but not in use. Therefore, an addition can be added if it is not more than 25%. Mrs. Henderson noted also that the setback of the building from the Falls Church-Annandale Road was not shown. She asked that Mr. Wright furnish plats with this distance before an occupancy permit is granted. This should show the setback of both the building and the addition.

In the application of Shell Oil Company, Mr. Smith moved that the application be approved as applied for in conformity with plats submitted. Before issuing the occupancy permit or approval by the Zoning Administrator new plats shall be submitted showing the distance from the roadway to the building - such as will be required to be submitted on the site plan.

The existing use is conforming but the building does not conform as built.

The applicant has previously been granted a permit to put on this addition but it was not built - therefore, Mr. Smith moved that this be approved but also stated that if this construction does not take place within the year there will be no further consideration of another application for an addition. All other provisions of the Ordinance shall be met.

Seconded by T. Barnes.

The motion was carried unanimously.

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The regular meeting of the Board of
Zoning Appeals was held on Tuesday,
July 28, 1964 in the Board Room of the
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. Smith.

EARL WHITLEY ENTERPRISES, INC., to permit dwelling under construction to remain 49.5 ft. from Whitley Drive, Lot 8, Sec. 1, Beau Ridge, (Whitley Drive corner Rt. 678), Providence District (RE-1)

Mr. J. Grant Wright represented the applicant. He stated that this was an error on the part of the builder - on a \$52,000 house. One corner of the house is six inches too close to the line and that is the reason for the request for a variance. The house is ready for occupancy and is on the market at this time.

There was no opposition.

Mr. Smith moved that the application of Earl Whitley Enterprises, Inc., to permit dwelling under construction to remain 49.5 ft. from Whitley Drive, Lot 8, Section 1, Beau Ridge, (Whitley Drive, corner Rt. 678), Providence District, be granted under paragraph 4 of Section 30-36 of the Zoning Ordinance, due to an error in the house location. The mistake was through no fault of the owner, and will not have an adverse effect on adjoining property owners in the area. All provisions of the Ordinance shall be met. Seconded, Mr. Barnes and carried unanimously.

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MR. AND MRS. BRIAN C. BUTLER, to permit addition to dwelling closer to rear property line than allowed by the Ordinance, Lot 18, Block 2, Section 2, Pine Springs, (431 Pine Spring Road), Falls Church District (R-10)

Mr. Butler said they moved into the house ten years ago, when they had only one child; they now have three children and need more space. The house presently has three bedrooms and one bath. They plan to have a total of four bedrooms, two baths, a den, and one multi-purpose room. They have looked elsewhere for a house, but have found nothing they like as well as Pine Spring. They feel that the addition which they plan is in keeping with the spirit of the Ordinance and in so placing the addition, there will be almost equal distance between the house on Lot 19 next to their house, and Lot 7. The location as proposed would represent the least infringement on the privacy of their neighbors, none of whom object to the addition. The houses range from \$18,000 to \$28,000 in this community and they would do nothing which would depreciate property values in the area. This addition was designed by an architect of the firm who designed the community originally. All the lots are approximately one-half acre in size.

Mr. Butler described the house and said it would be very difficult aestheticwise, to tie in the roof structure with the rest of the house if he put it in another location as suggested by Mrs. Henderson. Some of the lots in the community slope but this is not so in his case. If it did slope, it would be much easier to put on the addition. This way the roof line could be continued all the way down.

Mr. Smith suggested shortening the addition to reduce the amount of variance but Mr. Butler said the addition would not be worthwhile if he did this. In the first place, they are stuck with a four foot module - this would rather severely cut down on the size of the bedrooms in the addition and would eliminate for all practical purposes what is indicated as a utility room but is actually a multi-purpose hobby room. If this were cut back even four feet, it would very greatly decrease the utility of the extra room which is one of the key factors to the whole plan.

Mrs. Henderson said her main objection to this would be that there is adequate room for this addition elsewhere and the same situation pertains to a lot of houses in Pine Spring - they are all relatively the same size.

Mr. Butler said the lot is approximately level to the patio and then slopes off very slightly to the property line. There are also a number of large trees that would have to be removed if the addition were put in another location.

Mr. Everest suggested interpreting the side yard as the rear yard -- stretching a point, but considering the unique situation where the man has adequate land but is trying to arrange the addition on his lot so it would be the least offensive to his neighbors. He said he was concerned about whether the utility room was absolutely necessary.

Mr. Butler said the houses do not have basements and the utility room would serve the same purpose as recreation rooms in basements. This would be a place for children to congregate -- play games, etc.

There was no opposition.

Mr. & Mrs. Brian C. Butler - Continued

Mrs. Henderson read a letter from Mr. Staines, neighbor and architect, in favor of the application.

Mr. Smith moved that the application of Mr. and Mrs. Brian C. Butler, to permit an addition to dwelling closer to rear property line than allowed by the Ordinance, Lot 18, Block 2, Section 2, Pine Springs, (431 Pine Spring Road), Falls Church District, be approved with stipulations that the room shown as the utility room remain as a utility room and not be used at any time for living quarters. All other details of the drawing shall be followed and all other provisions of the Ordinance shall be met. Seconded, Mr. Barnes.

Mrs. Henderson voted against the motion as there was an alternate location for the addition, she felt, and by the applicant's testimony, about twenty-five per cent of the lots in this community are irregular shaped - this is a large variance. Motion carried by four to one vote.

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WALTER SPEROW, to permit carport to remain 3 ft. from side property line, Lot 4, Block B, Fairdale, (7202 Pine Drive), Mason District (R-10)

Mr. Sperow said he had started constructing the carport and did not get a permit because he did not know it was necessary for an unenclosed carport. He had stopped work on it when he was informed that he would need a building permit. The carport is only 3 ft. from the property line.

Mr. Sperow said he had lived in this house for four years and has always done his own building, plumbing, etc. The carport has a tin roof, two steel posts in the front and rear with lattice work, and a sloped roof which is attached to the house. He did not intend to enclose the carport, but he would like to have a small storage area. The back of the carport had been closed in to keep rain and wind from blowing in. The houses were originally built for Army families.

Mr. Smith noted that Mr. Sperow could have an adequate carport of 12 ft. and there would be no need for the 17.4 ft.

There was no opposition.

Mr. Smith suggested bringing the posts in to 10.3 ft. and leaving a 3 ft. overhang beyond that - then cut the carport off to make it comply. This would give adequate space for an automobile, and a space for storage could be extended in the rear.

Mr. Sperow said this could be done.

Mr. Smith noted that a building permit would still be necessary. In view of the fact that there was no building permit, the applicant must bring the structure into conformity within ninety days.

Mr. Smith moved that the application of Walter Sperow, to permit carport to remain 3 ft. from side property line, Lot 4, Block B, Fairdale (7202 Pine Drive), Mason District, be denied. The applicant can still have a carport by bringing the posts in to the 10.3 ft. mark, and leaving a 3 ft. overhang beyond that, and cutting the carport off to make it comply, within 90 days. Seconded, Mr. Barnes. Carried unanimously.

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THE FIRST BAPTIST CHURCH OF ANNANDALE, to permit erection of addition to existing church, closer to street property line than allowed by the Ordinance, part Lots 145 and 146, Section 2, Annandale (9701 Columbia Pike), Falls Church District (R-10)

Mr. V. W. Sears, pastor of the church, and Mr. Ward, architect, were present. Mr. Sears said the addition will go on the side at the point 10 ft. closer than the Ordinance allows. This will be their permanent sanctuary. At present they are using a convertible building. About five years ago, they adopted a master plan for their church, and they are now carrying it out. They have commercial zoning on all sides of them.

Mrs. Henderson asked about the reason for the shape of the proposed addition.

Mr. Ward said this was designed five years ago but the church has grown larger and faster than they anticipated - they must now build to accommodate the larger number of people and that is why the sides have been curved - they need the additional width at this location.

Mr. Yeatman asked about parking facilities. Mr. Ward replied that the church is allowed to use nearby commercial property, with written approval, for parking. Their future plans are to convert the three residential properties which they own into parking area. They are presently being used for educational space and one for a staff member's dwelling place. There is adequate parking available at the shopping center.

Mr. Ward said the church has roughly 100 parking spaces of their own. The new building would

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take out at least thirty of these.

There was no opposition.

Mr. Smith felt this was a reasonable request. It would have no adverse effect on adjoining commercial property. There is adequate parking across the street for Sunday services, and they have enough parking spaces of their own to accommodate middle of the week services. He moved that the application of The First Baptist Church of Annandale, to permit erection of an addition to existing church closer to street property line than allowed by the Ordinance, part lots 145 and 146, Section 2, Annandale, (9701 Columbia Pike), Falls Church District be approved as applied for. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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KING TYRE LODGE NO. 292 F and AM, to permit erection and operation of a lodge and to permit building and parking closer to property lines than allowed by the Ordinance, Lot 5, James Lee, Sr. Subdivision, on James Lee Street, Falls Church District (R-10)

Mrs. Henderson noted that there was a letter from RAM Properties favoring the application.

Mr. Charles Moore from the Planning Engineer's Office said they had reviewed the plan and revised it.

Mrs. Henderson stated that last October an amendment had been passed by the Board of Supervisors that requirements of the building and parking setbacks can be waived if the organization is adjacent to C or I zoning and not located on a major highway.

Mr. Moore said the revised plan showed parking located in the rear, rather than in the front as originally proposed. The applicant would also be required to improve James Lee Street.

Mr. Joseph A. Miner represented the applicant. He said he would put up a cinderblock building and would stucco it. There are approximately forty members in the Lodge. They are a fraternal organization, organized about eight years ago, and they work in conjunction with charities at Christmas time, giving out baskets to the needy.

There was no opposition.

In the application of King Tyre Lodge No. 292 F and AM, to permit erection and operation of a lodge and to permit building and parking closer to property lines than allowed by the Ordinance, Lot 5, James Lee, Sr. Subdivision on James Lee Street, Falls Church District, Mr. Smith moved to approve the application as applied for, in relationship to revised plats submitted by the Planning Staff who aided the applicant in revising the plat, dated July 27, 1964. Installation and erection shall be made in conformity with revised plat. Parking and setback requirements shall be waived in this application in conformity with amendment enacted by Board of Supervisors in relation to these and similar applications for fraternal organizations. All other provisions of the Ordinance shall be met. He included as part of his motion -- the applicant shall comply with stucco over cinderblock. Seconded, Mr. Barnes. Carried unanimously.

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CALVARY BAPTIST CHURCH AND CONGREGATION, to permit operation of recreation and camp area and related facilities, 1 1/4 mi. north of Rt. 603, dead end of Rt. 755, Dranesville District (RE-2)

Mr. Paul Robbins, director of the Christian Center, showed aerial photos of the area, located at the northern tip of the County. They would use the property as much as possible for their church activities, however, if there are times during the year when other groups could use the property, they may make application and these may be granted according to uses already scheduled. The property contains 43.5 acres. The only building on the property is building #1 on the plat, which was constructed in the '40's and currently houses the pump from which they get their water. The Church is located in Washington and is one of the oldest churches in the area.

Mr. Smith noted that applications for additional buildings must come before the Board. The Health Department must be contacted to see that there is no percolation problem on the land.

Mrs. Henderson read a letter from Mr. John Laylin saying he had no objection to the proposal.

There was no opposition.

Mr. Smith moved that in the application of Calvary Baptist Church and Congregation, to permit operation of recreation and camp area and related facilities, 1 1/4 mile north of #603, dead end of Rt. 755, Dranesville District, the application be approved for uses and facilities proposed on plat dated June 11, 1964 by Morris Jarrett, showing proposed locations of facilities on the 43.623 acres of land owned by the Church, and it is understood that the Board will review the building locations as to setbacks from the site plan after it is submitted to the Staff. All other provisions of the Ordinance (Section

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Calvary Baptist Church and Congregation - Continued

30-139 (d) - shall be met. Seconded, Mr. Barnes. Carried unanimously.

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COUNTRY PLAY SCHOOL, to permit operation of nursery school (approx. 20 children), on an outlet road north of Rt. 193 easterly adj. to Langley Ridge Subdivision, Dranesville District (RE-2)

Mrs. McCormick said she wished to operate a summer play group for children ages two through four. There would never be more than fifteen at a time. At present there are a few there on a trial basis, five children who come three mornings a week. They hope to be able to open this fall. This will be held in her own home, in a large room on the lower level with outside entrance. There is a gravelled area for parking and a 20 ft. outlet road which is blacktopped. The hours would be from 9:15 through 12:15 morning sessions, three mornings or four mornings a week, depending on the number of children. There would be no week end sessions. They would operate on a regular school year and perhaps one or two months during the summer. Mrs. McCormick said she has never operated such a school herself, but had had experience in teaching children. She has done a great deal of research on schools of this type, observed children at the local schools, and has four children of her own. They have no thought of afternoon sessions at this time.

There was no opposition.

Mr. Smith stated that in the application of Country Play School, to permit operation of a nursery school, on an outlet road north of Rt. 193 easterly adjacent to Langley Ridge Subdivision, Dranesville District, he would move that the application be granted for a maximum of 20 children; hours 9:15 thru 12:15; ages 2 through five years - for the normal school year; and an extension of five weeks during the summer, making a total of 10 1/2 months out of a year. All other provisions of the Ordinance shall be met. This will have to be approved by other County agencies before the permit is issued. Permit is granted to the applicant only, for period of one year, and may be ^{extended} ~~renewed~~ extensions by calling the Zoning Administrator's office, if there have been no complaints. Seconded Mr. Barnes. Carried unanimously.

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SHARON HARRELL, to permit operation of riding school, south side of Chain Bridge Road, north side of Magarity Road, adjacent to Hunting Ridge Subdivision, Dranesville District (RE-1)

Mr. Nicholson, representing Westgate, Inc., owners of the property, and Miss Harrell, applicant, were present. Mr. Nicholson said the total property available is 200 acres. They have discussed with the Park Authority the possibility of putting riding trails through some of their land. Miss Harrell would like to teach approximately eighty pupils; in summer they would have classes from 9 to 11 or 12 - and again from 4 to 6 in the evening; during winter, classes would be after school from 4 to 6 and on Saturday and Sunday afternoons.

Miss Harrell stated that she was 20 years old - had started taking riding lessons when she was eight. She would teach mostly beginners and intermediates. She owns the eleven horses which would be used for the school.

Mr. Smith felt there should be an adult's name on the permit since Miss Harrell was only 20 years of age. Possibly Westgate, Inc. should be on the permit and Miss Harrell designated as the operator/owner of the school itself and control the use permit.

Mr. Nicholson noted that this property was shown on the Master Plan for apartments. Some of the Westgate officers are Mr. Rudolph Seeley - Vice President; and Mr. Nicholson, Treasurer.

In the application of Sharon Harrell, to permit operation of riding school, south side of Chain Bridge Road, north side of Magarity Road, adjacent to Hunting Ridge Subdivision, Dranesville District, Mr. Smith moved that the application be granted to Miss Harrell as the owner and operator of the riding school, and that Westgate Corp. be included on the use permit as the owner of the land, that they both would be responsible for proper conduct under the use permit.

Mr. Smith noted that Miss Harrell seemed to be a capable young lady, and will have her hands full with twenty boarders and eleven horses of her own to use in the school.

All other provisions of the Ordinance shall be met, Mr. Smith continued, and all the horses shall be kept in this area designated for the school and not be allowed in the streets or roadways in connection with riding lessons. There will be no renting of horses. Granted for equitation school only. Seconded, Mr. Barnes. Carried unanimously.

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HUMBLE OIL CO., to permit erection of addition to existing service station, NE corner Rt. 236 and Prosperity Ave., Providence District. (C-N)

Mr. Hansbarger represented the applicant.

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Mr. Hansbarger said this is a very successful two-bay station. They propose to increase it to a three bay station. There is no variance needed - it meets all requirements.

There was no opposition.

In the application of Humble Oil Company, to permit erection of an addition to existing service station, at northeast corner Route 236 and Prosperity Avenue, Providence District (C-N) Mr. Smith moved that the application be granted as applied for. The station has been in operation for a couple of years, and has been a very successful, clean operation, and has served the community well. The addition can be constructed without a variance as it meets all requirements of the Ordinance. All other Ordinance provisions shall be met. Seconded, Mr. Everest. Carried unanimously.

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EDWARD F. HERRING, to permit division of property with less area than allowed by the Ordinance, proposed resub. lots 43 and 44, Sec. 1, Lakewood, Mason District (R-17)

Mr. Herring said he was asking permission to build his houses facing Birchwood rather than Columbia Pike - this way he could build nicer homes. All the other houses are facing Birchwood.

Mrs. Henderson read a letter from Mr. William L. Collander, a neighbor, who said he was in full accord with the request of Mr. Herring.

There was no opposition.

In the application of Edward F. Herring, to permit division of property with less area than allowed by the Ordinance, proposed resubdivision of lots 43 and 44, Sec. 1, Lakewood, Mason District, Mr. Smith moved to approve as applied for, in accordance with suggested resubdivision as shown by the applicant. There is a need for a variance on lot 43A at the setback line and he moved that the variance be granted in order for construction to take place on this lot. All other provisions of Ordinance to be met. Lot 43A is granted a variance of 11 ft. Seconded, Mr. Barnes. Carried unanimously.

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HERMAN AND INGEBORG SCHARMER, to permit operation of private cooking school (approx. 6 students) on east side of Backlick Rd., approx. 1000 ft. N. of Southern Railroad, Mason District (RE 0.5)

Mr. Scharmer said he was retiring from a hotel business and he would like to conduct the cooking school to teach housewives five days a week, and husbands on Saturdays. He would teach in his home -- show how to buy groceries and how to prepare. There would be only six pupils at a time, three classes per day, each class to be 1 3/4 hours long. The food that is prepared will be given to the church.

There was no opposition.

The Planning Staff has required construction of travel lane across the entire property, Mrs. Henderson stated, but in view of the scope of this operation she said she felt the site plan waiver would be feasible - however, that is up to the Board of Supervisors.

Mr. Everest moved that the application of Herman and Ingeborg Scharmer, to permit operation of private cooking school, (approx. 6 students) on east side of Backlick Road, approx. 1000 ft. north of Southern Railroad, Mason District, be granted for no more than six students per class, with three sessions of classes - each 1 3/4 hours in duration, and all other provisions of the Ordinance be met. This will be a six day a week operation. Seconded, Mr. Yeatman. Carried unanimously.

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ST. DUNSTAN'S EPISCOPAL CHURCH, to permit erection and operation of a second and third grade school, west side of Kirby Rd. adj. to D. P. Devine Subdivision, Dranesville District (R-12.5) (Extension of existing permit)

Mrs. Richard Krickmer, Director of the School, said they now have sixty children - they are asking for fifteen more in the second and third grades. They would have a maximum of ninety children. At present there are two kindergarten classes and one first grade class. They would have a kindergarten session and first grade in the morning, and kindergarten session in the afternoon. Their second grade class will be four hours long, until there are eight students. There are only four enrolled. When they have eight enrolled, they will run till 2:00. This is a church sponsored school but is not limited to church members only.

They are building an addition to present educational building where the first grade will be housed; the second grade will be in the room where the first grade has been housed.

There was no opposition.

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St. Dunstan's Episcopal Church - Continued

Mr. Smith moved that the application of St. Dunstan's Episcopal Church, to permit erection and operation of second and third grade school, west side of Kirby Road, adj. to D. P. Devine Subdivision, Dranesville District, be approved as applied for. This is an extension of use permit granted approximately in 1959. Total number of enrollment will be 90 pupils and will include kindergarten through third grade. Property used in connection with the school is church owned property and when not being used for school, it is used for other projects of the church. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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No one was present to represent the JOHN A. STEVENSON application; it was put at the end of the Agenda.

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ANDRE GAUNOUX, to permit operation of tea house in present dwelling, property on private road approx. 2 miles S. of intersection with Rt. 242 and Rt. 601. Mt. Vernon District (RE-2)

Mrs. Gaunoux said she wished to do this as a hobby - have about twenty people in for dinner or lunch - on a reservations basis. This would be a private operation - not public. They moved here about a month ago, and will continue to live in the house.

The house was constructed in 1938. They have two baths, four bedrooms, a living room, and guest house with two bedrooms in the back. The garage and guest house are in one building. They will not make any alterations in connection with this operation. Their help will come from the French West Indies. The road leading in is of crushed bluestone and has a 30 ft. easement. Mrs. Gaunoux said she teaches school in Alexandria.

Mr. Smith said he wished to look at the road before making a decision.

Mrs. Henderson read a petition signed by twelve families in favor of the application.

Capt. Franklin Karns opposed the application for the following reasons: he objected to a commercial type activity in a residential area; objected to the liquor license which he said would be obtained in order to serve wine with meals; the only access is a narrow private road; there is no need for this activity as there are many fine restaurants nearby; and the road is too hazardous for added traffic, and is impassable in the winter months when there is snow on the ground. If public roads were available for access, then he would not be in opposition.

Mr. Earl Trone, representing the Mason's Neck Citizens Association, spoke in opposition, much for the same reasons given by Capt. Karns.

Shirley Karns Phillips spoke as having an interest in her father's property, objecting for reasons stated previously.

Mr. Eferest moved to defer to August 4 to view the property. Seconded, Mr. Smith. Carried unanimously.

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VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection of transformer station, property located 738 ft. W. of Rt. 684, Dranesville District (RE-1)

In view of the lateness of the hour and the length of the Agenda, Mr. Smith asked that Vepco representatives make their presentation as brief as possible.

Mrs. Henderson noted that the surrounding property was recently rezoned Industrial.

Mr. Leon Johnson said they need this transformer station by spring of 1965 or there will be a shortage of power in that area. As to noise and unsightliness, this is on wooded property - a piece will be carved out in the middle, far from property lines and there will be no sight or noise problem. There are 2.3 acres in the tract.

There was no opposition.

Mr. Smith stated that in view of statements made by Mr. Johnson, and the fact that there was no opposition present, he moved that the Board accept Mr. McK. Downs' statements and other written statements as sufficient in the interests of time -- the written reports can be made a part of the permanent records.

Mrs. Henderson noted that the Planning Commission unanimously recommended the application.

VEPCO - Continued

Mr. Randolph Church discussed the road leading to and from the VEPCO property and said they do not have exclusive right to use of the road - it is only an easement. There is no road at the present time, only the easement.

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Mr. Johnson said if they use the road themselves it will be only a 12 ft. road but if they can work out something jointly with other property owners in the area, so they will not be landlocked, they will build a 24 ft. road. They are interested and willing to work with other property owners in the area.

the application of Mr. Smith moved that Virginia Electric and Power Company, to permit erection of a transformer station, property located 738 ft. W. of Rt. 684, Dranesville District, be granted as applied for, and the Vepco make every effort to make the road available to other interested parties in the area who are interested in land development. It has been pointed out that this has recently been rezoned industrial around this tract, and there will probably be some construction in the near future. Vepco has acquired the easement and he thought it would be an unfair advantage to ask them to provide the road at no expense to others in the area, but it should be worked out with others rather than having Vepco furnish the road. It is understood that all other provisions of the Ordinance shall be met. This is granted in accord with Planning Commission recommendation. Seconded, Mr. Bornes. Carried unanimously.

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WILLIAM CLEM, to permit gravel operation on 10.9 ac. of land, southwesterly side of Beulah Rd., (Capital Fleet Club property), Lee District (NR-1)

Mr. Thorpe Richards represented the applicant. He stated that the Capital Fleet Club is still operating on this property. Mr. Clem owns property to the east and south and the RF&P Railroad owns property to the west of the Capital Fleet Club. Hayfield Road is to the north. Mr. Clem also owns property across the street from the property in this application. They are asking to excavate for gravel on 10 acres of land - in all, the Capital Fleet Club has around 20 acres. This application covers the southerly portion of the land. The clubhouse itself and the wooded area will not be included. The application starts with the common boundary line of Mr. Clem's property to the south on which there is a gravel operation which has since been continued. The access will be along the property line of Mr. Clem's property. They have a gravel operation north of Hayfield Road at this time, but Mr. Richards said he was not sure how long it would take to complete this operation.

Mrs. Henderson read a letter from Mr. Massey which said the Restoration Board reviewed the application on July 9 and recommended approval of the application including plans for restoration, and Hayfield Road as being the access.

The Planning Commission recommended approval by unanimous vote.

There was no opposition.

Mr. Everest moved that the application of William Clem, to permit gravel operation on 10.9 ac. of land, southwesterly side of Beulah Road (Capital Fleet Club Property), Lee District be granted in accordance with the present ordinance. Seconded, Mr. Yeatman. Carried unanimously.

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MORRIS POLLIN & SONS, to permit erection and operation of sewage treatment plant, south side of Rt. 644 adjacent to Pohick Creek, Mason District (R-17)

Mr. Bernard Fagelson said the State Water Control Board had declared a moratorium on all future applications on Pohick till they had had a chance to study new standards for installation of plants. However, this moratorium did not include his application as they had received a preliminary permit subject to approval of technical plans and specifications and this permit was not revoked. They will have to comply with the higher standards now being developed - such as treating the water coming out of the sewage plant.

Mr. Dewberry, engineer, said in January or February they were granted a permit for construction of a treatment plant, subject to final plans being submitted, but before final specifications could be developed, the Water Control Board declared a moratorium. This is the only plant with preliminary approval. The plant would accommodate 239 acres zoned R-17, approximately 2,005 people or 500 homes.

Mr. Fagelson said the plant will cost a quarter of a million dollars to build. By an agreement with the County, they will maintain it, pay all expenses until such time as it is self-supporting, and then turn it over to the County debt-free. They are not talking about a private disposal plant, but a County-owned plant.

Mr. Burrage said they had appeared before the Board of Supervisors and the Planning Commission.

Morris Pollin & Sons - Continued

on two occasions and had gone through this very thoroughly. The Commission and the Board of Supervisors had approved the plant. They had appeared before the Keene Mill Citizens Association on two occasions and on the second occasion there were approximately 75 people present, and they gave almost unanimous approval of the project.

Mrs. Henderson said she had heard that consideration is being given to a bond issue to build a larger plant in a different location to serve a bigger area than 239 acres which may be relatively imminent. If the State Water Control Board should approve this plant, she asked Mr. Fagelson, would they wait for the new plant, or go ahead and put the little one in anyway?

Mr. Burrage said they would wait. From the beginning, Mr. Pollin has tried to bring the people together in this valley. If they got Water Control Board approval, and if the County undertook a bond issue for constructing a plant further down the Pohick and enable this cluster development properly planned to protect steep areas, then they would wait. They would cooperate in any way with the County.

Mrs. Henderson felt that a small plant built here before a larger plant would delay the building of a larger plant.

Mr. Burrage did not agree. He believed the pressure would ultimately result in another plant being built. This is one of the prime areas of the County and there is a great deal of activity there now as far as development schemes are concerned.

Before getting a permit from the Board of Appeals, Mrs. Henderson said a permit should be obtained from the State Water Control Board.

They had gone to England, Mr. Dewberry told the Board, to see a water treatment plant on the end of a sewage treatment plant, to get ideas for their own plant. They have proposed the same thing on an informal basis to the Water Control Board and they believe this will do the job efficiently - the water coming out of the plant will be as pure as drinking water. The plant will be kept as far away from residences as they can and will be practically odor-free as the odors are played down with the rapid sand filters.

Capt. Douglas Phillips presented a letter from the State Water Control Board to Richmarr Construction Corporation, dated July 2, 1964, which read as follows:

"Gentlemen:

Following is a draft of a minute from the proceedings of the Board at its meeting on June 30-July 1, 1964:

Minute 8 - Richmarr Construction Corporation, Alexandria
(Hoyt Property, Fairfax County) - A Public Hearing

A record of the hearing was made and is included as a part of these minutes.

Following the hearing the Board discussed at length the question of sewage disposal in the cases of the Pollin Properties and the Crestwood Construction Corporation in relation to the Richmarr request.

The Board determined that:

- (1) Indications are, based on applications before it and statements from its staff and others, that the potential in the Pohick Creek watershed for housing development will reach major proportions, with a consequent need for disposal of sewage which will thereby be generated.
- (2) Satisfactory disposal of sewage from rapidly-expanding areas in other parts of the State, into streams, which like Pohick Creek have little or no flow, has become a problem of prime and growing concern to the Board, and
- (3) Sewage treatment facilities heretofore constructed in both the Accotink and the Pohick Creek watersheds have not produced effluents which will meet standards of quality previously adopted by the Board as applying to the waters of these watersheds.

In view of these facts, the Board directed (1) Its staff, in cooperation with the Division of Engineering, State Department of Health, to make a study regarding the adequacy of existing standards applying to the Accotink and Pohick Creek and similar watersheds, and submit a report of its findings and conclusions as soon as possible.

- (2) All owners now discharging into the Accotink or Pohick Creek watershed effluents from sewage treatment facilities which do not meet existing

standards, to appear at the next Board meeting to outline programs for improvements, having as their objectives the meeting of such standards, along with schedules which will insure that such programs are carried out forthwith, and

(3) That it will withhold action or further action on all cases it has considered, or which may come before it, until such time as the Staff has made a report on its re-evaluation of the adequacy of the existing standards applying to the Accotink and Pohick Creek watersheds.

Yours very truly,
(S) A. H. Paessler, Executive Secretary"

Mr. Phillips said he owns 600 ft. of frontage on Pohick Creek, little over a mile downstream from the proposed sewage treatment plant: He has owned the land since 1950 and built his home in 1951. Speaking as an individual, representative of a neighbor-friend, Mr. Harris, and as representative of Upper Pohick Community League, who voted in 1963 to oppose sewage treatment plants dumping effluent into Pohick Creek, he asked the Board to take into their consideration, the statements he was about to make. There is only one plant serving Pohick Forest, and it is polluting Lower Pohick Creek. The use is not in harmony with general purposes and intents of the Zoning Ordinance and would adversely affect neighboring property. His own house is 100 ft. from Pohick and this would cause loss of recreation, swimming, fishing, and odors would come from the plant and stream. Their property would lose value. He showed a sample of effluent taken from the Fairfax plant, and a sample taken near Mantua Hills. The sample which he said he had taken from Pohick was very clear and pure. He asked the Board not to approve the application for the sewage plant.

Mr. Cedrick Bielowski, neighbor of Capt. Phillips, said he had lived on Pohick for seven years. He asked the Board to deny the application and keep this a clean stream.

Mr. William Rouse said he felt it was better to have a large plant. He hoped the Board would not be swayed by the offer of a quarter-million dollar sewage treatment plant - it would be a mistake.

Mr. Robert Boudine said he hoped the plant would never be built as he did not think the County should have to go through the same situation they had with the Pimmit Hills and the Pimmit Run plants.

Mr. Fagejson asked the Board to grant the permit so they could move ahead, unless the Board objects ~~the~~ the location as proposed.

Mr. Everest said the Board had heard discussion pro and con on this matter, but at this time he could not make a decision. He moved that action be deferred to August 4. Mr. Barnes suggested September 8, to give more time for the Board to look around the Pohick and get some samples. Mr. Everest agreed to September 8. Seconded, Mr. Barnes. Carried unanimously. (Mr. Smith had gone)

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JOHN A. STEVENSON, to permit operation of trailer rental lot, portion of parcel 1 of the property of Arlington-Fairfax Savings and Loan property, between Arlington Boulevard and Leesburg Pike, at Seven Corners, Mason District (C-G)

Mr. Robert Cotton represented the applicant. He said he was asking for a temporary permit for trailer rental units. This is across the street from a U-Haul trailer operation. His client will also rent U-Haul trailers - he runs the Esso station next door to the property and has for many years. Mr. Stevenson at one time had a U-Haul lease but the Board would not allow storage of trailers on the property. The property is presently for sale and Mr. Stevenson has a three month lease on the property, which will be renewed consecutively for three month periods till the property is sold. They will not build anything on the property.

Mr. Samuel Moore, representing Seven Corners Corporation, said he represented "the one across the street". His client at one time occupied this property but when he moved across the street with his trailers, he incurred an expense of \$18,000, and had to conform with site plan requirements. He objected to anyone in the area not incurring the same expenses, even on a temporary basis. This would have an adverse affect on his client's business.

Mrs. Henderson read a letter from the Westminster Investing Corporation in opposition. She said she did not think this complied with the basic standards for the present zoning and would be hazardous in the traffic. It does not comply with (a) and (b) in the Ordinance.

Mr. Everest moved that John A. Stevenson's application to operate a trailer rental lot, portion of parcel 1 of the property of Arlington-Fairfax Savings & Loan Property, between Arlington Boulevard and Leesburg Pike, at Seven Corners, in Mason District, be granted for a period of six months. There shall be no extension after six months unless a new application is filed. Seconded, Mr. Barnes. Mrs. Henderson voted against the motion. Mr. Everest, Mr. Barnes and Mr. Yeatman voted in favor.

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McLEAN PROFESSIONAL BUILDING, to permit existing canopy to remain closer to street property line than allowed by the Ordinance, Lots 1, 2, 3, 4, 5 and 6, Block D, Beverly Manor (4949 Old Chain Bridge Road), Dranesville District (C-D)

This had been deferred to view the property. Mrs. Henderson said she did not see any basis for granting the request.

Mr. Barnes said he did not see that it was adversely affecting the area and moved that the application of McLean Professional Building, to permit existing canopy to remain closer to street property line than allowed by the Ordinance, Lots 1, 2, 3, 4, 5 and 6, Block D, Beverly Manor, (4949 Old Chain Bridge Road) in Dranesville District be granted, and the canopy remain. Seconded, Mr. Yeatman. Mrs. Henderson voted against the motion. Mr. Barnes, Mr. Yeatman and Mr. Everest voted in favor. (Mr. Smith had left.)

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PRESTON C. SMITH, to permit erection of carport 9.5 ft. from side property line, lot 86, Sec. 5, Falls Hill (1401 Claremont Drive) Providence District (R-12.5)

This had been deferred to view the property.

Mrs. Henderson said most of the houses in Falls Hill do not have carports, and practically no double carports. This property could take a sizable carport without a variance. There is no need for the 20 ft. carport, when they could have a 17.5 ft. carport. To deny the application would not be depriving the owner of due use of his land.

Mr. Everest moved that the application of Preston C. Smith, to permit erection of carport 9.5 ft. from side property line, lot 86, Sec. 5, Falls Hill (1401 Claremont Drive), Providence District, be denied as they could have a 17.5 ft. carport anyway. Seconded, Mr. Barnes. Carried unanimously.

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THOMAS E. COZZO, to permit erection of office building closer to side property line than allowed by the Ordinance and allow screening to be put on property line, Lots 96 and 97, Greenway Downs, Falls Church District (C-O)

Mr. Cozzo said he would house his own office here and he would like the variance as close to the line as possible. If he had excess space in his office building, it would be rented. He would like to build to the lot line, if possible. This would house real estate office and building business.

Mrs. Henderson said there would be no room for screening if the building is put on the line.

Mr. Yeatman suggested putting the building 10 ft. off the line with no screening as the property owned by Anderson is going to be developed commercially and it would be foolish to put in screening that would not do any good.

Mr. Van Beesen, architect, said the building would look better without screening; it would be a Colonial style brick building.

There was no opposition.

Mr. Everest moved that Thomas E. Cozzo be permitted to erect an office building on west property line, a building with no windows, of Colonial type face brick, and that screening be provided in accordance with County regulations along the same west boundary line where the building would act as part of the screening. There shall be a stockade fence along the west boundary line except where the building falls, and along the south boundary line in 12 ft. in accordance with certified plat by John Coldwell, dated May 22, 1964. All other provisions of the Ordinance shall be met. Planting shall be eliminated on the west side. Fence in front of the building should be 4 ft. and 6 ft. in the rear. Seconded, Mr. Barnes. Carried unanimously. (Mr. Smith not present.)

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Colchester Marina, Rehearing - on Occoquan Creek and at the end of Hyde St., Mt. Vernon D istrict (RE-2)

Mr. Bean, attorney, Mr. McCue and Mr. Nathan Hale were present to discuss the case. Mr. Bean reviewed the background of the application, the previous hearings before the Board.

Mr. Hale said they have a franchise to serve the area by sewage disposal plants. Therefore, due to the fact that it is a public service corporation under law, they have to serve the watershed area. He said he had a written commitment that facilities would be available to the proposed marina. There is evidence that a pumping station and 800 ft. of lines would be available. They would have to receive permission from the State Water Control Board, but this would only be a formality. They are working with the Alexandria Water Company on the construction schedule on water lines.

Colchester Marina - Continued

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They have a written commitment from Alexandria Water Company that they will sell water to serve the marina. Water has to be available within six months.

Mr. McCue said he now has approved financing for the marina. They are asking for an extension of the use permit that was granted basically. The only changes are the water supply and sewage disposal.

Mrs. Henderson felt that sewer facilities were much better than septic tanks as proposed originally

Mr. McCue said the Army Engineers are working out some of the problems - they should be finished in three weeks. They will start on site plans after they get Army engineers' approval.

Mr. Everest moved that Colchester Marina be granted extension of permit until February 1965. Seconded, Mr. Yeatman. Carried unanimously. (Mr. Smith had left.)

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Mr. Woodson showed pictures taken at the Franconia Sinclair stating that garbage trucks are parked there, and junk is scattered all over the place. He suggested that they be asked to show cause on September 8 why permit should not be revoked. The Board agreed.

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Scanwell Laboratories - Mr. Woodson said they wish to put on an addition but are located in C-DM zoning. This is not allowed in C-DM.

The Board agreed that this would require a rezoning.

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The meeting adjourned at 6:30 p.m.
By: Betty Haines

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

September 17, 1964
Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, August 4, 1964 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. Dan Smith.

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JACKSON R. and NANCY K. HORTON, to permit erection of a porch over existing carport, Lot 114, Section 2, Devon Park, (5948 Strata Street), Dranesville District. (R-12.5)

Mr. Horton stated his case as follows: the carport was put on the house at a time when carports were allowed with a 10 ft. setback. Now he wishes to put a room for sleeping quarters over the carport. He has a two story house - the addition would continue the roof line which would add to the architectural attractiveness of the house. The room will be screened but will also have windows so it could be used in winter. The carport will remain open. He showed a drawing of what he proposed to build. It was noted that new footings and reinforcements would be required to support the room.

Mr. Smith pointed out that this is in effect adding a room and bringing the house proper to within 10 ft. of the side line.

The Board agreed that they had no jurisdiction to grant this, but suggested that if the room stayed within the 12 ft. setback, he could build it without a variance.

In the application of Jackson R. and Nancy K. Horton, Mr. Smith moved to deny the case for reasons stated - there is no topographic situation here and the applicant can make a reasonable use of his property without a variance - as he could build a smaller room over his carport without encroaching on the setback.

Seconded by T. Barnes. The motion was carried unanimously.

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WALTER H. MOORE, JR., to permit erection of garage 10.3 feet from side property line, Lot 26, Section 4, Fairfax Acres, on Oak Street, Providence District. (RE-0.5)

Mr. Moore discussed his need for a roof over his two cars and room for storage of children's toys and equipment since he has no basement. The concrete slab is already in place. Mr. Moore also pointed out that he works on cars and small equipment for his relatives who are unable to look after their own things. This he made plain was not a commercial project. The lot is practically level.

It would not look good to have a separate building in the rear. This addition would make the house more attractive and it would not hurt the neighborhood since many others have additions or small buildings within a few inches of the property line.

No one from the area objected to this but the Board suggested that in view of Mr. Moore's statements, they view the property and the surrounding area.

Mr. Dan Smith moved that the application of Walter M. Moore, Jr. be deferred to September 22. This is deferred for decision only. On the basis of the statements made here today, Mr. Smith said he could see no reason to grant this but he thought it fair to look at the surrounding homes before making a decision on this.

Seconded by T. Barnes. The motion was carried unanimously.

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August 4, 1964 - continued.

M. J. Burchell and Nouri M. Mansy, to permit erection and operation of a service station, N. W. corner of 29-211 and Legato Road, Centreville District. (C-N.)

Mr. John Moran represented the applicant. Several oil companies are interested here, Mr. Moran said, but because of the time element, they are asking for this use before they have made a firm contract with any company.

This station will mostly serve the local area, Mr. Moran said. They will pave an additional 12 ft. which will serve as a new out line.

Mr. Smith said he knew this property well. It is an old zoning. A store, cabins with sleeping quarters and a filling station have operated here for a long time. This was sold about a year ago. Sometime ago when this was rezoned, Mr. Smith said they investigated building a new filling station, but it developed that the property had septic problems. It was necessary to pump to the septic field and they had outside toilets. The ground was low and would not take a septic sufficient to care for the full use of the ground.

There was a septic field for the old store, Mr. Smith said, and they have been able to improve that to some extent.

Mrs. Henderson said this was ^{an} impractical ^{request} zoning under any circumstances because the applicant would have to erect a 6 ft. fence along Lee Highway and Legato Road (because this is a commercial project across from residential zoning) if this does not have an architectural frontage. If it does have an architectural frontage, the fencing might be waived.

Mr. Smith said this was rezoned in order that Mr. Russell might modernize his business but it was found that the cost was so great that the modernization was never done, however, he thought the septic problem could be solved. He thought the location here for a filling station was probably good, but if this applicant had an oil company really interested who could come up with a plan of what they intended to do here, it would be easier for the Board to make a decision. There should be some kind of plans to work on, but to cut this station off by screening from both Lee Highway and Legato Rd., is a little ridiculous.

Mr. Everest said this might be a very practical location but there are things the owners are not aware of in this case and it would be well to defer this for both the applicant and the Board to go into this further. It would also be better if the applicant could get a firm commitment from some oil company so the Board would know what is planned on the property. He moved to defer to October 12, 1964, seconded by Mr. Barnes.

Mrs. Henderson said the Board will view the property and will have further discussion on October 12.

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J. R. Corish, to permit dwelling to remain closer to street property line than allowed by the Ordinance, Lot 1, McNeir Subdivision - (3831 Albemarle Street) - Dranesville District (R-17).

Tom Chamberlain represented the applicant, explaining that this was purely a mistake. The corners were wrong and the survey was made from that. This was not picked up until the final house location was made.

No one from the area objected.

In the application of J. R. Corish, to permit dwelling to remain closer to street property line than allowed by the Ordinance, Lot 1, McNeir Subdivision - Mr. Smith moved that the application for a variance as to house location be granted and the house be permitted to remain as

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August 4, 1964 - continued.

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J. R. Corish - continued.

constructed. This is granted in conformity with the application and plat submitted and the statement that this variance is granted under the section of the ordinance which permits granting a variance under the kind of circumstances found here. This was a mistake and is not considered in any way intentional, seconded by Mr. Yeatman. Motion carried unanimously.

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Russell P. Wine, to permit erection of a building 68 feet high in a C-G Zone, south side of Route 1, east side of Fort Hunt Road, Mt. Vernon District. (C-G).

Mr. Bernard Fagelson represented the applicant. Mr. Main, architect, was also present.

Mr. Fagelson said they are asking for more height because the ordinance allows only 40 ft. in C-G zoning.

Mr. Ed Holland, Engineer, gave the back-ground of this property - recalling that because of the changes in the highway made necessary by construction of the large interchange with its ramps, this property is reduced in its access and the height of the interchange results in giving the impression that this property lies in a low pocket and it cannot be seen from the interchange complex, therefore, they need height.

This property was changed by the highway construction, which required a great deal of draining and filling. The question arose as to whether this was public or private land, where the filling occurred. The access was restricted to one entrance to U. S. 1.

A series of actions by the State has changed this property. The road system cut off the access to Rt. 1 and the elevation of the ramp and complex of interchange roads left this property at the bottom of a bowl. All the land around this property slopes up. The bridge is 40 ft. above the water. This property is below everything. The people traveling the Beltway will be above this tract. This additional height to the building would not adversely affect anyone. Mr. Holland continued, because no one is near. Because of their low position they must take advantage of every means of advertising so they can make visual contact with the traveling public, but they do not wish to impair the public interest in any way.

Mr. Holland pointed to an Alexandria case which would substantiate this variance.

All the area to be used, Mr. Holland said, is filled land, most of which is above flood plain level.

It was noted that the finished grade of this site would be slightly below U. S. 1.

Mr. Main, architect, showed a scale model of the project, indicating the height and the location of the building and the location of the bridges and ramps.

Mr. Smith noted that the elevation of the road had been changed very little. In fact, he thought the situation had enhanced the use of this property.

Mr. Holland traced the course of cars at the interchange complex and stated that to attract attention to this building down in the hole, there must be something dramatic to be noticed. With everything else up high, this low structure would never be noticed. If the building is to be noticed, it must be high and outstanding. The other buildings will look over this; it will obstruct no one's view nor does it clutter the landscape.

August 4 - continued.

Russell P. Wine - Continued.

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The Board questioned what section of the Ordinance gave them the authority to grant this.

Mr. Fagelson recalled that 18 months ago the Commonwealth Attorney advised this Board that they did have the right to grant a height variance.

In that ruling, Mr. Smith recalled, the Commonwealth Attorney said it was up to this Board to make this decision, but the Board does not see where this could be done in this case.

Mr. Fagelson said the basis on which to grant this is not economics. This is very valuable land. It is an ideal location for this use. The owners are victims of a series of actions by the Federal Government which have changed the whole picture here. They put in a massive interchange which dominates everything. This has complicated the general approach and use of the land. This results in a confixatory action. The ramps might as well have been right on the land, Mr. Fagelson continued. They have lost five acres.

The real value in motel ground, Mr. Fagelson said, is the location - that is what one buys. This means accessibility and see-ability. If they do not have these assets, they have no great value. When the Federal Government cut down these things they cut the value. They are left with only one entrance. The land may be more valuable because of the new complex of roads but it is less valuable because of the single entrance. Since the suitability of the site has been reduced, they are attempting to do something about it by raising the height of the building.

Mr. Fagelson noted that C-O zoning can go to a 90 ft. height. Apts. in C-G zoning could go to 120 ft. high.

Mrs. Henderson said the applicant is asking an amendment to the ordinance in the guise of a variance. This is a request to give this building an advantage over other motels.

Mrs. Henderson noted that this property was zoned for a motel after the ramps were put in. Mr. Fagelson said they had the zoning. There was no question of that, but no-one was sure of the newly made land, therefore, a new zoning was put through in order to clear up the category of the newly made land.

This case need not set a precedent, Mr. Fagelson continued, the BZA handles each case on its own merits. This land has been injured by actions of the State and Federal Government and the only remedy is to come to the BZA.

Mr. Fagelson said they could get the same number of units from the 40 ft. building as they would on the 68 ft. They would leave more open ground with the 68 ft. building. They plan 250 units.

Mr. Main showed a rendering of the entire property with its complex of motel, office building and restaurant. They will ask for C-OH for the office building. The plat was confusing to the Board as it included the entire project.

Mrs. Henderson recalled that in the height question on an office building on South Street and Arlington Blvd., granted by this Board, there was a toposition caused by the sewer easement, while this property has been enhanced to some degree by the road system improvements. The entrance may be a little difficult but twice the number of people will use the facility.

August 4 - continued.

Russell P. Wine - continued.

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Mr. Holland again described the dramatic beauty of the proposed buildings, the revenue to the County and the suitability of this structure in this particular location. He also discussed the hazards created by this complex of roads which would be controlled by this use.

Mr. Smith did not go along with the hazard suggestion. He thought the hazardous condition at this point had actually been lessened by dispersing the traffic.

Mr. Holland said he meant the hazards caused by reduction of visibility which was estimated to be approx. 700 ft. Mr. Smith said he did not consider that a hazard.

Mr. Yeatman pointed out that the tall building would give more open space. The 40 ft. building would appear to be down in a hole, Mr. Yeatman continued, and the taller building would be more attractive. They are creating no more traffic by the added height.

The Board was in general agreement that the higher building would look better in this location but could not see where in the ordinance this could be allowed.

Mr. Fagelson referred to Sec. 30-36 (e) (page 488). The unusual circumstances (Federal and State Government's changes in the highway) fit exactly what is in the ordinance, he argued. Before this happened they would not have asked for this variance. They would not have needed it. They have been deprived of the full use of the land because of the restriction in access. These changes are the sole reasons for asking this and Mr. Fagelson urged they go along exactly with the ordinance and these are circumstances beyond their control. He stated that the Board has full authority to grant this.

Considerable discussion on this point followed. The authority of the Board as spelled out in the ordinance. Mr. Fagelson and the Board did not agree.

No-one from the area objected.

Mr. Everest agreed that this is a prime location for this use, but because of lack of authority in the ordinance, he would be forced to vote against the application.

Mr. Smith agreed. The building is a beautiful thing, he said, and it should be 68 ft. high, but the limitations are set up in the ordinance and while he had tried to find some area in the ordinance to grant this, he felt the Board did not have that right, and to grant this would be amending the ordinance. This is the function of the Board of Supervisors only. It may be that the ordinance is obsolete in this respect and an amendment is in order to increase the height in C-G.

Mr. Yeatman agreed.

Mrs. Henderson also said she had no objection to the height, but to grant this would be stepping out of the jurisdiction of this Board.

Mr. Everest moved that the case of Russel P. Wine, to permit erection of a ^{building} 68 ft. high in a C-G zone, be denied without prejudice, seconded by Mr. Dan Smith.

Mr. Fagelson and the Board discussed denial vs. deferral, and all agreed denial without prejudice was the answer.

Motion carried unanimously to deny without prejudice.

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August 4 - continued.

G. Galt Bready, to permit erection of an enclosed porch 32.4 feet from front property line, Lot 21, Reddwarren Subdivision, Providence District. (RE-1)

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Mr. L. Van Meter represented the applicant.

This variance is facing a street (Oak Street) which will never be opened, Mr. Van Meter said. This is the only feasible location for an addition both from the standpoint of aesthetics and convenience. The bed rooms are on the opposite side of the house and it is the only place where it could serve a useful purpose to the occupants of the house. This would be a 25 x 20 foot porch. It would serve as a large living room.

Mr. Van Meter said Oak Street, would probably be abandoned and half of the road width would be added to this property. It dead ends directly in front of a house which is in an adjoining subdivision.

If the Board could be shown that Oak Street would be abandoned or will not be opened all the way through, Mr. Smith said, this variance could be considered in a more favorable light.

No-one from the area objected.

In the application of G. Galt Bready, to permit erection of an enclosed porch 32.4 feet from front property line, Mr. Smith moved to defer the case to September 8 for additional information on the status of Oak Street and the adjoining lot. The applicant should find out if there is a plan to open Oak Street in the future and any other information that might help the Board to decide on this case. Also, what is the size of the lot in the rear and can Oak Street be abandoned. Seconded by Mr. Barnes. Motion carried unanimously.

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Lee-Graham Venture, to permit erection and operation of a service station, S. W. corner of Lee Highway and Graham Road, Falls Church District. (G-D)

Mr. Eugene Smith represented the applicant. Mr. Smith said no variances are asked. They are wanting a permit for the filling station only. They will have an architectural front on the side of the station facing residential property. They will put in pipe and drain along Graham Rd. Giant and other stores are making leases on the property adjoining. This station is leased to Mobile Oil. They have agreed that the design of this filling station will blend in with the design of the shopping center. It will be less ugly than the standard porcelain. They will screen along the back of the building.

No-one from the area objected.

Mr. Yeatman asked - "What about the traffic coming from the adjoining swimming pool - conflicting with people going west and turning into the filling station?"

Mr. Eugene Smith said conditions there needed to be improved and he thought the construction of this would help. They are required to dedicate 17 feet of additional right-of-way along Graham Rd. and construct curb and gutter. There will be grade changes near the corner. These improvements are necessary, Mr. Smith added, and they will show these things on their site plan. They will have access from the filling station into the shopping center, Mr. Smith said, and he was sure the drainage and traffic situations would both be improved.

Mr. Dan Smith said he also hoped they would improve on the architecture of the filling station.

In the application of Lee-Graham Venture, to permit erection and operation of a service station, Mr. Dan Smith moved that the application be approved as applied for. This is granted in conformity with the preliminary site plan presented with the application. All other provisions of the ordinance shall be met. Seconded by Mr. Barnes.

Voting for the motion were Mrs. Henderson, Messrs. Smith, Barnes and Everest.

Mr. Yeatman voted against the motion.

August 4 - continued.

The Montessori School of Northern Virginia, Inc., to permit operation of a school (ages 2½ to 9½, approx. 135 children), (Jefferson Volunteer Fire Department), Lots 210, 211, 212 and 249, Woodley Subdivision, Falls Church District. (C-N).

Mr. Peter Pfund represented the applicant and read a statement of intent of the school - briefed as follows: First - he amended his application to delete "pre" school. Mr. Pfund presented his letters of notification stating that he had enclosed with each letter a brochure on Montessori Schools. This system of teaching takes its name from Maria Montessori, the first Italian woman to receive the degree of Doctor of Medicine. She developed an approach to teaching which is being used successfully in ten schools in the Washington area and in more than 60 schools in the United States. This school started in 1962 in Arlington County. It was written up in two national magazines. The school was highly successful. They are now looking for larger quarters to expand to four classes. Over 170 church, fraternal and commercial locations were scrutinized for rental. This fire house was the only available facility suitable to their needs. They have entered into negotiations with the fire company and hope to open there in September. They would like to operate here until they are able to build their own school.

They will not have exclusive use of this room annex. All school furnishings and equipment are mobile and could be stored over week-ends when others might use the building.

Classes would be scheduled from 9:30 A.M. to 12:30 A.M. with children from 4 and up continuing until 2:30 P.M.

The school plans to enclose the area generally to the north of the firehouse, with a three foot fence, which will serve as an outdoor play area. However, this is a school primarily oriented to individual work; little time is spent outside the classroom, probably not more than three times a week.

Children will be delivered and picked up by car-pooling parents. The indoor passage between the annex foyer and the firehouse will be locked while classes are in session. They feel that the precautions planned will assure complete safety for the children.

Mrs. Henderson questioned the status of the fire house occupancy permit. She noted that they have an occupancy permit but they have not conformed to the requirements of their site plan. Permit dated April 24, 1964.

If this has not been done, Mr. Pfund said they would construct the fence required.

Mr. Yaremchuk said no additional use should be granted here until the site plan is complied with.

Mr. David Cobey, architect and member of the School Board, explained the traffic movements. He also stated that the class-rooms would be divided by low shelving partitions which would be movable. They will have about four classes. Children will be no older than 6½ years at the present time. Within the next year they hope to go to 9 years of age. Now it runs from 2½ to 6½. They expect approx. 135 children. No food will be prepared on the premises as the children will bring their lunches. They may have to add another toilet. The Health Dept. will determine that - they will check with them.

Mr. Smith questioned this number of children (135) in one room with only the movable dividers - would this be a fire hazard? It was noted that they have three exits.

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August 4, continued.

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The Montessori School of Northern Virginia - continued.

Mr. Charles Moore said the site plan calls for 12 ft. of planting. Mrs. Henderson said any permit granted here would have to be contingent upon compliance with the site plan.

Mr. Smith discussed the lack of compliance. He was also concerned about the trucks getting into the trash.

In the application of the Montessori School of Northern Virginia, Inc. to permit operation of a school, Mr. Dan Smith moved that the application be granted as applied for. This use permit is to cover only the annex - the addition to the fire house. The access to this addition shall be as indicated by the applicant.

The applicant must comply with Health Dept. requirements in connection with this type of school. Either the fire dept. or the school must complete the screening and fencing as set forth in the site plan or they must get a waiver of this requirement from the proper authorities prior to the issuance of this permit.

The people in this area have accepted this addition to the fire house with the understanding that screening would be put in and it should be completed. But this is a matter between the fire dept. and the school. The site plan must be complied with by either the school or the fire dept. This addition was approved on the basis of the site plan presented to this Board. If people in the neighborhood feel that this screening is not necessary and if the Board of Supervisors will waive this requirement - the Board has no interest in it. But, it is the opinion of this Board that since there is a school going in here now, the site plan should be completed. Even if the people in the neighborhood no longer want the screening, it will be necessary that this be taken to Board of Supervisors for a waiver. (The Fire Dept. or the school shall provide the screening and be in full compliance with the site plan or a waiver should be requested from the Board of Supervisors).

Mr. Smith said the people living in the immediate area should be notified of the proposal to get a waiver of the site plan conditions. No use shall be made of this property, in relation to this permit, until this screening question is cleared up and until all the provisions of the site plan are met or waived. Also approval of the Health Dept. must be obtained before the school goes in.

The Board asked for a complete report on this at their meeting of September 8.

Motion carried unanimously.

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The Board adjourned for lunch and upon re-convening continued the agenda.

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Bethlehem Lutheran Church, to permit operation of a kindergarten in existing church building (2480 Little River Turnpike), Providence District. (RE-1).

Mr. Dindleback, Trustee, represented the applicant. They plan to have between 25 and 30 children, Mr. Dindleback said. They have ample room for 65 cars and for a play area in the back of the Church. They will operate the same as the current school year, 5 days per week, from 9A.M. to Noon. They will use the ground floor of the building; this is a Church operated kindergarten, open to people of other faiths.

August 4, - continued.

Bethlehem Lutheran Church - continued.

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No-one from the area objected.

In the application of Bethlehem Lutheran Church to permit operation of a kindergarten in existing church building, Mr. Dan Smith moved that the application be approved as applied for. This is a kindergarten for 5 year olds with a maximum of 30 children. The school to operate from 9 to noon. This will be operated by the Church on a non-sectarian basis. All other provisions of the ordinance shall be met. Seconded by Mr. Barnes. Motion carried unanimously.

It was noted that a site plan would be required, but the Board suggested the applicant might wish to have that waived and the Board so recommended.

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American Oil Company, to permit erection and operation of a service station, N. W. corner of Backlick Road and Braddock Road, Mason District. (C-N).

Mr. L. R. Compton represented the applicant stating that this is an application to rebuild the existing filling station, adjoining an existing shopping center. Mr. Compton showed the site plan indicating the service drive on two sides of the property.

This old station has been on this corner since 1940. They are now adding more property and putting in a completely new station. The building is set back farther than required by the ordinance. It is the standard American Oil Co. building.

Mr. Smith said the Board would like to see something different - a little more attractive. This is a new shopping center, he said, the trend is for the oil companies to do something a little better than the old standard set up. He suggested that they plan on something a little more compatible with the area.

Mr. Compton said he would make a very serious effort to do this.

No-one from the area objected.

In the application of American Oil Company, to permit erection and operation of service station, Mr. Smith moved that the application be approved as applied for in conformity with the plats presented with the application. This is a replacement of an existing station which has been here for many years and anything in the form of a replacement would be more desirable than the present operation but it is hoped that American Oil will see fit to better this location by building something more attractive than the regular, standard station. All other provisions of the ordinance shall be met. Seconded by Mr. Barnes. Motion carried unanimously.

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First and Citizens National Bank of Alexandria, to permit erection of a warehouse closer to Street property lines than allowed by the Ordinance - Shirley Highway and Shirley Industrial Area Access Road, Mason District. (I-G).

Mr. Frank Everest disqualified himself to participate in this case in any way. He did not vote.

Mr. Hugo Blankenship represented the applicant stating that this applicant is trustee for the owners of this 23 acre tract. This will be a Woodward and Lothrop warehouse. They have 2000 feet of frontage on the Shirley Highway. This was zoned I-G for this purpose. They wish to vary the setback requirements along the Shirley Highway so they can have the extra feet in the rear. The setback requirement is 75 ft. from the Shirley. They wish to come within 50 ft. One corner of the building would be about 165 ft. from the used part of Shirley Highway, after the new taking. The building will be 30 ft. high and 1000 x 400 feet in dimension. These people have looked many places in Fairfax County and Maryland, Mr. Blankenship said, to get property to meet their needs. This location is very fine as it has the railroad spur in addition to the highway accessibility.

August 4, 1964 - continued.

First and Citizens National Bank of Alexandria - continued.

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The building must be 400 feet wide, Mr. Blankenship continued, in order to accommodate the loading and un-loading which will be indoors. This will take place both in front and in the back. The loading in front will be from trucks and in the rear - to and from the railroad. This size building is absolutely the minimum to serve the purpose here. This use and construction is in harmony with the land and uses in the area and it will not be detrimental to any of the surrounding vicinity, Mr. Blankenship said. He showed a rendering of the type building they would put up.

Mr. Dan Smith said this inside loading was something unusual and he thought very fine. He knew of nothing like it in the County. It not only makes a better looking project but it serves as a protection to the materials being moved. The railroad spur, in addition to highway access, is good, Mr. Smith continued. He noted also that there have been other variances in this Industrial Park and there is very little traffic within the Industrial Park itself - other than the people who work there and are using the facilities. In view of these things, Mr. Smith said he thought the Board should give full consideration to this variance. This is the largest building of its kind in the County, Mr. Smith noted, and it is attractive as well as functional.

Mr. Pete Ball said this building is not only beautiful, but he thought the County should consider itself fortunate to have this warehouse locate here. It is an asset to the County tax-wise.

No one from the area objected.

It was pointed out that there are unusual features in this case which fit the requirements for a variance in the ordinance - the railroad spur is here and can be used; the building will be enclosed for loading and un-loading. These things are not usual in the County. The arrangement here is unusual and desirable.

Mr. Yeatman said he considered that the County should feel proud to get this installation here. The building is handsome.

The facing of the building will be architectural cast stone, Mr. Blankenship said.

In the application of First and Citizens National Bank of Alexandria, to permit erection of a warehouse closer to street property lines than allowed by the Ordinance, Mr. Dan Smith moved that the application be approved as applied for and in accordance with the plat submitted with the case which has been outlined in red indicating the variance. It has been pointed out that this is rather an unusual innovation - loading and unloading inside. This is the first such arrangement in the County. This is a situation the County may not be confronted with often and the Board understands the necessity to have the variance because of the existing railroad spur. All other provisions of the ordinance shall be met, seconded by Mr. Barnes.

Voting for the motion were Mrs. Henderson, Messrs. Smith, Barnes and Yeatman.

Mr. Everest refrained from voting.

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DEFERRED CASES:

Freedom Park, Inc., to permit erection of a diving pool and to permit parking closer to property line than allowed by the ordinance, southerly dead end of Hull and Byrd Roads adjacent to Villa Loring Subdivision, Providence District (RE-1).

Mr. Whytock said they had a new survey of the parking spaces and find they can ultimately produce 94 spaces. This would extend the parking along the north and west of the property. Mr. Whytock said they still feel that 78 spaces are sufficient.

August 4, 1964 - continued

Freedom Park, Inc. - continued.

Mrs. Henderson noted that basically this project has no parking at all. She recalled, however, that this resulted from the lack of standards at the time this case was granted. She thought at least 90 spaces should be required.

Mr. Smith agreed, noting that even 90 spaces is not up to ordinance requirements. These spaces should be provided so that ultimately there will be no parking off the use. Mr. Smith noted that it will be necessary to remove trees along Hull Rd. The diving pool is highly desirable, Mr. Smith added, especially since it provides separate pools for different uses. Mr. Smith objected to the noise from the loud speaker which, he thought, could be curtailed, and playing records too loud. Is this necessary, he asked.

The President of the Association, Mr. Becker, was present. He stated that they did have noise during their teen age parties and the swim meets. Mr. Smith suggested cutting all activities off at 9:30 P.M.

Mr. Yeatman said he thought loud music and late dancing would be objectionable to anyone. This is a swimming club, he added and questioned why there were so many other activities.

The Board and the applicants discussed this whole situation at length. Mr. Smith said he considered this a good project but he thought it should be operated without harmful affects to the neighbors. Mr. Becker said they could expand their parking facilities when they get sewage - they can then use the area now taken up in septic field. They will add two more showers with this new pool.

Mr. Becker said this is well conducted. They allow no drinking on the premises - this is in their by-laws. If there is any drinking and carrying on in the area, it must be people parking on Hull Street - not people coming to their pool.

OPPOSITION:

Carol and James Pearl appeared in opposition to this addition, presenting a petition signed by people living very near. Their home is about 50 feet from the pool, they said. They had a long list of complaints - The pool was originally supposed to be open from 12 to 9 p.m. - they have completely disregarded that and also have shown no consideration for the neighborhood. People complain and they say they can do nothing about the complaints. They are most un-cooperative. There is no adult supervision during the day. If anyone has authority to control anything, they do not use that authority.

Mrs. Pearl objected to removal of the trees, saying it would increase the noise. The noise now is unbearable, she said. It is impossible to stay in her home at times. She recalled that they promised a stockade fence, which has never been put up. Mrs. Pearl suggested that the extended use be deferred until these people get sewer, then they can furnish parking without removing the trees.

Mrs. Pearl described in detail, the early morning loud instruction classes in the pool - music and all the extra activities that go on here continuously. They use the pool until 11 P.M. They would not mind normal pool noises from 12 to 9 P.M., but all these extra hours and extra activities with their continuous noise are things they object to.

If this is granted there could be some control, Mrs. Henderson pointed out. The Board could place certain conditions and if they are not carried out the permit could be revoked. If the case is denied, the Board is in the position of having no control because of the non-conforming status of this project. It was never granted under the present regulations.

This discussion continued at length. The Carrolls making many charges of negligence against the pool operators and urging the Board to defer this addition.

August 4, 1964 - continued

Freedom Park, Inc. - continued.

Mr. Becker said they start about 8:30 A.M. with swimming practice.

He claimed that they do have a Mr. Ferguson on the property at all times during the summer - he is their manager. They also have a gate guard. Adults are always on duty.

Mr. Smith said the expansion of this use could do a great deal to control conditions to which the people object. If the people want the trees retained, a fence could be put up, but he considered 90 parking spaces necessary. He thought the lights and noise should be contained on the ground. The noise could be curtailed by several smaller speakers rather than the one loud one. They could put a fence across Hull Rd. so people would not park there. These things should be corrected, Mr. Smith continued. They should close the activities at 9:30 P.M. and not open until 9 A.M.

The fence would be along the area where the parking is now proposed, covering the whole property line at the Hull Rd. side across to the property marked "Anderson" on the plat.

In the application of Freedom Park, Inc., to permit erection of a diving pool and to permit parking closer to property line than allowed by the ordinance, Mr. Smith moved that the application be approved (there shall be no variance on the parking) for expansion of a diving pool. This is granted in conformity with the plat submitted with the case. There shall be a minimum of 90 parking spaces provided on the property for the use of the pool members. A solid, 7 ft. fence shall be erected the entire end of the property covering the adjacent property, marked "Anderson" on the plat.

The lights used in connection with the pool shall be contained on the subject property - no lights shall overflow or become a nuisance to adjacent property owners.

The loud speaker shall be directed in such a way that it will not be a nuisance - the noise from the loud speaker shall be contained on the property as much as possible.

No pool activities shall start before 9 A.M. and shall close at 9:30 P.M.

It is understood in the granting of this, that all the parking for this use will be on the subject property. There will be a fence around the additional pool - 6 ft. mesh wire fence.

All other provisions of the ordinance shall be met. Seconded by Mr. Barnes.

Mr. Everest said he would favor this because it would give the County better control over the operations and if the conditions are not met, the County could revoke the permit.

Voting for the motion were Messrs. Smith, Barnes, Everest and Yeatman.

Mrs. Henderson voted against the motion.

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Kena Temple - Progress Report

Kena Temple presented the following Progress Report:

1. All grading on the access road along Rt. 50 has been completed.
2. Storm Drainage System has been approved. The approved cut sheets will be picked up and installation of pipe will begin on or about August 10.
3. Curb and gutter construction will follow behind the installation of storm sewer
4. Additional ornamental planting accomplished around the building.

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August 4, 1964 - continued.

Kena Temple - Continued.

5. All exposed earth surfaces from the building out to the service or access road have been seeded with the Hydro Mulch process.

All parts of this construction and the access road and entrance are expected to be completed and ready for use by November 1, 1964.

Progress Report was dated August 4, 1964 and signed by John G. Fox, for Roland Clarke.

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New case:

Thomas B. Fitzgerald and Associates, to permit erection of a building closer to Route 495 than allowed by the ordinance, Part Lots 20, 21 and 22, Oakwood Subdivision, Lee District. (I-L).

Mr. Thomas Fitzgerald was present to present his case and explained this is only a 4 ft. variance, which they need in order to get the 200 x 50 ft. building on the property. The building will be two story and attractive. The area where they are now operating is being used for other things and Mr. Fitzgerald said he needs more room.

This property was purchased before the taking lines on Rt. 495 were settled and it was not known what the setbacks would be.

Mr. Smith said he thought this a reasonable request - the building will overlook the highway. Mr. Smith suggested that architectural brick be used on the side facing residential property so screening will not be necessary. This is the type use proposed for this zoning. The 4 ft. variance is only for a short distance - it is only a corner of a 200 ft. building.

No-one from the area objected.

Mr. Everest moved that the application of Thomas B. Fitzgerald and Associates, to permit erection of a building closer to Route 495 than allowed by the ordinance be approved as applied for - approved in accordance with the plat submitted to this Board, prepared by Korte dated 7-17-64. This is granted due to the unusual shape of the lot and the fact that this ground was purchased before anyone knew the exact location of Rt. 495. All other provisions of the ordinance shall be met. Seconded by Mr. Yeatman. Motion carried unanimously.

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DEFERRED CASE:

Andre Gaunous, to permit operation of a tea house in present dwelling, property on a private road approx. 2 miles south of intersection with Rt. 242 and Rt. 601, Mt. Vernon District.

Mrs. Gaunous was present. In answer to questions from the Board, Mrs. Gaunous said she was a part time teacher in a private school in Alexandria. Her husband is a contractor. He remodels various fine buildings in the Metropolitan area.

Mr. Dan Smith said this is a beautiful spot but an unfortunate location on this road which is not a public road. The building may be alright and this may be a satisfactory use if it were on a public highway. As it is, the road is completely inadequate and it would appear very difficult to make it adequate. It would be unfair to subject the other people living on this road to the commercial traffic, and a badly cut up road. Mr. Smith said he thought access alone would make it impossible to grant this.

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August 4, 1964 - continued.

Andre Gaunous - continued.

Mr. Yeatman agreed.

Mr. Everest said the hazard in winter would be especially bad.

Mr. Barnes thought the location very attractive and such a use might serve a real purpose for the area, but this could become too hazardous especially if the place is successful and many people patronize it.

Mrs. Henderson said she was in favor of this when it was first discussed but under a use permit she did not think the traffic should be increased on a private road. This could become an attractive nuisance. People could descend upon this place, whether the management wanted them or not and they could cause a congested situation which would be very difficult to handle. The police have no jurisdiction over private roads. Mrs. Henderson said this type of restaurant would be very welcome in Fairfax County, but this would not appear to be a good location for it.

Mr. Smith also agreed that there is a need for this use - but this is not the place. If this were opened for ten couples and twenty or thirty couples chose to come, there would be no way of stopping them. It could develop into a very difficult situation and undesirable for those living in the area.

Mrs. Henderson made it plain that it is not the idea nor the applicant the Board opposes, it is only the location.

The Planning Commission recommended against approving this use.

In the application of Andre Gaunous, to permit operation of a tea house in present dwelling, property on a private road approx. 2 miles south of intersection with Rt. 242 and Rt. 601, Mr. Dan Smith moved that the application be denied for reasons stated in this hearing, seconded by Mr. Yeatman.

Voting for the motion were Mrs. Henderson, Messrs. Smith, Yeatman and Everest.

Mr. Barnes voted against the motion.

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Meeting Adjourned.

Approved: September 17, 1964

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

Katheryne Lawson, Secretary

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 8, 1964 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. Dan Smith.

WALTER L. NALLS, to permit erection of a store building 14 ft. from side property line, Lots 1 and 2, Blas G. Garcia Subdv., Lee District (C-G)

No one was present to discuss the case. Mr. Smith moved that it be put at the end of the regular agenda. Seconded, Mr. Everest. Carried unanimously.

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ARTHUR N. NELSON, to permit erection of a carport and shed 10.2 ft. from side property line, Lot 845, Sec. 9, Lake Barcroft, Mason District (R-17)

Mr. Nelson said he had discussed this with his neighbors and the only objection came from General Zwicke who did not want to see the storage shed jutting out into the back yard because it obstructed his view. He had no objection to the variance. So, Mr. Nelson then changed the shed to the size shown on his drawing, and the General was in agreement with the new plans. The shed was reduced from 10 ft. wide to 5 ft. and moved over behind his house. (It was noted that the plats would be corrected to show this change.) Mr. Nelson said the pillars of the carport will be the only part of the construction in violation. The shed will not extend beyond the side walls of the house.

Mr. Nelson said he had no carport at present. The lot is level. He asked for this size carport because there is a chimney on this side of the house which takes up a couple of feet and also because the stairwell to the basement enters here. It would be hazardous to get out of the car and practically step into the stairwell.

The house on the adjoining lot has a full view of his back yard, Mr. Nelson pointed out, and as it is now there is a nice expanse of open ground across his yard to the cul-de-sac. By placing the shed against his house and cutting its size down, it makes a pleasant view for his neighbor and is still serviceable to him. If the shed were in the back yard it would clutter up the yard and the view.

General Zwicke confirmed Mr. Nelson's statements.

The Board discussed cutting the size of the carport with the thought of still making it practical, taking into consideration the chimney and the 44" wide stairwell which Mr. Smith said should be protected with a guard railing.

Due to the location of the stairwell to the basement and the chimney, Mr. Smith said he thought a variance reasonable. He also considered the position taken by General Zwicke reasonable.

No one from the area objected.

Mrs. Henderson pointed out that at the time this house was built, Mr. Nelson could have put on his carport extending out into the side yard by 5 ft. Since then the Ordinance has been changed.

In the application of Arthur N. Nelson, to permit erection of a carport and shed 10.2 ft. from side property line, Lot 846, Sec. 9, Lake Barcroft, Mason District, Mr. Smith moved that the application be approved as amended, 10.2 ft. from the side line because this is an unusual situation and when this house was built the applicant could have extended his carport 5 ft. into the side yard. There is a chimney and a stairwell leading to the lower level which being 4 ft. wide would prohibit the construction of a smaller carport.

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September 8, 1964

Arthur N. Nelson - Continued

The application now reads that the shed will conform to the statements made by Mr. Nelson. It will extend 5 ft. beyond the rear line of the house and the posts will not extend more than 5 ft. from the rear of the house. The shed will be a continuation of the house flush with the east end of the house and no part of the shed will extend into the variance. The variance allowing the 10.2 ft. side setback for the carport includes the overhang. The shed may extend five feet in the rear plus a 1 ft. overhang. Seconded, Mr. Barnes. Carried unanimously.

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LEWIS C. MEYER, to permit erection of carport 6.2 ft. from side property line, Lot 76, Section 1, Tall Oaks Subdv. (6804 Colburn Dr.) Mason District (RE 0.5)

The applicant asked for deferral to September 22. Mr. Smith so moved. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH MARVICH, to permit dwelling and garage closer to rear line than allowed by Ordinance, Lot 107A and 107B, Sec. 5, Huntington, (on Biscayne Drive), Mt. Vernon District (RM-1)

The only building on the property now is the garage. Mr. Marvich said, and it is located 8.8 ft. from the rear line. He wants to locate the house adjacent to the garage.

Mr. Woodson said the garage could have been 2 ft. from the line. Attaching the house to the garage in this location is the situation which calls for a variance. The applicant has no depth to his lot because of the steep bank and this is the only place he could put a house.

There is a retaining wall on the side of the property. There is no possibility of going farther back into that bank. There are woods at the back. In fact, the topography of the entire lot is so difficult, Mr. Woodson said, that this is the only possible location for a house.

Mr. Marvich showed pictures of his lot which appeared to have practically been scooped out to make a place for the building. In back of the house he would put in reinforced concrete. The house would necessarily be long and narrow. Mr. Marvich said the idea of building here might appear impractical to others since the construction of the walls and reinforcement and the digging out are all very expensive but he said this is a very beautiful site - one can see for ten miles and he thought it worth the expense and trouble. The lot has a very small buildable area.

In the application of Joseph Marvich, to permit dwelling and garage closer to rear line than allowed by the Ordinance, Lot 107A and 107B, Sec. 5, Huntington, (on Biscayne Drive) Mount Vernon District, Mr. Smith moved that the application be approved as applied for. The applicant has a serious topographic problem and he has gone to great lengths to prepare this difficult lot for a building site. The Board should consider this variance in order that he might build a sizeable home. This is one of the most unusual topographic situations the Board has ever been called upon to consider. All other provisions of the Ordinance shall be met.

Seconded, Mr. Barnes. Carried unanimously.

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KEEN HOMES, INC., to permit dwelling under construction to remain 38.6 ft. from street property line, Lot 15, Block 7, Section 2, Stratford on the Potomac, Mt. Vernon District, (R-12.5)

Mr. Frank Everest disqualified himself to participate or to vote on this case.

Mr. Al Handy represented the applicant. He said this is a new type of house on which the engineer overlooked the projection which is in violation.

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Keen Homes, Inc. - Continued

They did not discover the error until the house was well underway. No other similar houses in the development are in violation. The projection is a cantilevered bay which has not been used before and it was not realized that the bay area which is not built from the ground up should have determined the setback.

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Mr. Smith agreed that this was an error which could have been made by anyone, especially since this is a new type of house. It was not unusual that they should overlook the cantilevered projection in measuring the setback and not consider it part of the building. He moved that the application of Keen Homes, Inc. to permit dwelling under construction to remain 38.6 ft. from street property line, Lot 15, Block 7, Sec. 2, Stratford on the Potomac, Mt. Vernon District be granted as applied for, for reasons stated. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Mr. Everest abstained from voting. All others voted for the motion.

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JAMES R. BAKER, to permit erection of carport on side property line and closer to street line than allowed by the Ordinance, Lot 39, Eort Lyon Heights, Lee District (R-10)

This house faces two streets, Mr. Baker pointed out. In front is a steep incline. This is the only place a carport could be located. Mr. Baker said he got a building permit thinking the setback would conform but found it would not. Mr. Woodson sent an inspector down to see if they could work out something and all agreed this is the only way the carport could go on the property.

Mrs. Henderson objected to this going directly on the line.

Mr. Baker said he could not get into the carport if it were put back from the line because it would create too sharp a turn into the carport. He tried to buy four feet of land from a neighbor but he would not sell. Mr. Baker said he has approximately 14,000 sq. ft. and only about one-half of that is usable because of the topography and the two streets and the odd shape of the lot.

Mrs. Henderson said she recognized that this is probably the only place for the carport but she did not think a 20 ft. carport was necessary. He could put on a smaller one without a variance. Mr. Baker noted that there was no room for cars to pass in the driveway.

Other suggestions were offered -- a 10 ft. carport or a long narrow carport tandem style.

Mr. Smith said he did not see how the Board could justify a two car carport here when in many cases the Board has granted only a one car carport and has often considered that adequate. The Ordinance is very plain on these things and the Board is bound by the Ordinance. It is understandable that this man wants to have his cars under cover, Mrs. Henderson noted, but not many people even try or expect to do that. It is difficult or the variance is too great in many cases. This is a major variance - with the building on the line.

Mr. Baker admitted that he could have a one car carport but the corner is so close to the line and the curve so sharp he could not get into the carport without the variance. He suggested that the Board look at the property. Under any circumstances, Mr. Smith questioned if the Board had the authority to grant a two car carport even under a topographic situation when a one car addition will meet requirements.

Mr. Smith moved to defer the case to September 22 for decision only - to view the property. Seconded, Mr. Everest. Motion carried.

Mrs. Henderson said she considered this a special privilege or convenience sought by the applicant.

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SIMEON F. NELSON, to permit erection of carport 12.3 ft. from side property line, Lot 2, Sec. 1, Sleepy Hollow Run, Mason District (R-17)

Mr. Nelson said his main object here is to save two beautiful pine trees. He pointed out that he will have a brick wall in the back coming out of the family room. There the ground rises.

Mrs. Henderson pointed out that by moving the carport back the trees could be saved, but Mr. Nelson said the builder claims this cannot be done. The plans are all made and the loan company will permit no changes. (However, both Mr. Everest and Mr. Smith said small changes can be made if the builder decides to push the carport back a little.)

Mr. Smith said there is nothing in the Ordinance to permit granting a variance in order to save a tree.

The Board was not greatly impressed with saving a pine tree since they are short lived and easily subject to destruction by winds.

Mr. Nelson said they are large trees eleven inches in diameter and sixty feet tall and they add greatly to the property.

Mr. Everest said it appeared very simple to him - all the builder has to do is move the carport back. He thought the applicant should pursue this with the builder with vigor.

Mrs. Henderson said this situation is not peculiar to this lot - it could be that dozens of pine trees are in the way on other lots and this thing could go on endlessly if a tree is the reason for a variance. This is a new subdivision and the applicant has not yet actually bought the house, therefore this is not confiscating his property. If this were an old house and an old lot where a family had lived for a long time, conditions might be different.

No one from the area objected.

Mr. Smith said he could appreciate Mr. Nelson's position in not wanting to remove the trees but the framers of the Ordinance did not give consideration to this situation. There is no topographic difficulty here. This is a new subdivision and the builder had designed the proposed carport to conform to the side line requirements and now after Mr. Nelson signing the contract to purchase he wants to save a tree which is a very commendable thing but the Board has no authority to grant a variance based on the situation as outlined by the applicant. The only action the Board has authority to take is to deny the application. He therefore moved to deny the request. Seconded, Mr. Barnes.

This action is necessary, Mrs. Henderson added, because the builder will not concede to Mr. Nelson's request and he will not make this small change in the plans. This is not a reason to grant a variance. If the carport were located back, the tree could be saved.

Motion carried unanimously.

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GRAND SOUTHERN INVESTMENT CO., to permit erection of an enclosed theatre, property at NE corner of Leesburg Pike and Jefferson St. near Bailey's Crossroads, Mason District (C-D)

Mr. Trepazo represented the applicant. This is a request for a theatre located within a shopping center, and it will meet all requirements. He showed drawings of the theatre and its relation to the shopping center. This is back of the Corvette parking lot. This will be a spacious shopping center, Mr. Trepazo said, with ample room for parking - 275 spaces are provided specifically for the theatre. There will be no traffic problem as the theatre will operate mostly when the shopping center is closed. The theatre will seat 800 people on the first floor and will have a total capacity of 1100. The overall plan for parking includes the theatre. People can go out on both Columbia Pike and Route 7. This is a community shopping center and a community theatre.

(It was noted that Jefferson Street is being changed to Corvette Drive.)

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Grand Southern Investment Co. - Continued

Mrs. Triblick said the notices were incorrectly posted. However, Mr. Woodson said the original posting was correct. The signs may have been moved later.

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No one from the area objected.

The Board discussed the number of parking spaces as related to the shopping center sales area and to the theatre. Mr. Charles Moore said the site plan had been submitted but had not been approved. He assured the Board that the number of spaces to be provided would be adequate.

In the application of Grand Southern Investment Company, etc. Mr. Smith moved that the application be approved as applied for in conformance with the layout presented - 634 parking spaces for the complete shopping center and 275 spaces for the theatre. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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SEVEN CORNERS MEDICAL BUILDING, INC. to permit underground structure to remain less than 50 ft. from street right of way line, Lot 3A, Claude Owen Sub. (between Leesburg Pike & Castle Road), Mason District (C-G)

Mr. Harris represented the applicant. Mr. Leuders, architect, was present also. He showed their site plan which has been submitted to the staff.

No one saw this violation, Mr. Leuders said, until construction was well underway. It violates only on a small triangle. The structure is under the building and will be used for employee parking only.

Mrs. Henderson said it was far better to have parking underground even if it comes out to the line, than to have a sea of cars all over the place. She considered this an "honest mistake".

In the application of Seven Corners Medical Building, Inc. to permit underground structure to remain less than 50 ft. from street right of way line, Lot 3A, Claude Owen Sub. (between Leesburg Pike & Castle Road), Mason District, Mr. Dan Smith moved to approve the application for a variance as applied for, approved in accordance with the layout presented to the Board. This error occurred at the time of the layout of the building - it is an underground concrete basement designed for parking only, for employees, and not to be used for office space or anything else other than as granted. This could not be detrimental to anyone else. All other provisions of the Ordinance shall be met. This is a variance of 4 1/2 ft. at the closest corner. Seconded, Mr. Barnes. Carried unanimously.

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WILLIAM A. AND ANGELIS KIMMERLING, to permit operation of a nursery school and kindergarten, (approx. 30 children), south side of Collingwood Road, approx. 1000 ft. W. of Fort Hunt Road, Mt. Vernon District (R-12.5)

Both Mr. and Mrs. Kimmerling appeared before the Board. A school has operated on this property prior to this request, Mrs. Kimmerling said, and they have now purchased the property. While this will be day care, they will give the children more than that. It will be a well rounded education. This was not operating as a school when they purchased the property, Mrs. Kimmerling said, she did not know how long the operation had ceased. This is a three acre tract, the house in which they will live is on the property. The school will be conducted in its own building. They have applied to both the Health and Fire Departments. They will comply with all requirements. They hope to open October 1 with a maximum of thirty children.

Mr. Vasilas said he owns the property next door to this. He objected to noise and dust. His wife ran a school on this property at one time, he said, and he objected to that also. The school was then leased. He said the school building was used for teen age parties which became annoying. He and his brother own the property adjoining the side of this school property.

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William A. and Angelis Kimmerling - Continued

Mr. Vasilas objected to commercial uses which he said were creeping into this area. The road is getting to be a speedway. A nursing home is about 150 ft. away. Mr. Vasilas said he had lived here for thirty years and now it is becoming inundated with noise, commercial uses and heavy traffic.

It was noted that the Health Department could approve fifty children on this property.

Mr. Vasilas said his real complaint here was to the noise and traffic. The school driveway is against his property and it is dusty.

Mrs. Henderson noted that it is better to have the school building used rather than setting there idle. It could become a nuisance.

The fact that Mr. Vasilas' wife got a permit for this same thing and operated a school here and Mr. Vasilas made no objection to that operation at that time would appear a little odd, Mr. Smith pointed out, if the Board should turn it down.

Mrs. Henderson recalled also that two school permits had been issued on this property before. It would be difficult to turn this down.

Since Mr. Vasilas' objection is to the dust and noise only, Mr. Yeatman suggested that the driveway could be taken care of and the noise would be no more than the other schools created - schools to which Mr. Vasilas did not object.

Mrs. Kimmerling discussed the background of the school. They have graded the road and put in crushed rock. It was very rough and narrow. The school was in very bad condition all the way round when they purchased it but they hope to put it in good shape and operate a first class school. The school will be small for the first few years but they hope to expand and make it good. This is for working parents operating from 7:00 a.m. to 6:00 p.m. servicing this area. They will furnish transportation but many will come in their own cars. This will operate twelve months in the year, five days a week.

Mrs. Kimmerling discussed her education and experience. She is now operating on Columbia Pike and Glebe Road.

Mrs. Henderson noted that all parking must be 25 ft. from the line.

In the application of William A. and Angelis Kimmerling, to permit operation of nursery school and kindergarten (approx. 30 children), south side of Collingwood Road, approx. 1000 ft. W. of Fort Hunt Road, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for with a maximum of 30 children - for nursery and kindergarten. This has been a school operating for many years and Mr. Woodson says without complaints from the immediate neighbors nor from people in the area. The applicant appears to be well qualified to operate a school and the Board feels that she will do a good job. The person objecting to the dust will be assured that this will be abated - the applicant shall correct the dust problem immediately and shall comply with the use permit. The parking area as shown is too close to the lines. The site plan will correct this on the approved layout.

The school may operate from 7:00 a.m. to 6:00 p.m. for twelve months a year - five days a week. All other provisions of the Ordinance shall be met. This is granted to the applicant only - for school use only. The building will not be used for children for any reason over the age group in this school. It will not be used for teen age parties. There might be parties for the age group for which this is proposed to be operated. There will be no transfer in the operation of this school. Seconded, Mr. Barnes. Carried unanimously.

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ALBERT H. HARACZ, JR. to permit erection of garage closer to street property line than allowed by the Ordinance, Lot 22, Sec. 2, Braddock Acres, Mason District (RE 0.5)

The applicant asked to withdraw his case.

Albert H. Haracz, Jr. - Continued

Mr. and Mrs. Chambers appeared before the Board, stating that they live across the street from this property and they are distressed over the three or four trucks and cars in Mr. Haracz's yard. He is asking for the large cinderblock garage and they wonder if he is expecting to carry on garage work here. The cars appear to all be in operating condition. He parks all over the yard. He is also renting out rooms and these people also have cars. ///

Mr. Woodson noted that Mr. Haracz could have two roomers and his own commercial truck.

Mr. Barnes moved that the applicant be permitted to withdraw his case. Seconded, Mr. Everest. Carried unanimously.

The Board adjourned for lunch and upon reconvening continued the agenda.

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RAYMOND M. SAWYER, to permit erection of carport 6 ft. 2 in. from side property line, Lot 14, Block 10, Sec. 1, Stratford on the Potomac (1105 Wendell Drive), Mt. Vernon District (R-12.5)

Mr. Sawyer said he bought this place a year ago and was told he could have the carport in accordance with the covenants. He came to get a building permit and was told that he needed a variance for the carport. It is not practical to put the carport in the rear of his lot as he has five children and needs the back yard for play area to keep his children off the streets. There are no recreation areas in Stratford. There would still be space between the houses which is in line with the thinking of the County to preserve space between the houses. He has a six foot sewer easement along his lot. If this variance is granted there would still be 21 ft. between the houses, therefore this variance between the houses would amount to only about 3 ft. A large sewer line runs between these houses. His neighbor has a carport.

Mr. Everest said he saw nothing unusual about this situation and if the Board granted it, many others would expect the same thing.

Mr. Sawyer thought the sewer line restricted the use of the land but Mrs. Henderson pointed out that the sewer line was within the setback prohibited area - therefore it has no effect upon the setback.

He bought on the assumption that he could build this, Mr. Sawyer said, the slab is here and it would be assumed that the County would someday expect someone to want a carport. It would appear the natural conclusion. If this is not allowed, why the covenant saying this could be built?

Mr. Smith explained the difference between private covenants and County regulations. The slab is there, Mr. Smith continued, as a convenience to the purchaser. The County cannot tell the builder where to locate the house, Mrs. Henderson noted, so the carport can be built within the setbacks.

Mr. Sawyer again discussed the plight of his children with no place to play. The Board was sympathetic but could see no difference in this situation to justify the variance.

Mr. Smith said he realized this was very important to Mr. Sawyer - he takes pride in his family and his home but this Board is limited in its scope and in its limitations there is no authority to grant this. The reasons given are personal. He probably needs a carport but a smaller one might serve the purpose. He suggested viewing the property in order to give Mr. Sawyer whatever benefit they could.

No one from the area objected.

Mr. Smith moved to defer the application to September 22 to view the property and surrounding area. Deferred for decision only. Seconded, Mr. Everest. Carried unanimously.

September 8, 1964

HENRY R. AND ALICE R. FURR, to permit exception of an addition to dwelling closer to front property line than allowed by the Ordinance, Lot 74, 1st Addn. to Holmes Run Hts., Falls Church District (RE 0.5)

Mr. and Mrs. Furr appeared before the Board.

Mr. Furr said they bought the house in 1951. It has a small stoop-porch on the front. They wish to extend this to give more entrance protection. It will not be enclosed.

Mrs. Henderson noted the peculiar shape of the lot because of the cul-de-sac and the house is placed diagonally so there is no place where an addition can be constructed within the required setbacks.

These people have lived here since 1951, Mr. Smith pointed out. This is an old subdivision. When the house was built they probably could have built this as they are wanting now.

No one from the area objected.

Mr. Everest moved that Mr. and Mrs. Furr be allowed to erect an addition to dwelling closer to front property line than allowed by the Ordinance, Lot 74, First Addition to Holmes Run Heights, Falls Church District, granted in accordance with the plat presented with the case, drawn by Fred T. Wilburn, dated July 25, 1964. This is granted because of the unusual shape of the lot.

Mr. Barnes seconded the motion.

Mrs. Henderson added that this is a very small addition and the condition of Alpha Place being a small cul-de-sac and this is an old subdivision.

Mr. Smith pointed out that the porch already protrudes out at the center of this proposed addition and all Mr. Furr is doing is squaring off the house with an addition.

Carried unanimously.

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GEORGE F. HARRIS, to permit division of property with less frontage than allowed by the Ordinance, north side of Blake Lane, approx. 700 ft. E. of Edgelea Road, Providence District (RE-1)

Mr. Dickson, representing the applicant, asked for deferral until September 22 in order to prepare the case. He had only recently been employed as counsel. The notices have not been set out to adjoining property owners.

Mr. Everest moved to defer to September 22. Seconded, Mr. Smith. The Board asked that notices of the new date be sent out. Carried unanimously.

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WILLIAM E. ORR, to permit private pool and bath house to remain closer to property lines than allowed by the Ordinance, Lot 22, Katherine T. Moore Subdivision, Centreville District (RE-1)

Miss Betty Thompson represented the applicant. In June 1962, Miss Thompson said, Mr. Orr contracted to have the pool constructed. He discussed the location and found that it could be located in the side yard. He got the permit and put in the pool, and was later notified that the foundations had not been inspected. He had no knowledge of the fact that the pool was too close to the side line until two years after the pool was constructed. It is 10.8 ft. from the line. He has also put in a bath house. The building permit showed this to be 20 ft. off the line. The swimming pool company sold him the pool but he put it in himself.

Mr. Orr said he showed the salesman where he would locate the pool. The salesman got the permit. He thought there was no problem. He drew the picture of the location - 20 ft. behind the house and 20 ft. from the line.

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William E. Orr - Continued

Mr. Orr said he knew nothing of the violation until he went for the second permit. He was ill-advised by the Company. When he went for the permit this summer and showed all facilities on the property, it was found that the pool was in violation.

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Mrs. Henderson suggested moving the bath house. Mr. Orr said he probably could but it was attached to the back wall.

Miss Thompson said no one in the neighborhood objected and many people were present favoring this variance.

Mrs. Holland spoke for others in favor.

Mr. Smith said that he considered this application meets requirements in Section 30-36 of the Ordinance dealing with mistakes. There were a series of mistakes in this case that brought about the need for this variance. The pool has been built for two years after getting a permit and doing all the necessary things. It doubtless was something of a shock after all this time to find the pool was not conforming. This appears to be an honest mistake and the variance sought is the minimum that would give relief since the pool is constructed and is a permanent structure. The bath house is constructed as a part of the fence. These are long narrow lots.

Mr. Smith moved that the application of William E. Orr, to permit private pool and bath house to remain closer to property lines than allowed by the Ordinance, Lot 22, Katherine T. Moore Subdivision, Centreville District, be approved as applied for, for reasons previously stated. Seconded, Mr. Barnes. Carried unanimously.

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HOME PURCHASERS, INC., to permit erection and operation of a community swimming pool, Lot 32, Carriage Hill Subdv., Providence District (RE-1)

Mr. Dennis McArver represented the applicant. Mr. Jamison was also present.

This is to be a pool for the people in the subdivision when it is fully developed, Mr. Jamison said. They wish to start now so they can be in operation next summer.

They will have a maximum of seventy-five families. This is a three acre tract which will be conveyed to the citizens association and all the families living in the subdivision would become members of the pool club. There may be a few others who will be permitted to use the pool for a few years until there are enough families in the subdivision to keep up the pool. They will have a life guard and meet all requirements. He showed a picture of their plans. The pool will be 60 x 20 x 40. They will have a bath house - no refreshment stand. He showed the plans by Lewis Swimming Pool Construction Company. They will do the building.

Mr. Smith said they would need more than twenty parking spaces shown on the plat. He also questioned whether 75 families could support this project.

Mr. Jamison thought they could. The charge will be \$500 for a family membership. They want to keep the membership small but will probably take in a few outside the subdivision to get the membership to seventy-five families. There are houses on the adjoining lots, and they are sold, Mr. Jamison said. They have been notified of the proposed pool. Houses in this development run from \$40,000 - \$47,000.

Mrs. Henderson noted that there are only fifty-two lots in the subdivision. She thought many would have to be brought in from the outside, therefore more parking would be needed. She figured at least fifty parking spaces should be provided.

Mr. Jamison said there was still a question about the membership - they have thought in terms of sixty families.

It would appear to the Board that this could not work with the very limited membership and if there are to be more families involved, the parking will have to be increased, Mrs. Henderson said.

September 8, 1964

Home Purchasers, Inc. - Continued

If they can swing it with the fifty-two families in the subdivision, Mr. Smith said, fine, but experience has shown that these operations are expensive. It might be wise to up the membership now for possible expansion if the need arises.

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Mr. Jamison asked what about forty parking spaces initially, and increase the number of spaces if it becomes necessary to take in more members.

Mrs. Henderson called attention to the parking setbacks.

In the application of Home Purchasers, Inc., to permit erection and operation of a community swimming pool, Lot 32, Carriage Hill Subdv., Providence District, Mr. Smith moved that it be approved as applied for - to permit a swimming pool, wading pool and bath house, and to include forty parking spaces. These facilities shall be arranged so as to meet all requirements of the Ordinance. It has been suggested that the arrangement of the pool and parking be such that it will permit future expansion. The Board points out also that if the applicant wishes to install any additional recreation equipment or facilities such as badminton, tennis, ball diamonds, etc. it will be necessary to make application for these things to this Board for extension of this use. All other provisions of the Ordinance shall be met. (Site plan shall be required.) Seconded, Mr. Barnes. Carried unanimously.

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DONALD V. COX, to permit erection of an addition to dwelling 32.2 ft. from Woodberry Lane, Lot 28, Block 2, Section 3, Pine Springs, (400 Pine Spring Rd.), Falls Church District (R-10)

Mr. Richard Malesardi, architect, represented the applicant. This is a corner lot which reduces the size of the lot area, Mr. Malesardi said, and the applicant seeks to add another bedroom. This is the only area available. With this encroachment they would still have 32 ft. from the house to the property line. They have outgrown the house but they wish to stay in this area. All the utilities are at one end of the house so it would not be practical to put an addition there and they cannot connect with the garage because of the slope of the ground.

Mr. Smith said he thought this case deserved consideration - the corner lot does reduce the available ground to a great extent and there are not many corner lots in Pine Springs. This is an expansion for a family who have outgrown their house but who want to remain in the neighborhood. This is not a usual situation in the County. This is close in and the lot size is large for this size house. This appears to be a reasonable request and would not be detrimental to the neighborhood. There is something of a topographic situation here also. It is difficult to construct additions to existing houses and make it compatible with requirements. This is the only feasible way the addition could be put on and the variance is not unreasonable. There are many curved streets and cul-de-sacs in Pine Springs and the setbacks appear to be irregular. He moved that the application of Donald V. Cox, to permit erection of an addition to dwelling 32.2 ft. from Woodberry Lane, Lot 28, Block 2, Sec. 3, Pine Springs, (400 Pine Spring Road), Falls Church District (R-10 zoning) be approved as applied for. The setback to be allowed is 32.2 ft. from Woodberry Lane. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes.

Mr. Everest abstained from voting as he was not present during the presentation of the case. The others voted for the motion.

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ROBERT TRAVERS, TRUSTEE, to permit erection of apartment building closer to property lines than allowed by the Ordinance, Lot 513, Evergreen Farms Subdv., Lee District (C-G)

Mr. Victor Trepazo represented the applicant, stating that there is a practical difficulty and an unnecessary hardship on the applicant in

Robert Travers, Trustee - Continued

complying with the Ordinance in this case. This is in view of the unusual nature of the ground and other problems.

Mr. Trepazo showed a drawing of the proposed buildings. The property is 150 ft. by 900 ft. long. If the Ordinance is complied with, Mr. Trepazo pointed out, the only type building that could be put on the property is a long narrow uninteresting barracks-like structure which would be neither attractive nor practical. The building would be 50 ft. which would be too wide for one unit but not wide enough for two.

This presents the problem of safety and traffic, Mr. Trepazo continued. If the buildings are placed within the requirements, if the play area is put any place in the area, they would have an extensive fencing problem which would be impractical. The only place for the play area would be at the extreme end of the property. People would have to walk 500 ft. or more. The buildings placed in this manner would also add the problem of lack of window space. With the proposed structure, each building placed at an angle on the property, window space is greatly increased. Since this is C-G zoned, Mr. Trepazo continued, it is well to consider what is most reasonable and practical since many uses can go in a C-G zone. Duplex would present the same problems of fencing and a crowded appearance and that would not be a reasonable use of the land.

This proposal shows a series of sections placed at an angle on the property. Each side of the structure is 48 ft. This gives over 700 ft. available for windows and building. It would only be 30 ft. longer than the barracks type building and would be more practical. By twisting the structures at an angle they create alcoves which could be transposed into play areas of approximately 900 sq. ft. each, totaling 5400 sq. ft. of play area which is 400 sq. ft. more than the County would require. The play area is immediately next to the building in which it is needed. There is enough parking space on both sides of the buildings - parking and play areas would be near the buildings, and immediately available to the tenants.

The buildings could be built at the 50 ft. setback, Mr. Trepazo admitted, but in view of the C-G zone and the neighborhood that would be an eye-sore. These are apartments for low income people (\$70 to \$100 per month). There will be many children, therefore the safety problem is important.

Mrs. Henderson said she wondered whether apartments were the best use of the land because of the shape of the land and the restrictive requirements.

Mr. Trepazo said apartments are badly needed in this area, especially for the low income group. He pointed out that there would be a total of 32 apartments in each building - one bedroom apartments.

Mrs. Henderson suggested many buildings - separated.

Mr. Trepazo noted that the land narrows toward the rear and they could not get both the parking and play area in the rear.

Any business use here immediately north of the trailer park would be objectionable. This would be harmonious with the trailer park and still make a reasonable use of the land.

Mr. Smith said there must be some other use of this land that would not require so many variances.

This is more a problem of compatibility than anything else, Mr. Trepazo said, the owner wants to do something that would be an asset to the area and compatible with the trailer court and to get the best use of the land.

Any use that requires so many variances is not the best use of the land, Mrs. Henderson pointed out.

Mr. Trepazo suggested that this be deferred for further discussion with Mr. Fagelson - perhaps a lesser variance could be worked out.

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Robert Travers, Trustee - Continued

Mr. Barnes said the land is too small for all the building the applicant wishes to put on it.

After further discussion along the same lines, Mr. Barnes moved to defer the case to October 13 for a ten-minute discussion with Mr. Fagelson. Nothing should be brought out at this meeting except things that have not been said today.

Seconded, Mr. Everest. Carried unanimously.

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ROBERT E. MCPHERSON AND JOYCE R. MCPHERSON, to permit erection and operation of a dog kennel, Lot 9, Roan Stallion Estates, Centreville District (RE-1)

Mr. Cullen Jones represented the applicant. He stated his case as follows:

Mr. McPherson bought the property after extensive research for a place that would be ideal for his hobby - raising show dogs - boxers. This will be a small operation. The commercial aspect will be negligible. He will board no dogs but will receive show dogs from time to time from other parts of the country to condition for show purposes. They will be sent to shows. This property meets the criteria under 30-139 in every respect. It is rural, many people have animals, and no homes are near. This will be a model kennel - the building will be entirely self-contained. No dogs will run loose. The stalls will be cleaned twice a day and both the kennels and the runs will be treated with a chemical which destroys all odor. He showed pictures of the surrounding area - homes and animals in the area. He noted that Mr. Verlin Smith's home and out-buildings are 2000 ft. away from this.

This is a long range thing, Mr. Jones continued - it is not a lucrative business, but a hobby which entails some investment and work but it creates a great interest among the people who follow this business. They would have twelve grown dogs plus the puppies. Mr. McPherson now has six boxers and one pup. He probably would not have more than eight or ten himself, but since he would show dogs for other people he is asking for twelve. These dogs have three or four litters per year. He probably would not sell more than four or five puppies from each litter. He would not necessarily sell in the local area; they advertise in national magazines. A show puppy six weeks old would cost about \$250 - a six-months old dog \$500 or more.

This would create very little traffic - probably one or two cars per day. Mr. McPherson will move into the area this week.

Opposition: Mr. Verlin Smith read the portion of the Ordinance (Sec. 30-125) dealing with "the use shall not be detrimental to the character and development of adjacent land..." This property is immediately adjoining land zoned for two-acre development, Mr. Smith said, and is being developed in large home sites. He showed a map locating the homes of people opposing this use. This property is approached by a sub-standard street which is not in the State system, Mr. Smith said.

Mr. Smith said his own property is within 50 ft. of this tract. He presented a petition in opposition signed by all the people in the immediate area, stating that this use is not in the best interests of the area, would depreciate property values, and would open the area to a use that has no place among homes. Mr. Smith said he was authorized to speak for these other home owners. He showed the soil report indicating that the land was not suitable for the use - the ground is low and damp, with a high water table. This will be a noisy operation and will bring a tinge of commercialism, odors and debris.

Mr. Smith said the Home Demonstration clubs have passed a resolution opposing any kennels in this community. The nearest kennel is at Kamp Washington and Centreville. There are no stables for rental of horses in this area - horses are kept merely for personal use.

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Both #'s
were not
used.

Robert E. and Joyce R. McPherson - Continued

Mr. Smith said he realized that while there are many horses in the area, they are a part of the rural life. There are no dog kennels. He thought them out of place. The two-acre zoning was set up primarily for people who want a couple of horses and to bring something of this kind into the area would be entirely out of keeping and detrimental.

Asked how many dogs per family in this area, Mr. Smith said probably one to three.

Mrs. Henderson said she considered that the main objection to this was that it is located in the middle of a subdivision.

Mr. Yeatman asked if people would object to twelve horses in this area.

Mr. Barnes said there would be a great difference between twelve dogs and twelve horses -- horses don't bark.

Mr. Smith said there is no permit required for twelve horses but one is required for twelve dogs.

Mr. Smith discussed the dangers of dogs around horses and children when they are kept en masse. Concentration of dogs, soil conditions, adverse to the raising of dogs, the noise, and the commercial tinge -- all these add up to reasons for opposition to this case, Mr. Smith stated.

Mr. Dan Smith said he felt strongly about this, knowing the area and while he had nothing against Mr. McPherson or dogs in particular, this is not the place for this use.

Mr. Verlin Smith said experience has shown him that a dog kennel will reduce the value of nearby property and his own property would suffer if it is only 50 ft. away.

Mr. Jones said in rebuttal that there is no objection from adjoining property owners - there is only one adjoining owner and he is the developer of the subdivision. If this would have an adverse effect, certainly the owner of the property would object. As it is, he will sell his property and people will know the kennel is here. There is no possibility of these dogs bothering horses in the area as they are too valuable to be allowed to run free. They will be double fenced.

This will be a very limited operation - a hobby, which will be part-time with Mr. McPherson. It will never grow into a large-scale commercial project. They will comply with Sections 30-139 and 126 of the Ordinance.

Mr. Jones noted that horses are sold and Mr. Smith said this was considered an agricultural use.

Mr. McPherson described his plans for taking care of the droppings which he said would be done by digging a pit and covering the droppings with a chemical (eliminate) which would do away with odors. They pick up the droppings immediately so there will be no flies. Everything will be taken care of with chemicals. He will meet all requirements set up for kennels. In fact, he will go beyond the Ordinance. This cannot in any way result in a health or safety hazard. They will hose the runs and kennel, turning the water out on the ground. There will be no septic field for that. However, if this becomes a problem, they will have a dry well, which is the usual way to take care of this, Mr. McPherson said.

Mr. Dan Smith said that may have been done in the past but a septic field would be required now.

Mrs. Henderson noted that anyone can have twelve dogs without a permit if he does not sell them. Mr. Smith said that was correct, but if they go into a commercial use, the permit is necessary both for horses and dogs. If the applicant wishes to have twelve dogs of his own to show, that is within the Ordinance but he cannot breed and sell puppies.

The Ordinance gives people the right to raise hogs, pigs, poultry, vegetables, horses, flowers, Mr. Smith continued, but these are agricultural uses; to keep dogs to breed and sell, that must be under a use permit.

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Robert E. and Joyce R. McPherson - Continued

This is a subdivision of large tracts, Mr. Smith went on to say, set up particularly for people in the high income bracket, an estate area. At this point, to grant a dog kennel in their midst would be detrimental to the continuation of this type development. Dog kennels as such are not as acceptable to people as horses. In this area in which the applicant has recently come and immediately asks for a use permit for dogs, it is not in harmony and has no place in this community. Mr. Smith moved that the application of Robert E. and Joyce R. McPherson to permit a dog kennel be denied. Seconded, Mr. Barnes.

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Voting for the motion: Mr. Smith and Mr. Barnes.
Voting against the motion: Messrs. Yeatman, Everest and Mrs. Henderson.
Motion lost.

Mrs. Henderson noted that there is only one other house in this area, and that is under contract. The owner of all the other lots surrounding this property does not object to this. He was notified and was not present. It does not appear that this small operation would be more detrimental than horses.

the application of
Mr. Yeatman moved that Robert E. and Joyce R. McPherson, to permit erection and operation of a dog kennel, Lot 9, Roan Stallion Estates, Centreville District, be granted. This will come under the Zoning ordinance as provided, permitting this use to be erected and operated. This is approved according to the plan submitted to this Board today. All Health and other provisions of the Ordinance shall be met. Granted for a period of two years. This will be confined to eight full grown dogs - granted to the applicant only. (No limit on the number of puppies - a puppy is so called up to four months.)

Voting for the motion: Mr. Yeatman, Mr. Everest and Mrs. Henderson.
Voting against the motion: Messrs. Smith and Barnes.

Motion carried.

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NORRIS J. AND RUTH F. KING, to permit division of lot with less frontage than allowed by the Ordinance, NE corner of Georgetown Pike and Douglas Drive, Dranesville District (RE-1)

Mr. King said he had the area - two full acres but the way he will divide the lots, one will have less frontage than required. That is the corner lot which requires 175 ft. frontage. The second lot will conform. Mr. King said he bought the property in 1947 when he could have divided into half acre lots. Many lots in the area conform to the old half-acre zoning.

No opposition.

Mr. Moore from the Subdivision Office said this could be divided under 30-7-g of the Ordinance without a variance on the area. Mr. King amended his request to ask only the variance on frontage and no variance on area.

In the application of Norris J. and Ruth F. King to permit division of lot with less frontage than allowed by the Ordinance, NE corner of Georgetown Pike and Douglas Drive, Dranesville District, Mr. Smith moved to approve the application as stated, and amended by the applicant. This is a variance on frontage only, granted under 30-7-g. All other requirements of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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HUMBLE OIL REFINING COMPANY, to permit erection and operation of a service station and permit building closer to property lines than allowed by the Ordinance, Lots 4, 5 and 6, Fairhill on the Boulevard, Providence District (C-N)

Mr. Roy Spence represented the applicant.

Humble Oil Refining Company - Continued

Mr. Spence said the applicant would put in a deceleration lane and cut down the bank in order to increase visibility and reduce the accident rate at this intersection. Doing this, however, will cut the property down to such an extent that these variances are necessary. This will be a three-bay colonial station.

Mrs. Henderson asked - why not acquire more land? It was obvious when this land was zoned, she added, that there was not enough room for a filling station to meet the setbacks. Mr. Spence said a home was located in the rear of this property and the land could not be bought. There was actually enough room for the filling station, he continued, but they gave up land for the deceleration lane which will benefit the whole area. This will be a filling station only - no repairs.

No one from the area objected.

Mr. Smith said the whole area would probably go for commercial or apartments. He did not consider that a variance here would create a hardship on adjoining property owners. He suggested cutting this to a two-bay station. The property is limited to what the applicant could acquire.

Mr. Yeatman thought it valuable to have the deceleration lane and the leveling of the bank as the hazard here is great.

Mr. Smith agreed it would be good for this corner to have these things done but questioned the ability of the Board to grant variances on these grounds.

Mr. Everest said he did not want this denied but was not sure he could vote for it. He suggested deferring to September 22 to go into this further.

Mr. Smith agreed to a deferral. He thought the rear variance was all right but wanted to see if the applicant could acquire more land and to know why the applicant did not buy enough land in the beginning to take care of this use. Mr. Smith said he also wanted to know something of the plans for the adjoining property on Lee Highway and if this is to be a two- or three bay station. He so moved. (To defer to September 22.) Seconded, Mr. Yeatman. Carried unanimously.

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MOBIL OIL COMPANY, to permit erection and operation of service station, on southerly side of Edsall Road and east of Shirley Highway, part of Zayre property, Lee District (C-D)

Mr. Spence represented the applicant. This is within a shopping center and they can meet all requirements, Mr. Spence said.

No one objected to this use.

Mr. Smith noted that the applicant should show more complete information on his plat, size of the building, etc. Mr. Spence said they would do that.

In the application of Mobil Oil Company, to permit erection and operation of service station, on southerly side of Edsall Rd. and east of Shirley Highway, part of Zayre property, Lee District, Mr. Smith moved that the application be approved as applied for. Granted for filling station only. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest. Carried unanimously.

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MARIE C. ANDERSON, to permit operation of nursery school (approx. 15 children) Lot 30, Ravensdale, (4806 Bradford Drive), Mason District (RE-1)

Mrs. Anderson said she would be the only teacher - the school will be small. She has the encouragement, and the consent of all the neighbors, Mrs. Anderson continued, there are many children in the area and the need for a school is very evident. She advertised for two weeks just to see what the results would be and had fifty-two requests. However, she will

Marie C. Anderson - Continued

not have more than fifteen children. She will have domestic help. In the beginning she expects to have only ten children but may increase to fifteen. Mrs. Anderson said she was a teacher in England for five years in elementary and two years in high school and private school. She has also done tutoring.

Most of the children will come from the immediate neighborhood. There will be two carpools. They will drop the children off in the driveway. Others will walk. She will not need parking. The school will run from 9:00 to 12:00 five days a week. Her house has been inspected by the Health Department and Welfare and they have approved up to twenty children. The Fire Marshal will tell her what needs to be done. This will not be a summer camp.

They will use the driveway and carport for parking and if necessary, will continue parking in back of the carport. This is a neighborhood nursery school - they will have children aged three to five.

No objections from the area.

In the application of Marie C. Anderson, to permit operation of a nursery school, (approx. 15 children), lot 30, Ravensdale, (4806 Bradford Drive), Mason District (RE-1/zoning) Mr. Smith moved that the application be approved as applied for - maximum of 15 children, age three to five, hours to be 9:00 to 12:00 a.m., to be carried on during the normal school year. Granted to the applicant only. All other Ordinance provisions to be met.

Mr. Smith questioned if there were a need for parking and the Board recommends that it be waived. Seconded, Mr. Barnes. Carried unanimously.

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WALTER L. NALLS, to permit erection of store building 14 ft. from side property line, lots 1 and 2, Blas G. Garcia Sub., Lee District (C-G)

No one was present. Mr. Smith moved to defer to October 13 and that the applicant be notified that if he is not present at that time or does not show a good reason why he could not be present, he be notified that his case will be denied. Seconded, Mr. Everest. Carried unanimously.

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DEFERRED CASES

THEODORE LEE, JR. to permit operation of day care center, Lot 13, Karen Knolls, (101 Rose Lane), Falls Church District (RE -0.5)

The applicant requested deferral.

It was noted that this has been deferred since June.

Mrs. Henderson said the applicant should be notified that this is the last deferral and if he is not present at the deferred hearing, the application will automatically be denied. Mr. Barnes so moved - to defer to October 13. Seconded, Mr. Everest. Carried unanimously.

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G. GALT BREADY, to permit erection of enclosed porch 32.4 ft. from front property line, Lot 21, Reddwarren, Providence District (RE-1)

Mr. Charles Moore said the Planning Staff does not plan to extend Oak Street as there is a home in the way of any extension.

In the application of G. Galt Bready to permit erection of enclosed porch 32.4 ft. from front property line, Lot 21, Reddwarren, Providence District Mr. Smith moved that the application be approved as applied for because there is no apparent reason to ever open Oak Street or extend the street. It dead ends at a home. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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Avis Boothe - Continued

Mr. Smith said there had been a report that this place has been cleaned up. He was concerned about this situation. This man has a four year lease with Sinclair Oil Company and he thought the Sinclair representative should come before this Board before the revocation action is taken.

Mr. Yeatman said Sinclair had been given the opportunity to come here and run the filling station properly. The fact that they are not present gives the Board additional reason for revoking this.

Voting for the motion; Messrs. Yeatman, Everest, Barnes and Mrs. Henderson.

Mr. Smith voted against the motion. Motion carried.

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THE MONTESSORI SCHOOL OF NORTHERN VIRGINIA, INC. - Jefferson Vol. Fire Department Bldg. -- full report to be made.

The report from the school was read.

Mr. Smith said he thought it was not practical now to have the fence. These people have an occupancy permit which they should not have had. (Fire Department). Someone gave it to them prior to completion of the conditions of the granting motion. These were people living here at the time the addition was put on the fire department who came up and wanted the screening. Now some think there is no need for the fence.

Mrs. Henderson said the Board was being asked to change the conditions of the motion -- to waive the required fence.

This was discussed at length. It was suggested to amend the Board's motion of August 4 that required the fence. The occupancy permit has been granted to the Fire Department without the fence, Mrs. Henderson noted, and in view of the restrictive complications that could come about by the screening, an amendment could be made allowing the school to operate if they meet all other requirements of the Ordinance, and Health and Fire regulations, and if everyone is satisfied without the fence. If this has been a mistake on the part of the staff, the staff should initiate the request for waiver of the fence, but, she continued, the school should be allowed to operate for a period of two years with renewal by the Zoning Administrator if they meet all other requirements.

Mrs. Henderson said the Board should recommend waiver of the site plan. Mr. Smith so moved. Seconded, Mr. Barnes. Carried unanimously.

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Animals for Research - permit extended for six months by motion of Mr. Smith; seconded, Mr. Barnes. If these people cannot get zoning during this time, Mr. Smith suggested that they give up their project.

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Freedom Park Swimming Club. A letter from Mrs. Carroll now says these people will get sewer very soon. Mrs. Henderson said she would answer the letter.

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Grasshopper Green School. Request for extension: Mr. Smith moved to extend the permit to the end of the year with the understanding that these people must have a new location for the new term as there will be no new extensions. Seconded, Mr. Everest. (Extended for the 64-65 term). All other provisions of the original permit shall be met. Carried unanimously.

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September 8, 1964

Kettler Brothers - Come in with application on entrance to subdivision.

Auto Laundry - This is not a vending machine.

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The meeting adjourned at 9:00 p.m.
Katheryne Lawson,
Clerk to Board of Zoning Appeals

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

November 19, 1964
Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 22, 1964 at 10:00 a.m. in the Board Room of the 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. Smith.

B. H. RUNYON, to permit erection of an addition to garage 14.8 ft. from rear property line, on southerly side of Columbia Pike, (6904 Columbia Pike), Mason District (C-G)

Mr. B. H. Runyon and Mr. Charles Runyon were present to discuss the application.

Mr. Charles Runyon said they had had variances granted several times before and now they were requesting a variance in order to extend the same setback along the building line. They have submitted a site plan. This will probably be the last request for variance because they are running out of building space. This will be used as rental property - it may used for a repair garage, warehouse, or similar use. This is merely an extension of the building which is fully occupied at present. They have an auto body shop, transmission shop and carpet company there now.

Mr. Charlie Moore of the Planning Staff said the parking shown was adequate for the proposed addition.

There was no opposition.

Mrs. Henderson noted that when the carpet extension was granted, there was no opposition from the house in the rear.

Mr. Runyon said the house is much higher and they look over his building. He has a fence around part of the property at this time.

Mrs. Henderson felt the fence should be continued all the way across and the screening that is there now should be continued also.

Mr. Charles Runyon said they had put in some hemlock but it had died. He thought some consideration might be given to waiving the screening requirements because the property is wooded.

Mr. Yeatman felt a stockade fence might be a good idea.

Mr. Moore said screening would serve no useful purpose here because the property in the rear is on a high elevation, however, a stockade fence would serve to keep children off the property. He recommended a 6 ft. stockade fence to screen the roof of the building and to keep people from going down the bank. A fence could be placed on the property line without any problems.

Mr. Smith moved that the application of B. H. Runyon, to permit erection of an addition to garage 14.8 ft. from rear property line, on southerly side of Columbia Pike (6904 Columbia Pike), Mason District, be approved as applied for. There have been two or three applications previously made for the same type of construction and these were necessary in order to make the property usable, and to allow the applicant a reasonable use of his land; it has been a good use. It is presently fully occupied and shortly after each addition, it was leased to very fine tenants. On the recommendation of the Planning Staff he would recommend that the Board approve a stockade fence to cover the entire length of this addition. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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RONALD WARING, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 1, Section 1, Rosemont, (4712 Westmoreland Road), Dranesville District (R-12.5)

No one was present to represent the applicant. It was placed at the end of the Board's agenda.

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SUFFOLK PROPERTIES, INC., to permit underground parking garage closer to property line and variance on screening along westerly, easterly and southerly boundary lines, south side of Columbia Pike, approx. 150 ft. west of Carlyn Springs Road, Mason District (C-0)

Mr. Robert Fitzgerald represented the applicant and showed slides of the property in question. This request actually deals with four separate matters on the site of the Nassif Building on Columbia Pike, he explained. The County's requirements, as interpreted by Mr. Yaremchuk, for screening between the Nassif Building and the Weisz property, would require a 6 ft. fence (stockade type) plus screening on the outside of the fence toward the Weisz property. In this case it is interpreted to be a fence 8 ft. back from the property line with planting to the outside of that up the bank. He showed a picture of a six foot man standing on the edge of the paved surface and said the property line is just up the bank from where the man stands about twelve feet. Part of the bank is Weisz property. The land which they now own was purchased from Mrs. Weisz and in the contract the slope was arranged from the bank on her property down. There is maintained in the contract a number of provisions for landscaping and screening along that bank and this property line. Mr. Fitzgerald said this is a question between the two parties as to what is required - but he did not believe this was a question for the Board to decide. They are requesting the Board to vary what Mr. Yaremchuk says is a requirement of the Ordinance because they feel it is unreasonable as far as the Ordinance is concerned. If a fence were built it would be a useless fence insofar as affording any screening to the residential property of Mrs. Weisz.

The reason the fence and screening is required, Mr. Fitzgerald continued, is that the Weisz property is zoned residential - however, the Master Plan shows it for industrial use. They are asking for the variance so the fence will not be required. All landscaping required by the County or by the contract will be done. But instead of the fence 8 ft. back from the property line, which will serve no purpose, they plan to build a retaining wall 5 ft. from the property line of Suffolk Properties. This will vary in height and will allow several feet of the slope to be flattened down and give wider width to travel lane and will better a pretty tight situation insofar as traffic movement around the building. The retaining wall will allow landscaping down to it. It is their feeling that the 6 ft. fence would be a waste of money and would serve no purpose.

Perhaps the fence would do some good in locations where the slope is more gradual. The wall will improve the looks and allow for better landscaping and will also allow a wider travel lane, Mr. Fitzgerald continued.

The next variance they are requesting deals with the line on the back side of the property. They have a woven board fence there now as requested by the property owners on the other side. This is 12 ft. from the property line. The County Ordinance would require that certain trees and shrubs be planted on certain centers between the fence and the chain link fence and this would mean cutting down all the trees that are there now, affording more screening than County screening could afford in many years. The property owners have agreed that the trees that are there should stay there and if there is any necessity for filling in, they will do it. They are requesting not to be required to do the planting where the fence is already.

The next property line deals with two variances, Mr. Fitzgerald continued; Under the Ordinance, since the apartments are in a residential zone, the Ordinance requires that Suffolk Properties build a fence at least 8 ft. back from the line, and plant shrubbery between the two parking lots. You cannot drive across these parking lots as there is a curb on the lower side of the Suffolk property and on the apartment property. The owners of the apartments and Suffolk Properties have agreed to put a fence and some screening, but to do it in a little different variation. What is proposed is that instead of eight feet back from the Suffolk Properties line, they will build a chain link fence four feet from the line just to keep people from jumping the curb with cars and cutting through. Then on the property line, and four feet over on the apartment side, Suffolk Properties will put in screening - they will do the whole job. The only difference is that instead of a stockade

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Suffolk Properties - Continued

fence, there will be a chain link fence four feet from the line. The Ordinance will require a stockade fence six feet high, at least eight feet back from the line, with shrubbery planted on the apartment side of that. The building is presently leased by the Federal Government - the GSA Agency. The Government is requesting underground parking. The top surface of the garage will be just like a parking lot and cars can park up to the fence. But, because the garage underneath of it is a structure, it has to set back so many feet from the property line and could not be built up to 1 1/2 feet from the property line.

They already have provided over six hundred parking spaces, Mr. Fitzgerald continued, but the Government has requested some underground parking and also wants the underground garage for purposes of fallout shelter and for having emergency generators there. The owners of the apartment property have no objection to this request.

The Chairman asked for opposition:

Mr. Lillard, representing Mrs. Rena Weisz, said that his discussion would relate entirely to the boundary line between Suffolk Properties and Mrs. Weisz's property. Their opposition is based on two principal points - first, the Zoning Ordinance gives the Board power to act, if and only if, it can be clearly illustrated that for topographic reasons, fences, walls, etc. could not properly screen activities conducted from the first floor window of the adjoining property. At present there is only one house on the property but a house could be put twelve feet off the line and this screening would break the line of sight from the first floor window of this dwelling. They have not met this requirement of the Ordinance.

The second point, Mr. Lillard continued, is - this started out when Nassif Properties bought four plus acres, title of which was subsequently vested in Suffolk Properties, and on this property they decided to build a multi-story office building. From the beginning till now, this has been a history of repeated requests from officials of Fairfax County for variances. Mr. Lillard reviewed the occasions when variances had been requested.

Mrs. Weisz agreed to sell them two and three-fourths acres, provided use of the land be restricted to automotive parking for twenty years. The contract contained a lot of provisions relative to treatment of the boundary line between the Weisz property and Suffolk property. The purpose of these conditions were to protect Mrs. Weisz's residence from noise, fumes, lights, etc. from the Suffolk property. In the provisions of the contract there was to be a fence along the entire line separating the two properties and screening other than that mentioned above, which would be specific requirements of the contract and in accordance with County requirements; this meant without variances and waivers.

Mr. Lillard continued -- Attorneys for the purchaser agreed that this meant "without waiver and without variance". It was necessary for them to get a special permit to use this land for parking. When it came before the Planning Commission the applicant was present and represented that the setback would be 12 ft. Also, that screening would be all along the boundary line and Mr. McCollum's boundary line in accordance with County requirements. Mrs. Weisz was present and asked about screening between their properties and was told that parking would have to remain 12 ft. from the property line and that there would have to be a stockade fence and trees and shrubbery between the stockade fence and the property line. The same representation was made at the Board of Supervisors hearing. When the site plan was submitted, however, it did not show these things.

On April 20, Mr. Lillard continued, Mr. Fitzgerald, representing the purchaser, called his office and said that a new site plan would be filed showing the building farther back from the boundary line, showing compliance with the Ordinance, with no waiver being sought. Such a site plan was subsequently filed and then the Board of Supervisors passed an emergency amendment permitting the building closer to the property lines. The site plan was approved and this is the one they are asking for variance on now.

Mr. Lillard requested that the Board deny the first item of the application in order that Mrs. Weisz will be protected.

Mr. Smith felt that the Board should consider that this is one of the last properties in the area that has not been developed in business or industrial uses and it is not likely that other residences would be built on such valuable property.

Suffolk Properties - Ctd.

Mr. Fitzgerald said they had requested variances for the following reasons: in the first place, the Ordinance was not written to accommodate an office building of this size. The property was zoned C-G and C-D when it was bought, therefore it was necessary to request C-O zoning for the office building. When they did that, they had to get the Ordinance amended so they could have a restaurant. The building was leased to the Government and there was a time limit set on completion of the building. The first delay came about when Mrs. Weisz, in selling the property which is limited to parking, sold the two and three-fourths acres for a quarter of a million dollars, and after having entered into contract, refused to convey the property to them. They filed suit and this caused delay. There was no time for preparing another site plan showing these changes and get it settled before starting construction. The building was not occupied until approximately May of 1964. They have met the County regulations as well as Mrs. Weisz'.

After further discussion, Mr. Smith made the following motion: It has been brought out that to require the applicant to place a fence in the position indicated by the Ordinance would serve no useful purpose and could be a detriment to both the adjoining property owners and the applicant. The application to vary the fence requirements section of screening requirements is a reasonable one and should be granted as applied for, with a complete understanding that there be no change and this does not include any waiver of parking or other screening requirement that might be agreed upon, or that the County might require. The diagrams by the Planning Staff indicate that the fence would serve no useful purpose. The adjoining property is indicated in the Master Plan for commercial or industrial use, as is all property in the area, and putting a fence here would be a waste of money, and could become an eyesore. Therefore in the first portion of the application of Suffolk Properties, he would move that the fencing requirement adjoining the Weisz property be waived. This is granted in accord with the plan submitted. There will be a fence at the end of the retaining wall and this variance will run in accordance with the plat and the wall. It is understood that the variance applies only to where the wall shall be. Mr. Barnes seconded the motion and it was carried unanimously.

There was no opposition to the second request of the application, therefore Mr. Smith moved that the present screening is more than adequate and more than meets the planting-screening portion of the Ordinance as the trees are taller than the fence. It has been pointed out that there are some bare spots that will be covered with new planting. The Staff will work with the Soil Scientist to decide on additional planting to supplement what is now there. The application is a reasonable one and should be granted as applied for. Trees that are now there will not permit planting any closer than 5 ft. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

There was no opposition to the third point for underground parking. Mr. Smith made the following motion which was seconded by Mr. Barnes and was carried unanimously: This is a very unusual large building and the Federal Government has requested this underground space for parking and fallout shelters, and for storage of emergency generators. This is certainly an unusual factor. This is completely below ground level and for topographic reasons, this is the best arrangement for utilizing the land. He moved that it be approved as applied for.

There was no opposition to the fourth request of the application - for chain link fence between the apartment property and the Nassif property. Mr. Smith moved that the final portion of the application of Suffolk Properties, Inc. entailing screening between the two parking lots (Grand View Apartments and the GSA Building), be granted as applied for. An agreement has been reached as to the preferable type of screening and fence to be used. Agreement is on file with the records of this case. It appears that the people most affected feel that this is the best possible screening they could get and in asking for a chain link fence desire this in order to facilitate better protection between the two properties. Seconded, Mr. Barnes. Carried unanimously.

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DENNIS C. JONES, to permit erection of carport closer to side line than allowed by the Ordinance, Lot 22, Block 10, Section 4, Ravensworth (5328 Landgrave Lane), Falls Church District (R-12.5)

Mr. Jones said he would like to add a porch to the back of his house, which he can do without a variance. However, he would like a carport on the left side of his house which would not be a continuation of the present roof line and would not start out near the front of the house. He would like it back as far as he could go on the lot. He cannot go back further because of a hill that comes in from the left of his yard and he cannot go to the right because there is only 13 ft. 8 in. width and a terrace splits that in the middle. About half of the houses in the neighborhood have carports. These houses were built within the last five years. This would be an open carport. There is a four-inch chimney and the carport would start behind the chimney.

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There was no opposition.

Mr. Smith moved that the application of Dennis C. Jones, to permit erection of a carport closer to side line than allowed by the Ordinance, Lot 22, Block 10, Section 4, Ravensworth, (5328 Landgrave Lane), Falls Church District be granted. The request is a reasonable one which meets minimum requirements. There is not an alternate location and the property does have topographic problems. All other provisions of the Ordinance shall be met. This is granting a variance of 3.2 ft. Seconded, Mr. Barnes. Carried unanimously.

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DONALD REISER, to permit division of lot with less width at the building setback line than allowed by the Ordinance, part Lot 3 and Lot 4, Harry C. Baughman (Hunt Road), Route 804, Providence District, (RE 0.5)

Mr. Reiser said the area was zoned one acre and he had rezoned this one piece of land to one-half acre. At the time it was rezoned, the Planning Commission and Board of Supervisors both had knowledge that a variance on the width would be necessary. The lots have about 91 ft. in width. There are houses on the lots. The lots involved in this application would be 95.2 ft. wide. Public Water is available, and they have passed percolation tests.

Mr. Moore of the Planning Staff said a subdivision plat would have to be submitted.

There was no opposition.

Mr. Barnes moved that Donald Reiser be allowed to divide his lot with less width at the building setback line than allowed by the Ordinance, part Lot 3 and lot 4, Harry C. Baughman (Hunt Road), Route 804, Providence District, according to plat dated May 21, 1964 by John R. Wigglesworth. This will be in harmony with the rest of the neighborhood. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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JOSEPH W. AND MILDRED I. FOLEY, to permit operation of private school, nursery and kindergarten, Lot 1, Virginia Terrace, (101 Bisvey Drive), Falls Church District (R-10)

Mrs. Mendenhall, agent for the applicants, was present. She requested deferral because the surveys for parking had not been completed.

Mrs. Henderson noted that the Health Department also had requested deferral.

Two gentlemen in the audience said there were covenants restricting this use in this location.

Mr. Barnes moved that the application be deferred to October 13 for a full hearing at the request of the Health Department and the applicants' agent. He hoped the Foleys would get together with the gentlemen in opposition and discuss the covenants on the property. Seconded, Mr. Everest. Carried unanimously.

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GODWIN CONSTRUCTION COMPANY, Inc., to permit dwelling to remain 19.5 ft. from side property line, Lot 59, Sec. 3, Tall Oaks, (Dodson Lane), Mason District (RE 0.5)

Mr. Pryor represented the applicant. This was a mistake and the house needs a variance on one corner. This is the first house in fifty they have found a mistake on and they cannot tell whether it was an engineering mistake or whether some stakes got moved in digging the basement.

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There was no opposition.

Mr. Smith moved that the application of Godwin Construction Company, Inc., to permit dwelling to remain 19.5 ft. from side property line, Lot 59, Sec. 3, Tall Oaks, (Dodson Lane), Mason District be granted as applied for in accordance with plat submitted. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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FRANCIS W. AND HELEN R. PRYOR, to permit division of property with less street frontage than allowed by the Ordinance, Lot 4, (prop. lot 4A and 4B), Block 18, Dowden Terrace, Mason District (R-12.5)

Mr. Jones, builder, represented the applicants. They are requesting a variance on the width at the building line of what will become Lot 4B, he explained -- a variance of 3.38 ft. at the building setback line.

There was no opposition.

Mr. Smith moved that the application of Francis W. and Helen R. Pryor, to permit division of property with less street frontage than allowed by the Ordinance, Lot 4, (prop. lot 4A and 4B), Block 18, Dowden Terrace, Mason District, be granted as applied for, in accord with plat submitted dated August 1964 by Nathan Hale Associates. This is granted a variance of 3.38 ft. at the building setback line on the lot designated as 4-B. All provisions of the Ordinance shall be met. It is understood that the garage ^{under construction} now on the property will be removed prior to any construction on Lot 4-B. Seconded, Mr. Barnes. Carried unanimously.

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FALLS CHURCH FEDERAL LITTLE LEAGUE, INC., to permit operation of a little league ball field, Sec. 8 and resubdivision of Sec. 7, Lots 34 and 287, Pimmit Hills, Dranesville District (R-10)

Mr. Glass, President of Little League, was present with a scale model of the proposed operation. The entire area will not be graded out, he explained, they will leave picnic area, parking facilities, etc. The Park Authority land is north of the field. They wish to develop the entire property for Little League and for the entire community. They would grant use of the field to other organizations as long as it did not interfere with Little League activities. They have 1.56 acres total. There will be play areas provided for small children, equipped with swings, sandboxes, etc. The house on the property is for storage of equipment and that is the only structure they will have.

Mr. Smith asked -- what about snackbars?

Eventually they would like to have one, but finances will not allow it at present, Mr. Glass replied. They intend to have portable bleachers on the property which can be removed when the season is over.

Mrs. Henderson noted that parking must be kept 25 ft. off all property lines and 50 ft. back of the cul-de-sac.

Mr. Glass assured the Board that they would meet all requirements. At present there is a practice diamond on the Park Authority's property and they will try to work jointly with the Authority to see if they can go into Senior League later on.

Mr. Smith said he felt at least 25 parking spaces should be provided for this facility.

Falls Church Federal Little League - Ctd.

Mrs. Blitz appeared in opposition, representing herself and two neighbors Mrs. Solar and Mrs. Royde. Mrs. Blitz said her driveway is located 2 ft. over the Little League property line. She was concerned about the cul-de-sac being used for parking.

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Mr. Smith assured her that the applicants could not use the cul-de-sac for this purpose. He would have to provide necessary off-street parking. There might be extreme cases where someone might park here but it would be up to the League operators to see that there was no parking here.

Mrs. Blitz objected to the use of a public address system in this operation; because this would be an invasion of their privacy; property values would depreciate; would create a hazard to their cars, homes and children playing in the yard.

Mr. Smith said he felt that there was no possibility of a ball going into people's yards because there would be a screen to stop the balls. He felt that the only adverse factor here would be the noise, and trees could be left to help screen the noise to some extent.

Mrs. Blitz said they had lived in this house for six years. She objected to this property being used for a "select few".

Mr. Glass said the field would be open to the community in any way possible. If the families in the area desire to walk in the woods when there is no activity, they would have no objection.

Mr. Smith moved that the application of Falls Church Federal Little League, Inc., to permit operation of a little league ball field, Section 8 and Resubdivision of Section 7, Lots 34 and 287, Pimmit Hills, Dranesville District, be granted in compliance with the statements made at this hearing: it is understood that this facility will meet all setback requirements and all provisions of the Ordinance. The operators will endeavor to keep the area free of any debris, paper, etc. dropped by users of this facility. The property shall be fenced with a stockade fence along the property line from Price Circle to Friden Drive, covering the entire backstop area of the field itself. The field and all related facilities, the dugouts, proposed bleachers and sheds will have to meet the required setbacks; the parking area will be required to meet provisions of the Ordinance and a minimum of twenty-five parking spaces shall be provided, with the understanding that there shall be no parking on the cul-de-sac by the users of this facility. A twenty-five foot buffer strip of undisturbed trees shall be left within the fence and nothing exceeding the height of the fence shall be removed. (This will allow for cutting of underbrush not higher than the fence.) There shall be no entrance other than via Price Place. Within the twenty-five foot buffer of trees, the area may be used for swings or play area but there shall be no cutting of trees. Seconded Mr. Barnes. Carried unanimously.

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COASTAL BROADCASTERS - Mr. Sheppard said he was sorry to have to come before the Board but FCC had not yet acted upon their application which was made in February 1964. Their use permit expires in October and they wish to have an extension of the permit granted to October of 1965. There have been no changes in the community insofar as residences being built. They are located in a rural area about two and a half miles from Herndon.

Mr. Smith moved that Coastal Broadcasters be granted an extension of their permit to October 9, 1965 for reasons stated by Mr. Sheppard. Seconded, Mr. Barnes. Carried unanimously.

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The Board adjourned for lunch and reconvened at 3:10.

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September 22, 1964

WALTER H. MOORE, JR., to permit erection of open carport 10.3 ft. from side property line, Lot 26, Section 4, Fairfax Acres, on Oak Street, Providence District (RE 0.5)

(Deferred from previous meeting in order to view the property.)

Mr. Barnes suggested putting the garage to the rear of the house but Mr. Moore said this is the only place his children have to play.

Mrs. Henderson suggested adding five feet on the present carport and have a three foot overhang, which would give more space.

Mr. Moore said his main interest was storage space. He would amend his application for garage to an open carport. He has lived here for three years.

Mrs. Henderson noted that this is an old subdivision and there are varied uses here.

After further discussion, Mr. Smith moved that the application of Walter H. Moore, Jr., to permit erection of open carport 10.3 ft. from side property line, Lot 26, Section 4, Fairfax Acres, on Oak Street, in Providence District, be granted as there is no evidence that this would not be in keeping with the present housing in the area. This is an old subdivision and this would not be detrimental to adjoining property owners. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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LEWIS C. MEYER, to permit erection of carport 6.2 ft. from side property line, Lot 76, Section 1, Tall Oaks Sub., (6804 Colburn Drive), Mason District, (RE 0.5)

(Deferred from previous meeting at the applicant's request.)

Mr. Meyer said he desires to have a double carport. This is one of the few houses in his neighborhood without a carport. This type of house would not take a single carport very well. It is a three level house. There is a steep incline in the rear. They have city water and sewer.

Mrs. Henderson said there had been no variances in this new subdivision except the one before the Board at this meeting where the house had slipped six inches. She felt a single carport might be all right but a double carport would require too great a variance.

Mr. Meyer said a 10 ft. carport would not be satisfactory.

Mr. Barnes stated that there is an alternate location for the carport and denying the double carport would not be denying the applicant a reasonable use of his land.

There was no opposition.

Mr. Barnes moved that the application of Lewis C. Meyer, to permit erection of a carport 6.2 ft. from side property line, Lot 76, Section 1, Tall Oaks Subdivision be denied as the variance requested is too great. This is a new subdivision and many of the houses are without carports. This application does not meet the requirements of Section 30-36 of the Ordinance. Seconded, Mr. Smith. Carried unanimously.

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JAMES R. BAKER, to permit erection of carport on side property line and closer to street line than allowed by the Ordinance, Lot 39, Fort Lyon Heights, Lee District (R-10)

(Deferred from previous meeting to view the property.)

Mrs. Henderson noted that this application is different than the one just heard, because in this case there is no alternate location for a carport.

Mr. Baker said he could build a carport 10 ft. off the line but he could not

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James R. Baker - Continued

turn into it - it would be too close to the curb.

Mrs. Henderson suggested pushing it back toward the house and have a three foot overhang - this would allow an adequate carport. There is a topographic situation on this property and she would be willing to go along with a 12 ft. carport staying 8 ft. off the side line, giving 2 ft. variance so Mr. Baker could get into the carport without knocking down the posts.

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Mr. Smith moved that James R. Baker be permitted to erect a carport, however, the application as presented to the Board is in excess of what Mrs. Baker needs to alleviate some of his hardship. He moved that James R. Baker's application to permit erection of a carport on side property line and closer to street line than allowed by the Ordinance, Lot 39, Fort Lyon Heights, Lee District, be granted to allow construction of a carport within five feet of the adjoining side property line which will give a 5 ft. variance and Mr. Baker will be able to construct an adequate carport for his use. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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RAYMOND M. SAWYER, to permit erection of carport 6 ft. 2 inches from side property line, Lot 14, Block 10, Section 1, Stratford on the Potomac, (1105 Wendell Drive), Mt. Vernon District (R-12.5)

(Deferred from previous meeting to view the property.)

Mrs. Henderson said she felt this was the same situation as the Meyer application heard earlier in the day - many houses in this subdivision do not have carports, and there is an alternate location for the carport here, as the back yard is very flat.

Mr. Smith said he could see no reason in the Ordinance under which the Board could grant this variance.

Mr. Sawyer said he was told by the real estate people when he bought the house that he could have a carport and this was also stated in a covenant which was included in their deed.

Mr. Yeatman suggested that Mr. Sawyer take this matter up with the Northern Virginia Board of Realtors. Covenants are superseded by County Ordinances.

Mr. Smith felt this was a civil matter and the Board could not take it into consideration. The Board must consider variances based on hardships presented. The problem here is that the applicant has not demonstrated that there are unusual circumstances applying to the land or buildings for which the variance is sought.

Mrs. Henderson said the covenant submitted by Mr. Sawyer was a very misleading type of covenant. Who would police it, she did not know.

Mr. Smith suggested contacting people in the subdivision to see how many others were misled by these covenants and the Board of Supervisors might have to amend the Ordinance to take care of situations such as these.

Mr. Smith moved that the application of Raymond M. Sawyer, to permit erection of a carport 6 ft. 2 inches from side property line, Lot 14, Block 10, Section 1, Stratford on the Potomac (1105 Wendell Drive), Mt. Vernon District, be denied. This is a difficult situation, but the Board cannot find grounds on which this variance could be granted, unfortunately. It is hoped that Mr. Sawyer will follow up the suggestion of the Board and contact others in similar situations in the area - this may lead to amending the Ordinance to cover such situations. Seconded, Mr. Everest. Carried unanimously.

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GEORGE F. HARRIS, to permit division of property with less frontage than allowed by the Ordinance, north side of Blake Lane, approx. 700 ft. east of Edgelea Road, Providence District (RE-1)

George F. Harris - Continued

Mr. Dickson represented the applicant, and gave a brief history of the property, showing a five acre tract which has been divided into three parcels. The owners of the tract were Mr. and Mrs. Gaskins, who deeded one parcel (one acre) to Fred Gaskins in 1958. Then Fred Gaskins sold the parcel to Mr. Harris in 1960. Mr. Gaskins then purchased the rear 3.045 acres, but in doing so, recorded a deed of the one acre tract back to Mrs. Gaskins' land and then took the entire five acres, less and except the one acre tract. This is to show that the one acre tract with which the present application deals, was cut out of this parcel before the enactment of the Ordinance requiring the present frontage. A building permit was issued for a dwelling. The one acre tract has only 101.96 ft. frontage and the variance must be granted in order to complete the sale of the lot.

The entire parcel was discussed at length, noting that the three acres in the rear are without legal access, since it has only a 30 ft. outlet along Mrs. Gaskins' lot. In order to do anything with that property it would be necessary to go to the Board of Supervisors for a variance because of the access. The frontage requested on this lot is in keeping with many other half-acre lots along Blake Lane and would not be detrimental to anyone.

No one from the area objected.

After hearing the history of the sale and re-sale, and recording and re-recording of these lots, Mr. Smith said he thought the variance sought on the front footage merits consideration. There is a house constructed and ready to convey. The lot size is very like other lot sizes in the area. It has been pointed out that this lot was recorded prior to the frontage requirements now in the Ordinance. Mr. Smith moved that the application be approved as applied for, to permit a lot with less frontage than allowed by the Ordinance, this being the lot presently owned by Mr. Harris, with frontage of 101.96 ft. The Board designates this as Lot 1. Granted as shown on plat prepared by Berry Engineers, dated July 1960. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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HUMBLE OIL REFINING COMPANY, to permit erection and operation of a service station and permit building closer to property lines than allowed by the Ordinance Lots 4, 5, and 6, Fairhill on the Boulevard, Providence District (C-N)

Mr. Roy Spence represented the applicant. He said they would request the variance only at the rear where they need 19 ft. They will move the station 13 ft. to the east in order to conform to the side setback, or they will cut the station down to a two-bay station. This will then require only the rear variance, and would observe the 50 ft. setback from Cedar Lane. The building would be 79 ft. from the property line on Lee Highway.

Mr. Spence said the people on the rear lot state that they do not oppose the zoning and variance. There are no plans on the Master Plan for development of this area.

Mrs. Henderson objected to the fact that the applicant must have known that the property was not large enough to take this use and meet the setbacks when he obtained the zoning.

In the application of Humble Oil Refining Company, to permit erection and operation of a service station and permit building closer to property lines than allowed by the Ordinance, Lots 4, 5 and 6, Fairhill on the Boulevard, Providence District, Mr. Smith moved that the application be approved showing the rear yard setback to be 19 ft., this being the only variance granted in this application. The variance in the rear is necessary because of the excessive amount of land the applicant is dedicating for the travel lane in front of the station for sidewalk and other improvements. This granting is tied to the plat submitted with the case showing a two or three-bay colonial filling station. If the colonial station is not constructed it will be necessary to put in additional screening. Seconded, Mr. Everest. All voted for the motion except Mrs. Henderson who voted no, stating that enough property should be acquired when a rezoning comes up to take care of the proposed use. This area is not adequate for a filling station. Carried.

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RONALD WARING - Still no one was present to support the application.

Mr. Smith moved that the application be deferred to October 13, and stated that the Zoning Office notify Mr. Waring of the date and time of the next hearing and tell the applicant that if he does not appear at this hearing, his application will be denied. Seconded, Mr. Everest. Carried unanimously.

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FREEDOM PARK SWIMMING POOL CLUB - Mr. and Mrs. Carroll showed a map from the Sanitary Engineer showing the location of the pool and indicating the location of the proposed sewer line. Part of the line is under construction, Mr. Carroll said, and the balance will be started after the first of the year. A letter from the Sanitary Engineer said the property could probably be sewered in 1966. This, Mr. Carroll said, they considered new evidence and requested a rehearing of this case.

Mr. Smith recalled that Mr. Carroll had told him that the sewer would be available in 1966. This was known at the former hearing, Mr. Smith said, and he could see no new evidence.

Mr. Carroll insisted that weather permitting, and other things, the sewer could be completed in 1965. However, it was noted that this had all been discussed before.

Mrs. Henderson said the motion should be amended to take away the part where the trees would have to be taken out, until after the sewer is available. By that time, they would not have to cut the trees. It does not appear feasible to put the pool in the lower area, she noted.

Mr. Whytock said they would look into the possibility of putting the pool in the other area but he did not think it was feasible. They do not wish to cut the trees. This could be a temporary expedient, he continued, and after the sewer is in they can furnish the required parking. If they can put the pool on the lower level, the parking will be re-evaluated. They are not sure what amount of ground will be available, Mr. Whytock said.

Mr. Smith said he thought it was reasonable to grant relief on the parking for the time. This should be discussed with the board of directors of the pool club and with their engineers, to see if the pool could be moved. Then this could be discussed again. In the meantime, this should be held in abeyance and settled all at one time.

This is a big job, Mr. Whytock said, the big sewer line contract probably will not be let until next fall. They cannot relocate the pool till the sewer goes in, the septic field will have to be abandoned, then they will know what they can do.

Mr. Smith saw no reason to open the case for rehearing - there is no new information. Everyone wants to save the trees and give more on-site parking but these things cannot be done till the sewer is in, and it does not appear that this will happen until 1966.

Mr. Everest said the question before the Board is new evidence. He moved that the Board defer decision on the question to rehear the case for one month - to October 27.

During that time, Mr. Smith asked if the applicant would get a report from the Sanitary Engineer, as to when sewer will be available and if there will be any problems in serving this property. He asked that someone from the Sanitary Engineer's office be present at the next hearing.

The Board agreed to hold everything in abeyance - in the meantime, no trees shall be cut.

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SINCLAIR OIL COMPANY - AVIS BOOTHE - Mr. Damonte, from Sinclair Oil Company, came before the Board regarding the revocation of the Avis Boothe filling station permit. He requested a new hearing as he was not present at the time of revocation. He said he thought the County was satisfied with the action Sinclair had taken. They had cancelled the lease with Williams. They did not appear at the September 8 hearing because of a

Sinclair Oil Company - Avis Boothe - Ctd.

misunderstanding.

Evidence was produced that Sinclair had been notified of the hearing.

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Mr. Everest said that his motion for revocation was aimed at Mr. Boothe because he could not exercise control over the operation. Anything further is a matter between Sinclair and Boothe.

With this revocation, Mr. Damonte said, Boothe was put in a very good position and Sinclair is the one to be injured. They have done everything they can and if this is revoked nothing will happen. Boothe will get his rent and the station will stay as it is for four years. The County will not accomplish what it wants - to clean up the place. They have tried to get Boothe to rezone the land but he would not do so. They have taken every action they know to try to better conditions here.

It appeared to the Board that these were things between Sinclair and Boothe. The station has been run badly for years and under different leases. The Board has tried repeatedly to have something done about the trash and old cars and debris. Mr. Smith said he felt the Board had been very patient. The only recourse they had was to revoke the permit.

There were many violations, Mrs. Henderson said, and the Board contacted Mr. Boothe and some things were cleaned up. Then it started all over again and the same trash and debris appeared on the property. This has happened during the lease with Sinclair.

If the permit is revoked, Mr. Damonte said, the Board cuts off any possibility of improvement on the property.

Mr. Everest moved that in light of the evidence submitted today, this request for rehearing be denied. Seconded, Mr. Yeatman.

Voting for the motion: Mrs. Henderson, Mr. Barnes, Mr. Everest and Mr. Yeatman.

Mr. Smith abstained.

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The Chairman read a letter from Mr. Tom Lawson asking for rehearing of the McPherson dog kennel case granted at the September 8 meeting on the basis that Mr. Murray, adjoining property owner, was not notified.

Mr. Everest said he was concerned about the disposition of this case. At the end of the two year period, granted to McPherson, it may be that such a use would not be compatible, Mr. Everest said.

Mr. Smith discussed the area and the type of development in the area and questioned if the development described was desirable.

After further discussion, Mr. Everest moved that the request for a rehearing be continued to November 10 to hear what the new evidence might be. The Board asked that the Zoning Office notify Mr. McPherson to hold up on any work until the rehearing is settled. Motion carried unanimously.

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POWHATAN LODGE - Construction is delayed because plans are being prepared by a Chicago firm and have not been received in final form yet, due to technical difficulties in licensing and changes in the plans. The site plan will not be altered but it will take about six weeks to make the changes. They asked for an extension.

In view of the progress being made by these people, Mr. Smith moved that the permit be extended to January 31, 1965. Seconded, Mr. Barnes. Carried unanimously.

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The meeting adjourned.
By Betty Haines and Katheryne Lawson.

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

November 19, 1964 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, October 20, 1964 (Agenda of October 13, 1964) at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. Mrs. L. J. Henderson, Jr., Chairman was absent. Mr. Dan Smith acted as Chairman in her absence.

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On October 13, 1964 a quorum was not present. The meeting, carrying forward its full October 13 agenda, was postponed to October 20, 1964.

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

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VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection and operation of a ground transformer station, on Round Hill Road, Virginia Hills Substation, Lee District (R-12.5)

Messrs. Randolph Church, Hugh Marsh and Leon Johnson represented the applicant.

Mr. Church located the property, pointing out the two high tension lines intersecting at this tract. It was shown that they run parallel to the Alexandria area where the lines intersect and where this substation is proposed to be built on one-tenth acre of ground. The applicant will purchase the entire twelve acres. The sub-station must be on this line in order to make proper distribution for the area.

Mr. Johnson described the increase in load in this area and the necessity to increase their facilities. The ground they are buying is large enough for a second unit when the need arises. They will leave all the woods they possibly can, and will see that the place is well buffered. The facility will be surrounded by a barbed wire fence. This will create no new traffic, Mr. Johnson continued, they will design the station to meet all safety requirements. There will be no noise, fumes, vibration, radioactivity, discharge and no interference with television. The slight noise generated cannot be heard beyond 150 ft. and the trees will help to control even that.

Mr. Everest asked if VEPCO was considering the recent research in the use of steel posts and if the use of them would be practical.

Mr. Johnson said they knew of this and were following the research development but he did not know yet how practical they would be.

Mr. Johnson agreed to screen and shrub the facility and leave all the trees possible.

Mr. McK. Downs was present with an appraisal report, the hearing of which the Board waived.

There was no objection to the request.

Mr. Everest moved that VEPCO be permitted to erect and operate a ground transformer station as requested, in accordance with exhibit #1, which is a certified plat. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

It was noted that the Planning Commission had approved this application.

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VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection and operation of a ground transformer station, on the west side of Rt. 828, approximately 200 ft. north of Lee Highway, Providence District (RE-1)

Mr. Randolph Church and Leon Johnson represented the applicant. After Mr. Church located the site, Mr. Johnson presented three exhibits.

Three sub-stations supply the area, Mr. Johnson said -- Vienna, Ilda, and Fairfax. Because of increased load in the area, the demand on these sub-stations has become too great to operate efficiently. The installation of this station will relieve all three presently serving the area.

Mr. Johnson showed photos of the type station they will erect. He showed

Virginia Electric and Power Company - Continued

the wooded area, the depth of setback from Nutley Road, from 100 ft. to 140 ft., all wooded except the driveway, and noted the topography, particularly pointing out that the ground drops off so the sub-station would be scarcely seen from the road or adjoining property.

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The building will be 44 ft. high, surrounded by a 6 ft. fence. This facility will cause no offensive noise, vibration, smoke, odor, radioactivity, glare or waste, Mr. Johnson said. They will meet all safety requirements.

Mr. Yeatman asked if these stations could be put into buildings that were more in conformity with the nature of their surroundings. He pointed out that they are doing this in Maryland. In view of the great growth in the County and increasing need for these stations, it might be well if the County began thinking in terms of architecturally attractive buildings, Mr. Yeatman suggested.

Mr. Johnson said PEPCO has done this in some places, in thickly populated areas with fine homes. So far VEPCO has gotten locations where this has not been necessary and they have screened well. However, Mr. Johnson said, it was something to consider and he was sure his company was doing that.

Mr. McK. Downs, professional appraiser and consultant, read and submitted a detailed written report on description of the land, the present utility, adjacent area, description of proposed sub-station, description and utility of areas adjacent to similar installations. His conclusions were that this site is an excellent one, located immediately adjacent to commercial zoning, it has natural screening and topography, suited to this use. Residential property in the area would not be affected. The present tract surrounds two sides of this property, serving as a buffer to the west. Mr. Downs concluded that this use would not have an adverse effect on existing or proposed development in the area. (Full statement on file.)

Opposition: Mr. Bernard E. Williams, who lives across Nutley Road, the nearest home to this property, represented Briarwood Citizens Association. He read a statement from the Association, opposing this use in a residential low density area. This would be an eyesore, and would encourage other similar and commercial uses. Mr. Williams said he could see this structure as the ground drops off about thirty feet into this area. They will have the ugly overhead lines coming in. His picture windows will look out upon this. There is no doubt a need for this, Mr. Williams continued, but why in this particular location? He was sure other locations could be found.

They have been told, Mr. Williams continued, that a new highway survey will have to be made because of this application of VEPCO. On the other hand if the road is widened in its present location the right of way will take most of the trees along the VEPCO lot. There is sufficient screening now, Mr. Williams said, but he could foresee them taking out trees for their lines, trimming the access and inevitably the building would be exposed.

There are three businesses at the intersection but if this use is permitted, Mr. Williams said, he could see other unwanted uses coming to the area. He also thought this installation might interfere with his ham radio activities.

Mr. Johnson said finding a site for these stations is no casual thing. They have been working on this for a long time - approximately two years. This, according to their corps of engineers, is the location best suited to the public interest. It is the result of extensive investigating. They will route the lines coming into the station along the side of the lot nearest to Lee Highway, which is now not wooded.

Mr. Yeatman suggested a 7 ft. stockade fence along Nutley Road and screening in front of that. Mr. Johnson said they would be glad to work out something. They have a contract with a landscaping company who takes care of this sort of thing.

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This building is only 24 ft. high, Mr. Johnson said, and he did not think screening any problem.

These facilities are necessary, Mr. Johnson continued, they are operating under a franchise and are charged with the responsibility of delivering a service to the people who buy this service from them. They have to anticipate those needs. They have to move quickly sometimes as they never know what might come up and if they do not get these installations in, at the propertime, people will suffer. It takes a long time to get these things in operation.

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Mr. Barnes noted Planning Commission approval of this under State Code. The Commission also suggested screen planting six feet high around the perimeter of the site.

Mr. Yeatman moved to approve the application of VEPCO, to permit erection and operation of a ground transformer station, on west side of Route 828, approx. 200 ft. north of Lee Highway, Providence District with the recommendation of the Planning Commission regarding screen planting with evergreen six foot high trees around the facility. All other provisions of the Ordinance shall be met. This is granted in accordance with exhibits 1, 2 and 3 as presented by Mr. Johnson with the case. Seconded, Mr. Barnes. Carried unanimously.

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In case there should be interference with radio or television, Mr. Everest asked if that would affect this permit.

Mr. Smith said he was sure that if any interference resulted from this VEPCO would take care of it. Mr. Smith recalled many cases where the Board had heard detailed discussions on this very thing and he felt sure VEPCO would be responsible for any difficulty arising from its installation.

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DAVID B. McGRATH, to permit stable 61.6 ft. from road right of way line, on north side of Popes Head Road, Rt. 654, approx. 2.8 miles west on Route 123 (at Robey's Mill), Centreville District, (RE-1)

Mr. Douglas Mackall represented the applicant, stating that Mr. McGrath got a building permit for a barn. When they started the foundations they discovered an underlying bed of solid rock. They moved the location slightly, thinking it was still within the 100 ft. setback. It meets the side setback but does not conform to the 100 ft. setback from the road. Mr. McGrath owns the land on both sides of the road. This is a very attractive old home. The barn not only will not be a detriment, but it will add to the charm of the property.

No one from the area objected.

Mr. Barnes moved to grant the application as there will be no adverse effect on any other property in the neighborhood. The applicant owns the property on both sides of the road. This is a topographic condition caused by the embedded rock. Seconded, Mr. Yeatman. Carried unanimously.

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JOHN AND CATHERINE GORMLEY, to permit erection of an addition, and operation of nursery school and day care center, approx. 66 children, from 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. for nursery; 7:00 a.m. to 6:00 p.m. for day care, Lot 28, Annandale Acres, (7335 Calvert Street), Mason District (RE-1)

Colonel and Mrs. Gormley spoke for the application. The dwelling on the property has four bedrooms and two baths. It is constructed of concrete block siding. The ground is 350 ft. x 123 ft. (nine-tenths acre). From this house to the neighbors' it is 40 ft. on one side, and 90 ft. on the other. They will put in a circular driveway and a chain link fence around the entire play area. They can provide full off-street parking. The play area will be at the end of the lot, a 60 x 25 ft. area. The noise from there will not bother the neighbors. They will have about 26 children to start, and will expand in time to probably 70.

John and Catherine Gormley - Continued

The State has said this will pass their requirements, Colonel Gormley said. They have not yet seen the Fire Marshal. They will provide their own transportation. The Health Department has approved the location. They will not live on the premises, they live in Sleepy Hollow. Mrs. Gormley has had experience in teaching and has operated her own school. They will have children ages two to five, from 7:00 a.m. to 6:00 p.m. for day care, and 9:00 to 12:00 and 1:00 to 4:00 for nursery school. They will be outside about one hour in the morning and two hours in the afternoon.

Opposition: Mr. Carl Barker presented a petition signed by sixty-eight people opposing this. This would encourage other semi-commercial uses, depreciate property values; add a traffic load that the streets cannot safely take; noise would be unpleasant, especially as Mr. Barker said he works at night. He showed a plat of the subdivision, locating his own home on adjoining property, and the hazardous entrance from this property into Backlick Road. The streets are narrow and cannot care for this added traffic.

Mr. Uppernicks objected for reasons stated. Mr. Barker also pointed out the flood plain at the rear of the lot which the Colonel said would be used for play area.

Mrs. Zetta Hanby, Mrs. Miller, Mrs. Davis, all objected for reasons stated. They discussed the narrow (16 ft.) roads coming into the subdivision which are unpaved. They object to adding traffic which would pass their homes.

Colonel Gormley said he did not believe this would depreciate property values in the area; it is a permitted use by the Ordinance under restrictions of this Board. They will have approximately 100 square feet of play area per child. The road is hard surfaced. They will have closely supervised play and very little noise. They anticipate no difficulties in transportation, everything will be well-supervised. The children will come mostly from the old Annandale area and along Braddock Road. They will use station wagons. They do not have definite plans yet about anyone living in the house, but they could have someone there at all times. This is a contingent purchase. The Gormleys amended the application to twenty-six children.

Mr. Yeatman suggested looking for an area less impacted with opposition.

In the application of John and Catherine Gormley, as stated above, (amended to read twenty-six children), Mr. Barnes moved to deny the application because it does not appear to be the proper location for such a use. The roads and streets are narrow (about 16 ft.); three streets to the property come in through the subdivision, and those streets are not blacktopped. The operators will not live on the property, and it appears that this would be a detriment to the surrounding community. Seconded, Mr. Everest. Carried unanimously.

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PAULINE JENKINS, to permit operation of a school of special instructions, Lot 61, Block 4, Crestwood Manor, 7102 Galesville Place, Mason District (R-10)

Mrs. Jenkins presented a statement from her adjoining neighbors, saying they have no objection to the use. This is a very small operation, Mrs. Jenkins said, it has been a hobby with her and many of her neighbors want instruction in ceramic arts. She has a small kiln in her home. She would not hold classes, but instruct only one person at a time.

Mr. Smith said Mrs. Jenkins should have approval of the Fire Marshal, but would not be required to furnish a site plan. This was agreed to by Mr. Moore, since this is a limited use -- art instruction in basic ceramics.

No one from the area objected.

Mr. Everest moved that Pauline Jenkins be permitted to operate a school of special instructions (ceramic art), Lot 61, Block 4, Crestwood Manor, 7102 Galesville Place. It is understood that no more than two people shall be given instruction at any one time. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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INTERSTATE LAND CORP., to permit dwelling to remain 37.6 ft. from front property line, Lot 523, Block P, Sec. 5, Monticello Woods, (6434 Bowie Drive), Lee District (R-12.5)

Mr. Lester Johnson represented the applicant. Mr. Johnson said this was a construction error. There is plenty of room on the lot and they had no thought of trying to avoid the Ordinance. The trouble is the overhang - measurements for setbacks were made on the ground and did not take the second

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story overhang into consideration. This was caught in the final survey.

Mr. Everest recalled that this same thing happened about a year ago, however, it was another surveyor.

Mr. Smith said the Board could not continue to be lenient with this kind of mistake, the overhanging second story house is not so unusual but what it should be properly located. He said he would be reluctant to consider a similar mistake made by the same organization.

No one from the area objected.

Mr. Barnes moved to grant the request under the mistake clause in the Ordinance, Section 30-36, paragraph 4. The lot is large enough to locate the house without a variance, but the mistake occurred in the surveyor not considering the overhang on the second story when he measured the setback. Seconded, Mr. Yeatman. Carried unanimously.

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ROSE'S FUEL SERVICE, INC., to permit fuel oil service and parking of trucks and equipment (3504 Richmond Hwy.) Mt. Vernon District (C-G)

Mr. Woodson said the applicant had asked an indefinite deferral. Mr. Yeatman so moved. Seconded, Mr. Barnes. Carried unanimously.

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V. T. WORTHINGTON (A.C. Oil Co.), to permit construction of building, parking area and oil tanks on the side property line, Lot 5, Happy Valley, Lee District (I-G)

Applicant asked deferral to November 10 as he was unable to be present. (Original date of hearing deferred from October 13 to October 20.) Mr. Everest moved to defer to November 10. Mr. Yeatman seconded the motion. Carried unanimously.

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CLAUDE JENKINS, to permit lot with less frontage than allowed by the Ordinance, Lot 2, Hill Crest Acres, Dranesville District (RE-1)

Mr. Horace Jarrett represented the applicant, saying only one person adjoining had been notified but the property was posted and people knew of the hearing.

Mr.
By motion made by Yeatman, and seconded by Mr. Barnes, the Board accepted the notification.

Mr. Jarrett showed on the plat how the lot could be cut and comply with the Ordinance, by not making it a corner lot, but it would be a very odd-looking lot and would not make a good building lot. It would also cause something of a traffic hazard. This has been approved by the Land Planning Office, Mr. Jarrett said. He showed the site plan.

There were no objections from the area.

Mr. Everest moved that Claude Jenkins be permitted to have a lot with less frontage than allowed by the Ordinance, Lot 2, Hill Crest Acres, Dranesville District. This variance shall be permitted in accordance with the site plan presented by Mr. Jarrett, dated February 11, 1964. This is granted because of the unusual circumstances surrounding the lots. The applicant actually could meet the requirements of the Ordinance by making an odd-shaped lot, and by creating a traffic hazard. Seconded, Mr. Barnes. Carried unanimously.

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CLARENCE K. HALLMAN, to permit erection of a garage closer to side property line than allowed by the Ordinance, Lot 5, Section 2A, Mill Creek Park, Falls Church District (RE 0.5)

Mr. Hallman said he could put the garage back of the house but it would not be attractive nor would it be convenient. He really would like to have it right beside the house but he does not have the room. He is asking for only a single-garage.

Mr. Hallman was not sure where the septic was located in the back, but thought a garage there might be in trouble.

Since the lot is level, and there is an alternate location, the Board agreed that there appeared to be no reason under the Ordinance to grant this. It was suggested, however, that the case be deferred for Mr. Hallman to get the exact location of his septic field.

Since there are garages built under the old Ordinance in this area, Mr. Woodson

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GEARENCE K. HALLMAN - Ctd.

said he had looked into the twenty-five per cent rule but found it did not apply.

Mr. Barnes moved to defer to November 10 for additional information, particularly the location of the septic field. Seconded, Mr. Everest. Carried unanimously.

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WALTER R. REYNOLDS, to permit front porch to remain 37.3 ft. from Mori Street, Lot 81, Walter R. Reynolds 2nd Addition to Potomac Hills, Dranesville District, (R-12.5)

C. J. Berry represented the applicant. This was not discovered until the final check, Mr. Berry said. Mr. Woodson noted that the porch was not shown on the original building permit.

Mr. Berry said he did not know - it was just staked out wrong. He did not know any of the people who handled this. He, himself, is a salesman and was sent here to represent the applicant.

The Board refused to consider further a case that was not sufficiently represented.

Mr. Everest moved to defer the case to October 27, 1964 for more information as to how this error occurred - was the mistake intentional, or not? Who made the mistake? How come the porch did not show on the building permit? Someone should be present at the next hearing from the organization, or the surveyor, to explain how this mistake happened. Seconded, Mr. Barnes. Carried unanimously.

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W. H. HARDY, to permit erection of an addition to dwelling 28.43 ft. from Wildwood Street, Lot A, Hardy Subdivision, Lee District (RE-1)

Mr. Hardy said the house was built in 1950 with a garage. His wife is ill and must have someone with her all the time. This is only a four-room house with two bedrooms. They would like to add two rooms and a half-bath so the granddaughter and her husband can live in the house. This would be the logical location for the addition. The drainfield is in the rear. Mr. Hardy recalled that he had dedicated twenty-five feet for the length of his property (approximately 1,000 ft.) for road widening. If he had not done that, he would not need this variance. They want to keep the house all on one level because of the condition of his wife, Mr. Hardy said.

These lots are three-fourths of an acre in size, Mr. Hardy said -- there are only twelve homes in Wildwood Subdivision, four homes on the opposite side of the sixteen foot right of way. Many are too close to the right of way. This house was built in 1950 - they have been here since 1954.

Mr. Yeatman moved that the application of W. H. Hardy to permit erection of an addition to dwelling 28.43 ft. from Wildwood Street, Lot A, Hardy Subdivision, Lee District, be approved due to the hardship of placing this addition in any other location because the septic field is in the rear. It is also noted that the applicant has dedicated a twenty-five wide strip of his land for road widening which creates the need for this variance. All other requirements of the Ordinance shall be met. Seconded, Mr. Barnes.

Mr. Everest also noted that at least two other existing houses on Wildwood Street will be closer to the right of way than that just granted to Mr. Hardy.

Carried unanimously.

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The Board adjourned for lunch and upon reconvening, continued the agenda:

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THE VIENNA MOOSE LODGE, to permit erection and operation of a Moose Lodge and Swimming pool, on east side of Oak Valley Drive, approx. 1400 ft. North of Route 123, Providence District (RE 0.5)

Mr. Ramey represented the applicant.

The Lodge is in need of a permanent home, Mr. Ramey said, they are presently meeting back of the paint store in Vienna, which is not an adequate building. This is a non-profit benevolent organization, which carries on a wide variety of activities. They are badly in need of a building for their own offices, a room for lodge dinners and playgrounds for the children. They presently rent ground from the church for play area. They have been looking for ground for

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The Vienna Moose Lodge - Ctd.

a long time where they can have their own building and facilities. They have looked at commercial property which they cannot afford and all kinds of locations until they found this, which they consider very satisfactory. The road leading back to this property is almost private - only ten houses on it. There are other homes on to the north. They would never have more than thirty-seven cars at the lodge at any one time and they would not use the road at peak hours for their activities. Access would be no problem.

Mr. Ramey said this property is bordered on the south by Daniels who owns seven acres and who sent a letter saying he has no objection to this. Mr. Turley, owning property in front of the Moose property, sent a letter saying he would welcome this in this location. Mr. Ramey said he owns ground adjoining on the north.

The Lodge building will be 70 x 40 ft. located 600 ft. back off the road. Mr. Ramey said he was selling this property to the Moose Lodge and he most certainly would not do so if he thought such a use would injure his own property. They will have a swimming pool and a park and recreation area. Mr. Ramey said he understood there was a petition against this but he could not see what damage could be done to anyone. He said he had talked with many people who did not even know where this was to go and some have asked to have their names taken off the petition.

A letter was presented from Mr. Poulter saying he had no objection to this use. He commended these people for the great amount of charitable work they do. He thought this a fine organization.

It was noted that this club is chartered by the National Order of the Moose and is for a membership of 127.

Mr. Ramey presented other letters commending this group and the high principles of the organization. Mr. Pruitt, chief of police in Vienna, said their conduct had been very good.

At present, Mr. Ramey said, only thirty-seven homes use this road - however, he noted that the road could be extended on back to undeveloped land. When that property is developed, Mr. Ramey said this road would have to be widened. The road serves Hunter Valley, Mr. Barnes noted.

Mr. Ramey said this was an ideal spot for these people - it is away from traffic, the six acres are surrounded by trees, it is secluded, the ground is good for septic. They will use wells.

Mr. Lester Cole, secretary to the Lodge, read the list of officers and Board of Directors. This has been chartered since 1948. It has 250 paid-up members.

Mr. Smith questioned the ability of this small a group to carry the financial burden of this large club building - the swimming pool, and other facilities. He recalled another Moose Lodge in the County with whom the Board has had difficulty. They were unable to carry out their commitments because of financing.

The members present thought they would have no more difficulty meeting their mortgage payments than the rent they are paying at present. They will charge twenty dollars per year for pool membership and limit the pool to two hundred membership.

It was brought out that there are meetings at the Lodge about four nights a week -- dinners, youth groups, teen dances, adult dances, and their regular meetings. They would have an ABC license. The Moose has two organizations -- the Lodge and the Club. Only the membership goes to the Lodge room. The swimming pool will be by membership only. The play fields will be open to others.

Opposition: The room was practically full of people opposed to this permit.

T. W. Forbes, from Oak Valley, presented a petition signed by seventy-six people. He showed a map indicating where these people live and showed pictures of the narrow road. In winter he said the road is very rough, winding, and difficult to pass. Mr. Forbes said there are forty-seven homes using this road instead of thirty-seven, and mostly two cars to a family. There are many small children in the area and a great deal of going and coming. They don't want more traffic here unless the road is widened. This is a recreation area within a quiet neighborhood, Mr. Forbes went on to say - they do not want the area changed with this semi-public use.

Mr. Smith said he thought this actually a rather good location for this type of thing, which is permitted in a residential area, but his real objection was to the very bad access at Route 123 and the fact that it is too close to homes.

Mr. Forbes said this would bring in a good many people and he asked if they could get sufficient septic field to keep it from being a health hazard.

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The Vienna Moose Lodge - Ctd.

In questioning, Mr. Ramey it was brought out that he is not a member of the Moose but is selling the land to them. The Board also questioned why all these members who are active in this move to get a new club house are very new members. There appeared to be no expression of opinion from the members of long-standing.

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Mr. Clyde Anderson who owns two pieces of property on this road was opposed to this use.

A letter from Money and King stated that the Moose had been orderly and quiet neighbors in their rented building across from them.

Mr. Ramey said the Board could not turn them down because of traffic.

Mr. Smith said a hazardous traffic situation does figure with this Board. In fact, it was very important since it affected the welfare of the people in the immediate neighborhood.

Mr. Ramey said if they thought this would cause a traffic hazard they would not want to be here but they felt this would be an improvement to the area. This is in the middle of twenty-eight acres. He wondered where they could go that would be more isolated?

Mr. Smith said it did appear to be a good spot - it is wooded but the road leaves something to be desired. It is narrow and the entrance off Route 123 is very bad. The Board must consider what effect this additional traffic will have on the homes in the area now.

Mr. Smith said the Moose could have worked up a better case by making up some drawings of what they intended to do here and showing the people in the area. Had they talked with people they might have had more acceptance of this. As it is, no one knows what type of building they have in mind, nor does anyone know their plans. The Health Department recommendation on the application was that the septic tank system would be subject to suitable soil conditions for sewage disposal.

The Moose should have alleviated or solved some of these problems before coming here, Mr. Smith said -- if the ground will take the septic; what kind of building they will have; the kind of construction, etc. The site itself is good, Mr. Smith added, but the project as a whole is plagued with problems.

Mr. Ramey said they might need a light at Route 123. He asked -- "Which comes first, Moose or the light?" He thought something could be done later about the road.

Mr. Barnes agreed with Mr. Smith. A few meetings in the area with the people might have wiped out some of the problems.

Mr. Yeatman moved that the Vienna Moose Lodge be denied their request to erect and operate a lodge and swimming pool as requested, because of inadequate road facilities, no sewer and water facilities in the area. Seconded, Mr. Barnes.

Mr. Everest said the Board was prematurely cutting off a good location for this use. There are many things about this that have not been worked out at this time but probably could be worked out with the people. He would recommend deferral for one month.

Voting on the motion to deny: Messrs. Barnes, Yeatman and Smith voted in favor.

Mr. Everest voted against the motion. Motion carried.

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MRS. HAROLD L. BARR, JR., to permit operation of a dog and cat kennel, .5 mile north of 29-211 on east side of Route 621, Centreville District (RE-1)

This will be a very small operation, Mrs. Barr said. She takes in many stray animals now. She has seven dogs. She would not board dogs. She has room for about twenty-five cats which would be kept in cages.

The question was asked -- what about the keeping of cats, are they treated the same as dogs?

Mr. Woodson said since there was no mention of them in the Ordinance, they would have to be treated the same as a kennel. The Board agreed that one could keep cats in a dog kennel.

Mrs. Barr said this operation was located on twenty-eight acres - no homes are near.

Mr. Smith said he knew the property - it is beautiful and well kept. He talked with the neighbors and there were no objections.

Mrs. Barr presented a letter from the nearest neighbors saying they have no objection.

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Held October 20, 1964

Mrs. Harold L. Barr, Jr. - Ctd.

Asked if she would put up an additional building, Mrs. Barr said she would not - that she does all her own work. Occasionally, she takes in a boarder to help pay running expenses.

Mr. Moore said a site plan would not be necessary.

In the application of Mrs. Harold L. Barr, Jr., to permit operation of a dog and cat kennel, .5 mile south of 29-211 on east side of Route 621, Centreville District, Mr. Barnes moved that the application be approved as applied for. This is granted to the applicant only. This is an ideal location for this operation, Mr. Barnes added -- it is on twenty-eight acres of ground and would not appear to adversely affect anyone. Seconded, Mr. Yeatman, and carried unanimously.

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MARTIN DALTON (LEEWOOD NURSING HOME), to permit operation of a nursing home in existing building on lot and permit new construction of an addition to existing nursing home on Lot 10, Leewood Subdivision (7120 Braddock Road), Mason District (RE-1)

Mr. Woodson asked to defer the case to November 10 as the property was not properly posted. They will repost for November 10. Mr. Barnes moved to defer to November 10 - the property to be reposted. Seconded, Mr. Yeatman. Carried unanimously.

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DOUGLAS D. ETKA, to permit operation of an indoor miniature golf course (5117 Backlick Road), corner of Backlick Road and Braddock Road, Mason District (C-D)

Mr. Warren Barry represented the applicant. He recalled that the applicant had applied for a permit last year for an outdoor golf course but because of the time of year and approval of a site plan it put the opening date out of season so they did not use the permit. They still hope to get going on that and open in the spring. The community needs recreation, Mr. Barry said, and they think both the indoor and outdoor golf course will be well patronized. This type of thing is especially good for family participation and people in the area want it.

No one from the area objected.

Mr. Everest moved that the application of Douglas D. Etko, to permit operation of an indoor miniature golf course (5117 Backlick Road), corner of Backlick Road and Braddock Road, Mason District, be granted in accordance with site plan prepared by Patton and Kelly, revised February 2, 1963. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Moore said there would be no parking problems.

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MR. WILLIAM W. WILKE, to permit erection of porch 45.5 ft. of street property line, Lot 28, Mill Run Acres, on Orchid Circle, corner of Bonnie View Drive, Dranesville District (RE-1)

This, Mr. Wilke said, was an error in location which occurred when he was dealing with his surveyor. He told the surveyor where he wanted the house and drew a layout of the land and buildings. He thought the surveyor and he understood exactly what he wanted, but when the plat was drawn it did not allow the proper setback to include the porch. As a matter of fact, his drawing did not include the porch, although the porch appeared on the plans. The house is 51 ft. from the right of way but the porch is four and a half feet wide. Mr. Woodson said the porch did not show on the building permit.

It was a combination of misunderstandings; Mr. Wilke said; from his sketch it looked as though there was no porch, but on the plans the porch showed up. The house had not been set back to include the porch. It was a matter of bad connections between the owner, the builder, and the surveyor.

Mr. Wilke noted that if the first plat, the check on the foundation location, had been sent sooner it would have shown the error in the location. He had intended the entire house, including the porch, to be at least fifty feet back from the road.

Mr. Yeatman moved that the application of William W. Wilke to permit erection of a porch 45.5 ft. from the property line be approved. This is granted because there appears to have been an error in the coordination between the owner, the builder and the surveyor. This appears to be an honest mistake which will not adversely affect anyone.

Seconded, Mr. Barnes. Carried unanimously.

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DR. A. BUDD FENTON, to permit erection of an addition to animal hospital 40 ft. from Shields Avenue (Animal Hospital of Penn Daw), 1730 Richmond Hwy., Mount Vernon District (C-G)

Dr. Fenton recalled that he opened his business here in 1946. It has been his ambition, Dr. Fenton said, to have an interesting and attractive building. It has been difficult to do what he wished to do with the ground because of the highways and the road right of way taking. He got a variance for the kennels some time ago on Shields Avenue and now he is asking for a variance which will enable him to put in a new reception room and entrance, but not for more room for animals. He will add to the last addition which he put on merely to square out the building. It will run to about thirty feet from Shields Avenue.

Mr. Woodson said the existing building is non-conforming but he thought this addition would better the situation here. The use itself is conforming.

Dr. Fenton said they want to keep this addition in character with the architectural design of the building. It will be constructed of fieldstone, a two-story high entrance. They can take care of ninety animals now, and they will not increase that, Dr. Fenton said.

It was noted that the Board of Supervisors had waived the site plan for this in July of 1964. Dr. Fenton recalled that the State had taken 35 ft. of his frontage for road widening. This building, when completed, will be more in keeping with the future Richmond Highway than with the past, Dr. Fenton pointed out. It will be very striking and attractive as well as efficient.

Mr. Everest moved that Dr. Fenton be permitted to erect an addition to his animal hospital in accordance with plat prepared by Warden Hall-George Korte, in September 1964. This is approved as submitted with the variance granted on the north of the building, on the northwest corner, as applied for. This granting is tied to the plat presented with the case. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Carried unanimously.

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DEFERRED CASES:

RONALD WARING, to permit erection of carport closer to side property line than allowed by the Ordinance, Lot 1, Section 1, Rosemont (4712 Westmoreland Road), Dranesville District (R-12.5)

Mr. Waring said he had no reason to ask for this other than for convenience.

Mr. Smith answered that according to the Ordinance this was not a sufficient reason. There was apparently no hardship nor was there a topographic situation which would make it difficult to put the carport in any other location.

Mr. Waring said the bedrooms are on the other end of the house and it would be too close to the line also. On this side there is a vacant field. In the rear it would interfere with both his and his neighbors view. It would break up the open yard space which is very useful to them as well as attractive.

Mr. Smith noted that the applicant could have a 14 ft. carport and stay within the Ordinance.

To deny this is not to deny this man a reasonable use of his land, Mr. Barnes stated, there is an alternate location and he can have a single carport within the Ordinance.

No one from the area objected.

Due to the fact that the applicant can have a tandem carport which would take care of two cars without a variance, and he also has an alternate location on the lot, Mr. Barnes moved to deny the application of Ronald Waring for reasons stated. Seconded, Mr. Everest. Carried unanimously.

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M. H. BURCHELL & NOURI M. MANSY, to permit erection and operation of a service station at northwest corner of Rt. 29-211 and Legato Road, Centreville District (C-N)

Mr. John Moran represented the applicant. This had been deferred from an earlier meeting for plans of development and information on sewer. This could not pass percolation tests. Mr. Moran recalled that there was no objection to this at the first hearing and the Board asked at that time if they had a contract with any oil company. They did not have, but now Shell Oil is interested in going here. They will design the station so it is acceptable to the Board as they have done in other places -- colonial brick, if the Board wishes. They will get into a specific plan and design when the permit is assured.

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Held October 20, 1964

M. H. Burchell & Nouri M. Mansy - Ctd.

In talking with the Health Department they find that the front of the property will not take septic. They probably will have to pump back to a place where the ground will perk. They started a week ago with the tests and they think they have a place which is satisfactory. It is 100 ft. from the well.

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Mr. Smith said the entire front of this property does not perk - that is the reason it has never been developed. The additional land was zoned so the filling station could be moved back.

Mr. Moran said the Health Department does not object to a pumping operation. He hoped they could get a conditional approval on this so they could work out these problems.

Mr. Smith said he did not understand what Shell Oil was waiting for -- the zoning is here to be used under certain conditions. The commitment from Shell seems to be tentative, he continued; he thought they should work this thing out with some degree of finality. The corner is bad and no attempt should be made to use it. Mr. Smith thought the Board should know what the applicant intends to do on the property and where all facilities will be located.

Mr. Moore said a site plan would be required.

Mr. Yeatman said the case should be deferred until the applicant comes in with a proper site plan showing where things are going to be located.

Mr. Everest moved to defer the case for an answer to these questions -- what about sewage disposal? Placement of the station? Also for a site plan which has had preliminary approval.

Opposition: Mr. Tom Illington from Dixie Hill Citizens Association recalled that Mr. Russell was denied a C-G zoning here last year. The Citizens Association voted to oppose any filling station here. Mr. Illington said it would be detrimental to the entire neighborhood. They do not need a filling station. It is an unsafe location on a high speed highway, the approach is bad because of the difference in elevation at one cross-over. There is no wide median strip. He questioned the feasibility of pumping the sewage to the back and suggested that the water table is such that they could have gas seepage.

Mr. Smith said he knew that Mr. Russell realized his problems before and therefore sold the property and now the problems belong to someone else. Mr. Russell had intended to enlarge his station but could not do it.

Mr. Illington said they objected to the commercial zoning and the use. They would like to get rid of both.

Mr. Smith said this is an existing commercial zone and the applicant was not asking for a change in the use. There will have to be some changes made, he continued, in order to use the property as they wish.

Mr. Everest moved that the case be deferred to November 24 to determine the disposition of the sewage and to check into this and see how bad the traffic hazard is here. The Board does not like to add more hazards to those already in the County but this should be gone into further. The Board will view the property. Seconded, Mr. Yeatman. Also the Board should know if anything is to be done with the balance of the property, Mr. Yeatman added, this will show up in the site plan which the applicant should present. Carried unanimously.

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WALTER L. NALLS, to permit erection of a store building 14 ft. from side property line, Lots 1 and 2, Blas G. Garcia Subdivision (C-G)

Mr. Dwight Chase represented the applicant. Proof of notices to adjoining property owners having been misplaced, the Board deferred hearing to October 27, 1965.

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ROBERT TRAVERS, TRUSTEE, to permit erection of an apartment building closer to property lines than allowed by the Ordinance, Lot 513, Evergreen Farms, Lee District (C-G)

This had been deferred to permit the applicant to present a plan which would reduce the degree of variance.

Mr. Bernard Fagelson represented the applicant. He said they could live with a 9.5 ft. or 10 ft. setback in the rear, which would mean a 16 ft. variance on each building. In order to build well on this long, narrow lot they will have to have a considerable variance. If the building is built to conform to the setbacks the place would be ugly and barracks-like and would ultimately become a slum. Instead of the 20 ft. variance they could reduce to 10 ft. and still do a good job. They cannot buy additional land.

Robert Travers, Trustee - Ctd.

Mr. Barnes said he felt the applicant was still trying to crowd too much on this lot.

Mr. Fagelson pointed out that they were not actually trying to get more on the lot, it was just a better placement of the buildings and a better use of the land. The lot narrows down to approximately 120 ft. at the rear -- too narrow for any building. They would have setback troubles with a commercial building. If they build conforming they could get the same number of units, but the rooms would be small and part of the building would run one room wide.

Mr. Smith said the fact that they are seeking a variance shows the applicant is trying to squeeze too much on the lot. He saw no alternative but to conform or buy another lot. To ask a variance on both sides of the building is going far beyond the intent of the Ordinance. The plan is desirable, Mr. Smith continued, but he was concerned about changing the entire Ordinance with this request.

Mr. Fagelson said they plan one and two-bedroom apartments -- eight units to a building.

Mr. Smith observed that this was deferred for the applicant to bring in a revised development plan and he had not done so. Mr. Fagelson said he had thought the Board wanted a reduction in setback and they did accomplish that.

Mr. Barnes pointed out that there are fifteen variances on this property.

Mr. Fagelson said they could do nothing with this property unless they can carry out these plans. The rents will be from \$110 to \$120.

Mr. Everest moved to defer the case to October 27 for the possibility of a new layout. Seconded, Mr. Yeatman. Carried unanimously.

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THEODORE LEE, JR., to permit operation of a day care center, Lot 3, Karen Knolls. (101 Rose Lane), Falls Church District (RE 0.5)

The applicant asked to withdraw the case as he finds he has no lease.

Mr. Everest moved to deny the application without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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JOSEPH W. & MILDRED I. FOLEY, to permit operation of private school, nursery and kindergarten, Lot 1, Virginia Terrace, (101 Bisvey Drive), Falls Church District (R-10)

Twenty-two people were present in opposition.

Mr. Everest moved to deny the case without prejudice. Seconded, Mr. Barnes. Carried unanimously.

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MORRIS POLLIN & SONS, to permit erection and operation of sewage treatment plant, on south side of Rt. 644 adjacent to Pohick Creek (R-17)

This had been deferred for the applicant to acquire additional information and to seek the final permit from the State which would be in accordance with the plat.

Mr. Fagelson represented the applicant, stating that they met with the State Water Control Board who said they would be permitted to erect this treatment plant. This was on February 11, 1964. They held up on the construction of treatment plants dumping into the Occoquan. This included the Pollin plant which had been granted, but the Board has restated its position and ordered Mr. Dewberry, the engineer, to proceed. The plans will be reviewed again when the final plans are completed.

They will give final approval subject to plans and specifications. They cannot work up the final plans and specifications until they have the use permit granting the location - that request is being presented in this hearing. They will get final approval from the State within six months - the only holdup now is for the State to have the location settled and the plans and specifications completed which will meet their requirements.

Mr. Yeatman moved to approve the application of Morris Pollin & Sons to permit erection and operation of a sewage treatment plant, on the south side of Route 644, adjacent to Pohick Creek, in accordance with plans and specifications prepared by Greenhorn, Dewberry, Nealon, etc. dated October 1963. These plans shall meet all State specifications. The plant as installed shall meet all other provisions of State and County requirements. Seconded, Mr. Everest. Carried unanimously.

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October 13, 1964
Meeting held October 20, 1964

The following report from Kena Temple was read:

"Dear Mr. Woodson:

I wish to present this as a progress report showing work done on the Kena property along Arlington Boulevard (Route 50). We have accomplished the following work since my last appearance before the Board of Zoning Appeals. All storm drainage is complete and we began placing curb and gutter on Friday, October 9, 1964.

We still plan to complete this service road and have it paved before November 1. I would appreciate very much if you would present this to the Board as it is impossible for me to appear there today. Thank you.

(S) Roland M. Clarke "

General Kastner was unhappy with the report and the progress that had been made by Kena Temple.

The Board asked for another progress report on November 24, 1964.

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Mr. Woodson read a letter in connection with the Weisz opposition to a variance on adjoining property. Mrs. Weisz asked for a rehearing and insisted that to understand the situation the Board must make an on-site inspection of what has been done on the property adjoining her, the Nassif GSA office building.

Mrs. Weisz made many charges against the good faith of Mr. Nassif, all of which she said could not be explained nor really understood without on-site inspection. She charged that the permit on the Nassif property was granted on the basis of certain requirements. Now they are asking to waive many of these requirements.

The Board recalled that these things had been brought out at the last hearing and there appeared to be no new evidence.

Mr. Lillard, representing Mrs. Weisz, said the conditions existing on this property cannot be explained except by on-site inspection. He asked that the Board view the property.

Mr. Lillard said he did not tell the Board that the opposition rested in this hearing, but in some way the opposition did not get a chance to present its full case. Mrs. Weisz had wanted to tell her case herself, but she was not heard. That could have been his own fault, Mr. Lillard continued, but it happened, and now he hoped that the Board would look at the property and let Mrs. Weisz be heard.

Mr. Smith said Mrs. Henderson should be present at any rehearing. He did not think it would be fair for the Board to make a decision on this without Mrs. Henderson present; he saw no objection to looking at the property.

Mr. Everest moved that the Board view the property during their noon hour on November 10, to determine if the grounds constitute a rehearing. This would give opportunity for the entire Board to see the property. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Woodson said he would set this up on the Agenda at 12:00 noon to allow time for the viewing.

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Fairfax Quarries, Inc. - A question has arisen if this operation conforms to the Ordinance as to setback, the Chairman announced.

After discussion in which it was brought out that the operator is mining the rock closer than 100 ft. from the property line, it was stated that this is a very old use operating under the old ordinance which allowed operation within 50 ft. of the property lines.

Mr. Robert McCandlish said they thought they were operating about 60 ft. from the property line. This permit expires October 27, 1964 and they wish to have it renewed.

Mr. Luck discussed this operation and the steps they have taken and are taking to reduce the impact of this operation.

Mr. McCandlish asked the Board if Mr. Woodson could issue the permit, if it can be shown that they are operating 50 ft. from the line.

Mr. Smith suggested a 90 day extension until the setback is established. The Board agreed.

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October 13, 1964
Meeting held October 20, 1964

The VEPCO site plan which the Board had requested to see was presented to the Board by Mr. Moore and found to be satisfactory.

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WALTER NALLS - The Board agreed to defer to October 27 for proper notices. Motion by Mr. Barnes; seconded, Mr. Yeatman and carried unanimously.

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MAGRUDER NURSING HOME - The applicants asked for six months deferral. The permit was granted in November 1961. There have been many deferrals. The permit expired more than thirty days ago, Mr. Woodson said. The Board agreed that a new application must be filed.

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The meeting adjourned.
By Katheryne Lawson

Approved: March 15, 1965
DATE
Daniel Smith
CHAIRMAN

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, October 27, 1964 in the Board Room of the Fairfax County Courthouse. All members present except Mrs. L. J. Henderson, Jr., Chairman. Mr. Dan Smith presided. (Mr. Smith arrived late, Mr. Barnes was Chairman until Mr. Smith came).

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LILA WILLIAMS, to permit dwelling 25 ft. from Emmett Drive and 10 ft. from rear property line and permit less frontage for lot on Quander Road, northwesterly corner of Quander Road and Emmett Drive, Mt. Vernon District (R-10)

Mr. Ghent represented Mrs. Williams. Mrs. Williams owns the house on the front of the lot. She wishes to build a house for herself on the rear portion of the lot and rent the other house. Her attempts to purchase land from the people to the north were unsuccessful. The building will complete the street which is a dead end street. There was no opposition.

Mr. Yeatman moved to approve the application of Lila Williams, to permit dwelling 25 ft. from Emmett Drive and 10 ft. from the rear property line, and to permit less frontage for lot on Quander Road, northwesterly corner of Quander Road and Emmett Drive, Mount Vernon District, because of the size and shape of the lot and the existing building now on the lot; all the rules and regulations of the Building Code of the County shall be met in building on this property. Seconded, Mr. Everest. Carried unanimously.

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DORA W. MITCHELL, to permit carport to remain 7.6 ft. from side property line, Lot 28, Block 32, Section 14E, North Springfield, (5200 Easton Drive), Mason District (R-12.5)

Mrs. Titus, joint owner with her sister, spoke for Mrs. Mitchell. Their contractor, recommended by neighbors, advised that there was sufficient room for a second carport and obtained a building permit. He then put up the framework and talked to Inspector Duval by phone, who told him to go ahead. The contractor was paid at completion of a double carport and several days after that the applicant was told by a zoning inspector that there was a violation of zoning regulations. The building permit was granted without knowledge of the second carport - the drawing showed only the first one. They had been unable to contact the builder.

Opposition: Mr. Winsted, 5402 Clive Place, objected because he had applied for the same thing and had been told that no variances would be granted. Therefore he felt that ignorance of the law was no excuse.

Mrs. Titus, in rebuttal, said they had trusted the contractor to obtain the proper permit.

Mr. Winsted felt the County needed stricter enforcement of the regulations, however, he did appreciate the position of the applicant and therefore withdrew his objection. Mr. Everest moved that this case be deferred for decision only until next meeting for viewing of the property, to see what effect carport will have on adjoining neighbors. Seconded, Mr. Yeatman. Carried unanimously.

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INTERSTATE LAND CORP., to permit dwelling to remain 24.2 ft. from rear property line, Lot 629, Block N, Section 6, Monticello Woods, (6425 Rotunda Court), Lee District (R-12.5)

Lester Johnson, representing the applicant, said the property is in the middle of a subdivision under construction. They had had a similar case heard at the last meeting. The man who made both errors in construction is no longer with them. The overhang of the house was forgotten in the back yard and the position of the house on the lot was not correctly computed.

Mr. Yeatman felt that a company which had built five hundred of these houses should not have allowed such a mistake.

Mr. Johnson explained that the error was not caught until the final survey before occupancy.

There was no opposition.

Mr. Everest moved that Interstate Land Corporation be permitted to leave the dwelling in its present location and grant 8/10 of a foot variance from back property line in accordance with plat submitted by Johnson and Associates. The application is granted under section 30-36, Section 4, of the Ordinance. Seconded, Mr. Yeatman. Carried unanimously.

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DONALD H. & SERENA D. REYNOLDS, to permit division of lots with less area than allowed by the Ordinance, Lot 6, Braddock Hills, Mason District (RE 0.5)

Mr. Reynolds stated that Mr. Zimmerman, adjoining property owner, had not been notified because he thought that he was only required to notify five property owners and did not realize that two of them must be adjoining.

Donald H. & Serena D. Reynolds - Ctd.

Mr. Everest moved to defer for proper notification - two weeks. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Barnes advised Mr. Reynolds to notify Mr. Zimmerman by registered mail.

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SHELL OIL COMPANY, to permit erection of an addition to an existing service station, Lots 18, 19 and 20, Bryn Mawr, Dranesville District (C-D)

Mr. Gene Miolen represented the applicant. He said that the Board of Supervisors and the State Police had made a survey of the McLean area and had chosen this service station as the best site for a State inspection station. However, in order to qualify, an additional bay was needed.

Mr. Yeatman inquired about adequate parking.

Mr. Miolen replied that there is adequate parking on the premises.

With regard to variation from C-D on the back line, Mr. Woodson explained that the existing building is 21.6 ft. This would be 6.6 ft.

Mr. Yeatman moved that Shell Oil Company be permitted to erect an addition to an existing service station on Lots 18, 19 and 20, Bryn Mawr, Dranesville District, provided that all the rules of the Ordinance and building code are met. Seconded, Mr. Everest. Carried unanimously.

Mr. Barnes informed the applicant that site plan approval will be required.

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The Board adjourned for ten minutes.

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JACK FRADIN, to permit erection of addition to existing hardware store, 14.6 ft. from rear property line, Lots 4B-1 and 4B-2, Section 5, Salona Village, Dranesville District (C-D)

Mr. Butler represented the applicant. He explained that the proposed building would be used primarily for storage area, and perhaps in the future for retail selling or rental space.

Mr. Barnes asked whether the parking was sufficient.

Mr. Yeatman suggested the second story for storage, however, Mr. Butler felt the height of the building would be objectionable to the neighbors.

Mr. Moore stated that twenty-three parking spaces were needed at present and fourteen more for the addition and it would be impossible to get all of the parking whether the second story were used for storage or not.

Mr. Smith said the Board has granted variances or setback variances in some cases and screening variances in others, but has never granted variances which would allow construction on what is now considered parking area.

Mr. Yeatman moved that the application of Jack Fradin be denied because there is not adequate parking for this type operation. Seconded, Mr. Everest. Motion carried unanimously.

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Mr. Barnes turned the Chair over to Mr. Smith at 11:30 a.m.

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CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, to permit erection of a 95 ft. microwave tower on 1.6656 acres of land, on west side of Route 605, approx. 800 ft. south of Route 665, Centreville District (RE-1)

Mr. McCandlish represented the applicants. He stated that the Planning Commission had given unanimous approval to this application. The Code calls for a facilities map, however, the Federal Government has lines in there and won't permit facilities map to be filed.

Mr. Smith stated that a facilities map was presented, but for reasons stated, must remain in possession of the applicant.

Mr. Laird, Staff Engineer for the Telephone Company, explained this facility is to permit them to be on a ready-to-serve basis on any cases where necessary to have television pickup from Dulles Airport. It is not a fulltime operating facility, but when needed, can be put into service on very short notice.

October 27, 1964

Chesapeake & Potomac Telephone Company of Virginia - Ctd.

There are presently cable connections from the airport to this site, and this tower will permit relay of that microwave on to the other tower at Haymarket. The Airport Authority gave permission to erect this tower, Mr. Laird continued.

Mr. Pitts stated that there will be no noise from this facility. Frequencies used will be allocated by FCC specifically for this purpose and it will not interfere with TV, AM or FM.

There was no opposition.

Mr. Yeatman moved that the Chesapeake and Potomac Telephone Company of Virginia, be permitted to erect a 95 ft. microwave tower on 1.6656 acres of land, on the west side of Route 605, approximately 800 ft. south of Route 665, Centreville District, provided they meet all the rules of the Ordinance and that the tower be placed on the property in accordance with plat prepared by Carroll-Kim & Associates, of June 27, 1960. Seconded, Mr. Barnes. Carried unanimously. Mr. Smith stated if a clearance is required, it has been granted in this motion.

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LOIS H. DICKSON, to permit operation of an antique shop in home, property on east side of Ridge Road, Route 767 south, off Route 643, Lee District (RE-1)

Mrs. Dickson explained her plan to operate a small antique shop in her home. She has a 20 ft. road, adequate parking and no new buildings will be built.

There was no opposition.

Mr. Everest moved that Mrs. Dickson be permitted to operate an antique shop in her home in which she resides; property on the east side of Ridge Road, Route 767 south of Route 643 in Lee District. Granted for a period of three years. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Barnes informed Mrs. Dickson that a site plan would have to be approved.

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COMMUNITY BUILDERS, TO PERMIT CARPORT TO REMAIN 11.3 FT. from side property line, Lot 100, Section 2, Sleepy Hollow Run (4116 Breezewood Lane), Mason District (R-12.5)

Mr. Everest moved to defer the application to November 10 to give proper notification. Seconded, Mr. Yeatman. Carried unanimously.

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JOHN E. ISLEIB, to permit erection of a recreational facility, on east side of Route 665, approx. 1,000 ft. north of Route 672, Centreville District (RE-1)

The applicant requested deferral. The opposition did not object to a deferral. Since the calendar for November 10 was already filled, Mr. Smith suggested December 8. Mr. Barnes so moved. Seconded, Mr. Everest and carried unanimously.

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TAMARACK STABLES, to permit operation of riding school and boarding stable for horses, property on southerly side of Telegraph Rd. at Pohick Creek, Mt. Vernon District (RE-2)

Mr. Majewski, owner, explained that he has been in the present location for almost four years and wishes to expand. He needs more stalls and more facilities. He teaches children and adults. He has ten horses and eighty students per week.

Mr. Barnes objected to eighty people and only ten horses.

Mr. Majewski stated that each horse only works eight hours a week, they are well taken care of, and never mistreated, underfed or overworked.

Mr. Smith said the Board is concerned with whether a facility is properly supervised and properly operated so that it would be an asset rather than a detriment to the community.

Mr. Majewski said he is well known all over the county and is often asked advice about horses -- or asked to buy them for people.

There was no opposition.

Mr. Robinson M. Duncan spoke in favor of the application. He said he has known the applicant for two years and he knows that they take good care of their horses.

Mr. Yeatman moved to defer to November 10 so Mr. Barnes could look over the property and come back with a report to the Board and ascertain what kind of

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Tamarack Stables - Continued

operation is taking place here. Seconded, Mr. Everest. Carried. (deferred for decision only) Applicant was advised that site plan approval would be required.

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C. GUNDER GILBERTSON, to permit operation of an antique shop in home, on east side of Roberts Road at the Fairfax City Line, Providence District (RE-1)

Mr. Douglas Mackall, representing his father-in-law, Mr. Gilbertson, explained that the antique shop in the home would not be a big business, just a hobby.

Mr. Smith read a letter from Mr. Rust in favor of the application.

There was no opposition.

Mr. Barnes moved that C. Gunder Gilbertson, to permit operation of an antique shop in home, on east side of Roberts Road at the Fairfax City line, Providence District, be approved. This is an ideal location, with a beautiful setting. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Mackall was advised that site plan approval would be required.

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ROBERT S. NORTH, to permit erection of carport closer to side property line than allowed by Ordinance, Lot 75, Section 1, Fairfax Villa (711 Decatur Drive), Providence District (R-12.5)

Mrs. North explained that they wish a 1.9 ft. variance. They bought without a carport but now wish to protect their car in the winter. The house was set at an angle on the lot.

No opposition.

Mr. Barnes moved to approve the application of Robert S. North, to permit erection of a carport closer to side property line than allowed by the Ordinance, Lot 75, Section 1, Fairfax Villa (711 Decatur Drive), Providence District, due to the shape of the lot and the way the house is set on the lot. (variance is 1.9 ft.) Seconded, Mr. Yeatman. Carried unanimously.

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THE LEARY SCHOOL, INC. to permit operation of private school, 2nd grade through 7th, approx. 30-40 children, Lot 22, Sec. 1, Fairfax Hills (4105 Pine Ridge Drive), Providence District, (R-17)

Mr. Smith reported that the Fire Marshall had returned ^{an} unfavorable report and Mr. Leary had requested that his application be withdrawn.

Mr. Everest moved that the application be withdrawn without prejudice. Seconded, Mr. Yeatman. Carried unanimously.

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FREEDOM PARK, INC. - Mr. Wycock presented letters from Sanitation relating to availability of sewer and the engineering opinion of feasibility of putting the diving pool at the lower end where the septic field is now. Also, he presented a letter from the pool manager concerning the location, opposing for health and safety reasons.

Mr. Rudd, contractor and engineer, and Mr. Meyer, Treasurer of the Corporation and member of the Executive Committee, also represented the applicant. The Department of Sanitation has scheduled the sewer for not later than November 15.

Mr. Wycock hoped the Board could see its way to waive the on-site parking through the next season.

Mr. Smith suggested if a temporary waiver were granted on the parking, they should cut off the entrance on the upper street and have all parking at the lower side.

Mr. Wycock asked if the solid fence would be necessary.

Mr. Everest felt its purpose was to have been to diffuse some of the noise.

The Board agreed that in view of the new information there should be a rehearing. Mr. Smith hoped it could be kept down to the basic objectors, Mr. and Mrs. Carroll.

Freedom Park, Inc. - Ctd.

Mr. Everest moved that a rehearing be granted in the case of Freedom Park Swimming Pool and that the original objectors be notified of the new hearing date, November 24. Seconded, Mr. Yeatman.

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Mr. Smith added that the sewer apparently is going to come in earlier than originally anticipated and now it appears that a change in the original application might be in order. Carried unanimously.

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ROBERT TRAVERS, TRUSTEE - Mr. Bernard Fagelson represented the applicant, explained the new design which is no longer saw-toothed, but square with the front, however, he did not have new plats which the Board requires in order to make a decision.

Mr. Everest felt the property was too small for the use. He moved that the application be deferred to November 10 for new plats and new presentation, showing great decrease in variance request. Seconded, Mr. Barnes. Carried unanimously.

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WALTER R. REYNOLDS - Mr. Reynolds explained that they built 52 houses and each of them in order to be different would have varying types of porches, windows, etc. and therefore each house was to be set 46 ft. back from the street. In this particular case, the curve in the street caused the violation. The corners are all right.

Mr. Smith asked why a salesman of the corporation, with no knowledge of the case had been sent to represent him.

Mr. Reynolds said he had been out of town at the time.

Mr. Everest moved that Walter R. Reynolds be allowed to let his front porch remain 37.3 ft. from Murray Street in accord with Section 30-36, Section 4 of the Ordinance as shown on the plat and all of the provisions of the Ordinance be met. Seconded, Mr. Yeatman. Carried unanimously.

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WIMSATI PROPERTIES - Mr. Woodson said they want to go 4 ft. higher but back farther.

Mr. Smith had made the original motion. Mr. Everest was the second to the motion so he now moved to amend the application in connection with the building to be constructed in relation to a lumber operation. Seconded, Mr. Yeatman. Carried unanimously.

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THEODORE LEE, JR. - Application was denied automatically because the applicant did not respond. Mr. Lee asked if the Board would amend the original motion to comply with withdrawal request that was not noted at the time.

Mr. Everest moved that the motion of Theodore Lee case be changed to read "withdrawn without prejudice" instead of "denied". Seconded, Mr. Yeatman. Carried unanimously.

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EMBASSY REQUEST - An inquiry about an embassy was discussed by the Board. Mr. Smith felt it should be referred to the Board of Supervisors so the Ordinance could be amended to allow them. Merrywood was considered the ideal spot, among several areas suggested. The Board agreed that they should recommend to the Board of Supervisors that the Ordinance be amended to allow for embassies. This would be living quarters and offices for embassies of foreign governments in the residential zones under certain conditions stipulated through use permits.

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The meeting adjourned at 1:45 p.m.
By Catherine Gribok

Mr. Barnes, Chairman 10:00 - 11:30
Mr. Smith, Chairman 11:30 - 1:45

Approved: March 15, 1965
DATE
Donald Smith
CHAIRMAN

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, November 10, 1964 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. Barnes.

MARTIN DALTON, (Leewood Nursing Home), to permit operation of a nursing home in existing building on Lot 11, and permit new construction of an addition to existing nursing home on Lot 10, Lots 10 and 11, Leewood Sub-division, Mason District (RE-1)

Mr. Barry Murphy represented the applicant. After presenting his proof of notification, Mr. Murphy stated his case as follows: This nursing home has been in operation for nine and a half years. They operated in the original structure for four and a half years, then put on an addition. The ground area at that time was 2.50 acres. Expansion is now required if they are to continue in the manner in which this project has been conducted and give the services and facilities necessary.

They have twenty-two patient rooms and forty-seven patients. This nursing home is approved by all the agencies concerned - both State and County. They have never had a complaint from State or County concerning their operation. They are accredited by Blue Cross. They offer complete services. Most of their patients are ambulatory but not bed-ridden. Ages range from sixteen to eighty-five, with an average age of eighty. Most of these people come here with illnesses - in the late years of their lives. During these nine and a half years they have handled three hundred patients. Many stay a long time.

The Fairfax County Welfare Department places some indigent cases here. Their regular charge is from \$250.00 to \$300.00. The County patients they take for \$150.00. There are three such cases there now. There have been no complaints on their handling from doctors. The staff includes three licensed nurses, also aides, practical nurses and others. Doctors are on call at all hours.

They wish to expand to seventy-five patients. They would use the existing structure and the proposed addition and also the structure on the newly acquired property. The operation will be complete with recreation, clubs and church services. They comply with State and County standards.

There was an application on this at a meeting of September 11, 1962, requesting the addition which was denied. The Chairman of this Board told the applicant at that time that the addition could not be granted on two and a half acres, but that if they came back with more ground, the Board would consider an addition. They now have a total of five acres. This would amount to fifteen people per acre.

This request would give the applicant nine additional rooms for eighteen patients, a solarium and a room for physical therapy. They would meet all Health and Fire regulations.

Mr. Murphy said there had been certain opposition to this operation in the past. He presented a petition signed by fifteen neighbors in the immediate area who feel that the neighborhood would not be hurt by this addition.

Mr. Murphy also presented a file of the people who have lived in this home and relatives of those people - all praised the home and its operation. He showed pictures of the home and grounds. He pointed out that a fence has been put in which shields the property from Dale Drive.

This addition would make practically no more traffic and no impact upon Braddock Road. He noted the shopping center at Braddock Road and Backlick which Mr. Murphy said had increased the traffic. This business area has changed the character of the area and placed an impact on the roads, but the nursing home has never changed the character of the neighborhood. It was here before most of the homes came to the area. The Monticello Freeway is scheduled to go in on Braddock Road. That, too, will add traffic. The County needs operations of this kind, Mr. Murphy continued, with full facilities to take care of its older people.

Mrs. Henderson recalled several complaints about wanderers from this home who were a hazard to themselves and had become a nuisance to the neighbors.

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November 10, 1964

Martin Dalton - Ctd.

Mr. Murphy said this had been taken care of by fencing in the rear. He recalled one case who wandered.

Mr. Dalton said this was a problem of all nursing homes and it is difficult to control entirely. They do everything they can to keep the people in, but it could happen again. Only rarely, to be sure.

Mrs. Henderson noted that the plats were inadequate and some setbacks were not observed. One small storage shed was not 100 ft. from property lines. Mrs. Henderson said this should come down.

Mr. John Colboth spoke, telling of the excellent care his wife receives in this home. He praised the care and kindness shown by the Daltons.

Opposition: Mr. John Finken, 6928 Braddock Road, across from Lot 10, objected - stating that this extension violates the presently residential character of the neighborhood. It would devalue property. Mr. Finken also said the applicant had not shown good faith with his neighbors nor with the County. He cannot adequately handle what he has now. Mr. Gibson withdrew from the case, Mr. Finken continued, because he could not continue to represent a client who would not correct certain violations. Mr. Dalton had not fenced the place nor has he prevented wandering, Mr. Finken said. The parking in the rear does not meet required setbacks. The fire escape extended too far into the side yard. These violations were discussed in 1960. In 1962 they still existed. Mr. Dalton has now fenced the back line and paved the driveway but the remaining violations exist and Mr. Dalton apparently does not intend to comply.

Mr. Finken read a letter from an immediate neighbor, adjacent to Lot 10, telling of patients wandering into his yard and into his house. There is no screening along the property line, Mr. Finken said, and therefore no privacy. They planted their own cedar trees for screening.

Also, Mr. Finken charged that Mr. Dalton did remodeling and made structural changes without getting a permit, which enabled him to have more patients. He jumped from forty-three to forty-seven patients in 1962.

A letter from the Bachmans was read opposing this addition.

Mr. Finken also said this started out as a "live in" nursing home but the Daltons moved to Sleepy Hollow and now this is operated as a commercial project. He also charged that the sewer line did not have capacity to take this. He discussed the two petitions presented in opposition, one of which was incorrect.

A letter from Wilburdale Citizens Association opposed this unanimously.

Mr. Robert Riner, agent for Lot 9, asked denial as this would lower property values. He represented Mr. Inam who is presently out of the country. He considered this expansion would be detrimental.

Mr. Smith recalled a few weeks ago Mr. Riner was appearing in favor of a non-residential club house.

Mr. Murphy said this property has water and sewer, it is fenced in the rear, and there is a need for this facility. The shopping center and the widening of Braddock Road have created a change in the area rather than the nursing home. Mr. Dalton said he had never planned to live in the nursing home. They have made the changes referred to, Mr. Dalton said. He discussed his alterations which involved raising the roof, for which he got a permit. He also stated that Mr. Gibson did not withdraw from the case because of the violations.

Mrs. Henderson questioned the need for more nursing home beds in view of the statement by Dr. Kennedy that only two-thirds of the beds in the County are filled.

Mr. Woodson said he had had no complaints from this project.

The Board discussed further the need for fencing the entire property as a protective measure.

Mr. Smith said he would not support this addition on the two and a half acres but he did recall the Board telling Mr. Dalton if he acquired more

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Martin Dalton - Ctd.

land, the Board would consider expansion, and the applicant has corrected the violations. Mr. Smith noted that there is a need in the County for nursing homes in the lower cost area.

Mrs. Henderson agreed to expansion into the house on the newly acquired property but not to the addition to the existing building.

Mr. Smith said it was not practical to fence the entire property. There should be additional fencing and screening but not the whole property. It is not realistic, Mr. Smith said, to say that these people cannot have seventy-five people on five acres.

Fencing this with a stockade fence would give it an institutional character, Mr. Smith said, and this is actually more of a home type place. He noted that these people do an excellent job - they are always full and the people living here are happy.

Mr. Yeatman thought due consideration should be given to surrounding property owners. This is actually a commercial operation, he said.

The Board agreed that they would like to see the site plan before it is approved.

In the application of Martin Dalton, (Leewood Nursing Home), to permit operation of a nursing home in existing building on Lot 11, and permit new construction of an addition to existing nursing home on Lot 10, Lots 10 and 11, Leewood Subdivision, Mason District, Mr. Smith moved that the application be approved as applied for and that all provisions of the site plan requirements shall be met. The Board requires that the site plan be submitted to them for approval prior to issuance of a permit. All other provisions of the Ordinance shall be met. All of the property shall be screened except the front line. Granted for a maximum of seventy-five people. All voted for the motion except Mrs. Henderson who voted no. Carried.

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VIRGINIA ELECTRIC & POWER COMPANY, to permit erection of a ground transformer station, on westerly side of Route 790, approximately 800 ft. south of intersection of Backlick Road, Mason District (RE-1)

Mr. Leon Johnson and Mr. Randolph Church represented the applicant. Mr. Church located the property and said they were asking a permit on 3.1 acres. It is residentially zoned. Nine plus acres adjoining which they will use also, are zoned I-L - they do not have to have a permit on that.

The nearest dwelling is about 2,000 ft. away.

Mr. Johnson showed the three service areas served now by three stations. Recent developments and the tank farm going in have put a heavy load on this area. The present lines cannot carry the load. This new station will relieve all three stations. This is across from the tank farm. It will be the conventional facility similar to those they have used, 26 ft. high. They will occupy only a small part of the lot. There is an abundance of natural screening on the property - about 30 or 40 ft. of woods.

No one from the area objected.

The Planning Commission recommended approval.

Mr. Yeatman moved that VEPCO be permitted to erect a ground transformer station, on westerly side of Route 790, approximately 800 ft. south of intersection of Backlick Road, Mason District and that all requirements of the Ordinance shall be met. This is granted as applied for, as per plat submitted with the case. All possible tree screening now on the property shall be left. Seconded, Mr. Everest. Carried unanimously.

Mr. Church submitted written statements from Messrs. Johnson and McDowns.

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VIRGINIA ELECTRIC AND POWER COMPANY, to permit erection of transmission lines and towers, on Washington and Old Dominion Railroad right of way line to Falls Church City Line, Providence District (R-12.5)

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Mr. Church and Mr. Johnson represented the applicant. Mr. Church located the property, stating that they must have additional lines and replacement with metal poles which can carry the load.

Mr. Johnson said this is an application to rebuild the Idylwood-Arlington transmission line. There will be a new substation along the way and two others are planned. All three will be supplied from this line. They must be able to take care of the present and future load. Mr. Johnson presented four exhibits which he explained. No additional right of way would be acquired and the route as presently exists will be utilized.

Mr. Johnson discussed the need in this fast growing area to plan ahead in order to maintain adequate and dependable service.

This line will run along the route of the existing line which is on the W&OD Railroad. On this line they will use steel poles. In the short section between Idylwood Substation and the Railroad they propose to install three conventional towers adjacent to existing towers (shown on exhibit #4.)

The line will meet all National Electrical Safety Codes.

Opposition: Mr. Rosenvell and David Marsh appeared before the Board to ask if there would be any change in the right of way.

Mr. Johnson said the three towers between the sub-station and the Railroad right of way would be on their own easement.

In the application of VEPCO, to permit erection of transmission lines and towers, on Washington and Old Dominion Railroad right of way line to Falls Church City Line, Mr. Smith moved that the application be approved as applied for in accordance with the Ordinance and that all provisions of the Ordinance shall be met. It is noted that there is no change in the easement across private property. The transmission towers proposed would be on the easement presently used by VEPCO. Seconded, Mr. Barnes. Carried unanimously.

The Planning Commission recommended approval.

Mr. Church filed statements by Mr. Johnson and Mr. N. McK. Downs.

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BERTRAM KEMP, to permit carport to be converted to garage to come 36.4 ft. from street and 10.8 ft. from side property line, Lot 73, Section 4, Rolf Heights, (9528 Justine Drive), Falls Church District (R-12.5)

Mr. Kemp said he would not need the side line variance - his only request is for the 41.9 ft. front setback. He asks this because of the existence of windows at the rear end of the carport which he does not wish to cover. This is going no farther than the edge of the roof in front - he would fill in to take advantage of the overhang. The garage would be 11.6 ft. by 21.3 ft. There will be an overhang in the back and side but it will be filled in in front. He wishes to enclose the carport for winter protection, Mr. Kemp said, and this would be a desirable addition to his house.

Mrs. Henderson noted that no new home could be built like this. She saw no hardship in this case.

Mr. Smith pointed out that this garage would extend beyond the line of other houses in the community.

Mr. Kemp said it would not be noticeable - the lots are wooded and the garage actually goes no farther in the front than his stoop.

No one in the area objected.

Bertram Kemp - Continued

Mr. Smith moved to defer the case to November 24 to view the property and the area. Seconded, Mr. Barnes. Carried unanimously.

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CHARLES V. LYNCH, to permit operation of a golf course, on south side of Route 50, between Route 66 and Route 608, Centreville District (RE-1)

The applicant requested deferral as he had not sent out required notices. Mr. Smith moved to defer to December 8, 1964. Seconded, Mr. Everest. Carried.

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SPRINGFIELD MASONIC LODGE, NO. 217, to permit erection and operation of a masonic lodge and permit building 77.81 ft. from Backlick Road, Lots 8 thru 13, Section 5, Beverly Forest, Mason District (RE-1)

Carl Hellwig represented the applicant. He said they have all utilities on this three acre lot except sewer. They plan a 40 x 100 ft. building. They do not anticipate any difficulty from the septic as the impact would be far less than homes.

This lodge was formed in 1958, Mr. Hellwig continued. They have 170 members. From thirty to thirty-five attend each meeting, once a week, from 7:30 to 11:00. The building will be of Colonial design, one and a half stories. The building will be used by the Eastern Star, Job's Daughters, and DeMolays. This is an isolated spot. The building will cost \$40,000. They show forty parking spaces now but could expand that if required. They would have no meetings in July or August.

This will be used purely for a meeting place, Mr. Hellwig said - it will not be a social gathering place - no dances, etc. He showed the architect's rendering which he said may be changed in detail but it will be brick and the building will be compatible with the neighborhood.

The variance is needed from Backlick Road. This fronts on Backlick which is against the Shirley Highway which is 350 ft. wide. There are no homes across from this. The nearest dwelling is in Loisdale, across the Shirley.

Mrs. Adkins, adjoining property owner, said she had no objection and thought this would be an asset.

Mrs. Carpenter, living one block away, concurred.

Mr. Tressler said they allowed no alcohol on the premises - he was in favor of granting the permit.

Opposition: Mr. Sardinia from Beverly Forest, representing his area of 120 homes, spoke against the application, stating that it is in the middle of a residential area and near their own recreational activities, where they have an Association organized for use of a lake. Fifty people in this area voted against this use. Twenty-two were for it. They object to this project within a residential district and they were also apprehensive about the drainage. This is cheap property, Mr. Sardinia said, because the six lots involved cannot be developed residentially until a large pipe for drainage is installed. If it is sold for this one use, they do not have to put in the large pipe. The people also objected to the lack of sewer.

Mr. Sardinia noted that many people in the area have trouble with septic tanks. He questioned if they could get a septic permit on Lots 11 and 12. This building could take care of a large number of people and the septic could overflow. This ground is higher than their lake. He saw no plans to take care of the drainage. The people do not object to the lodge itself but they fear the pollution of their lake and the encroachment into a residential area. A post card canvas on this area was made and people indicated strong objections.

They use their lake for swimming and ice skating, Mr. Sardinia continued,

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Springfield Masonic Lodge - Continued

They have seventy-five people in their Lake Corporation which represents their community. (It was stated that no use permit had been issued for this recreation lake.) They have operated this recreation center for ten years.

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Harry Tolover from Lot 18 objected to the nearness of the parking lot. He discussed the lake contamination and drainage at length. He suggested these people finding other property better suited to their purpose.

Mr. Hellwig said they had been looking for property for four years and found property very expensive. They want to be compatible with the neighborhood. They will use the entire six lots in their site plan and they will take care of drainage on all the lots.

Mr. Hellwig showed by comparison the use of a septic in a home and by a building of this kind, much less for this use. They would not even use as much as one home (figures from Mr. Liedl.) Two of the lots have been tested and have passed percolation.

Regarding the setback, Mr. Hellwig said they want a variance of 22 ft. but the way the roads lie and the setback of other homes, they are actually back 22 ft. farther than other houses. They are across the street from nothing but the Shirley Highway.

Mr. Smith thought the variance would not adversely affect anyone, but he was concerned over the sewer setup. He suggested viewing the property and the lake.

Mrs. Henderson was concerned about this being in an area where people object.

Mr. Smith discussed the Masonic Lodge as an organization commending it highly.

Mr. Hellwig said they would have the property retested for septic.

Mr. Smith agreed that this should be done and the Board should know from the Health Department if this could have any effect upon the lake.

Mr. Sardinia said they test the lake for pollution and use chemicals.

Mr. Smith moved to defer to view the property and for additional information in connection with the septic situation in connection with this proposed use. (Defer for two weeks.) Seconded, Mr. Barnes. Carried unanimously.

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SLEEPY HOLLOW RUN-FOREST HILLS CIVIC ASSOCIATION, INC., to permit erection and operation of a swimming pool, wading pool, bath house, shuffleboard, tennis courts and picnic area and other recreational facilities thereto, property on the westerly side of Old Columbia Pike, Route 712 and adjacent to Section 2, Sleepy Hollow Run Subdivision, Mason District (R-17)

Mr. John Gore and James Bell represented the applicant, speaking for the citizens association and the swimming club.

This operation will take place on a 7 1/2 acre tract, which has been given by the developers for recreation. There will be three hundred members and they are providing 100 parking spaces. The building will be brick-faced and architecturally compatible with the area. They showed a preliminary site plan.

No one from the area objected.

Houses are being built on adjoining land, Mr. Gore said, so people coming in will know this use is here.

In the case of Sleepy Hollow Run-Forest Hills Civic Association, Inc. to permit erection and operation of a swimming pool, wading pool, bath house, shuffleboard, tennis courts and picnic area and other recreational facilities thereto, property on the westerly side of Old Columbia Pike, Route 712 and adjacent to Section 2, Sleepy Hollow Run Subdivision, Mason District, Mr. Everest moved that the Board approve this request as applied for. All provisions of the Ordinance shall be met. Mr. Everest noted that this is granted subject to site plan approval. Seconded, Mr. Barnes. Carried unanimously. *4-0 Mr. Smith out of room*

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CITY OF FALLS CHURCH, to permit erection of a water storage tank and permit tank closer to side and rear property lines than allowed by the Ordinance, on west side of Dunn Loring Road adjacent to Dunn Loring Elementary School, Providence District (RE-1)

The Planning Commission requested deferral for two weeks in order that the applicant might consider an alternate site. Mr. Barnes so moved. Seconded Mr. Everest. (Deferred to December 8.) Carried unanimously.

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TRUSTEES OF ST. MATTHEWS METHODIST CHURCH, to permit operation of a day school and kindergarten in existing church building, Lots 13, 14, 15, 16, 17, 18, 19, 22, 23, 24 and part 25, Section 1, Wakefield Forest, Providence District (RE-1)

Mr. Winfree, pastor of the church, represented the applicant. He said the school has been operating for three years and since it is being operated by the church they did not know they needed a permit. They hold sessions from 9:00 to 12:00 Monday through Friday. At present they have 48 pupils who are brought in private cars. They use Church facilities. They are closed from May to September.

Mr. Winfree noted that the Wakefield Forest public school rents their facilities also.

Mr. Yeatman moved that the Trustees of St. Matthews Methodist Church, to permit operation of a day school and kindergarten in existing church building, Lots 13, 14, 15, 16, 17, 18, 19, 22, 23, 24 and part 25, Section 1, Wakefield Forest, Providence District, be granted. It is understood that the applicant must meet all Health and Fire regulations of the Ordinance and of Fairfax County. This is granted for a maximum of 48 children. Seconded, Mr. Barnes. Carried unanimously.

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WALTER L. NALLS, to permit erection of a store building 14 ft. from side property line, Lots 1 and 2, Blas G. Garcia Subdivision, Lee District (C-G) *deferred from 11/27*

Mr. Chase represented the applicant. This is part of a program to revitalize U. S. #1, Mr. Chase said. Because of the widening and the service road, this variance is required. The filling station on the adjacent lot will be abandoned because of the widening of U. S. #1. They plan to have offices on the second floor and stores and offices on the first floor. Only about 100 sq. ft. of the building will be in violation. The building will appear the same in front and the rear. He showed a rendering of the proposed building.

No one from the area objected.

In the application of Walter L. Nalls, etc. Mr. Smith moved that the application be approved as applied for in conformance with drawings submitted. This is an unusual situation where there is a narrow strip of ~~2-17~~ zoning adjacent to the property. The proposed building will enhance the ultimate value of the area surrounding. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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HILLTOP SAND & GRAVEL CO., INC., to permit gravel operation on 33.2 acres of land, on northwesterly side of Telegraph Road and north of Hunter Estates Subdivision, Lee District

Mr. Waterval represented the applicant. He said this is located within the NR zone. Gravel operations are now going on on adjacent property to the north. They will meet whatever bond requirements the County has and will restore the property so it can be subdivided. He noted that Hunter Estates has water and sewer.

The Restoration Board and the Planning Commission recommended approval.

No one from the area objected.

Hilltop Sand & Gravel - Continued

In the application of Hilltop Sand and Gravel Co., Inc., to permit gravel operation on 33.2 acres of land, on northwesterly side of Telegraph Road and north of Hunter Estates Subdivision, Lee District, Mr. Smith moved to approve the application as applied for - bond to be set at \$1,000. Rehabilitation and all other provisions of the Ordinance shall be met. Granted for 2 1/2 year period on 33.2 acres. All other provisions of the Ordinance shall be met. Granted as applied for. Seconded, Mr. Barnes. Carried unanimously.

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V. T. WORTHINGTON, (A.C. Oil Company), to permit construction of a building, parking area and oil tanks on the side property line, Lot 5, Happy Valley, Lee District (I-G) *deferred from 10/10*

Mr. Worthington said this property was granted to I-G zoning under application No. A-891 for this specific purpose. This lot is 850 ft. long by 115 ft. wide. It was originally between two pieces of residential property. On their own motion, the Board of Supervisors rezoned the adjoining property to the south to industrial so there is no setback on that side. But they still have to set back 100 ft. from the north side of this property because that is residentially zoned. Even if he puts the building on the south line this could leave room for only a 15 ft. building. The Planning Commission recommended approval on this.

This is a use which involves collecting used oil and sending it to Pennsylvania for processing so it can be re-processed and sold.

No one from the area objected.

In the application of V. T. Worthington to permit construction of building, parking area and oil tanks on side property line, Lot 5, Happy Valley in Lee District, Mr. Smith moved that the application be approved as applied for. This is an unusual situation where the residential property is adjoining I-G but that residential area is set up in the Master Plan for I-G uses. They wish to locate the building on the residential property line rather than on the I-G side because the building itself would be less obnoxious to the adjoining property than to have the oil tanks against the residential zoning. This is for the storage of oil. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

// (Mr. Barnes absent for remainder of meeting)

CLARENCE K. HALLMAN, to permit erection of garage closer to side property line than allowed by Ordinance, Lot 5, Section 2A, Mill Creek Park, Falls Church District *deferred from 10/10*

Mr. Hallman said he talked with the Sanitary Engineer and they have no record of the septic location. This would make a better looking addition if located as proposed, Mr. Hallman said - it would appear as though it belongs to the house. The back porch could have a covered walkway going to the garage which would be attractive. The property is on well, Mr. Hallman said.

The Board discussed the location of the septic field. Mr. Hallman said all the neighbors think this would be a good addition. Most of them have carports or garage attached like he is asking. The Ordinance would have allowed this in 1959.

Mrs. Henderson said she saw no hardship which would warrant a double garage.

Mr. Hallman said he had waited to have this to a time when he could afford it and now the Ordinance is changed. He has lived here since 1952. He pointed out that there is a side porch on the house which he did not wish to jog around to get into the garage.

Mr. Smith felt the real hardship would be in the location of the septic.

Mr. Hallman showed an old sketch of the septic field which is to the back and if more field had to be added, it would come toward the house.

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Clarence K. Hallman - Ctd.

The Board agreed that some variance was reasonable because of the location of the septic field but not a two-car garage.

No one from the area objected.

After considerable discussion as to the amount of variance the Board could grant, Mr. Smith moved that the application of Clarence K. Hallman be approved to allow the applicant to build a garage within 17 ft. of the side property line which means a 3 ft. variance from the Ordinance. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest. Carried unanimously.

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ROBERT E. AND JOYCE R. MCPHERSON - REHEARING: Mr. Tom Lawson represented the opposition. He requested a rehearing due to the fact that he was not able to be present on September 8 for the hearing and therefore certain pertinent information was not given to the Board at that time. The full facts regarding the flood plain, drainage and soil conditions, Mr. Lawson said, should be put before the Board. Mr. Clayton from the Health Department was present, Mr. Lawson said, and had advised him that he had never been contacted by these people but after investigation he found that this property would be impossible to adequately meet health requirements. This was not adequately brought out to the Board at the original hearing. The septic field now on the property is barely adequate. It could not take more load.

Mr. Smith asked Mr. McPherson what was the status of this property since there is a "For Sale" sign on the house? Mr. McPherson said he was living in the house. He would fill in the back and put in the runs if it can be approved by the Health Department, but he may sell by spring or before. Then again he may not sell for two years.

Mr. Clayton made the statement that this property has a drainage problem.

Mr. Smith said the whole hearing got involved around dogs and horses and really got out of hand.

Mr. Everest said this appeared to him to be new evidence and he thought Mr. Lawson was entitled to a new hearing. Mr. Smith agreed. He said he wanted to see an official report from the Health Department.

Mr. Yeatman who voted for the motion to grant on September 8, moved that a rehearing be granted in view of the new evidence. Seconded, Mr. Everest.

(It is not necessary to re-advertise and repost.) New hearing - December 8. Motion carried unanimously.

Mr. Lawson said Mr. Clayton would be present to report from the Health Department.

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DORA W. MITCHELL, to permit carport to remain 7.6 ft. from side property line, Lot 28, Block 32, Section 14E, North Springfield (5200 Easton Drive), Mason District (R-12.5)

^{from 10/27}
(Deferred to view property.)

Mrs. Mitchell said they had looked for a long time for property where they could have a double garage. The owner said he had measured the setbacks and they could have this within the regulations. They also had a contract including the double carport. There was no inspection. The contractor said he (the inspector) was so busy that they would just go ahead and complete the structure. They paid for the building. One week later the inspector came and said the carport was in violation.

They depended upon the owner's word and the contractor, Mrs. Mitchell said. The only thing they could do was to apply for a variance. The contractor has left the area.

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Dora W. Mitchell - Continued

Mr. Everest said this appeared to be an honest mistake, certainly not intentional on the part of these people. Mr. Everest also noted that Mrs. Mitchell had grounds for a variance - on the shape of the lot. He moved to grant the case -- that the carport be allowed to remain as built. This comes under Section 30-36, paragraph 4.

Seconded, Mr. Yeatman.

It was noted that only one corner is in violation and the applicant had a reason for the variance under the hardship clause - because of the topography part of the Ordinance. Granted as applied for. Carried unanimously.

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DONALD H. AND SERENA D. REYNOLDS, to permit division of lots with less area than allowed by the Ordinance, Lot 6, Braddock Hills, Mason District (RE 0,5) *deferred from 10/27*

Mr. Victor Hanger represented the builder. This is an odd shaped piece of land, he pointed out, a house has been built on one part of the tract, leaving an open area which should be used. People in the area are in favor of this and the owner of the ground does not wish to keep up such a large yard. He showed pictures of the house they plan to build on the extra lot. They have water and sewer. There are all R-12.5 lots in the area. This is applied for under Section 30-7-g of the Ordinance, page 473.

Mr. Smith did not think this met the requirements of this section. Mr. Hanger answered -- that was the reason they were before the Board. The area has over 17,000 sq. ft. but they do not have the 36,000 sq. ft. overall.

The corner lot does not have enough area, Mrs. Henderson pointed out. This was a recorded lot but when the division is made it has to be recorded and it must comply with requirements.

Mr. Moore said they were lacking about 1,000 sq. ft.

Mrs. Henderson said this was simply creating a small lot in a large lot area.

Mr. Hanger thought the land should be used - it is vacant, all utilities are available. The owner cannot keep it up, people in the neighborhood would like to see a nice house built here.

Mr. Smith said he saw no authority for the Board to grant this. It might be desirable for the owner but he would have to have a reason applicable under the Ordinance for this division. If a house were built on this new lot it would have to have variances, which would be difficult to justify under the Ordinance. This is a matter for rezoning, Mr. Smith suggested.

This would create two sub-standard lots, Mr. Smith continued - there are many lots in this area as large as this entire property.

Mr. Yeatman moved to deny the case to permit division of lots with less area than allowed by the Ordinance. If the Board granted this they would in effect be rezoning the property, a function of the Board of Supervisors only. Seconded, Mr. Everest. Carried unanimously.

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COMMUNITY BUILDERS, to permit carport to remain 11.3 ft. from side property line, Lot 100, Section 2, Sleepy Hollow Run (4116 Breezewood Lane), Mason District (R-12.5) *deferred from 10/27*

Several Board members had seen the property. It was noted that the applicant had to have a retaining wall and the posts would be back 11.6 ft. When this was set up it was supposed to be 12.5 ft. from each lot line. In staking out, it developed that the setback was 13 ft. on one side. No one was sure how this happened.

There were no objections from the area.

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Community Builders - Continued

In the application of Community Builders, to permit carport to remain 11.3 ft. from side property line, Lot 100, Section 2, Sleepy Hollow Run (4116 Breezewood Lane), Mason District, Mr. Smith moved to approve an 11.5 ft. setback from the property line as applied for. This is approved in accordance with the new plats submitted. This is only a five inch variance. It comes under Section 30-36, paragraph 4. Seconded, Mr. Yeatman. Carried unanimously.

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TAMARACK STABLES, to permit operation of riding school and boarding stable for horses, property on southerly side of Telegraph Road at Pohick Creek, Mount Vernon District (RE-2) deferred from 10/27

Mr. Barnes had inspected this operation and reported that it was first class - one of the best setups he had seen in the County. The applicant has 23.4 acres.

Mr. Everest moved to approve the application of Tamarack Stables as stated above; seconded, Mr. Yeatman. Carried unanimously.

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ROBERT TRAVERS, TRUSTEE, to permit erection of an apartment building closer to property lines than allowed by the Ordinance, Lot 513, Evergreen Farms Lee District (C-G) deferred from 9/8 & 10/20

Mr. Fagelson, representing the applicant, presented new plats with a revised plan of development asking a 5 ft. variance on either side of the buildings, for only a part of the property - 210 ft. of the actual building. This will allow interesting shape and form to the building. The density will be the same. They will have part of the parking under the building. It is planned to rent these units for \$80.00 for a two-bedroom apartment. There will be 88 units in all. Most of the building will be two-story - the balance three story. This will not be an excessive variance, Mr. Fagelson contended, the lot is 950 ft. long and the variance will be on only 210 ft.

They cannot get financing on this property for commercial development, but they have a builder now who can get financing for apartments and he is ready to go ahead.

Mr. Smith said he thought this would merit a five foot variance as requested, it should produce a better building. This is for low income groups and there is a great need for that in the County.

In the application of Robert Travers, Trustee, Mr. Smith moved that the application be approved in accordance with plats submitted at this hearing by D. G. Chase & Associates. This variance is to cover only 210 ft. of the apartments measured from U. S. #1 and the variance is for 5 ft. from the property line on each side of the building. Seconded, Mr. Everest. Carried unanimously.

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JOSEPH MARVICH: Mr. Woodson said this was a misunderstanding -- the variance was granted on the garage, setback from the rear. It now develops that the applicant wishes to extend his dwelling over the garage. This would bring the actual dwelling to within 8.8 ft. from the rear property line. The original dwelling itself meets the setback but this room extension would be in violation.

Mr. Marvich said their living quarters are all on the second floor. The first floor is for utilities, etc. The drainage goes under the house and the garage in back.

Mr. Smith recalled that this was granted originally on September 8. He moved that in the case of Mr. J. Marvich, 1206 Biscayne Drive, the application be amended to read as originally intended, to permit the dwelling and garage closer to rear property line than allowed by the Ordinance - granted due to topographic situation. Seconded, Mr. Everest. Carried unanimously.

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The Board discussed the Nassif case (Weisz) in view of their having seen the property. It was the general opinion that there were things in the background that the Board did not know and more research would have to be done before determining if the case should have a rehearing.

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Mr. Moore said they had approved the site plan for the main building only and this matter came up later.

Mr. Smith said he could see no reason for a rehearing but would like to go further into the records.

The Board discussed the screening at length - what might be the practical solution for both Mrs. Weisz and yet be fair with Nassif. What was the intent of the Board of Supervisors? Would the retaining wall effectively prevent erosion? Should more planting be required? Mr. Moore said many of these things could be worked out on the site plan.

The Board asked Mr. Woodson for the motion of the Board of Supervisors and the Planning Commission approving the site plan to be brought to the next meeting.

The meeting adjourned.
Katheryne Lawson, Clerk

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

January 25, 1965 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, November 24, 1964 at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. Messrs. Smith, Yeatman, Everest, and Mrs. Henderson present. Mrs. Henderson, Chairman, presided.

Mr. Smith led the Board in prayer.

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C. R. DOVELL, to permit carport to remain 12.5 ft. from side property line, Parcel B, Southern Knolls Farm, Centreville District (RE-1)

Mrs. Dovell said they had purchased the house after Mr. Clem built the carport too close to the line. The house itself ends at 27 1/2 ft. but the end of the carport after survey is 12 1/2 ft. from the property line. Only the corner of the carport is in violation. They bought the house in March 1964, completed it, and moved into it on September 1. Mr. Clem went into bankruptcy and could not finish the house himself. They have settled on the purchase but must clear this violation before they can get their loan.

Mr. Woodson said the building permit did not show a carport.

Mrs. Dovell said they had an agreement with the Thomas family who are in Europe for three years on military duty, that they could exchange some land with them and therefore would not need the variance. However, this must be cleared up as soon as possible and this is hard to do with the Thomas' in Europe. The old barn that was located on the property was burned.

There was no opposition.

In the application of C. R. Dovell, to permit carport to remain 12.5 ft. from side property line, Parcel B, Southern Knolls Farm, Centreville District, Mr. Smith moved that the application be granted as applied for, for reasons stated. This certainly is no fault of the owner. The builder was unable to complete the house and the mistake was there when the Dovells took over. They need to get settlement on the property. This conforms to Section 30-36, paragraph 4, of the "mistake clause" of the Ordinance. ~~Seconded~~, Mr. Yeatman. Carried unanimously.

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LOWELL DAVIS, to permit erection of carport 13.4 ft. from rear property line, Lot 16, Westbury Heights, (4805 Cecile Street), Dranesville District (R-12.5)

Mr. Davis said that when he bought the property, it was misrepresented to him and he did not find this out until he had begun closing out. He had thought the land was squared off in the rear. By the time he found out, the basement was finished and air conditioning was put in. Now he wishes to put in a carport or garage. The neighbors have no objections.

Mrs. Henderson noted that a variance had been granted on the house already.

Mr. Davis did not know of the variance. He said he signed the contract in March of 1963. He had bought the house from Mr. William P. Ames, and finished it himself. He moved here because he thought he would have more room. Mr. Roy built the house.

Mrs. Henderson asked how many houses in the subdivision have carports. Hardly any of them do, Mr. Davis replied.

Mrs. Henderson said she felt this was really a problem since Mr. Davis does not have enough room for a carport, and neither do a lot of other people.

Mr. Davis said he had considered the possibility of building a wall barrier but he was worried about what this would do to the appearance of his house. He has three cars and a boat.

There was no opposition.

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Lowell Davis - Continued

Mr. Everest suggested running the back wall on an angle and he could still have room for one car and the boat or quite a bit of work area.

Mrs. Henderson said it might make an interesting looking addition, with the slight jog to it.

A garage at that angle might look all right, but not the carport, Mr. Davis said.

The building line could extend to the west within 12 ft. of the property line on the same line as the variance previously granted, but not to the east, Mrs. Henderson said.

Mr. Everest so moved -- that Mr. Davis' application to permit erection of carport 13.4 ft. from rear property line, Lot 16, Westbury Heights (4805 Cecile St.), Dranesville District, be granted to allow the building line to extend to the west within 12 ft. of the property line, on the same line as the variance previously granted to William P. Ames on May 7, 1963 (on the corner of the house), but not to the east. This is an amendment or continuation of the original variance. Seconded, Mr. Yeatman. Carried unanimously.

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JOHN C. CLARK, to permit erection of an addition to dwelling 10.05 ft. from side property line, Lot 45, Section 2, Chestnut Hill, (4205 Duncan Drive), Falls Church District (R-17)

Mr. Clark said his house was built by Wildwood Properties approximately six years ago. They occupied the house in August 1959 and now they need additional space. The addition which they propose will go out six feet on the side and they propose an "L" in the back. There is plenty of room between the two houses.

Mr. Yeatman suggested putting the addition to the left of the house but Mr. Clark said that side is two story and the addition would serve no purpose. The bedrooms are in the back and the hill slopes off steeply there. They would like to enclose the carport to make a room and then put a room behind it. The carport is 12 ft. wide. The addition will be used for a new living room.

Mrs. Henderson said she was familiar with the area and it is very hilly and rough. In 1959 carports could extend five feet into the side yard. According to the plat, this is a 4.95 ft. variance.

In the application of John C. Clark, to permit erection of an addition to dwelling 10.05 ft. from side property line, Lot 45, Section 2, Chestnut Hill (4205 Duncan Drive), Falls Church District, Mr. Smith moved that the application be approved as applied for as it does have unusual circumstances surrounding it, and to fail to grant would cause a hardship on the applicant. All other provisions of the Ordinance to be met. There is a topographical problem preventing building on the opposite end of the house. They are on septic tank now but will connect to the sewer when it is available in the near future. Seconded, Mr. Yeatman. Carried unanimously.

✓ //
NOEL B. COFFEY, to permit erection and operation of a service station and permit building 25 ft. from side property line, part Lot 1, Highland Park Subdivision, on Telegraph Road and Highland Drive, Lee District (C-N)

Mr. Robert Fitzgerald represented the applicant. He said the Planning Commission and Board of Supervisors had rezoned this land for the purpose of a gas station. This is located across the street from a millworks operation, and contains approximately 22,000 sq. ft. In rezoning the property to C-N, it was made clear that the station should be of colonial design and this gives the Board of Appeals the power to insure the design of the service station. This would be an Atlantic station.

Highland Drive dead-ends at the recreation center, therefore they oriented the station to Telegraph Road. Because of size of the lot, they found it necessary to request variance to the 50 ft. setback. The adjacent property owner has filed a letter setting forth his approval

Noel B. Coffey - Continued

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of the variance. Because this is next to residentially zoned property, they must put up a stockade fence and 12 ft. of planting. There is already dense growth there; they will supplement it with planting. Atlantic will put in curb, gutter and sidewalks, which will improve the area.

Mrs. Henderson asked whether the Commission and the Board of Supervisors were aware at the time of rezoning that a variance would be necessary in order to use the property for this purpose. Mr. Fitzgerald said he did not recall the question ever coming up.

Mrs. Henderson objected to applicants getting property rezoned when they know all along that a variance will have to be granted in order to make use of the property. She suggested that Mr. Fitzgerald buy 25 ft. of land from the adjoining property. She had no objection to the proposed use -- but she questioned whether this would have been granted had the Commission and Board known that the property could not be used without the variance being granted. This is big enough for another use, she said, but not for a gas station.

There was no opposition.

Mr. Everest said he believed that the ground was zoned to C-N for this particular use, and if the permit is denied, a less desirable use could be put on this ground and would defeat the purpose of rezoning this ground.

Mr. Smith felt the use should be granted but he was concerned about the variance. He suggested deferral until the applicant could bring in new plats showing the location of the service station, needing not more than five feet of variance and he would be inclined to give more favorable consideration. He moved to defer to December 8 for new plats. Seconded, Mr. Yeatman. Carried unanimously.

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WILLIAM H. MACKEY, to permit erection and operation of a miniature golf course and golf driving range, on south side of Lee Highway approximately 1,000 ft. east of Rocky Run, Centreville District, (RE-1)

Mr. Mackey said they believe the area needs recreational facilities and they wish to put in a driving range and miniature golf course. They will lease the property from Mr. Crouch.

Mr. Smith asked if this was the property that was leased to the Beards for the antique shop.

Mr. Crouch said there was a reservation in his lease with the Beards giving him the right to have the property for the golf driving range and golf course.

The Board discussed the signs advertising the antique shop, in violation of the Ordinance.

Mr. Everest felt the Board should review the Beard case and have proper plats submitted showing exactly which property Mr. Mackey intends to use for this operation.

Mr. Mackey said that he lives in Maryland, and has had no experience in this type of operation. His partner lives in Virginia, but has had no experience in this field either.

Mrs. Henderson said she would entertain a motion for summary denial of the application but in order to give the applicant some benefit, they should call for opposition.

Mr. Thomas G. Crouch, owner of the land, spoke in favor of the application.

Mrs. Dorothy Labeson, resident of the area for fourteen years, spoke in opposition, saying the County should abide by the plans for the area setting this land aside for town houses. A golf driving range would not be in keeping with the area.

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William H. Mackey - Continued

Mrs. Clyde Kessler objected to noise which would be created by this operation. It would interfere with church services across the street from this, and would increase the hazardous situation of the roads by added traffic.

Mrs. Roberts asked that the area be left in residential uses -- she did not wish to see Route 29-211 become another "Route 1" situation.

Mrs. Vanderville, owner of Criss-Cross Kennels, said she has lived in this area for twenty years. She objected for reasons stated by others in opposition.

Mr. Mackey felt that the opening of Route 66 had greatly relieved the traffic problems on Rt. 29-211. They will put in a deceleration lane and would operate at hours other than during the church services, so there would be no interference with church activities.

Mr. Crouch felt that the land could be used for this operation until such time as water and sewer are available and buildings can be put on the property. The permit for the antique shop only has one and a half years to run. He said he did not approve of the signs which were put at the driveway and he would release this use and see what could be done about the Beards' use of the property.

Mr. Mackey requested that the Board allow him to withdraw the application at this time.

Mrs. Henderson said the new application should deal with what hours they plan to operate, lighting, entrances, exits, etc.

Mr. Smith moved that Mr. Mackey be allowed to withdraw his application without prejudice. Seconded, Mr. Everest. Carried unanimously.

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THE CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA, to permit erection and operation of a dial center, Lots 1 and 2, Katherine T. Moore Subdivision, (SE corner of 29-211 and Moore Road), Centreville District (RE-1)

Mr. McCandlish represented the applicant. He showed a facilities map which he said the Federal government would not allow them to file. They wish to locate an automatic dialing station here. It will be unattended except for maintenance employees, three to four of them, for eight hours a day, except in emergencies.

Mr. Weir, Staff Engineer, said the building would be of concrete frame construction, the panel in front will be brick, and the sides of ornamental concrete. This will be buff colored brick.

The Board felt that red brick would look better and be more in keeping with other construction in the County.

The Board discussed the C-G property which they felt should have been chosen for this use rather than residential property.

Mr. Weir said they had investigated the possibility of locating on commercial property but some of it would not pass percolation tests, and other land was rejected due to topography. This operation would not be a noisy one. In power failures, there might be a slight hum from the emergency engines, but power failures are few and far between and do not last long. This would not interfere with radio or television reception. They have these stations all over the state in residential areas and have had no objections from anyone. This will not be used for storage of vehicles at night. There will be no one there at night.

Mrs. Henderson noted that they would have to meet site plan requirements including a travel lane across the front, unless waived by the Board of Supervisors.

Mr. Moore of the Planning Staff suggested that they might be able to do with just an easement across the front.

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The Chesapeake & Potomac Telephone Company of Virginia - Continued

Mrs. Labeson asked that it be noted that they are not opposing the dial center, they are just concerned about the area in which they live. She asked if this dial center would mean that those now on the Browning exchange could be taken into the Washington metropolitan exchange, the same as Crescent numbers. Mr. Weir said - not immediately but this is a step in the right direction. As far as the road is concerned, they will help maintain it and during construction they will see that the people who have to use Moore Road will not be inconvenienced. In many cases they maintain the road themselves and other times they submit a cash payment to the State to maintain it.

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Mr. Moore noted that eighteen feet of Moore Road from the center line would have to be paved. The Company would be willing to do this, Mr. McCandlish stated.

Mr. Smith asked Mr. Weir if he would direct Mrs. Labeson's question to the proper person in the telephone company and give her some information as to when they might be expected to be included in the Washington metropolitan exchange system. He thought that the Crescent numbers might be extended to take care of the Browning numbers.

Mrs. Henderson noted that the Planning Commission had recommended approval.

In the application of the Chesapeake and Potomac Telephone Company of Virginia, to permit erection and operation of dial center, Lots 1 and 2, Katherine T. Moore Subdivision (southeast corner of #29-211 and Moore Road), Centreville District, Mr. Smith moved that the application be approved with the following conditions -- that they comply with setbacks; that they either provide a service road or grant an easement on the front part of the property; provide parking in the rear of the building; improve and asphalt Moore Road for the length of the property; (site plan will take care of sidewalks) and that the building conform to the picture shown. Any changes must come before this Board (unless they decide to use red brick instead of the buff brick shown in the picture); all other provisions of the Ordinance to be met. Seconded, Mr. Yeatman. Carried unanimously.

// The Board adjourned for lunch at 1:20 and reconvened at 2:20:

VIRGINIA SAND AND GRAVEL COMPANY, INC., to permit gravel operation on 26.1 acres of land, on east side of Loisdale Road, 3500 ft. north of Belvoir Interchange and west of RF&P Railroad, Lee District

Mr. Fred Keller represented the applicant. He stated that this falls within the NR area which allows processing and plants on the property, however, they plan only removal; no processing. They plan to put in an entrance road to take material from this property and haul it on Loisdale Road to Newington Plant. This will not affect traffic from Loisdale Estates. They will operate under the NR ordinance. They are requesting a two and a half year permit with renewal if necessary. Their plans have been reviewed by Public Works and the Restoration Board has recommended approval with minimum bond as stated in the Ordinance. The Planning Commission recommended approval with stipulations.

Mr. Keller said they do not object to the stipulations placed on them by the Planning Commission.

Mrs. Henderson read letters from the Planning Commission and the Restoration Board. (Letters on file in the folder for this case.)

Mr. Keller said they would finish in two and a half years under normal conditions - however, if they have a lot of bad weather it might take longer.

No opposition.

Mr. Everest moved that Virginia Sand and Gravel Company, Inc. be permitted a gravel operation on 26.1 acres of land on the east side of Loisdale Road, 3500 ft. north of Belvoir interchange and west of the RF&P Railroad, Lee District. The bond shall be the minimum called for in the Ordinance. All other provisions of the Ordinance to be met. Granted for a two and a half year period. Renewals must be approved by the Restoration Board and Board of Appeals and shall not require filing formal

Virginia Sand and Gravel - Continued

application. Seconded, Mr. Yeatman. Carried unanimously.

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Mrs. Henderson read a letter from Mr. DiGiulian regarding a permit for gravel operation issued September 25, 1962 on 23 acres of land.

Mr. Smith said he saw no objection to extending the time period for replacing topsoil, seeding, etc. but he felt that bond should not be released until the industrial development takes place there and the land has been restored. The other Board members agreed.

Mrs. Henderson said they would hold in abeyance the requirement for replacing the topsoil and seeding, for nine months to see if this takes place. If plans fall through, the topsoil and seeding could go in.

Mr. Smith suggested releasing the bond on a percentage basis.

Mr. Everest moved that the Board extend completion of restoration of this area for one year. He felt it would be ridiculous to require spreading of topsoil and seeding, and six months later tear it out for industrial development. He felt a year was ample time in which to see what the actual development of the ground will be, and meanwhile keep them under bond. Seconded, Mr. Yeatman.

Mr. Smith asked that Mr. Everest amend his motion to nine months, and if this is not enough time they can ask for another extension then.

Mr. Everest amended his motion to nine months. Mr. Yeatman accepted the amendment. Carried unanimously.

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SEVEN CORNERS MEDICAL BUILDING, INC. (Medical Arts Building), to permit a facility for serving food (Fairfax Inn); and to permit exterior sign to be placed on the building, property on west side of Sleepy Hollow Road south of Route 7, Falls Church District. (C-O)

Mr. Waterval represented the applicant. He said he was asking the Board to approve the application under Section 31-141. He was asking for three things. First, a special use permit to allow a coffee shop within the confines of the existing medical arts building, on the first floor. He felt this would be a permitted use subject to conformance standards under Section 30-37. Secondly, they are asking for a variance to allow a sign to be affixed to the outside of the building.

Mr. Smith stated that the Board has no authority to vary any specific requirements of the Ordinance unless there is a topographic reason.

They meet the parking requirements and have one extra space, Mr. Waterval said. They would prefer having their sign on the building but they could have a sign outside on commercial property.

Mrs. Henderson read the sections of the Ordinance dealing with signs and buildings such as this.

Mr. Waterval read a letter from Mr. Owens, owner of Parcel 2A, in favor of the application. There was no opposition.

Mr. Smith moved that Seven Corners Medical Building, Inc. be permitted a facility for serving food, in 950 sq. ft. shown on the plat submitted, showing cooking area, a coffee shop and a service area. This part of the application should be granted as applied for. However, the part dealing with the sign is completely contrary to the intent of the Ordinance and should be denied. There shall be no outside signs on the C-O property, and nothing outside to indicate that a restaurant facility is located here. This is to serve people working and visiting in the building and is not meant to become a public facility. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest. Carried unanimously.

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November 24, 1964

BETRAM KEMP, to permit carport to be converted to garage to come 36.4 ft. from street and 10.8 ft. from side property line, Lot 73, Section 4, Rolf Heights (9528 Justine Drive), Falls Church District (R-12.5)

(This had been deferred to view the property.) *from 11/10*

Mrs. Henderson said she had suggested enclosing in the rear up to the wall on two sides but not to enclose the front. She said she was still confused as to whether Mr. Kemp needs a side variance. She would be willing to grant the side variance because it would only be part way down, but not allow him to enclose the front.

Mr. Smith said Mr. Kemp does need a variance on the side according to the plat.

If he needs the side variance, then the Board could grant it, Mrs. Henderson suggested, but not to allow him to enclose the front. This would permit Mr. Kemp to enclose up to the front line of the house (and he does have a Cadillac which will stick out, but he is interested in keeping snow off the windshield). A neighbor has stated that he would like to see it enclosed.

Mr. Smith said 13.7 ft. was the minimum width as far as the garage is concerned. It is already there as a carport and he only wants to enclose for protection of his investment. Mr. Smith moved that the first part of Mr. Kemp's application - to permit carport to be converted to garage to come 36.4 ft. from street, be denied - and the second part of the application - to allow him to enclose at 10.8 ft. from side property line, be granted. This is Lot 73, Section 4, Rolf Heights (9528 Justine Drive), Falls Church District. The enclosure should conform to the setback of the house. This would be an enclosure on the side property line and rear of the 40 ft. setback. All other provisions of the Ordinance to be met. Seconded, Mr. Everest. Carried unanimously.

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SPRINGFIELD MASONIC LODGE NO. 217, to permit erection and operation of a masonic lodge and permit building 77.81 ft. from Backlick Road, Lots 8 through 13, Section 5, Beverly Forest, Mason District (RE-1)

deferred from 11/10
Mr. Carl Hellwig represented the applicant.

Mrs. Henderson noted that this case had been deferred to view the property and for information on sanitary facilities.

Mr. Hellwig read a letter from the Lodge to the Health Department and the Health Department's reply. (Letters on file in the folder for this application.)

Mrs. Henderson said she felt this was too much building for the size lot they have.

After a great deal of discussion, Mr. Smith said he felt that in all fairness to the applicant, there should be a full Board present to vote on the application. He suggested deferring the application.

Mr. Yeatman moved that the application be granted as applied for. No second.

Mr. Everest moved to defer for full Board to be present. Seconded, Mr. Smith. Carried unanimously. (Deferred to December 8.)

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Mrs. Henderson read a letter requesting postponement of the application of M. H. BURCHELL AND NOURI M. MANSY, to permit erection and operation of service station, N. W. corner of Rt. 29-211 and Legato Road, Centreville District (C-N zoning), indefinitely. (Applicants' request)

Mr. Smith moved to defer for six months. Seconded, Mr. Everest. Carried unanimously.

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FREEDOM PARK, INC. - Rehearing:

Mr. Whytock said they had received a letter from the sewer department and they expect to have sewer available between July 31 and November 15 of 1965. After their next season they can connect with the sewer and then can locate the parking area where the present septic field is. He said that Mr. Rasmussen had recommended to the Board of Supervisors that the proposed building which would be at the southeast corner of the diving pool site, (the filter house), be moved from that corner to the northwest corner to get away from the drainage area as far as possible. They hope to start the pool this winter and spring so it will be ready for opening in June.

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Mrs. Henderson asked how many trees would have to come down to build the pool?

Mr. Whytock said - three trees. They have very carefully placed the pool so they can avoid any other cutting.

Mr. Becker and Mr. Rudd were present to answer questions regarding the pool.

Mr. Whytock said they felt there was no need for an artificial buffer as they already have a natural buffer.

Mr. Smith felt there should be some type of barrier fence. He suggested chain link fence to keep trespassers off adjoining property.

Mr. and Mrs. Carroll were present in opposition, insisting that they wanted a wooden structure across the rear of the pool property to protect them from noise and to give them privacy.

The Board discussed the advantages of a chain link fence over a wooden fence which could be torn down or have holes kicked through it but the Carrolls felt that a wooden fence would give more privacy.

Mr. Whytock said they could not possibly maintain a wooden fence and repair it every time someone knocked holes in it.

The Board agreed that it would be impossible to maintain such a fence but felt that in putting up the wooden fence, the applicants had complied with their requirements. If it gets torn down, they have still complied by putting the fence up.

Mr. Becker, president of the pool corporation, said they would prefer the chain link fence. A wooden fence would not last over five years at the most.

Mr. Smith moved that the original permit be amended to alleviate parking on the upper level and let the pool association continue to operate and construct the additional pool as proposed and granted in the original permit, using present parking facilities till next fall when sewer facilities become available, at which time they will hook onto the sewer and the present septic and drainage field can be used for parking area and they can meet parking requirements. No trees shall be disturbed in that area except those necessary for putting in the additional pool facilities. All other provisions of the original permit remain. They must submit to the Zoning Administrator a final plat showing 91 parking spaces as soon as possible after they have been approved by Public Works. All other provisions of the Ordinance shall be met. Hours will be 9:00 a.m. to 9:30 p.m.; no lights shall shine on other property. They must erect a solid wooden 7 ft. fence. Seconded, Mr. Yeatman. Carried unanimously.

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OLD FRONTIER TOWN: Mr. Cohen said they had started their operation late in the season but they hoped that they had complied with all requirements set by the Board. They had had no complaints during this season.

Mr. Woodson noted that no complaints had been lodged with his office. He had inspected the property several times and everything was operating fine.

Mr. Smith said he had had some complaints about dust from the parking area.

OLD FRONTIER TOWN - Continued

Mr. Cohen said they had found the number of parking spaces adequate. There were some parts of the parking lot that were not used at all.

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Mr. Stearns from the Dixie Hill Citizens Association said they had no complaints about noise for the first time in many summers. However, he remembered one restriction about the parking lot being paved before they could open.

Mr. Smith said that was the motion but the applicants went to court, and in re-negotiation, rather than go through the long court procedures, and the fact that they were well into the summer season, the judge indicated that he would like to see the Board members meet with the applicants, and out of this grew the requirements that the applicants only asphalt the driveway and put in bluestone.

Mr. Stearns said they still feel that the operation is a nuisance and they would like to see it removed. He felt that the septic field was marginal and did not meet requirements.

Mr. Smith said he felt that the tank was adequate for the operation, however, the Health Department could be asked to look at it before issuing any kind of permit.

Mr. Cohen said he had called Mr. Stearns several times and offered to meet with his group and try to work things out but he was never given the invitation or opportunity to meet with them. They have tried very hard to please the people in the area -- they even devised a special gun powder mixture which would fire at a much lower noise level than ever before. They intend to do all they can to cooperate. They will meet any requirements of the Health Department. They find that their present tank with a capacity for 10,000 gallons, is entirely adequate.

The Board agreed that a new application should be filed and the applicant should submit new plats and lists of anything they plan to do on the property, and where each will be located. Hearing could be held January 12.

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KENA TEMPLE: The representative from Kena Temple said they had had no complaints.

The Board discussed the progress they had made and Mrs. Henderson said if they had had no word from the Board on December 22 they will know that the Board thinks they are doing all right, but this does not mean that they should let up on their progress.

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The Board discussed the Weisz property and the Nassif Building.

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The Board discussed the proposed amendments regarding radio and television shops in the home, and shelter of horses and ponies. No action.

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The meeting adjourned at 5:30 p.m.

By: Betty Haines

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

January 25, 1965 Date

December 8, 1964

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. in the Board Room, Fairfax County Courthouse. All members present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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The Chairman announced the resignation of Mrs. Katheryne Lawson, Clerk to the Board of Appeals, and expressed the regrets of the Board members.

NORTHERN VIRGINIA LAND CORP., to permit erection of dwelling 10 ft. from Maine Blvd., Lots 10 and 11, Block B, Falls Church Manor, Falls Church District (R-10)

Mr. Tom Lawson represented the applicant. This is an old subdivision, Mr. Lawson said, platted in 25 ft. lots. This is a corner lot. The applicant can meet the front setback but on one side is Maine Street which while dedicated is dead end and used as one person's driveway. It is narrow and only part of the right of way is used. The applicant would have to set back 35 ft. from the right of way and with the 10 ft. setback on the opposite side of the lot - this would leave an unusable lot. The combined lots are 50' x 125'. The applicant has purchased a house at the intersection of Arlington Boulevard and Cherry Street which he would like to move here. The house is 30 ft. wide. The variance on one side would be only six inches. The variance on the side street (Maine Street) would be 25 ft. - 10 ft. from the right of way. If this were not a corner lot it could be used - but the lots adjoining are built upon and the applicant cannot purchase more property. This is a hardship case, Mr. Lawson continued, a situation which leaves the owner with an unusable lot unless he can get a variance. This is a small house but it is comparable to other houses in the neighborhood.

Opposition: Mr. Johnson, who lives across Cherry Street, objected to the house Mr. Baritz had moved on a lot in the area, particularly the position of the house on the lot. (It was brought out later than the house had to be turned side to the front in order to meet the setbacks.) Mr. Johnson was apprehensive as to what might be done with this house.

Mr. Bridges, owner of the property at the end of Maine Street, said the little street was his driveway which is used to the extent of about seven or eight feet. He wanted the house to set back 20 ft. from this. It was noted, however, that the applicant was requesting to set back 10 ft. from the full width of Maine Street which would be more of a setback than requested by Mr. Bridges.

Mr. Bridges said the school playing field which this road dead ends into may not always be so used and the road may at some future time be cut all the way through. Mr. Bridges said he was mainly concerned over the right of way to his house, and that the encroachment not be too great. He said they had restrictive covenants of 20 ft.

If these restrictions are met, Mrs. Henderson noted that the house could be approximately five feet wide. By granting a variance it would allow the lots to be developed with a normal size house which would be in keeping with the neighborhood.

Mr. Smith noted that the building would be set back 10 ft. from the actual road width and Mr. Bridges' right of way would not be disturbed. Mr. Smith thought there was no possibility of the school giving up the playing field property. If it is not used for recreation purposes it would be used for parking, something the school lacks and which all schools are becoming very conscious of.

Mr. Johnson again discussed the 9.33 ft. side setback. He objected to "squeezing" the houses.

It was noted that this is a 36 ft. house which would fit into the neighborhood better than a smaller house and the variance of 6 or 7 inches would not affect anyone.

Mr. Lawson said this was a nice little house, it is brick, and is valued at approximately \$21,000. It would not depreciate the neighborhood and the 6 inch variance would not hurt anyone.

The street will never be opened, Mr. Lawson continued.

Mr. Bridges asked that he be assured that his entrance would not be blocked during construction. Mr. Baritz said the whole construction process would take something over a day - foundation and moving the house on to the property. All the moving and excavation work would take place from Cherry Street, Mr. Lawson said. He noted that they could not block the street at any time.

Mr. Smith said he considered this one of the most unusual cases he had ever heard before this Board where the applicant has only two lots and cannot place a small dwelling on the lots. The two lots together are very small and the property is unusable without a variance.

Maine Avenue gives access to only one dwelling. It is dead end and is not paved. While it is dedicated it is not in the state system. A lesser setback on this road could not adversely affect the one dwelling nor anyone else. This is an old subdivision and this development would appear to upgrade the neighborhood. It would be harmonious with surrounding construction. This is a minimum variance. He moved that the Board approve the request as presented for reasons stated. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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WALTER C. CRAIN, to permit erection of dwelling 20 ft. from rear property line, Lot 4, Block F, Wilton Woods, Lee District (R-17)

Mr. Crain said he disliked to bring this request to the Board as he has a good lot with plenty of area for a dwelling but as it works out there is a limited buildable area. He showed a sketch of the very long, narrow building that could be put on the property if it meets the setbacks. They need only an extra 5 ft. on the rear against the cemetery.

Mr. Crain said this lot would not have been left this narrow had he followed the engineering closely. He builds good houses and does not wish to squeeze houses on his property. However, since the cemetery is in the rear, there would be no objection. He will leave all the trees in front of the house - this is a wooded lot. He noted the sewer easement which he gave the cemetery people across this lot. This also restricts the location of the house.

No one from the area objected.

Mr. Smith said he considered this another unusual case - this is a very long, narrow lot with a sewer easement through it. This is a 12 year old subdivision and the variance sought in the rear is against a cemetery which adjoins the property and would not adversely affect that property. Without this variance the applicant could not build a livable house here which would be harmonious in this area of \$40,000 and \$50,000 homes. This house will not be quite up to that price but is comparable. This merits favorable consideration based on the information received by the Board and this appears to be a minimum variance.

The Board thought it was better to give an extra foot variance in the rear. The application was so amended.

For reasons stated, Mr. Smith moved that the application of Walter C. Crain be amended to 19 ft. from the rear property line and approved. The variance will be 6 ft. instead of 5. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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IMPERIAL BUILDERS, INC., to permit dwelling to remain 48.50 ft. from Golden Falcon Street, Lot 66, Oliver Estates and permit dwelling to remain 45.80 ft. from Constellation Drive, Lot 67, Oliver Estates, Dranesville District (RE-1)

Mr. Richard Chess represented the applicant. This is a new subdivision, Mr. Chess told the Board, of only eighty lots. This is the first builder to start construction -- Mr. Jennings.

Imperial Builders, Inc. - Continued

This is an unfortunate situation, Mr. Chess said. Mr. Jennings was not present when the lots were staked out and the surveyor did not allow for the 50 ft. setback. The problem is the porch only on both houses.

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Mr. Jennings said they had built about a hundred houses in the County and had never had this happen before. He assured the Board that it would not happen again. The porches are on the building permit. Mr. Jennings said he gave the plans to the surveyor to compute and what happened in this case he did not know. The surveyor said he did not see the building plans. There was a conflict in the planning of the setback as someone thought only the building was considered in setback and not the porch. It would ruin the appearance if the porch and pillars were taken off.

The Board members made suggestions, none of which appeared to be satisfactory.

Mr. Smith recalled that the Board had had many other situations like this. He accused the builders of going too fast. In this case it appeared to be bad connections between the builder and surveyor. However, Mr. Smith said he knew Mr. Jennings built good houses and he was not prone to make mistakes and he did not think he should be penalized in this by requiring him to remove the porches unless they would adversely affect other houses in the area. This is the first variance, Mr. Jennings has asked - which he thought was a good record. According to the statements made, Mr. Smith said it did not appear that Mr. Jennings had any knowledge of the error until it was out of hand.

Mr. Yeatman moved that the case of Imperial Builders, Inc., to permit dwelling to remain 48.50 ft. from Golden Falcon Street, Lot 66, Oliver Estates and permit dwelling to remain 45.80 ft. from Constellation Drive, Lot 67, Oliver Estates, Dranesville District, be approved and the dwelling to remain as presently located. This was a matter of bad connections between the surveyor and the builder and appears to be an honest mistake. Mr. Jennings has not been to this Board before for variances. This is granted under Section 30-36, paragraph 4. Seconded, Mr. Everest. Voting for the motion: Messrs. Yeatman, Everest, Barnes and Smith.

Mrs. Henderson voted no on Lot 66 which she thought could have been corrected and therefore should not need a variance. The other lot did not present a difficult problem. Carried.

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O. W. & JULIA N. NELSON, to permit shed to remain 2 inches from side property line, Lot 17, Section 2, Belleforest, Providence District (R-12.5)

Mr. G. W. Hammer appeared before the Board saying that notices had not been sent out. He asked deferral.

Mr. Everest moved to defer to January 12 for proper notification. Seconded, Mr. Yeatman. Carried unanimously.

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CHARLES HOLLIDAY, to permit erection of a garage 12.8 ft. from side property line, Lot 23, Section 3, Overlook Knolls, Falls Church District (RE 0.5)

Mr. Holliday said he had lived in this house for six years and now he wishes to add a garage. He cannot put it on the opposite side of the house as there is not enough room. The house is smaller than others in the neighborhood and this addition will make it more in keeping with his neighbors' homes. He proposes to have a breezeway and double garage. The house on the adjoining lot is 22 ft. from his line. This would add greatly to the neighborhood, Mr. Nelson said.

Mrs. Henderson noted that the applicant could have a two car carport without a variance. Mr. Nelson could either have a breezeway and cut the size of the garage or he could have the double garage without the breezeway. She saw no justification for granting the variance requested.

Charles Holliday - Continued

Mr. Smith said it was very commendable to wish to beautify the neighborhood but this Board was bound by regulations which do not permit granting variances unless there are hardships. The applicant can use the property without the variance. This is a request for the very fullest use of the property which the Board has no jurisdiction to grant.

Mr. Everest moved to deny the case of Charles Holliday because he could see no grounds on which the request could be granted. This does not meet the conditions under Section 30-36 of the Ordinance. Seconded, Mr. Yeatman. Carried unanimously.

Mr. Covington was asked to investigate to find out whether 25% of the garages extended 5 ft. into the setback area before 1959.

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SUBURBAN BUILDERS, INC., to permit dwelling under construction to remain 49.4 ft. from Ridgeway Drive, Lot 135, Section 3, Springvale, Mason District (RE-1)

Mr. T. R. Schmitz represented the applicant, stating that this was an error in location. The lot runs uphill to the house location and no doubt the chain was not perfectly level in the measurements. There was no reason why the house could not have been located with the correct setback. There is plenty of room on the lot. They have four houses under construction and this is their only error. The other houses are actually set back farther than required. This is only a 6 inch variance which would not be noticeable.

No one from the area objected.

Mr. Everest moved that in the case of Suburban Builders, to permit dwelling under construction to remain 49.4 ft. from Ridgeway Drive, Lot 135, Section 3, Springvale, Mason District, the application be approved as applied for in accordance with Section 30-36, paragraph 4. Seconded, Mr. Barnes. Carried unanimously.

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KYRIACOS EURIPIDES, to permit erection of carport 4.28 ft. from side property line, Lot 23, Block 1, Section 2, Virginia Hills (1 Virginia Hills Avenue), Lee District (R-10)

Mr. Euripides said he could put the carport only on this side because this is a corner lot. The rear of his lot is high - about 25 ft. higher than the house behind him. The ground slopes down just behind his house. There are steps coming out from the kitchen. The floor for the carport is already in. This will be only a shed type carport - just enough for car shelter.

The regulations would allow this to come within 10 ft. of the line, Mr. Smith noted, but this is within 5 ft. of the line. There are probably many other similar situations, Mr. Smith pointed out, in this area. Mr. Euripides said there were many carports within two or three feet of the line.

(The Board agreed to look into this.)

Mr. Euripides said he had a big lot but it was on a corner and on a hill. These things made it difficult.

Since there appear to be other unusual setbacks in the area Mr. Smith suggested deferral to see the property and the area. The Board asked Mr. Covington to check carport variances in the area, noting particularly if there are carports two or three feet from the line.

Mr. Smith moved to defer to January 12 to view the area. Seconded, Mr. Barnes. Carried unanimously.

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December 8, 1964

RANDOLPH D. ROUSE, to permit erection of a service station, NE corner of Falls Church-Annandale Road and Dashiell Road, Falls Church District (C-N)

Mr. Tom Lawson represented the applicant. He said the final plat on this showed a need for a variance of 21.45 ft. on the rear. He was not aware of this until after the application had been filed and the revised final plats were put in. He had filed only for the use permit. He asked to amend the application to include this variance on the grounds of hardship.

Mr. Lawson presented a letter from Mr. Crosby (rear adjoining property owner) and the one most affected by this variance, stating that he knew of the request and had no objection.

Many others in the area are interested in the case, particularly the Sleepy Hollow Citizens Association, Mr. Lawson continued. He agreed that this was an unusual case from the beginning. It has been up for rezoning twice and withdrawn once. Since 1958 this has been a problem piece of ground. This year the Commission and the Board of Supervisors zoned this to C-N for a filling station. At that time people from Sleepy Hollow expressed their approval that a filling station should go here. Both the Commission and Board knew the use proposed to go here. The controversies of the years past were resolved and people in the area are in agreement with the type of thing going here and the variance required. The station will be a two bay colonial brick.

In making up the original plats, Mr. Lawson said, they were not aware of what dedication the state would require on Falls Church-Annandale Road nor on Dashiell Street. But the widening and travel lane pushed the building back on the property.

Mr. Moore said they are requiring 18 ft. from the center line of Dashiell and on Falls Church-Annandale Road a maximum of 32 ft. but he did not know yet for sure what the State would require.

Mrs. Henderson pointed out that if the State takes only 8 ft. on Falls Church-Annandale Road there was never enough depth on this property to get a filling station without a variance.

Mr. Lawson said they were trying to use this property in a way satisfactory to everyone. They will dedicate the right of way and do everything the County and State require to put this in. The people in this area want this station. They will get the kind of screening they know will give them protection and they want to see the property used. It has been an eyesore for years. The flood plain will be eliminated in the process of taking care of the Page property across the street.

It was noted that the plat presented showed only a part of this entire tract. Mr. Yeatman asked if the Board of Supervisors knew this property was to be split when it was up for rezoning. Mr. Lawson said the zoning was granted with the proposed use -- a filling station.

Mr. Lawson asked to defer the case to January 12, 1965. Mr. Barnes so moved. Seconded, Mr. Everest and carried unanimously. (The applicant is to see if the entire tract can be included in order to eliminate the need for a variance on setbacks.)

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GLENN R. NOFFSINGER, to permit erection and operation of veterinary hospital and permit building closer to side property lines than allowed by the Ordinance, on west side of Backlick Road, approx. 500 ft. north of Calamo Street, Mason District (C-G)

Mr. Tom Lawson represented the applicant. He gave the background of the case. Dr. Noffsinger was required to move from his location on Franconia Road, when the Highway Department included his property in the taking for Shirley Highway ramps. He is required to move within another two months. The Board of Supervisors handled the case out of turn in order to speed up the zoning time element.

In the zoning, the Board was fully aware that the property was proposed to be used for an animal hospital, Mr. Lawson stated.

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Glenn R. Noffsinger - Continued

Dr. Noffsinger proposes a one and a half story brick building. The entire building and runs will be enclosed. There has been no objection from anyone, Mr. Lawson continued, to this use. This is a half acre area but because of the narrow lot he cannot meet the required setback. Since all these lots are in the proposed master plan for Springfield for C-G zoning Mr. Lawson said he would like permission to place the building on the property line on the north side. The Jennings property immediately adjoining, is in for C-G zoning and Dr. Noffsinger and Mr. Jennings wish to put their buildings on the line, adjoining. Mr. Jennings has a 99 year lease. When the Jennings rezoning is accomplished, the buildings could be put on the line. Mr. Lawson asked that the Board waive the setback requirement.

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Mrs. Henderson pointed out that in this case it was the function of the Planning Commission to waive setbacks when commercial property adjoins residential which is included for commercial in a master plan. It was brought out that the Commission had had the case, but took no action on the waiver.

Mr. Jennings said he wanted to put the buildings on a party line rather than observe setbacks.

Mr. Smith said this was a waiver instead of a variance because of the existing situation. However, this area is all in the Springfield Master Plan for commercial zoning and it has been pointed out that this applicant must move because of the widening of the Shirley Highway and he is fighting a time schedule. The Commission failed to waive this setback and it should be pointed out that this is a waiver as such to allow Dr. Noffsinger to construct his building. The lessee of the adjoining property wishes to have the building on the property line and join the building on this property. The adjoining property is now in the hands of the Planning Staff requesting a C-G zoning.

Mr. Smith moved that the application of Glenn R. Noffsinger be granted. This is to be built on the property line. All other provisions of the Ordinance shall be met. It is understood that this is granted in accordance with all health requirements and included in the motion is the fact that the building shall be on the property line and that sewer will be provided to the use. Granted to the applicant only. Seconded, Mr. Barnes and carried unanimously.

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CATHERINE S. AND JOHN J. GORMLEY, to permit operation of a nursery school and day care center, maximum 40 children at any one time -- nursery school from 9:00 A.M. to 12:00 Noon and 1:00 P.M. to 4:00 P.M., day care center from 7:00 A.M. to 6:00 P.M., ages 3 to 6 years, Lot 44, Section 2, Wilburdale, Mason District (RE-1)

Mrs. Gormley presented her case to the Board as follows: this will be kindergarten and day care school plus baby sitting care. She would have a maximum of 74 children at varying times. They will have from 12 to 15 in the classrooms, probably 15 in the basement. Mrs. Gormley said she had not applied to the State but they would meet all requirements. They bought the property during November 1964 for the purpose of conducting the school. They will not live in the building. While she is not conducting a school now, Mrs. Gormley said she had taught and operated a kindergarten and pre-school for four years. They will provide most of the transportation. Some will come in carpools or parents drop them off on their way to work. They have provided ten parking spaces. It will not be necessary to have more as they discourage the parents staying during school hours. They will have set conference times with parents twice a year. They intend to control the number of people coming to the school.

Asked who would be in the building after hours, Mrs. Gormley said a neighbor, Mrs. Higham, has agreed to watch the building until Mrs. Gormley's sister can come and live in the building and help with the school.

Opposition:

Mrs. Gannan and Mrs. Hinne from Wilburdale Citizens Association presented

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Catherine S. and John J. Gormley - Continued

petitions against the school. Their Association met and passed a resolution against the school. They are opposed to any development which does not conform to the master plan of Annandale and any land use not on the plan. About 12 persons were present at their meeting.

Mr. Smith explained that this was a permitted use, not a change in land classification.

Mrs. Hinne discussed Backlick Road, saying it is dangerous, it is heavily traveled and there are many accidents. Anything that would add substantially to the traffic would be hazardous.

Mr. Smith questioned if the Fire Department and Health Department would allow this.

Mrs. Gannan said Mrs. Gormley visited several ^{homes} ~~hours~~ in the area to discuss the project. The Association said they would object to a school in any residential area. She noted that this was not a community project - the children would come from many other areas.

Mrs. Gormley said she would not have a total of 74 children at any one time - she would have no more than 40. She thought the added traffic would be negligible since parents would be on the road anyway and simply leave the children here.

Mrs. Gormley said before they bought the property ~~she~~ had talked with many people, including Mrs. Gannan who did not appear to oppose the school. There is a need for this. Most schools have a waiting list.

Mrs. Henderson agreed that there is a need, but questioned this location - the house and lot are both small. There is a shopping center nearby and a nursing home around the corner. Also there is a church very near with a permit for another school.

It was noted on the petition that three of the immediate neighbors object to the school - which Mr. Smith thought very important. In an area where there is so much objection the Board was always concerned and such objection does have a bearing on the thinking of the Board.

These schools serve a real purpose in the County, Mr. Smith said, and Mrs. Gormley appeared to be a very capable person but she is new to the area and this would be a large project among people who bitterly oppose it.

Mrs. Gormley told of her meeting with Mrs. Gannan who said she could hardly object to this when she herself was using her swimming pool for commercial purposes, teaching swimming for a fee.

Mrs. Gannan discussed this at length, saying the swimming lessons were given by a Red Cross woman who charged.

While this project had no bearing on the case at hand, the Board was concerned about anyone carrying on swimming instruction for a fee without a permit.

In the application of Catherine S. and John J. Gormley, to permit operation of a nursery school and day care center, Mr. Smith moved that the application be denied for reasons previously stated. There are objections to this from the neighbors and the Wilburdale Citizens Association is against the school in any residential area. This is a small house that has sewer problems connected with it - the number of children is in excess of what the house would normally take. He did not agree with the statements about Backlick Road but probably there are some safety factors involved. This is not in keeping with the intent of the Ordinance. He moved that the case be denied under Section 30-126 (a) (c) as it does not meet the requirements of these sections and is out of character and inharmonious with the Annandale Master Plan. Seconded, Mr. Barnes.

Carried unanimously.

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SAINT JOHNS METHODIST PRE-SCHOOL, to permit operation of a pre-school in existing church building, 105 children, Lots 7, 8 and 54, Leewood Subdivision, Mason District (RE 0.5)

Mrs. Florence Klemp appeared before the Board representing the applicant. The school is operating now with about 105 pupils. They have had as many as 115 but they plan less than that now. They want to keep about 15 to a class. This is only a kindergarten and pre-school - children from 4 to 6 years of age. There will be one nursery class. They operate for the normal school year from 9:00 to 12:00 a.m. The church sponsors the school and hires the director and also audits the books. The fees are separate from the church.

No one from the area objected.

Mr. Smith said this is the type of application the Board is happy to have. There should be more such church sponsored schools conducted in church buildings. It alleviates so many problems.

In the application of St. John's Methodist Pre-School, to permit operation of a pre-school in existing church building, 105 children, Lots 7, 8 and 54, Leewood Subdivision, Mason District, Mr. Smith moved that the application be granted as applied for. All other provisions of the Child Care and Health Ordinance shall be met. This is granted for a maximum of 105 children. Seconded, Mr. Barnes. Carried unanimously.

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QUEEN OF APOSTLES CATHOLIC CHURCH, to permit operation of a kindergarten, maximum 120 children, 9:00 a.m. to 12:00 noon, and 1:00 p.m. to 4:00 p.m. 60 children each session, property on east side of Sano Street, approx. 800 ft. north of Route 613, Mason District (R-12.5)

Reverend Hannan represented the applicant. This is a church sponsored and church supervised school, he said, for five year olds, kindergarten only. They operate from 9:00 a.m. to noon and from 1:00 to 4:00 p.m. and have sixty children in each session. Parents will bring the children. They hope to have a full school in 1967 but will come back to the Board for that.

In the application of Queen of Apostles Catholic Church, to permit operation of a kindergarten, maximum 120 children, 9:00 a.m. to 12:00 noon and 1:00 to 4:00 p.m., 60 children each session, property on east side of Sano Street, approx. 800 ft. north of Route 613, Mason District, Mr. Smith moved that the application be approved as applied for to use the church facilities. All other provisions of the Ordinance shall be met. Granted for regular school year only - no summer camp. Seconded, Mr. Barnes. Carried unanimously.

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JOHN J. RUSSELL, BISHOP OF RICHMOND, to permit erection and operation of a parochial school and permit a home for the elderly, property on the northerly side of Vale Road, Route 672, adj. to Little Vienna Estates on the west and north, Providence District (RE-1)

The applicant requested deferral by letter to the Board to provide additional information and for new plats.

Mr. Smith moved to defer the case to January 12, 1965 at the request of the applicant. Seconded, Mr. Everest. Carried unanimously.

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The Board adjourned for lunch.

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GLADYS MAWSON, to permit operation of a beauty shop in home, Lot C, Resubdivision of Lot 3, Ashton Jones, (16 Iva Lane), Providence District (RE-1)

Mrs. Mawson said she wished to have a one chair one operator shop, operated

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Gladys Mawson - Continued

as a neighborhood service. She would have no advertising other than a small sign in the yard. She has one spare room 14 ft. x 15 ft. with a private entrance which she will use. Her customers will come from the neighborhood - some will walk. She has a 200 ft. long driveway and there is room in the back for six cars. She will operate by appointment only, sometimes in the evenings whenever convenient for the customers.

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Mrs. Mawson said she was a licensed beautician. She finds it necessary to work at home at this time. She has lived in this home for ten years.

No one from the area objected.

Mr. Smith observed that this was a remarkable case - no objections from the neighborhood. He moved to approve the application of Gladys Mawson to permit operation of a beauty shop in home, Lot C, Resubdivision of Lot 3, Ashton Jones, (16 Iva Lane), Providence District, as applied for. This will be a one chair beauty shop run as a home occupation for the applicant and this is granted to the applicant only. All zoning and health regulations pertaining to this use must be complied with. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Everest left the meeting.

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JAMES D. B. S. GORDON-PROCTOR, to permit operation of dog kennel on 16 acres of land, on south side of Route 29-211 adjoining Willow Springs Garage, Centreville District (Re-1)

Mr. Gordon stated that one member should disqualify himself since he had understood that he was prejudiced by the opposition.

Mr. Smith said Mr. Gordon might be referring to him. He had seen the property and conditions there are deplorable. He felt he had the right to so inform the Board.

Mr. Gordon said he had his dogs on the premises at the present time using a temporary building which is approximately 49 ft. by 8 ft. This building was not intended for dogs and he would not use it permanently. Mr. Gordon said he had requested plats from his surveyor many weeks ago but had not yet received them. He had intended to use another building on the property but it has been damaged by fire. That building could have been extended and made adequate. It is 150 ft. from the boundary line. This could be made usable for twenty dogs. Each dog would have an individual run. Because of the weather he cannot pour concrete at this time but he could put down quarried rock and have good temporary runs. The runs are muddy now.

Mr. Gordon questioned if he was conducting a kennel illegally. The Ordinance says he can have twelve dogs over four months old if penned at all times. They are penned unless he is using them in his work - guard duty, or unless they are in training.

Mr. Gordon said he rents the property from the Wards (verbal lease) and Mrs. Ward's sons clean the runs when he himself is not there to do it. He does not live on the property. He has twelve dogs over four months old and four others eight or nine weeks old, Mr. Gordon said.

The scope of the work - dog and man - was discussed by the Board.

Mr. Gordon admitted that the kennel is bad now and he has run into difficulties because of the damaged building. He has the dogs in the temporary building which is inadequate but he has no other place to keep the dogs. They are pedigreed dogs, highly intelligent and valuable. They are confined to the building except for exercise or training. He has had the dogs here for six months. He did not realize he was running a kennel.

Mr. Gordon said he would in time open a kennel on the property he owns in Louisa County which will be semi-independent from this. They will board and raise dogs there.

Mr. Gordon said he works in Alexandria - he works with police dogs. He

James D. B. S. Gordon-Proctor - Continued

lives in the District but maintains quarters on this property which he rents from the Wards.

The dogs are all immunized against diseases, he said -- one or two have been a little sick but the illness of one dog is more psychosomatic than physical.

Mr. Smith said he was more concerned with the health conditions than anything else. There are several children in the ward family and this kennel is not more than 50 ft. from the entrance to the Ward's kitchen.

Mr. Gordon said the refuse was carried out to a pit about 200 ft. away. It is put in a pile and will be used for fertilizer. He showed a sketch of how he would expand the kennel.

Mr. Smith said there was no building on the property fit for dogs. The one building - a barn or a stable, was burned. It was not good.

Mr. Gordon said he could not remove the dogs to Louisa County as he has no buildings there. It was brought out that he has no written lease on the property - only a "gentleman's agreement".

No one from the area objected.

Mr. Gordon said he was told he needed a permit and not to sell any dogs while this action was pending. He assured the Board that the health conditions could be corrected.

Mr. Smith said Mr. Gordon had shown no inclination to correct any of the conditions on this property. He has only a verbal lease on the property. It would take quite an investment to put this property in shape for a satisfactory kennel. He does not live on the property, he has property in Louisa County where the dogs could be moved. If Mr. Gordon removes the animals and comes back at a later date, Mr. Smith said, and can show the Board that he is a substantial person and can do what he says he will do, consideration might be given to this.

Mr. Gordon objected to going to Louisa County.

Mr. Smith said he was informed about sixty days ago that conditions here were unsatisfactory and Mr. Gordon has been operating for one year and has done nothing to better conditions. He has no firm way of setting up a kennel. His plans are temporary. This is a health hazard which should be removed. Mr. Gordon has no control over the property and no lease on the ground. He would not have proper control over a use permit if it were granted. For these reasons and for reasons previously discussed as to compliance with the Ordinance, Mr. Smith moved to deny the case. Seconded Mr. Yeatman.

Mr. Smith added to the motion that this situation be cleaned up and the dogs removed within thirty days.

(Mr. Smith noted that this man has had 60 days to clear up this situation and has made no attempt to do so.)

Motion carried unanimously.

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LOYAL ORDER OF MOOSE ALEXANDRIA LODGE #1076, to permit erection and operation of a moose lodge and allow building to come closer to property lines than allowed by the Ordinance, on south side of Telegraph Road adjacent to Government property, Lee District (RE-1)

Mr. Phil Jones and Mr. Ross Garlette represented the applicant. Due to the shape of the lot, Mr. Jones said they could not meet required setback for their 100 ft. x 148 ft. building. It is located on the property in the best way to furnish a picnic area, to give good access and to furnish sufficient parking. They have tried to find a larger piece of ground, Mr.

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Jones said, but nothing is available to them in the area in which they must locate. It was recalled that this organization had owned a piece of ground which they had zoned to business and sold. It was never used for the lodge. This is an Alexandria Lodge, Mr. Garlette said, and the other ground was too far from their membership. Also the land was too expensive for this particular use. The property proposed to be used here is nearer their geographical area. They could vary the location of the building if the Board wishes. Government property abuts on one side. They could move closer to that without an adverse effect. They must be in the area between U. S. #1 and Route 495 and this is the only ground they could find. It is small but very usable.

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Mrs. Henderson said she could not vote for use of a piece of ground that was not large enough to meet the setbacks.

Mr. Smith pointed out that these people have disposed of a piece of usable land where they could have had their building, in favor of a small property on which they knew they would have to ask a variance. When an organization purchases a piece of property, Mr. Smith continued, it should at least be large enough to contain the proposed use without variances. There is a question whether or not the Board has the authority to stretch this ground to allow this use, he added.

Mr. Andrew Giangreco appeared in opposition, representing Mr. Grosso who owns adjoining property. Mr. Giangreco pointed out the hazardous road condition in the area. The road is narrow - there is no plan to widen it. The creek crossing to the north has a very restricted culvert. Mr. Giangreco said he had lived in this area and knew the dangers. He objected to the building so close to property lines.

Mrs. Funk, owner of property in the area, registered opposition. It was also brought out that there is a drainage problem here which would be increased by the asphalt parking lot.

A petition against this use was filed.

Mr. Jones said they had good visibility at the entrance point - he thought this road no more dangerous than any other County road.

Mr. Garlette recognized that there is a drainage problem which he thought they would not increase. They would use the area along the creek for parking and would take out few trees. The area they will use will be filled and rip-rapped. Any additional drainage would have to be storm-sewered to Dogue Creek. Their engineers will work this out.

Mr. Garlette said there is serious need for this building near the membership. They have done everything they could to get a larger piece of ground and it is not available.

To grant a use permit with this variance would not be in keeping with the Ordinance, Mr. Smith said. The building is large and they would have to furnish a corresponding number of parking spaces. It would crowd the land and create an adverse effect upon the neighborhood.

Mr. Yeatman moved that the application of Loyal Order of the Moose be denied. The variance sought is too large for the size of the property and the land is not big enough to accommodate the building. Seconded, Mr. Barnes. Carried unanimously. (Mrs. Henderson not present for vote but had expressed objection to granting any variance)

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THE ALEXANDRIA WATER COMPANY, to permit erection of two water tanks and related pump station - water tanks 40 ft. high, on east side of Route 628, approx. 200 ft. southeast of Route 1, Mt. Vernon District (R-17)

Mr. John Stump and Mr. Robinson represented the applicant. This request is necessary to take care of expanding business, Mr. Robinson said, and to comply with the agreement between the Alexandria Water Company and the Fairfax County Water Authority under which the Alexandria Company will furnish water to the County Water Authority.

The Alexandria Water Company - Continued

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This agreement was signed in April which took into account a long range plan to assure adequate water service by means of storage and a pumping station. Alexandria will furnish water to the Water Authority who in turn will replace wells in their district. This will give service to the County and furnish storage capacity to maintain the pressure needed. The tanks will be filled by night and the pumps will operate during peak periods. This will take care of the summer operations particularly. The tanks will be painted green. The nearest home belongs to Mr. Tucker, Mr. Robinson pointed out, but the sound of the pumps will not carry to his house. They will work out more of a setback between the pumps and Mr. Tucker's house. The small pump house will be brick.

Mr. Tucker was present and made the statement that he was concerned about this use, particularly the pumping station because it would be only about 67 ft. from his house. If they would move the pumps back nearer the storage tanks that would help. He also discussed the access road which he wished would be fenced off so people would not use it for a parking spot.

Mr. Fred Griffith, from the County Water Authority, told of the necessity for this in order to supply the area.

Mr. Stump agreed to fence off the road. He said the picnic area would be used only for families of the Water Company.

Mr. Robinson said they would move the tanks over away from the Tucker line and the pump house also.

The Planning Commission recommended approval.

In the application of Alexandria Water Company, to permit erection of two water tanks and related pump station - water tanks 40 ft. high, on east side of Route 628, approx. 200 ft. southeast of Route 1, Mount Vernon District, Mr. Smith moved that the application be approved with certain corrections. The tanks will be moved to the left (facing the plat) away from the Tucker property, allowing a 45 ft. setback from the property line and that the pump house shall be moved as near the center of the property as possible. The property shall be enclosed with a chain link fence. The access road will be guarded by a chain link gate and shall be closed to all but the members of the company and their families for use of the picnic area. This will be taken care of by employees of the company. Seconded, Mr. Barnes. Carried unanimously.

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MT. VERNON GRAVEL COMPANY, to permit gravel operation on 9.7 acres of land on south side of Newington Road and west side of Telegraph Road and bounded on north and east by Hunter Estates Subdivision, Lee District

Mr. Thorpe Richards represented the applicant. He showed the area to be dug, noting that the adjoining area will also come in for a gravel pit and the two properties will be worked together. There will be no digging around to the north and east. Access is between the two gravel pit areas. The road will be blacktopped. There are no nearby homes, Mr. Richards pointed out. They will start operations in the spring and will take about 2 1/2 years.

Mrs. Henderson noted that the Restoration Board recommended approval. This is located in an NR zone.

No one from the area objected.

The Planning Commission recommended approval.

In the application of Mount Vernon Gravel Company, to permit gravel operation on 9.7 acres of land on south side of Newington Road and west side of Telegraph Road and bounded on the north and east by Hunter Estates Subdivision, Lee District, Mr. Smith moved that the application be approved in compliance with the Natural Resources act and taking into consideration the recommendations of the Restoration Board and the Planning Commission that the application be approved as applied for for a

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period of 2 1/2 years. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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It was noted that this permit is issued to Mount Vernon Gravel Company rather than Mount Vernon Sand and Gravel Company.

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DEFERRED CASES

ROSE'S FUEL SERVICE, INC., to permit fuel oil service and parking of trucks and equipment, at 3604 Richmond Highway, Mt. Vernon District (C-G)

(This had been deferred from previous meeting for proper posting.)

They will use only the front 200 ft. These people did not know a permit was required for this use so they moved in and starting operating, using the house on the property for an office. Mr. Rose drew up plans for a building and then found a use permit was required. They then amended the request to ask for only the front 200 ft. They plan to ask for zoning on the entire property but will not use the unzoned area until the zoning is accomplished. They will use the building already located on the front of their property for their office and the driveway for parking of fuel oil trucks. The storage tanks are kept in their yard in Alexandria and the trucks go there for fuel, then deliver. They return to this property for parking only.

The Board discussed if this use constituted storage of fuel and whether or not this application was really required. It was agreed that this use is substantially sales and an office building. Whatever amount of storage took place was negligible.

Mr. Rose said the trucks hold 1700 gallons of oil. They would park four trucks here at night.

Since there is no service road on either side of this property, it was suggested that the applicant would ask a waiver of the service road requirement.

In the application of Rose's Fuel Service, Inc., to permit fuel oil service and parking of trucks and equipment at 3604 Richmond Highway, Mount Vernon District, Mr. Smith moved that the application be approved as applied for. This is a fuel oil sales service established with parking of fuel service trucks on the property. This use is covered under C-G zoning and shall be in compliance with the plats presented to the Board at this hearing. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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ROBERT E. MCPHERSON - dog kennel, Lot 9, Roan Stallion Estates (Re-hearing)

Mr. Tom Lawson represented the applicant for a rehearing.

Mr. Smith noted that since Mr. McPherson was not present and in view of the fact that his house is up for sale, this might indicate that he has lost interest in the case.

Mr. Lawson said that since the rehearing was based on new evidence regarding the condition of the soil, he would like the record to show statements from Mr. Clayton of the Health Department. Mr. Lawson said that Mr. McPherson had not contacted Mr. Clayton on this since the last meeting.

Mr. Clayton said the property is served by well and septic. The septic is located on the only absorbent ground on the property. This is a low flood plain area and Mr. Clayton said he did not know of any way the water

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Robert E. McPherson - Ctd.

from the kennel could be disposed of. They could not tie into the present field and that field could not be expanded or take the additional load. They could not meet health regulations. The field is at its maximum now. They could not allow run-off into the stream that runs through the property.

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Mrs. Henderson suggested a sand filter system which Mr. Clayton said must be approved by the State Water Control Board and he questioned if they would give approval as such a system would require a sandy soil with underlying sand and gravel, which this area does not have.

This man may not even be interested now in getting this permit, Mr. Smith said. This phase of sanitary facilities was overlooked in the original hearing, at least it was not made clear at that time.

At least, Mrs. Henderson noted, since this is the first house in this development, people coming in would know that the kennel was here and the owner of the land around this lot did not object.

There was no testimony brought before the Board about soil conditions, Mr. Yeatman recalled, or he would not have made the motion to grant this.

Mr. Yeatman, who made the motion to grant this kennel on September 8, moved that the granting action in the matter of Robert McPherson be rescinded on the basis of the new evidence presented at this hearing and moved that the application of Robert E. McPherson be denied due to the testimony of the expert soil scientist from the Health Department saying that a kennel of this type could not be properly sewerred. It appears that the septic tank would not work to carry off the waste refuse from the dog kennel. Seconded, Mr. Smith. Carried unanimously.

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JOHN E. ISLEIB, to permit operation of recreational facilities, on east side of Route 665, approx. 1000 ft. north of Route 672, Centreville District (RE-1)

Mr. Isleib represented the case, describing his plans as follows -- this property is located in a rural area of farms and homes with large acreage. This will be a summer day camp with extensive recreation facilities operating Monday through Friday from 9:00 a.m. to 5:00 p.m. with one or two exceptions when there will be overnight camping for small groups. They will have both boys and girls, age 4 to 14 years. They will offer all kinds of athletics, arts and crafts, woodwork, metal craft, horsemanship and swimming. They will have an arts and crafts building, playfields, a small woodwork shop where the children will learn to use small tools and work in metal. They plan an outside amphitheatre, rustic in character and first aid facilities. They plan to build a home and live on the property.

Mr. Isleib showed pictures of a similar camp in Maryland after which he will pattern his activities. They will maintain all the trees possible as they wish to have the woods for nature study which will be an important feature of the project. Fairfax has done a great deal with recreation facilities, Mr. Isleib said, but with the growing demand and more people which the future will bring, more guided recreation is needed.

Many day camps become nothing more than a baby sitting project, Mr. Isleib continued, but this project will be educational and they hope to create the desire among the children to learn and do. They plan to go further than play and entertainment. They hope to instill a love of the outdoors, observe the growth and development of nature, to understand and enjoy living and growing things. The children will come in groups for about two weeks at a time. Mr. Isleib said they would live close to the children and they hoped to stimulate their interest and confidence to the point where the delinquent ranks will be diminished. Living close to nature and learning how to ride and care for horses, Mr. Isleib said he believed very important. He felt this would be a very important benefit to the child and the community. This being a private project it would also remove some of the load from County recreation facilities.

John E. Isleib - Ctd.

Mr. Isleib discussed the great suburban growth taking place in the County where children are living in "asphalt jungles" where they have no chance to get out in the woods. This would provide a place retained in its natural state, close to developed areas, where children can receive all the benefits of rural surroundings. They will employ teachers who are free from their regular jobs during the summer. They will be educated, qualified people. They will also employ some teen agers who have difficulty in getting summer jobs. This kind of work will teach them responsibility and will provide a real opportunity in learning to work with youth groups.

They are trying to enrich the lives of young people in the County, Mr. Isleib continued, and provide something worthwhile for them.

(The Board discussed which section of the Ordinance this was being heard under.)

This will run for ten weeks in the summer, Mr. Isleib continued. They could have as many as 400 children coming in groups. The charge will be about \$20.00 per week.

This is a 16.5 acre tract, Mr. Isleib said, the children will be brought by buses or in the counselors' cars. It will be a long time before they get to full capacity, Mr. Isleib said, but the amount of ground they have qualifies for the plans they have. He showed a brochure of the Saturday camp where he works now.

They will interview parents of the children before accepting them. They have discussed percolation with the Health Department and there appears to be no problem there.

Mrs. Barbara Harding discussed the need for this operation. Mrs. Kilby told of trips her children had taken with Mr. Isleib on Saturdays and the great benefits they had felt from the experience. She considered this a real opportunity for children in the County.

Mrs. Ward, who owns property on Vale Road, said she had worked with Mr. Isleib last summer and thought his work and plans very fine. She considered him a very dedicated person whose interest in children was a great asset.

Reverend Dorr from Vale Methodist Church spoke commending Mr. Isleib for his work. He also discussed a similar project in Maryland - which has developed into a very fine thing for the area. He recognized the need for work in this direction in the County.

Mr. Isleib said if people knew of what was being done in Inverness Camp in Maryland there would be no objection to this. The benefits to the children are very real.

Mr. Joe Young spoke in favor of the project, stating that the need for controlled recreation is very important to the County and to the young people.

Opposition: Rear Admiral Gallery who owns 57 acres on Route 665 directly across the road from this proposal, said he had come here 24 years ago when this area was all farms. Now the area is developing into very fine estates with large acreage. The Admiral said he had talked with many people in the area and they are unanimously against it. This will not serve this immediate area, the people have their own recreation. He also thought the Health Department may not approve a septic field for this many children because of the flood plain. This would create a dangerous traffic problem because of the entrance which is at the bottom of a very steep hill. People coming over the hill would only be 75 ft. away from the entrance. They could not see it. The Admiral said he had no particular objection to the type of facility but he thought this the wrong location. The people in the locality would not use the project and it would bring hazards to the area which now is purely residential. He filed a petition with thirty-three signatures in opposition.

Mrs. Wilma Rausch, from Vale Home Demonstration Club, said they were less than 1000 ft. from the entrance to the property. She presented an opposing petition signed by 73 people. The Vale Home Demonstration Club is used as a community center. It encompasses many activities and they are

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John E. Isleib - Ctd.

planning many improvements which the community would use, particularly facilities for the Boy Scouts, 4H Clubs and other groups.

Mrs. Rausch discussed the dangerous entrance to the Isleib property, the high traffic count on Route 665, the many accidents. She also objected to the noise from the recreation area and the small amount of ground for so many children. She brought out that the Methodist Church as a body was opposed to this as well as people who own adjoining land. The people in the area have their own recreation facilities and their own community center which fill the needs for the area.

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Mrs. Henderson noted that this is a service for the county and not this particular area.

Arthur Ellicott objected, saying he wanted fencing put in to protect his property if this is granted.

All said they thought this project would depreciate their property values.

Mr. Isleib said he could understand the people wanting to protect their property values but if they could see what has been done at Inverness they would know that this would have no adverse effect on them. He discussed again the great benefit to the children of being able to go out into the woods to learn about nature and animals, to play and work together under trained leadership - the full well rounded educational program they plan. This is only semi-commercial in character, he continued, it could be conducted for a very short period and while it would be noisy, it would be happy noises. They would operate in small groups.

Mr. Isleib said he had conducted his own traffic count and came up with a figure far less than the opposition's, who stated that their count had come from the Virginia Department of Highways. The Board discussed this discrepancy in traffic count, unable to understand the great difference.

(Mr. Isleib read a letter from Mr. Fred Reikoff, an adjoining property owner, unable to be present, stating his approval of the project.)

Mr. Isleib told of widespread misinformation about his project and his attempt to meet with people in the area.

Mrs. Henderson said she was greatly impressed with Mr. Isleib's presentation and his plans. She told of living next door to Congressional School which had never been a nuisance.

Mr. Yeatman thought the idea very fine but the location wrong, because it would not serve the area. Bringing 400 children to this recreational area is not compatible, he said.

Mr. Smith was concerned about the dangerous entrance, the narrow road and the steep hill only 75 ft. from the entrance. He thought the project a very fine idea. There are many County recreation areas now, Mr. Smith continued. This particular area does not need this project as they have Flint Hill School and Timberlake which are available. However, Mrs. Henderson said those projects fill a different need.

If this were a community service for the immediate area, Mr. Smith said he would feel differently, but people object to it and do not need it. There is a large flood plain area, the septic condition is in question and the hazardous entrance are all considerations to be taken into account.

It was noted that Iverness has forty acres.

Mr. Isleib explained the difference between this project and Timberlake. They would buffer the uses on the property. They cannot locate too far out, Mr. Isleib continued, and still serve all the county, especially those in the more closely developed areas who are the ones most in need.

Mr. Barnes commended Mr. Isleib for his fine idea and his earnest enthusiasm, but he objected to the dangerous entrance and questioned if the Highway Department would grant an entrance there for such a large project.

Mr. Smith said he considered Mr. Isleib a dedicated person and felt that

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John E. Isleib - Ctd.

he would do a very fine job here but he recognized that the Board has certain considerations which must be weighed, particularly the safety factor, objection of people in the area, and Mr. Isleib would have to live among these people. This does not meet the criteria set up for this use.

Mr. Everest said the county would have to look a long way to find a man so dedicated and so capable for this type of thing. Granting this would retain the open space and result in a more attractive development than one acre lot housing which would be permitted here.

Mr. Smith said he had no questions about the ability of the applicant nor of his plans but he felt these other things should be considered by the Board.

Mr. Everest said he would like to defer the case and view the property again and to determine just what the traffic hazard would be.

Mr. Smith said it was not the traffic hazard that concerned him - it was the entrance.

Mr. Everest moved to defer the case for four weeks in an effort to determine what the traffic impact would be and how great the hazard, and to view the property. Defer to January 12, 1965. Seconded, Mr. Barnes.

Voting for the motion: Mr. Everest, Mr. Barnes and Mrs. Henderson.
Voting against the motion: Mr. Smith and Mr. Yeatman. Carried.

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CHARLES V. LYNCH, to permit operation of a golf course, on south side of Route 50, between Route 66 and Route 608, Centreville District (RE-1)

Mr. Lynch said he would like a 15 year permit on this. They do not expect to hold this in open land forever. This would be an interim use. They plan an eighteen hole golf course which has been designed by Mr. Ault. They will have club house facilities and no driving range. This will be an all day time operation - no night lighting. It will be open to the public. They have provided 242 parking spaces - more than required.

Mr. Smith thought this a good use of the land since there are no public facilities of this kind in this area. He noted the two access points both having clear visibility.

No one from the area objected.

In the application of Charles Lynch, Mr. Smith moved to approve the application in accordance with the plans submitted with the case, with the number of parking spaces as indicated by the applicant. All other provisions of the Ordinance shall be met. This is limited to a 15 year permit at the request of the applicant. This is granted to the applicant only. Seconded, Mr. Barnes. Carried unanimously.

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CITY OF FALLS CHURCH (Dept. of Public Utilities), to permit erection of a water storage tank and permit tank closer to side and rear property lines than allowed by the Ordinance, on west side of Dunn Loring Road adjoining Dunn Loring Elementary School, Providence District (RE-1)

The applicant requested withdrawal of this case, stating that he would come in with a new application requesting a new location. Mr. Barnes moved to allow the withdrawal. Seconded, Mr. Everest. Carried unanimously.

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HARRY CROUCH - Show cause why use permit should not be revoked, repair garage and filling station on south side of Route 658, approx. 1/4 mile east of junction of Route 659 and Route 658, Centreville District, (RE-1)

This is a show cause brought about by storage of junked cars and other materials in violation of the use permit granted to Mr. Crouch, Mr. Covington said. He showed pictures of the property. Mr. William Barry said he had found thirty-five old cars on the property.

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Mr. Crouch said he wanted to sell thirty-four of the cars. He will advertise for ten days, then he can hold an auction and sell the cars.

Mr. Crouch said he would like to remodel his building and carry on business.

Mr. Barry said the building now on the property is practically unusable. This is a non-conforming use and the use was abandoned for a period of six months.

Mr. Crouch said this was not exactly the case -- that he operated the business continuously. He is still operating.

Mr. Barry said he had talked with Mr. Crouch many times about cleaning up the place but he said he was trying to sell the old cars and get rid of the other things.

Mr. Crouch said he would try to sell the cars and if he cannot, he will get rid of them. These old cars are on the property granted in the use permit, they are not on the two acres around his house.

Since the cars are there, Mr. Smith said Mr. Crouch should have the right to sell them. While he realized that Mr. Barry and Mr. Covington of the Zoning Office have been very lenient in this, he still thought the man should be given a chance to clean this up and sell the cars. People are developing around this property now and are complaining. If Mr. Crouch can clean the place up and get rid of the cars within 80 days, Mr. Barry said the Zoning Office would be satisfied but unless this is done the use permit would have to be revoked.

The Board discussed at length the amount of repairs allowable under this permit.

Mr. Smith recalled that this man had tried to repair his building but the permit was denied because the repairs were too extensive.

Mr. Barry noted that the building would never need the great amount of repair had it been cared for in the beginning.

This man should not be allowed to expand, Mr. Smith said, but if he will clean up the place and can repair the building to a usable condition, he has that right.

If the construction goes no further than repair, Mr. Covington said, they would allow that.

It was agreed by the Board that they would give Mr. Crouch 80 days to clean up the place and get rid of the cars and at the end of that time Mr. Covington would make a report to the Board. It was understood that this would be repair only - it would be the responsibility of the Zoning Office to see that no expansion takes place.

The Board agreed that no action would be taken on the show cause but that Mr. Crouch would be given 80 days to clean up his property and get rid of the old cars.

NOEL B. COFFEY, to permit erection and operation of a service station and permit building 25 ft. from side property line, part Lot 1, Highland Park Subdivision, on Telegraph Road and Highland Drive, Lee District (C-N)

Mr. Robert Fitzgerald represented the applicant. This was zoned to C-N

Noel B. Coffey - Ctd.

for the purpose of constructing a filling station, Mr. Fitzgerald said. The Board of Supervisors knew at the time that this would be so used. They applied for C-G zoning, the Commission recommended and the Board of Supervisors granted C-N because of their concern over the design of the building. They showed a picture of the proposed building at the time of rezoning and it was known that this would require a variance. The plat showed the buildable area. The Board of Appeals was concerned about the amount of the variance at the original hearing, which would have been 25 ft. and asked the applicant to work out something with less variance. They have now turned the building so as to require only an 8 1/2 ft. variance. While the development would be much better if the building faced the main highway, it can be used this way and the variance will be less, Mr. Fitzgerald said. The building will be similar to the design shown.

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It was known by the Board of Supervisors that in order to use this property for a filling station a variance would have to be granted, Mr. Smith recalled. This is the minimum variance that could be granted in this case to allow the applicant to have a reasonable use of this piece of property. This is a maximum variance of 8 1/2 ft. Mr. Smith moved that the application of Noel B. Coffey be granted for a setback of 41.5 ft. instead of 25 ft. as requested. This is a two bay station, the minimum size filling station. The lot contains one-half acre. All other provisions of the Ordinance shall be met. This is in accordance with revised plats presented by the applicant which shows a 41.5 ft. setback from the residentially zoned area instead of 25 ft. as originally requested. This will be a building designed in the colonial manner, similar to the picture shown at the hearing and presented with the case. Seconded, Mr. Barnes. Carried unanimously.

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SPRINGFIELD MASONIC LODGE, No. 217, to permit erection and operation of a masonic lodge and permit building 77.81 ft. from Backlick Road, Lots 8 thru 13, Section 5, Beverly Forest, Mason District

(Deferred from previous meeting for further information on drainage problem and its impact on the lake.)

Mrs. Henderson said this was another case of the applicant not having enough land to meet setbacks.

Mr. Smith said that the only thing in this that concerned him was whether the building could be constructed without the variance. The permit should be granted but this ground is not big enough to contain the use.

Mr. Yeatman thought the applicants should look for another location - this was not suited to their needs. If they had more ground the building could be larger or be expanded when the need arises. In this location they would forever be cramped.

Mr. Smith said he knew this organization well and its purposes are very commendable but the Ordinance does not permit the Board to grant variances such as this. In the application of Springfield Masonic Lodge #217, Mr. Smith moved that the application be denied. The use permit itself would not be detrimental to the area but the great amount of variance requested is not within the jurisdiction of the Board to grant. This is not a great hardship on the applicant as he has not actually purchased the property. Seconded, Mr. Barnes. Carried unanimously.

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The Board discussed the Weisz situation. Mr. Moore said the applicant was meeting the variance as granted. In doing this they get about 10 or 12 more parking spaces. The question before the Board is -- will the rehearing be granted? Mr. Smith suggested no and asked that the Board reaffirm their original decision.

Mrs. Henderson agreed, saying that the Board had given due consideration to this case - they viewed the property and discussed it at length with both Mrs. Weisz and her attorney. The Board has held three hearings on the case. Mr. Moore has shown the changes and what it would do and it appears that Mrs. Weisz would not be damaged in any way.

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Mrs. Henderson also agreed that the Board should reaffirm their decision.

This rehearing should be denied because there is no new evidence, Mr. Smith added, to justify a rehearing. Whatever evidence presented has either been presented before or it is not evidence which reasonably could not have been presented at the original hearing.

Mr. Smith moved to deny the request for a rehearing, in view of the fact that no new evidence has been presented that could not reasonably have been presented at the original hearing. Mr. Smith said he considered that the present plans will actually improve conditions on Mrs. Weisz' property as it will prevent people from crossing her land. Seconded, Mr. Everest. Carried unanimously.

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The meeting adjourned. Katheryne Lawson,
Clerk

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

March 1, 1965 Date

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The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, December 22, 1964 in the Board Room of the 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. Smith.

LEORA BROWN, to permit operation of a beauty shop in dwelling, Lots 20, 21, 22, Block 12, West McLean (314 Pinecrest Avenue), Dranesville District (R-12.5)

Mrs. Brown said she plans a very small operation, only one chair. She has a retarded child which she must care for and her husband's salary will not permit payment to a private school for this child's education. The County offers nothing to help provide the child with schooling. Mrs. Brown said she is a licensed beautician and has worked recently in a beauty parlor. She will have customers from the immediate area and members of her church. She will employ no help.

Mrs. Henderson noted that a letter from the Health Department stated that they have no objection to the operation. The property is included in the Plan for commercial use.

Mrs. Brown said she would conduct the operation in her basement which has two private entrances. There is adequate room in the rear for parking.

There was no opposition.

Mr. Smith pointed out that a ~~one and a half~~^{two} square foot sign is allowed but no advertising in a newspaper or telephone book would be allowed.

Mr. Everest moved that the application of Leora Brown, to permit operation of a beauty shop in dwelling, Lots 20, 21 and 22, Block 12, West McLean (314 Pinecrest Avenue) be granted. All other provisions of the Ordinance shall be met. This permit is granted to the applicant only. Seconded, Mr. Yeatman. Carried unanimously.

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SHELL OIL COMPANY, to permit erection of a service station closer to side and rear property lines than allowed by the Ordinance, on east side of Route 1 and north side of Eastside Drive, Mt. Vernon District (C-G)

Mr. William Winston, attorney, represented the applicant. There is R-12.5 zoning to the rear and on the side. This property was general business in 1941 and in 1959 was made C-G. He showed a picture of the type station they will construct on the property - a three bay station.

Mr. Smith said he was concerned about the side line. He thought the problem was created by the taking of additional land and the service road in front of the station. He felt the applicant should have some consideration given to this.

The Board discussed the possibilities of moving the building more to the side.

Mr. Charlie Moore of the Planning Staff felt that if the station were located right next to the screening and fencing, this would eliminate room for parking junked vehicles.

There was no opposition.

Mr. Smith felt the applicant was certainly entitled to consideration as far as the rear line was concerned. This seems to be an application, he stated, where the Board should consider all the aspects of location, etc., especially since there is no objection from the area. This building could be placed on the lot in a more desirable location as far as variance is concerned but this would limit the access to the property and from the operation. He could understand the applicant's reasoning in placing the underground tanks in position where they can be serviced, and with the dispensing of gasoline, where no traffic goes over them. This poses a problem for engineering of this corner because

Shell Oil Co. - Ctd.

of the busy Number #1 highway. It seems that this is as good a layout as one could get out of this situation on a permanent long term basis. The building could be moved and would correct the variance but it would eliminate some of the more desirable aspects such as access, as far as satisfactorily servicing the vehicles is concerned.

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Mr. Yeatman felt this would upgrade the area.

Mr. Everest moved that the application of Shell Oil Company be approved in accordance with plat presented. All other provisions of the Ordinance shall be met.

Mr. Smith felt the motion should be left flexible to the extent that the Staff could rearrange this to some extent but in such event the variance is not to exceed what is shown on the certified plat of Mr. Ridgeway, dated November 13, 1964. This is tied to the picture submitted. Seconded, Mr. Smith. Carried unanimously.

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MRS. DOLORES SHEID, to permit operation of a nursery school (7 children, five days a week - Monday through Friday - from 7:00 a.m. to 6:00 p.m., Lot 3, Block 9, Section 3, Fairhaven (11 Fort Drive), Mt. Vernon District (R-10)

Mrs. Sheid said they had been operating for about three months. They have had Health Department inspection, Fire Marshal and Welfare inspection, and are awaiting Board of Zoning Appeals approval. She has only two children which she cares for now, and has three of her own. She does not take care of Welfare children. She would like to start out with a few children and eventually build up a large day care school. Her home has three stories and the whole first floor has been converted into a nursery.

The Health and Fire Departments and the Welfare Department have approved the operation, Mrs. Sheid stated. She has no experience in this type of operation. She would like to start out with four children besides her own three. They live on a corner lot which is fenced. The children come from the immediate neighborhood and are driven to school by their parents. They will have school for about an hour each morning and an hour in the afternoon. There will be one helper.

No opposition.

Mr. Yeatman did not think this an appropriate location for this operation and he said Mrs. Scheid had admitted that she had no experience.

Mr. Smith did not agree with Mr. Yeatman. Mrs. Sheid has three children of her own, he stated. However, if the permit is granted, he hoped it would be limited to the four children she now cares for - for a period of one year. Mrs. Sheid has lived here for six months. The children would range from one to six years of age and would be a 12 month operation.

Mrs. Henderson said she would go along with four children in this location but would not be agreeable to any increase. Screening would be taken care of by the site plan which will be required, unless waived by the Board of Supervisors.

Mr. Everest moved that the application of Mrs. Dolores Sheid be approved for four children in addition to her own three, five days a week, Monday through Friday, 7:00 a.m. to 6:00 p.m. - a 12 month operation. This Board recommends that parking requirements be waived for this operation. All other provisions of the Ordinance be met. Children will range in age from one through six years. This is granted to the applicant only, and at the end of a year the Board will review the application and decide whether there will be automatic renewal or complete review of the case. Carried, Mr. Yeatman voting no.

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LEARY SCHOOL, INC., to permit operation of a private school, 2nd grade thru 7th, (30 to 50 children), Lot 6 and part Lot 7, Section 1, Fairfax Hills (4101 Pineridge Drive), Falls Church District (R-17)

Mr. Leary read a prepared statement of their plans for the school. He felt that a school such as this would eliminate a lot of high school dropouts. They would catch the children before they became discouraged in school. This would be for children in grades two through seven. When the children are brought up to their proper level, they will be returned to their schools.

Mr. Leary said he had been teaching for eight years. For the first several years of the proposed school he will have from thirty to fifty students and he felt that the absolute maximum that they could handled would be one hundred.

They will not live in the house, Mr. Leary continued. It will be used exclusively for school purposes. They will have small classes. This school would not require a large outside area for baseball or football. Their physical development program will be mostly exercises and tumbling and the garage will be converted for the indoor recreation area. They will have normal full day sessions. They have facilities to take care of fifty children all day. The Health Department has approved the operation. There will be no day camp. They will not conduct the school during August. They will give intensive tutoring especially in reading and arithmetic and learning skills. They will provide transportation in Volkswagen buses. They plan no alterations or additions to the present facilities.

Mr. Richard Hobson represented the Fairfax Hills and Mill Creek Park Citizens Association in opposition. They objected because they felt the use would not be in harmony with the rest of the area and because they felt it did not meet the standards in the Ordinance. The intersection is hazardous already and the traffic should not be increased at this point.

Mr. Osgood Tower discussed the traffic situation at length. He said the citizens have been working to get a traffic control light but so far have had no results.

Mrs. Audrey Moore objected for reasons stated.

Mrs. Darby said she had canvassed Mill Creek Park quite extensively by telephone preparing them for the petition which was sent around. She said she contacted 25 people by phone, all of which were strictly opposed to the school. They wish this to remain a residential neighborhood. She presented a petition signed by 100 persons in opposition.

Mr. Richard Bruce of 4200 Accotink Parkway, President of the Fairfax Hills Citizens Association, discussed the petition. He said that Mrs. Baker did not sign because of her longstanding friendship with the present owners of Lot 6 and Mr. Ferris of Lot 22 felt that he could not object due to the fact that at one time he was contemplating selling his property for the school. Mr. Sides of Lot 7 has no objection to the school. (Yet he adjoins the school property, Mr. Smith noted.)

Ten people stood in opposition.

Mr. Leary said the prime objection seemed to be the traffic. The house next door has three cars which make an average of ten one way trips per day. They will have four Volkswagens which the teachers will drive home at night. There will be four coming in and four going out in the afternoon. If the Board desires to limit transportation to the Volkswagens rather than having parents drive children to school, he would agree to that.

Mr. Leary said they have looked for months for a prime location for the school. Their students will come from a wide area and they will need a location with access to Alexandria, Arlington, Annandale, Falls Church and McLean - this is a location which is central. Classes will be small and there is more than adequate room. There will be separate toilet facilities for the boys and girls. He named people

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whose children would attend the school and who have invested in the school. Mr. Leary said he lives in Woodbridge and had taught in Arlington County Schools and Saint Anthony's for seven years. The children would be brought to the school between 8:30 and 8:45 a.m. and leave around 3:30 in the afternoon so they would not be transported at peak hours.

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Mr. Barnes said he would like to view the property.

Mrs. Henderson said she was concerned about the size of the lot and the intensity of the operation - there is need for this type school but there is not enough room on this lot for expansion. She felt Mr. Leary should start out with enough room for expansion. Again, this is an excellent residential location.

Mr. Smith said the thing that intrigued him was the fact that the people who would be most affected by the noise and who live the closest to the property did not register any objection. For this reason he would like to defer the application.

Mr. Yeatman moved to defer to January 26 to view the property. Decision only on January 26. Seconded, Mr. Barnes. Carried unanimously.

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JOHN WEBB, TRUSTEE, to permit operation of billiard tables in the bowling alley, on Route 236, Annandale Bowling Center, Falls Church District (C-D)

Mr. Barnes left the meeting.

Mr. Webb said they proposed a billiard parlor in the bowling alley itself. They will enclose a piece that is part of the present building to give 1,522 sq. ft. of space to put these tables in. This is a well operated business and will meet the demand which they have. He has heard no objections from anyone. They will not eliminate any of the present operation but would enclose what is now open space, adjoining the nursery.

There were no objections from the area.

Mr. Everest moved that the application of John Webb, Trustee, to permit operation of billiard tables in the bowling alley on Route 236, Annandale Bowling Center, Fall Church District, be granted. All other provisions of the Ordinance be met. Seconded, Mr. Smith. Carried unanimously. (4-0)

Mr. Smith indicated that this is in connection with the present operation that has now been in operation for four years. Now there are actually two use permits on this.

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SHERWOOD ESTATES, INC., to permit dwelling 17 ft. from side property line, Lot 24, Block 4, 2nd Addition to Hollindale, Mt. Vernon District (RE 0.5)

Mr. Fridenstein said he has been building in the County since 1946 and this is his first error. This is a new house in a new subdivision (they will have 100 houses when the subdivision is finished) and the house is all right on all corners except the back corner because the lot went at such a wide angle, they missed it. The surveyor was tied up that day and the machine was there. Curb and gutter were in so they laid out the house in violation.

Mrs. Henderson suggested straightening out the line on lot 25. Mr. Fridenstein said the house has been sold and people are living there.

They stopped work when they discovered the error. The first floor is built. There was no opposition.

Mr. Smith moved that the application of Sherwood Estates, Inc. be approved as applied for under paragraph 4 of the Ordinance. All other provisions shall be met. Seconded, Mr. Everest.

Carried unanimously.

The meeting adjourned at 1:05 p.m.
By Betty Haines

Mary K. Henderson
Chairman
March 3, 1965 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, January 12, 1965 in the Board Room of the 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. Smith.

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The first order of business was the election of officers for the Year 1965.

It was agreeable with all the members present to proceed with the election.

Mr. Dan Smith nominated Mrs. Henderson for chairman for the coming year and stated that Mrs. Henderson has done an excellent job for five years, has spent more time at the courthouse taking care of Board matters than any other member of the Board could do. The Board has done well under Mrs. Henderson's leadership and therefore Mr. Smith felt she should continue as Chairman. Nomination seconded by Mr. Yeatman. Carried unanimously. (Mr. Everest was not yet present.)

Mr. Yeatman nominated Mr. Smith for position of vice chairman for the coming year. Seconded, Mr. Barnes. Carried unanimously.

Mr. Everest arrived at the conclusion of the election of officers.

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KEEN HOMES, INC., to permit porch to remain closer to side property line than allowed by the Ordinance, Lot 29, Block 9, Section 1, Stratford on the Potomac, Mt. Vernon District (R-12.5)

Mrs. Henderson read a letter from Mr. John T. Hazel, Jr., stating that he had been retained on behalf of the applicant. The applicant had not received notice of the hearing in time to comply with the ten day requirement notice to notify adjacent property owners and therefore requested deferral to January 26.

Mr. Smith so moved. Seconded, Mr. Barnes. Motion carried to defer.

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RAM PROPERTIES, INC. - to permit erection and operation of service station and permit building closer to Lee Highway and Fallfax Drive than allowed by the Ordinance, Providence District (C-N)

Mr. Robert McGinnis, attorney, represented the applicant. He located the cemetery, Scope, Inc. and the apartments in the area. They wish to be allowed to build a gas station and the variance is needed to allow them to come within 25 ft. from the street instead of 50 ft. Fallfax Drive is a private road which leads nowhere - it comes back to the parking lot for Scope, Inc. and would come back to the parking for the station. They would improve Hollywood Drive.

Mr. McGinnis advised that the wording on the agenda was in error - they do not need the variance to allow the building closer to Lee Highway.

Mr. Roy Price stated that the pump islands would be 50 ft. back and they would not need a variance from Lee Highway.

Mr. Moore of the Planning Staff advised that there were no plans for carrying Fallfax Drive through.

Mrs. Henderson noted that the Planning Engineer's Office requires that the building have an "architectural front" which could be teakwood, brick or something of that nature.

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Ram Properties, Inc. - Ctd.

Mr. Price said they would build a colonial brick building and assumed that this would meet the requirements regarding "architectural front".

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In the application of Ram Properties, Inc., to permit erection and operation of a service station, Mr. Smith moved that the application be approved as applied for with the provision that the recommendations of the County Planning Engineer's Office be incorporated in the motion to grant the use permit. The recommendations to be incorporated were: site plan approval of the proposed service station will be required. The applicant will be required to pave additional right of way on Lee Highway and Fallfax Road, construct a 20 ft. median along Lee Highway in front of the service station site and construct sidewalk along the Lee Highway and Fallfax Road frontages of the service station site. A service drive having a minimum width of 26 ft. will be required along the Lee Highway frontage of the service station site. The Lee Highway frontage of the service station building will have to be designated and constructed as an "architectural front" of the building since the property to the south across Lee Highway is zoned residential. Provided that these and all other provisions of the Ordinance are met, Mr. Smith moved that the application be granted as applied for. Seconded, Mr. Yeatman. Carried unanimously.

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SIBARCO CORP., to permit erection of an addition to service station, north side of Cedar Street, west of Fort Hunt Road, Mt. Vernon District (C-N)

Mr. W. F. Cooper represented the applicant. This will be an addition to the existing service station and will be one more bay; this is a fairly new service station on which site plan #218 was issued in March 1962.

Mr. Cooper advised that the additional bay is required to allow Mr. Phillips to adequately serve his customers.

Discussion followed regarding the previous hearing of the matter when the permit was issued for building the station - the discussion with regard to the narrow road and the difficulty of firetrucks getting behind ~~on the way~~. Also, there was much opposition when this application was originally made.

Mr. Cooper showed photos of the site. Mr. Everest expressed doubts that this was the true picture - there are usually fifteen or more wrecked cars parked there, but could not cite a specific instance.

Mr. Cooper felt that if major repair work was to be done, it is done inside the building. This bay will be used for washing cars and the present bay used for washing cars will be used for greasing cars.

The gallonage of the station is 30,000 gallons per month and is projecting upward from that, Mr. Cooper stated.

Mr. Smith felt this would be a good thing if the original motion in 1962 did not prohibit the addition of one more bay. In reading the minutes of January 9, 1962 when the permit was granted, it was found that the motion granted the use permit for the erection of the building in accordance with the rendering submitted - for filling station only, and there was no limitation on it.

Mr. Smith moved that the application of Sibarco Corp., to permit erection of an addition to service station, north side of Cedar Street west of Fort Hunt Road, Mt. Vernon District, be approved as applied for in accordance with the original granting of the use permit January 9, 1962, and provided all conditions of the use permit and all provisions of the Ordinance are met. Seconded, Mr. Yeatman. Carried unanimously.

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HUMBLE OIL & REFINING CO., to permit erection of a service station and permit building 25 ft. from rear property line, Lot 32, Worthington Heights, Providence District (C-D)

Mr. Barnes Lawson, attorney, represented the applicant. The site is

Humble Oil & Refining Co. - Ctd.

shown on the Tyson's Plan for C-O and C-D, Mr. Lawson advised the Board. He showed a rendering of the area. The proposed use has been discussed with all the people adjacent or affected, and they have found no opposition.

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Mr. Lawson asked that the Board issue the permit and with it, the pump islands within 25 ft. They are within the 25 ft. area, and the variance is to permit erection of the building within 25 ft. of the rear property line rather than 50 ft. The site has been designed to make it serviceable from their point of view; it would be better to locate the building in such a way that they would not violate any ordinance.

Further discussion followed regarding C-D and C-N and the building being erected by the Northern Virginia Builders Association.

Mr. Lawson advised that this would be a three bay station and the only variance requested is from the rear property.

Regarding Mrs. Henderson's question as to whether or not they were aware of the criteria set down by the Planning Engineer's office, Mr. Lawson said they would meet all requirements.

Mr. Dan Smith moved that the application of Humble Oil & Refining Co., to permit erection of a service station and permit building 25 ft. from rear property line, Lot 32, Worthington Heights, Providence District, be granted as applied for provided the applicant will meet the criteria set up by the Planning Engineer; that site plan approval will be required and the applicant will be required to pave additional right of way on Route 7 and Gallows Tree Lane; construct a 26 ft. wide median along Route 7 in front of the service station site, and construct sidewalk along the Route 7 and Gallows Tree Lane frontages of the service station site. A service drive, having a minimum width of 26 ft. will be required along the Route 7 frontage of the service station site. The Route 7 frontage of the service station building will have to be designed and constructed as an "architectural front" of the building since the property across Route 7 to the north is zoned residential. Standard County screening will be required along the south side of the service station site, adjacent to the existing residential zone. Further provided, that this use permit will be for the operation of a filling station only, and provided that all provisions of the Ordinance are met. Seconded, Mr. Yeatman. Carried unanimously.

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CITY OF FALLS CHURCH, (Dept. of Public Utilities), to permit erection of a water storage tank, closer to property lines than allowed by the Ordinance, approx. 170 ft. west of Dunn Loring Road, Providence District (RE-1)

Mr. Van Metre, ^{ATTORNEY} ~~MAYOR~~ of the City of Falls Church, represented the applicant and advised that this was another site other than the one already considered and was urged by Mrs. Henderson to set out why this facility was needed.

Mr. Van Metre advised that this was a projection of the original plans established several years ago at the request of residents of the area. As far as need is concerned, he referred to a letter received from the Fire Administrator of the County concerning the need for pressure and volume. The Water Authority and School Board have approved the location, stating it was their feeling that this was the most logical and compatible location in the area. He referred to the hearing at which they had appeared before the Planning Commission and showed the proposed location as being on the Chiles property, and the Planning Commission was not adverse to putting it there, and except for some residents, everyone agreed that it was needed.

Mr. Van Metre referred to the fact that this was postponed by the Planning Commission and Mr. Pattenon and members of the Commission went over five sites; the Commission has agreed that the site presented now is logical and approved it.

This location is one property removed from the Chiles tract - the tank will be on the ground on concrete block and it is not on stilts. This

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facility cannot be moved far from where it is to be permitted because of the design of the water system itself. This area lends itself to good landscaping and the City will do all it can to make it compatible.

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Mr. Patteson showed a map of the upper northeastern part of Fairfax County, and located the service area comprising more than six square miles. He referred to the recent rezonings in the area for apartments and told what the future requirements are expected to be. The variance request is for 15 ft. around the tank; with 50 ft. around the tank this would leave room for screening. Just beyond the tank is the post office and they want additional room for parking. This will leave them room to expand and put in parking.

Mrs. Henderson felt that all other tanks in the County meet the setback requirements and she could see no reason for granting a variance in this case.

Discussion followed regarding height of the tank. Mr. Patteson said they may be able to cut it down to 80 ft. from 86'.

Mr. Smith felt the setback requirement should be met. They evidently have sufficient land to install it without a variance.

Mr. Fred Cadwell appeared in favor of the application. He was one of the engineers on the project and explained the dimensions of the tank. He said it would be 60 ft. in diameter and 86 ft. high, holding approximately 1,800,000 gallons of water. Mr. Cadwell explained the two plats - the original was drawn up to have the tank on the Chiles property; the second one on the Trout property. These properties are presently screened by heavy, dense woods but he would also recommend a chain link fence.

Mr. Patteson located on the map the homes of property owners in opposition and of those not in opposition.

Mr. Patteson advised that they had a letter from Mr. Chiles stating that he has no objection to this tank and he is the closest property owner. They also have a letter from the County School Board which owns land at the intersection, stating that they would like to see the tank put here. Mrs. Garrison did not object but would not sign a letter, Mr. Patteson noted.

Opposition:

Mrs. Lois Miller, attorney, representing the Trout's on whose property the tank is to be located, appeared in opposition. The need is recognized by the Trouts, and they would not have any objections if the variance could be granted to allow the tank to be placed in a corner rather than in the center of the property. If the tank cannot be placed in the corner, it would constitute complete taking of the property. Mrs. Miller felt that if it could be located to the rear of the property, in the corner, it would not injure the Garrison property in any way and the Chiles' are not objecting. There is no contract of sale to the City but it has been discussed, Mrs. Miller informed the Board.

Mr. Van Der Wande stated that he felt the City of Falls Church was making money on this service and that the water line is not absolutely necessary. The tank is closer to his house than shown, and regarding parking - the post office has plenty of parking space. The real estate company will move across the street. The property, ^{surrounding} where the tank will be located cannot be developed. The water tank, from economics standpoint, should look at Merrifield as a separate and individual item, and the City can extend its lines and also put in larger lines.

Discussion followed regarding reduction in insurance rates because the City had brought in fire hydrants. Mr. Van Der Wande told of his efforts and success in getting the rates reduced, but this was due, he felt, to the marvelous reputation of the Dunn Loring Fire Department - it was above par.

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Mr. Robert Black showed photos showing homes in the area and maintained that the tank should be put on the plateau, on the land of a house that is for sale, in the sub-standard area. Mr. Black said that he is a volunteer fireman with the Dunn Loring Fire Department and knows of the difficult areas where it is hard, and at times, impossible to get water from the fire hydrants. He would like to see the tank go in the sub-standard area on the plateau and this would serve the area where there is a shortage of water volume. This proposed site is 1200 ft. from the site in question on the Trout property.

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Mr. William Trout, part owner of the property where the City proposes to put the water storage tank, said if they are to be stuck with the tank location, they would like it put in the back corner - this would leave them with a piece of property that would be usable for other purposes. He felt that ^{if} it would cost Falls Church more money to move it to the corner of the property, the Board has the right to ask them to move it and save a piece of good ground. He asked the Board to put the tank in the back corner.

In reply to a question from Mr. Smith regarding whether or not he had appeared at the Planning Commission hearing on this - Mr. Trout said there was no public hearing on this site. Mrs. Henderson asked that the Planning Commission minutes be brought in:

While waiting for the Planning Commission minutes, a discussion followed between the engineer, Mr. Cadwell, and members of the Board, regarding the feasibility of moving the tank to the corner. Mr. Cadwell explained there was a 10 ft. variance in elevation and Mrs. Garrison would object to this location.

Mrs. Henderson asked if they had considered buying a piece of land from both the Trout and Chiles tracts to get proper setbacks. Mr. Cadwell explained about the depression in the location pointed out.

Mrs. Early objected and stated that she had not had an opportunity to examine where the tank is proposed. She referred to the screening referred to by Mr. Patteson and stated that the screening belongs to Mrs. Garrison.

Mrs. Henderson asked if Mr. Patteson had looked at the property which Mr. Black said was for sale.

Mr. Patteson said they looked at the site next door but the County wanted additional dedication of streets and it would not leave enough room with required setbacks. They had looked at the site which is for sale and has a house on it. The one they had looked at ^{was} next door to it and was the site which Mr. Black suggested they look at during the Planning Commission hearing. The house on the site is not vacant. They would have to buy it and tear it down. There is also a big swale, the drainage from Hunter Road goes along it. There is a radio station control tower for the Washington area located there and if they put the storage tank on the site proposed by Mr. Black, it would knock out some of their signals.

Mrs. Henderson read from the Planning Commission minutes of November at which time the Planning Commission recommended this site and at which time the public hearing was considered closed. The Commission had felt that this area was undeveloped and was therefore suitable and logical.

Discussion followed regarding the feasibility of moving the tank - the possibility of Falls Church buying a piece of the Trout land and the Chiles land. Mrs. Henderson felt they should balance off.

Mr. Patteson stated that they could move it but would lose elevation. They would have a longer route into it and would add 10 ft. to the height of the tank and the setbacks would be 10 ft. more.

Mrs. Henderson was of the opinion that the dropoff of the Chiles property would not affect the tower, but would be a part of the required setback.

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The Board felt that they had reached a stalemate in making a decision at this time and asked that the City of Falls Church bring back to the Board in writing, the reasons why the Public Utilities Department of Falls Church object to or cannot use each of the other sites. Is it elevation, distance or what?

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Mr. Patteson asked that the Board members make a field inspection of the sites to help them arrive at a decision. It was agreed that the Board would inspect the sites at the conclusion of the agenda today, and that the next hearing will be two weeks from today. Mrs. Garrison shall be notified since they are considering moving it closer to her property.

Mr. Smith felt that if the tank could go in the corner and meet setback requirements, then the Board could readily act on the application at the next hearing.

Mrs. Henderson asked that Mr. Patteson notify Mrs. Garrison of the hearing date and she should have an opportunity to speak.

Mr. Smith felt they were asking to see if this is feasible but yet come up and say they may not approve. The Board should say that if they can do this, they should approve it. This is a logical location for the tank and should not be moved more than a few feet. The Board should consider the cost - they will have to spend money for surveying and they should not have to do it unless they have some assurance that the Board will approve it.

Mr. Barnes asked if the site had been approved by the Planning Commission and when he was assured that it was, he felt that the Board of Appeals could not change the actual site granted by the Planning Commission, but should consider granting the variance requested.

Discussion followed regarding the possibility of this new recommended site being considered by the Board, having to go back to the Planning Commission.

Mr. Smith felt if they can move it and allow Mr. Trout better use of the land, this should be done. However, if impractical, the permit should be granted.

Mrs. Henderson said that Mrs. Garrison should be heard - therefore, the next hearing would be a public hearing for her to speak and also for Mr. Chiles to object if he did not want the tank to be put on the corner straddling the Trout and Chiles property.

Mr. Smith moved to defer the application to January 26 for decision and possible public hearing. In the meantime the Board will view the two locations under consideration at this time. Seconded, Mr. Yeatman. Carried unanimously.

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The Board recessed for lunch from 1:00 to 2:00.

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KYRIACOS EURIPIDES, to permit erection of carport 4.28 ft. from side property line, Lot 23, Block 1, Section 2, Virginia Hills (1 Virginia Hills Avenue), Lee District (R-10)

Mr. Smith referred to Mr. Cowington's report and from the report there would be some justification for consideration of this case. This is the only area where he could build and the variance is justified.

Mrs. Henderson and Mr. Everest disagreed. The land is hilly and if this is granted it would be a special favor for the applicant. If an exception is made in this case there would be similar cases and the entire area would be changed.

If this condition prevails throughout the entire area, this would change his thinking on this, Mr. Smith stated.

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Mr. Everest moved that the case of Kyriacos Euripides, to permit erection of a carport 4.28 ft. from side property line, Lot 23, Block 1, Section 1, Virginia Hills, be denied on the grounds that there are no unusual circumstances surrounding this case that do not surround similar cases in the area. Seconded, Mr. Yeatman. Carried unanimously.

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OLD FRONTIER TOWN, INC., to permit operation of a miniature western frontier town, commercial recreational establishment on north side of Rt. 29-211 adjacent to Hunter's Lodge, Centreville District (RE-1 and C-N)

Mr. Cohen and Mr. Jeter represented the applicants.

Mr. Cohen referred to his letter of December 23 in which he had numbered each activity so that it coincided with submitted plats. The letter sets out items that were not on the use permit last year and that they would ask for this year. He referred to the motion of last year - which granted their permit. Everything is the same as at that time and they have deleted nothing. This year they are asking for an archery range, and the glassblowing which was considered last year, but not granted. The trading post was there last year but was permitted only to display authentic Indian craft. This year they would like to ask for display and sale of Indian craft.

They are asking permission to sell ice cream, soft drinks and sandwiches at the Lady Gay and the Saloon as people who came last year felt they should have refreshments at the saloon.

They are asking permission to sell souvenir western and leather goods in the leather shop.

With regard to the 4H barn, they are interested in setting up a 4H group, and provide facilities for children to display their animals on the premises in the barn. This would be an educational type thing.

Basically, the application would remain the same, with few additions asked in their letter and set forth here.

There was discussion with regard to why the applicant felt they should be allowed to sell refreshments in the saloon. Mrs. Henderson asked if Mr. Woodson had received complaints last year; Mr. Woodson said there were no complaints.

Mr. Cohen felt they would like to be permitted to fire one or two shots when the train holdup occurs. They would like permission to try it, and if there are complaints they would stop.

Mr. Smith stated that there had been no stiff opposition during the past summer. The parking lot does need additional work to be put in better condition; the lower part is still in bad shape. The parking lot was filled to capacity a number of times but did not overflow onto the highway. As far as guns are concerned, Mr. Smith that the Board has indicated that this was not necessary - they could use a lasso. In the past, when the train whistle and shots were allowed they proved to be a hazard to people using the highway. The train whistle had been frightening to people on the highway and the firing of guns would be detrimental.

Mr. Smith felt the operation of the train should be kept the same as last year and that there should be no firearms used on the premises.

Mr. Smith said he felt that the snack bar was rezoned by the Board of Supervisors to serve this particular operation. This was rezoned to C-N during the first phase of the operation, and this being done, there should be no sale of articles in the other areas outside of the C-N. The residential property should remain as previously stated last year. Mr. Smith felt the Board should not grant something that would change the situation.

Mrs. Henderson complimented Messrs. Cohen and Jeter for the manner in which the operation was conducted in the past year by not letting anything get out of hand. If they could persuade the Board of Supervisors to rezone all the land to C-N there would be no problem with regard to additional selling as requested.

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Mr. Smith said he could see no reason for granting an expansion of the selling area at this time; it should be restricted to the C-N zone.

The Board felt that all sales should be contained in the C-N zone.

Mr. Smith wished to hear more about the glassblowing operation requested by the applicant. Mr. Cohen said they had in mind getting a glass blower to demonstrate the techniques of the art. It would be simple glassblowing. They would make souvenirs and sell them on the premises. In reply to questions, Mr. Cohen also advised that on slow days the glass blower would probably make souvenirs ahead of time and then sell them, but as a whole, this would be a demonstration of the art only.

Regarding the archery range, it would be a small range with backdrops and the arrows would not get out. It would be next to the shooting gallery and would be for small children with balloons against the back wall and if they broke a balloon they would be given a prize. They will use one wall of the shooting gallery to put up the targets, this will not be an additional building.

The barber shop and print shop will be the same; also the museum, livery stable, jail house, but they might allow some soft drink sales from a dispensing machine.

Mr. Cohen felt they would like to sell souvenirs from the blacksmith shop - these would be made some place else and they would stamp their name on it and sell for souvenirs. Mr. Smith again felt these could be sold in the C-N zone.

A discussion followed regarding the request for the 4H group and it was brought out that the foundation for the barn is there and all that it needs would be the sides and roof - the dimensions would be approximately 30 x 40 ft.

Mr. Smith felt this was a large building to be constructed in addition to the ones now there, and felt that if any farm animals were to be displayed they should be tied outside.

Various members felt this would be a sad situation and after further discussion the Board agreed that this was not a proper place for 4H, but if some member of the 4H would come in and say this would be of benefit they might reconsider, but the Board felt they should not grant permission to build another building.

The pony rides, coach rides, etc. would remain; also the train, picnic area and Boot Hill.

Mr. Cohen felt they could not sell everything in the snack bar area as there is not enough room. Mr. Cohen referred to Disneyland and other amusement parks where refreshments are available throughout the park.

Mr. Everest agreed but did not believe that Disneyland is operated on a use permit on residential property.

Further discussion followed with regard to the sale of goods or refreshments throughout the park. The Board felt that the C-N should be adequate and they should not expand to have a candy store and other things for sale throughout the park.

Mr. Smith said they had gone over this previously, and Mr. Jeter was part of the operation, and at that time they were told that if they wanted to have this they would have to have the entire area rezoned. Both the Board of Supervisors and the Planning Commission denied the rezoning. If they had felt it was a suitable use for this property they would have granted the rezoning. The applicant is asking the Board of Appeals to do something that the other bodies would not do.

Mr. Jeter said some of the other things were granted by the Board and Mrs. Henderson felt there was a mistake made previously and they are trying not to make the same mistake again.

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Mr. Cohen had hoped that when the Board found out that they had kept their word and could be depended on to keep their word, the Board would see fit to grant them a few additional items. As it now stands, the land cannot be developed as RE-1 but when it can fit into the area and be a credit to the area, he will be happy to develop. Who wants RE-1 between C-G, he asked? This operation is the only possible use of the land.

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Mrs. Henderson said the Board had been through all of this. The Board is not willing to allow the sale of items outside of the C-N.

Mr. Barnes questioned if they were able to meet their expenses last year, and Mr. Cohen advised that they did not make enough to pay the taxes and meet the expenses. Mr. Barnes asked if they could live with what they had last year. Mr. Cohen felt they could with a few additions, but Mr. Barnes said he was not in favor of extending the sale outside of the C-N.

There was no one present in the Board Room in favor of the application.

Opposition:

Mr. Thomas Ellington of Dixie Hills, representing the citizens of that area, appeared in opposition and stated that the citizens were still opposed to granting the use permit to Frontier Town. The development of the area west of Dixie Hills has been opened up - a subdivision is going in. Mr. Ellington thought the Board should look into the fact that Frontier Town is advertising beer for sale. He requested the Board to deny the permit in its entirety.

Upon questioning, with regards to whether or not the park was annoying last summer, Mr. Ellington stated that once in a while they heard a whistle or gun fire.

A discussion followed with regard to the beer sign referred to by Mr. Ellington. Messrs. Jeter and Cohen agreed that it would be taken down, but they advised it had probably been put up by the people who run the snack bar. They are allowed to sell beer in the C-N through the winter season.

There were six people in all who were opposed to this, but not all spoke.

Mr. Smith, in preparing to make a motion on the application, reminded the people present in opposition, that from a practical standpoint, in trying to deal in a fair and equitable manner, he felt that the applicants have demonstrated that they have the knowledge to operate properly and they have abided by the rules. He could see no reason why the Board should entertain any type of expansion during the coming year; that the operation would remain as it was last year with the stipulation that if the permit is granted it should not be granted for more than one year.

In view of the past year's operation, Mr. Smith made the following motion: In all fairness to the applicants, they should be allowed to operate as long as they operate in compliance with the present standards. He would move that the Old Frontier Town, Inc., application to permit operation of a miniature western frontier town commercial recreational establishment on the north side of Rt. 29-211 adjacent to Hunter's Lodge, Centreville District, the application be approved as was granted last year with no expansion in any respect to the operation and with the further provision that the recommendations of the County Planning Engineer's Office be incorporated into the motion to grant the use permit: "Final site plan approval of the 'west parking lot area' will be required, including the replacement of the existing temporary asphalt curbs on Route 29-211 with permanent type curbing, and the construction of a service drive along the Route 29-211 frontage of the parking lot. Further, the parking lot should be cleaned up and properly marked by barriers to allow for adequate parking." If, at any time the Zoning Administrator feels the parking is not adequate, he is to call this to the attention of the Board and the applicants will have to adjust to meet the needs. Before this permit is granted for the coming year, the site plan ordinance shall be fully complied with and met prior to permitting operation this year. This permit is to run for one year from this date, January 12, 1965, to January 12, 1966. Motion seconded by Mr. Everest and carried unanimously.

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January 12, 1965

RANDOLPH D. ROUSE, to permit erection of a service station, Northeast corner of Falls Church-Annandale Road and Dashiell Road, Falls Church District (C-N)

Mr. Lawson had advised that he had withdrawn from the case and the applicant had not been able to find another attorney, therefore a deferral was requested.

Discussion followed regarding deferral. Mr. Smith felt that the applicant should be given every opportunity to present the case and moved that the application be deferred two weeks - to January 26 to allow the applicant every opportunity to present his case in order that a decision might be rendered. Seconded, Mr. Yeatman. Motion carried.

After further discussion on the motion it was decided that there would have to be a complete new hearing and adjoining property owners and all interested persons previously notified will have to be re-notified. The case was then deferred to the first meeting in February - February 9, 1965. Motion carried unanimously.

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JOHN J. RUSSELL, Bishop of Richmond, to permit erection and operation of a parochial school and permit a home for the elderly, property on the northerly side of Vale Road, Route 672, adjacent to Little Vienna Estates on the west and north, Providence District (RE-1)

Mr. Brophy had asked that this case be deferred as he had to appear in court in Vienna.

Mr. Everest moved to defer to the last meeting in February, however, Mr. Brophy asked that the case be rescheduled as the first item on an agenda which has not already been started as of tomorrow morning (January 13). Mr. Everest so moved - to instruct the Zoning Administrator to reschedule this case as the first item on the agenda which has not already been started as of tomorrow morning (January 13). Seconded, Mr. Barnes. Motion carried unanimously.

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JOHN E. ISLEIB, to permit operation of recreational facilities on east side of Route 665, approx. 1,000 ft. north of Rt. 672, Centreville District, (RE-1)

This case had been deferred to allow the Board to view the property with particular attention to the traffic situation.

Mr. Isleib was present with his attorney, Mrs. Miller, and stated that with regard to the entrances, the resident engineer from the State Highway Department inspected the property and after seeing the plat showing the facilities they have granted the permit for entrance to the property. Mr. Isleib also stated that the figures given at the last hearing regarding the traffic count were inaccurate.

Mr. Everest stated that after viewing this, he felt that it would be a very hazardous intersection. It is hard to imagine until you look at it. He did not think the traffic count has an effect on hazard, it only takes one automobile to create an accident.

Mrs. Henderson stated that she was not in favor of the operation from the standpoint of piece of land itself. She felt Mr. Isleib deserved a better piece of land. This is on flood plain and ten acres is not large enough. She could not understand where they would carry out all the planned functions.

Mr. Isleib advised that it was 17 acres; not 10 acres of land.

Mr. Smith said the Board does not question the intent of Mr. Isleib but he felt that Mr. Isleib should find a piece of land to accommodate all of his ideas. This is not in keeping with everything he enumerated in the application. Mr. Smith agreed with other Board members that this was a hazardous entrance to the property. The flood plain does exist and the lack of suitable land on the 17 acres would not be practical to accommodate an operation such as Mr. Isleib desires.

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John E. Isleib - Ctd.

Mr. Barnes agreed with Mrs. Henderson and Mr. Smith. They had walked over the land. It was his opinion at the last hearing that this was not the suitable location for this type of operation - this is not the proper section to put this in; by the time Public Works gets through, there will not be much left.

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Mr. Smith stated that there are two large recreational facilities under operation in this area now and another one not too far away. He felt that the impact was a factor in granting use permits, and to grant another use permit in this immediate area would affect the area.

Mrs. Henderson felt that the Board was reluctant to grant a use permit in an area where people are so opposed to it and named some of the opponents such as Admiral Gallery, Mr. Rykoff and Mr. Jordan.

Mr. Everest stated those were not his reasons for opposing it - his opposition to issuing this use permit is based on the traffic hazard that is created by Route 665 and the terrain of the land. The impact would not hurt the area.

Mr. Smith felt that it had been brought out that use permits granted under this category are to serve the immediate vicinity, which is not true in this case.

In reply to the Board's views, Mr. Isleib stated that the size of the land in comparison to other operations in the area, is larger in acreage than some already in the area. He plans to serve only Fairfax County and possibly part of Arlington. He will be in direct competition with people there.

Mr. Smith moved that in the case of John E. Isleib, to permit operation of recreational facilities, on east side of Route 665, approximately 1,000 ft. north of Rt. 672, Centreville District, that the application be denied for reasons indicated by various members of the Board - the hazardous entrance, the 17 acres of land in the application is largely, or a good many acres, are in flood plain. It is hilly and not suitable for this type of operation and the operation is not intended to serve the immediate vicinity but to serve the general area of Fairfax County; it has been pointed out that there are facilities in the area of this nature, adequate to serve, and for the main objection to the hazardous entrance. Seconded, Mr. Yeatman. Carried unanimously.

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O. W. & JULIA N. NELSON, to permit shed to remain 2 inches from side property line, Lot 17, Section 2, Belleforest, Providence District (R-12.5)

Mr. H. Edwards represented Colonel Nelson and in discussing this shed, which is in violation of the Ordinance, Mr. Edwards said Colonel Nelson had called someone at the Courthouse and was told he could go ahead with construction. This was a cover for wood for his fireplace. This was a spare time project and he reached a point where he was carried away and ended up with this structure as shown in the photos. After the shed was completed he was cited for violation. He understood that he would not have to have a permit for this shed. Colonel Nelson did get a permit to build the carport.

Mr. Garrett is the only neighbor who would see the property and he has no objections. The shed is ventilated at the top and front to allow for ventilation. Colonel Nelson stores lawn mowers in one end and wood on the other end. It is a shed in posts in concrete.

Mrs. Henderson asked if it could be swung around to be behind the carport.

Mr. Edwards said the design would not permit this as it is on posts in concrete.

The concensus of opinion of the Board members was that the shed would have to be torn down and rebuilt.

There was no opposition present.

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O. W. & Julia N. Nelson, Ctd.

Mr. Smith felt this was a sad situation and he would like the name of the person the Colonel had talked to regarding this shed. He felt the Colonel should be given adequate time in which to tear it down.

Discussion followed with regard to length of time to give Colonel Nelson as he is in the service of his country and overseas at this time. It was agreed that nine months should be ample time to allow for the removal of the shed.

In the application of O. W. and Julia Nelson, to permit shed to remain 2 inches from side property line, Lot 17, Section 2, Belleforest, Providence District, Mr. Smith moved that the application be denied and that the applicant be allowed a period of nine months to remove the violation due to the fact that he is in the Armed services, ^{and out of the country} and there should be no enforcement of this violation for nine months. The violation is to be corrected in nine months and in the event the applicant wishes to reconstruct a shed, a building permit is to be obtained. Seconded, Mr. Yeatman. Motion carried unanimously.

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WALTER C. CRAIN, to permit dedication of Woodside Drive with less than required setback from existing dwelling, Lot 3, Section D, Wilton Woods, Lee District

Mr. Crain represented himself, however, Mr. Woodson advised the Board of the circumstances surrounding this request. Mr. Crain had it laid out to make the correction but Public Works says he cannot because of drainage and he must come in another way which will put two houses closer to the road. They are having trouble with circulation through the neighborhood.

Mr. Crain said he had been working on this for two years. One house is almost finished; another is occupied and the ~~other~~ existing dwelling has owners who do not object to being closer to the street.

(Mr. Everest left the meeting.)

Mr. Darrell Schneider, living on Lot 3, was present. He was concerned about whether his driveway would be taken out. If they come to the edge of the road and put in a bank they will take part of his driveway.

Mr. Crain explained that the road has not been dedicated yet and the slope seems to be the problem. The edge of the road will be 45 ft. from Mr. Schneider's house.

Mr. Smith felt that this road would be one of the requirements to get the subdivision approved. If there are any differences between Mr. Crain and the purchaser, Mr. Schneider, they will have to settle it among themselves.

The 35 ft. in question still belongs to Mr. Crain and has never been deeded to Mr. Schneider. There was a verbal agreement with regards to this. It would someday be deeded to Mr. Schneider.

Mr. Smith questioned Mr. Moore of the Planning Engineer's Office as to whether or not the bank would affect Mr. Schneider's driveway and Mr. Moore did not think it would. It is being graded, but he did not think there would be any more road grading. Mr. Schneider explained that if the road came closer than 30 ft. they would take his driveway.

Mr. Moore felt that Mr. Crain would have to provide Mr. Schneider with an adequate driveway - he could not be blocked off. The road is 35 ft. from Mr. Schneider's house and the variance asked for is 30 ft.

Mr. Smith stated that if a motion is made he would like to see it made to include the statement that if the variance is granted, Mr. Crain is responsible for putting the driveway back into operable condition, it could be put in the variance that if the existing driveway is destroyed, it will have to be put back in similar condition.

Mr. Moore said the road would have to be approved by the State and County also.

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Walter C. Crain - Ctd.

Further discussion brought out that Mr. Schneider has title to 17 ft. of the frontage and a verbal agreement regarding the remaining 18 ft.

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Mr. Smith felt that they ought to grant or deny the variance. This road will never be accepted into the State System unless the variance is granted.

Mr. Schneider stated he felt ~~that he felt~~ he should be protected since his home is established and the driveway is established. He would like to have the understanding that the top of the bank will not come too close to the house.

Mr. Smith felt there were methods that could be worked out to protect Mr. Schneider and he would make a motion to protect Mr. Schneider as much as could be expected. The variance is for the benefit of the entire subdivision.

In the application of Walter C. Crain, to permit dedication of Woodside Drive with less than required setback from existing dwelling, Lot 3, Section D, Wilton Woods, Lee District, Mr. Smith moved that the application be granted as applied for and in accordance with the requirements of the Planning Engineer's Office - that a preliminary subdivision layout and street study of the remaining undeveloped Wilton Woods ~~are~~ has been submitted and reviewed by the Planning Department. It is felt that the extension of Woodside Drive as shown on the preliminary street study will provide better traffic circulation through this residential area into Franconia and Telegraph Roads, and better service the residents in the community. This variance as applied for is granted in accordance with the plat submitted, this being a variance of 10 ft. permitting a dwelling to remain 35 ft. from the proposed Woodside Drive. The applicant (Mr. Crain) is to provide access to the present owner, Mr. Schneider, at the same point where he now has a driveway, if at all possible, and if permitted by the State and County, and if necessary, Mr. Crain is to build a retaining wall, or any method that would alleviate the problem of entrances. The bank is to be no more than 30 ft. closer to the dwelling of Mr. Schneider. Motion seconded by Mr. Yeatman. Carried unanimously. (Mr. Everest had left the meeting.)

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WARD & GLASS, to permit dwelling under construction to remain closer to side property line than allowed by the Ordinance, Lot 1, Section D, Wilton Woods, Lee District (R-17)

Mrs. Glass was present and explained that theirs was the same problem as in the previous case, plus a variance is required from the side property line, as the house does not sit on the lot properly and will require a variance. A discussion followed on why the house was not put the other way on the lot. Mrs. Glass advised the Board that this was a corner lot when they started to build.

Mr. Moore of the Planning Engineer's office felt that this was something that had been brought in piece-meal and ^{they} now trying to put it together.

The Board felt that Mr. Crain should look into the future and try to solve some of the future problems that he can see will be coming up.

Mrs. Glass said one corner of the house was staked wrong and threw the whole house off.

Mrs. Henderson could see no solution but to grant the variances - a 20 ft. variance will be required on Woodside Drive and a 2 ft. variance on the side line.

A rather lengthy discussion followed regarding entrances and the fact that this house is still under construction.

Mr. Smith felt the Board should concern itself with the variances sought here and in the case of Ward and Glass, to permit dwelling under construction to remain closer to side property line than allowed by the Ordinance Lot 1, Section D, Wilton Woods, Lee District, Mr. Smith moved that the application be approved for the following reasons - ~~under the following~~

January 12, 1965

Ward & Glass - Ctd.

~~section of the Ordinance~~ - first, as recommended by the Planning Engineer's staff - also the problem of misplacement of the house, requiring additional variances under variance section of the ordinance, due to the error in placement of the house, for a total of two variances to bring the house into conformance, would move that the variances (one 20 ft. variance from Woodside Drive and a 2 ft. variance from side property line) be granted and conform to plat submitted and the provisions submitted by the Planning Engineer's Office and that all other provisions of the Ordinance be met. Seconded, Mr. Yeatman. Motion carried.

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In the application of Robert G. Gill of March 10, 1964, the applicant requested extension. Mr. Smith moved that Robert G. Gill be granted an extension of all variances and conditions that were granted on March 10, 1964, for one year, to March 10, 1965 to commence construction, that this extension be granted to March 10, 1966, and that all provisions of the granting and the Ordinance be met. Seconded, Mr. Yeatman. Motion carried unanimously.

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The meeting adjourned.
By Laurene Burch

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

March 3, 1965
Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, January 26, 1965 in the Board Room of the 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. Smith.

MORRIS K. CALDWELL, SR., application under Sec. 30-137 (g) of the Ordinance, to permit operation of an antique shop, south side of Route 50, approximately 1500 ft. east of Loudoun County Line, Centreville District, (RE-1) (S-9-65)

Mr. Caldwell said they were anticipating moving on the property. They are a retired couple from Atlanta, Georgia and would like to move here to be close to their only son. There ^{are} about 2 1/2 acres of land with the house and they would like to remodel the two chicken houses now on the property and have a small antique business. The old garage will be removed.

Mrs. Henderson stated that the Ordinance does not allow the business to be conducted in the chicken houses - they would have to have the antiques in their dwelling and it would have to be a home operation.

Mr. Caldwell asked if the buildings could be used for storage and display as he did not have room enough inside the house for this operation. He could have the office in his home but would like the display and storage in the outbuildings. The property on the other side of his is industrial.

Mr. Smith asked when Mr. Caldwell would move here - he replied, in about four months.

Mr. Smith said he knew the house well and if the antique shop was only to be a small business, there was adequate space in the house. If not, the house could be extended. The Ordinance will not allow this business to be conducted in the outbuildings.

Mrs. Henderson felt that it would be all right to use the outbuildings for storage but customers could not be taken there to choose merchandise. For example, if a customer showed interest in a small table, Mr. Caldwell could go to the shed and bring the table to the house.

There was no opposition.

In the application of Morris K. Caldwell, Sr., application under Section 30-137 (g) of the Ordinance, to permit operation of an antique shop, south side of Route 50, approximately 1500 ft. east of the Loudoun County line, Centreville District, Mr. Smith moved that the application be approved as applied for. It is understood that all sales connected with the antique shop will take place in the dwelling now on the property as indicated by the plat presented in connection with this application. All other provisions of the Ordinance shall be met. Chicken houses on the property may be used for storage only, but for no sales whatsoever. All sales will be from the house. Granted to the applicant only. Seconded, Mr. Mr. Barnes. Carried unanimously. (MR. EVANS OUT OF ROOM)

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W & W CORP., (Howard Johnson's), application under Sec. 30-141(i) and 30-36 of the Ordinance, to permit erection and operation of a motor lodge motel and allow building 68 ft. high in C-G zone, property on south side of #1 Highway and east of Fort Hunt Road, Mt. Vernon District (C-G) (S-19-65)

Mrs. Henderson said the Planning Commission had asked that the Board not take action on this application but to defer in order that the Commission might consider it.

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W & W Corp. - Ctd.

Mr. Fagelson said that Mr. Schumann did not remember who made the motion to ask for deferral but in going over the BZA agenda at the Commission meeting someone said "I would like to hear this". He did not think that Mr. Schumann realized the fact that this is something that in essence the Planning Commission has already heard twice.

Mrs. Henderson said the Commission had heard this and the Board has heard it. It is the same case that was denied but now there is an ordinance that permits this and the Planning Commission recommended approval of the amendment.

If there had been great interest in this, the Commission should have given some good reason for deferral, Mr. Smith said. The case has been heard and the Commission approved the amendment to allow this. The Board of Zoning Appeals previously denied this use on the property.

Mr. Smith moved that the Board hear and act on this application at this time. Seconded, Mr. Everest.

The Board appreciates the attention of the Planning Commission, Mrs. Henderson stated, but feels this case warrants hearing at this time. Carried unanimously.

Mrs. Henderson read parts of amendment #93 adopted by the Board of County Supervisors.

Mr. Fagelson introduced Mr. George Van Beesen, architect. Mr. Van Beesen said they are proposing a 250 unit Howard Johnson's motel and restaurant, 250 units is the maximum. He showed the site plan, designating parking area, building location, etc. They plan a seven story building and there is no problem meeting parking requirements. They are asking for a height of 68 ft.

Opposition: Mr. Louis Shupin, President of the New Alexandria Citizens Association, objected because he felt that if this were allowed it would add to the already congested traffic situation at the intersection. He described the traffic situation at length.

Mr. Charles Moore noted that the Planning Staff would require the construction of a service drive.

Mr. Everest was sympathetic with Mr. Shupin's problem, and stated that he uses the intersection twice a day himself. But, apartments could be allowed on this property which might create more traffic than the motel-restaurant would.

In the application of W. & W. Corporation (Howard Johnson's), to permit erection and operation of a motor lodge motel and allow building 68 ft. high in C-G zone, property on south side of #1 Highway and east of Fort Hunt Road, Mount Vernon District, Mr. Smith moved that the application be approved as applied for with all setbacks and all other requirements of the Ordinance being met. There was an amendment to the Ordinance to allow this height for this use in a C-G zone. All other provisions of the Ordinance to be met. Site plan must be approved and strictly followed. Seconded, Mr. Barnes. Carried unanimously.

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RIVERSIDE GARDENS SWIM CLUB, application under Sec. 30-137 (a) of the Ordinance, to permit erection and operation of a community swimming pool and other recreational facilities, at intersection of Buckboard and Stable Drives, Mt. Vernon District (R-12.5) (S-10-65)

Mr. Vogel represented the applicant. They want to build a swimming pool and eventually would like to expand to a recreation area for the property owners in River Gardens. This is in a new subdivision; development is not yet complete but they have contacted 118 home owners, and 86 have agreed to become members. The site plan has been submitted. They propose to build a total of 214 homes. Proposed membership would be a total of 250 families. The subdivision is small and will be accessible only to the people in the subdivision, most of whom will walk.

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Riverside Gardens Swim Club - Ctd.

They will take people outside the subdivision only if they cannot get enough members from within the subdivision. There is plenty of room for parking.

Mr. Vogel said there are a number of large trees which they wish to save to provide good natural screening. Someday they would like to build a place to provide something more for young people in the way of a meeting place, and if they extend their parking too far they would not be able to do this.

Mr. Everest suggested limiting the number of members to 150 families, with the parking as shown and later on, if they find they need more parking, it might be advantageous to cut the trees.

Mr. Smith stated that it is understood that the only thing the Board is concerned with today is the swimming pool and accessory buildings in connection with the pool itself. It should be pointed out that if there are any thoughts of building a recreation center or another building it would be necessary to come back before the Board. Additional buildings would mean less parking space. Swimming meets are becoming very popular and it might be found out later that more parking area would be needed.

Mr. John Fipper said they had made a survey of thirteen pools in the area and all of these pools said it would be tough going with 150 families even for a small pool such as this. That is why they have in their by-laws the number 250; if it became evident that they could not make it financially with 150 members.

Mr. Charles Harnett said he knew these people had spent a great deal of time planning this project. This would benefit the citizens of the area.

No opposition.

Mr. Albert Hoffin, President of the Association, said they have considered their parking needs very carefully and had visited many of the pools in the area and felt that their parking as shown was sufficient. He requested that the Board permit them the use permit with 51 parking spaces based on a 200 family membership, considering that many of these people are too close to the pool to consider backing out of their driveways and coming around to the pool. This will not be an olympic sized pool; if they hold any meets it would be on a junior level, on a local basis, but they do not have any plans for this.

Mr. Moore noted that the site plan had not been submitted ^{but} by the Staff would require planting as required by the Planning Engineer's office - fencing or screening, or both.

Mrs. Henderson noted that the letter from Mr. Vogel gave the legal name of the Association as the "Riverside Gardens Recreation Association, Inc."

Mr. Smith made the following motion: In the application of Riverside Gardens Recreation Association, Inc. (permit shall read this name) to permit erection and operation of a community swimming pool under Section 30-137 (a) of the Ordinance, at the intersection of Buckboard and Stable Drives, Mount Vernon District, he would move that the application be granted. No other recreational activities shall be indicated other than the possibility of using vacant land for picnics, horseshoes, etc. and the application shall be approved with the following stipulations that the Association provide 68 total parking spaces and if at any time the membership exceeds 210 families, the association will have the application considered for extension of the use to see if additional parking facilities would be necessary. It is understood that there will be a chain link fence around the pool area itself as required by the Ordinance and screening in connection with the application shall be worked out by the Planning Engineer's Office through the site plan. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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MURRAY WEINBERG, application under Sec. 30-36 of the Ordinance, to permit existing carport to be enclosed 10.8 ft. from side property line, Lot 910, Section 9, Lake Barcroft, Mason District (R-17) (V-11-65)

Mr. Weinberg said he bought the property six years ago and the Ordinance at that time allowed him to go the side line within 10 ft. for an open carport or screened porch. The topography of his lot goes down in the rear and there is a storm sewer easement there, so he was obliged to keep his house to the front of the lot as far as possible. He built his own house; now he would like to enclose the carport into a family room and add a garage to the rear of the carport. The violation will only be on the front corner. The carport is a very massive one and enclosing it would not materially alter the appearance of the house.

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The garage would be at the basement level, Mr. Weinberg continued; the driveway would be put on the other side of the house. On the left side of the house would be a bad location because of topography. The top of the new garage would become a deck which could be used off the playroom.

No opposition.

Mrs. Henderson noted that she had received three letters from Mr. Weinberg's neighbors expressing approval.

Mr. Yeatman moved that the application of Murray Weinberg, to permit existing carport to be enclosed 10.8 ft. from side property line, Lot 910, Section 9, Lake Barcroft, Mason District, be approved. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest. Carried unanimously.

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MARGARET COFFEY, application under Sec. 30-137 (e) of the Ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 31 and 32, Block 27, New Alexandria (814 Potomac Avenue) Mt. Vernon District (R-10) (S-12-65)

Mrs. Coffey said she wished to have a small shop in her home so that she might stay at home and have an income. Most of her customers would walk. This would be a one operator shop with one customer at a time. She would use a room in the rear of her house for this operation. The Health Department has no objection.

Mr. Louis Shupin, President of the New Alexandria Citizens Association, presented a petition with sixteen signatures of people living on Potomac Avenue in opposition. This would lower property values; automobiles would block I Street; customer automobiles on Potomac Avenue would deprive residents of nearby parking facilities and would detract from the residential character of the area.

Mrs. Henderson pointed out that only a two foot square sign could be permitted for advertising and there could be no customer parking on the street.

Mr. Shupin said there is no need for a beauty shop in this area; there is one within walking distance.

Mrs. Coffey said she would like to work in her home because she had a bad ankle and could not stand on her feet for eight hours a day which would be required by any beauty shop where she might work. She has lived in this house since September, she said.

Mr. Yeatman moved that the application of Margaret Coffey, to permit operation of beauty shop in home as a home occupation, Lots 31 and 32, Block 27, New Alexandria, Mt. Vernon District be denied due to the opposition of people in the area who do not desire a beauty shop in this area. There is a beauty shop already in the shopping center very near this property. This does not meet the general standards for granting a use permit and would adversely affect use of neighboring property; it is not in harmony with zoning regulations. Seconded, Mr. Smith and carried unanimously.

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LILLIE ROBBINS' application under Sec. 30-137 (e) of the Ordinance to permit operation of a beauty shop in home as a home occupation, Lot 8, Sec. 4, Sunny View (301 Ayers Drive), Mt. Vernon District (R-12.5) (S-13-65)

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Mrs. Robbins said her husband works late in evenings so she would like to have a small shop in her home. She has two small children. There would be no advertising. She has lived in the house for two years; and in the area for five years. She would conduct the operation in her basement. There is a rear entrance. The Health Department has stated that they have no objections and sewer and water are available.

No opposition.

Mr. Everest moved that Lillie Robbins be granted a use permit under Section 30-137 (e) of the Ordinance to permit operation of a beauty shop in home as a home occupation, Lot 8, Section 4, Sunny View (301 Ayers Drive), Mount Vernon District, for a period of one year. All other provisions of the Ordinance shall be met. Granted to the applicant only. Seconded, Mr. Yeatman and carried unanimously. (Mrs. Robbins is to be the only operator - only 1 chair.)

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ERNEST J. MOORE, application under Sec. 30-36 of the Ordinance, to permit division of lot with less frontage and less area, on west side of Route 652 opposite Guinea Road, Route 651, Falls Church District (RE-1) (V-14-65)

Mr. Woodson said the area is all right. Mr. Moore bought the property five years ago and is rebuilding the existing house. He will put in a blacktop driveway. The acreage can be approved but the only question is on the frontage.

Mr. Moore said a well is being drilled there now. The property has passed percolation tests. He will bring in an eight foot blacktop road and will build a \$35,000 home with double garage. The house will be approximately 64' x 33'.

Mrs. Henderson noted the very minimum side yard - if the house slips over 1 inch there will be a violation.

Mr. Smith felt that if the application is granted it should be understood that there would be no further variances in order to construct the house.

No opposition.

In the application of Ernest J. Moore, to permit division of lot with less frontage and less area, on west side of Route 652 opposite Guinea Road, Route 651, Falls Church District, Mr. Smith moved that the application be approved in accordance with plat presented with this application. It is understood that the applicant will need no further variance of any kind to place a house on this very unusual, oddly shaped lot. It is further understood that the applicant will provide a permanent easement from Route 652 to serve the lot in question. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. All voted in favor except Mrs. Henderson who voted no.

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JACK COOPERSMITH, application under Sec. 30-36 of the Ordinance, to permit erection of a 7-Eleven Store closer to side and rear property lines, and permit service station 25 ft. from rear property line, on south side of Route 236, approximately 300 ft. west of McWhorter Place, Falls Church District (C-G) (V-15-65)

Mr. Moore of the Planning Staff located the property. The variance problem, he explained, comes from the area zoned for apartments. They are asking that the 25 ft. setback be reduced to 15 ft. on the side of the 7-Eleven Store proposed, and also from the rear. They are asking for a variance to the 50 ft. setback required for gasoline stations.

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Jack Coopersmith - Ctd.

Mrs. Henderson said they were trying to put too much on the property.

The ground is too big for only one of these uses, Mr. Coopersmith said; it is feasible and adequate for two uses by this arrangement. This would serve as a convenience to many of the people living in the apartments. Mr. Coopersmith said he was contract purchaser of the property; he does not own it.

Mrs. Henderson said there was no topographic reason for granting the variance.

Mr. Moore said sight distance is not good from the top of the hill and parking is already backing out from the post office. The Staff would like to have the service drive continued and the entrance should be made temporary if this is granted.

Mr. Smith asked what oil company would be involved here. Mr. Coopersmith replied - Humble Oil Company.

Mr. Ed Forman represented the apartment owners who originally owned the land and sold it to the present owners. There is a restrictive covenant imposed on the deed, Mr. Forman noted, and the application should be denied because no case of hardship has been presented.

Mrs. Henderson read from Section 30-36 of the Ordinance. She also read the Planning Commission recommendation.

In the application of Jack Coopersmith, to permit erection of a 7-Eleven Store closer to side and rear property lines, and permit service station 25 ft. from rear property line, on south side of Route 236 approximately 300 ft. west of McWhorter Place in Falls Church District, Mr. Smith moved to deny the application as it does not meet the standards in the Ordinance under hardship. The applicant is only the contract purchaser and does not own the property. He contracted to purchase it with full knowledge of the size and the building space on the property and has stated that if the variance is allowed he would complete the transaction and complete the buildings. This does not meet any of the criteria of 30-36 as there is no hardship and the applicant does not own the property; anyone claiming hardship here would have to be the owner and would have to show some plan that might possibly warrant favorable consideration under the Ordinance. Seconded, Mr. Yeatman. Carried unanimously.

// The Board adjourned for one hour for lunch.

SECURITY NATIONAL BANK, application under Sec. 30-36 of the Ordinance, to permit erection of two canopies closer to Glen Carlyn Drive West, (456 Leesburg Pike), Parcel 3, Sec. A, Culmore, Mason District (C-D) (V-16-65)

Mr. George Van Beesen, architect, represented the applicant. They are presently remodeling the bank building, he explained; there is a canopy over one drive in window at present which will be removed as it does not meet setbacks. The canopy out front does meet setbacks. The canopy is hanging off the building but they would like to support it with poles and a planter. Trucks have been coming around the corner and taking the canopy off because they cannot see it. The bank is taking over the next section of the building. This is the main office of Security National Bank.

Mr. Smith said the fact that this will improve the availability of windows to the drive-in public is certainly in the interests of the general welfare, safety, health, etc.

No opposition.

In the application of Security National Bank, to permit erection of two canopies closer to Glen Carlyn Drive West, (456 Leesburg Pike), Parcel 3, Sec. A, Culmore, Mason District, Mr. Smith moved to approve the application as applied for. This variance is sought in order to better serve the public and to protect them from the safety standpoint, general health and welfare. It has been noted that this building was constructed under the old ordinance and is closer to property line

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Security National Bank - Ctd.

than would be allowed today. ~~By~~ Putting posts under these canopies would improve this from the safety standpoint and would better serve the public and allow the bank to conduct this much desired way of banking. The plans presented certainly point to better affect the entire building by granting the variance to allow the construction of canopies over the drive-in windows. All other provisions of the Ordinance shall be met.

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Seconded, Mr. Barnes and carried unanimously.

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D. P. BRUTON, application under 30-138 (d) of the Ordinance, to permit erection and operation of a miniature golf course, 215 ft. north of Leesburg Pike on the west side of O'Shaughnessy St., Mason District (C-D and C-G) (S-17-65)

Mr. O'Shaughnessy introduced Mr. Bruton who presently operates the golf course in Parkington and wishes to open a similar type of course in the Bailey's Crossroads area.

Mrs. Henderson asked if the only access is through O'Shaughnessy Street?

That is a State Highway now, Mr. O'Shaughnessy replied.

Mrs. Henderson felt that considerable improvement would have to be made in order to use that road for this operation.

Mr. Moore said the staff would require 18 ft. of paving from the center line, and sidewalk across the frontage. The operation must have site plan approval and would require fencing and shrubbery - a maximum of a 6 ft. fence set back 12 ft. Usually where there is property across the street the Staff works out the best arrangement - in some cases it is screening or fencing; in some cases, both.

Mr. Yeatman asked how long it would take to play this course and how many people per year attend the course in Parkington.

Mr. Bruton said it takes about thirty minutes to play the course. During the past year they had from 130,000 to 140,000 people attend the course in Parkington. They stay open until midnight but their lights would not affect anyone adversely; they shine straight down.

Mrs. Henderson suggested having another entrance.

Opposition: Mr. Clarence Varner of 6008 O'Shaughnessy Drive, said he lives directly across the street from this property. They are already plagued with traffic and at rush hours on Saturdays and Sunday afternoon, it takes about ten minutes to get onto Route 7. He asked denial of the application until some solution is found to the traffic problem. Mr. Varner named the businesses now using the street -- a paint business, a tv shop, a plastering business, the Burger-Chef facing Route 7 has an entrance onto O'Shaughnessy Drive and the customers get off the blacktop and park in front of his property to eat, sometimes sitting on Mr. Varner's property and leaving their trash and paper there; and the used car lot where people test drive the cars up and down O'Shaughnessy Drive.

Mr. Varner said he has lived here for twenty-five years and would like the application to be denied unless the road is opened up all the way through.

Mrs. Rena Weisz objected to the noise and lights which she said would be transmitted onto her property and would be a great nuisance. She also discussed the traffic situation.

Mr. Roy Askew of Rock Spring Avenue said he owns three houses here - lives in one, and rents two. If the Master Plan for the area calls for commercial or industrial, he said he would not object as strongly as he would if it is residential. He would have less objection to the golf course if he felt that O'Shaughnessy Drive would go into Columbia Pike. He discussed the bad traffic situation but said he could not say the noise and lights would bother him.

D. P. Bruton - Ctd.

Mrs. McCollum of Rock Spring Avenue objected to noise, traffic and lights which would come from this operation.

Mr. Smith said the application merits consideration because recreational areas are needed in the Bailey's area. He would like to defer the application to view the immediate area and moved to defer to February 9. Seconded, Mr. Everest. Carried unanimously.

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JOHN LAYLIN, JR., application under Sec. 30-139 (d) of the Ordinance, to permit operation of private ski club, approx. 1/2 mile north of Route 603, Dranesville District (RE-2) (S-18-65)

Mr. Laylin said he has 330 acres and they have a lift and a rope tow line. They could have no more than 100 skiing members as it would be too congested if they had more. The idea is to make enough money for skiing improvements. The membership would be taken from friends, neighbors and people who have heard of it.

The application is filed under community uses (30-137 (a)), Mr. Smith noted and it should be under "sports and recreation grounds" (Section 30-139 (d)).

The Health Department has to approve this and a site plan must be approved.

Mrs. Henderson said the site plan might be waived by the Board of Supervisors.

Mr. Laylin said they had built this for family use and the idea to form a club began when a number of other people became interested. They are trying to get enough people who enjoy skiing but not so that it would detract from the other activities that go on there, including extensive farming, horseback riding, etc.

What type of farming do you do, Mr. Smith asked?

Mr. Laylin said they grow hay, corn, grains, sod, and he manages about 3,000 acres in the area of which about 1,000 acres is in flood plain. There are quite a few cattle in the area. Their company would be called the Southdown Company. They could operate from the middle of December through the middle of March with a snow machine. The rope tow is 850 ft. with 114 ft. of fall. They are planning to build a four foot jump. The grades are up to 33% and the primary slope averages about 12%. They plan to have a rest tent with chemical toilets.

Mr. Smith pointed out that this was up to the Health Department.

They have brought a cabin up to the area, Mr. Laylin said, and they would do whatever the Health Department desires. They wish to keep their membership costs minimal. They hope in the future to disassemble an old barn and reassemble it on the site to be used as a chalet.

No opposition.

In the application of John Laylin, Jr. to permit operation of a private ski club, approximately one half mile north of Route 603, Dranesville District, operating as the Southdown Corporation, Mr. Smith moved to approve in accordance with plats submitted with the application indicating an area of 28.65 acres to be used in connection with the recreation area. All other provisions of the Ordinance shall be met, including approval by the Health Department prior to issuance of a permit. Seconded, Mr. Barnes and carried unanimously.

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STREETS ENTERPRISES OF VIRGINIA, application under 30-36 of the Ordinance, to permit building #6 22.99 ft. from side property line, SE corner of Leesburg Pike and Patrick Henry Drive, Mason District (CDM) V-24-65

Mr. Bradley represented the applicant and Mr. Jim Smith of the Daniel Construction Company was also present.

Streets Enterprises of Virginia - Ctd.

Mr. Bradley stated that when their engineer laid out the building, he made a mistake and the building was shifted approximately two feet. The footings and columns are in. This is the Chateau Motel. It is only the tip of the corner of the building that is out of line.

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There was no opposition.

Mrs. Henderson noted that this is as far away from the subdivision as possible and it is close to the undeveloped portion of the property.

In the application of Streets Enterprises of Virginia, to permit building #6 22.99 ft. from side property line, SE corner of Leesburg Pike and Patrick Henry Drive, Mason District, Mr. Smith moved to approve the application as applied for. The applicant explained that all the other buildings in this complex meet the requirements. This was an engineering mistake in laying out the side of the building and for some reason it was miscalculated by this narrow margin. This meets paragraph 4 of the variance section of the Ordinance. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX QUARRIES, INC., extension of use permit granted by Board of Zoning Appeals October 27, 1959, property on south side of 29-211 just west of Route 621, Centreville District (RE-1)

Mr. McCandlish said this was heard in October and deferred in order that Mr. Woodson would have a chance to see that the operation was in conformity with the permit and if it was, Mr. Woodson could issue the permit without coming back to the Board.

Mr. Covington looked at the property, Mr. Woodson said, and reported that overburden had been removed within 22 ft. of the property line. Quarrying had not taken place there. It is 65 ft. from the property line and is supposed to be 50 ft.

Within 22 ft. of the property line there was overburden to depth of 10 ft. taken off, Mr. Smith said. No quarrying was done there but overburden was removed for a distance of approximately 43 ft. to begin the actual quarrying. Depth of the quarry 65 ft. from the property line is 100 ft. according to Mr. Covington. Mr. Smith said he thought that adjoining property owners were concerned about the operation of this quarry within 22 ft. of the property line after having stated by the Ordinance that it would remain at least 50 ft. away. There appears at this time to be some removal of dirt or overburden across the highway from the property which is not covered under any use permit.

Mr. McCandlish said they have complied with the Ordinance and expect to continue to do so. Overburden was removed only to move equipment around the property - not to do any quarrying. None has been done across the road.

They have removed some overburden and have possibly hauled stones out of there, Mr. Smith stated. There seems to be some thought that they are going ahead and quarry without any permit.

The application today is only for 42 acres, Mr. McCandlish said. They are not in violation on the other side of the road. There are two aspects to the matter across the road - it has been under lease for stone quarrying purposes since 1928.

If anything is being done in violation across the road, Mrs. Henderson said she would not be inclined to grant this extension requested.

across the road
Mr. Stagg of the Fairfax Quarries, Inc. said the property has been acquired by their company after having been leased for many years by them. During the past year they had some slack periods and in order to keep their men busy they had them clear some land, remove some dirt and leveled one part of the property with that dirt. Someday they hope to get a permit to quarry on that side of the road but no quarrying has been done thus far.

Fairfax Quarries, Inc. - Ctd.

Mr. Smith stated that they should not have cleared the property and removed the overburden over a great area without first making application. They actually have gone in and prepared the land for removing stone. In 1959 there were no indications that there was any thought of quarrying on the other side of the road and he was sure the Board would have thought a second time before considering going on both sides of the road with a stone quarry. He was under the impression that the Board had put certain stipulations on this operation in connection with fencing that it was required to take in the required quarrying area. The Board extended this in 1959 and had no thought at that time of this ever being extended across the road.

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How far down do you expect to go with the quarrying, Mr. Smith asked, Mr. McCandlish?

He replied that he thought they had as much depth as they need to take.

Mr. Smith asked what areas were covered by this application.

16.192 plus 25.298 acres, Mr. McCandlish replied.

Mr. Smith asked about plans for filling the opening when the quarrying has been completed.

The Ordinance says it must be left in a safe condition, Mr. McCandlish said.

Mr. Smith felt that the Board should view the property. Also, a plat should be presented showing location of all buildings, where the crushing equipment is set up, and in the future the Zoning Administrator will have something by which to pinpoint this particular operation. Also there should be some thoughts about how to fill up this hole (perhaps with junked vehicles), and something should show on the plat about how much of the 42 acres is now being used.

Mr. Stagg said they are using all of the quarry at this time.

Mrs. Henderson said the plat should show the present operation including the old non-conforming part and the land that they are requesting for use that was granted; show what exists on the land, and where there is fencing and where there is not. The old part should be made to conform as closely as possible to the Ordinance and the new part, strictly.

Mr. Smith asked if they had done anything in connection with dust control.

They have put in some sprays that they find to be adequate for controlling dust from the crushing operation.

The Occoquan operation put in a dust control unit as such - they also used spray to control the dust, Mr. Smith noted. All these operations should be brought under the control of the ordinance; there is area around this that is going to be developed. There is certainly some dust coming out of this operation.

Mrs. Henderson asked that a report be brought to the Board telling what they do as far as dust control is concerned. The existing permit is extended for a period of six weeks - till March 9.

Mrs. John Collins, having adjacent property, said this permit was renewed last October with no notice being given to the property owners surrounding. A citizen in the County found out it was being renewed and told her. The same vein as in the quarry is located on her property also; she had a geologist come in and it was found on the front part of her property. She owns eighty-one acres.

Mr. Smith said the permit had been renewed by the Zoning Administrator which is allowed if there have been no complaints. He had had no complaints so he extended the permit in October to this date.

Mr. Smith moved that action be deferred to March 9 in order to view the property and to allow the applicants time to bring in the plats requested by the Board. Seconded, Mr. Barnes. Carried unanimously.

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January 26, 1965

LEARY SCHOOL, INC., to permit operation of a private school, 2nd grade thru 7th (30 to 50 children) Lot 6 and part Lot 7, Sec. 1, Fairfax Hills (4101 Pineridge Drive,) Falls Church District (R-17)

The Planning Commission has requested that no action be taken on this application until after February 9 so the Commission can take this up at their meeting of February 8, Mrs. Henderson announced. The Commission has had thirty days in which to make recommendation on this application. It was filed on November 16 and any recommendation on this application from the Commission should have been sent to the Board in December. The Board has already heard the case and deferred for decision only.

Mrs. Henderson read a letter from Mr. Leary reducing the size of the school.

Mr. Everest said that he was not in favor of granting the application at the present time and for this reason, he felt the Board should abide by the Planning Commission recommendation. He moved that the Commission's request be complied with - to wait for the Planning Commission's hearing in all fairness to the applicant. No second.

Mr. Smith was concerned about the Planning Commission pulling items off the Board of Zoning Appeals agenda after having had the opportunity to observe them and pass on recommendations to the Board. The school application has been deferred once or twice and was filed last November. Mr. Smith said it amazed him that the Commission would at this time ask for further deferral in order that they might make a recommendation. For that reason, he felt the Board should dispose of the application at this time.

Mrs. Henderson said this property was not large enough for expansion. There are larger houses that would be more satisfactory for this operation.

In the application of Leary School, Inc., to permit operation of a private school, 2nd grade thru 7th (30 to 50 children) Lot 6 and part of Lot 7, Section 1, Fairfax Hills (4101 Pineridge Drive), Falls Church District, Mr. Yeatman moved that the application be denied. There is a tremendous traffic problem here and the applicant has stated that he would enlarge the school later on; there is no room for enlargement here. Seconded, Mr. Barnes. Carried unanimously.

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KEEN HOMES INC., to permit porch to remain closer to side property line than allowed by the Ordinance, Lot 29, Block 9, Section 1, Stratford on the Potomac, Mt. Vernon District (R-12.5) V-1-65

Mr. Everest said he would not enter into the discussion or decision on this matter as Mr. Keen is a customer of his.

Mr. Keen was present, represented by Mr. John T. Hazel, Jr., his attorney. Mr. Hazel said the house is in place; this is the only variance Mr. Keene has ever requested. The problem is that a number of these houses were built and settled on for more than a year, when it was discovered that a wooden entranceway on the sides of some of the houses was in conflict with side line requirements. The stoops were erected on the assumption that was a perfectly legitimate action. Keen Homes, Inc. are not the owner; they are the builder.

Mr. Hazel read from the Ordinance the provision dealing with patios and terraces (30-6-e) and felt that this could come under that provision.

Mrs. Henderson asked how many had been built like this?

Mr. Woodson said they had built six. (Mr. Hazel noted that the porch in this application was the "worst" one, as it is closer to the side line than any of the others.) Mr. Woodson said that two of them had had roofs built over the porches.

Mrs. Henderson said she could see no justification for this request. The porches could easily be removed.

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Keen Homes, Inc. - Ctd.

Mr. Keen said they did not catch the mistake until one and a half years after the house was built.

The porch was not shown on the final plat, Mr. Woodson said. The error was discovered when the Zoning Office had a complaint on the property.

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There was no opposition.

Mr. Smith moved that the application of Keen Homes, Inc., to permit porch to remain closer to side property line than allowed by the Ordinance, Lot 29, Block 9, Section 1, Stratford on the Potomac, Mount Vernon District, be granted as applied for in conformity with plat submitted. The applicant has stated that this house was constructed over a year ago and has been sold and people are now living in it. This variance could not adversely affect anyone. This is a means of access to the house. Seconded, Mr. Yeatman. Motion carried. Mrs. Henderson voted no. Mr. Everest did not vote. Others voted yes.

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Mrs. Henderson said she voted no on the Keen Homes application because this is different from an error in stakeout. If the applicant had doubt of which section of the Ordinance this came under, he should have called the Zoning Office; he is responsible for the surveyor. This could be removed and there could be a four foot stairway to provide access to the door. There are no excuses for granting this in the Ordinance.

Mr. Hazel noted that the present owner's name is Herbert Markham.

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CITY OF FALLS CHURCH, (Dept. of Public Utilities), to permit erection of water storage tank closer to property lines than allowed by the Ordinance, approximately 170 ft. west of Dunn Loring Road, Providence District (RE-1)

Mr. John Patteson and Mr. Van Meteg ~~o~~ from the City of Falls Church were present. Mr. Van Meteg ~~o~~ said they had Mr. Coleman present to testify that they will have to move the tank position if they are going to have proper footings. *This is 20' back from original proposal.*

Mrs. Henderson stated that Mr. Coleman was on the property when some of the Board members looked at it and said the tank could not be moved any farther back than it is at present. She had talked with the Commonwealth's Attorney's office and he said the easement is still a variance granted by this Board. Therefore, if the situation were solved by an easement, it would still be a variance granted by this Board. She felt this was probably a feasible solution if the Board of Supervisors decides to amend the Ordinance to include this type of provision. She did not think the Board of Appeals had the authority to grant the easement.

Mr. Smith said the Water Company could purchase the entire 86 ft. and in turn (this could be done without changing the Ordinance) grant an easement to the adjoining property owner. He could not build within this area but he could build up to the easement line to allow more flexibility in the use of adjoining property - it would meet the setback requirements and would not need a change in the Ordinance. The Water Company would purchase the 86 ft. and then in turn grant an easement back to the owner of adjoining property - could make arrangements with Mr. Trout to grant the easement back rather than acquire the easement from him. This is the best location for this tank and it is the recommendation of Mr. Coleman that the tank go in this location.

This is the best possible arrangement we can get to satisfy the opposition of local citizens and provide a facility for their benefit, Mr. Smith continued. The tank has been moved back as far as it can go. An easement can be granted to Mr. Trout so he can get to the rear of this property if it becomes necessary for construction.

In the application of the City of Falls Church (Dept. of Public Utilities) to permit erection of water storage tank closer to property lines than

City of Falls Church - Ctd.

allowed by the Ordinance, approx. 170 ft. west of Dunn Loring Road, Providence District, Mr. Smith moved to approve the application as applied for in accordance with plat submitted. The Water Company states that first they would have to purchase the entire area as set out here and in turn grant an easement to the adjoining property owner for a 56 ft. easement to allow for the orderly development of the remaining portion of this small tract of land. All other provisions of the Ordinance shall be met. No variances are granted by this Board but it is understood that the easement arrangement will be worked out. The fence will be put up as discussed with the Water Company and painting will be done in accord with previous discussion. (some shade of blue).

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Seconded, Mr. Barnes and carried unanimously.

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Mr. Woodson said that a doctor wants to put his office in the rear of his house; the Ordinance says "bonafide dwelling". If he can run something 50 ft. to connect the house with the building he wishes to use, would this become one building?

If he puts in a breezeway, this would make it part of the house, Mrs. Henderson said.

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Hope School (Lutheran Church on Ravensworth Road) - They wish to amend the original motion for expansion - do they have to come in for a new permit?

Mrs. Henderson read the letter from Hope School saying they wish to add another room and they wish to have maximum of fifty children. Permit allows thirty.

Mr. Everest felt that the Health Department would have to approve the additional number of children.

The Board agreed that this item should be put at the end of their next agenda.

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The Board discussed the proposed amendment allowing radio and television shops in residential zones. This was turned down by the Board of Supervisors.

The amendment dealing with horses, barns, etc. was sent back to the Board of Appeals for recommendation; it should make mention of the number of horses and ponies, Mrs. Henderson said, and it will come up again on February 3.
MARCH

The Board of Appeals authorized Mrs. Henderson to consult with Mr. Verlin Smith and Staff members on how the amendment could be worded.

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The meeting adjourned at 5:15 p.m.
By Betty Haines

W. J. Henderson, Jr.
Mrs. L. J. Henderson, Jr.
Chairman

March 3, 1965 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 A.M. on Tuesday, February 9, 1965 in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presiding.

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

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NEW CASES

VIRGINIA ELECTRIC AND POWER COMPANY - application under Sec. 30-133 (b) of the Ordinance, to permit erection and operation of an electric ground transformer station, north side of Moore Road east of Rt. 645, Centreville District. (RE-1) (S-26-65).

Mr. Randolph Church, attorney, represented the applicant and presented evidence of notification to adjoining land owners.

Mr. Church located the property and the Colonial Pipeline pumping station which was granted a use permit on March 24, 1964, - at the time the pumping station permit was granted it was indicated that this transformer station would be required at that time. Mr. Church called upon Mr. Johnson, District Manager of VEPCo to explain the need for the transformer station.

Mr. Johnson stated that the substation is a necessary part of the facility to supply power to the pumping station. On March 24, 1964, ~~they were~~ ^{of the Colonial Pipeline} granted the use permit to operate a pumping station on ten acres of land. At the time of the previous hearing, plats were shown which showed the location of the substation in connection with the pumping station. The substation is located entirely in the area for which ~~have~~ ^{was} granted use permit for pumping station purposes. The pumping station occupies less than two acres in the center of the tract. This substation will be a simple structure in design and will be surrounded by steel link fence and topped with barbed wire. The gate will be locked at all times.

The facility will create no new traffic and no interference and will meet all the requirements of the National Safety Code, Mr. Johnson stated, and they would respectfully request the Board to grant this application.

A discussion followed with regards to the fence - this fence the applicant proposes to erect is in addition to the fence constructed around the Colonial Pipeline pumping station - a second fence.

Upon questioning of Mrs. Henderson, Mr. Johnson explained that at this phase, this substation will serve no area nor any other customers other than the pumping station, but this project has direct benefit to other customers in the area. If VEPCo would attempt to serve large pumps from facilities already existing in the neighborhood, the starting currents from the large motors would lower the level of everyone's lines until the pumps picked up speed, and the proposed substation would alleviate any interference or inconvenience with other customers service.

Mrs. Henderson questioned if they were intending to expand in the future and Mr. Johnson advised that they were.

Mr. Church then called Mr. McKenzie Downs to present his report covering his findings with regards to the proposed substation.

Mr. Downs stated he had made a very thorough study and had a report which is available to the Board, but he had prepared on a plat sheet and showed for illustration, photos of homes in the immediate area. The houses in the immediate area are for the most part sub-standard but there are some houses that are rather expensive, but this substation would have no adverse effect on these. The closest house was one that was burned out but is in the process of being rebuilt. The substation would be located to the rear of the tract and the closest house is in the \$10,000 class.

VIRGINIA ELECTRIC AND POWER COMPANY - continued.

Upon the request of Mr. Yeatman, Mr. Downs located the Colonial easements and the power lines.

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Mr. Downs referred to the poor soil in the area and the fact that it will not percolate. This is not in Sanitary District #12 and will not be sewerred for some time.

Mr. Church requested that the maps used by Mr. Downs be entered in the record as Exhibits One and Two.

Presentation concluded.

Opposition:

Mr. Neil Rogers, Attorney, representing himself and Mr. Franklin Crouse appeared in opposition and questioned if this application and the one following were to be heard at the same time and if not, he would have something to say on both, but would prefer to wait and not have to repeat his statements.

Mrs. Henderson felt that the Board would like to act on them individually and called for opposition to the first application.

Mrs. Dorothy Labson had a question or two to ask with regards to her own property. Mrs. Labson stated that her property is closest to 29-211 and almost contiguous to the property - about 1,000 ft. from property to the plant itself and her house is valued in excess of \$25,000. Mrs. Labson asked if this transformer would affect the value of her property - not only the present house itself, but another 7 acres which she owns and might be developed at a future date.

Mr. Downs explained that from his examination and study, this substation would not have any bad effects on her property, and referred to substations which are located in densely populated areas such as the Barcroft Substation and in an expensive homes area, and the value of the homes have not been affected.

Mr. Smith felt that Mrs. Labson had a beautiful home and felt that the correct value would be in the \$40,000 category, but he explained that the pumping station and substation are located in an isolated area from any main houses and is surrounded by a fence and there will be plantings and landscapings around the substation itself.

Mr. Neil Rogers was next in opposition and discussed the Gizzi application which is in the planning office for rezoning of some 947 acres where the Southern Railroad and Bull Run intersect. Mr. Rogers said they would have an answer on February 11 or 12, to their application which is in Richmond to put in a sewer plant on this property.

Mrs. Henderson questioned what this had to do with the VEPCo request and Mr. Rogers said it had been stated that none of this would perk. However, if they have the sewer in there, the property values will go up and there will be much development. Mr. Rogers felt that the VEPCo people should be made to meet certain standards and that substations and the like should have an exterior to blend in and be a credit to the area. The developers have to follow standards and he felt that the Power Company should have to follow standards and upon direct question from Mr. Yeatman, Mr. Rogers explained that this substation should be a colonial type structure and the lines should be placed underground.

Mr. Smith requested Mr. Rogers to go more in detail with regards to the Gizzi application which is on file for rezoning.

Mr. Rogers explained this was originally put in requesting the RPC category but the Park Authority has indicated they wanted a portion of it and they will have to revise the application. Mr. Rogers also stated the application was being held up awaiting sewer.

There was no one else present in opposition.

February 9, 1965

VIRGINIA ELECTRIC AND POWER COMPANY - continued.

Rebuttal:

Mrs. Henderson asked Mr. Church or Mr. Johnson to give their views on why this substation could not be put within a building - an enclosure?

Mr. Johnson said that some other companies have put them in buildings but not of this class - 115,000 volts. It is not practical today, but may be some time in the future.

A discussion followed with regards to screening and Mr. Church felt that this burden had been placed on Colonial and there is screening there now.

Mr. Smith explained that it was easier for the Zoning Administrator to control two facilities located in this manner. This substation will be located on a two acre tract - part of a ten acre tract owned by Colonial Pipeline. In the original use permit issued to Colonial, this was to remain wooded and this would screen it from any adjacent construction and no adjacent subdivisions would be injured. This substation is part of the Colonial Pipeline operation and this substation had been discussed at the time of granting the use permit to Colonial.

Mrs. Henderson read the recommendation of the Planning Commission in which they approved the application under date of January 25, 1965.

Mr. Dan Smith moved that in the case of VIRGINIA ELECTRIC AND POWER COMPANY, application under Sec. 30-133(b) of the Ordinance, to permit erection and operation of an electric ground transformer station, north side of Moore Road, east of Route 645, Centreville District, that the application be approved as applied for and in accordance with the Planning Commission's recommendation, and provided all other provisions of the ordinance are met, including individual fencing of the transformer station itself (a second fence) - seconded by Mr. Barnes. Motion carried unanimously. Those present and voting were: Mrs. Henderson, Messrs. Yeatman, Everest, Barnes and Smith.

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VIRGINIA ELECTRIC AND POWER COMPANY, application under Sec. 30-133(b) of the Ordinance, to permit erection and operation of a transmission tower line, Bull Run Substation to Moore Road Substation, Centreville District. (RE-1) (S-27-65).

Mr. Randolph Church, attorney for the applicant explained that the proposed transmission line would furnish electricity to the substation and the pumping station. It would originate at the substation now in existence.

This is not the ordinary transmission line on big steel towers - it is erected on wooden poles with cross arms.

A lengthy discussion followed with regards to the right of way - they will try to follow the Colonial Pipeline right of way for the most part but where it crosses beautiful property they felt this was improper - a lot of thought was given to the location to keep it compatible with interest of community and with properties located there.

Mr. Johnson passed around photos of the proposed poles they wish to use and advised the Board of the meeting which they had with the Clifton residents and in which they had discussed these poles.

Mr. Johnson entered as exhibits, the photos of the proposed poles and cross arms.

Mr. Church asked Mr. Johnson to go into some of the questions of interference, and Mr. Johnson stated that in all of their applications, except for the last several, they have presented an expert radio and television man who has shown the Board results of tests that he had made at various locations on transmission lines in the County and his results show that the lines do not create any radio and television interference, but they have no expert present today.

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February 9, 1965

VIRGINIA ELECTRIC AND POWER COMPANY - cont.

A discussion followed with regards to this interference and upon further questioning from the Board, Mr. Johnson advised that at times there may be defects occur and there may be some interference to AM reception but FM is not subject to interference - a line of any type can be a source of interference.

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Mr. Smith brought up a discussion with regards to similar lines in Fairfax County. Mr. Johnson felt that this cross arm is more appealing to the eye than wishbone type of cross arm, and told of the developments in the area where these exist and the developments have come up to the right of way. They have acquired all the easements they can acquire but there are 3 remaining on which they will have to negotiate on the price. They have the right to occupy the land but are in court for condemnation to determine the price.

Mr. Smith questioned Mr. Church and Mr. Johnson with regards to feasibility of putting this line, or some portions of it under ground.

Mr. Johnson agreed that a lot of new lines are being put under ground and agreed with the property owners that there is nothing more unattractive than poles in a subdivision but the developers will have to be encouraged to spend a little more money to put the utilities under-ground - they have asked the developers to work with them in this regard, but Mr. Johnson felt that where the land is undeveloped it would place a burden on VEPCo to require them to bear the expense of putting the lines under-ground, and it would be impractical to consider this at this time but possibly within five years this might be possible.

Mr. Johnson also went into the disadvantages of having the lines under-ground.

Mr. Church then called upon Mr. Downs to set forth his findings with regards to this desired line and Mr. Downs explained that at the request of Mr. Church he had gone over the entire route of the line and made a study as to what its effect would be on the adjacent area and Fairfax County.

Mr. Downs used a plat to illustrate the route proposed for the lines and located the land which is basically undeveloped and heavily wooded.

From his study of the proposed route, Mr. Downs felt that a line such as proposed here would not prevent the development of the adjacent land and would not affect any adjacent houses and would be in harmony with comprehensive land uses in the existing ordinance.

Mr. Church concluded the presentation by asking that all the exhibits presented by Mr. Downs be entered in the record.

Opposition:

Col. Herbert Haberstrath appeared in opposition and presented a petition signed by 161 persons in the neighborhood who are in opposition to this and stated they are mainly in opposition to the construction of overhead high tension electrical power transmission lines from a point where it crosses Union Mill Rd. - a distance of 4/10 of a mile, and they are opposed because they feel that the future development of the community will be impaired; the construction of such a line will benefit only the Colonial Piple Line; will detract from the community and is not in keeping with the Presidential effort to beautify highways.

Col. Haberstrath stated they would like to recommend that the lines be placed under-ground if possible, as he felt the proposed poles were higher than usually found in the neighborhood. Another point is the fact that from overall community aspect, the people are concerned about having industrial type of facility in the community.

February 9, 1965

VIRGINIA ELECTRIC AND POWER COMPANY - continued

Col. Haberstrath summed up the objections - the citizens feel that it does not benefit the community and feel that special consideration should be given to re-routing the lines; consider possibility of following the right of way of the pipeline.

Mr. Smith was of the opinion that if the lines were re-routed as suggested by Col. Haberstrath to follow the Colonial pipeline route, this would be through densely developed area and nearer expensive homes. Mr. Smith felt we must have development and this is a necessity and he would hope that the community would be reasonable and realize this is a necessity in order to continue development in the County.

Mr. Neil Rogers concurred with most of the statements made by Col. Haberstrath and felt that this high tension line was not necessary.

Col. Haberstrath also stated that he had a statement from an engineer, Mr. Victor C. Clark, which he would like to read into the record stating that these high voltage lines would interfere with radio and television reception. (a copy of this statement is in the file).

Mr. Smith questioned the statements made by Mr. Clark as VEPCo has always had qualified people present to speak at other hearings and they had always stated that there would be no interference.

Mrs. Labson stated she was not in opposition but she felt that if all this had been brought out at the time of the original use permit the people would have been aware of this. So much has been done now that there is not much left for the people to do, but Mrs. Labson felt that if all this had been brought out at the time of the granting of the pumping station permit there would have been more opposition.

Mrs. Henderson read the letter from Mr. Seth Brown, Mayor of Clifton stating they were in accord with the citizens and asking that the Board not to grant VEPCo permission to erect and operate these high tension power lines. A copy of this letter is in the file.

In his rebuttal Mr. Church located where the various people in opposition lived. Col. Haberstrath is 3/4 of a mile from the line - the development which Mr. Rogers refers to is about a mile away.

Mr. Church presented a certified copy for the record of ruling handed down by the Circuit Court of Fairfax in a case where they had been denied the right to put in lines in the Town of Vienna.

With regards to the interference charges made by Mr. Clark, Mr. Church had copies of studies presented in other cases and in all these instances there were experts who had testified there would be no interference to radio and television.

The Board discussed this matter and Mrs. Henderson read the recommendation of the Planning Commission to grant the application as applied for.

Mr. Smith felt that it should be pointed out that this has come through the Planning Staff, Planning Engineer and Planning Commission and they have all recommended it - it is the best possible route that this line could travel. Mr. Smith moved that the application be deferred for two weeks (to Feb. 23, 1965) to allow the Board to go into this more deeply with regards to the letter presented by Mr. Clark pertaining to interference with radios and television - Mr. Clark should be requested to be in appearance at the next hearing date. Motion seconded by Mr. Barnes.

Motion carried unanimously to defer - Those present and voting were Mrs. Henderson, Messrs. Yeatman, Everest, Barnes and Smith.

Mrs. Henderson also asked Mr. Everest to contact the ham operator who lived across the street from a relay station - a recent case heard by the Board. The operator had testified that there was no interference. Mr. Everest agreed to do this.

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February 9, 1965

JOHN O'FLAHERTY, application under Sec. 30-36 of the Ordinance to permit erection of a carport 13 feet from Street property line, Lot 282, Section 3, Lake Barcroft (7840 Jay Miller Drive) , Mason District. (R-17) (V-20-65).

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Mrs. Henderson read the letter from Mrs. O'Flaherty, dated February 3, requesting the Board to defer the hearing until March 9. The adjacent land owners have asked for additional drawings.

Mr. Barnes moved to defer to March 9, seconded by Mr. Everest. Motion carried. Those present and voting were: Mrs. Henderson, Messrs. Barnes and Everest.

Messrs. Smith and Yeatman were not present nor voting.

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MARY HANDRAN, application under Sec. 30-137 (e) of the Ordinance, to permit operation of a beauty shop in home - Lot 516, Block 5, Section 3, White Oak (2405 Coventry Road) - Mt. Vernon District. R-17 (S-21-65).

Mrs. Handran represented herself and presented evidence of notification to adjacent landowners. The property is located behind Groveton High School in White Oaks.

Mrs. Handran stated that she wants one shampoo chair and will work part time herself - this will enable her to be with her children. Mrs. Handran advised the Board that her little girl had polio and requires her attention.

Upon questioning from Board Members, Mrs. Handran explained this would be conducted during the morning hours.

This has been discussed with the Health Dept. and approved by Dr. Kennedy and there would be no advertising.

There was no one in opposition.

Mr. Everest moved that Mary Handran be permitted to operate a beauty shop as applied for - for a period of two years, all provisions of the ordinance being met - seconded by Mr. Yeatman. Motion carried unanimously to grant the application - the applicant to talk to Mr. Moore with regards to the Site Plan.

Those present and voting were: Mrs. Henderson, Messrs. Everest, Yeatman and Barnes.

Mr. Smith not present nor voting.

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GLENN W. SCHMEIDEL, application under Sec. 30-36 of the Ordinance, to permit division of lot with less width at the building setback line, Resub. Lot 3, Wellington, Mt. Vernon District. (RE-0.5) (V-22-65).

Mr. Schmeidel, the applicant, was present and showed proof of notification. Mr. Schmeidel explained his request to divide the lot. The price for the land was based on it being made into two lots. It fits all the rules and regulations with the exception of width.

This subdivision was divided originally in 1912 and the whole Wellington Area is built up with the exception of this one lot. There is no house on it at the present time but would like to put up a \$20 to \$25,000 house on one lot and sell the other lot.

There was no one present in favor of the application.

Mrs. Henderson read letters received from Mr. Benton and Mrs. Brooks opposing this application.

Mrs. John Bryer the owner of the property directly across the street stated that she would oppose anything that would not be attractive. She also owns a lot across the street and plans to build a lovely home on it.

February 9, 1965

GLENN W. SCHMEIDEL - continued.

The Board Members were not too familiar with the area in question and would like to take a look at it. Mr. Everest moved that the case be deferred for two weeks for further study, seconded by Mr. Smith.

The motion carried unanimously to defer for two weeks. Those present and voting were Mrs. Henderson, Messrs. Everest, Yeatman, Barnes and Smith.

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MILDRED W. FRAZER, application under Sec. 30-137 (d) of the Ordinance, to permit operation of a private school, nursery through fourth grades, approximately 150 children, ages 2 thru 10 years, Lot 15A and 16, Sleepy Hollow (1034 Beechwood Lane) Falls Church District. (RE-1) (S-23-65).

Mrs. Frazer represented herself and showed proof of notification.

Mrs. Frazer stated that she had been before the Board on a temporary permit for Grasshopper Green School. Since moving out of the old location in Alexandria and moving back into Fairfax County they have been using this temporary site. This permit expires at the end of the school term this year. Mrs. Frazer stated that she has been looking for a new spot to locate and still stay in the approximate area that would serve same patrons or children of patrons which she has been serving for the last 26 years. In addition for a spot to be used for the school they are also hoping to find an ideal spot to serve the school purposes and also be a permanent home.

Mrs. Frazer stated she had located this four acre site through a real estate company - there is a building in the center of the site now. It is not a new building and would not be worth the price of property for a residence because of condition, but it is well constructed and would serve as portion of school.

Mrs. Frazer presented a plat which showed the buildings they hope to retain and the spot which they would use for parking - the playground will be moved to center of property - the property is hid^d by a beautiful cover of trees which almost hide the buildings. It would hardly be recognized as a school in the area. The site is hard to duplicate and she realizes there is opposition and will have much to overcome but she does not wish to enter into a neighborhood where, have unfriendliness and the school is unwanted. Mrs. Frazer stated that she has contacted some of the people in the area and some have been receptive, but on the other hand, others had been rude and very outspoken in their opposition.

Mrs. Henderson asked for a show of hands of those present in opposition and in view of all this opposition Mrs. Henderson went on to state that she knows Mrs. Frazer runs an excellent school but in view of all the opposition she would suggest that Mrs. Frazer look some place else. This location is in a subdivision she does not serve and would not like to see this intense operation in the middle of a subdivision.

Mr. Smith felt that Mrs. Frazer had made an effort and would be favorable to granting an extension of the present use permit. He also objected to the hazardous entrance.

Mr. Yeatman felt that the application does not meet with Section 30-126 with regards to the standards for special permit uses in all districts and moved that the application of Mildred W. Frazer be denied as applied for, seconded by Mr. Smith.

The motion carried unanimously to deny the application. Those present and voting were Mrs. Henderson, Messrs. Everest, Yeatman, Barnes and Smith.

Mrs. Henderson suggested that Mrs. Frazer send in a letter requesting that her permit be extended in the event she does not find a new site prior to the expiration of her present permit.

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February 9, 1965

DEFERRED CASES:

D. P. BRUTON, application under Sec. 30-138 (d) of the Ordinance, to permit erection and operation of a miniature golf course, 215 feet north of Leesburg Pike and on the west side of O'Shaughnessy Street, Mason District (C-D and C-G) (S-17-65)

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This application was deferred from the last meeting to allow the Board to view the property.

Mr. Smith advised that he had viewed this property and as he recalled, the people who objected to it were the people who lived across the street and several houses away. Basically, their objections were to the number of people and increased traffic and the lights. Mr. Smith felt that this use would clean up the area to a great extent. In addition, Mr. Smith stated that this is included in the Bailey's Crossroads Plan for commercial and industrial uses and in view of this it would seem to be an appropriate use for the site.

Mrs. Henderson questioned what it would clean up - the land is vacant.

Mr. Smith stated that it would come under the supervision of the applicant if he is granted this and Mr. Smith referred to the operation across from the Parkington Shopping Center and it affords recreation for people and is well used. People seem to enjoy using this. It gives them something to do and we are interested in keeping the young people busy and out of mischief.

Mrs. Henderson felt that the location of the use should be the main contention to be considered. It is a hazardous entrance and ~~could~~ not understand how anybody was going to see this. Also, it would be an annoyance because of the hours it operates. There are other things that could go on the property.

Mr. Smith felt that it should be taken into consideration that ^{THE ADJACENT LAND} it is in the Master Plan for commercial and industrial development and he would have some reservations in granting it if it were not true.

Mr. Yeatman felt that it would not be open every day due to inclement weather and cold.

Mrs. Henderson brought up for discussion the matter of lights and signs. What kind of sign will be on here to attract people to it?

A discussion followed with regards to the roads to be used to get to this facility.

Mr. Smith moved that in the application of D. P. BRUTON, to permit erection and operation of a miniature golf course, 215 feet north of Leesburg Pike on the west side of O'Shaughnessy Street, that the application be approved as applied for - all lighting will be directed on the property only - the parking arrangement will be such as indicated by the plan submitted at the hearing and in accordance with any suggestions that the Planning Engineer's Office may have with regards to the parking lot - the applicant to get site plan approval of the proposed miniature golf course and construct a sidewalk across the O'Shaughnessy Street frontage of the property in question, and all other provisions of the ordinance being met, seconded by Mr. Barnes.

Motion carried to grant - Voting for the motion were: Messrs. Everest, Yeatman, Barnes and Smith.

Mrs. Henderson voted against the motion.

Note: The type of fencing to be used in the above application is the same type being used at the other establishment they operate.

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RANDOLPH D. ROUSE - to permit erection of a service station, Northeast corner Falls Church-Annandale Road and Dashiell Road, Falls Church District (C-N).

Mrs. Henderson read a letter received from Mr. Robert Fitzgerald requesting deferral to February 23.

February 9, 1965

RANDOLPH D. ROUSE - cont.

Mr. Barnes so moved to defer to February 23, seconded by Mr. Smith.

Motion carried - Those present and voting were: Mrs. Henderson, Messrs. Yeatman, Barnes and Smith.

Mr. Everest had left the meeting.

Mr. Woodson was instructed to notify Mr. Fitzgerald of the deferral and to notify interested persons. This is not to be readvertised.

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OTHER BUSINESS:

HOPE LUTHERAN SCHOOL - request to increase the school by 20.

Mr. Smith moved that the original application be amended and that the subsequent amended application be changed to allow the Hope Lutheran School to have not more than 50 students at any one time and not more than 75 students per day - all of the other provisions of the ordinance being met, seconded by Mr. Barnes. Motion carried - Those present and voting were: Mrs. Henderson, Messrs. Yeatman, Barnes and Smith.

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McCUE MARINNA

Mr. McCue is requesting a one year extension of the use permit.

Mr. Yeatman and other Board Members asked that Mr. McCue and Mr. Bean be present at the Board hearing on the 23rd.

Mr. Yeatman moved that in the meantime the Board extend the permit to February 23, seconded by Mr. Smith. Motion carried.

Voting for the motion were: Mrs. Henderson, Messrs. Yeatman, Barnes and Smith.

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Meeting adjourned.

Minutes taken by
Laurene Burch

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

March 3, 1965
Date

Blank

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, February 23, 1965, in the Room of the Fairfax County Courthouse. Those present were Mrs. Henderson, Mr. Smith and Mr. Yeatman. Mrs. Henderson, Chairman, presided.

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

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NEW CASES

JOHN J. RUSSEL, BISHOP OF RICHMOND, to permit erection and operation of a parochial school and permit a home for the elderly, on northerly side of Vale Road, Rt. 672, adjacent to Little Vienna Estates on the west and north, Providence District (RE-1).

Mr. Philip Brophy represented the applicant. He introduced Father Cassidy and located the property involved in the application. Mr. Brophy said arrangements had been made to meet with the people in the area to discuss the application but he had been ill with the flu and could not attend the meeting. He had been informed that the meeting was held and it was the feeling of the people in the area that they would like the Board to consider this application in two separate parts. This is a sizeable piece of land - approximately twenty acres, of which eleven acres is allocated to the school and nine to the nursing home. The land has a very peculiar shape.

The school is designed for 600 students, Mr. Brophy stated; they will have a gym and a cafeteria. It will be an elementary school and will be for grades one through eight only. The lobby, administrative offices and classrooms will compose the rest of the building. This will be a two-story building and will follow pretty much the style of public schools with some alterations. On the rendering, where the rectory is shown, there is a brick building and behind that, there is a large barn which will be removed. The school will draw from the immediate area. The new parish has not been established.

There is no sewer available at present, Mr. Brophy continued, but they are negotiating with Broyhill and others regarding this matter and he could assure the Board that nothing would be built here if they could not handle the sewer.

The parking is primarily designed for a church with 200 car parking, which is more than adequate, Mr. Brophy stated. The church will not be built immediately. Depending on economics of the situation, the church will be erected shortly after the school.

Mrs. Henderson asked Mr. Brophy if they anticipated forming the parish immediately or would they need an extension of the permit at the end of a year.

Mr. Brophy said the Bishop intends to go ahead as soon as he can and should be underway within a year. He said he would assure the Board that the parish will be underway within a year and the school will be completed within three years. The gym will be constructed in the original phase of the school building and will be used as a church.

Mrs. Henderson said the plats submitted did not show setbacks; the Board should have the setbacks shown before approving the request. She asked how far would the school be from the nearest dwelling?

In each case it would be over 100 ft. from the property line, Mr. Brophy replied.

John J. Russell, Bishop of Richmond - ctd.

Mr. Alexander L. Salak spoke in favor of the application; he felt that a school would be good for the neighborhood. He has lived in Little Vienna Estates for five years. Mr. John Michaels of 939 Woodrow Street, President pro-tem of the Little Vienna Estates Civic Association, represented a number of residents of the area who were personally contacted by him regarding the school, church and rectory. He stated that a meeting was held on February 9, and the proposals explained as they best understood them at that time. They decided to split the request into two parts and take a separate vote on each. On the school portion the vote was as follows: Not opposed - 31; opposed - 4; undecided - 14. Voting on the nursing home for the elderly was as follows: Not opposed - 1; opposed - 24; undecided - 23. After the meeting, Mr. Michaels said he conferred with Mr. Brophy on a number of points concerning questions raised at the meeting and as a result of this, he went around to as many residents of the area as he had time and explained the new information brought out of the meeting with Mr. Brophy. He circulated two letters - these letters basically broken down on the basis of the two types of proposals. One letter states that they were not opposed to the issuance of the permit for which said application is made covering both portions of the tract. This letter is signed by thirteen residents of the subdivision. The second letter states that they are not opposed to the issuance of a permit for what is known as the parish portion of the application believing that such use is compatible and desirable in a residential area. They are opposed to the granting of a permit for the home for the elderly and the nursing home - this is signed by twelve residents, making a total of twenty-five residents on record as not opposed to the issuance of a permit for the parish portion of the tract.

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Mrs. Henderson read a letter from Mr. Reginald C. G. Witt opposed to any change in the area.

Mr. Witt was present in opposition and asked if there was any way of stopping the church from locating here.

Mrs. Henderson said the church portion could go here by right. There is no change in the zoning of the land.

Mr. Witt discussed the traffic situation and stated that it is inadequate for this use. Mr. Michaels has informed them that there would be ten school buses used per day to take care of twenty per cent of eight hundred and fifty pupils. It was anticipated that forty automobiles would bring the rest of the students. Mr. Witt said he challenged this very strongly. That would amount to ten children per car, which is unreasonable. This would create an influx even with six hundred students of 150 to 200 cars per day morning and evening. This is beyond the capacity of Vale Road.

Mr. Witt discussed the parking - both tracts add up to 250 parking spaces which is parking for both church and school, he said. Mr. Smith noted that the parking lot could go here by right. The seating capacity of the church governs the number of parking spaces, one space for each four seats. Parking is required by the church and the church could go there by right.

Mr. Witt discussed the water situation in the area; he felt the church and school would deprive the residents of their right to the water.

Mr. Yeatman said city water would be brought in to the school. Mr. Smith stated that if eleven homes were put on this eleven acre tract it would use more water than the school over a period of a year. Mr. Witt objected to the noise which he said 600 children would create. The school is not in keeping with a residential neighborhood and is not designed primarily to serve this neighborhood.

Mr. Smith asked Mr. Witt if he had children.

Yes, he has children in Flint Hill Elementary public school, Mr. Witt replied.

John J. Russell, Bishop of Richmond - ctd.

Mr. Yeatman asked if he would object to a public school in this location.

Mr. Witt said he would object to any kind of school here. He said he was not in opposition to any church but he was not in favor of it either. If his own church were going here, he would object just as strongly.

Mrs. Henderson said that Mr. Yaremchuk's office reports that Vale Road is shown as a major secondary road and proposing a right of way of 80 ft.

Mr. Brophy said the Vienna Water System would be used for supplying water to their property. They would not need any wells. They are concerned as much with fire protection as they are for having water to use.

Father Cassidy said that water is as far up as the Flint Hill School, roughly two miles from this location.

In the application of John J. Russell, Mr. Smith moved that the application of John J. Russell, Bishop of Richmond, to permit erection and operation of a parochial school, on northerly side of Vale Road, Route 672, adjacent to Little Vienna Estates on the west and north, Providence District, (RE-1) zoning) be granted as applied for and as shown on plat presented to the Board dated November 1964, showing the Gerken property. This is an eleven acre tract of land. The school will have a capacity of 600 total enrollment, grades 1 thru 8, or kindergarten thru 8. Will have 200 car parking lot, provided for both church and school use. All other provisions of the Ordinance to be met. Seconded, Mr. Yeatman. Carried unanimously (3-0).

Mr. Brophy said they have no plans for including a high school with this parochial school. They will present new plats to the Board.

The Board then took up the second part of the application, dealing with the Home for the elderly.

Mr. Brophy said this would be a place for retired people - they would live in the facility. There is a need for this type of facility and for the medical facilities that frequently are needed by these people. They plan a separate building for their medical facilities so people would not have to live in this particular area. They could go there to have nursing care. The home for the elderly will have three stories and a basement; the side toward Vale Road will have three stories. The land slopes away and to the right so by the time you get back to the northeasterly corner you will have exposed story and a basement. There will be no living quarters in the basement - it will be used as the laundry room, heating equipment, storage, etc. There will be only three floors of living quarters, with 100 people per floor. There will be housekeeping units of the efficiency type. Also, there will be a cafeteria and a dining hall.

Mrs. Henderson asked when they propose to construct this building. Father Cassidy said they would have to work with Federal agencies as far as financing but felt that they could get underway within a year. This is the first case such as this that the Board has had, Mrs. Henderson said, and she felt that this was getting awfully close to an apartment category. This is something which needs a lot more study. Personally, she said she did not want to hear anything more on this today but would like further study on this situation. This is a policy matter which should be discussed with the Board of Supervisors - should there be a special classification for this type thing?

Mr. Brophy asked that the hearing be continued for further public hearing after six months.

Mr. Smith moved to defer the application for six months at the applicant's request. Seconded, Mr. Yeatman.

Mr. Michaels submitted his letter for the record (letter on file with the records of this case).

John J. Russell, Bishop of Richmond - ctd.

Mrs. Henderson said that at the future hearings the Board would hear all the opposition. The applicant will provide additional information in connection with the home for the elderly and the Board of Supervisors and other County officials as to whether this should be in a special category or be relocated in a different zoning. Carried unanimously. (3-0)

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JOHN J. RUSSELL, BISHOP OF RICHMOND, application under Sec. 30-137 Group VI (C) of the Ordinance, to permit erection and operation of a school, NE corner of Braddock Rd. and Woodland Way, Falls Church District (RE-1).

Mr. Brophy represented the applicant. He stated that this is an already existing parish and they wish to start erection of a school. In this particular situation rather than use the school for the church, the church will be erected with the school.

Mr. Robert C. Smith, architect, stated that while the school is being built, the church will be planned.

Mr. Brophy said the school would be built in two stages. In the wings going back toward multi-purpose rooms would be the classrooms - a total of 16 classrooms. This building will take care of the 1200 children which will be the eventual enrollment. Mr. Brophy said in the original planning of this there will be built an entryway off Braddock Road which will go back to a parking lot (the changed plat will show 145 cars). Whether or not the 145-car parking lot would be built initially, Mr. Brophy said he would hesitate to say. Approximately one-half of it would be built at that time and when the church is built the balance of that will be built, he said. The convent will be built also in the future. As far as the size of the school, he said he would let Mr. Smith explain that. There will be parking lots on this general wooded area - this is a well wooded area. They will leave as many trees as possible in this area. A play field will be located behind the school and it will not be paved. The hard surface of the parking lot would be used when playing field is not being used. After notifying adjoining owners, some objections were raised regarding the condition of Woodland Way - it is a gravel road. It is not their intention to use Woodland Way for access to the school but the problem will come up eventually when they build the church. They all recognize that the road is inadequate. The parking lot will not be opened onto Woodland Way until it is paved.

Mrs. Henderson noted that the Staff suggests dedication of 10 ft. along Woodland Way frontage to help the proposed 60 ft. right of way thru this Canterbury Woods Subdivision.

Mr. Brophy said the convent would not be built for five or six years.

Mrs. Henderson felt that the 10 ft. dedication should be done prior to construction of the church.

Mr. Moore of the Planning Staff said that Canterbury Woods to the north has a proposed right of way of 60 ft. At the time of site plan approval the Staff would probably require the applicant to put improvements along Woodland Way.

Opposition:

Mr. Harold Ames, owner of Lot 6, objected to any building being put on this property until Woodland Way is widened and improved. There are three families using this road and Mr. Ames said he had purchased a small tractor and maintains the road himself. He could afford this for three families, but the traffic which would be generated by the church would be more than he could take care of. The road is a dead end street. He talked about people turning around in his driveway and of having to pick up trash, paper cups, beer cans, etc.

John J. Russell, Bishop of Richmond - ctd.

Mr. Moore said the Staff would require 18 ft. of paving on Woodland Way, sidewalks and median.

Mr. Ames said he has maintained this road for seven years and he would like the Board to prohibit parking or use of Woodland Way during construction of the school.

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Mrs. Cochran, living next door to Mr. Ames, felt that the roads could not handle the traffic which would be generated by this school. She objected to their having an entrance off Woodland Way immediately across from her driveway.

Mr. Smith noted that the road was proposed for widening and this would improve Mrs. Cochran's turning radius from her present driveway.

Mrs. Cochran stated that she did not wish to have children from the school using her property as a way to get to school.

Mrs. Doris Trevnik, owner of four acres of land, said they are presently renting the property; they do not live there. They have owned the land for twelve years. She stated that Braddock Road is already dangerous and the additional traffic would create more hazards. She discussed the accidents which have taken place during the past ten years.

Mrs. Henderson said that a sign could be put up "do not use Woodland Way" and signed by the pastor or someone in authority. Mr. Smith said the church and school would control the youngsters and would not let them cross Mrs. Cochran's or Mr Ames' property.

Mr. Smith moved to approve the application of John J. Russell, Bishop of Richmond, application under Group VI (c) of the Ordinance, to permit erection and operation of a school at the northeast corner of Braddock Road and Woodland Way, Falls Church District, as applied for, total school enrollment to be 1200 pupils. The parking lot as shown with entrance off Braddock Road, be at least partially completed to allow for the orderly parking of eighty cars prior to opening the school. During construction there will be no use of Woodland Way either by the applicants or the applicant's contractors, and that the Woodland Way street improvements be completed before there is any utilization or any entrance to the area designated as 90-car parking area on the Woodland Way side of the property; that Woodland Way side parking area fronting on Woodland Way be screened in accordance with site plan and screening ordinance. Children using the school facilities will not be permitted by the applicants to trespass across properties in the immediate vicinity, but use properly designated streets and entrances to the property and not through adjacent properties; all other provisions of the Ordinance be met. Seconded, Mr. Yeatman. Mr. Smith added to his motion the following: That the applicant dedicate the 10 ft. along Woodland Way for widening, sidewalks and paving in connection with preliminary site plan - all of this is to be done prior to any use of Woodland Way or entrance being opened on Woodland Way. Carried unanimously. (3-0).

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DAN KERLIN, application under 30-141, Group X, of the Ordinance, to permit erection and operation of a miniature golf course, east side of Ravensworth Road, approximately 400 ft. south of Route 236, Mason District (C-G).

Judge John Rothrock represented the applicant. This land was zoned C-G for this particular use and was called back to the Planning Commission last Monday night with a general site plan and unanimously recommended then. A car wash is proposed on the adjoining property.

Mrs. Henderson said that no distances were shown on the plats submitted with this case - the Board will need plats showing the distances.

Mr. Moore said that screening would be required unless a waiver is obtained.

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February 23, 1965

Dan Kerlin - ctd.

Mr. Rothrock said they had agreed to a travel lane, curb and gutter and sidewalks. They would dedicate the land now and improve when the adjoining property is developed.

Mr. Gasson asked that the application be deferred - he stated that he represents the adjoining property owner and their case is coming up before the Board of Supervisors on February 24, tomorrow. The Planning Commission has recommended that their application be denied. The Board has indicated that they will defer the application for sixty days in order for them to work out some of the problems. There are drainage problems affecting the whole area and their engineers are studying this. There is also a question about the location of a proposed road which might go through this property.

They feel that both the road situation and the drainage situation should be solved before anything is done on this application, Mr. Gasson concluded.

Mrs. Henderson stated that if the highway went through this property, it would not be like going through apartments. There is not a requirement that the golf course must be asphalted. This has been going on for a year, Mr. Smith stated and the Board of Supervisors were aware of the fact that this use was going here. Public Works will take care of the drainage or they will not allow the installation at all. Mr. Rothrock intends to have this working by spring. There is a need for this type facility in the area.

Mrs. Henderson noted that the Planning Commission unanimously recommended approval of the application.

Mr. Smith said he would like Mr. Rothrock to understand that he will still have to furnish the Board with plats showing the distances, amount of land being used, etc.

In the application of Dan Kerlin, under Section 30-141, Group X of the Ordinance, to permit erection and operation of a miniature golf course, east side of Ravensworth Road, approx. 400 ft south of Rt. 236, Mason District, Mr. Smith moved that the application be granted as applied for in accordance with plat submitted indicating a golf course layout total of 63,00 sq. ft. of land with approx. 260 ft. frontage on Ravensworth Road. Site plan will take care of screening. However, he hoped that there would be no screening on the front of the property. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Mr. Smith added that new plats shall be submitted showing the property to be occupied by this operation. It has been agreed that they will make dedications requested by the planning Staff such as travel lane, sidewalks, etc. Carried unanimously. (3-0)

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CONRAD R. AND PAMELA M. ODDEN, application under Sec. 30-36 of the Ordinance, to permit erection of carport 4.1 feet from side property line, Lot 18A, Block 32, Section 14D, North Springfield, (5223 Easton Drive), Mason District. (R-12.5). (V-28-65).

Mr. Odden said he wish^{ed} to erect a carport of reasonable size to permit parking his car alongside the house. The main reason for the carport is that his wife and two children are under medical treatment at this time and exposure to inclement weather has hindered their responding to medical treatment. The doctor recommended that they be protected from bad weather as much as possible.

Mrs. Henderson asked Mr. Odden why he could not build a 10 ft. carport instead of asking for one 18 ft.

Mr. Odden said that 18 ft. was the minimum size to permit opening of car doors without striking either side, and permitting access to the house through the side entrance.

Mrs. Henderson suggested putting the carport on the other side of the house.

Mr. Odden replied that there was no way of getting to the carport from the house without going into the weather again.

Conrad R. and Pamela M. Odden, ctd.

Mrs. Henderson read letters from Dr. Claude Cooper, Dr. Barsotti and Dr. Ellis, all advising that Mrs. Odden and her children are under medical treatment and should not be exposed to inclement weather.

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Mr. Smith noted that the Ordinance does not permit the Board to take medical needs or financial hardships into consideration. The Board sympathizes with the Oddens.

Mr. Odden said they have lived there for six years. The house across the street from them has a carport, and several other houses in the area have carports.

Mrs. Henderson stated that she could see no topographical reason for granting this application.

Mrs. Henderson suggested selling this house and buying one with a carport or garage; there are no grounds for granting this application. The Board understands the situation and sympathizes with Mr. and Mrs. Odden but personal circumstances cannot be considered by this Board for granting variances under the Ordinance.

Mr. Odden said the steps coming out of the house extend straight out. If the Board would permit him to take those steps off and move ninety degrees over - in other words, parallel to the side of the house, he could get by with a 16 ft. carport.

The Board in ~~most~~^{many} cases has authorized not more than 12 ft. carports and in most instances, 10 ft.

The Board discussed other ways of getting the carport in this location without requiring such a large variance, none of which seemed satisfactory to Mr. Odden.

There was no opposition.

Mr. Odden said he would like the Board to defer the application for a few weeks to see if he could work out a better arrangement for the carport.

Mr. Smith moved to defer the application to March 23, at the request of the applicant. Seconded, Mr. Yeatman. Carried unanimously. (3-0)

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HUMBLE OIL AND REFINING COMPANY, application under Sec. 30-141, Group X, C. N. (a) and 30-36 of the Ordinance, to permit erection and operation of a service station and to permit building 25 feet from rear property line, S. W. corner of Little River Turnpike and Lewis Lane, Mason District. (C. N.). (S-29-65).

Mr. Hansbarger represented the applicant. He stated that Esso now has a station on the corner but because of highway plans they need to relocate. They will build a colonial type station, with two bays. This gas station they now have on the corner was built approximately six years ago. When #236 is widened, Humble will have to pave in front of the station, in addition to a travel lane or service drive on #236. The building sets back 25 ft. from the rear property line.

On the Master Plan for the Lincolnia area, the property contained in this application is shown as "commercial parking lot".

Mr. Smith explained that this was intended to serve the apartments expected in the area.

Mr. Hansbarger said they were setting the building back 116 ft. from the property line. In addition, they will widen #236, plus provide median of 20 ft., and another 26 ft. plus 5 ft. which will in effect become public property. This variance may offset what they give up in the front.

Messrs. Smith and Yeatman agreed that a colonial type station would improve the area.

There was no opposition.

Humble Oil and Refining Company - ctd.

In the application of Humble Oil and Refining Company, application under Sec. 30-141, Group X, and 30-36 of the Ordinance, to permit erection and operation of a service station and permit building 25 ft. from rear property line, SW corner of Little River Turnpike and Lewis Lane, Mason District, Mr. Smith moved that the application be approved as applied for in accordance with plat submitted, dated July 15, 1964, prepared by Herman Corson. All other provisions of the Ordinance shall be met. There has been much discussion, Mr. Smith continued, in connection with the plan that was adopted. It appears that the adopted plan includes "Commercial parking" to the rear of the property, indicating either additional commercial development or apartment development in the area. "In accordance with this master plan, I think the application merits consideration under the commercial proposals for this area." "Did not see any possible way of adversely affecting the adjoining property. This is only a relocation of an operation that has been there for approximately six years -- one of the better service station operations in the County under the existing ordinance. Sits well back from 236 and has been well kept at all times. Also, the applicant has agreed to construct a colonial type building still holding the size of the station to two bays. It seems to be an improvement over existing operation as to setbacks, appearance and size. Seconded, Mr. Yeatman. Carried unanimously (3-0).

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THOMAS R. OAKLEY, application under 30-36 of the Ordinance, to permit erection of dwelling 12 feet from side property line, Lot 14, Section 3, Sleepy Hollow, (Beechwood Lane), Falls Church District. (RE-1). (V-30-65).

Mr. Oakley stated that he is requesting a variance to construct a new dwelling on Lot 14, the lot adjoining his present residence. This is a half-acre lot, but it is very narrow and has a topographic problem. He was hoping to build a residence that would be pleasing and in harmony with the immediate neighborhood. His plans call for a two-story colonial center hall house. Mr. Oakley said he has owned this property for eighteen years. The property was in R-12.5 zoning until the new Ordinance went into effect.

Mr. Smith said he felt that this application merits favorable consideration due to the fact that Mr. Oakley has owned the land since prior to 1959. Then he could have constructed the house closer to Beechwood Lane than he now proposes to construct it.

No opposition.

In the application of Thomas R. Oakley, application under 30-36 of the Ordinance, to permit erection of dwelling 12 ft. from side property line, Lot 14, Section 3, Sleepy Hollow (Beechwood Lane), Falls Church District, Mr. Smith moved to approve the application as applied for. The applicant has owned the property since 1947 and prior to 1959 he could have constructed a home closer to property line than he now indicates a desire to construct. The home which the applicant proposes to construct here is medium size - and basically conforms to the construction in this particular area over a period of years. This dwelling will set back 12 to 14 ft from the building line at the present time. Seconded, Mr. Yeatman. Carried unanimously. (3-0)

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PARKVIEW CORP. application under Sec. 30-36 of the Ordinance, to permit erection of an office building closer to front property line and side property line, South side of Arlington Boulevard, approximately 400 feet east of Olin Drive, Mason District. (C-01). (V-32-65).

Mr. Nathan Hale and Mr. Allen were present to discuss the application. This is for an underground parking garage, Mr. Hale explained, and all of their setbacks on the building itself are in accordance with Zoning regulations. They are requesting an interpretation of "underground construction" - whether or not that is classified as required side yard.

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On the underground parking, their side yard comes to within 12 ft. of the property line; side yard requirements are 40 ft. The front yard setback is 50 ft. and the parking garage is 45 ft - they are asking for a five foot variance. This would be three-story underground parking. The building which they propose has a gross rentable space of 96,000 sq. ft. and will provide 280 parking spaces. This is for tenants of the office building. There is a service drive along Arlington Boulevard which they will extend. They would get down by ramp and there would be no exits on Wooten Drive. The building itself is 40 ft. high.

Mr. Smith asked what would happen when construction takes place on the next property and the setbacks have to be met.

This is only one lot, Mr. Hale explained. The Board of Supervisors only zoned half of the property. He indicated the zone line on the plat.

At the Board of Supervisors meeting they showed parking in the rear but this was turned down; the citizens association did not want the entire zoning granted so the Board only zoned the front portion.

Mr. Smith said the rezoning should have included enough land for construction of the building and meet all setback requirements.

They do meet the setbacks, Mr. Hale stated.

Mr. Smith said, but you touch the zone line in back.

Mr. Hale said the Ordinance allows them to do this. This is one lot, all in the same ownership, containing 1.40886 acres. He again stressed the fact that they meet all setback requirements. They are only asking for the variance on underground parking. There is some parking provided in front of the building because of transient traffic, a total of 28 spaces. There is a grass plot in the front.

Mr. Robert Hurst represented the Lee Boulevard Heights Citizens Association. This land, part of Block A, Lee Boulevard Heights, was fairly recently rezoned from R-12.5 to Commercial, he stated. The two lots behind the building are still zoned R-12.5 even though they are owned by the same owner. Parkview Corp. has on two occasions sought to have these two lots rezoned to permit them to have parking there. In November 1964 the entire parcel was submitted for recording in one lot.

Mr. Yeatman asked if a copy of this could be obtained from the Clerk's office.

Existing residential land uses should not be encroached upon, Mr. Hurst continued. All the lots fronting on Wooten Drive with the exception of the subject property are occupied by residences. Despite this, Parkview Corporation contends that since they own the property in back as well as that in front, the 40 ft. setback does not apply. Mr. Hurst said he could not find an authority on that. It is important to note, Mr. Hurst continued, that there are some things that must be shown to the Board in requesting a variance -- that is that unusual circumstances are existing, or the property owner is deprived of a reasonable use of his land. If these two things are present, then we go on to point #3 where the proposed use would not be injurious to the surrounding neighborhood. None of these things have been shown.

Mrs. Henderson said she would like to know if this zone line represents the original lot line.

Mr. Hale said it does.

When was this rezoned, Mrs. Henderson asked?

In December 1963, Mr. Hale replied.

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Mr. Smith said the only variance the applicant seeks is for underground parking. It has been the policy of the Board in cases of underground parking that have been granted, and the general feeling of the Board is that underground parking is more desirable than above ground parking. It is more expensive to provide underground parking. There is no variance sought as far as the building setback is concerned. His thought, Mr. Smith continued, in discussing this, if this variance for underground parking is granted, ~~he thought~~ the Board should indicate that there would be no variance granted for the rear setback which would mean that this line would be 40 ft. behind the building. If the building restriction line is shown there and recorded, there would be no problem. It should be indicated now that if this variance is granted, it will be granted subject to this building restriction line. This building then will meet all requirements of the Ordinance. The only variance they are seeking is for underground parking and this is very desirable. They must show the recorded building restriction line on this plat. Mr. Hale has two lots in the rear of this and other undeveloped land on the side. If he gets this variance under these arrangements, Mr. Smith said he hoped Mr. Hale would not be back in to get the rear lots rezoned for parking. What he is proposing here is commendable, if it can be kept within the limitations. The only way this can go here is the way Mr. Hale has done - he has erased the property lines. When this was rezoned, this was not the fact, Mrs. Henderson stated - it was ^{not} all in one lot.

The building is being approved before the lots are vacated and the lots become one lot, Mr. Hurst stated.

Mr. Smith said this would have to be recorded before a site plan could be approved for it.

Mr. Hurst objected to the application stating that it seemed that Mr. Hale was building the same building as planned before the two rear lots were turned down.

Mrs. Henderson asked Mr. Hurst if he felt the underground parking would encroach on the residential property, even though they would not be able to see it.

Mr. Hurst replied - yes. If this application is granted, it would seem that the right hand is doing what the left hand would not allow. The Board of Supervisors turned down the rezoning on the rear property. It was denied. Now if this application is granted to allow this variance, this is the right hand doing what the left hand did not.

Mrs. Henderson said she felt certain that the Board of Supervisors did not intend this situation when they rezoned this land. They did not anticipate a building so big that there would have to be underground parking. This is far in excess of what they had in mind when they rezoned the land.

Mr. Smith stated that in all fairness to the applicants, had they cut the building down to a size where they could get it on the lot and could have gotten parking, they would have had a very insignificant building. Apparently they sought rezoning on the entire piece of property in order to allow for above ground parking but they could not get the entire rezoning so they went to underground parking. The Board of Supervisors in granting this rezoning were thinking of keeping the rear in open space with no parking which would be much more desirable.

Mrs. Henderson said the lot lines have been erased and this is the reason they can come right up to the zone line.

Mr. Hurst said the plat would have to be recorded before they could get site plan approval.

Mr. Dawson stated that when this came up in December a year ago he was not present when it was heard - the Board of Supervisors

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approved this around 5:00 in the morning. He has lived in Lee Boulevard Heights for 20 years. He agreed that underground parking was desirable but wondered how they could economically build three levels of underground parking.

Mr. Yeatman said if they are willing to spend their money he felt they should have the right to do this.

As long as Parkview owns this land and they try to do something with the residential, they will have to maintain the 40 ft. setback, Mrs. Henderson said, and if this is sold it would be thrown into violation.

Mr. Woodson said they would not issue a building permit unless they stayed 40 ft. away.

Mrs. Henderson explained that with the procedure which Mr. Hale has followed, he can build up to the zone line because he owns adjacent property; it is all one lot. The Ordinance reads "lot line" and this is the "zone line". The Board cannot grant variances for personal, financial or health reasons.

Mr. Dawson said that if Mr. Hale can put in three levels of underground parking, they would not fight it as it would beautify the area. They can live with a commercial building and if the parking is put underground, they will find a way to cooperate with them.

Mr. Smith said the Board has discussed underground parking a number of times and he hoped that the rewriting of the Ordinance would provide for underground parking. It is more expensive but very desirable.

Mr. Hurst said he was not concerned with the parking - just the building.

Mr. Hale said he had had an opportunity to sell these lots in the rear of the building but had not sold - he would keep this land in park area. He would not dedicate it but if the people in the area wish to use it for park, they may do so. They do have a legal right to subdivide if they wish. They will leave this in open space to allow for ventilation, light, etc.

Mr. Smith agreed that underground parking would benefit adjoining property owners to some degree. It leaves the ground free of parking except in the front of the building. The residents in the rear could not see the front parking. The Board must concede that underground parking is a coming thing in the County and so indicated to the Planning groups in hopes that in the review of the Ordinance they would include provisions for underground parking that could possibly come within a few feet of the property lines rather than require variances such as this application. Mr. Smith said he had no knowledge of what had transpired previously.

The application before the Board, after hearing all the applicants' testimony, warrants consideration in order that they might utilize this underground parking arrangement of three stories below ground, Mr. Smith stated. It is for the purpose of parking automobiles in relation to the building uses. There will be no other use made of these three below ground stories involved in this application except for parking purposes. Also, it would be agreed that the applicant would maintain and record the 40 ft. building restriction line to the rear of the building and it should be pointed out that if the variance is granted as applied for that the applicant will agree not to use the 40 ft. strip comprising the building restriction line to the rear of this building for any purpose of parking or otherwise. This would be left in open space in consideration of the variance that is granted below ground. For these reasons and with these stipulations in mind, Mr. Smith said he would move that the application of Parkview Corp., to permit erection of an office building, closer to front property line and side property line, south side of Arlington Blvd., approx. 400 ft. east of Olin Drive, Mason District, be granted - this is not to permit the office building itself to be built closer to the front property line;

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the variance is granted for the below grade of three stories of underground parking area to be utilized for parking only. Also, on the side to allow parking to come within the distance specified on the plat dated October 1964, and presented in connection with the variance sought. Also, it is understood that the building restriction line will be observed and recorded. This will be included in the plan at the time of site plan approval. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Carried 2-1; Mrs. Henderson voted against the motion because she did not think the applicant had shown a reason for variance although she felt underground parking was a good idea. The building is too large to supply square footage needed for required parking. (Later it was decided that the vote was a mistake - it would have to be taken up when a full Board was present. The Secretary was asked to have minutes ready before the next meeting in order that the Board members who were absent from this meeting could read them and vote at the next meeting.)

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Deferred Cases:

VIRGINIA ELECTRIC & POWER CO., application under Section 30-133 (b) of the Ordinance, to permit erection and operation of a transmission tower line, Bull Run Sub-station to Moore Road sub-station, Centreville District (RE-1).

Messrs. Marsh and Church, attorneys, were present to represent VEPCO.

Mrs. Henderson stated that this application had been deferred from the Board's last meeting so that Mr. Victor Clark could be present regarding the question of radio and television interference from this line.

Mr. Leon Johnson from VEPCO stated that he had visited with Mr. Clark the day following the hearing and they had discussed this matter.

Mrs. Henderson read a letter from Mr. Clark. The letter is quoted below:

"Clifton, Virginia
February 17, 1965

Chairman, Board of Zoning Appeals
Fairfax County
Fairfax, Virginia

Dear Sir:

"The following further comments are offered in connection with my letter of February 6, 1965, relative to the proposed installation of a high voltage transmission line parallel to Braddock Road, in the vicinity of Route 645.

"On February 11, 1965, I was visited by Mr. L. D. Johnson, III, VEPCO District Manager and, from our conversation, my understanding of the VEPCO position is as follows:

1. The proposed line will carry 115,000 volts, but will be designed, maintained and monitored in such a way as to insure against the generation of any radio interference, including that which might result from corona effects.
2. It is VEPCO policy to design and maintain all of its lines in such a way as to avoid generation of radio interference, including that produced by corona effects. While VEPCO maintains mobile equipment and personnel for the express purpose of detecting and pin-pointing power line troubles which produce radio interference, the extent of their system is such that they must also occasionally depend upon customer reports.
3. VEPCO wishes to be informed of cases of radio interference suspected of originating on its power lines, and will take prompt corrective action in each case.

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"A reasonable criteria for establishing the presence or absence of such radio interference would be that no detectable effect is produced in radio receiving apparatus (broadcast or communications) installed in homes in the area of the power line, cars traveling on roads beneath the power lines, or in navigation and communications receivers installed in aircraft passing over the lines. Most power lines meet these requirements.

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"A properly installed and maintained power line, then, is one which does not produce radio interference; there appears to be no basis for equivocation regarding tolerable levels of interference.

"To the extent that the foregoing represents a proper interpretation of the situation, and correctly reflects the attitude and official position of VEPCO, my ^{objec}ts to the proposed line as a potential source of radio interference are withdrawn.

"With regard to the statement in my earlier letter that "such radio interference currently exists at several points in Fairfax County and can be demonstrated upon request," I drove with Mr. Johnson to a point beneath high voltage power transmission lines in the vicinity of Accotink Station Road and Shirley Highway, where severe power line noise, observed consistently over the past two year period, was demonstrated to him. Mr. Johnson stated that these lines carry 250,000 volts, but expressed the opinion that the interference was not caused by corona effects. He indicated that he would take action to investigate the problem on this line, as well as the line crossing Pohick Road just south of Route 643, which has also produced heavy interference for the past two years. The results of VEPCO's efforts in eliminating the severe and persistent interference on these two high voltage transmission lines could be very convincing evidence of ability to avoid radio interference throughout their system.

"I wish to thank the members of the Board of Zoning Appeals for their consideration of my comments in this matter and am heartened by the Board's concern with this problem, which is national in scope and deserving of close attention. The radio spectrum is a natural resource of increasingly vital importance and merits careful protection against involuntary contamination.

Sincerely,
/s/ Victor C. Clark"

Mr. Smith said he was sure that Mr. Clark's criticism was meant to be helpful in setting certain criteria for the installation and maintenance of the proposed VEPCO transmission line and he felt that Mr. Clark's information was helpful and out of several meetings with various people, he felt that after extensive discussion, the criteria set forth in Mr. Clark's letter, if adhered to, and if the line is properly installed and maintained, would eliminate any radio or television interference.

Mrs. Henderson read the following letter from Mr. Roy B. Shrout, Jr.:

"16 February 1965

Mr. Daniel Smith
Member, Fairfax Zoning Appeals Group
Route 1, Box 305
Fairfax, Virginia

Dear Mr. Smith:

"I have inclosed a copy of a letter I sent today to the Virginia Electric Power Company concerning power line noise near my residence in Fairfax County.

"Power line noise is a recurring problem in many areas and unfortunately the average citizen has no idea as to what is causing interference to his radio and television set or how to report it.

"As might be expected the application of higher voltages to transmission lines generally causes a raise in the noise level as well as increasing the possibility of component breakdown.

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"The interference factor should certainly be taken into consideration before granting zoning authorizations for above ground, high voltage, power transmission lines.

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"Concerning my letter and telephone call to the Virginia Electric Power Company; Mr. Clark of their Service Department assured that he would have a trouble crew with noise locator equipment on the job by the end of the week.

"If any further difficulties are incurred in this matter I shall make them the subject of future correspondence.

/s/ Roy B. Shrout, Jr. "

Mr. Church read the following summary of the report from Cameron's Radio and TV, report made after the usual tests had been carried out: "From the results of the tests, and combined results of sixty similar tests made over the past fifteen years in practically all areas of Virginia, served by Virginia Electric Power Company; plus many similar tests made in the states of Maryland, North Carolina and South Carolina, I can state conclusively that there will be no electrical interference from the operation of this proposed 115 K.V. line which will adversely affect the normal operation of electronic equipment in residential areas adjacent to this line." (Signed Walter S. Cameron, Cameron's Radio and Television Company.)

Mr. Smith asked that the letters from Commander R. Phelps, Jr., a ham operator, be made a part of the record.

"Rt. 2, Box 205A
Vienna, Virginia
16 Feb., 1965

Mr. Daniel Smith
Board of Zoning Appeals
Fairfax County, Va.

Dear Sir:

"Mr. Victor C. Clark has indicated that you are interested in cases of radio interference from VEPCO power lines for use in consideration of the location of new VEPCO high voltage transmission lines, and other zoning appeals matters. Since I have had personal experiences along this line, I am writing this letter to tell you about them.

"The incidents occurred while I lived at 1323A Slade Run Dr., Falls Church, Va., which is in Fairfax County, off Annandale Rd. between Falls Church and Annandale. A set of high voltage lines runs along Slade Run Dr. from Route 50 to the VEPCO sub-station near the Round tree development. The condition started about September 19, 1961 and still persisted in October 1963 when I moved to my present home. The radio interference was bad on all frequencies I was able to listen on, from 30 mcs to 500 kilocycles and blotted out all but the loudest stations. The radio noise started when VEPCO raised the voltage on the neighborhood distribution lines from 4400 volts to 7200 volts (nominal values) without changing the insulators. The VEPCO men I dealt with said the insulators were rated for the higher voltage, so didn't need to be changed.

"I reported the radio interference situation to VEPCO first on October 9, 1961 at OV 3-0900, ext. 292. I kept notes on some of the phone calls and some of the results. I talked to Mr. McVain, Mr. Johnson, Mr. Lowry, and Mr. Wood at various times. I called VEPCO on 9 October, 17 October, 1 Nov., 7 Nov., 18 Nov., 20 Nov., 1961, and 31 January, 28 Feb., 20 September, 2 October, 11 October, 24 Oct., and 29 Oct., 1962, according to my notes. The best results were obtained when I would locate the power leak myself and call VEPCO and give them the pole number where the leak was. Then they could sometimes fix it. The VEPCO men were cooperative and helpful but did not have much in the way of test equipment for finding the power leaks. They usually

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had a battery operated portable radio belonging to one of the men, not the company. Their truck made so much radio interference that they had to turn off the engine while they listened for the power leaks, which slowed up the operation. Another thing which slowed up their operation was that with the increased voltage, extra precautions had to be taken to safeguard the VEPCO men while working on the poles. This required the VEPCO men to be trained in the new safety equipment and procedures. Until the men were qualified for the new high voltage work, they were forbidden to climb the poles carrying 7200 volts. This resulted often in the VEPCO men, or myself, locating a leak, but then having to wait for days or weeks until VEPCO would assign a qualified man to fix it.

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"VEPCO some years ago adopted the practice of putting an aluminum cap on the top of their wooden poles to keep moisture out and help prolong the life of the poles. In many cases, one of the high voltage line supporting insulators is mounted on a galvanized steel fitting which is in contact with the aluminum pole cap. The steel fitting or the cap is often connected to a ground lead. In this situation, the slightest leakage currents flowing through or across the insulator will also flow through the contact between the two dis-similar metals, aluminum and zinc. This contact or joint is usually slightly corroded or oxidized. The result is that you have a very efficient noise generator -- a diode formed by the dis-similar metal, corroded contact. It will generate a signal, or noise at every 60 cycle increment through the whole radio spectrum including the AM broadcast band, amateur bands, FM bands and TV channels. Since there are so many of these caps in place all over the County, it makes it very difficult to pinpoint noise sounds. Even after fixing two or three of them, there will be many more to go. The fix is simple, just make sure the cap touches no other metal. The problem is to get VEPCO to fix them. Despite all my efforts, VEPCO fixed only a small number of the caps, and never did succeed in stopping the power leaks. That was one reason why I moved, to find a quieter location for my amateur radio station. I pretty much gave up the battle against the power leaks for the last year at my old house because it was just taking too much of my time to find the leaks for VEPCO. I even took some time off from work to help them.

"My amateur station is W4KXV. I have held an FCC license for one since 1934. I have a B. Sc. degree in electrical engineering, a B. Sc. degree in engineering electronics and a Master of Science degree in engineering electronics. I make my living as a communications engineer.

"Mr. Richmond, the district FCC inspector, EX 3-3656 may be able to furnish more information to you regarding power leaks.

Yours truly,
/s/ R. Phelps, Jr."

"Rt. 2, Box 205A
Vienna, Va.,
Feb. 19, 1965

Mr. Daniel Smith
Board of Zoning Appeals
Fairfax County, Va.

Dear Sir:

"The enclosed extracts from a recent letter to me from Mr. James Ringland indicate that power leak interference to radio communications are not limited to Fairfax County. Along that line, when I was operations officer of Naval Air Development Squadron ONG at the Naval Air Station, Key West, Fla., we were plagued with power leak problems causing interference to air-ground communications. The receivers were located at a remote part of the field and their output brought over telephone lines to the tower to solve the problem. The power lines were too old and too corroded from the salt air to be fixed by anything less than complete replacement. Also, on flights as pilot of Navy aircraft in various parts of

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the country, I from time to time heard power leaks noise passing over high voltage lines, but that was too many years ago to give you an exact example. While on active duty in the Navy, after graduation from the Naval Academy, I was in communications work a good deal of the time. One of our constant problems was interference to our radio circuits from local noise sounds such as motor brushes, corroded connections, etc. So I am not without some experience along this line.

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"One rather interesting aspect of this subject of power leak interference is the reaction of the public. This was brought home to me when I was looking for power leaks on Slade Run Drive. One leak was so bad you could hear it audibly, i.e., without a radio. I went to the nearest house and asked the lady of the house if she had any trouble from it. She said no, her radio didn't work. I asked about TV, she said her set didn't work very well, they could only get one channel. I listened to her radio, it was o.k. but the power leak was so strong you could hear no stations. The TV set was also o.k., same power leak problem. After VEPCO finally repaired the power leak, her radio and TV worked o.k. The point is, she didn't know she was being interfered with, nor did her husband. I checked many houses then, and all had about the same story. Since VEPCO operates on the basis that everything is fine unless they get a complaint, and few people (even including many TV and radio service men) know when they are being interfered with by power leaks or how to register a complaint, the VEPCO officials can believe their system is much quieter than it actually is.

Yours truly,
/s/ R. Phelps, Jr."

Mr. Smith introduced a bulletin from Commander E. B. Redding regarding power line interference and asked that it be made a part of the record.

"Power line noise can be attributed to three main causes. The first is defective insulation in some piece of apparatus; the second, loose connections in the primary or neutral circuit; and the third, electrostatic leakage from some item of ungrounded hardware which is too close to a grounded part of the pole assembly. Of these three sources, the third is the most common and the most difficult to locate and will be treated in detail. The principles applying to the tracing of leakage noise will apply to noise of the first two types.

"Noise from electrostatic leakage is most common type to be found on the multigrounded neutral type of circuit and is the most difficult to trace. Noise which originates on the primary due to leaky insulators etc. generally dies out within a few spans and is easily found. Noise which arises from electrostatic leakage and which gets into the neutral circuit under some conditions may be detectable for 10 miles on each side of the source. This noise is caused by arcing due to insufficient spacing between some item of ungrounded hardware on the pole which is within the electrostatic field of the primary conductors and some part of the pole assembly which is grounded.

"Ungrounded conductors on uncompleted underbuild as well as ungrounded hardware on the pole assembly should be treated with the same care and precautions as energized conductors. A minimum spacing of 2' should be maintained between all ungrounded hardware and grounded pole assemblies (for operating voltages up to 7.2 kv)."

Taken from Rural Electrification Administration Bulletin 169-9, September 1950.

Mr. Smith thanked Mr. Clark, Commander Phelps, Commander Redding and Mr. ShROUT, and all others who had been so helpful on this application.

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The Board discussed spraying as done by VEPCO in the past and Mr. Smith asked that VEPCO stop the spraying such as been done in certain areas and maintain the right of way line in grass as much as possible rather than using spray and killing it.

Mr. Johnson agreed that VEPCO would not spray the grassy areas but he said he wished to point out that the spray which they have been using does not kill the grassy kind of growth but only the broad leaf growth that will grow up from the stumps. It is not a toxic spray and will not harm animal life. They treat the stumps when they clear the right of way if it is the right time of the year and generally speaking, that takes care of broad leaf type of growth that comes up from the stumps. If it does not, one more spray will take care of it forever and then grass will grow and the area will be more attractive. The spray that Clifton was concerned about is spray that they started using about eight years ago, Mr. Johnson continued, to get the right of way in shape - that which had about three to five years growth. This is a different operation. He would hate to see the restriction of "no spraying" placed on them because he felt that spraying was in the best interests of the County. If the Board would say "no spraying which would leave substantial dead growth," they would go along with that.

As long as it is only initial spraying to stop the growth, this is desirable, Mr. Smith stated. He said he felt that a lot of good points had come out of this discussion and he did not feel that there would be any interference to radio or television reception but if there was, it should be reported to VEPCO and it would be corrected. He made the following motion: That the application of Virginia Electric & Power Company application under 30-133 (b) of the Ordinance to permit erection and operation of a transmission tower line, Bull Run Substation to Moore Road substation, Centreville District, be granted as applied for. If there is any interference with radio or television reception, it should first be reported to VEPCO and if it is not corrected, then it should be reported to the Zoning Administrator. Seconded, Mr. Yeatman. Carried unanimously (Henderson, Smith and Yeatman present and voting.)

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Glenn W. Schmeidel, application under Sec. 30-36 of the Ordinance, to permit division of lot with less width at the building setback line, Resub. Lot 3, Wellington, Mt. Vernon District. (Re-0.5) (V-22-65),

This had been deferred from the previous Board meeting for decision only.

Mr. Smith moved to approve the application as applied for. This is an old subdivision with non-conforming lots and this request is one that merits favorable decision. Approved in accordance with plats submitted. Seconded, Yeatman. Carried unanimously. (J-c)

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RANDOLPH D. ROUSE, to permit erection of a service station, N. E. corner Falls Church-Annandale Road and Dashiell Road, Falls Church District. (C.N.).

Mr. Robert Fitzgerald represented the applicant and submitted new plats. He stated that Mr. Tom Lawson had withdrawn from the case. When Mr. Lawson discussed the case with Mr. Rouse, he had already contracted to sell a parcel of land to Mobiloil, contingent on zoning. The contract called for the ground shown on the plat to be used for a gas station. He asked Mr. Lawson to get it rezoned and gave him a plat of the entire property. Mr. Lawson asked what it would be used for and Mr. Rouse replied - a gas station. He spoke of the land sold under contract which Mr. Lawson did not know about and Mr. Lawson was talking about the whole piece. Mr. Lawson told people in the area that the entire piece of land would be used for a gas station. Mr. Fitzgerald said he did not think the Board rezoned it for that reason - the fact that a gas station is going

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to be built on a piece of land is not usually a drawing card for having land rezoned, but the Board rezoned it. Mr. Lawson had made representation to the people that only a gas station would be built on the entire parcel and when he applied for the use permit he furnished a plat showing only part of the parcel. He discussed this with Mr. Rouse who had not told him that the contract had been made in 1959. Mr. Lawson felt obligated to withdraw from the case.

Mr. Fitzgerald said if the permit is not granted for the gas station they would put the property to some other use - perhaps a number of small stores. The people in the area wanted the gas station. Mr. Rouse has been negotiating with High's.

A vote was taken on a motion to approve the application. Mrs. Henderson voted no. Messrs. Yeatman and Smith voted in favor but it was decided that a full Board must be present in order to take a legal vote. Vote will be taken at the next meeting.

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The Board held an informal discussion on the Arkwright-Harris swimming pool application but they decided they would not reconsider the case since it is going to court on March 9.

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Colchester Marina - The Board extended their permit to March 9 and agreed that there would be no further extensions.

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The Board extended the application of LOUIS SPECTER for six months at the applicant's request. Seconded, Mr. Yeatman. Carried unanimously.

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The meeting adjourned at 5:30 P.M.
By Betty Haines

W. K. Henderson
Mrs. L. J. Henderson Jr.
Chairman

April 1, 1965 Date

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March 9, 1965

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 9, 1965, in the Room of the Fairfax County Courthouse. Those present were: Mrs. Henderson, Messrs. Barnes and Yeatman. Mrs. Henderson, Chairman, presiding.

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Mr. T. Barnes opened the meeting with a prayer.

New Cases:

JOHN A STEVENSON, application under Section 30-441, Group X (d) in C.G. District of the Ordinance, to permit rental of trailers, Arlington Boulevard and Leesburg Pike, portion of Parcel 1, Arlington-Fairfax Savings and Loan Property, Mason District. (C.G.) (S-33-65).

Mr. Robert Cotten, attorney, represented the applicant and referred to the prior hearings on this matter. About six months ago the Board granted a permit for six months. This is an unimproved piece of land at Seven Corners owned by the Arlington Savings and Loan Association. This land is presently being offered for sale. Subsequent to issuance of the permit, the Arlington Savings obtained a contract to sell to a bank contingent on authority to carry on business in that location, but the bank's application for a branch office was denied. That application was denied about 30 days before expiration of time granted by this Board and when applied for permit was told it could not exceed one more month.

The tract is still unoccupied, unimproved and for sale. This will be a temporary use of the property until the land is sold and a building constructed on it.

If this parcel is not sold before summer Mr. Cotten felt the orchardist would be back again but Mr. Cotten asked that the Board issue a permit for twelve months to allow Mr. Stevenson to operate a trailer rental lot.

Mrs. Henderson asked what kind of guarantee there was that it will be used. She felt that the temporary use would not enhance the corner and furthermore there is an identical use across the street. These people could not be required to abide by site plan requirements.

Mr. Cotten advised that the lessee will not erect any structure whatsoever. The tract will be used for storage of trailer vehicles.

Mr. Yeatman questioned if the applicant intends to rent trailers on this particular property and if the site plan had been waived by the County Board.

Mr. Cotten replied that it had expired and they will have to obtain waiver from Board for site requirements.

A Discussion followed with regards to whether or not they intend improving the land and Mr. Cotten stated they did not intend to touch it.

Mrs. Henderson and Mr. Yeatman felt that the exits and access were bad and the traffic situation is bad. This is on a slope going down from Route 7 to Route 50 and Mr. Yeatman felt it was not a good idea for trailers hooked on back of a car and in his opinion would be dangerous at that corner.

Mr. Cotten felt that they can enter through the Esso Service Station which Mr. Stevenson owns. The trailers can enter and leave here.

There was no-one present to speak in favor of the application.

OPPOSITION:

Mr. Samuel N. Moore, representing Seven Corner's Corporation, appeared in opposition. Seven Corner's Corporation has been engaged in trailer rental business for approximately 10 years and Mr. McAtee operates the trailer business across the street - he formerly occupied the very land on which the applicant is requesting a special use permit for renting trailers. Mr. Moore referred to the move that Mr. McAtee had to make in order to operate across the street from this tract. When the use permit was granted by this Board certain requirements had to be met before he could occupy - he had to comply with site plan requirements. A permanent building had to be erected and the lot had to be graveled. A wall had to be built and plants and shrubbery had to be planed. Entrance way was installed and a color scheme had to be met. In order to meet all the requirements, Mr. McAtee had to expend \$25,000 to improve the lot.

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Seven Corners is not opposed to the applicant doing business as trailer rental outlet but is opposed to granting a special use permit without imposing some of the restrictions imposed on Seven Corners Corp. They are aware he is asking for temporary use permit and the Board cannot impose same restrictions as on permanent basis. Mr. Moore was of the opinion that it was unfair to require a permanent occupant to expend money, and then allow someone to come in on a temporary basis during the most productive months and reap the profits. He felt this would be discriminatory. This tract has been idle since 1960 and apparently no-one wants to purchase the property now or in the immediate future.

Mr. Moore continued by saying he felt the Board should establish if there is a need for granting the special use permit and whether this will be a hardship. He felt that there was no need and it would be a hardship on Seven Corners Corp. by allowing a competitor to come in without incurring any expense to maintain the property. Mr. Moore thought that the applicant has no intention of improving the property whatsoever - also he was of the opinion that the trailer business is a separate and distinct business from the gasoline station and he understood that they cannot operate trailer business out of gasoline station. If there are no buildings or improvements on the land, they will have to conduct it out of the service station.

In conclusion, Mr. Moore referred to the traffic hazard, and felt it was a matter of being fair to someone engaged in permanent business, and he would, therefore, request denial of the use permit.

REBUTTAL:

In his rebuttal Mr. Cotten pointed out that Mr. Moore's opposition is based, as he said, not on opposition to use, but would deprive economic benefits to trailer business across the street. Mr. Cotten submitted that these factors are inappropriate for the Board to consider - it is not up to them to protect one business from the other, and referred to the recent Beacon Hill case in which the court decided that this should not be taken into consideration. The Board should decide whether it is the appropriate use.

If the Board wishes to make the permit for six months, they will be happy with that. It will provide a service that is needed and will produce revenue for Mr. Stevenson and the County and a convenience for the residents of the community.

In the discussion which followed, Mr. Yeatman felt this looked like a traffic problem - he was not worried about the economics, but the only reason he could see against it was the traffic problem.

Mrs. Henderson also felt this would be a serious problem.

Mr. Barnes stated that they had granted it for six months before and he would be glad to grant it for six months again.

Mrs. Henderson felt that the opponent had a good case. The point^{is} that the business has to be conducted from some place - Mr. Stevenson is not permitted to have trailers on gas station property but will be conducting the business from the gas station - this in the adjoining property.

Mr. Barnes felt that if he operates the service station adjoining the property, the sign would be on the property to rent the trailers and he could walk across and take care of the business at hand.

Mr. Barnes moved that in the application of JOHN A. STEVENSON, under Sec. 30-141 Group X (d) in C.G. District, of the ordinance that the applicant be granted a permit to operate a trailer rental lot for a period of six months, but there shall be no extension after six months, but a new application would have to be filed, seconded by Mr. Yeatman.

Voting for the motion were Messrs. Barnes and Yeatman. Mrs. Henderson voted against the motion stating it is a hazardous situation and there has been no attempt to better the traffic situation.

Mrs. Henderson informed Mr. Cotten that it was an invalid vote. According to the State Code they need 3 votes to affect decision and a decision will have to await more Board Members. This matter will have to be resolved at the next meeting, if possible, or a subsequent meeting when there are enough members present. The missing members will read the minutes and come to their conclusion and the matter will be called for March 23, provided there are enough people present on the Board.

B&K CONSTRUCTION CORP. application under sec. 30-36 of the Ordinance, to permit dwelling 9.6 feet from side property line, Lot 18, Kemper Park, Providence District. (RE-1 Cluster) (V-35-65).

Mr. Robert Parris represented the builder and presented evidence of notification to adjoining property owners.

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B & K Construction Corp. - ctd.

Mr. Parris explained that the house had been staked out in January, but evidently the stakes had been moved when the basement had been dug or the dirt itself had moved. The stakes had shifted and as a result the house had come too close to the property line.

The various lots were pointed out on the plat and a discussion followed with regards to possibility to taking some land off of one lot and adding to this lot.

Mr. Parris informed the Board that the house is up to the wall section and ready for the floor.

After further discussion with regards to possibility of correcting the situation, Mrs. Henderson stated she was not in favor of granting the variance if there is a way of correcting the matter - by picking up the necessary footage from Lot 20.

On the application of B & K CONSTRUCTION CORP., under sec. 30-36 of the Ordinance, to permit dwelling 9.6 feet from side property line, Lot 18, Kemper Park, Providence District, Mr. Barnes moved that the application be denied as there is an alternative to make the house to conform to the ordinance, seconded by Mr. Yeatman, and the motion carried unanimously to deny the request. (3-0)

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CANTERBURY WOODS CORP., application under Sec. 30-36 of the Ordinance, to permit carport 1.8 feet from side property line, Lot 65, Sec. 1 Canterbury Woods, Falls Church District. (R-12.5 Cluster) (V-35-65).

Mr. Millsap, attorney, represented the applicant and presented letters of notification and asked for a deferral for two weeks explaining that they had at the last minute worked out a possible solution.

Mr. Barnes so moved that this matter be deferred for decision and hearing on March 23 at the request of the applicant due to hopes of working out a solution, in which case they would not need a variance, seconded by Mr. Yeatman and carried unanimously to defer to March 23. (3-0)

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ALEXANDRIA LODGE #1076 OF LOYAL ORDER OF MOOSE, application under Sec. 30-136 Group V (d) of the Ordinance, to permit erection and operation of a lodge home, west side of Telegraph Road, approx. 200 feet south of Highland Road, Lee District (R-12.5) (S-36-65).

Mr. Phil Jones, attorney for the Moose Lodge and Mr. Ross Garlitz, the Secretary of the Lodge, were present to discuss this application and presented evidence of notification to adjoining property owners.

Mr. Jones pointed out that it was obvious from the map that the tract is approximately 350 ft. wide and 1120 feet on the north side and with 1048 feet on the south side. They plan to erect a building approximately 100 x 140 ft. which would result in the building being situated with regards to property lines as follows: Will have 105 ft. between the building line and the property line on the north; 143 ft. between building line and property line on the south; 185 feet between the building line and the cut off line on the west and 143 ft between the building line and property on the east.

In reply to questions from the Board, Mr. Jones stated they do have a contract on the entire tract and they do intend to sell off the back parcel of the land, although it has not been fully decided that they will do so. In the event they do not sell it, the back parcel will be used as a baseball diamond or recreational facility and would be an advantage to the community.

Mrs. Henderson felt that the discussion will have to be on entire piece of property and the permit discussion would cover the entire piece of property.

Mr. Jones said they would proceed on that assumption.

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Alexandria Lodge #1076 of Loyal Order of Moose - ctd.

The entrances will be from Telegraph Road side only and will not try to ever use the B² Street in Lynn Hill Subdivision as entrance.

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Mr. Jones covered the reasons for the Lodge selecting this site - It seems to conform to all County Ordinances and Regulations. It was so located that it would not interfere with any organized community plan and seemed to satisfy geographical location for Moose Lodge.

The ground floor of the building will not be more than 20% of the total ^{area} - the height will not exceed 45 ft. There will be no parking within the setback area and this conforms to most of the requirements. There is ample parking space for all anticipated patrons.

Mr. Jones indicated the location of the swimming pool and outlined the plans for maintaining the shrubbery that runs across border line which borders Lynn Hill Subdivision - also they will put in a hedge along that line and install a high fence.

Mr. Jones went on to explain that the building will be constructed in such a manner that it will not have any windows except for glass doors that open onto a patio - on the basement floor level on the east side, towards Telegraph Road.

Mr. Jones referred to some of the activities in which the Moose Lodge is presently engaged, such as the heart fund and helping to promote and raise funds for St. Jude's Hospital for leukemia.

They intend to continue promoting various functions for boy scouts and girl scouts and intend to expand - intend to promote more teenage recreational facilities.

Mrs. Henderson questioned if this was for anyone in the neighborhood or was it for club members only.

Mr. Jones stated that basically it will be for club members but hoped that anyone in the community will come forth and join.

Mr. Garlitz asked if he could answer with regards to teenage activities. They are not limited to Moose Club members - usually one child is a Moose Lodge Member's child and then they bring along friends. The teenage clubs are set up under supervision of adult officers.

Mr. Jones felt this would be beneficial to the community and this location is probably the only one they are going to find suitable in the area.

A discussion followed with regards to number of members on rolls now and the parking spaces required.

With regards to hours they are open, Mr. Garlitz stated they are generally open from around noon to twelve or one o'clock at night. This would be week nights - and then on Saturday they have dances in the ballroom. At the present time, the dances are broken up at 1:30 and generally it is 2:A.M. before they leave. They also have some activities in the form of family dinners and they hope to have swimming activities in the afternoon and also hope to have a teenage room under supervision - will have a juke box, etc. The swimming pool will be available to boy scouts and girl scouts as well as other groups for Life Saving Instruction.

The Board and Mr. Jones together with Mr. Garlitz discussed the alcohol situation and Mr. Garlitz explained this is similar to a bottle club.

A discussion followed with regards to patrolling the area - they will have the building arranged to have the burglar alarm system.

In concluding the presentation, Mr. Garlitz explained the architectural drawings which he had for the Board to review.

There was no one present in favor of the application.

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There was ~~no one~~ present in favor of the application.

Opposition

Mr. Anthony Lane stated he was appearing as counsel for group of citizens living adjacent to it and for Rosehill Community Center, and the Highland Park Swimming Pool. He presented a petition containing 200 signatures broken up into areas - The adjoining property owners and all property owners in the area were contacted and they have signed.

Mrs. Henderson read the petitions asking that the Board of Appeals reject and deny this application.

Mr. Lane also had a petition signed by the presidents of the Rosehill Community Center, the Highland Park Pool and also the president of the Virginia Hills Civic Association.

Mr. Lane advised that the Highland Park Swimming Pool had been in operation for about 8 years and there are approximately 250 members in it.

Mr. Lane stated that they were not opposed to the Loyal Order of Moose but they question the location of this building in a residential area and the small portion of commercial. It will be a commercial type of operation completely incompatible with the immediate surrounding area. He stated that the Highland Park Swimming Pool is a neighborhood activity and to add another activity of this nature would raise the noise level that much more.

Mr. Yeatman felt that the outdoor pool would be much ~~more~~ noisier than the indoor pool as proposed by the Lodge.

Mr. Yeatman also brought up for discussion the recreational facilities that are in the neighborhood now - Mr. Lane advised there were picnic areas in addition to the pool. The Rose Hill Elementary School has a playground attached to it where the children play softball, etc.

Mr. Foxwell an adjoining property owner on Saddle Tree Drive presented a letter to be read in opposition and made of record in the file.

There were approximately 45 people present in the room who were in opposition to this application.

In their rebuttal Mr. Jones and Mr. Garlitz felt they meet the general standards for special permit use in R districts. Mr. Jones felt that the building will fit in with the harmony of the neighborhood. The styling of the building will enhance the community rather than deface it. There was a question brought up in the opposition with regards to the commercial nature of this, and he felt it would not impose any more commercial than is next door. Just the members will go in. This activity will be completely indoors and will afford recreation both summer and winter.

Mrs. Henderson felt that a building such as this, with no windows, would resemble a warehouse.

Mr. Garlitz stated he would agree with her if the building were to be built of cinder block, but with the construction they proposed, this will eliminate the appearance of being a warehouse.

A discussion followed with regards to the sale of the site which they had on U. S. #1 and how many years they had spent looking for a site. This site contains 8.636 acres.

Mrs. Henderson was of the opinion this should not be projected into a residential area. Generally speaking, this is an outside group projecting itself into a residential area where it is not wanted.

Mr. Barnes knew they had spent a lot of time looking, but if they could get into a community that is not developed, the people would know it is there - he stated he would hate to have an impact such as this on him.

Mr. Garlitz stated they have had real estate agents looking to find a piece of ground to construct this on - they just do not exist.

Mrs. Henderson certainly could not see where this use in this location meets the standards under Sec. 31-126 and ^{it} was not in conformance with ^{the} zoning ordinance.

Mr. Yeatman stated that he would like to see this deferred until a full Board membership was present and would move that it be deferred ~~until~~ ^{until} have a full Board membership ~~to~~ take a vote - for decision only. The other Board members could read the minutes.

Mr. Barnes did not think this was unfair and seconded the motion.

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Mr. Yeatman and Mr. Barnes voted for the motion to defer. Mrs. Henderson voted against the deferral because she felt it should be denied today, but they would still not have a full vote.

This case was deferred to March 23, 1965.

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ALBERT F. ZIMBRICH AND MICHAEL A. RODDY, application under Sec. 30-139 Group VIII (d) of the Ordinance, to permit erection and operation of a rifle range west side of Route 616, approximately 700 feet south of Route 658, Centreville District. (RE-1) (S-37-65).

Mr. Zimbrich and Mr. Roddy represented themselves and submitted copies of letters of notification.

The site of this operation was located - almost to Prince William, adjoining Park Authority Area, near the power substation - also the Bull Run Hunting Preservation on the west side.

Mr. Zimbrich stated that as far as they can determine there is no place in Fairfax County to shoot safely - people have been shooting in abandoned gravel pits and if a person wants to use a high powered rifle they have to go into the woods, which is illegal. They hope to provide a safe place to shoot - the nearest one is 60 miles south of Washington.

In reply to questions from the Board, Mr. Roddy stated this would be a commercial range and they are not NRA Members, nor have they had any experience. This idea came about because they could not find a place to shoot.

A discussion followed with regards to the various organizations in the area such as the Isaac Walton League which has a range, and a group that shoots at Ft. Myer.

Mrs. Henderson questioned if they were going to use the NRA rules for guidance and Mr. Roddy presented a drawing of what they proposed.

It was brought out that a high powered rifle could carry for five miles and Mrs. Henderson stated that there should be more investigation as she would not want to grant such a thing as this without real authority approving the safety of an endeavor such as this, which would be the NRA.

Mr. Zimbrich was of the opinion that the NRA will not approve such a range. They will give you methods of operation, but will not come in and approve. They will give needed information.

Mrs. Henderson felt they would be in a stronger position if they had presented this to the NRA and obtained their approval.

Mr. Yeatman felt this was entirely different from a skeet shooting place - he would not worry too much were it not that they were intending to let customers shoot high powered rifles.

Mr. Zimbrich advised that the shoot would be made of a mound of dirt but they have not decided on what type of backstop on top. It would be 30 feet high with back-stops on top. They have been thinking of a wooded frame and filling it with sand or some such material.

Mrs. Henderson felt that they need a lot more information. This is a new venture and she was not convinced they knew what they were getting into, and Mr. Yeatman felt it would be better to defer for further study and Mrs. Henderson also suggested that they join the NRA.

Mr. Zimbrich and ^{Mrs.} Roddy asked what information they should be prepared to furnish and Mrs. Henderson suggested that they would have to demonstrate that the 30 feet barrier in the rear is high enough; be specific about what they are going to put on top of dirt; are they going to have baffles; what is safety area constructed of; what calibre of firearms going to be used and what is on the back stop and the distance behind the back stop.

It was brought out that the applicants intended having a trailer for an office building and were advised that the site plan will have to be approved or get a waiver from the Board of Supervisors.

Mr. Yeatman moved that the application be deferred for 30 days for further study, seconded by Mr. Barnes and carried. Deferred to April 13.

This will not be for decision only - the rest of the Board should discuss this and will have more comments and discussion on this case.

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RUTH A. FAHNESTOCK, application under Sec. 30-137 Group VI (e) of the ordinance, to permit operation of a beauty shop in home as a home occupation, Lot 5, Fairland

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Gardens (7621 Irvin Court), Mason District. (RE-0.5) (S-39-65.)

Mrs. Fahnestock presented copies of letters of notification and in her remarks stated that she would like to put this beauty shop in her basement to operate alone. She works in Arlington now but would notify her following and would possibly pick up some more local customers. This would be one-chair operation.

Mrs. Henderson questioned if the Beauty Shop was still operating on Route 236 and Mrs. Fahnestock said that she understood there is one.

Mrs. Henderson brought out that a shopping center is about to be built at that corner and there will probably be a beauty shop in it.

Asked if there was any special reason for this request, Mrs. Fahnestock advised that her husband has a heart condition and she felt that she would like to be at home at all times. Her husband is home at all times and also, they have three children, ages 12, 10, and 5.

A photograph was passed around which had been taken of the residence and showed several cars parked in front - Mrs. Fahnestock stated that her husband had guests at that time.

With regards to requirements of the Health Department and Fire Marshall, Mrs. Fahnestock stated that she knew of no requirements and did not know if the Fire Marshall had looked at it.

Mrs. Henderson said since there was one beauty shop in the area she would be reluctant to grant another, and since her following is in Alexandria, they would be coming from outside the area. Also, this is a special privilege that belongs in an area far removed from commercial area, as a convenience for the neighborhood and then there is an excuse for them.

There was no opposition.

In the application of RUTH A. FAHNESTOCK, application under Section 30-137 Group VI (e) of the Ordinance, to permit operation of a beauty shop in a home as a home occupation, Lot 5, Fairland Gardens, (7621 Irvin Court), Mason District, Mr. Yeatman moved that the application be denied for this use as the applicant has not shown there is a community or neighborhood need for this type of operation, seconded by Mr. Barnes.

Motion carried unanimously to deny - voting for denial were: Mrs. Henderson, Messrs. Yeatman and Barnes.

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SLEEPY HOLLOW MANOR NURSING HOME - application under Section 30-137 Group VI (h) of the Ordinance, to permit erection and operation of an addition to existing home, Lot A-A. J. Dean Subdivision (on Columbia Pike) Falls Church District. (RE-0.5) (S-39-65).

Mr. Frank Ball, attorney for applicant, presented evidence of letters of notification and explained this is a request for an addition to the existing nursing home. The home has been in operation for three years. The people who obtained the original permit had some difficulty and the nursing home has been purchased by two doctors.

A discussion followed as to what was allowed under the original permit with regards to the number of beds.

Mr. Ball advised that it was originally planned for an 80 bed home, but Mr. Woodson advised that the permit did not state any amount.

Mr. Ball stated that the present owners purchased the plans, the design had already been set, but they find they could use additional space as they have a waiting list. The highest number they have been able to accommodate, without crowding has been 70. The new addition will have 12 small private rooms and 8 semi-private rooms, and with these additions it would bring their occupancy up to 93 patients.

At the time the operation was begun the old A. J. Dean Home was there and it was used for some of the personnel, but it has since been razed.

Mr. Ball showed a drawing of the proposed addition and from this it could be seen that the addition would be a circular type building and be most attractive.

Mr. Ball advised that the directors of the nursing home had meet with the five gentlemen who are abutting owners and from their discussions the directors have agree to do two things - to erect a fence, and to change some lights which the neighbors had objected to.

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Sleepy Hollow Manor Nursing Home - ctd.

They propose to erect a 42" fence and plant roses, etc., to make it attractive and the lights which they objected to have been changed.

Mrs. Henderson was amazed that no fence had been erected previously in accordance with the site plan requirements, and Mr. Chas. Moore of the Engineering Staff explained that the screening is required only when it abuts commercial.

A discussion followed with regards to the parking area and Mr. Ball stated they have had 24 parking spaces in front and never had an overflow of parking.

There was no one present in favor of the application.

Opposition.

Col. Scarbrow, representing adjacent property owners and the Sleepy Hollow Woods Civic Association appeared in opposition and read from a copy of letter under date of March 6, addressed to Mrs. Henderson as Chairman of the Board of Zoning Appeals with regards to this application. Col. Scarbrow, in the letter presented, stated that the Nursing Home has been operated in a satisfactory manner but they are concerned about an increase in the operation and its subsequent increase in traffic. The Association asked that the Board not allow expansion of the parking lot.

The Association asked that the present 100 ft. setback as required under the original use permit, be retained.

~~A discussion followed with regards to the 100 ft. setback as required under the original use permit, be retained.~~

A discussion followed with regards to the 100 ft. setback and the original plat filed for the erection of this building. Mr. Woodson advised that the original request was for a hospital.

Mr. Mack, another of the adjacent property owners, asked that this 100 ft. setback be retained as this was what was shown on the original plat, and the adjacent owners would object to any expansion beyond the 100 ft. line.

Col. Scarbrow referred to the proposed visitor parking area on the west side of the property and stated they would recommend that the plat be modified to provide parking off of the service drive parallel to Columbia Pike - and if this is not possible they would be agreeable to retaining the parking area where it is provided that it is planted with appropriate screening.

Col. Scarbrow and Mr. Mack stated they were not opposed to the current operation but were asking for a continuation of some of the restrictions.

A discussion followed with regards to the fence which the adjoining owners has requested be constructed. Col. Scarbrow suggested a peeled log fence could be used - also the fence is to be constructed on the nursing home side - inside the plantings.

Mrs. Henderson questioned if they would object to a stockade type of fence and Col Scarbrow was of the opinion that this would be a Berlin wall extending for 500 ft.

Mrs. Henderson questioned if her understanding was that the adjoining neighbors felt that the fence should be erected inside the present plantings and a discussion brought forth that the present plantings are 3 ft. inside the nursing home line.

Col. Barnes, who lives on Lot 53 would like to ask that the plantings which are there be continued and carried all the way back as the part which adjoins his line is not screen planted.

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Sleepy Hollow Manor Nursing Home - ctd.

Mr. Ball in his rebuttal stated that they want to make the fence as attractive as possible - and went into the basic facts regarding insurance. The insurance had been canceled 1-1/2 years ago because of the fencing situation - The insurance companies stated that a 42" chain link fence must be constructed - but the fence situation can be discussed further, as they want to do what is best, but reiterated that the insurance company has stated it must be a 42" chain link fence, but if it can be a mesh fence behind a rail fence, the owners will be agreeable to this.

Mrs. Henderson asked if she had understood that the adjoining property owners have asked that this be inside the plantings which are already there, and inside the nursing home line.

Mr. Ball felt they would object to this as within 15 years the adjoining property owners could claim the land and referred to several cases he had represented on matters of this nature.

Mr. Ball referred to the 100 ft setback requirement on the original plat and stated that at the time a hospital was planned, but could not build a hospital and reduced it to a nursing home.

Mrs. Henderson said at that time there was no terminology in the ordinance concerning a nursing home, but the same setbacks should be retained - it should be 100 ft. from rear and side.

Mr. Moore of the Engineering Office informed the Board that the applicant had received a waiver to the service drive along the front of property.

Mr. Yeatman moved that in the SLEEPY HOLLOW MANOR NURSING HOME, application under Sec. 30-137 Group VI (h) of the Ordinance, to permit erection and operation of an addition to existing nursing home, Lot A, A. J. Dean Subdivision, etc., that the application be approved provided that the building stay back 100 ft. from all property lines and that the nursing home build a fence agreeable to the owners of the property in Sleepy Hollow Woods, Lots 49, 50, 51, 52, and 53, and further provided that the applicant replant screening that may have died or did not get planted, and that all other provisions of the ordinance be met, seconded by Mr. Barnes.

Mrs. Henderson would like the motion also to include that this is an addition for 28 more people and would, therefore, increase the capacity to 111, and with the further provision that the proposed service drive requirements are waived at present, until such time that both east and west ^{ways} ~~are~~ constructed. ^{MAXIMUM}

Motion unanimously carried to approve. (3-0)

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ALBERT D. LEARY - application under Sec. 30-137 Group VI (c) of the Ordinance, to permit operation of a private school, approx. 30-50 children, all day, ~~all day~~, Lot C, A. J. Dean Subdivision (9117 Columbia Pike) Falls Church District. (RE-0.5) (S-40-65).

Mr. Leary represented himself and stated that the establishment of this school is culmination of several years of planning and preparation. A need has been illustrated for year round school to aid children who are below grade level and who are potential dropouts. This school will be staffed by well trained professional teachers dedicated to their work - firm but kind and understanding. There will also be a planned physical fitness program.

Mr. Leary advised that they have the support of educators in the area. The children will be sent from referrals and from doctors. The grade levels will be 2-7. It will be an all day school with regular school hours from 9:00 to 3:30 and the regular school term-September through June.

March 9, 1963

Albert D. Leary - ctd.

Questions from the Board brought out that Mr. Leary does not intend to enlarge the rooms of the house and emphasis will be placed on subjects such as reading and arithmetic and be of a tutorial nature. There will be a maximum of 30 to 50 children.

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The buses will be driven by the teachers and 6 parking spaces would be ample.

Mrs. Henderson read from a note which Mr. Leary had forwarded to the Board Members with regard to inspections by the various County Departments. Mr. Leary advised that due to a misunderstanding, the Fire Marshal and Sanitation Dept. had been unable to get into the building to make their inspections and he asked that in the event this application is approved, that it be approved contingent on the various departments granting their approval.

A discussion followed with regards to availability of sewer - through easement to be granted by nursing home.

Mrs. Henderson suggested that the fencing be in accord with the nursing home fence - put in same kind of fence on rear and in this way the fence would be continuous.

There was no one to speak in favor of the application.

Opposition:

Mr. John Hino and Mrs. Namanny, adjoining property owners, questioned the sewer availability and referred to the fact that the rest home would have to approve the rights of the school to use the sewer. Mrs. Henderson said the Board could approve the application subject to sewer being made available and subject to requirements of various other County Departments.

Mrs. Namanny felt that Mr. Leary's idea was admirable but she felt it should be put some place else and brought up for discussion the requirements placed on public schools in the County.

The taxpayers require 5 acres of land for public school through first 100 children and add an acre for every one hundred children thereafter. Mrs. Namanny was of the opinion that the same rules should be followed by private schools.

Mrs. Henderson advised Mrs. Namanny these were State Standards and must be followed for public schools but there are no standards for private schools in our ordinance. Mrs. Henderson felt that the parents of the children should worry about the size of lots, rooms, etc.

Mrs. Namanny was concerned with the physical fitness program proposed - would all the children be outside at one time, and if so, she felt the noise factor should be considered.

Another matter of concern to Mrs. Namanny was the type of deficiency child which the school would take in and Mrs. Henderson felt that Mr. Leary intended taking in children with a learning deficiency - children who haven't learned how to study or read - they are not mentally deficient.

Mrs. Namanny stated she would like to have a fence constructed high enough so that they do not get all the noise - something like a stockade.

A discussion followed with regards to the outlet road which is on the other side of the property line - 7' on the Overlook Knoll side and 7' on the Leary side. Mrs. Henderson felt that Mr. Leary will have to determine where his half is.

In his rebuttal, Mr. Leary stated that he proposed to fence the entire property anyway and if the people next door would prefer an 8' stockade type of fence, he will be glad to erect it.

March 9, 1965

Albert D. Leary - ctd.

Mr. Leary referred to the physical fitness program and assured Mrs. Namanny that no more than one group of ten children would be outside at one time. The school will be using the basement for recreation-physical fitness purposes as they intend putting in tumbling mats, etc.

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Mr. Leary advised that the sewer problem was in the process of being worked out. The real estate dealer has contacted the nursing home attorney and the papers are in the process of being drawn up. He had been advised that the nursing home had not turned them down on preliminary contact.

Mr. Yeatman moved that the ALBERT D. LEARY, application under Sec. 30-137 Group VI (c) of the Ordinance, to permit operation of a private school, be approved with approximately 30-50 children, provided the applicant is able to hook up to the sewer and also that he put a 7' stockade fence down the east side of the property and all other provisions of the ordinance being met, seconded by Mr. Barnes.

Mrs. Henderson asked that the motion be amended to add that this be granted for a maximum of 50 children, and further provided that the entrances to the school shall be wholly within the 2.183 acres, the surveyor to locate the exact spot, but the entrance must stay on their own property. Also, the access road requirement is waived until such time as this will be worked out. A 7' stockade fence is to be built up to the building setback line 50 ft. from front property line and from there on it would be 4 ft. and this is granted subject to the approval of the Health Dept., water and sewer and the Fire Marshall's approval.

Motion carried unanimously. (3-0)

Mr. Woodson advised they will need new plats to show the amended access.

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HIGHLANDS SWIM CLUB, INC., application under Sec. 30-137 Group VI (a) of the Ordinance, to permit erection and operation of a community swimming pool, intermediate pool, wading pool and other incidental recreational facilities, approximately 2000 feet north of Route 689, Dranesville District. (RE-1) (S-44.65).

Mr. Roger Shea appeared to represent the applicant in the capacity of attorney and as a member of the pool, together with Mr. Currin, Vice Pres. of the Swim Club.

Mr. Shea produced letters of notification together with a copy of a letter from Mr. Walter Reynolds in which Mr. Reynolds stated he would be happy to help in any way to build the pool.

This pool would be on the old sewer plant site which became obsolete when the CIA built in Fairfax and put in their own sewer system.

A discussion followed on the access. The main entrance is not through Potomac Hills but through land off Oneida Drive - this is a third class road and the other access road could not be used as it is too steep.

Mrs. Henderson questioned where the customers would be coming from and Mr. Shea stated they would be coming from all sections of McLean but most of them would walk to the pool.

Mr. Shea had pictures of the pool site to submit for the record which showed they were going to use the old tanks and the building on the site will be used for office, bath-house and storage.

The total acreage is 9.4 acres and there is a fence all around the property.

March 9, 1965

Highlands Swim Club, Inc. - ctd.

Mr. Currin advised the Board that the current membership consists of 215 members which were obtained over one weekend. The residents of the area feel a pool is needed as the nearest pool is the Chesterbrook Pool and they do not have any available memberships and their turnover is slow. This Club will accommodate in access of 600 families.

Mrs. Henderson felt that if they were anticipating that many members they did not show enough parking - should have 165 spaces shown.

Mr. Currin and Mr. Shea were of the opinion that most of the members would be walking to the pool, but there is plenty of land to expand for parking. In the upper left hand corner of the plat at the border of the property there is a wide graveled space which could accommodate a number of cars and they could also park cars in the center.

Mr. Currin stated they expected to have 500 members by this summer and in that case Mrs. Henderson felt they should have 165 parking spaces available and laid out now.

Mr. Shea stated that this was chartered on June 7, 1964, and in the By-laws the number of members is set out at 400.

Mrs. Henderson felt that the Board could approve this for 400 members with the parking spaces provided but if they get up to 500 they will have to come back in to the Board to review.

Mr. Shea said he would like to accept that but there are so many problems involved and after further discussion it was decided that this should be granted for 500 members with 165 parking spaces and if they find they do not need that many spaces they can come back and get them eliminated.

There was no one in favor of or in opposition to the application.

Mr. Yeatman moved that the HIGHLANDS SWIM CLUB, INC., be permitted to erect and operate a community swim club provided they have 165 parking spaces and the membership is limited to 500 members, all other provisions of the ordinance being met, and in accordance with the plat submitted, seconded by Mr. Barnes and carried unanimously. (3-0)

///

HANSON BUCNER, TRUSTEE, application under Sec. 30-36 of the Ordinance, to permit erection of apartment building closer to rear property line than allowed by the Ordinance, N. W. Corner Arlington Boulevard and Capital Beltway, Falls Church District. (RE-2G). (V-55-65).

Mr. Hansbarger, attorney for the applicant presented proof of notification and advised this is part of a larger parcel purchased from Mr. Chiles and in the process of being developed.

Mr. Hansbarger explained the layout for the entire parcel and due to the shape of the land coming into a point and abutting land owned by the Commonwealth of Virginia Highway Dept. which they will not sell, the applicant finds he must come in for a variance.

During the discussion, Mr. Buchner showed a rendering of the development which has started, together with a drawing of the proposed shopping center.

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March 9, 1965

Hanson Buchner, Trustee - ctd.

Opposition:

Mr. Wright and Mrs. O'Keefe, owners of adjacent property were present in opposition, but Mr. Wright stated they were not sure that they opposed this. He stated that he had spoken to Mr. Hansbarger regarding this and asked if there were surveys available. There are some County maps which show that their property could be right against this area that is subject to variance. If it can be proven that they are away from it they would not object.

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Mr. Moore of the Planning Engineer's Office traced the boundary lines from the survey plat and the Board felt that as far as they could tell it did not adjoin their land at all.

Mr. Wright stated he just wanted to be sure of what they were discussing. If it comes against their property he felt the variance should not be granted. Also, the Master Plan for the Merrifield Area showed that a service road would be built in this area and he was concerned there would be problems in future rezoning requests. According to the Plan for the area, Mr. Wright stated that this was slated for industrial.

Mrs. O'Keefe stated she concurred with statements made by Mr. Wright.

In his rebuttal, Mr. Hansbarger asked Mr. Wright what he intended doing with his property and Mr. Wright said he intended waiting to see what comes along - it is zoned R-12.5 now but on the plan it is indicated as industrial, but assumes it could be used for more intense use than R-12.5.

Mr. Hansbarger assured him that he would not oppose any rezoning if they should come up and request a rezoning.

Mr. Hansbarger explained to the Board that they have met all requirements and they are not attempting to put in more buildings than allowed by the ordinance. This is a hardship which exists by virtue of the land having the shape it does and would ask that the variance be granted as requested.

Mrs. Henderson felt they bought the land knowing the shape of it, and to give up three or four more units would not break them, but Mr. Hansbarger said they had already given up 46 and they are trying to preserve the trees and retain the buffer. If there is some valid reason not to grant it, Mr. Hansbarger felt they could amend the plat, but under the circumstances he could see no harm coming to anyone to grant the variance. The fact that it was bought knowing the shape is not a controlling factor.

Mr. Barnes stated he would favor granting the variance and leaving the trees.

Mr. Wright asked that if they were considering granting, to grant it subject to showing that their property is not adjacent to this variance or that it be deferred until survey plats could be prepared to show that it was not adjacent.

Mr. Buchner said he would guarantee that it was not adjacent.

Mr. Yeatman moved that in the HANSON BUCHNER, TRUSTEE, application under Sec. 30-36 of the Ordinance to permit erection of apartment building closer to rear property line than allowed by the Ordinance, N. W. Corner Arlington Boulevard and Capital Beltway, Falls Church District, the application be granted for a maximum of 6 units as shown on the Springfield Survey Plat of Feb. 17, 1963, seconded by Mr. Barnes.

Mrs. Henderson asked that the motion be amended to show that the variance be granted from a maximum of 15 ft. down to about 49 feet because of the shape of the lot and the fact that the adjoining property is the property of the State Highway Dept. and cannot be purchased.

Motion carried unanimously. (3-0)

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MARGUERITE V SCHUMANN, application under Sec. 30-137 Group VI (C) of the Ordinance, to permit addition to existing school building, Lot 1, Sec. 7, Willowmere Farms, N side Willowmere Drive approx. 250 ft. E of Cedar Lane, Providence District (RE-0.5). (S-53-65).

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Mr. Hansbarger represented the applicant and requested a two-week deferral.

Mr. Joseph Duvall, attorney for the opposition appeared and requested a one month continuance to allow him time to present the opposition to the Board.

Mr. Hansbarger stated he would agree to a two week deferral.

Mrs. Henderson felt two weeks would be proper.

Mr. Duvall referred to the requirement of notification of 5 adjoining property owners and showed copy of notice received by Dillon Land Company and copy of notice received by Trustee for Dillon Land Company, both at the same address and in his opinion this would not qualify as two separate owners.

Mr. Hansbarger said they owned two separate pieces of property. This information came from the Land Records.

Mrs. Henderson instructed Mr. Hansbarger to find out if this is one or two pieces of property. If this is one piece, he would still have time to notify a fifth person, but Mrs. Henderson advised that the property had been posted and advertised.

Mr. Yeatman moved that this application be deferred to March 23, in accordance with the agreement for the request for deferral between the attorney for the applicant and the attorney for the opposition, seconded by Mr. Barnes and carried unanimously. (S.S.)

Mrs. Henderson advised that the March 23 hearing will be full hearing and also suggested that the Board view the property.

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DEFERRED CASES

FAIRFAX QUARRIES - extension of use permit.

Mr. Luck gave the Board new plats, and Mrs. Henderson said that this had been deferred to allow further discussion with regards to dust and discussion with regard to enclosure of the gravel hole.

Mrs. Henderson felt that the existing fence is much closer than 60 ft. but Mr. Luck said from the quarry hole to the fence is 63 feet.

Mrs. Henderson advised Mr. Luck that she had walked over this and a cut has been made - there is a narrow depression along the property line. The trees have fallen across the fence on the line. She felt that the stone removal operations had been carried on past the 60 ft. allowed.

A discussion followed with regards to the barbed wire fence. Mrs. Henderson said that Mrs. Collins claims the fence is hers. Mr. Luck asked Mr. Stagg to explain what type of fence is there and Mr. Stagg said they had run it all the way around. It is a creosote fence with wire and ~~and~~ barbed wire across the top.

Mrs. Henderson said this is all barbed wire and the whole excavation is closer than 60 feet. The point is that they have it on the property line and it is not 50 feet from the excavation.

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Fairfax Quarries - ctd.

Mrs. Henderson asked if they would be willing to plant evergreen trees along the line at the top to hide the workings going on below. A natural barrier of trees has been scraped off. Mr. Staggy said they would be agreeable to this but asked if they were allowed to cut trees to their property lines.

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Mr. McCordish, the attorney for the applicant, said they would be agreeable to planting the evergreen trees and would clean up and repair the fence.

Mrs. Henderson then asked about the dust control and Mr. Luck showed a proposal and letter to prove they had ordered a dust control unit which should be in next week - Mr. Luck and Mr. Staggy felt that this new dust unit would eliminate all complaints.

Mrs. Henderson questioned Mr. Luck with regard to what was going on across Lee Highway - they were clearing the land and piling rocks up. She questioned if they were getting ready to get a use permit on that.

Mr. Luck said they hope to come before the Board later, but at the time this was done the land needed some leveling off and some of the employees needed work. Mrs. Henderson felt it was an eyesore and was visible from the road. She stressed that there would be no operation there without a permit.

Mr. Luck said that his father started the business in 1936 and at that time Mrs. Wells owned land across the road and he did quarry off of that property for years because it was part of the original lease. They have also purchased the Wells property since that time.

A discussion followed with regard to the plantings and Mrs. Henderson said that the trees should be in accordance with County requirements for site plans. This should be discussed with the Soil Scientist.

Mr. Barnes moved that in FAIRFAX QUARRIES, re extension of use permit, that the permit be extended for a period of 5 years, provided they will take care of the fence situation and also the planting next to Mrs. Collins and provided they will have their new dust control unit in operation and abide by that. This permit is for a total of 42.162 acres and does not include the six acres across the way. The Bond of \$1,000 per acre to be reinstated. The motion was seconded by Mr. Yeatman.

Mrs. Henderson would add to the motion that this permit is granted for five years from October 27, 1964, and that the trees which have fallen across the fence on Mrs. Collins' property line be cleaned up and after consultation with the Soil Scientist and according to his recommendation, supplemental plantings be placed across the boundary line with Mrs. Collins, where the cut has come in, and would suggest that they leave as much natural growth there as possible. And all other provisions of the ordinance shall be complied with for the next five years.

Motion carried unanimously to grant the extension for 5 years. (3-0)

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JOHN O'FLAHERTY - deferred from February 9, 1965 - CARROLL VARIANCE

This application had been deferred from February 9 at the request of the applicant.

Mrs. O'Flaherty stated that all of the people are in favor of it with the exception of one neighbor who is stationed in Pakistan. They wrote they were opposed to it, and Mrs. O'Flaherty stated she had furnished them with additional information and she had not received a reply as yet.

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John O'Flaherty - ctd.

Mrs. O'Flaherty explained why they needed the carport - they have 3 cars and can not keep their cars in the present carport in the winter time because of the steep driveway and icy condition. The place they hope to put in the carport is on the flatter side of the property. Mrs. O'Flaherty passed out photos showing all views of her home.

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Mrs. O'Flaherty explained this will be a pavilion type carport and will not detract from neighborhood. It will be open pavilion with ornamental iron posts. The present carport will be used for storage and there would be nothing in this new carport but their cars.

Mrs. O'Flaherty also referred to the drainage problems in the area.

Mrs. Henderson was of the opinion this was out of character with the neighborhood and suggested that the Board take a look at the entire area.

Mr. Barnes moved to defer this to be first meeting in April (April 13) seconded by Mr. Yeatman. Motion carried unanimously to defer to April 13. (3-0)

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COLCHESTER MARINA - extension of use permit.

Mr. Lee Bean represented the applicant and summarized the extensions they had received. A detailed site plan has been filed with the Planning Department and Mr. Fred Willburn who prepared the plan was present to answer any questions. Also, Mr. Chaney was employed to consult with Corps of Engineers and have a letter of January 26, 1965, from the U. S. Army Corp of Engineers which comments upon the plans submitted to them. They also applied to the Fisheries of Virginia, to approve the site plan and they have enclosed a license which states they have given final ~~and complete approval to this and they want check for license fee for~~ and complete approval to this and they want check for license fee for \$9,402.00 but Mr. Bean advised this has not been sent in until the Corps of Engineers has approved it, and they would not approve it until Virginia approved it, and now they do have the approval of Virginia to operate the Marina.

There followed a discussion with regard to underground fuel storage tanks and the possibility of a Yacht Club which is now in the D. C. area coming here to take over the Yacht Club. Once the site plan is approved by the Planning Commission, the BZA, the State of Virginia and the Corps of Engineers they are ready to build.

Mr. McCue advised the Board that a major portion of the Marina will be in operation this year.

The Board Members concurred in expressing their pleasure at seeing the progress made and felt this would be an asset to the County, but asked reassurances from the applicant that this construction will start within the year.

Mr. Barnes moved that the COLCHESTER MARINA request for extension of use permit be granted to extend for one year from February 13, 1965, to February 13, 1966, inasmuch as evidence has been submitted today that the project is about to get off the ground, seconded by Mr. Yeatman and carried unanimously. (3-0)

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Minutes taken by
Laurene Burch

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

April 1, 1965

Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, March 23, 1965 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. Smith.

VIRGINIA ELECTRIC AND POWER COMPANY, application under Sec. 30-133, Group II (b) of the Ordinance, to permit erection and operation of transmission lines and towers, from Hampton Road, Rt. 647, to Loudoun County line, parallel to existing transmission line, Centreville District and Lee District (RE-1)

Mr. Randolph Church, attorney, and Mr. Leon D. Johnson III, represented the applicant. Mr. Church located the route of the proposed 15.9 mile line and stated that all easements have been acquired - they are now in a position to move forward. They do not need to acquire rights from any more people.

Mr. Johnson explained that they wish to construct a 230 kv line along the routes shown in red on Exhibit #1 (on file in the Zoning Office). It is proposed to construct this new line parallel to an existing line. All arrangements necessary for this construction in Loudoun County have been taken care of. The rapid growth of Northern Virginia has resulted in a sharply increased demand for electricity. Mr. Johnson presented Exhibit #2 (also on file in the Zoning Office) showing County growth and the summer electrical load in Northern Virginia over the years. In order to deliver electricity from Loudoun Sub-station to customers in Northern Virginia it is necessary to construct this line for which they are seeking the permit. This will connect the Loudoun sub-station to their existing sub-station. A switching station is planned for installation at Ox² at a later date.

Mr. Johnson presented Exhibit #3 showing the type of tower to be used for this line. He described it as a conventional type of tower. It is a double circuit steel tower constructed of weathering steel to give a dark brown appearance. It will average approximately 120 ft. in height with average spacing between towers of 950 ft. The line has been designed to meet or exceed requirements of the National Electrical Safety Code. This will not generate radio or television interference in the homes of residents in the area. This facility is urgently required to insure citizens of Northern Virginia, including Fairfax County, of an adequate dependable supply, Mr. Johnson continued. Without this facility it will not be possible to meet all the demands of their customers. One of the things Mr. Johnson said he felt quite important about this facility, is that they have been able to acquire all the rights that they need through negotiation. They are able to bring in a much needed and high capacity facility that will insure good and adequate supplies of electricity crossing almost all the way across the County with the minimum amount of interference with use of any properties by virtue of going beside the existing transmission line.

Mrs. Henderson asked what is the width of the existing right of way.

Around 200 ft., Mr. Johnson replied. They had a 100 ft. right of way and acquired in some places 100 ft. more - a little less in other places.

What type of tower exists now, Mrs. Henderson asked?

Wooden two-poles, side by side, and they look like an "H", Mr. Johnson replied.

Would the towers be of treated metal, Mr. Smith asked?

They would be made of what is called "weathering steel" -- it is a new alloy steel that has the ability to protect itself with an oxide, Mr. Johnson said.

Mr. Yeatman asked if there had been any fallen towers.

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Mr. Johnson said that during his 27 years experience in the business he had never known of one to fall. These towers are designed to meet approximately 100 mile an hour winds with about a 2-1 safety factor. They are also designed to carry a substantial ice load.

Mr. N. McKenzie Downs said he had made a study of the area and had arrived at the conclusion that this installation would not have an adverse effect on property in the area. (Mr. Downs' complete report is on file in the Zoning Office.)

How long has the right of way for the existing line been in existence, Mr. Smith asked?

Mr. Johnson said he believed it had been in existence for about fifteen years.

Mr. Smith said he felt this was good planning to get the right of way prior to development of the area. He said he had talked to some of the people in the area and they had no objection to the lines because this would remain as a 200 ft. strip of open space and if properly maintained, would be a benefit to the area.

Mr. Walter S. Cameron gave a report on tests that had been made and stated that they had reached the conclusion that there would be no interference to radio or television reception from this transmission line. (Complete copy of his report is on file in the Zoning Office.)

Mr. Robert Alexander, attorney from Arlington, represented six property owners who had sold rights of way to VEPCO and he stated that all of his clients wish the application to be approved. They request, however, that all the land disturbed by heavy equipment or otherwise be restored to its present state.

Mr. Willard Webb, 12829 Chestnut Street, Clifton, said he has owned his home for 35 years. His house is located on a ridge and the line crosses practically in his front yard. Despite the testimony by Mr. Cameron that there would be no interference to radio or tv reception, Mr. Webb asked what recourse he would have if the line did cause interference.

Mr. Smith stated that he would suggest the same procedure as in one of VEPCO's previous applications -- if there does happen to be interference, Mr. Webb should report it to VEPCO and if it is not corrected, then it should be reported to the Zoning Administrator.

Mr. Webb requested that VEPCO leave as many trees as possible.

Mr. Johnson assured Mr. Webb that VEPCO makes every effort to leave the land as they find it.

There was no opposition.

Mrs. Henderson asked how long General Webb's property would be in a state of confusion from building the tower and cleaning up.

Mr. Johnson said it would take about three months from the time the men first come on the property to build the tower. They expect to start construction in good weather of this year and will finish it before the weather gets bad in the fall.

Mr. Don Rice, transmission engineer for VEPCO, said the towers are scheduled for delivery in July - the line completion date is November.

Mrs. Henderson asked that there be no obstruction to anyone's property as far as access.

Mr. Johnson assured the Board that there would be no obstructions.

Mr. Smith asked if VEPCO would have to use General Webb's driveway to get to the site. Mr. Johnson said they probably would have to use it but that had been taken care of in the easement. They would be sure to leave his driveway in good condition when they are finished.

Mr. Johnson said they now have a 100 ft. right of way cleared and all of the additional right of way would also be cleared.

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Mr. Smith discussed spraying as done by VEPCO in the past and asked that they leave the right of way in grass and that no spraying be done after the initial spraying that kills the growth from the stumps.

Mr. Johnson said there could possibly be two sprayings. Mr. Smith asked that they keep it limited to two sprayings.

Mrs. Henderson said the Planning Commission had unanimously recommended approval of the application.

In the application of Virginia Electric and Power Company, application under Section 30-133, Group II (b) of the Ordinance, to permit erection and operation of transmission lines and towers, from Hampton Road, Route 647, to Loudoun County line, parallel to existing transmission line, Centreville District and Lee District, Mr. Smith moved that the application be approved as applied for with the following stipulations: that VEPCO maintain the right of way in conformity with the discussion that has taken place on this and previous applications - that there be no more than two sprayings to stop the growth from tree stumps; that the rights of way should be kept in grassy condition and maintained in the proper manner. If residents or adjoining property owners feel that there is interference from this line to radio or television reception they should immediately notify VEPCO and if this situation is not corrected the Zoning Administrator should be notified. There has been no evidence that there will be interference as long as the lines are properly installed and properly maintained. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously. (All members present and voting.)

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FAIRFAX CHRISTIAN SCHOOL (Robert L. Thoburn), application under Sec. 30-137 (Group VI, (c) of the Ordinance, to permit erection and operation of a private school (270 students), property on the south side of Popes Head Road, approx. 1500 ft. west of Route 123, Centreville District (RE-1)

Mr. Thoburn said this property containing eight acres is located next door to their present school. Last year they got a use permit to allow 400 students - they put up a building that holds 130 students. Now rather than build an additional building on that property, they have acquired the eight acre tract and would like to build their next building on this property.

Mr. Smith asked if they still need the permit for 400 students on the previous application in addition to the 270 students they are applying for now.

Mr. Thoburn said they do not need the permit for more than 400 students for the coming year but he did not know what the future would bring. It is difficult to say at this point what plans they may want to effect on the present 12 1/2 acres. There had been a disagreement with a neighbor on the other side about a strip of land that averaged four feet - trying to decide who owned it.

Mr. Thoburn said they are limited to 130 children in their present building because the septic tank will not allow for more than this number. There is an old farm house presently on the eight acres which they have acquired but it will be removed.

Mrs. Henderson felt it was a fine idea to acquire more land - this makes a total of 20 acres for the school.

Mr. Thoburn said they are renting two buildings in Fairfax City. They anticipated 400 students total this fall. They have a permit for 400 and they need a permit for 270 on this property.

Mrs. Henderson asked if the land would all be made into one lot.

Mr. Thoburn said they thought they would leave it in two lots. He showed a picture of the proposed building - constructed of colonial brick. The percolation tests have been made and passed with an excellent rating. There would be no problem in having 270 students. They now have children waiting to get into their schools. This would be for

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kindergarten through the twelfth grade, however, they do not have twelve grades this year. They plan to have summer school and would like to start a day camp this summer. They would come back to this Board for a permit for the day camp.

There was no opposition.

In the application of Fairfax Christian School (Robert L. Thoburn), application under Sec. 30-137, Group VI (c) of the Ordinance, to permit erection and operation of a private school (270 students), property on south side of Popes Head Road, approximately 1500 ft. west of Route 123, Centreville District, Mr. Smith moved to approve the application as applied for in conformity with plat submitted showing the site. The building will be of colonial type as shown on the site plan. This will extend the school from eleven grades to twelve. (Kindergarten through twelfth grade.) All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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RICHARD G. & HELEN B. HOFFMAN, application under Sec. 30-36 of the Ordinance, to permit carport to be enclosed 4.7 ft. from side property line, Lot 45, Block G, Section 4, Bren Mar Park (1 Asbury Ct.) Lee District (R-10)

Mrs. Henderson stated that the applicant had requested withdrawal of the application.

Mr. Barnes moved to allow the application to be withdrawn. Seconded, Mr. Everest. Carried unanimously.

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BERNARD STEINBURG, TRUSTEE & CRESTWOOD CONSTRUCTION CORP., application under Sec. 30-133, Group II (f) of the Ordinance, to permit erection and operation of a sewage treatment plant, property on west side of Rt. 653 and north side of Southern Railroad, Falls Church District (RE-1)

Mr. Lytton Gibson represented the applicant. He located the property on the map, showing the proposed location of the sewage treatment plant as well as the property which they plan to develop. The land will not pass percolation tests. Crestwood Developers purchased some of the property well over a year ago and now have purchased the Eastman tract. They tried to get sewer from the City of Fairfax and found that this could not be done; then they started working on the possibility of getting a plant along the Railroad. They went to the Water Control Board eighteen months ago and ran into the situation as on the Pohick generally. In the meantime, based on the Klegerman Report and the bond issue set for May 4 (it seems to be generally conceded that this will pass, Mr. Gibson stated) they feel that this will take care of their problem as well as the City's problem. The real truth of the matter, Mr. Gibson continued, is that the chances are overwhelming that this plant will not be built. However, they must have a backup in order to start, even with the first houses. These houses will be custom-built. They went to Mr. Liedl with their problem, to find out how they should proceed. They would like to build a limited number of houses and they could pump the sewage up to the City of Fairfax plant. The Water Control Board has granted them preliminary approval under the condition that if County facilities were not in, and they build the plant, they will have to abandon it when facilities are available. Mr. Gibson said this is agreeable. The developer does not want to build this plant unless he has to. Costs of plants are going up every day - it will cost approximately \$40,000.00 to run the line to it. The developer may make contributions of dollars to throw this into the bond issue. They hope they will never have to build the plant.

Mrs. Henderson asked that Mr. Gibson assure the Board that they would not start anything even if they get all necessary approvals, until after the bond issue.

Mr. Gibson said they would not start anything in the way of sewerage construction for quite a while to see if they could hook onto the County line. They possibly will ask for cluster RE 0.5 zoning because the land is rough.

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Mrs. Henderson said the Board of Zoning Appeals is to determine whether this is a proper location and not determine the technical feasibility of the plant. She asked Mr. Gibson how close is the nearest house to this proposed plant.

About 800 ft., Mr. Gibson replied. The location of this plant is right on the railroad but it could be moved. The Water Control Board has given them preliminary approval. He presented a copy of the letter from the Water Control Board. (Letter on file in the Zoning Office.)

Mr. Smith suggested deferring action on this application until after the bond issue. If the bond referendum passes there would be no need for the plant. He said he thought the application premature - he did not think the Board should approve even a temporary plant that might pollute streams for two or three years.

The developers have money tied up in these properties and would like to start moving, Mr. Gibson said.

Mrs. Henderson asked -- suppose this were approved and the bond issue is approved. They have this as a back up and they would start building houses that would get sold and there would be no connections to sewer.

They would pump out of basic manholes and go through a big catch basin, Mr. Gibson said. There is a limit as to how far they can go. They could possibly pump out of 50 or 100 houses.

If this were approved, would you immediately start to build houses, Mrs. Henderson asked?

Mr. Gibson said they would build one or two - there are a few areas in the existing subdivision that are all right but they wish to redesign the subdivision. This is the remainder of a subdivision with 182 lots. By asking that this be zoned to half acre it is costing more to develop because of strict requirements, and the bond would be much higher.

Opposition:

Mr. Melvin Kramer, adjoining property owner, stated that he owns 92 acres. He was sure that no one would object to the applicants' constructing a temporary sewage treatment plant if the bond issue is approved because ultimately they would all have sewer. However, if the bond issue is not approved, there is a problem. The stream is very dry in the summer. It is insufficient perhaps even to flush out the effluent that this would produce. If the applicants get a permit to build the plant and if the bond issue is not approved, no one else would ever be able to get a sewage treatment plant approved by the Water Control Board because of insufficient dilution. If this Board approves this construction they are taking away from other land owners the right to dilute sewage treatment. Mr. Kramer said he did not object to a temporary sewage treatment plant if they were going to get sewer under the bond issue but if the bond issue is not approved, the rest of the people in the area would not have sewer.

If this has been going on for eighteen months or two years, deferral until after May 4 would not impede the progress of Fairfax County, Mr. Smith said. He did not know whether this was the proper location at this time or not, he said, and there have been no indications yet as to whether the Board of Supervisors would even approve rezoning in this area. No rezoning has been granted yet and there is no need for this plant.

Mr. Gibson said the Board might say that they do not know whether this is the proper location for the plant, but it is the location the engineers designed for it and all this Board has to pass on is the location. They originally went in for a plant to serve 3,500 people but the Health Department cut it down to about one-half. They wanted to take care of the whole watershed but it was not allowed.

Mrs. Henderson asked Mr. Gibson when the rezoning application was being heard. Mr. Gibson said a date had not been set - the application was filed only two or three weeks ago.

Then it might possibly come up about the same time as the bond issue, Mrs. Henderson said. She read from page 557 of the Ordinance and said she felt that the applicants had not met the requirements - the request is premature.

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Mr. Gibson said he did not interpret the Ordinance that way. They would know where the entire system was going if the property were rezoned.

The lines should be shown where they are going into the subdivision and the land should be subdivided, Mrs. Henderson stated.

She read the recommendation of the Planning Commission - unanimously recommending approval of the application.

The bond referendum will have a direct effect on the location of the sewage treatment plant, Mr. Everest stated, and he moved that the application be deferred to May 25 for Board decision only. Seconded, Mr. Smith. Carried unanimously.

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AMERICAN OIL COMPANY, application under Sec. 30-141, Group X, C-N District, (a) and (b) of the Ordinance, to permit erection and operation of a service station, Lots 8 and 9, Silver Springs Subdivision, Lee District (C-N)

Mr. L. R. Compton stated that they are asking for a special permit to operate a service station on property which is presently zoned C-N. The land is presently improved with approximately four retail shops - the property on the corner is the Rose Hill Auto Parts shop which was formerly a service station. The tanks that are in the ground were put in in 1943. The adjoining property to the east is zoned C-O and directly across the road is C-D; in the rear is R-12.5. The property across Cedar Street is RM-2G property. The land will all be in one ownership but they will leave the dividing line where it is now. The buildings now on the property will be removed and they will get rid of the junk cars that are presently stored on the residential property. The residential lot contains 14,593 sq. ft. Water and sewer are available.

Mr. Compton said they would let the Board select the type of station to be built. He showed a picture of a station that they had built two years ago at Washington and Franklin Streets in Alexandria. The Board agreed that that type of station should be built in this location - a three bay colonial type brick station.

There was no opposition.

The Staff report on this application advised that site plan approval of the proposed station would be required. The applicant should be advised that if Lot 19, presently zoned R-12.5, is a separate recorded lot, then (a) a rear yard of at least 50 ft. will be required from the proposed service station building to the north line of Lot 19. (b) Standard screening will be required along the property line between the service station building and lot 19.

Mrs. Henderson noted that Mr. Compton should submit to the Board certified plats with the location of the building shown.

Mr. Everest moved to defer the application to April 13 in order that proper plats may be submitted. Seconded, Mr. Smith. Carried unanimously.

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WILLIAM ZIEGLER & BETTY LOU SEXTON, application under Section 30-36 of the Ordinance, to permit erection of a barn closer to side property line than allowed, Lot 10, Center Heights, Centreville District (RE-1)

Mr. Douglas Horn, Mr. Ziegler's son-in-law stated that Mr. Ziegler was ill and could not be present.

The Board discussed the application briefly and decided that they would like to view the property and also have Mr. Ziegler present to answer questions about the application.

Mr. Barnes moved to defer to April 27 for Board members to view the property and for Mr. Ziegler to be present. Seconded, Mr. Yeatman. Carried unanimously.

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STONEBROOK DEVELOPERS, INC., application under Sec. 30-36 of the Ordinance, to permit erection of dwellings 40 ft. from front property lines, Lot 10, 11 and 12, Section 7, McAdams Addition to Hillbrook, Mason District (RE 0.5)

Mrs. Henderson stated that she had received a letter requesting deferral to April 13 in order for the applicant to send out his notices. Mr. Smith moved to defer to April 27. Seconded, Mr. Everest. Carried unanimously.

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THEODORE E. NAMEY, application under Sec. 30-36 of the Ordinance, to permit dwelling to remain 12 ft. from rear property line, proposed Lot 3A, Block 5, ElNido, on Hitt Avenue, Dranesville District (R-12.5)

Mr. Namey stated that this is an old subdivision and the problem is caused by a street being vacated. The street had never been put in. The house in question faces Hitt Avenue and the proposed house will face Illinois Avenue.

Mr. Smith noted that the application pending concerns only the house now constructed and does not include the proposed house.

Mr. Robert Hurst, attorney, said he understood that the application was to include both.

Mr. Namey said the house has been here for at least fifteen years. Now that sewer and water are available they do not need the additional land for septic tank. All of the neighbors understood that the application was to include both the present house and the proposed house, Mr. Namey said.

Mr. Brown, adjoining property owner, said he had no objection to Mr. Namey's request. He had understood that both requests were included in the application.

Mrs. Henderson felt that since the affected parties understood that the application was for two purposes, the Board should dispose of both problems today.

This would actually be granting a variance on a house that is now constructed - a variance of 12 ft. and also necessarily to grant a variance on the lot where the proposed house will go, Mr. Smith said. Lot 2-A needs 13 ft. He moved that the application of Theodore E. Namey be amended to include Lot 2A showing the proposed house needing 13 ft. variance from the rear property line in the same application. Also that the part of the application under Section 30-36 of the Ordinance to permit dwelling to remain 12 ft. from rear property line, proposed Lot 3A, Block 5, El Nido, Dranesville District, to allow construction of a house with a 12 ft. variance be approved. The need for variance was brought about by the vacating of certain streets in the area. It should be pointed out that this is an old subdivision and originally it had lots of 25 ft. frontage. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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EPHRAIM M. AND DOROTHY F. GERSHATER, application under Sec. 30-36 of the Ordinance, to permit carport roof to project 5 ft. into rear yard, Lot 417, Block J. Section 4, Monticello Woods (6005 Waynesboro Circle), Lee District (R-12.5)

Mr. Lester Johnson represented the applicants. This request came about largely due to an error by his office, Mr. Johnson stated. This is a Yeonas home in an area where they have made a couple of other errors. When the foundation was laid out and checked it did not show the carport. The encroachment on the rear lot line was not apparent. It was not apparent until the property was sold and a mortgage survey was made on it. The builder called Mr. Johnson's office prior to building the carport, which was an afterthought, to see if there was room on the side. Mr. Johnson's office told them to go ahead.

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The rear yard encroachment was overlooked and the error was discovered a short time before settlement. The purchasers were aware of this when they made settlement.

The rear post is exactly at the 25 ft. line, Mrs. Henderson noted.

The supports are not in violation, Mr. Johnson said. He was not aware that the 5 ft. encroachment of the roof would create a violation until Mr. Woodson called it to his attention.

Mrs. Henderson said the lot is peculiarly shaped. The overhang is an extension of the building roof. The rear yard line is on a diagonal line with the house. When it meets the carport corner it does encroach into the rear yard space.

How many other houses are in the subdivision, Mr. Smith asked?

Mr. Johnson said - about 519.

How many have carports? Mr. Smith asked.

Normally they are built without carports, Mr. Johnson said - he felt that less than 10 per cent of the houses have carports.

There was no opposition.

How can you explain the fact that the posts are set back the required distance and you have a 5 ft. overhang, Mr. Smith asked Mr. Johnson. Is this normal?

Mr. Johnson said the carport was built when they discovered the violation so they moved the posts back after it was built.

Mrs. Henderson suggested shaving off the roof by 2 ft. so it would not be in violation.

Mr. Smith said he would like to look at the property before voting for or against it. There have been a number of mistakes in this subdivision and this is not normal for Yeonas homes.

Mr. Yeatman moved to defer to May 11 to view. Seconded, Mr. Barnes. Carried unanimously.

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ALZINE CUPPETT, application under Section 30-137, Group VI (c) of the Ordinance, to permit operation of dance studio in home, Lot 2, Leroy Subdivision on Old Courthouse Rd., Providence District (RE-1)

Mrs. Cuppett stated that she would like to operate a small dance studio in her home for her convenience. She has five children and would like to be within calling distance of them when they come home from school. They are presently living in Vienna and are just starting to build their home in this location. She has had a small dance studio in her home in Vienna which did not require a permit. All of the neighbors are in favor and it was at their urging that she started this. There would be no advertising - no signs on the property. The youngsters would be aged four to about 17 or 18. She would have small classes; maximum number of pupils to a class would be eight. She has never had any complaints on her present operation.

The classes would be held after school; hours would depend on enrollment. This is a rural area and they have approximately three and a half acres. So far, Mrs. Cuppett said she knew of no objection from anyone. Almost all of her pupils would come from Vienna. The classes would be held in the basement of her two story colonial home. She would probably have a total of fifty children during the week and on Saturday morning.

Mrs. Henderson said she had received three letters from adjoining property owners stating that they have no objection.

Mr. Smith felt that the four parking spaces shown would not be sufficient. There should be at least eight parking spaces. In any event, there should be no parking along Old Courthouse Road.

There was no opposition.

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In the application of Alzine Cuppett, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of a dance studio in home, Lot 2, Leroy Subdivision, on Old Courthouse Road, Providence District, Mr. Smith moved that the application be approved as applied for in connection with construction of the home as proposed on the plat submitted, with the following conditions; that the students be ages 4 thru 18; maximum enrollment of 50. Not more than eight students per class at any one time taking instruction on the premises. The hours are to be from 9:00 a.m. to 7:00 p.m. six days a week. All other provisions of the Ordinance to be met.

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The Board agreed that there should be eight parking spaces provided on the premises.

Mrs. Henderson said the Board would recommend that the Staff recommend waiver of the site plan requirement. Seconded, Mr. Barnes. Carried unanimously.

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The Board adjourned for lunch at 1:05 p.m.

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WILLIAM F. GRATRIX, application under Section 30-36 of the Ordinance, to permit carport 9.80 ft. from side property line, Lot 21, Block 10, Sec. 4, Ravensworth (5330 Landgrave Lane), Falls Church District (R-12.5)

Mrs. Gratrix discussed her husband's ill health and stated that the carport was built since getting the permit in October. The plans were drawn and approved and the carpenter went ahead with the carport. Then recently the Zoning Inspector came and told her the posts were set in the wrong location. This was to be a 7.9 ft. carport. They only wanted a carport big enough to get the car under and the carpenter must have felt the carport was not big enough so he went ahead and built it the way he wanted to. Now it is 2.9 ft. off. The neighbor has a 2.3 ft. variance on his carport.

Mrs. Henderson asked Mrs. Gratrix - where is the builder now?

Mrs. Gratrix did not know. His name was J. O'Neill Johnson and he was recommended to her by a lady across the street who had an addition put on her house by him.

Mr. Smith asked Mrs. Gratrix to report Mr. Johnson's telephone number to the Zoning Office.

There was no opposition.

In the application of William F. Gratrix, application under Section 30-36 of the Ordinance, to permit carport 9.80 ft. from side property line, Lot 21, Block 10, Section 4, Ravensworth (5330 Landgrave Lane) Falls Church District, Mr. Smith moved that the application be approved as applied for except the variance should be 2' 3" rather than 2' 9" applied for. 2' 3" is in conformity with the plat submitted. This application conforms to Section 30-36, paragraph 4. The need for variance is certainly no fault of the owners of the property. The contractor himself made the mistake after having applied for the permit, in changing the size of the construction to what he felt was more desirable. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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W. C. KELLY, application under Sec. 30-36 of the Ordinance, to permit dwelling under construction 19.6 ft. from side property line, Lot 4, Walnut Acres, Centreville District (RE-1)

Mr. Kelly stated that about three years ago the land was subdivided into five acre lots and he purchased one lot at that time. There is a creek running down through the property and he had been informed by Streets and Drainage Department when they gave him the permit, that he stay away from the creek as much as possible. The error was due to his own measurements in staking out the footings. The basement is completed and the house is ready for floor joists. There is a knoll that slopes to the front

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and toward the creek, then drops back off. He started the house on a knoll so there would be one story in front and two stories open in the back. To stay as far away from the creek as possible, he pushed up too close and erred in his measurements. The lots on both sides of his property are undeveloped.

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There was no opposition.

In the application of W. C. Kelly, application under Sec. 30-36 of the Ordinance, to permit dwelling under construction 19.6 ft. from side property line, Lot 4, Walnut Acres, Centreville District, Mr. Smith moved that the application be approved as applied for as this would not adversely affect anyone in the area. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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SUN OIL COMPANY, application under Sec. 30-141, Group X, C&D District, and Sec. 30-7 (c) of the Ordinance, to permit erection of an addition to existing service station and to allow addition 25 ft. from rear property line, Part Parcel 1, Sec. A, Culmore, Mason District (C-D)

Mr. Paul Brittingham represented the applicant.

Mrs. Henderson asked how near is the first apartment building to this location.

Mr. Brittingham said he stepped off 51 ft. between the service station and the apartment parking - 51 ft. from the service station curb to the apartment curb.

Mr. Moore of the Planning Staff noted that site plan approval of the proposed service station addition would be required. The staff would like to see the fence removed.

Mr. Yeatman noted that this would mean moving the light pole also.

Mr. Woodson said a use permit was issued in September 1956 to allow the pumps for this station - permit was for a service station only and to allow pumps 25 ft. from the road.

There was no opposition.

Mr. Brittingham said the new bay would be used for expanded services - lubrication, oil changes etc. No heavy repairs would be done on the property and there would be no "U-Hauls".

Mrs. Henderson noted that ordinarily screening would be required between the properties but in this instance the staff feels that screening would serve no purpose. Part of the fence that is now on the property will be removed so traffic can get into the service road. This is tied into the existing service road in front of the apartments.

Mr. Yeatman moved that the application of Sun Oil Company, application under Sec. 30-141, Group X and Sec. 30-7 (c) 2 of the Ordinance, to permit erection of addition to existing service station and to allow addition 25 ft. from rear property line, part parcel 1, Section A, Culmore, Mason District, be approved and that the service road be opened connecting into the apartment service road now existing, and the light pole will be moved out of the right of way. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Henderson noted that the Board of Appeals recommends waiver of the screening requirements along the east side.

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FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-133, Group II, (e) of the Ordinance, to permit erection and operation of a pump and well house, Lot 16, Section 2, Beau Ridge, Providence District (RE-1)

Mr. Hobson, attorney, represented the applicant. He stated that the land surrounding this property is all owned by Mr. Whitley, developer of Beau

Ridge Subdivision.

Mr. Hobson said the Ordinance does not require the Planning Commission to make recommendation on this application but the Code of Virginia does; he requested that the Board's action be made conditional upon Planning Commission approval as well.

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Mr. Smith objected to the word "approval" by the Planning Commission - it should be "review".

Mr. Griffith of the Water Authority located the property on the map.

Mr. Hobson said the application is for a well and pumping station, with a pneumatic tank designed as a temporary means of serving 42 houses in Beau Ridge Subdivision. There are now 50 lots in this subdivision, and eight houses are on wells. This will serve others with water until the Water Authority can extend its lines into the area.

The State Health Department has approved the site and the County Health Department has given verbal approval. He showed pictures of another such station and said the one in this location would be identical. This would be a 5,000 gallon pneumatic tank. Section I is already built with eight homes ranging from \$50,000 to \$80,000. This request would be to serve the houses that are about to be built. The wells in Section I are permanent installations.

Mrs. Henderson asked if anything else would be built on Lot 16.

Mr. Whitley said a house would be built there. The pump would be in the back corner of the lot.

Mr. Hobson said the pump would be located at a low point, obscured by trees from the surrounding houses and would be the easiest place for serving the whole subdivision. Also, the low point means lower drilling costs.

Mr. Yeatman asked how deep would the well be.

Approximately 300 ft. deep, Mr. Hobson stated. The present wells vary in relation to lots. Lot 6 has a well 85 ft. deep and is getting 20 gallons per minute. Next to this is a well 125 ft. deep, giving 12 gallons per minute.

Mrs. Henderson noted that site plan approval would be required for this installation.

Mr. Griffith said they had not been putting fences around these installations unless there had been trouble with children getting on the property. There would be no windows in this structure and nothing to attract children. Nothing outside the building that anyone could bother.

There was no opposition.

In the application of Fairfax County Water Authority, application under Sec. 30-133, Group II (e) of the Ordinance, to permit erection and operation of a pump and well house, Lot 16, Section 2, Beau Ridge, Providence District, Mr. Smith moved that the application be approved as applied for in conformity with testimony given that this would be a 5,000 gallon pneumatic storage tank with well house as indicated built of brick, windowless other than ventilation, and that the Authority make every effort to make this as foolproof as possible where children are concerned. If this is not possible, the Authority should construct a fence to protect their property and the welfare of youngsters. This application would be subject to review by the Planning Commission in conformity with the State Code. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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No one was present to represent the application of FAIRFAX COUNTY SCHOOL BOARD so it was put at the end of the Agenda.

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CONRAD R. AND PAMELA M. ODDEN, application under Sec. 30-36 of the Ordinance, to permit erection of carport 4.1 ft. from side property line, Lot 18A, Block 32, Sec. 14D, North Springfield (5223 Easton Drive), Mason District (R-12.5)

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(Deferred from February 23 to see if the request for variance could be eliminated.)

Mr. Odden showed drawings of the proposed carport, stating that his house is elevated above others in the area and is the only house with this unique arrangement.

Mrs. Henderson noted that Mr. Odden's request was due to personal reasons which this Board cannot take into consideration.

Mr. Odden agreed that it was for personal reasons but the reason he was in this predicament was because the builder raised the house and this necessitated the platform leading out from the back door. All the other houses have low platforms or no platforms at all.

Mr. Smith said he did not believe Mr. Odden needed the variance he was asking for and the Board could not justify such a variance, however, he could see that this was the only feasible location for a carport on the property. Mr. Odden could do with a 2 ft. variance as far as setting of the posts and a 3 ft. overhang of the roof would allow an adequate carport. This would put him 8 ft. from the property line with the posts and would almost meet the Ordinance requirements. It might not be the most desirable thing but would give the protection which Mr. Odden seeks for his family. The size of the stoop could be cut down and with the post arrangement this gives 8 ft. to drive in without cutting it down any great degree.

In the application of Conrad and Pamela M. Odeen, application under Section 30-36 of the Ordinance, to permit erection of carport 4.1 ft. from side property line, Lot 18A, Block 32, Sec. 14D, North Springfield (6223 Easton Drive) Mason District, Mr. Smith moved that there be allowed not the variance sought, but a variance of 4 ft., allowing the posts to be placed 8 ft. from the property line with the normal 3 ft. overhang. The Odden house is peculiar to the situation of most houses in the area. Mr. Smith said he had visited the property on two occasions and his first impression was that there was an alternate location in the rear, but this is impossible. Removal of a portion of the stoop and platform would give Mr. Odden a not more desirable protection but adequate protection for reasons that he seeks for his family. All provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. Motion carried. Mrs. Henderson voted against the motion - all others in favor.

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JOHN A. STEVENSON, application under Sec. 30-141, Group X (d), C-G District, to permit rental of trailers, Arlington Boulevard and Leesburg Pike, portion of Parcel 1, Arlington-Fairfax Savings & Loan property, Mason District

Mrs. Henderson explained that this was a "no vote" from the last meeting of the Board at which only three members were present. At that meeting, Mr. Barnes had moved to approve the application, it was seconded by Mr. Yeatman and Mrs. Henderson had voted against the motion. The motion is pending at this time. The motion was to grant for six months.

Mr. Everest, Mr. Yeatman and Mr. Barnes voted in favor of the motion to grant for six months. Mrs. Henderson and Mr. Smith voted against the motion.

Mr. Smith felt that parking trailers out in the open without site plan approval was directly contradictory to the Ordinance.

This Board has no authority to waive the site plan, Mrs. Henderson stated. She said she had voted against the same application six months ago because of traffic conditions at Seven Corners and the situation has not improved. Motion carried.

How can the Board justify granting the previous application for U-Hauls after telling the filling station operator he could have no U-Hauls.

Mr. Yeatman said it was not his impression that this would be operated out of the gas station. However, if this is done the permit for the

gasoline station should be revoked.

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CANTERBURY WOODS CORP., application under Sec. 30-36 of the Ordinance, to permit carport 1.8 ft. from side property line, Lot 65, Section 1, Canterbury Woods, Falls Church District (R-12.5 cluster)

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Mrs. Henderson stated that she had received a letter from the applicant's attorney requesting deferral to April 13. Mr. Smith moved to allow the deferral to April 13. Seconded, Mr. Yeatman. Carried unanimously.

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ALEXANDRIA LODGE #1076 - LOYAL ORDER OF MOOSE, application under Section 30-136, Group V (d) of the Ordinance, to permit erection and operation of a lodge home, west side of Telegraph Road, approx. 200 ft. south of Highland Road, Lee District (R-12.5)

Mrs. Henderson said the Board had deferred this from their last meeting in order that all Board members might be present to vote on the application.

Mr. Smith said he had read the minutes of the last hearing and was prepared to vote.

Mrs. Henderson commented on a statement prepared by the applicant in rebuttal to arguments presented by the opposition, and stated that several things mentioned were quite inaccurate.

Mr. Yeatman moved that the application be denied in accordance with Chapter 30-136 - it is not a compatible use in this area and does not meet the requirements of the Ordinance. Seconded, Mr. Smith. Carried unanimously.

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MARGUERITE V. SCHUMANN, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit an addition to existing school building, Lot 1, Section 7, Willowmere Farms, north side of Willowmere Drive approx. 250 ft. east of Cedar Lane, Providence District (RE 0.5)

Mr. William Hansbarger represented the applicant. He stated that the purpose of the application is to enlarge the facilities that already exist by adding six new classrooms. He located the property on the map and noted that it contains 107,000 square feet.

The last time the Board heard this application was in the fall of 1962 and the traffic count at that time on Cedar Lane between Lee Highway and Hilltop Road was 3,000 cars every 24 hours, Mr. Hansbarger stated, and now it is 7,000 cars every 24 hours. The whole area has undergone substantial change as far as development is concerned. When this came up before perhaps some of the area now shown as industrial or commercial area was zoned and some was being used. Since that time much of the land that was not rezoned at that time has now been rezoned. He pointed out the industrial and commercial zonings in the area. The RE 0.5 land has had no activity since this was rezoned, Mr. Hansbarger continued. The homes along Cedar Lane are nice homes that have been there for several years. There has been no new development in the immediate area other than the school building. The school building is a very attractive building; the grounds have been beautifully landscaped and many trees have been preserved along with some very old holly trees. He showed photographs of the school and grounds.

Since the last hearing of this application, Mr. Hansbarger continued, sewer has been put across the property. The site is connected to sewer. Cedar Lane is planned on the County Master Plan as an eighty foot right of way so this is essentially an area that, were not houses already there, there would be some considerable hesitation on someone's part before building houses there today. The school has brought no face to face criticism to the operators of it.

Mr. Hansbarger read three letters regarding the application - one from Mr. W. W. Johnston, another from Mr. Vail Pischke and one from Major Durrer of the Fairfax County Police Department. (Letters on file in the Zoning Office.)

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Mr. Hansbarger said the School has been approved by the Health Department, the Building Inspector and all other necessary Departments. They have all necessary permits and comply with all County and State rules and regulations. In addition, they comply with the recently adopted ordinance relating to private schools in the County and, in fact, violate no law. Mr. Hansbarger said he has found the school to be of benefit to the area involved and as far as noise is concerned, there is a great deal more noise generated by traffic on Cedar Lane, Route 66 and Lee Highway than would ever emanate from the school. Most all the children are transported by bus. The only noise itself would be the noise of children.

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The proposed addition would have one story and would contain six classrooms. Only eight feet of it will rise above ground. The play area will be removed from where it is now and over to the other side.

What is the little building shown on the plat, Mr. Smith asked?

That is an existing bath house. The pool is there, Mr. Hansbarger replied. They were required to build that in conjunction with the swimming pool. When they last appeared before the Board they did not plan to build the pool but this has been changed. It is difficult before the first spade of earth is ever turned or before the first business is ever done, to say with 100% accuracy what will be done, Mr. Hansbarger said, and the swimming pool was found necessary. Building permits were obtained and it adheres to the law.

In the original permit they were allowed to have 180 children. They now have a total of 178. With six rooms additional they would anticipate 150 more - a total of 330 children, total enrollment. Not all of them would be there at the same time. At present they have 178 children in the morning. The bulk of children come in the morning from 9:00 to 12:00 - then there is a reduction in the number almost by two thirds. Those who are there from 1:00 to 4:00 number seventy. The limitation was - 180 children at any one time. From 4:00 to 6:00 p.m. there are from 12 to 15 children in the building. These are children whose parents both work and they are there all day.

Mr. Smith asked how many children would be in the school if the proposed extension were allowed?

Mr. Hansbarger said that for safety's sake he would have to say a maximum of 328 children at any one time.

Mr. Smith said 330 at any one time -- and this would reduce in the same proportions in the afternoons that it now reduces. This sounds like a large number at first but when you compare it with the new Ordinance regarding play area, space, etc. it falls well within the requirements.

How many classrooms are in the present building, Mr. Smith asked?

Eight classrooms, Mr. Hansbarger replied.

Mrs. Henderson asked how many vehicles are necessary for transporting these 180 children?

Mr. Hansbarger said they have seven Ford Falcon buses.

Mrs. Schumann said some children are brought by their parents.

Mr. Hansbarger said they would probably have four extra buses for the children if the proposed addition is allowed.

Mrs. Schumann said they wished to add a third grade. Ages would be three through nine years of age for the school children. This would be nursery through the third grade.

Mrs. Henderson asked how many children are allowed at a time on the playground.

One classroom at a time, a maximum of twenty-two students, Mrs. Schumann answered.

How many children are enrolled in the summer program, Mrs. Henderson asked?

Last summer they had about sixty, Mrs. Schumann said. They don't know yet how many will enroll for this summer.

Mrs. Henderson asked if the summer program was an all day program.

No, it is only from 9:00 to 2:00, Mrs. Schumann said.

Mr. Smith said the school has a good ratio per pupil to room. He wished the public schools were able to do as well. This is about ideal as far as the National Education Association is concerned.

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Opposition:

Mr. Joseph DuVal represented the citizens in the area. He directed the Board's attention to the transcript of the meeting of October 23, 1962. He read from page 5 of the transcript, quoting the motion of Mr. Eugene Smith, who was then a member of the Board of Zoning Appeals. (Complete transcript on file in the Zoning Office.)

He referred to the transcript of the meeting of October 9, quoting from pages 40 and 41 (also on file in the Zoning Office). The Board agreed to view the property and at that meeting presented site plan as approved according to what the Board had determined showing building and parking lot. Somewhere in between the approved site plan and the "as built" plan, the pool was built. The Board had specifically restricted the use of this land for 180 students from 9:00 till 2:00 except for the undergraduates 9:00 to 12:00.

Mrs. Henderson agreed that the applicant had built the pool without coming back to this Board.

Is there any objection to the pool, Mr. Smith asked?

In the testimony as to the flow of traffic across Willowmere Drive, and whether it would be made dustless, Mr. DuVal stated, Mr. Hansbarger said at the time the school would do whatever necessary to make the road dustless where it runs through properties of Messrs. Rust and Grissom. The motion was made with the restriction that there would be 180 pupils. The road is not dustless and at the last hearing before this Board, an advertisement from the Yellow Pages of the phone book was presented - it was said at that time that this was a mistake in stating the hours from 7:00 a.m. to 6:00 p.m. Mr. DuVal said he had brought with him today the ad out of the phone book as it presently appears and it seems that the Telephone Company has been making the same mistake continually since 1962. The ad states from 7:00 a.m. to 6:00 p.m. Neighbors will testify that this is not a mistake - the school does operate for that period of time.

Mr. DuVal showed pictures which he said had been taken the week before. One picture showed the back of the school and some of Mr. O'Bear's property and other properties along Hilltop Road, showing trash scattered near the parking lot. (Mrs. Henderson said she had seen that yesterday.)

Another picture showed a tree that had been cut down and had not been cleaned up.

Mrs. Henderson said the tree might have come from putting in the sewer line.

Mr. DuVal showed a photograph of Mr. O'Bear standing by a pile of stumps, bushes, etc. which he said were stacked about 15 ft. high. He showed a picture of the "dust free" gravel road.

Mr. O'Bear stated that in spite of all the testimony to the contrary, there have been very objectionable conditions resulting from this school. This trash is immediately adjoining his property. Bulldozers have pushed stumps, etc. away from where the school was built and left it piled there.

Mr. Smith asked whose property is the pile of brush on?

It is on their property, Mr. O'Bear said.

Mrs. Henderson said as long as it is on their property and it came from construction, she would think they could leave it there indefinitely.

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Mr. O'Bear said he was hoping they would not leave it there - it is a definite eyesore.

Mr. Smith asked how far it is from Mr. O'Bear's property?

Mr. O'Bear said it is immediately adjoining his lot, at the bottom end of it.

Do they burn trash everyday, Mr. Smith asked?

Yes they do, Mr. O'Bear replied - it has blown all over the community.

Mr. Smith asked whose property the fallen tree and the sewer line shown in one of the pictures ~~was~~ located on?

Probably, it is Dillon's land, Mr. O'Bear said.

Mr. Smith said he did not think this picture should be submitted if it is on Dillon's land.

Mr. O'Bear said there are two conditions that are very objectionable.

Mr. Smith agreed that the outside burning of trash is very objectionable unless it is done in the proper container.

Mr. O'Bear said he strongly objects to the swimming pool. The original testimony showed that there would be none. It has not been used very much but already they have established a period of using this pool at night and now they have no cessation of noise either day or night.

Mr. Yeatman asked Mr. O'Bear why he did not complain to the Zoning Administrator when he saw the swimming pool being built and he knew it was not allowed under the use permit?

He has tried to stop the whole thing without any success, Mr. O'Bear, said, and has about given up.

Then the only thing you really object to is the use of the swimming pool in the evenings, Mr. Smith asked?

Mr. O'Bear said he objects to the swimming pool on any occasion, it is contrary to the use permit. The pool is 80 ft. from his property.

Mr. Rust stated that he lives on Lot 5 and the school is in back of his property. Cars start coming in to the school about 6:30 in the morning and this continues on until about 6:00 in the evening. He has seen a total of twenty to thirty cars in the evenings, leaving the school between 5:30 and 6:00. They cannot leave their windows open in the summer because of dust from the school traffic. His wife is home all day and she cannot open the windows without having to dust off the furniture every few hours. The only solution to the dust problem would be to black top the street.

Mr. Arrington, owner of Lot 6, said the school was being built across the entire back of his property. He was the first to buy out there - he bought in 1951. He was told by Mr. Dillon at the time that the property now occupied by the school would be park land because it did not pass percolation tests. Mr. Arrington said he goes to work between 6:15 and 6:30 a.m. and he has seen two or three cars stop and let children out on Cedar Lane where they walk to the school. Other cars go into the lane and make a circle and let someone out. He said he had a screen porch on the side of his house for a number of years and had to spend \$1,000 to close it in because of noise from the swimming pool. He has seen adults and teenagers at the swimming pool late at night. The pool is not lighted but there is activity there after dark, Mr. Arrington said his house is on a hill and the school is in a hollow and they get all the noise. Children come to the school at about 6:30 a.m. and are seen there in the play yard at 6:00 in the evenings. He has seen cars leaving the school as late as 7:00 and 7:15 at night.

Maybe these children are neighborhood children, Mr. Smith suggested.

Mr. Arrington said the neighborhood children have been run away from the school. He discussed the road situation - the road was just bulldozed and bluestone was thrown over it. There had been blacktop put near the school so the school vehicles could get out. He said he had painted

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a part of his house and the dust was so thick that he had to wash it off the house with a hose before he could paint.

Mr. Pelto said he was the gentleman who had taken the pictures. He lives on Lot 8 and has purchased Lot 8A. They have been extremely proud of the holly grove behind them. Now they will have to be cut down so the addition can be built. The noise factor in their area up until now has not been unbearable to them but with the removal of the holly trees and doubling the enrollment in the school, obviously the noise factor will become quite unbearable. He has lived in this location for ten years.

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Have any houses been built in the last five or six years, Mr. Yeatman asked?

Mr. Grissom's house was built about five or six years ago and two or three houses near the O'Bears at the same time, Mr. Pelto said. The limitations on building there is simply because the land does not perk. The answer to the question of why the land was not developed is simply because it would not perk and sewer was not available.

Now that sewer is in, will the Dillon land be zoned for high density, Mr. Yeatman asked?

Mr. Pelto said he certainly hoped not. He was concerned about creeping commercialism. He said the school had come into a residential area, got a permit for 180 pupils from 9:00 to 2:00 each day and no swimming pool. The Board knows what happened.

Mr. Smith asked Mr. Pelto if his children attend public school.

Yes, two of them go to Cedar Lane Elementary, Mr. Pelto replied. They have no objection to children and they think children should have decent school standards.

Then the only objection you have here is that more than twenty-two youngsters have been in the yard at one time, Mr. Smith asked? Have they created enough noise to be objectionable?

Mr. Pelto said they have a sun deck on their home. They are above the school, looking down on it. They hear the noise. The noise is there until 6:00 in the evenings and in August and September of last year they could look down on the swimming pool where adults were swimming until 10:30 at night. He was afraid this would continue.

Mr. DuVal said he had been through the school. There are presently nine classrooms with 228 seating capacity. There is a third grade as was testified to, and the school was restricted to second grade. The school was to be operated from 9:00 to 2:00 with a maximum of 180 pupils. It has been testified that there are considerably more pupils in the school but they are working a split shift. It was stated that there would be operation from 9:00 to 2:00. There has been ample testimony today that the Board's instructions have been flagrantly violated and this has been operating from 7:00 to 6:00. The people living here, in \$40,000 - \$50,000 homes have testified to the dust. The Schumanns have seen that they will not suffer the same dust problem - they have blacktopped the road into their property. He said he was surprised that they would ask for extension of this permit when they have so flagrantly abused the initial permit that was granted to them.

Mr. Smith asked if any of the people in opposition had complained to the Zoning Administrator in the past year about this school operation?

Mr. DuVal said the people had come to him at 8:00 at night and the hearing was the next morning. He had not had sufficient time to go into all of this and he did not know whether these people had appeared before the Zoning Administrator.

Mr. DuVal asked Mr. Woodson if it was a fact that the occupancy permit for the school had just been issued?

Mr. Woodson said he did not know.

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Mrs. Henderson asked Mr. Hansbarger for an explanation as to how this pool got there when it was specifically excluded from the use permit?

Mrs. Maloney, School Secretary, said she was certain that a permit of some kind was issued before they would invest \$25,000 to build the pool.

A building permit, Mrs. Henderson said.

Mr. Hansbarger said when this was presented to the Board it was asked if there would be a summer operation. The answer was yes. There was a question during the hearing as to whether there would be a pool and the answer was no. They intended to transport the children to and from this location to facilities that had a pool. They found out that transporting 180 children in and out to a pool creates twice as much confusion. The swimming pool did not have to come before this Board.

The permit specifically excluded a pool, Mrs. Henderson said.

The pool was not made a condition of the use permit, nor could the Board make it a condition, Mr. Hansbarger said.

Oh yes the Board can, Mrs. Henderson said. They can make any reasonable condition.

Mr. Hansbarger said the property is located in an RE 0.5 district. In RE 0.5 zoning any of the people who appeared before the Board today could have a swimming pool as an accessory use. The permit for the pool was approved by all the necessary departments. Mr. Hansbarger said he did not think the Board was right, but he would concede rather than pursue the point. Suppose the Board is right and the applicants made a mistake. He would suggest to the Board that there was an error of omission and that was not coming back -- but is this fatal, or unholy or adverse to everybody's interest? The major objection is to the use of the pool after hours. If this is a problem, then a restriction could be placed upon it and if there is another violation, the pool could be closed. Under the law they would be permitted to use it, but he would concede the point to the Board and perhaps restricting the use of the pool would be a better remedy. This pool cuts down on in and out traffic during the summer.

If the matter of the pool would have come to him before it was built, Mr. Hansbarger said he would have suggested coming back to the Board, but now he is put in the position of trying to explain why it went there. The answer is to restrict the hours of the pool so it will not annoy anyone. Mr. Hansbarger said he did not see the pictures that were shown to the Board. He was satisfied that a pile of brush does exist on this property but if the camera had been turned in another direction and taken pictures of the yard that is adjacent to this, they would also have seen a pile of brush. The rear of the yards shows the normal accumulation that you would expect at the rear of the property. There are piles of wood, brick etc. This was the time of year when people have not had an opportunity to clean up their yards.

Mrs. Henderson said she had seen the property yesterday and was amazed at the trash along the parking lot.

Mr. Hansbarger agreed that it should be cleaned up.

Does the school have an incinerator or trash burner, Mr. Smith asked?

They are planning to build a permanent incinerator, Mrs. Maloney stated. They do have trash pick up once a week. She said the pool was only in operation for one month during the past summer and the only adults swimming were the Schumanns, her husband and herself. They did not have teachers parties or adult parties. They never used the pool after 9:00 or 9:15. The outdoor lights were installed later and they had no music at night. The children playing in the yard after 6:00 are neighborhood children.

Mrs. Henderson read the motion granting the original application. (On file in the Zoning Office.) There is no mention of kindergarten in the motion at all, she said.

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Mrs. Henderson said a lot has been going on that was not granted in the permit and this disturbs her.

No one has complained of the school operating until 4:00 in the afternoon Mr. Hansbarger stated. There are many schools in the County that the Board has granted permits to with no time limitation etc. Public schools operate longer than this.

Mrs. Henderson said she had no objection to the school operating twenty-four hours a day, if it has a permit to do so.

Mr. Hansbarger asked the Board to enlarge the hours and permit extensions and allow the school to operate the way they are now operating. Then there will be no questions about it.

Mr. Everest said he felt that there was no question in anyone's mind, including Mr. Hansbarger, that this school was operated in complete violation of the use permit granted by the Board, but to sit there and argue the point much longer would do no good. The Board must decide whether to revoke the permit or give an extension.

It seems that the main objections to the school are dust and traffic, Mr. Smith said, and operating outside the hours which the Board permitted. He still had not heard anyone say he objected to the operation itself or to extension of the operation other than that it might increase noise. He felt that the owners should have the right to use the pool consistent with the practices of other families in the area and he would be reluctant to restrict the use by the actual owners up until a reasonable hour but since it is connected with the school and one of the neighbors objects, the Board might set a criteria that no use of the pool could be made after 6:00 in the evenings.

Mrs. Henderson said she would be opposed to extending the school. She would be in favor of considering changing the permit to conform to what the school is now doing if an incinerator is built so that no trash would blow around, and that the driveway be paved all the way to Cedar Lane. There should be a year's probation for conformity before thinking of increasing this use.

Increasing the use would not harm the area, Mr. Yeatman said. This school is an asset.

Mr. Everest moved to defer to April 27 so he could view the property. This would give the Board more time to think about this application.

After more discussion, Mr. Everest amended his motion to defer to April 13. Seconded, Mr. Yeatman. Carried unanimously.

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RANDOLPH D. ROUSE - The public hearing was held at an earlier meeting of the Board and had been deferred so a full Board could be present to vote.

In the application of Randolph Rouse, to permit erection and operation of a filling station in Falls Church, District, Mr. Smith moved to approve the application as applied for according to plats submitted dated 11-27-64, revised 2-4-65. This is at the intersection of Falls Church-Annandale Road and Dashiell Road. That there be a variance of 8 ft. granted on the side property line in connection with this service station operation, that the pump islands be allowed within 25 ft. of Falls Church-Annandale Road and that screening and planting will be as discussed and agreed to by the applicant. He will screen the entire residential property line before any building is occupied on this piece of property. All other provisions of the Ordinance to be met. All voted in favor except Mrs. Henderson who voted against the motion. Carried.

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PARKVIEW CORP. - The public hearing was held by the Board at an earlier meeting but action on the application was deferred until a full Board could be present to vote.

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Mr. Smith moved that the application of Parkview Corporation, to permit erection of an office building closer to front property line and side property line, south side of Arlington Boulevard, approximately 400 ft. east of Olin Drive, Mason District, be granted. This is not to permit the office building itself to be built closer to the front property line, the variance is granted for the below grade of three stories of underground parking area to be utilized for parking only. Also, on the side, to allow parking to come within the distance specified on the plat dated October 1964, and presented in connection with the variance sought. It is understood that the building restriction line will be observed and recorded. This will be included in the plan at the time of site plan approval. All other provisions of the Ordinance shall be met. Seconded, Mr. Yeatman. 292
on R property
1 Henderson

All voted in favor of the motion except Mrs. Henderson who voted no. Carried.

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BAIRFAX COUNTY SCHOOL BOARD, application under Sec. 30-36 of the Ordinance, to allow addition to school 18.23 ft. from Canterbury Lane (Bucknell Elementary School), Mount Vernon District (R-12.5)

Mr. Ed Moore represented the applicant. The school is presently located in Bucknell Subdivision. Due to additional zonings for higher density and development within the area served by the school, an addition to the school is necessary - they would like to add four classrooms. This will be a two-story addition. For the addition to the school, it is necessary that one of the major hallways within the school be extended and this is the only one that can be extended. The present building is 29.01 ft. from the property. The addition would be 18.23 ft. from the property line on the Canterbury Lane side. This school is approximately ten years old and has ten acres of land.

There was no opposition.

Mr. Smith moved that the application of Fairfax County School Board, to allow addition to school 18.23 ft. from Canterbury Lane (Bucknell Elementary School), Mount Vernon District be approved as applied for. This is the only logical place to enlarge the school under the present setup. There is no indication that this would adversely affect the school or adjoining property owners. Seconded, Mr. Barnes. Carried unanimously.

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OLD FRONTIER TOWN, INC. - Mr. Hirshkof of the law firm of Lainof and Cohen said at the last meeting Mr. Smith had moved that the old use permit be renewed and under the same limitations as imposed last year. In the motion he had additional language about curbing that was to be made permanent. That motion was carried. There was confusion as to whether this was a specific requirement. The Zoning Office would not issue a permit because of the curb requirement. The Planning Engineer is willing to waive that requirement as there is no need for it. The question was brought before the Board of Supervisors and they waived construction of a service drive to the parking lot.

Mr. Hirshkof said he should like at this time to ask the Board to amend the motion -- to leave these things in a temporary status. The barriers to mark off parking spaces will be put in this week.

The Board discussed the matter but did not arrive at a decision. Mr. Everest moved to defer decision to April 13. Seconded, Mr. Yeatman. Carried unanimously.

The Board agreed to view the property on April 1 at 10:00 a.m. with Mr. Moore of the Planning Staff.

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Attorney for Mr. Dan Kerlin sent new plats showing setbacks, etc. for the DAN KERLIN application.

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FIRST BAPTIST CHURCH KINDERGARTEN - permit was granted May 26, 1964. The Board increased the number of children to sixty; the operation will remain in the church. All other provisions of the Ordinance shall be met. Motion to amend the application by Mr. Smith; seconded, Mr. Barnes and carried unanimously.

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The Board briefly discussed the progress of KENA TEMPLE.

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The Board discussed the LEEWOOD NURSING HOME and IZAAC HUZIANNO - no action.

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Mrs. Henderson asked Mr. Woodson to check two gasoline stations for violations.

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The meeting adjourned at 6:45 P.M.
By Betty Haines

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

May 6, 1965 Date

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The regular meeting of the Board of Zoning Appeals was held on Tuesday, April 13, 1965 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. Smith.

LORENCE FOSTER, application under Sec. 30-137, Group VI (e) of the Ordinance, to permit operation of a beauty shop in home, Lot 4, Block F, Section 2, Woodley West, Falls Church District (R-10) S-54-65

Mrs. Henderson said she had received a letter asking for postponement for thirty days.

Mr. Davis, President of the Broyhill Park Civic Association, stated that there was no good reason for any deferral; that Mr. Foster had been informed of the considerable opposition to the request - he would present a petition signed by 232 residents.

There were sixteen people present in opposition.

Mr. Woodson said he had been informed that Mr. Foster's youngster was hit by an auto and that was the reason he gave for not being present.

Mr. Everest moved to defer the case to May 25. Seconded, Mr. Smith. Carried unanimously. Mrs. Henderson, Messrs. Yeatman, Everest, Barnes and Smith voting for the motion.

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DOLORES FORMAN, application under Section 30-139, Group VIII (a) of the Ordinance, to permit operation of a dog kennel on approx. 40 acres of land on east side of Route 602, 1.7 miles north of Route 7, Dranesville District (RE-2) S-58-65

Mrs. Henderson stated that the applicant had requested a continuance as it had been difficult to ascertain all land owners to serve proper notice.

Mr. Barnes moved to defer to June 22. Seconded, Mr. Smith. Carried unanimously.

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Application to permit nursing home and home for retired, on Vale Road:

Mr. Brophy had sent a letter requesting permission to withdraw the application.

Mr. Smith moved to allow the applicant to withdraw the application. Seconded, Mr. Barnes. Carried unanimously.

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JAMES A. McWHORTER, application under Sec. 30-36 of the Ordinance, to permit erection of an addition to restaurant 35.20 ft. from Chatelain Rd. (Tops Drive Inn), property on northeasterly corner of Columbia Pike and Chatelain Road, Falls Church District (C-D) V-60-65

Mr. Creeden represented the applicant. He explained that the building was built before the 50 ft. setback was required. They propose to fill in the corner of the building that is now left open, to use as an addition to dining area, and they need a variance on the side lot.

Mrs. Henderson asked - why not put it on the other side where no variance is needed? Mr. Matthews explained that it would be inconvenient, but if he could come out 4 or 5 ft. in the front and square the building out, something might be worked out.

Mr. Smith moved to defer to April 27 for decision only, in order to view the property. Seconded, Mr. Yeatman. Carried unanimously.

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April 13, 1965

JAMES L. COOKE, application under Sec. 30-36 of the Ordinance, to permit erection of dwelling on outlot A with less frontage than allowed by the Ordinance, Outlot A, Section 8, Rakis Hill, Providence District (R-12.5) V-61-65

Mr. Cooke, owner of Outlot A, asked for a front line of 88.67 ft. instead of the required 105 ft.

In opposition, Mr. Brown, who lives two houses down from the lot in question, felt that the mere fact that it is marked outlot itself, defeats the application. Although the lot has been left with old construction equipment lying around, a small house such as the applicant proposes to build, does not compare with other houses in the neighborhood and would detract from their value.

Mr. Brown further stated the lots were divided so that a house could not be built on that corner and asked the Board to go and see how odd it would look.

Mr. Smith felt that all the owner was asking was some way to develop his land and the proposed house is a reasonable one in the same price with other homes in the area.

Mr. Kenneth Wise, adjoining lot owner, presented an opposing petition signed by seven people. There were eight people present in opposition.

Mr. Cooke stated that he was unaware of any opposition. He was asked to build by some of the people in the neighborhood; he felt that his house would be an addition to the area rather than a detraction; he has designed the house so that the only thing asked for is the 88 ft. frontage.

Mr. Smith moved to defer the application to April 27 for decision only in order that the Board may view it. Seconded, Mr. Yeatman. Carried unanimously.

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ST. JAMES EPISCOPAL DAY SCHOOL, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of a kindergarten and primary grades 1 thru 3, 510 Roberts Road, Mt. Vernon District (RE 0.5) S-62-65

Reverend Herbert Willke, Director of St. James Day School, explained that the school is in operation now with three kindergarten classes and first grade.

Mrs. Mallard stated that the church is responsible for the school; there are 65 children at present. Hours are 9:00 to 12:30 for kindergarten; 9:00 to 2:00 for first grade. They hope to have grades two and three with a maximum of 150 children and an anticipated maximum of 120 for the next two years.

Mr. Smith moved that the application be approved for a total of 120 students in these grades; hours of operation from 9:00 to 2:00. This is a Church sponsored or operated school and it has been pointed out that the great percentage of the children are transported by their parents or in car pools. There appears to be more than adequate parking for this operation. Seconded, Mr. Barnes. Carried unanimously.

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CULMORE CO-OP SCHOOL, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of a kindergarten and first grade, (Greek Orthodox Church), on east side of Glen Carlyn Road, Mason District (R-12.5) S-63-65

Mrs. Ossero described the present school operation. They have 43 children and facilities for 48; this is a non-profit organization, non-church sponsored.

Mr. Smith moved that the application be approved for 48 students, kindergarten through first grade. It has been pointed out that the children are transported by parents or car pools. Hours are 9:00 to 12:00. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes.

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Culmore Co-op School - Continued

At Mrs. Ossero's request, Mr. Smith amended the motion to increase the maximum number of students to 50. Accepted by Mr. Barnes. Carried unanimously.

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CAVALIER SUMMER DAY CAMP, application under Sec. 30-139, Group VIII (d) of the Ordinance, to permit erection and operation of a recreation area, on W. side of Route 603, approx. 1400 ft. south of Route 682, Dranesville District (RE-1) S-66-65

The applicants, Mr. Burch and Mr. Larson, have been in day camp operation for five years. They started with thirty boys and girls, and brought the number up to around 100. They were at Timberlake for two years and at O'Connell High School last year. There is a growing need for a place of their own. The proposed camp would be supervised by twelve or thirteen school teachers and has a well rounded program. Hours would be from 9:00 to 3:15, five days a week, for 10 weeks, during the summer time. Ages would be from six to fourteen; there would be very few over twelve. They would have a total of 200 maximum in one week. The area has not had percolation tests or Health Department approval.

Mr. Hurst, representing most of the opposition to the day camp, presented a petition with 71 signatures - probably 45 families. Petition stated that such a use would undermine the residential character of the neighborhood, and is incompatible with other land use. The road to the camp has sharp curves and blind spots. Mr. Hurst showed a chart and pictures of roads and homes in the area.

River Bend Road is very heavily traveled in the summer. The camp would be a commercial venture and would be open to unauthorized use when not in session. Clearing the property, with the flood plain problem, will affect other property owners in the area.

Mr. Robert Fercolo objected because he was not aware of the full impact of what this would do to his property, which has only one desirable building site because of flood plain and which would be opposite the proposed playground area. A house built there would have low resale value and he did not think he should be asked to give up his property for a commercial venture.

Mr. Laylin, representing his father, objected because he thought originally the land would be used as by the Boy Scouts, and left in a wild, undisturbed state. He felt that this was not an appropriate area and offered a site far from residential areas, on the Potomac River. Because the flood plain is composed of almost solid clay soil, they would have difficulties with sanitary facilities for 200 children.

Mrs. Gallop pointed out that the zoning is not RE-1, but RE-2.

Mr. Joseph Fitzgerald, Jr., objected because of the residential area, the dangerous road, commercial venture, bringing in children from other areas, and because of the dangerous entrance to the proposed camp.

Mr. Elliott also propounded on the dangerous entrance.

In rebuttal, Mr. Larson stated that the entrance was placed where they felt it was safe and that school buses use the road all the time. The playground could be moved to another area. They could get by with only 28 children, if necessary; that because people did not want them there, all the complaints were minor. Mr. Burch pointed out that at least one-third of their children will come from Fairfax. They turned down Mr. Laylin's offer because the Potomac River is not a safe place for children to swim.

Mr. Smith felt that they were two well-qualified young men as far as this type of operation, but apparently picked an unfortunate location, and moved that the application be denied. It has been pointed out that this is RE-2 zoning. As previously stated, this is not in harmony or compatible with residential character of the area. The entrance is hazardous; apparent flood plain conditions, with activities proposed in this area; facilities not proper for a facility. Seconded, Mr. Barnes. Carried unanimously.

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EMORY H. WILSON, application under Sec. 30-36 of the Ordinance, to permit erection of roof over existing patio closer to side line than allowed, Lot 168, Sec. 20, Kings Park (8515 Durham Court) Falls Church District (R-12.5) V-64-65

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Mr. Wilson wishes to cover the patio with an aluminum roof to keep the sun out of the windows.

Mrs. Henderson noted that the sun could be kept out without getting a variance. He does not need an 8 ft. roof.

Mr. Wilson said he was trying to enhance the property and he felt that 6 ft. would look badly.

Mr. Everest stated the reasons the Board grants variances, none of which have been demonstrated and he moved that the application be denied for the reasons previously stated. This man has not demonstrated a case of hardship or topographical reason for granting the variance. Seconded, Mr. Yeatman. Carried unanimously.

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DAISY E. JENKINS, application under Sec. 30-137, Group VI (e) of the Ordinance, to permit operation of a beauty shop in home as home occupation, on east side of Route 676, approx. one-half mile south of Route 7, Providence District (RE-1) S-67-65

Mrs. Jenkins stated that she wished to operate a beauty shop in her home. She lost her shop in East Falls Church because of Route 66. The nearest beauty shop is about eight miles away, in Herndon.

Mr. Smith advised that this would be granted to Mrs. Jenkins and to her only, if the application is approved. She could be the only operator involved. He moved that the application be granted in accordance with the Ordinance, after approval by the Health Department. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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PETER MUELLER, INC., application under Sec. 30-36 of the Ordinance, to permit erection of a new car show room and repair garage closer to outlet road and rear property line, east side of Falls Church-Annandale Road, approx. 354 ft. north of Arlington Boulevard, Falls Church District (C-G) V-68-65

Mr. Martin E. Morris represented the applicant. He explained that this would be an interior operation and the variance is required because of a private right of way to service property immediately back of this property; all of the land around is residential. The building will have nine bays; no storage of automobiles, just showroom.

Mr. Smith felt the operation would eventually require nine mechanics for the nine bays, and that the area was too small for such an operation.

Mr. Morris explained the problem with regard to the actual variance, because of the shape of the lot. In order to get the building required distance away from the front street it would have to go back farther; on the side the right of way exists, in addition to residential area. Without ^{the} right of way they could meet sideline variance in the rear by moving the building. Screening would be provided according to the Ordinance. On the front of the building, from the right of way, the variance would amount to 55 ft. because part of the building will be used for repairs. If the building were cut in two so that the repair garage would not be in the front, merely showroom, the back would still require a large variance.

Mr. Smith offered sympathy, but felt that Mr. Mueller must have been aware of the situation prior to purchasing this land, or having it rezoned for this particular use, with no real foundation, as there must be a topographical problem or extreme hardship; ^{IN S.M. LACK BASES} the Board has never granted a variance larger than 8 ft. and Mr. Smith did not see how this could be justified.

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Peter Mueller, Inc. - Continued

Mr. Morris felt there was a topographical reason - the right of way causing problems on the side. This was not a spot zoning, but has been in the overall zoning picture for a long time and anyone else using the property would require a variance.

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Mr. Morris stated that Mr. Bill Page asked to be put on record as not opposing.

Mr. Everest moved that the application of Peter Mueller, Inc. be denied on the grounds that, just trying to put too large a building on too small a piece of property. The variances requested are far in excess of what the Board has ever granted or authorized to grant. No topographical reasons or hardship reasons for granting this case. Seconded, Mr. Smith. Carried unanimously.

Mrs. Henderson agreed with Mr. Smith that this was a recent rezoning and from the very beginning would not have fit. It is not something that was there a long period of time and not used for something before the setbacks required by the present ordinance.

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FAIRFAX-FALLS CHURCH MENTAL HEALTH CENTER, application under Sec. 30-136, Group V (a) of the Ordinance, to permit operation of mental health clinic in existing building, east side of Sleepy Hollow Road, approx. 200 ft. north of Nicholson Street, Mason District (R-12.5) S-69-65

Mr. Haney Trotter, representing Dr. Eisler, Director, explained Mental Health Center used to be a Child Guidance Center, but the name changed when the service was given to adults because of community needs; because of the increase in case load they must expand and request a use permit on very convenient adjacent property.

Since there was a question as to whether there was a use permit on the existing facility, Mr. Smith moved to defer the application for two weeks in order that the fact may be established that there is or is not an existing use permit on this facility. If not, the application should be amended to include existing facility and the Board shall render decision at the meeting of April 27. Seconded, Mr. Barnes. Carried unanimously.

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RANDOLPH CARR, application under Sec. 30-139, Group VIII (d) of the Ordinance to permit operation of summer camp (20 adults), SW corner of Route 660 and Route 612, Centreville District (RE-1) S-70-65

The applicant telephoned, Mr. Woodson said, because he is in Illinois working with the Peace Corps and would like the case deferred to May 11. Mr. Barnes so moved. Seconded, Mr. Smith. Carried unanimously.

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AMERICAN TELEPHONE AND TELEGRAPH CO. OF VIRGINIA, application under Sec. 30-133, Group II (c) and (d) of the Ordinance, to permit a junction station for radio relay and cable systems furnishing communications service to the Washington Metropolitan Area, on the northerly side of Route 7, approx. 4500 ft. east of Loudoun County line, Dranesville District S-71-65

Mr. Bauknight, representing the applicant, received a copy of the motion filed by Mr. Frank Hand, questioning the jurisdiction of the Board, and stated that if necessary, he was prepared to argue that before going on with his presentation.

Mrs. Henderson stated that the Board has legal advice that it does have jurisdiction.

Mr. Bauknight summarized the details of the case. The application requires a special use permit in RE-1 zone. Last night the Planning Commission approved the application under Section 15.1-456 of the Virginia Code. The tract is a little less than ten acres; the structures to be installed are an underground building, two floors under five feet of earth; foundation 45 ft. below the surface, set on a firm rock foundation to resist pressure of anything coming down on it. Drainage features

American Telephone and Telegraph Company of Virginia - Continued

are very important because the underground building must have the type of geology and topography which will permit drainage of footings of structure. Above ground there will be a small structure 68 ft. square, which is the entrance feature. The facility will be noiseless, odorless and the air intake and exhaust completely baffled. A microwave tower will be needed about two years from now. Ample parking is on the site and this will comply with any screening and fencing requirements. Connection can be made into the interceptor sewer. The maximum number of people at one time would be 100 and would not all come in at the same time. Between 4:00 and 12:00 there would be 21 people. From 12:00 to 8:00 in the morning - 15 people. Through Saturday and Sunday there would be a token force only. No public would be admitted. The resident engineer from the Highway Department has inspected the proposed site and said he could see no great problems in road tie-in. This facility is needed in connection with sizable expansion of company's facilities and would be an integral part of two main long distance cables - one running from Miami to Boston and one from Monrovia, Maryland to Faulkner, Maryland. Function of the underground building is switching and changing, etc. It acts as a repeater also in through messages, boosts power and sends them on their way. This specific site was selected after careful consideration of other areas. Under Section 33.133 substantial showing must be made to show that there was no available suitable site in commercially zoned tract within one mile. Both Herndon Junction and Dranesville were considered. Water will be from two wells; water tanks for emergency purpose as building must be able to operate in condition where all outside help is cut off.

Mr. Merrill, Engineer for AT&T, explained in detail the planning that goes into provision of new circuits for the growth of long distance interstate business. Although previously taken directly through large cities, the new concept is to bypass and take branch cables into centers of population, in order to avoid loss of service, due to vulnerability of circuits in cities. Mr. Merrill showed diagrams and samples of cable, and explained how the Washington area would be affected, justifying critical need for additional circuits. Natural intersection point falls in the Dranesville area. Some of the factors considered are: cable right of way; location suitable from microwave engineering standpoint; must be a ten acre tract; have rock foundation for the building and gravity drainage for the footings. There was no suitable location in any of the commercial zones nearby; either the ground was too low, or not large enough sized tract, which would require buying into residential, more densely populated area. The facility will be used as a junction station to take facilities in wholesale quantities from one part of the country and redirect to a part of the country where needed. There is no possibility of interference with television or radio reception, nor will the microwave tower interfere.

Mr. Bennett Adams explained the details of the site plan.

Mr. Bauknight stated that the temporary structure will be necessary for about one year until construction is completed, after which it will be taken down. This is required because of the deadline for the Monrovia--Faulkner cable. Although FAA could not give clearance until construction of tower, which is two years away, informal approval has been given.

Mr. Frank Hand, representing Citizens Committee to Preserve the Master Plan, and also himself, in opposition to the application, stated that he spoke for fifty houses, all affected by this installation. This is a historical section of Fairfax, with four houses over 100 years old. He was concerned about this facility, particularly the tower. Mr. Hand contended under zoning regulations the Board can authorize the telephone company to construct only a telephone exchange dial center, or repeater station, and cited sections of the Ordinance to justify.

Mrs. Henderson explained that section of the Ordinance had been omitted under the new Manual because it was a duplication. Pertinent section was amended to read telegraph and telephone facilities, because obviously, that was not extensive enough.

Mr. Hand felt that the intent was to restrict the use permit to the three items mentioned; the facility cannot be put into a residential district unless there is substantial showing why it cannot be put into a commercial district. People who wrote these regulations did not have

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anything like that in mind as ^{the tower} it would be the tallest structure in Fairfax County.

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Mrs. Henderson reminded Mr. Hand that the tower at Tyson's Corner is in a residential area and is taller than the one proposed for this facility.

Mr. Hand still objected to it as being the tallest tower in the Dranesville District. He also objected to the red light flashing on top of the tower as not being allowed in a residential district, but was reminded it was police powers exercised by FAA, and that ^{Fairfax} red lights were allowed on police cars and to define obstructions on the road.

Mr. Hand then stated that the Telephone Company should prove that this would not impair the value of their land, as they believe it will; that this should be placed on commercial land in the Dranesville intersection area; Mrs. Henderson reminded that this was unsuitable because of size. Mr. Hand felt that standards should be set as to how deeply they can go underground and until then the application should be held up. He also objected to blasting.

Mr. Joseph Smith, representing John Carendas, opposed the facility because they are the nearest property owners and have not decided how they want to develop their land. They wish to register opposition for the record because they are so close and feel that the tower will have adverse effect.

^{Mr. Hand} Mr. Smith assured Mr. Smith that the Board has investigated homes near towers and have never seen anything that would indicate that adjoining property is adversely affected.

In rebuttal, Mr. Bauknight stated that the Telephone Company has blasted on many occasions, construction contract will be carefully drawn and resident engineers will be on the job at all times. The company is willing to comply with all regulations. Blasting will be carefully controlled because the company's own sensitive, expensive equipment will be in service while the whole construction is going on.

Mr. Al Snyder with AT&T stated that a variety of towers have been built in a variety of locations in many states; in some instances since construction of towers, high class residential neighborhoods moved in and there was no adverse effect on property values. There will be absolutely no noise from the tower.

Mr. Merrill again testified that there were no suitable sites in commercial zoning that were large enough. He considered the site at the junction of Route 28 both in Loudoun and Fairfax Counties, and due to low elevation of this area, they were not able to use any of the circumstances because of drainage requirements. In other commercial zones at Dranesville junction, there were two possibilities, neither of which were large enough for this installation because of the commercial zone being cut up by the intersection of Routes 193, Route 7, Seneca Road, and would necessitate going into a residential area with a number of residences located thereon.

Mr. Smith felt that in spite of objections from people in the area, the AT&T have proven a good case. They pointed out that they could not find suitable land in a commercial area anywhere around, at least in the acreage desired, or soil conditions best suited, this underground installation, including proper drainage; that it is a new approach to telephone facilities and Board has in the past granted underground installations for parking so the Board does have authority to grant this underground facility to better continuously serve the citizens and the Government and moved that the application of AT&T be granted in accordance with plans submitted to the Board in accordance with this application, dated March 19, 1965, and site plans should be initialed by Board of AT&T or their representative. This facility is certainly necessary. It has been pointed out it is to serve the general health and welfare of the public in the metropolitan area of Washington, D. C. The facility would not adversely affect the property owners. The tower proposed is possibly two years away and the company has indicated there is a possibility there will not be a need for the tower but in all fairness to the people in the area who might purchase land in the intervening two years, they will be put on notice that this tower has been approved for this facility. There should be no blasting except between the hours of

American Telephone and Telegraph Company of Virginia - Continued

10:00 and 3:00 and this would be only five days a week. No blasting on Saturdays and Sundays during entire construction of this underground facility. The company has agreed to fence the entire ten acre tract with any setback that might be requested on the part of the Planning Staff for screening purposes, 6 ft. chain link fence, properly fenced with at least two strands of barbed wire on top. All of the above ground construction to be brick colonial, pleasing to the eye; that there be no painting of building or tower except conforming to colonial pattern, except the tower itself which is controlled by FAA; all of the other provisions of the Ordinance being met. Seconded, Mr. Barnes. Carried unanimously.

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THE ACQUINAS SCHOOL, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of a Montessori pre-school, west side of Route 235, Mt. Vernon Road, approx. 600 ft. south of intersection of Old Mt. Vernon Road, Rt. 623, (E334 Mt. Vernon Highway), Mt. Vernon District (R-17) S-72-65

Lt. Col. Futrell, appearing on behalf of his wife and himself, said they have obtained franchise to begin Montessori school in the City of Alexandria; they will have a very limited enrollment, maximum of 60 students, ages 3 to 5, hours 9 - 12 on a five day week, normal school year. Presented new copies of the plat showing parking.

Mr. Smith moved that the application be approved for a maximum of 60 students; age 3-5 years; hours of operation 9-12 a.m. This application be to the applicant only; parking be provided in accordance with the latest plats. It is understood that all transportation be furnished by participants' parents; permit is contingent on applicant getting from the Health Department permit to use this building for 60 students. All other provisions of the Ordinance being met. Seconded, Mr. Everest. Carried unanimously.

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MONET CONSTRUCTION CO., application under Sec. 30-36 of the Ordinance, to permit dwelling 48.1 ft. and porch 40.6 ft. from street line, Lot 5, Section 1, Money's Corner, Centreville District (RE-1) V-73-65

Mr. Paciulli, representing the applicant, explained that an error was made by his office, through no fault of the applicant.

Mr. Smith moved that the variances be approved as applied for for reasons stated by Mr. Paciulli, who is responsible, as he admits, for the error, with no fault of the builder or owner, simply an error in staking out the location of the house and porch itself. This does comply with Section 30-36, paragraph 4 of the Ordinance ~~and move application be approved as applied for.~~ Seconded, Mr. Barnes. Carried unanimously.

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KURT H. HOPPMANN, application under Sec. 30-36 of the Ordinance, to permit erection of dwelling 35 ft. from Ridgeway Terrace, Lot 595, Sec. 6, Barcroft Lake Shores, Mason District (R-17) V-74-65

Mr. W. P. Daniels, representing the applicant, explained the problem of getting a house on the property, with sanitary sewer easement restriction going through the middle of the area.

Mr. Smith moved that the application be approved as applied for in accord with drawing shown by Mr. Daniels. Applicant has both topographical problem and sewer easement being to the rear restricts the building area of the lot. Meets the requirements of the Ordinance Under Section 30-36 and moved that the application be approved; all other provisions of the Ordinance being met. Seconded, Mr. Barnes. Carried unanimously. Variance from 10 ft. tapering to nothing.

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AMERICAN OIL COMPANY, application under Section 30-141, Group X, C-D District, (a) of the Ordinance, to permit erection and operation of a service station, southerly side of Columbia Pike opposite Annandale Fire House, Mason District (C-D) S-75-65

Mr. L. R. Compton, representing the applicant, showed photographs and located the property on the map.

Mr. Moore stated that the Staff has reviewed the site plan and are satisfied with improvements shown.

Mr. Everest moved that the application of American Oil Company be approved as applied for in accordance with plat submitted. Seconded, Mr. Yeatman. Carried unanimously.

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ANTHONY B. SANTULLO' application under Sec. 30-139, Group VIII (a) of the Ordinance, to permit operation of a dog kennel, north side of Pohick Road, Route 641, 368 ft. W. of Route 636, Lee District (RE-1) S-76-65

Mr. Garner, representing Mr. Costigan, present owner and contract seller to Mr. Santullo, said they wish to raise Belgian dogs. There is a building on the property which is about seventy per cent completed.

Mr. Art Post, real estate agent in property sale, explained how the building was laid out.

Mr. Everest moved that the case be deferred for two weeks until the applicant can submit proper, certified site plan of what he proposes to build on the site. Seconded, Mr. Yeatman.

Mrs. Henderson said she would read letters of opposition from Messrs. Mylander and Milleck when the case is reheard in two weeks. Carried unanimously.

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E. B. GAMBLIN, application under Sec. 30-36 of the Ordinance, to permit dwelling 11.2 ft. from side property line, proposed Lot 8A, Blk. 2, Rolling Hills (on Jackson Avenue), Mt. Vernon District (R-12.5) V-77-65

Mr. Gamblin explained that he would like to divide the lot in order to build another house. The adjoining property owner will not sell any of his land.

Mr. Smith moved that the application be considered based on the evidence presented and in accordance with plat submitted, and if the Board sees fit to approve it, conditioned on Subdivision Control approving this resubdivision of Lot 8, creating Lots 8A and 8B, necessitating a variance on Lot 8A of 10", in order to allow the present dwelling to remain and 8B being a conforming lot. This would be contingent on the applicant securing approval of this resubdivision and recording same. Seconded, Mr. Everest.

Mr. Smith restated his motion to permit dwelling on proposed Lot 8A to remain 11.2 ft. from proposed side property line, proposed Lot being 8B. This being a proposed resubdivision of Lot 8A on Block 2, Rolling Hills. That the application be granted conditioned on the applicant's securing approval of this proposed resubdivision of Lot A ^{8A} Subdivision Control and recording same. Seconded, Mr. Everest.

Motion carried. Mrs. Henderson voted against the motion because there are no unusual physical characteristics and the situation exists because a piece has been divided from a larger parcel.

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CHESAPEAKE AND POTOMAC TELEPHONE COMPANY, application under Sec. 30-133 Group II (d) of the Ordinance, to permit erection and operation of an addition to existing repeater station and permit addition closer to side property line than allowed, north side of Routes 29-211, approx. 150 ft. NE of Fairlee Drive, Providence District, S-86-65

Mr. Randolph Church, representing the applicant, explained that the proposed

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Chesapeake & Potomac Telephone Company - Continued

addition will be 3 ft. closer than permitted by the Ordinance. This is requested because of the tremendous increase in the number of people in the area and they need more circuits.

Mr. Yeatman moved that the application be approved. Seconded, Mr. Barnes. Carried unanimously.

// DEFERRED CASES

ALBERT F. ZIMBRICH AND MICHAEL A. RODDY, application under Sec. 30-139, Group VIII (d) of the Ordinance, to permit erection and operation of a rifle range, west side of Route 616, approx. 700 ft. south of Route 658, Centreville District (RE-1) S-37-65 FROM MARCH 9

Mr. Roddy stated that since the last hearing, he and Mr. Zimbrich have become members of the National Rifle Association and have signed up for an eighteen hour course as qualified instructors. Employees of NRA have offered assistance in building the range, and they have adopted rules suggested by NRA. The type of ammunition will be limited, positively no air tracers or incendiaries. Plans of the project show 100 yards of undeveloped free land behind the backstop.

Mrs. Henderson did not think these people had had experience enough to handle an operation of this size -- just two of them with 24 people. She felt that they should get more experience.

Mr. Everest noted that one slip could mean a dead person. A qualified instructor cannot watch more than one pupil at a time on a firing line and have adequate control. He does not like to cut off ambitions at the start, Mr. Everest continued, but at the same time he did not want the responsibility of this range hanging over his head, and he moved that the case be deferred for six months for further study. If not ready, then request further postponement or withdrawal. Seconded, Mr. Smith. Carried unanimously. Deferred to second meeting in October.

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JOHN O'FLAHERTY, application under Sec. 30-36 of the Ordinance, to permit erection of carport 13 ft. from street property line, Lot 282, Sec. 3, Lake Barcroft (7840 Jay Miller Drive), Mason District (R-17) V-20-65

Deferred from March 9 to view property. There was a serious drainage problem and they could not use the driveway in winter. However, Mrs. Henderson felt this could be fixed by putting in a ditch or grill. To put this enormous carport out in front would look terrible and out of character.

Mr. Yeatman moved that the application be denied. Seconded, Mr. Barnes. Carried. Mr. Everest abstained.

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CANTERBURY WOODS CORP., application under Sec. 30-36 of the Ordinance, to permit carport 1.8 ft. from side property line, Lot 65, Sec. 1, Canterbury Woods, Falls Church District (R-12.5 Cluster) V-35-65

Mrs. Henderson said she had understood that another solution had been worked out.

Mr. Yeatman moved to defer for two weeks for decision since the applicant was not present. The applicant should be notified that if he is not present on April 27 the application will automatically be denied for lack of interest. Seconded, Mr. Smith. Carried unanimously.

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AMERICAN OIL COMPANY, application under Sec. 30-141, Group X, C-N District (a) and (b) of the Ordinance, to permit erection and operation of a service station, Lots 8 and 9, Silver Springs Subdivision, Lee District (C-N) S-46-65

Deferred from March 23 for plats showing building location.

Mr. Smith moved that the application be approved in accordance with plat plan submitted, dated January 6, 1965, showing the 52 ft. setback from

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American Oil Company - Continued

the rear property line. All other provisions of the site plan, Ordinance, and Staff requirements shall be met. This is to be a three bay colonial type service station in accordance with agreement with American Oil Company. All other provisions of the Ordinance being met. Seconded, Mr. Barnes. Carried unanimously.

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MARGUERITE SCHUMANN, (amended application) to permit existing private school facilities to operate on an all-day basis; additional facilities requested to operate on the same basis and that if the Board of Zoning Appeals determines that a use permit is necessary for the operation of a swimming pool now on the premises to permit such operation in connection with private school facilities, Lot 1, Sec. 7, Willowmere Farms, N. side of Willowmere Drive, 250 ft. E. of Cedar Lane, Providence District (RE 0.5) S-53-65

Mr. Duval represented the opposition. He objected to the Board's considering an amended application - the original application was on an additional structure, then it was amended to change the hours, and he requested a ruling from the Board.

Mrs. Henderson ruled Mr. Duval out of order, because the applicant is always heard first, according to procedure, then the opposition:

Mr. Hansbarger, representing the applicant, explained that the application was amended because of attempts to rectify matters brought to the attention of the Board at the last hearing, that reposting and readvertising was done in accordance with Ordinance requirements. In the year of the school's operation, no objections have been voiced to the people involved, or to the County, and there have been no complaints about the educational properties of the school. The majority of complaints have been about the pile of dirt and debris, stumps and logs, evidences of trash having been burned and scattered, and dust from Willowmere Drive. With regard to objections, trash has been cleaned up, collected in metal containers, no burning at all. People have commended the excellent operation.

Mr. Everest took exception to this, stating containers were not at the rear of the building and he felt any place in front would be objectionable; that they should be placed in the rear and screened from adjoining property.

Mr. Hansbarger stated that this would be done. Arrangements have been made to remove debris as soon as the flood plain area is dry enough to support heavy equipment for removal. Willowmere Drive will be asphalted to eliminate dust problem. Only a small number of children will arrive before 8:00 a.m. If there were no school there, the property would more than likely not be developed as single family residence. The pool has been used at night by the owners and their guests, no connection with the operation of the school.

In opposition Mr. Duval stated that he was glad to hear the dusty road situation would be taken care of. Only two classrooms were mentioned in the notification, whereas six additional were to be built. As to the question of jurisdiction, he objected at the commencement of proceeding because as the attorney of record, representing Mr. O'Bear and citizens, he had received no notification of change or amendment, and none was received by the five adjacent property owners. Mr. Duval said he would present people objecting to the existing noise.

Mrs. Henderson asked why no one complained in a year's operation. She felt this was a weak point in the opposition's argument.

Mr. Duval said he could not answer this question, but said if there were people who felt that the school was an excellent operation and an attribute to the County, why were they not here to testify?

Mr. Palto was concerned with the problem of creeping commercialism. He felt that this was a commercial venture and he did not complain over a year's operation because of the court decision in the school's favor; it would not do any good because of getting too close to City Hall and he could not win.

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Marguerite Schumann - Continued

Mr. Smith stated that if complaints had been received, steps would have been taken to bring about compliance or revocation, as in many other cases. He said he has yet to hear one person who said the noise factor was a real problem.

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Mr. Leap, Hilltop Road and Cedar Lane, radio dispatcher for Arlington County Fire Department, said he has high blood pressure and works two night shifts. He can't sleep during the day because of the noise. The school was started before he moved into the area. He had called police about noise at the pool at night and had called the Fire Department about the trash fire. Noises before 7:00 a.m. bother him and as late as 7:00 p.m.

Mrs. O'Bear, who lives across from Mr. Leap, and looks directly onto the school, objected to noise on warm days, particularly in the early morning and at noon. Although these were nice children, just having a good time, she was not having a good time. She did not report it because Mr. Schumann owns the school and it would have done no good. She felt that doubling the enrollment would double the noise and be bad for the school as it is not big enough. A fence would be helpful for the children's protection.

In summation, Mr. Duval stated that the people in the neighborhood have an investment in their homes. There has been testimony as to the noise factor and to add 5,000 sq. ft. would work a hardship. Although he did not believe there is an "in" group, and nothing would have been done if brought to the Board's attention, he can still see how people would think that way.

Mrs. Henderson suggested starting another school in another area for 180 children rather than add this many to two and a half acres.

Mr. Hansbarger replied that every conceivable law that exists, including every County Ordinance and statute has been complied with and the land is of sufficient size to accommodate the facility being asked for. The Health Department stated not only present operation, but proposed operation, met all their requirements. He has visited the school on a number of occasions and could not see strenuous objection to enlargement; felt it was inconceivable that noise of children could bother a man, while all traffic noise from Route 66 would not. He offered to correct the things complained about last time, and now it is the noise factor. Mr. Hansbarger said he has taken appeals from the Board of Zoning Appeals in the past when he did not agree, and although the court has turned him down, he never felt dealt with unfairly or got angry with the court nor the Board of Appeals for turning him down. In fact, this Board has the highest reputation in the County for integrity.

Mrs. Henderson said she had received letters from Mr. and Mrs. O'Bear, Mrs. Grey, Mr. Palto and Supervisor John Beerman. The letter from Mr. Beerman supported the citizens and opposed enlargement.

The Board discussed various types of fence that might be feasible.

Mr. Smith felt that asphaltting the road and clearing up debris could have some bearing on his decision as to expansion, and would like to take another look at the fence and area itself and moved that decision be deferred to April 27 for reasons previously stated. Seconded, Mr. Barnes.

Mr. Everest felt further testimony to rebut the opposition's testimony as to noise and disturbance would be necessary before he could vote for an addition.

Mr. Yeatman felt that the school was an asset to Fairfax County; nobody complained the whole year of operation until the addition was requested. He would be willing to vote tonight, he said, but would go along with Mr. Smith's wish to view again.

Mr. Barnes also expressed a desire to do more viewing.

Mr. Smith stated his motion was for decision only, providing corrections as far as the road and debris have been cleared up. If not, defer until such time as it has been.

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Marguerite Schumann - Continued.

Carried; Messrs. Smith, Barnes and Yeatman voting in favor and Mrs. Henderson and Mr. Everest voting against the motion. Mr. Everest opposed to closing off any further testimony and Mrs. Henderson opposed to not denying it right now.

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OLD VIRGINIA CITY (renamed Frontier Town):

Mr. Cohen stated that the judge had granted the right to sell certain items such as packaged food, sandwiches, etc. and he would like to try and iron out requirements with respect to curbing in order to have their use permit issued. Regarding the sale of souvenirs, they wish to place this in the Trading Post and will sell a few feet away in the commercial zone.

Mr. Smith felt that there was available commercial land to build on for the specific purpose of selling any items, and he did not think there should be any connection with display building as such. If expansion of building, the Board should see plan showing size of building, where placed, and manner of construction.

Regarding curbing, Mr. Cohen, through a misunderstanding of the Board's desires, had curbing and guttering in driveway waived by Board of Supervisors. Then he found out that permanent curbing and guttering was required before the use permit could be issued.

Mrs. Henderson explained that the broken portions were to be built up or replaced with the type of temporary curbing the County approves.

Mr. Smith stated that the Board's requirements for last year were never fully complied with.

Mr. Cohen replied that he was willing to state under oath that the requirements of the Board were met in its entirety this year with respect to the amount of bluestone on the parking lot. In fact, it was too thick in places. The lot was never used to capacity and there was never any attempt to evade requirements of the Board.

After discussion of souvenirs to be displayed in the Trading Post and sold in the snack bar, Mr. Everest suggested that the request be put in the form of a letter to the Board and could be acted on as an amendment at the next meeting.

Mrs. Henderson stated that the consensus of the Board was to put in curbing according to Staff specifications for temporary curbing; mark-up ties in the parking lot; put bluestone in front, and if too thick in the back, drag it up front. When everything has been done, the Zoning Administrator will issue the permit.

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Request of Mr. Rolfs for use permit to build nursing home

Mr. Aylor, representing Mr. Rolfs, explained that they still had not managed to get financing for the proposed nursing home, although they had gone to considerable trouble and expense, and requested extension for another year.

Mrs. Henderson reminded that the extension in 1964 was granted for one year, conditional on no more extensions.

Mr. Smith was concerned about continually granting extensions far in excess of what the framers of the Ordinance indicate desirable.

Mr. Barnes moved to grant extension for another year. Seconded, Mr. Yeatman.

Mr. Aylor, as authorized by Mr. Rolf, offered to put in writing, that if at the end of this extension, he is not able to move forward, Mr. Rolfs will not take any more of the Board's time. Motion to extend from one year from April 14 carried. Opposed by Mr. Smith.

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McLean Golf Course

that

Mr. Moore explained/at the meeting last year in June, the Board made a motion to approve with the provision that standard screening be required. There seems to be some disagreement with what was actually meant.

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Mr. Webster Hall, Vice President of McLean Recreation, explained the circumstances of last year's meeting and his impression that a fence was all that was required.

Mr. Moore stated that ^{THE ADDITIONAL REPORT} this is in the Master Plan for commercial and ^{THE SCREENING} it could be modified. The Staff's position is that fencing would be sufficient.

Mrs. Henderson recalled that Mrs. Morgan had called about fencing not being finished all the way to the back. They didn't care about plants, but wanted fencing finished all the way.

The Board agreed that planting should be waived.

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The meeting adjourned at 11:45 P.M.
By Catherine Gribok

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

June 18, 1965 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m., Tuesday, April 27, 1965 in the Board Room of the 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. Smith.

KENNETH H. LAYER, application under Sec. 30-36 of the Ordinance, to permit erection of a porch 13.6 ft. from rear property line, Lot 19, Section 12, Falls Hill (505 Coron Lane), Providence District (R-12.5) V-78-65

Mr. Layer stated that the property is pie-shaped and the area which they wish to use for the porch is directly in back of the dining room and kitchen area. There appears to be more room in the rear but the contour of the property drops off very fast and it is actually two-story by the time it gets down 10 or 15 ft. Because of the unusual shape of the property this is the only feasible location for the porch. He bought the house in June 1963.

He presented a letter from Mr. Redding, the neighbor who would be most affected by the porch, stating that he has no objection. This would be a screened-in porch.

There was no opposition.

Mr. Yeatman moved that the application of Kenneth H. Layer, application under Section 30-36 of the Ordinance, to permit erection of a porch 13.6 ft. from rear property line, Lot 19, Section 12, Falls Hill, (505 Coron Lane), Providence District (R-12.5 zoning) be granted because of the peculiar shape of the lot and because of the restrictions created by the storm sewer easement in the rear, the large tree, and the contour of the land. This is granted for a 12' x 19' porch and shall come no closer than 15.6 ft. from the rear property line. Seconded, Mr. Barnes. Carried unanimously.

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DOUGLAS W. DALTON, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of special tutoring classes in speech, hearing and reading, Lot 32, Block 3, Section 3, Yates Village, (6004 Brandon Avenue), Mason District (R-10) S-79-65

Mrs. Henderson read a letter requesting postponement of the hearing to the second meeting in June.

The opposition agreed to deferral.

Mr. Barnes moved to defer to June 22 at the applicant's request, to be put at the end of the agenda. Seconded, Mr. Smith. Carried unanimously.

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WILLIAM E. SANDERS, application under Sec. 30-36 of the Ordinance, to permit carport to be enclosed for room 9.3 ft. from side property line (2407 Rose Hill Drive), Lot 26, Block B, Section 1, Rose Hill Farm, Lee District (R-12.5) V-80-65

No one was present to represent the applicant. Mr. Everest moved to place the application at the end of today's agenda. Seconded, Mr. Barnes. Carried unanimously.

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LENA MAE AUGUSTINE, application under Sec. 30-137, Group VI (e) of the Ordinance, to permit operation of a beauty shop in home, Lot 21, Section 1, Devon Park, (1927 Beaver Lane), Dranesville District (R-12.5) S-81-65

Mrs. Augustine said the nearest professional beauty shop is about three miles away. Her shop would be for taking the people in the neighborhood. She and her husband have both been ill and her doctor has advised her to stay off her feet as much as possible - therefore she cannot work at a beauty shop all day. She has her own equipment and has had experience in this type of work. Sewer and water are available. There will only be one chair, and no advertising.

There was no opposition.

Lena Mae Augustine - Continued

Mr. Smith noted that parking should be provided for three cars and no parking within 25 ft. of the side property line nor in the front setback area. The site plan must be approved unless waived by the Board of Supervisors.

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Mrs. Augustine should show evidence that the parking is there before she gets the permit, Mrs. Henderson said. She would assume that the Staff would recommend waiver of the site plan requirement.

In the application of Lena Mae Augustine, application under Section 30-137, Group VI (e) of the Ordinance, to permit operation of a beauty shop in home, Lot 21, Sec. 1, Devon Park (1927 Beaver Lane), Dranesville District (R-12.5 zoning), Mr. Smith moved to approve the application to the applicant only. One chair home occupational beauty shop. Evidence shall be submitted that there will be three parking spaces prior to issuance of the permit. Health Department and all other requirements of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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ROSA A. CLEMENS, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of a nursery school (approx. 15 children) on west side of Route 697, approximately one-fourth mile south off Old Courthouse Road, Providence District. (RE-1) S-82-65

Mrs. Clemens said she wished to have 28 children. The room she would use is 22' x 28'. She would probably have fifteen children to start. This would be pre-school and the children would range from 3 1/2 years to five year olds.

The school would operate from 9:00 to 12:30. She has a degree and is well qualified to teach. She has taught in schools in the area, first through sixth grade English.

Mrs. Henderson felt that the ability to offer languages at this early age was most desirable.

Mrs. Clemens said she graduated from the Montessori School but in this environment she would not be as drastic in her teaching as the Montessori Schools are.

Mrs. Henderson noted that the permit could be granted for 15 students and Mrs. Clemens could come back and ask for more if she found it necessary.

There was no opposition.

Mrs. Henderson said the Health Department has requested deferral of the application because they had been unable to contact the applicant.

Mrs. Clemens said she was considering having a small summer group for summer day camp, probably about ten children, plus her own two. She would buy a plastic swimming pool so the children could play in water. The summer program would run from the middle of June through middle of August and regular nine month school session from September through June. They have two acres and the property is fenced all the way around.

Mr. Smith said six parking spaces should be adequate.

Mr. Everest moved that the application be deferred for decision only pending Health Department approval. Seconded, Mr. Yeatman. Carried unanimously.

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FLOYD I. BAKER, application under Sec. 30-36 of the Ordinance, to permit dwelling to remain as built 11.2 ft. from side property line, Lot 26, Davian Place, (on Roanoke Avenue), Falls Church District (R-12.5) V-83-65

The error resulted because the man who laid out the house followed the fence line, Mr. Baker explained. He was under the impression that the fence was on the line so he measured from the fence.

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Floyd I. Baker - Continued

Mr. Baker said he had only built two houses in Fairfax County in the past two years. He lives in Prince William County.

No opposition.

In the application of Floyd I. Baker, application under Section 30-36 of the Ordinance, to permit dwelling to remain as built 11.2 ft. from side property line, Lot 26, Davian Place, (on Roanoke Avenue), Falls Church District, under Section 30-36 of the Ordinance, Mr. Smith moved that the application be approved as applied for. This meets the requirements of Section 30-36, paragraph 4. This is an honest mistake on the part of Mr. Baker's foreman in laying out the house along the fence line rather than establishing the firm line. Possibly the house is a little larger than anticipated. The foundation was wider than anticipated. Seconded, Mr. Barnes. Carried unanimously.

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BLUE AND GRAY POST 8469 VETERANS OF FOREIGN WARS, to permit erection of a post home, on east side of Sideburn Road, Rt. 653, approx. 586 ft. north of Rt. 654, Falls Church District (RE-1) S-84-65

Mr. Vernon Long represented the applicant. The application is to build a post home and building for the members of the post, he explained, and at the present time they have 103 members. They propose to build a two-story building, 60 ft. x 40 ft. One story would be above ground and two-story in the rear. Soil tests are being made on the property at this time. They will have social activities for their members and occasional dances but would not be open on Sunday. Their dances would probably be from 8:00 or 8:30 to 12:30 on Friday nights; to 12:00 on Saturday nights. Most of their activities would take place inside. They do intend to formulate activities as far as children are concerned, but would have no athletic fields, only a park and recreation area.

They would eventually apply for ABC license, Mr. Long continued, but would not dispense beer in the building. They would not have a bar open. It would be only a bottle club.

Mr. Smith felt that this was a large building for only 103 membership and did not see how they could possibly support it.

Mr. Long said they have sufficient revenue to take care of the building.

Would you propose to lease the building to outside clubs, Mr. Smith asked?

Yes, it would be available, Mr. Long answered, this will be one source of revenue.

Mr. Bob Riner spoke in favor of the application. He stated that the VFW has rigid inspection service and in the event of complaints, the department inspector and district inspector make inspection. In his twenty years of experience with VFW he had only seen one post on which a complaint had been made and it was immediately closed until the matter was cleared up.

Opposition: Mr. Sweitzer said he represented the owners of 36 acres of land to the south, on Sideburn Road. There are no dwellings on these properties. He had hoped that the land owners could get together and come up with a plan for the area. He felt that such an installation as proposed by VFW would be detrimental to the area and was not in keeping with the best interests of the County. If the bond referendum passes it might be two years before the area starts developing.

Mr. Smith said he disagreed with Mr. Sweitzer -- this would be an improvement to the area at the present time, and people moving into the area would already be aware of this post.

Mr. Long said they planned to build a colonial brick building which would look like a residence.

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Blue and Gray Post 8469 Veterans of Foreign Wars - Ctd.

Mr. Smith said he would like to have Mr. Long submit a list of their present officers, telephone numbers and addresses, to the Zoning Administrator and if the officers change, the list should also be brought up to date each time.

For the present membership, parking is adequate, Mr. Smith said, but if there are any functions that would bring in other people, more parking should be provided. He suggested a 100 car parking lot in the beginning and if the membership is increased it is understood that there will have to be increased parking. There will be no outside activities other than park or picnic activities. The site plan will take care of fencing. If a swimming pool is contemplated, it will be necessary to appear before this Board. In the application of Blue and Gray Post 8469, Veterans of Foreign Wars, to permit erection of a post home, on east side of Sideburn Road, Route 653, approximately 586 ft. north of Route 654, Falls Church District, Mr. Smith moved to approve the application in accordance with proposed plan, that the building be 40 ft. by 60 ft. Any further additions will have to be approved by this Board. The parking lot shall provide 100 parking spaces. It has been pointed out to Mr. Long that a list of the officials of the post should be submitted to the Zoning Office with home telephone numbers of all the members of the executive committee etc. This is granted to the Blue and Gray Post 8469 Veterans of Foreign Wars only. All other provisions of the Ordinance to be met. Granted subject to Health Department approval for adequate sewage disposal system and adequate water supply to serve the facility. Seconded, Mr. Yeatman. Carried unanimously.

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MILDRED W. FRAZER, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of a private school, nursery through first grade (100 children), 4955 Sunset Lane, Mason District (RE 0.5) S-85-65

Mrs. Frazer stated that this is shown as two parcels of land but actually it is one parcel of almost three acres. She has asked for 100 pupils because this particular building will probably not hold more than that. She would add to the building if she added more children. However, she would come back to the Board to ask permission. Her present enrollment is 95 to 100 pupils. She will lose some of these students in moving but hopes to pick up some. If she gets this permit, she will close the other operations. The children will be ages two through six and would be nursery through first grade. This would also be a day care operation from 7 a.m. to 6 p.m. and in the summer they would take children up to eight years old. She has about 50 children during summer months. They would be taken out to a swimming pool and do horseback riding off the property; all other activities would take place on the property.

She has not talked with the Fire and Health Departments, Mrs. Frazer continued, but would comply with all their requirements. Sewer is available. They will not live in the house but would have a maintenance man living on the property. The garage will not be used as a part of the school. They will transport the children in three cars; some are brought by their parents or car pools.

When the maintenance man moves in, Mr. Smith asked that his name and phone number be given to the Zoning Office.

Opposition: Mr. Austin presented petitions in opposition. Mainly, he said they object to traffic which would be increased by this operation. He discussed the condition of the roads, and the already existing hazards. They also object to the noise that would come from the school.

Mrs. Sandra Gannon of the Wilburdale Citizens Association also objected to increased traffic.

Mr. Bonner stated that he was in the process of purchasing property adjoining the proposed school. He has two small children and was concerned about the additional traffic which this school would create. The noise was also a reason for his objection.

Mr. Kristinas, present owner of the property involved in the application, stated that in the summer time the house is completely surrounded by trees and could not be seen. The playground is located in the rear of the house and is in wooded area. He has owned the property since 1938

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Mildred W. Frazer - Ctd.

and he did not think noise would be a problem because of the thick woods.

Mrs. Frazer said the children play outside probably an hour in the morning and approximately 2 1/2 hours in the afternoons. The children are napping during the neighborhood napping hours so the noise factor, if it were such, would only be from the playground activity for three or three and a half hours a day. These are during the time when everyone is up and awake, and only for five days a week.

Mr. Smith moved to defer for decision only to May 11 in order to view the property. Seconded, Mr. Everest. Carried unanimously.

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HERBERT N. MORGAN AND JOSEPH B. LATSHAW, JR., -application under Sec. 30-36 of the Ordinance, to permit erection of stores closer to rear, front and right of way line than allowed, north side of Route 236, approx. 600 ft. west of Chambliss Street, Mason District (C-N) V-87-65

Mr. Herbert Morgan represented the applicant. Their problem is due to the shallow depth of the property. The original application stated that this was a variance to the front and rear setbacks, but they found that they are in compliance with the front setback so they are only requesting a variance from the rear line. There are apartments in back of the property. They plan to have a restaurant specializing in pizza and a small neighborhood store.

The property on the east is occupied by a McDonalds Hamburger Stand, and a piece of undeveloped C-G zoned land. The stores which they contemplate are in keeping with other property fronting on #236. Strict compliance with the rear setback of 25 ft. would make it impossible to develop the land as there is not sufficient land after giving land for service drive along the front. The property cannot be developed in C-O or for apartments. If the owner does not get this variance he will be deprived of any use of the property as he cannot build single-family residences.

This could be used for extra parking for the apartments, Mrs. Henderson suggested. She asked if Mr. Morgan were the owner?

Mr. Morgan replied that they are the contract purchasers.

When was the C-N zoning acquired, Mrs. Henderson asked?

About six weeks ago, Mr. Morgan replied.

Were you aware that these variances were necessary, Mr. Smith asked?

Mr. Morgan said it was pointed out at the hearing that the property could not be used without a variance.

The Board of Supervisors criticizes this Board, Mr. Smith said, for this type of situation, and yet they create such problems themselves. What was the previous zoning before C-N, he asked?

It was RM-2, Mr. Morgan stated. The building which they plan for the pizza shop will be 48' x 53'.

Couldn't the stores be made narrower and the parking extended to the point, Mrs. Henderson suggested?

Mr. Smith felt that the application was certainly not in keeping with the intent of the Ordinance. He admitted that the land was restricted to a degree as far as building, however, there can be buildings constructed on the property although not of the size indicated by the contract purchaser. There is no justification for a variance in this case.

Mr. Dennis Duffy represented Northmont Homes, developers of the apartments, and stated that the requested variances are not in the best interests of the County or adjacent land owners. The creation of this variance would create noise problems, parking problems etc. The pizza shop would be open for late hours; 20 to 30 apartment units would look down into the lights from this operation. This would be a serious detriment.

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Herbert N. Morgan & Joseph B. Latshaw - Ctd.

Mrs. Henderson said she might consider a smaller variance but not one of this extent. She admitted that the lot was peculiarly shaped.

In the application of Herbert N. Morgan and Joseph B. Latshaw, Jr., application under section 30-36 of the Ordinance, to permit erection of stores closer to rear, front and right of way line than allowed, north side of Route 236, approximately 600 ft. west of Chambliss Street, Mason District, Mr. Yeatman moved to deny the application as there is not enough land for this type operation. Seconded, Mr. Everest. Motion carried. Mrs. Henderson voted against complete denial - she said she would like to see the applicant rework the design and see if there is a possibility of granting a small variance for the same type operation. Carried four to one.

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The Board adjourned for lunch.
By Betty Haines

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CHARLES C. CALDWELL AND DOROTHY CALDWELL, application under Sec. 30-36 of the Ordinance, to permit erection of garage 11.5 feet from side property line, Lot 8, Section I, Springwood Subdivision, Dranesville District (RE-1) V-88-65

Mr. Caldwell stated that he wished to put a single-car garage on the west side of his house but because of the way the house is set, he will need a variance. He was unable to purchase additional footage from the property next door and in the rear of the house is the drainfield.

Mr. Yeatman moved that the application be granted. Seconded, Mr. Barnes.

Mr. Smith suggested amending to read 13.5 ft. from the nearest property line, rather than 11.5 ft. Mr. Yeatman accepted the amendment. Seconded, Mr. Barnes. Carried unanimously.

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DR. NORMAN BRESLAUER, application under Sec. 30-141, (Group X (b) of the Ordinance) to permit erection and operation of animal hospital, Parcel 4, East Garfield tract, east side of Brandon Avenue and south of Commerce Avenue, Mason District (C-G) S-89-65

Mr. William G. Downey, Jr., representing the applicant, stated that the animal hospital had to be relocated because the Highway Department was taking a large part of the frontage and would completely block ingress and egress to the present site. The building will be a completely enclosed structure. No additional kennels or outdoor rooms, and all animals completely within the building at all times. No windows except in the reception and office areas. This would be air conditioned, mechanically ventilated, and soundproofed. All odors would be filtered out.

Mr. Mintz, architect, described building design and explained the parking.

Mr. Wise, District Supervisor for McDonalds, felt the building and business would be an asset to the community.

In opposition, Mr. Raymond Lynch, owner of property contiguous, which contains Howard Johnson's Restaurant and the A&P grocery store to the south, objected to odors, noise, necessity for removing animal wastes and dead animals; however, if granted, he requested that the conditions of use permit require: (1) instead of side door facing Howard Johnson's, reverse plan and move building to the east side of the lot so that a blank wall faces the restaurant; (2) building should be more of a finished exterior than painted cinderblock; (3) Assurance should be given that odors will not be discharged into the air adjacent to restaurant; (4) Fence should be put along the balance of the property to protect parking lot from rear door activities of hospital.

In rebuttal, Mr. Mintz stated the door objected to was merely a service door to the storage room; the architectural appearance is a far cry from the appearance of Howard Johnson's.

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Dr. Norman Breslauer - Ctd.

Dr. Breslauer explained the method of removing dead animals is left up to the individual vet; no animals are cremated on the premises. The waste from animals is flushed into the sewerage system. Paper waste is kept in sealed containers inside the building and disposed of daily through the back entrance.

Mr. Smith moved that the application be approved as applied for in accordance with drawings submitted; all activities of the use of the hospital to be completely enclosed; that all air circulated to the outside of the building be deodorized and purified prior to pumping out of the building; to be no odor emanating from the building itself; completely enclosed; all of the activities including runs are inside the building; design be generally the same as presented in drawing; that all front, sides, and rear of the building be of an architectural design, pleasing to the eye; there be no disposal of dead animals on premises and waste from the premises be enclosed in containers prior to removal from building itself; that the parking area be laid out as shown on the plat submitted. The general size and layout of the building will conform with plats submitted and renderings submitted. All other provisions of the Ordinance being met. Seconded, Mr. Barnes. Carried unanimously.

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VIRGINIA ELECTRIC AND POWER COMPANY, application under Sec. 30-133, Group II (b) of the Ordinance, to permit an addition to existing sub-station, (Annandale Sub-Station) on south side of Rt. 236, approximately 1/3 mile west of Braddock Road, Mason District (RE 0.5) S-95-65

Mr. Church, representing applicant, pointed out the property on the map, explaining addition to existing substation will have no additional impact on the area.

Mr. Roger Brooks, District Engineer, showed maps of the property. The present facilities are overloaded and need immediate relief; this would double available capacity. Site is landscaped, with screening around the entire area. No interference with electricity, radio or television equipment; no new traffic in the neighborhood; proposed structures no higher than those already there.

Mr. Smith moved that the application be approved in accordance with plat plans submitted. It has been stated by the representative of VEPCO this is necessary to provide electricity to the now existing and expanding population of the area; that an emergency does exist and they need it immediately. Screening presently around fenced area. It is growing in very satisfactory manner, however, if any of these trees do happen to die, hope VEPCO will replace them so that eventually provide complete screen from transformer area. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

Mrs. Henderson read the Planning Commission recommendation. On motion of Mr. Stull, seconded by Mr. Price, approved under Section 15.1-456 of the Code of Virginia. Carried unanimously.

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WILLIAM E. SANDERS, application under Section 30-36 of the Ordinance, to permit carport to be enclosed for room 9.3 ft. from side property line, (2407 Rose Hill Drive), Lot 26, Block B, Section 1, Rose Hill Farm, Lee District (R-12.5) V-80-65

Mr. Sanders requested variance to enclose carport to provide for additional space for his family. He cannot build on at the rear because it would be too expensive.

Mr. Smith stated that although it was difficult to deny the applicant's request, the Board has no authority to grant a variance to allow the carport to be enclosed, and moved that the application be denied for reasons that this does not meet requirements of Section 30-36 of the Ordinance. There are many similar situations, not only in Rose Hill, but throughout the County. Seconded, Mr. Barnes. Carried unanimously. Application denied.

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WILLIAM ZIEGLER & BETTY LOU SEXTON, application under Sec. 30-36 of the Ordinance, to permit erection of a barn closer to side property line, Lot 10, Center Heights, Centreville District (RE-1) V-47-65

Mr. Horne, representing the applicant, stated that Mr. Ziegler had not decided what he wants to do with the front part of the lot. The proposed stables will be of cinder block construction; they will have four stalls and will accommodate four horses.

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Mr. Smith moved that the application be approved in accordance with the most recent plan, which indicates variance of not more than 10 ft.; barn be placed not closer than 90 ft. from side property line. Barn to be 32 x 20 ft. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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STONYBROOK DEVELOPERS, INC., application under Sec. 30-36 of the Ordinance, to permit erection of dwellings 40 ft. from front property lines, Lots 10, 11 and 12, McAdams Addition to Hillbrook, on Pacific Lane, Mason District

Mr. Everett Slagle, representing the developer, explained that on Lots 10, 11 and 12 there is a very steep drop from front to back, and the houses would have to be set very low and might have sewer and driveway problems, or would require a tremendous amount of fill.

Mr. Everest moved that the case be deferred for decision only, to May 11, to view the property. Seconded, Mr. Smith. Carried unanimously.

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JAMES A. McWHORTER, application under Sec. 30-36 of the Ordinance, to permit erection of an addition to restaurant 35.20 ft. from Chate-lain Road (Tops Drive Inn), property on northeasterly corner of Columbia Pike and Chatelain Road, Falls Church District (C-D) V-60-65

Mr. Creeden showed a copy of floor plan that was not available at the last hearing and explained that the hardship of the case is that when the structure originally was built, the side lot requirements were less and this could have been built without a variance at that time.

Mr. Smith moved that the application be approved for erection of 24 ft. to coincide and run with the present building line; this being 36.70 ft. from Chatelain Road, the construction being in conformity with plats submitted. This is to provide additional seating capacity for the now existing Tops Drive Inn. It has been pointed out that when the original construction took place, they were allowed to place the building within 35 ft. of Chatelain Road. This is the basis for the variance. At that time it could have been placed within 35 ft. of Chatelain Road. Merely an extension of present use to provide better seating and better service for customers, patrons of this long established restaurant. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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JAMES L. COOKE, application under Sec. 30-36 of the Ordinance, to permit erection of dwelling on outlot A, with less frontage than allowed by the Ordinance, Outlot A, Section 8A, Falls Hill, Providence Dis-trict (R-12.5)

Mrs. Henderson felt that the house Mr. Cooke proposed to build would not in itself be objectionable in the neighborhood or be out of chara-cter with other houses, but the Board has no authority to grant the variance because of restrictions that no building permit be issued for building on this lot.

Mr. Smith moved to defer to May 25 for the applicant to investigate the possibility with Subdivision Control that this could be declared a legal lot with variances on it and not be called an outlot. Re-strictions would then be removed. Seconded, Mr. Barnes. Carried unanimously.

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ANTHONY B. SANTULLO, application under Sec. 30-139, Group VIII (a) of the Ordinance, to permit operation of dog kennel, north side of Pohick Rd. Rt. 641, - 368 ft. west of Rt. 636, Lee District (RE-1) S-76-65

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Mrs. Henderson read a letter from Mr. Garner, attorney for the applicant, dated April 22, stating that since contingency was not met, that it be dropped from the agenda.

Mr. Smith moved that the application be withdrawn at the applicant's request, for reasons stated. Seconded, Mr. Barnes. Carried unanimously.

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FAIRFAX-FALLS CHURCH MENTAL HEALTH CENTER, application under Sec. 30-136, Group V (a) of the Ordinance, to permit operation of mental health clinic in existing building, on east side of Sleepy Hollow Road, approx. 200 ft. north of Nicholson St., Mason District (R-12.5) S-69-65

Original use permit could not be found.

Mr. Haynie Trotter, representing the applicant, stated that they could not find it either.

Mr. Smith moved that in view of the fact that apparently they do not have a permit for the existing non-conforming use on Lot 4 that they incorporate Lot 4 into the present application, and make ^{one parcel} if the permit be granted, for both Lot 4 and one acre parcel of land now under the application to the Board, ^{now} if the Board concurs, they place formal motion before the Board to endeavor to incorporate the two in one use permit, ^{and} moved that the Fairfax Child Guidance Clinic, Inc., trading as Fairfax-Falls Church Mental Health Center, be granted a permit under Section 30-136, Group V, (a) of the Ordinance, to permit operation of mental health clinic in existing building on Lot 4 of the Aaron G. Desserdorf Subdivision, this being ^{now} non-conforming use with non-conforming set backs, both side yard and possibly front yard; use be brought into conformity, recognizing the non-conforming status of the setback requirements; that the Health Center also be granted a permit on the contiguous piece of property now under application to the Board, known as the property on Sleepy Hollow Road approximately 200 ft. north of Nicholson Street with one-and a half story brick house on the road. That the use be permitted in existing house. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes.

This may go to the hearing later. I don't want to say that, Mr. Smith.

Mr. Smith amended the motion to grant variance of 11 ft. from the Angston property and 12.5 ft. from the Argerson property. Amendment accepted by Mr. Barnes. Carried unanimously.

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MARGUERITE SCHUMANN (amended application) to permit existing private school facilities to operate on all day basis; additional facilities requested to operate on the same basis and if the Board of Zoning Appeals determines that a use permit is necessary for operation of a swimming pool ^{now} on premises to permit such operation in connection with private school facilities, Lot 1, Section 7, Willowmere Farms, N. side of Willowmere Drive, 250 ft. east of Cedar Lane, Providence District (RE 0.5) S-53-65

Deferred to view property again and for further study.

Mr. Hansbarger stated that the fence has been constructed and the driveway paved. Arrangements have been made to remove debris, but the area has been too wet. Arrangements have also been made to pick up paper waste and trash from the school; there will be no burning.

Mr. Smith said he had spent a great deal of time at the school and has not been able to find the number of youngsters in the play yard that was indicated by some of the objectioners. There is some noise as pertaining to any school or group of youngsters but not any great noise factor from standpoint of distance.

Mr. Barnes agreed with Mr. Smith.

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Marguerite Schumann - Ctd.

Total enrollment of the school was discussed by the Board. Mr. Hansbarger stated that under the present operation a maximum of 180 pupils are permitted at any one time. Mrs. Henderson's understanding was a maximum enrollment of 180. Mr. Hansbarger explained that there are two shifts of children. Some go home at noon and others come in; that it is permitted by the Health Department as administrators for the State.

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Mr. Smith considered this to be a new use permit for the existing school and should be only permit covering the operation. It should clearly state and show all provisions and additions proposed to place in restriction on this use permit. He moved that the application of Marguerite Schumann to permit existingschool facilities and to operate on an all day basis from 7:00 a.m. to 6:00 p.m. - grades: nursery school through third grade; that the maximum number of pupils permitted in the facilities or on the premises at any one time be 330; that the Board permit the applicant to construct an extension of the now existing use to include the new building as proposed in this application in accordance with plat plan submitted; that there be no more than 100 youngsters or students on the playground or outside the building at any one time other than boarding or disembarking from buses themselves, on the way in or out of the building. This would include students using the swimming pool. The swimming pool being made a part of this use permit, and use of the pool be restricted to the hours the school is in operation - 7:00 a.m. to 6:00 p.m. No use shall be made of the pool beyond these hours. That the debris discussed a number of times be removed as soon as possible, as soon as weather permits. The road, Willowmere Drive, into the school premises be maintained by the applicant in a safe and dust-free manner at all times; that no potholes be allowed to accumulate; parking lot shall be kept free of all debris and trash. General policing of school grounds - be kept in immaculate manner. All other provisions of the Ordinance being met. Seconded, Mr. Barnes. Carried 3 to 2; Messrs. Smith, Barnes and Yeatman voting for and Mrs. Henderson and Mr. Everest against the motion.

Mr. Everest voted against, not because the addition would have any more of an adverse impact on the area, but felt the applicants should be required to operate within their original use permit before any extension is considered.

Mrs. Henderson voted no because what she understood was to be 180 children was too intensive a use in 1962; the area has not changed at all and 330 children with possible enrollment of 660 is about six times too intense.

Mr. Smith hoped the operators of the school would make every possible effort to alleviate any objection from the neighbors, through good public relations in the next year or so. There is a great need for the school and from his observations it is very well run; the youngsters benefit from it but the neighbors should be protected as much as possible.

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CANTERBURY WOODS - Mrs. Henderson read a letter from the applicant stating that they were successful in obtaining agreement and it is not necessary to request a variance; they requested that it be withdrawn. Mr. Smith so moved. Seconded, Mr. Barnes. Carried unanimously.

The meeting adjourned at 5:45 P.M.
By Catherine Gribok

W. L. J. Henderson, Jr.
Mrs. L. J. Henderson, Jr., Chairman
June 18, 1965 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, May 11, 1965 at 10:00 a.m. in the Board Room of the County Courthouse. All members of the Board were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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

NORMAN M. RIDGEWAY, application under Section 30-36 of the Ordinance, to permit service station and pump islands to be moved closer to property lines than allowed, on west side of Telegraph Road and south of the Beltway, Lee District (C-G) V-90-65

Mr. Wesley Ridgeway represented his father. He stated that this is a relocation of an existing station which was rebuilt after the state widened the road; now they are widening again so they must move the station again. This is the same property, they wish to move the station farther back. The highway is taking about 25 ft. off the front of the property and it is not feasible to tear down the building and build a new one so they are going to try to move the existing building. His father has owned the gas station for thirty-five years. The present building was constructed ten or fifteen years ago.

Mrs. Henderson said she felt they could get two pump islands in and still stay back 25 feet.

Mr. Smith said he would like to view the property. There was no opposition present and Mr. Everest moved to defer to May 25 in order that the Board members may view the property. Seconded, Mr. Smith. Carried unanimously.

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THE AMERICAN TELEPHONE AND TELEGRAPH COMPANY, application under Section 30-133, Group II (d) of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communications service to the Washington Metropolitan Area, portion Lot 2, Section 6, Pimmit Hills, Route 7 and Lisle Avenue, Dranesville District, (R-10) S-92-65

THE AMERICAN TELEPHONE AND TELEGRAPH COMPANY, application under Section 30-133, Group II (d) of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communications service to Washington Metropolitan Area, property on north side of Route 7, approximately 1300 feet east of Route 606, Dranesville District, (C-O) S-91-65

THE AMERICAN TELEPHONE AND TELEGRAPH COMPANY, application under Section 30-133, Group II (d) of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communications service to the Washington Metropolitan Area, portion Lot 14, Section 2, Munson Hill, Mason District (R-12.5) S-93-65

THE AMERICAN TELEPHONE AND TELEGRAPH COMPANY, application under Section 30-133, Group II (d) of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communications service to the Washington Metropolitan Area, property on southerly side of Leesburg Pike, approximately 500 feet east of intersection with Route 694, Dranesville District (RE-1) S-94-65

Mr. William Bauknight represented the applicant. He said that much of the information he would present would apply to all four applications. The only difference in these applications is location. The Planning Commission will consider the applications on May 17.

Mrs. Henderson read the Commission's comments and suggested hearing the cases and if they are granted, they should be made subject to the provisions of the Code and subject to review by the Planning Commission.

Mr. Bauknight stated that two weeks ago he took up considerable time before this Board describing AT&T's needs and their facilities. He

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reviewed briefly what had been described to the Board at the previous meeting. All these cables will be underground.

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Mr. Spiker of the Telephone Company located the proposed route on a map and pointed out the four stations involved. He described the cables as being twelve tube coaxial cables, each holding 1860 telephone conversations simultaneously. These repeater stations will boost the signal strength at each location and the spacing between these amplifiers is extremely critical. The spacing is 3.86 miles between them and they cannot allow a deviation of more than 2/10 of a mile.

In the first application at Pimmit Hills, Mr. Bauknight said the spacing fell within a house. They now have an option on a Pimmit Hills house and they will take the house down when the new building is built. They propose a building considerably smaller than the present house but it will have the same appearance as the Pimmit Hills houses. Size of the building will be 19.66 ft. by 15 ft. This will be constructed of block. These are automatic installations and will require no crew on duty. There will be visits for quarterly maintenance in between if necessary, and there will be a 36" fence left on the property.

Mr. Robert Scatcher of the Telephone Company said the building would be clapboard over shadow block and would match the existing architecture in the community. The buildings in all four applications have been especially matched with existing architecture. This would provide a fire-proof structure for their equipment and a structure that could not be tampered with. It will have one door and a false window. The building will be protected and from the exterior it will look like a small house. The buildings will be placed over a basement for equipment that will be used in the future. They do not need the basement now but are planning for the future - probably would not need the basement till 1970. The grounds will be properly maintained at all times.

Mr. McKenzie Downs, professional appraiser, said he had investigated the site and he did not feel that there would be any adverse effects from this structure and it might tend to upgrade the community to some degree. There would be no odor, noise or fumes from this structure. All wiring will be underground.

There was no opposition present.

In the application of American Telephone and Telegraph Company under Section 30-133, Group II (d) of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communications service to the Washington Metropolitan area, portion Lot 2, Section 6, Pimmit Hills, Route 7 and Lisle Avenue, Dranesville District, Mr. Smith moved that the application be approved as applied for with conditions as stated by the applicant -- the building will be constructed to harmonize with existing construction and the outside of the building will look like a small home; the property will be properly fenced and maintained to the highest degree at all times. All other provisions of the Ordinance will be met. This is approved subject to review by the Planning Commission. Seconded, Mr. Barnes. Carried unanimously.

In the second application, at Route 7, Mr. Bauknight said there is presently a property yard on the property. They will build a small brick building next to the existing house, the building to be approximately 16.6 ft. by 19.6 ft. and would use the existing driveway after it has been improved. This is located in a C-O zone on a piece of property containing approximately 9,000 square feet. All setbacks will be met. They will build a building with only one door; the windows are dummy windows.

Mr. Downs, appraiser, gave his report concluding that there would be no adverse effects from this operation.

There was no opposition present.

In the application of American Telephone and Telegraph Company, application under Section 30-133, Group II (d) of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communications service to Washington Metropolitan Area, property on north side of Route 7 approximately 1300 feet east of Route 606, Dranesville District, Mr. Yeatman moved that the application be approved and

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that the building be constructed according to the picture on file. All other provisions of the Ordinance are to be met. Maintenance of the building shall be the same as described in the previous application. This is granted subject to Planning Commission review. Seconded, Mr. Everest. Carried unanimously.

The next site at Munson Hill, Mr. Bauknight explained, is almost directly across from Munson Hill Towers. The site plan shows access from Route 7. The access to the nearby houses is not from Route 7 but from within the subdivision. They will ask for a waiver of the service drive along Route 7 because they will make no use of it. Lots 14 and 15 have houses on them. If this does not fit under Subdivision Control they will lease the property, if it does fit, they will buy it. They will have to resubdivide Lot 14 but they think it will work under Subdivision Control. Size of the proposed building is 10.6 ft. by 16.67 ft. There will be a basement for future expansion. They have a choice of option to lease, purchase, or right of easement.

The owner of the property has requested that the property not be fenced but left open to give the appearance of a tool shed. They could construct the building within six or seven weeks but to install the equipment would take another week or so.

Mr. Downs gave his report concluding that there would be no adverse effects from this application.

Opposition: Mr. Eugene Cummings, 3217 Apex Circle, objected because he was afraid this application, if granted, would stop development in the area. He would like the area to stay as it is, but he knew that development was planned and he felt this would hinder development. He has lived here for ten years.

that this would hinder development

Mrs. Henderson disagreed/and Mr. Smith stated that apartments or commercial uses could very well be built around this little building.

Mr. Jewell, owner of Lot 15, said he was not really in opposition but wished to clear up a couple of points regarding access.

Mr. Bauknight located the driveway on the plat and stated that all access problems would be worked out on the site plan. The proposed service drive would serve no practical purpose so the Board of Supervisors would probably waive that requirement. The land is already dedicated for the road.

In the application of American Telephone and Telegraph Company, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communications service to Washington metropolitan area, portion Lot 14, Sec. 2, Munson Hill, Mason District, Mr. Smith moved that the application be approved as applied for and the building constructed in conformity with the rendering made. The exterior of the building to be of brick. It shall harmonize with existing construction on Lot 14 and adjoining lots. The property and building shall be maintained in the highest degree at all times. It is understood that there will be no noise from this use. Application is subject to review by the Planning Commission. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

In the fourth application Mr. Bauknight stated that this is located on a wooded, undeveloped site. The architecture will be the same as the building on the Tomblin property on Route 7, with one door and a dummy window. This would be approximately 11,000 square feet out of a twenty acre tract. This is under option to purchase. The building will be located 125 feet from the right of way. Size of the building will be 16.67 by 19.67 feet.

There was no opposition present.

Mr. Downs gave his report concluding that there would be no adverse effect from this structure.

Mr. Everest moved that this application of American Telephone and Telegraph Company, located on the southerly side of Leesburg Pike, approximately 500 feet east of the intersection with Route 694, Dranes-

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ville District, be approved as applied for. All other provisions of the Ordinance shall be met. The grounds and building shall be maintained with the standard of the neighborhood. This is subject to Planning Commission review. Seconded, Mr. Yeatman. Carried unanimously.

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PHILIP M. MITCHELL, application under Section 30-139, Group VIII (a) of the Ordinance, to permit operation of a dog kennel, property located approximately 3/4 mile west of Route 28 on the west side of Route 658, Centreville District (RE-1) S-96-65

Mr. Mitchell explained that he presently operates Bull Run Ranch Hunting Preserve. They have about six or seven kennels for the dogs which they use for their present business. They would like to enlarge their facilities to include training, boarding and breeding. There are 265 acres in the total tract. They specialize in hunting dogs but would hope to get into a general commercial kennel operation where they board, train and breed all breeds of dogs. They now have about ten dogs on the premises in connection with the present operation.

Mr. Mitchell described the operation -- they have hunting for pheasant, quail and partridge; they furnish the guide, dog and the hunter must be State licensed in order to hunt on the property. They are also in the specialized meat business and have a freezer operation, selling quail, pheasant, partridge, rabbit, etc. They got their permit in 1962. They live on the property which has been in the family for twenty years. It is their only source of income. Mr. Mitchell said his father owns the property and leases it to him. He would like to add ten kennels. They would put as many as three dogs per kennel. They might have as many as thirty to thirty-five dogs at the most. They hope eventually to get into the training operation on a larger scale. Mr. Mitchell said he has had experience in training dogs but could not devote full time to it. He has made arrangements with Mr. Roy Mann, well known trainer, to train dogs for his customers. The kennels are cleaned daily; they have a sump next to the kennel area where they dispose of the droppings.

Mrs. Henderson noted that this should have Health Department approval.

The runs are 5 ft. x 20 ft. and inside under roof is 5 ft. x 7 ft. with doghouses inside.

Mr. Smith felt that as long as the kennel use was an accessory use of the hunting preserve, to board hunting dogs, it was in line but when they start getting into all fields of boarding dogs, all breeds of dogs, he did not think this could be considered as an accessory use.

Mr. Mitchell said the shooting preserve is only a six month business running from October 1 through March 31. They must supplement their activities in summer months with some form of income. The kennel is one source; the shotgun instruction is one; fishing, etc. All their activities are open to the public and they would like to diversify their activities to help this income. They will not turn away any dogs to be boarded.

Mr. Smith said he would like to look at the property. This is a beautiful location for this operation.

There was no opposition present.

Mr. Yeatman moved to defer to May 25 to view. Seconded, Mr. Smith. Carried unanimously.

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ISAAC UNCIANO, application under Section 30-36 of the Ordinance, to permit existing building to remain 3.8 ft. from side property line to be used as a barber shop, part Lots 1, 2 and 3, Block 1, Groveton Heights, Lee District C-G, V-98-65

Mr. Unciano said he wished to use the existing vacant part of the garage plus the proposed addition for a barber shpp. Part would still be used as a garage.

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Isaac Unciano - Ctd.

Mr. Unciano said the property was zoned C-G when he bought it on April 1.

Mrs. Henderson noted that the existing building does not meet the required setbacks for C-G districts. She wondered what the Board of Supervisors had in mind when they rezoned the property. She said she would like to read the records of the rezoning to see who rezoned the property and what it was rezoned for.

Mr. Rust said he had talked with the Highway Department and they state that they do not want an entrance onto Route 1, however, they cannot stop it.

No opposition.

Mr. Smith moved to defer decision to May 25 to view the property and also in order that the Board might have an opportunity to see the minutes of the rezoning. Seconded, Mr. Everest. Carried unanimously.

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ACCOTINK ACADEMY, application under Sec. 30-139, Group VI (d) of the Ordinance, to permit operation of a summer day camp, part Lots 30 and 31 Unit I, Fairfax Park, Falls Church District (RE-1) S-97-65

The school is in operation now, Mrs. McConnell stated and they would like to operate during the summer months exactly the way they have been operating during the winter months. There would be two shifts -- 9 to 12, and 1 to 4. Children would be ages 4 to 6 years old. They would offer a planned recreation program with arts and crafts and something for pre-schoolers. They hope to keep the same students. They have had applications from parents of children who are not presently attending the school. They would like to have the same number during the summer - approximately twenty students per classroom. They would have sixty during the morning and sixty during the afternoon, with maximum number of sixty children in the building or on the grounds at any one time. No children would stay all day. The Fire Marshal and the Health Department have given their approval. This would be a twelve month operation. The summer program would not cover academic subjects, merely recreational type of school.

Mrs. McConnellsaid she and her husband own the school. They got the permit July 14, 1964 and had planned to build another room but did not know they needed another use permit. They would have to add twenty children. The septic field is adequate for this number.

Mr. Smith said apparently the Health Department has only approved this for 120 children and if they add to that number they would have to put in an additional line to the septic field and they would need extension of their use permit.

Mrs. Henderson felt that extension of the number of pupils and addition to building should be a separate consideration.

No opposition.

Mr. Everest moved that the application of Accotink Academy, application under Section 30-139, Group VI (d) of the Ordinance, to permit operation of a summer day camp, part Lots 30 and 31, Unit I, Fairfax Park, Falls Church District (RE-1) Mr. Everest moved that the application be approved for hours 9:00 to 12:00 and 1:00 to 4:00, children aged 4 thru 6, maximum of 60 children on the premises at any one time. All other provisions of the Ordinance to be met. This is granted to the owners of Accotink Academy only - Mr. and Mrs. McConnell trading as Accotink Academy. Seconded, Mr. Yeatman. Carried unanimously.

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CHARLES V. LYNCH, application under Section 30-138, Group VII (d) of the Ordinance, to permit erection and operation of a miniature golf course, driving range, 9 hole pitch and putt course, pro shop and a 9 hole regulation golf course, property on south side of Route 50 east of Rt. 656 near Pender, Centreville District (RE-1) S-99-65

Mr. Lynch stated that this would be a nine hole regulation full length par 36 plus driving range and pitch and putt and miniature.

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Charles V. Lynch - Ctd.

The Eakin property at Seven Corners has been rezoned for apartments, Mr. Lynch continued, and the driving range will be there no longer. There is a definite need for driving range in the area.

Mr. Smith said this seems to be a rather intense use of this 100 acres; he has no objection to the golf course, he thinks that is a good idea, but putting in a driving range and pitch and putt course on the same property is too intense.

Mr. Yeatman felt this was something which the County needs and a good idea.

Mr. Lynch said he would make this use of the land while waiting for sewer to come in. The Highway Department plans to make Route 50 a four-lane highway in front of the property and there would be three or four cross-overs along in front of the property.

The Board discussed the exact amount of acreage involved in the application, noting that no distances were shown on the plats.

No opposition.

Mr. Yeatman moved to defer for more accurate plats and to view the property. Defer June 8. Seconded, Mr. Everest. Carried unanimously.

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WILLIAM A. KIMMERLING, application under Section 30-137, Group VI (c) of the Ordinance, to permit additional twenty children for halfday session, property located on south side of Collingwood Road, approximately 1,000 ft. west of Fort Hunt Road (134 W. Collingwood Rd.), Mt. Vernon District (R-12.5) S-100-65

Mrs. Henderson said the Staff had noted that no site plan was filed on the original permit last fall and there was no record of an occupancy permit having been obtained. The Board agreed that they should get this situation straightened out before increasing the number of pupils.

Mr. and Mrs. Kimmerling said they were confused about what they were supposed to do.

Mr. Everest moved to defer to June 8 so the applicant could obtain an occupancy permit on the original operation before considering any extension. Seconded, Mr. Smith. Carried unanimously. (It was noted that the site plan requirement would have to be waived before they could get an occupancy permit.)

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POTOMAC BROADCASTING CORP., application under Sec. 30-133, Group II (c) of the Ordinance, to permit erection of an antenna tower, property 350 ft. east of the end of Augustine Street and adjacent to the park, Lee District (R-12.5) S-101-65

Mr. Howard Hayes, President of the Corporation, represented the applicant. He stated that the present tower is 408 ft. above ground level. A year ago last fall they appeared before the Board and subsequently were granted the application for the erection of two additional towers on the property, however, engineering conditions prescribed by FCC made it necessary to modify their plans, which prompts their appearance before the Board today. The tower was originally granted and erected in 1959. The two 155 ft. towers were never erected.

Mrs. Henderson said she would like to read the minutes granting the original tower to see if there was any mention of height.

Mr. Smith suggested recessing for lunch to enable the Board to look at the minutes. The Board recessed from 1:20 to 2:20.

The records in the Zoning Office do not mention height of the tower anywhere, Mrs. Henderson said, except in the hearing of the application on

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the Smoot Sand and Gravel Company which was denied. It was stated that the tower would be the same height as the one they had to move -- 309 ft. Also, under the old ordinance, in fairness to Mr. Hayes, it says that towers may exceed the height limit. There was no limitation of height on any building permit. In the 1959 application there was no mention of a building in the application and yet there is a building on the property. 324

The building was installed in March or April 1960, Mr. Hayes said. The building was destroyed by fire and was rebuilt in 1961.

What size is the building and what purpose does it serve, Mr. Smith asked?

The building is approximately 20'x 24' and houses the actual radio transmitter and associated equipment, Mr. Hayes said. This is the main transmitter plant, the studio is in Alexandria. This is an unattended building; there are no people in it during the day. There is a fair amount of equipment in this building and it was constructed in anticipation of adding additional modern equipment. The transmitter is under remote control operation at all times.

How high is the new tower, Mrs. Henderson asked?

225 ft., Mr. Hayes replied.

Then why can't it be located in a place where it is 225 ft. from all property lines, Mrs. Henderson asked?

Mr. Hayes said it is rather involved technically; that was an imposition of engineering phenomena that specifies its distance.

Have you any written word that this is the only location in which this tower can go, Mrs. Henderson asked?

They have undergone several different engineering plans in attempting to provide a workable system in this location, Mr. Hayes said. This particular system employing the proposed tower there is on file at the present time with FCC. All other engineering data having been taken for that, he could supply it to the Board. He has no great volume of written testimony specifying the fact that this is the required location.

Mrs. Henderson said she would like to see the engineering statement as to why this tower could not be located elsewhere. She asked if Mr. Hayes had explored the possibility of acquiring a strip of land from the Park Authority.

Mr. Hayes said he had asked and it was not obtainable.

Mr. Smith asked if this were the only other proposal made to FCC other than the original proposal to use the 155 ft. towers?

Yes, Mr. Hayes said, this is the only design of many which appears to meet requirements of FCC so this is the one that was filed.

The original permit in 1959 indicated that you were to grade the land away from the Mount Vernon Woods Subdivision, Mrs. Henderson noted. Site plans were not so strictly required then. How have you changed the topo of this land by the tower and the building there now?

At the time they acquired the land it was wooded, Mr. Hayes said, and they cleared the growth from the land and in the process of clearing large trees were uprooted and as much of the undergrowth as possible was removed to make it possible to put in the ground radio system. The result of this was a considerable stirring up of the earth, of the majority of the surface of the tract being pushed around by bulldozers. He did not think they had changed the contour of the land they occupy from its original character - some indentations may have been filled out. With respect to sloping ground away from Mount Vernon Woods, it has to be recalled that in the initial application they were talking about a piece of property abutting the rear property line of lots comprising the easterly side of Mount Vernon Woods Subdivision. It suddenly

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developed that the tract about which they were talking had been optioned to the School Board and because of plans and actual contracts of sale, etc. the land about which they had been talking turned out to be an area lying 300 to 350 ft. east of Mount Vernon Woods so the reference with respect to grading the land away from Mount Vernon Woods became an utter impossibility as far as they were concerned - they never acquired title to that property.

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Capt. Porter from Public Works discussed the drainage problems in the area.

Opposition:

Mrs. Mary Thonan showed photographs of the property and read from the minutes of April 14, 1959. She discussed the matter of guy wires - children playing ball do not know where the park property ends and the tower property begins and they fear that the children will run into the guy wires and be injured. The tower does not fit in with the area. They have had one of the lowest rates of vandalism in the county but recently have had quite a few reports of small acts of vandalism from the WPIK property so it creates quite a nuisance. They are not present to be harsh with WPIK - they were there first, before the park land. At the time, the citizens in the area were not aware of what was going on. They would like the case deferred until they can come up with definite answers from WPIK and definite promises.

Mrs. Kline discussed the mosquito and drainage problems. A severe water situation has existed since 1959 and the mosquito problem is also severe. The Park Authority and Public Works are willing to cooperate in a solution to the drainage problem and she suggested that something be done on the WPIK land. Because there are mutual benefits to be gained from the drainage solution, and because of the health problems, she urged the Board to defer action until these things can be made known, and if not, at least to require specific safety factors, such as 8 ft. fences, not around the base of the tower only, with 2 ft. barb wire strands, but also around the guy wires.

Mr. Smith did not think that fencing the guy wires was practical - he suggested a fence along the WPIK property line.

Mrs. Kline said that was their first request to WPIK but they said cost would prohibit it. The second request was that they fence the guy wires. The base of the present tower is not adequately fenced and they hoped all this would be corrected adequately in the future.

How far away from the tower are the guy wires, Mr. Smith asked?

The extreme distance would be seventy per cent of the height of the tower, Mr. Hayes said. They will be oriented in such a way that the guy anchors would fall within the boundaries of their own property. They do intend to fence the new tower and the existing tower in its entirety with a chain link fence and there will be the usual barb wire strands around the perimeter with the hope that this will act as a deterrent to anyone trying to gain entrance to the tower or becoming enmeshed with the guy wires. They are vitally interested in proceeding with construction during the summer months when the weather permits and any degree of development for drainage of the area should also be done in summer months. He did not feel that Potomac Broadcasting was entirely responsible for the water ponding on the park land. They are entirely sympathetic and want to do all they can within their financial possibilities to accomplish what they can without getting involved in tremendous engineering surveys which could put this over for another year. They have an underground radio system extending pretty much out to the extremities of their property. Inasmuch as the normal feasible means of drainage would be along that perimeter, they were completely agreeable to the idea of putting a ditch along the northerly edge of their property. The principal obstacle to getting water out is their access road. However, culverts could be put under the road.

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Mrs. Henderson said she would not vote on this until shown some evidence that it is necessary to move the tower. There are places on the property where the tower can stay 225 ft. from all property lines. At the 1959 meeting it was stated that the tower could not go in any other location and the tower was denied, but the tower is in, in another location.

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Mr. Yeatman said he would like to defer for a tentative site plan showing drainage easements, proper location where the tower would meet ordinance requirements; the type of fence proposed to put in, etc. This use should not be extended without seeing an engineering study on this. The Planning Commission recommended approval of the site with appropriate fencing and stated that steps should be taken in conjunction with Public Works to improve the drainage conditions, Mrs. Henderson noted. The same letter was received from the Health Department.

Mr. Smith felt that the Planning Commission probably was not aware that a variance was necessary. If the application could meet all ordinance requirements, Mr. Smith said he would have no objection to the tower.

Mrs. Henderson said the Board should have plats presented showing how high the tower is and exactly what the setbacks will be. This is not shown on the present plats.

Mr. Hayes said they could not agree to reduce the height of the tower inasmuch as the tower at its specified height is part of the application pending before FCC and to change the height of the tower would require again a complete re-engineering and as a matter of fact, it seems to them highly unlikely that they can file anything else that will work in this site, although he had nothing to file in writing to prove this at this time.

There are no grounds for requesting a variance, Mrs. Henderson said. She suggested trading a piece of their property for a piece of park land so that the radius of fall of the tower would be on WPIK property.

Mr. Yeatman moved to defer for two weeks for information on topog and drainage problems, and see if an exchange of land with the Park Authority can be worked out. Seconded, Mr. Smith. Deferred to May 25. Carried unanimously.

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TRUMAC, INC., application under Section 30-138, Group VII (d) of the Ordinance, to permit erection and operation of a miniature golf course and golf driving range, SW corner of Route 50 and Route 645, Centreville District (RE-1) S-102-65

Mr. Clare Ducker represented the applicant; Mr. Mackey was also present. This application is for a golf driving range and miniature golf course, Mr. Ducker stated, and involves approximately 25 acres. The immediate parking lot would adequately park 23 automobiles. There is ample space for additional parking if necessary. There is a golf club right across the road - the International Golf Club. They are leasing the property for this use; public water is available. They had not yet had percolation tests.

Mrs. Henderson asked if the applicants were aware that this site is being considered by the School Board for acquisition for a school site. The applicants were not aware of this and did not think the owners of the property were aware of it either.

No opposition.

Mr. Smith moved to defer to May 25 to see if they could get information from the School Board on the possibility of acquiring this land for a school site. Seconded, Mr. Barnes. Carried unanimously.

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May 11, 1965

MR. AND MRS. JOSEPH J. DUFFY, JR. (RIDGEMONT MONTESSORI SCHOOL), application under Section 30-137, Group VI (c) of the Ordinance, to permit operation of a Montessori pre school, ages 3 to 6, 45 children maximum, NE corner of Route 123 and Saville Lane, Dranesville District (RE-1) S-103-65

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Mr. Douglas Adams represented the applicant. He stated that Mr. and Mrs. Duffy have a lease with the Emmanuel Presbyterian Church and they wish to have a pre-school for children ages 3 to 6, maximum of 45 students, four to five persons on the staff. This is only a temporary location for one year. They will acquire a site and come back to the Board and it is possible that the school will be moving four to five months from now to another location. They will be renting five rooms and three or four baths from the church. The church owns the property and has a church building to the side of this. The church uses the property on Sunday for Sunday schools. This will be used for school only, no one will live on the property. Hours of operation would be 9:30 to 12:30 Monday thru Friday. Parking is provided for thirty cars. They do not anticipate more than ten cars at any one time. The parking lot is bluestone.

Mrs. Duffy told of her teaching experience in the Montessori schools. There would be no afternoon sessions and no summer day camp. They would start the school in September.

No opposition.

Mr. Smith moved that the application of Mr. and Mrs. Joseph J. Duffy, Jr. (Ridgemont Montessori School) application under Section 30-137 Group VI (c) of the Ordinance, to permit operation of a Montessori pre-school, ages 3 to 6, 45 children maximum, NE corner of Route 123 and Saville Lane, Dranesville District (RE-1) be approved as applied for from May 15, 1965 through July 1, 1966. Granted to the applicants only. All other provisions of the Ordinance to be met. Seconded, Mr. Everest. Carried unanimously.

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DWIGHT H. DODD, application under Section 30-136, Group VI (c) of the Ordinance, to permit enlargement of one classroom and add storage room, Lot 1, Section 1, Taynton's Addition to Valley Brook (3420 Rose Lane) Falls Church District (RE 0.5) S-105-65

Mr. Dodd explained that the school is operating under his ownership with Mrs. Oldham in charge. This is kindergarten and first grade, operating under the terms of the original permit; they have 97 children enrolled. They do not operate a summer school, only regular first grade and kindergarten for normal school year. Swimming pool was removed and this is an application to enlarge one classroom that is too small. They would not add any more children. They are allowed to have 120 children but would only have the present 97. This is in the rear of the building. There are five classrooms downstairs and one classroom on the second floor.

Opposition:

Donald Weinsheimer, 6820 Valley Brook Drive, objected because he felt that the school creates vandalism and is a nuisance to children during the day. The property is not fenced as originally agreed to; off-street parking is not provided and used; the building is not lighted at night and not occupied at night by a watchman; the school is noisier than expected; children play on the property until dark and sometimes cut across his property to get to the school; the driveway is used as a lovers' lane; there is a gasoline pump adjoining the building; he requested that the application be denied.

Mrs. Birtwistle stated that last summer Mr. Dodd loaned his school for a period of 2 to 3 weeks to youngsters operating a glorified baby sitting service. They had posters advertising this service and also advertising in the Annandale papers.

Mr. Woodson noted that this was to collect money for the family of a teacher who was killed - the youngsters wanted to help. Mr. Massey

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Dwight H. Dodd - Ctd.

was aware of this and they were allowed a period of two weeks because this was a charitable and very worthwhile thing.

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Mrs. Birtwistle still felt that this was a violation of their use permit.

Mr. Dodd recalled that when he wanted to put up a fence there was strong objection from the people in the area, they did not want a fence. Therefore the Board did not require the fence. They have a permit to operate the school and they meet all County requirements. As for the gas pump, it was approved by the County. They have five school buses and one car which this pump services. The lights are left out at night because Mr. Mooreland asked him to do so. He felt that the lights were much more of a nuisance. There are no street lights. (Mr. Smith suggested getting VEPCO to install a light at a nominal cost per year.) They only had to replace one window that was broken during the past year, Mr. Dodd continued, and perhaps this was not from vandalism. The part of his property next to Mr. Weinsheimer has not been cleared - this is to discourage trespassers. It is difficult to get from the Dodd property to the Weinsheimer property. The school transports all of their students with the exception of four. Mr. Dodd said he has not discouraged children from playing in the yard after school.

As for parking, Mr. Dodd said they have provided more parking than was required. In addition to what they had originally, they have put in another five car parking space. They park on their own property. The school operates from September thru June 15, and during the summer. Mr. Dodd sends some of his laborers over to cut the grass and paint, etc.

Mr. Smith said that much change has taken place here - the ball park is no longer in operation, the swimming pool is gone and the day camp has been discontinued. The addition which Mr. Dodd seeks is not to increase enrollment of the school, but to better facilitate the teachers of the present students. If there are any nuisances connected with the school at present this will not increase. He hoped that Mr. Dodd could begin immediately to discourage youngsters from using Mr. Weinsheimer's property in connection with trips to and from the school. He was aware of the fact that after the school closes, the youngsters using the Weinsheimer property probably would use anyone's property. This is a condition that needs to be corrected at home. He thought that granting the application for the addition to the building would be granting a convenience to the youngsters and teachers using the facility and would in no way be a detriment to anyone. He therefore moved that the application of Dwight H. Dodd, application under Section 30-136, Group VI (c) of the Ordinance, to permit enlargement of one classroom and add storage room, Lot 1, Section 1, Taynton's Addition, to Valley Brook (3420 Rose Lane), Falls Church District, be approved; the enrollment will not be increased beyond the original number granted by the permit; grades kindergarten through first grade as in the original granting. The applicant shall provide adequate parking on the site for use by the teachers and visitors and for all school parking including buses, maintenance vehicles etc. All other provisions of the Ordinance shall be met. Seconded, Mr. Barnes. Carried unanimously.

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MOBIL OIL COMPANY, application under Section 30-141, Group x (a) C-D District, to permit erection and operation of service station, south side of Rt. 50 and west side of Graham Road, Falls Church District (C-D) S-104-65

Mr. William Hansbarger represented the applicant. He stated that the service drive is already existing. There are two other service stations at the intersection. Sewer and water are available. They propose to build a brick building similar to the Kroger store that is there - it would be a two bay brick and stone station, ranch type building.

Opposition: Mr. Nelson Davis, President of Broyhill Park Citizens Association, asked that they be limited to one entrance to the gasoline station - he discussed the congestion and hazards at this intersection and stated that this would add to the hazards. He talked at length on the traffic situation.

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Mobil Oil Company - Ctd.

Mr. Rust noted that this meets all requirements of the State Highway Department.

Mr. Yeatman moved that the application of Mobil Oil Company, application under Section 30-141, Group X (a) C-D District, to permit erection and operation of service station, south side of Route 50 and West side of Graham Road, Falls Church District, be approved as applied for. Seconded. Mr. Barnes. Carried unanimously.

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DR. ROBERT S. MOUSER & I. W. NELSON, application under Section 30-136, Group V (c) of the Ordinance, to permit erection and operation of a special care animal hospital, and permit building closer to property lines than allowed, 1000 ft. west of Union Mill Road southerly side of outlet road, Centreville District (RE-1) S-106-65

Mr. William Hansbarger represented the applicant. Mr. Mouser showed a model of the proposed building and stated there are approximately ten acres in the tract involved. There is no facility nearby similar to this other than the University of Pennsylvania. They would have ten stalls - this would be for treating large animals such as cows, horses and ponies, and there would be a barn with other stalls near this building. The upper corner of this property where they propose to locate the buildings is the only location on the ten acres that will perk. The property is level and has good drainage.

Mrs. Henderson said she did not see how the Board could justify a variance on ten acres. She suggested turning the building around.

Mr. Hansbarger said they were trying to avoid putting the building over the area that perks the best. If they occupy the good portion of the drainage field with buildings, it would cut down on their sanitary facilities. There are no other areas that will perk. This 10 acres is located in about a hundred acres of woods.

Mr. Smith suggested viewing the property to see if the variance could be reduced.

No opposition.

Mr. Mouser stated that Mr. DeBell of the Board of Supervisors is in favor of the application. The Board agreed that this was a good use and a needed facility but did not see how they could grant the variance.

Mr. Hansbarger said he knew the variance was a lot to ask for but they could come well within the limitation of the Ordinance - the fact that there is only one spot that will percolate is a peculiar or unusual situation. If they cannot get the variance it places a hardship on the owner of the land. As far as expansion is concerned, it would be better to go in with a 50 ft. variance than to come in five years later and ask to go closer. Anyone coming into the area from now on certainly would have knowledge of this use. To adhere to the setback requirements solely for the purpose of adhering serves no useful purpose - this is something that perhaps the Board could give consideration to. The house being situated on the property as it is is what causes the hardship here - the house is 85 years old and sets in the middle of the ten acres. There are no other houses within one-half mile. A proposed park comes behind this property over to Union Mill Road and over to the access road. He presented petitions from people not opposed to the application.

No opposition.

Mr. Smith moved to defer to May 25 to view - for decision only. Seconded Mr. Barnes. Carried unanimously.

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The Board adjourned for dinner till 8:00 P.M.

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May 11, 1965

JAMES R. AND ELIZABETH B. CRIGLER, application under Section 30-36 of the Ordinance, to permit erection of a stable closer to side and rear property lines, SW corner of Arlington Boulevard and Prosperity Avenue, Providence District (RE-1) V-108-65

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The property is presently under a use permit for a school, Mr. Crigler stated, and they are asking for a 10 ft. variance on the west and south sides in order that they may build a stable with four stalls.

Mrs. Henderson suggested waiting for the amendment now under consideration regarding setbacks of stables.

Dr. McAtee read a statement in favor of the application. He described the property as being approximately three acres on which is presently located the Glebe Acres School. The proposed stable is 100 ft. from the well, however, only 90 ft. from the property lines on the south and west sides. The stable would be used as shelter for school ponies which are used for horseback riding and this has been a part of their educational program for some time. They have acquired three ponies and a horse. Mr. Crigler wants to erect a suitable shelter for these horses.

Mr. Smith said he had no objection to a 10 ft. variance but was concerned about granting variances on use permits.

Mrs. Henderson noted that there are no topographic problems existing on the property.

How many students are in the school, Mr. Smith asked?

Sixty-five, Mr. Crigler replied. At present they are using Bar J Stables for their horses and ponies and they take 20 to 25 children over in a group. The school is kindergarten through twelfth grade.

Mr. Henry Hockman, adjoining land owner on the west, said he had no objection to the variance on his side.

If the fence line is actually the property line, Mrs. Henderson said Mr. Crigler would not need a variance on that side.

Mr. Crigler stated that the Newlands have stated they have no objection to four horses, but no more. Originally, they were in opposition to the school.

No opposition present.

Mr. Smith said that granting a use permit on this application would mean that the Board would have a hard time substantiating denial of other use permits. If this were a dwelling and the use were only for the occupants, Mr. Smith said he would feel differently, but this is in connection with a use permit and he did not think the Board had the authority to grant uses on a piece of ground and then grant variances so the applicant may conduct these uses. This is not a hardship situation. The applicant can put a stable here without a variance.

Mr. Barnes moved that the application of James R. and Elizabeth B. Crigler, application under Section 30-36 of the Ordinance, to permit erection of a stable closer to side and rear property lines, SW corner of Arlington Boulevard and Prosperity Avenue, Providence District, be granted. If the fence is on the property line, there would be no need for a variance of 10 ft. Grant the application for a 10 ft. variance on the south side and put up the stables and comply with the requirements of the Ordinance. This may be used in connection with the school but there shall be no teaching. If Mr. Crigler is going to have a riding school and charge for it he must come back to the Board for permission. School pupils may ride these horses around the grounds for school use and for the Criglers themselves. Granted for no more than four horses or ponies. Mr. Smith and Mrs. Henderson voted against Mr. Barnes' motion (seconded by Mr. Yeatman) and Mr. Barnes and Mr. Yeatman voted in favor. TIE VOTE.

The Board agreed to break the tie vote at their meeting of May 25.

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May 11, 1965

GEORGE B. AND CARLOTTA T. ATKISSON, application under Section 30-36 of the Ordinance, to permit erection of an addition 11.8 ft. from side property line, Lot 506, Oakcrest, Providence District (RE-1) V-107-65

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Mr. Atkisson said they moved here 15 years ago when they had two small children and at that time the house was adequate. Now their children are older and they need more space. The primary reason for building on this side is because of the way the house is constructed; this is the only feasible location for the addition. The lot is 380 ft. long and the house is 37 ft. long and 26 ft. wide. The garage and house are attached by a breezeway. The kitchen, dining area and utility room are on one side, the side they propose to build on. They would like to build a kitchen-family room. The present kitchen has a walk in space of 4 by 6 ft. and is not large enough. They would like to install another bath at the end of this that would be adjacent to the bedroom. To decrease the size of the addition would be to no advantage; this is the minimum that would be worthwhile to build. They cannot build in the rear of the house because that is where the septic field is located.

No opposition.

In the application of George B. and Carlotta T. Atkisson, application under Section 30-36 of the Ordinance, to permit erection of an addition 11.8 ft. from side property line, Lot 506, Oakcrest, Providence District, Mr. Smith moved that the application be granted as applied for subject to Mr. Atkisson presenting a plat showing the exact location of the existing septic tank and drainfield in connection with this house. He felt that Mr. Atkisson has a hardship in connection with this extension. This is a narrow lot. Mr. Woodson can give a 5 ft. variance and allow him to build within 15 ft. of the property line. To the rear of the house there is a stream and the septic field and this is the only practical place on the lot to provide a buildable area. All other provisions of the Ordinance shall be met. This is a variance of 3.2 ft. in effect because of the 15% allowance which the Zoning Administrator can make. Seconded, Mr. Barnes. Carried unanimously.

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RAVENSWORTH SWIM AND RACQUET CLUB, application under Section 30-137, Group VI (a) of the Ordinance, to permit erection and operation of tennis court and other recreational facilities, SW corner Rt. 620 and Ivers Chapel Road, Falls Church District (R-12.5) S-111-65

The representative of the Swim Club stated that they already have the permit for the pool and bath house; they would like to add tennis courts and other recreational facilities. Membership which they are allowed is 450 and they do not have that many. They have operated for three years and there has never been a shortage of parking spaces.

No opposition.

In the application of Ravensworth Swim and Racquet Club, application under Section 30-137, Group VI (a) of the Ordinance, to permit erection and operation of tennis court and other recreational facilities on the Southwest corner of Rt. 620 and Ivers Chapel Road Mr. Smith moved that the application be approved. This is an addition to the original granting of swimming facilities. The parking requirement shall remain the same. The number of spaces required in the original permit shall be required here and the membership limitation shall be the same as originally granted. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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EPHRAIM M. AND DOROTHY E. GERSHATER, application under Sec. 30-36 of the Ordinance, to permit carport roof to project 2 ft. into rear yard, Lot 417, Block J. Sec. 4, Monticello Woods (6005 Waynesboro Circle) Lee District (R-12.5) V-51-65

Mrs. Henderson said she had viewed the property and was told that the Gershaters were trying to buy a piece of land from a neighbor. However, the neighbor did not cooperate so the status of the application is unchanged.

May 11, 1965

Ephraim M. and Dorothy F. Gershater - Ctd.

In the application of Ephraim M. and Dorothy F. Gershater, application under Section 30-36 of the Ordinance, to permit carport roof to project 2 ft. into rear yard, Lot 417, Block J. Section 4, Monticello Woods (6005 Waynesboro Circle), Lee District, Mr. Smith moved that the application be granted for 2 ft. rather than 5 as advertised -- this is taking into consideration that he is allowed ^{city ordinance of 1965} 3 ft. This is an honest error and meets the requirements of Section 30-36, paragraph 4. All other provisions pertaining to this application shall be met. Seconded, Mr. Barnes. Carried unanimously.

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RANDOLPH CARR, application under Sec. 30-139, Group VIII (d) of the Ordinance, to permit operation of summer camp (20 adults), SW corner of Rt. 660 and Rt. 612, Centreville District (RE-1) S-70-65

Deferred from April 13 at the applicant's request.

Mr. Kurt Mattusch, owner of the property on which Mr. Carr plans to operate, stated that Mr. Carr was in Ohio engaged in the Peace Corps instruction.

Will Mr. Carr live on the property if the application is granted, Mr. Smith asked?

During the time of the camp he would live on the property, Mr. Mattusch said, but this is a summer camp and will operate only during the warm months of the year. The camp is intended to be for Peace Corps members on their way out of the country. Thus far, Peace Corps members are trained at the universities. He feels that Peace Corps members going to undeveloped countries should have some kind of initial outdoor training before going overseas. Mr. Carr wishes to give training where professors will come to the training camp rather than at some university. They would conduct a very simple way of living so the Peace Corps members could decide at an early stage whether they could take this kind of living or not. The maximum number they intend to instruct at any one time would be 20 adults.

Mr. Smith said he felt the application for summer camp was improperly filed -- it should have been filed as a school of special instruction.

Mr. Mattusch said his house has four bathrooms and they have two large barns to accommodate the Peace Corps members if necessary. The government will pay Mr. Carr, Mr. Carr will conduct the entire operation, including getting the language instructor, etc. This will be the same as the government paying the universities. The Health Department says a well must be drilled, cooking and toilet facilities must be under cover; the rest may be in tents. In case of severe rain, they are welcome to use the barns.

How much of the 100 acres of land is included in this application, Mr. Smith asked?

Mr. Mattusch said they were welcome to use any of the land necessary. The actual camping grounds will be in the southwest corner of the property.

Mr. Smith said he would like Mr. Carr to be present to answer questions of the Board. Mr. Mattusch said he would be back in June - he presently teaches in Ohio.

Mrs. Henderson asked that Mr. Carr write a letter giving full details by the next Board meeting -- telling his plans, what months, how many people, opening date, how many seasons, etc. He should also show which parts of the 100 acres he intends to use.

Mr. Mattusch said they would have an electric pump and they would have toilet facilities, they will put in a septic field.

No opposition.

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Randolph Carr - Ctd.

Mr. Smith moved to defer decision for two weeks to allow Mr. Carr to submit a letter and have something showing the numbers of tents he intends to erect. Seconded, Mr. Barnes. Carried unanimously.

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MILDRED W. FRAZER, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of private school, nursery through first grade, (100 children), 4955 Sunset Lane, Mason District (RE 0.5) S-85-65 (Deferred for decision only.)

Mr. Smith moved that the application of Mildred W. Frazer as stated above be approved as applied for. Mrs. Frazer had several applications before the Board. One or two were denied due to location or intensity of the operation. This seems to be not the most desirable, but certainly one of the most desirable, ^{places} that she could locate and stay within the area which she serves. This appears to be a very fine school. Mrs. Frazer has an excellent reputation among the people she serves. All other provisions of the Ordinance shall be met. Mrs. Frazer will close other operations after this is opened and consolidate the schools. Seconded, Mr. Barnes. Carried unanimously.

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STONYBROOK DEVELOPERS, INC. application under Sec. 30-36 of the Ordinance, to permit erection of dwellings 40 ft. from front property lines, Lots 10, 11 and 12, McAdams Addition to Hillbrook on Pacific Lane, Mason District (RE 0.5) V-48-65

(Deferred to view the property.)

Mrs. Henderson stated that there certainly is a topographic situation, especially on lots 10 and 11. Lot 12 could set at the 50 ft. line and conform. It does not need a variance. The request is justified.

In the application of Stoneybrook Developers, Inc. as stated above Mr. Smith moved to approve the request on Lots 10 and 11; deny the request on Lot 12. This means that dwellings may be erected 40 ft. from the front property line on Lots 10 and 11 but 12 must meet the setback requirements of the Ordinance. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson said she had received a letter from Mr. Fred Wegner and Mrs. Hurdle demanding that the Board revoke the permit for the gravel pit (Sorber) that has been operating for about a year. The letter was sent to Mrs. Henderson and also to the State Attorney General. The letter notes that Hoops Road is not paved for the full distance required by the site plan - this is not the applicant's fault, Mrs. Henderson stated. The Highway Department requires that someone obtain drainage easements across private property to drain water away. The Highway Department will not allow paving until these easements have been obtained. The easements have not been obtainable and the paving has been carried as far as can be. The road has been paved twice and a sprinkling operation has been going on consistently up and down the road.

Mrs. Henderson said there is a 2 ft. collection of water there with a pump that is used to fill water tanks for sprinkling the road to keep down the dust. Restoration is currently going on. Forty acres has been excavated and ready for inspection by the Restoration Board. This is more than mid-point and the Restoration Board thinks the operation is complying as nearly to the letter as possible.

Mr. Hurdle said they have pictures of equipment backing out onto the road. He discussed the fact that there has been no flagman there, trucks go in and out at night, children ride on the equipment. Dust is everywhere and they cannot use their screened porch. The Deavers property next door has been filled in. Telephone poles are sitting in the middle of the widened portion of the road - someone is going to get killed or injured. Hoops Road is not wide enough to accommodate cars and trucks.

Mrs. Hurdle said Mr. Woodson told her on December 15 that all violations had been corrected but on February 22 Mr. Massey found that violations did exist that had not been corrected. He made a report to the Board of Supervisors on March 17 and they stated that since the Board of Zoning Appeals had granted the permit, that was the Board to decide whether they should revoke the permit.

Mr. Hansbarger stated that the gravel would be used on Shirley Highway, Mrs. Hurdle continued, but this is not so. They do not have the contract on Shirley Highway.

Work has gone on as late as 2:00 a.m. and trucks start working on the property as early as 5:00 a.m. They called the police on one occasion and the policeman stopped them from working.

Mr. Smith said he would like to see a report from the Police Department before the Board could do anything about revoking the permit.

The site plan required that the road be widened, Mrs. Hurdle continued - this has not been done and cannot be done and she did not see why this along was not reason enough to revoke the permit. The dustfree entrance road has not been done either.

Mr. Smith said it meets Highway Department standards - it is a tar and gravel road and has the same effect as being asphalt surfaced. Sometimes overburden falls off the trucks and causes dust.

If the Board is going into all these complaints, Mrs. Henderson said, she felt the applicant should be present to answer. If Mr. Massey found violations on the property he should have transmitted them to the Board of Appeals.

Mr. Smith said he was willing to have a rehearing if it could definitely be established that the operation is working after hours. If equipment is found working after 9:00 at night, ^{in accordance with} he should give the Board his name, the time and date of the violation and the Board could have a new hearing. There must be documented evidence of complaints at which time the applicant should also be present. The Board cannot operate on hearsay and that is all the evidence that has been presented tonight.

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The Board discussed the Hunter Motel and decided that the property would have to be rezoned.

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Leewood Nursing Home: The Board's intent was that a 6 ft. stockade or 6 ft. chain link fence would be required or the special permit would be revoked.

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The Board discussed a question concerning miniature racing cars but took no action.

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It was agreed that the agenda of the Board of Zoning Appeals should contain no more than ten new applications per meeting.

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The meeting adjourned at 12:00 midnight.
Betty Haines

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

June 18, 1965 DATE

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, May 25, 1965 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. Smith.

JOHN CALVIN KINDERGARTEN, (John Calvin Presbyterian Church), application under Sec. 30-137, Group VI (c) of the Ordinance to permit operation of a kindergarten in existing church building (approx. 15 children, age 5), southwesterly corner of Columbia Pike and Whispering Lane, Mason District (R-17) S-109-65

Dr. Warren Witzig, church elder and member of the Christian Education Committee, represented the applicant. They plan to go into operation in September of this year and have made arrangements for a qualified teacher, and have a consultant in Georgetown University on the curriculum. The building has been inspected and certain modifications have been required which will be done. They anticipate approximately 10 to 15 students to begin with. The building is in excellent condition. There is a room downstairs in the church which will be used for the kindergarten. It opens directly out to the play yard.

Registration is slow, Dr. Witzig continued, and he questioned whether they would have more than ten students during the first year. Plans for the future are not determined but they hope to expand consistent with the need and their facilities. This would be kindergarten only, for five year olds. The church is completely responsible. This will be for five days a week, regular school year, 9 to 12 o'clock. They would like a permit for a maximum of 17 students, this is the maximum number that a teacher can effectively handle at one time. If they plan an increase, they will come back to the Board.

No opposition.

In the application of John Calvin Kindergarten (John Calvin Presbyterian Church), application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of a kindergarten in existing church building (approx. 15 children, age 5,) southwesterly corner of Columbia Pike and Whispering Lane, Mason District, Mr. Smith moved that the application be approved for a maximum of 17 children at any one time, hours 9 to 12, five days a week. It is understood that the applicant will meet all requirements of the Ordinance. Seconded, Mr. Barnes. Carried unanimously.

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HUMBLE OIL & REFINING CO., application under Sec. 30-141, Group X (a) to permit erection and operation of service station and permit pump islands 25 ft. from r/w line, northeast corner of Rt. 236 and Coburn Avenue, Falls Church District (C-D) S-110-65

Mr. William Hansbarger represented the applicant. He stated that they are not requesting any variances except on the pump islands. This will be a new type station for Esso, a ranch type station.

No opposition.

Mr. Yeatman moved that the application of Humble Oil and Refining Co. as stated above be approved as applied for. Mr. Smith offered the following amendment, accepted by Mr. Yeatman -- that there be no auxiliary uses - this is for service station only. Seconded, Mr. Everest. Carried unanimously.

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SHELL OIL CO., application under Sec. 30-36 and 30-7 (c) 2 of the Ordinance, to permit erection of a service station 4 ft. from rear property line, on N. side of Rt. 236, approx. 300 ft. W. of Chambliss St., Mason District (C-G) V-114-65

Mr. Marshall Brooks stated that Mr. Winston who had planned to represent

May 25, 1965

Shell Oil Co. - Ctd.

the applicant had been called out of town and requested deferral to June 8. Mr. Barnes so moved. Seconded, Mr. Smith. Carried unanimously.

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Since the Board was ahead of its scheduled agenda, Mrs. Henderson brought up the subject of miniature racing cars, stating that she did not see how they could be permitted without an amendment to the Ordinance.

Mr. Smith said he had not had the benefit of a full brochure on the subject, was only familiar with it as an accessory use at Viers Mill Road, and he felt it could be considered similar to a Lionel train operation.

The Board agreed to think about this further during the day and discuss it at the end of the agenda.

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MCLEAN THEATRE, application under Sec. 30-141, Group X (d), C-D of the Ordinance, to permit erection and operation of theatre (1,000 seating), on southerly side of Rt. 123 between Laughlin Ave. and Tennyson Drive, Dranesville District (C-D) S-112-65

Mr. Dennis Duffy stated that he had been contacted by the applicant only last evening and the required notices had not been sent out. He requested deferral to June 8. Mr. Smith so moved. Seconded, Mr. Barnes. Carried unanimously.

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Mrs. Henderson read some history of miniature racing cars which is just beginning to reach the eastern part of the U. S. She read an article from "TIME" Magazine which stated that the cars can reach scale speeds of as much as 600 mph. The size of the tracks are approximately 200 ft. long and come in many designs.

Mr. Smith said he would like to take another look at the problem as he feels very strongly about this type of thing - he felt they were all right in limited numbers but should not be allowed in every shopping center.

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NAVY MARINE RESIDENCE FOUNDATION, INC., application under Sec. 30-136, Group V (d) Specific Requirements (c) of the Ordinance, to permit erection and operation of an eleemosynary and charitable institution and permit building five stories within 45 ft., south side of Old Dominion Drive, east side of Kirby Road, Dranesville District (RE-1)

Mr. Barnes Lawson represented the applicant. He stated that the tract consists of 13.2 acres. This is an application for a use permit and for an exception to one of the specific requirements of the Ordinance. In 1960 the project began to form. Navy Marine Residence Foundation, Inc. is a non-profit charitable corporation incorporated in Washington, D. C. and they have received a tax exemption ruling from Internal Revenue. In order to qualify for an FHA loan they had to have a charter and status approved by FHA. They have taken every legal step that they can possibly take to determine that they are a truly charitable organization. It is against their charter to operate the project at a profit. They must look to funds from other sources and from donations. They presented brochures which repeated all the things which Mr. Lawson had said.

Mr. Lawson said he could produce rulings from Internal Revenue and the District of Columbia as well as a copy of the charter and by-laws if the Board would like. The benefits of this organization have to be used for people who are served by the corporation - for naval and marine and coast guard officers' wives and widows, regular navy or reserve, after twenty years. This is similar to the Distaff House, the Army organization in the District of Columbia.

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Navy Marine Residence Foundation, Inc. - Ctd.

One must be over 62 years of age to be eligible to live in this project.

Mr. Smith asked if they had made application in D. C. to establish this project there?

No, Mr. Lawson replied. The search for the site took approximately two years and they feel that this site is ideal from the building point of view and from the proximity standpoint.

Mrs. Henderson asked to what degree this would be subsidized by charity? Suppose all the people living there were able to pay the costs? Would this still be a charitable institution? What is the proportion of people who can pay their full expenses to those who are subsidized?

Mr. Lawson said they were working on this and trying to learn as they go along. As he understood it, one would not be precluded from occupying the facilities if they do not have the rate to pay. Their initial capital is done by solicitation. Beyond that, with the type of services provided within the confines of the building and the fact that they must receive people who are eligible even if they cannot pay, they would not be able to operate at a profit. They hope to break even after raising the original two million dollars and they are trying to keep costs down to serve the needs of the people.

What are the rates, for a two bedroom apartment, for example, Mr. Smith asked?

Mr. Lawson said they were working on this and trying to establish a rate schedule as low as possible.

Admiral Husband stated that efficiency apartments would rent for approximately \$150.00; one bedroom - \$190.00; two bedrooms (2 persons) for \$275.00. Services are far in excess of a normal apartment building. Once a person is admitted, he is guaranteed lifetime care short of the hospital.

Mr. Lawson said the only hope they have for subsidy of this kind would come from Medicare. They would have an infirmary for the residents. All facilities are provided, including dining room, maid service, infirmary, complete community life within these walls. Each apartment will have individual kitchen facilities.

Mrs. Henderson did not feel that the Board of Appeals had the authority to grant an apartment house in a residential zone.

Mr. Lawson said they had discussed this with citizens in the area and they could find no one in opposition. There would be no children from this building; traffic would not be at peak times; no impact on the schools. He showed plans for the building which covers 10.8% of the site and stated that they meet all setbacks. They will do a tremendous amount of landscaping. The building is kept at 45 ft. height and below. They have reduced their request and are only seeking four stories now with a total of 286 units, 92 units below what would be allowed under an apartment classification. This would contain 198 efficiency apartments; 64 one bedroom and 24 two bedroom units.

Mr. Carroll, architect, said the property has a rise in the center and is nicely wooded. The trees that are there will mostly remain. The pattern of the building has been weaved among the trees and they are back more than 100 ft. from any part of the lot with the building. Parking meets setback requirements. This is an open design with almost 90% of the land free of building - they could go to 20% coverage but the building would only cover 10.8%. They have tried not to change the roll of the ground but to keep it as natural and as naturally wooded as they can. There are two entrances - they elect to come in at the end as far from the intersection as possible. In each wing there is an elevator and an entrance, and a small lounge.

Their experience at the Distaff House disclosed that there were never more than 90 people in the dining room at one time.

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Navy Marine Residence Foundation, Inc. - Ctd.

There will be four stories to the building, Mr. Lawson said, this will be the height to the roof parapet. It does not include the pent house area as there will be no living quarters in this section; a pent house is not counted as a story. It will contain 27,000 sq. ft. and will protrude 10 ft. above the four stories. They would commit themselves to having no more than 375 occupants which is a very low density, hardly exceeding that of single-family residences. They have provided 150 parking spaces and have room to expand if necessary. They are willing to covenant to the condition that no one under 62 would occupy the building to guarantee that there would be no school impact and no traffic impact. They would have a self-contained development so that trips would not be generated. They adjoin commercial development on one side and single-family on the other and the project is well buffered. The project will cost from five to six million dollars to develop.

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Mrs. Margaret Brook of Chesterbrook Woods said she had lived in this location for 18 years and appeared at the hearing on the application for rezoning for apartments approximately two years ago in opposition. Their main objection at that time was to traffic, however, she did not oppose this application as she did not feel this would affect the traffic. She presented a letter from the President of their Association stating that they were not opposed.

A number of people stood up in favor of the application. There was no opposition.

Mrs. Henderson stated that a copy of the charter should be made a part of the record and a plat should be filed showing the location of the building and all setback information - a certified surveyor's plat.

Mr. Smith asked if the building could be arranged so it would meet the 45 ft. height limitation and not have the fourth story use.

Mr. Lawson said they were putting in three elevators in what they consider a minimum building and because of the costs and the services they need to provide, it is the opinion of the Board of Directors that what has been shown is the minimum with which they could live.

Mr. Smith felt that this was not in keeping with the intent of the Ordinance. He felt that the Ordinance should be amended to increase the height rather than trying to do it this way.

Dr. Pugh, member of the Board of Trustees, spoke in favor of the application.

Mr. Smith moved to defer decision to June 8 to see a copy of the charter and to have one copy for the permanent records of the charter and by-laws. Also, the Board should see any other resolutions that might pertain to the charitable nature of the organization. Seconded, Mr. Everest. Carried unanimously.

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JAMES L. COOKE, application under Sec. 30-36 of the Ordinance, to permit erection of dwelling on an outlet with less frontage than allowed, outlet A, Sec. 8A, Falls Hill, Providence District (R-12.5) V-61-65

Mr. Cooke said different departments have been working on this as a re-subdivision and it has practically been approved by all the departments. The surveyor has made four changes that the Planning Commission requested on the plats.

Mr. Rust explained that this is a plat of redesignation. It was designated as an outlet because it did not meet corner lot requirements and the restriction was placed on it that no building could be erected. The office of the Planning Engineer has no authority to waive the lot width requirements for corner lots. It could be approved as a buildable lot and a house located on it and meet setback requirements if the variance is granted. The Planning Staff has no objections.

May 25, 1965

James L. Cooke - Continued

Mr. Smith stated that the fact has been established that there is no real opposition as far as Public Works is concerned and because it did not meet the corner lot frontage requirements was the reason for establishing this as an outlot. The time has now come when the area is pretty well built up and this is the best possible use that could be made of the lot. The applicant has presented a reasonable structure which he intends to build and in order to build he needs a variance. The fact that he knew this was an outlot at the time he purchased it has no great bearing on whether it is buildable or not.

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At the last meeting some of the neighbors felt that the house would not be in keeping with the neighborhood, Mrs. Henderson noted.

Mr. Cooke said he had gone throughout the neighborhood asking people to withdraw their objections and he promised to build a larger house of brick.

Mrs. Henderson warned Mr. Cooke to be careful in placing the house on the lot.

Mr. Smith moved that the application of James L. Cooke as stated on the previous page be granted. Mr. Cooke shall build a brick home as he has committed himself to do, as large or larger than the one that was proposed before the Board, but the variance shall be no greater than the variance which the applicant seeks on the proposed lot. All other provisions of the Ordinance shall be met. The frontage is permitted to be 88.59 ft. at the building setback line rather than 105 ft. and this is the only variance. Seconded, Mr. Barnes. Carried unanimously.

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LORENE FOSTER, application under Sec. 30-137, Group VI (e) of the Ordinance, to permit operation of a beauty shop in home, Lot 4, Block F, Sec. 2, Woodley West (1401 Hewitt St.), Falls Church District, (R-10) S-54-65

Mrs. Henderson read a letter from the applicant requesting deferral as they have a buyer for the house and if the sale goes through the application will be withdrawn. The opposition was present.

Mr. Yeatman moved to deny the application. No second.

Mr. Smith moved that the request for deferral be denied as the Board has set two hearing dates and the applicant has failed to respond. Seconded, Mr. Everest. Carried unanimously.

The applicant was not present.

Mr. Yeatman moved to deny the application as the applicant did not answer the call for the case and there was no one to represent the application after request for deferral had been denied. Seconded, Mr. Everest. Carried unanimously.

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ROSA A. CLEMENS, application under Sec. 30-137, Group VI (c) of the Ordinance, to permit operation of a nursery school (approx. 15 children) on west side of Route 697, approx. 1/4 mile south of Old Courthouse Road, Providence District (RE-1) S-82-65

This had been deferred for viewing and Health Department recommendation. The Board of Zoning Appeals recommended that the staff recommend to the Board of Supervisors that site plan be waived.

Mrs. Clemens reviewed the proposed school briefly -- this would be for 10 children in the summer from 9 to 12:30; 3½ to 5 years of age; six parking spaces provided; this is a summer program which is basically the same as in the winter months. The school would operate for eleven months with the same number of students.

May 25, 1965

Rosa A. Clemens - Ctd.

In the application of Rosa A. Clemens, application under Section 30-137, Group VI (c) of the Ordinance, to permit operation of a nursery school, (approx. 15 children), on west side of Rt. 697 approx. 1/4 mi. south of Old Courthouse Road, Providence District, S-82-65, Mr. Everest moved that the application be approved as applied for - hours of operation 9 to 12:30 for normal school year; summer operation for the same hours. Maximum of 15 children ages 3½ thru 5 during the winter; 10 children during the summer program not to exceed two months. Six parking spaces shall be provided within the setbacks required by the Ordinance. All other provisions of the Ordinance to be met. This permit is subject to Health Department approval prior to issuing permit. The Board recommends that the Staff recommend to the Board of Supervisors that the site plan requirement be waived.

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BERNARD STEINBERG, TRUSTEE AND CRESTWOOD CONSTRUCTION CORP., application under Sec. 30-133, Group II (f) of the Ordinance to permit erection and operation of sewage treatment plant, west side of Rt. 653 north side of Southern Railroad, Falls Church District (RE-1) S-45-65

This had been deferred from a previous meeting pending outcome of the sewer bond issue which passed.

Mr. Gibson stated that the Water Control Board in approving the plat, approved it with the understanding that as soon as facilities were available they would connect. The trunk line up to this location could take as long as two and a half years. They would like for the Board to approve the location of the plant subject to identical conditions that the Water Control Board imposes, that the plant would be abandoned as soon as sanitary facilities are available.

Mr. Liedl suggested that they build a very temporary type facility in the nature of a settling lagoon until the other facilities are available. The lagoon or plant would be sized sufficiently to take care of the rest of the people in the community.

Mr. Smith stated that he was more in favor of the lagoon than the plant.

Mr. Gibson said the soil was all right for building the lagoon.

Mrs. Henderson noted that the Planning Commission unanimously recommended approval of the application.

In the application of Bernard Steinberg, Trustee and Crestwood Construction Corporation, Mr. Smith moved that the application be granted for erection and operation of a sewer lagoon. It is understood that granting this lagoon is on a temporary basis not to exceed four years, and in any event they should hook on to the trunk line proposed to serve this area immediately upon the facility becoming available and the use of the lagoon shall be discontinued. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest. Carried unanimously.

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NORMAN M. RIDGEWAY, application under Section 30-36 of the Ordinance, to permit service station and pump island to be moved closer to property lines than allowed, on west side of Telegraph Road and south of the Beltway, Lee District (C-G)

(Deferred from previous meeting to view the property.)

In the application of Norman M. Ridgeway as quoted above Mr. Smith moved that the application be approved as applied for, as shown on plat by Norman M. Ridgeway dated March 29, 1965. The variances requested here could not adversely affect any adjoining property owners. This need for variance came about through no fault of the owner-operator. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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The Board adjourned for lunch.

May 25, 1965

PHILIP M. MITCHELL, application under Section 30-139, Group VIII (a) of the Ordinance, to permit operation of a dog kennel, property located approx. 3/4 mile west of Rt. 28 on west side of Rt. 658, Centreville District, (RE-1) S-96-65

(Deferred from previous meeting to view the property.)

In the application of Philip M. Mitchell, application under Section 30-139, Group VIII (a) of the Ordinance, to permit operation of a dog kennel, property located approximately 3/4 mile west of Route 28 on the west side of Route 658, Centreville District, Mr. Smith moved that the application be granted to operate a dog kennel in conformity with the County code. This is an amendment or addition to the original application granted April 10, 1962 for a shooting preserve. It covers the entire 264 acres shown on the plat, and before this additional use is granted to the applicant, he shall present to the Zoning Office a plat showing all ponds, buildings, dog kennels and other buildings on the 264 ac. connected with any part of this use covered under this use permit. This does not change the original granting. The hunting preserve should still be operated under the original use permit with the intent of the Ordinance being carried out. Any birds on the premises should either be grown or prepared there. No frozen birds or fowl of any kind should be purchased frozen and then sold. Any dressing, etc. would be done under the agricultural parts of this use permit. Seconded, Mr. Barnes. It is understood that this kennel will be built according to code specifications. Carried unanimously.

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ISAAC UNCIANO, application under Section 30-36 of the Ordinance, to permit existing building to remain 3.8 ft. from side property line, to be used as barber shop, part Lots 1, 2, and 3, Block 1, Groveton Heights, Lee District (RE-1) S-102-65

(Deferred from May 11 to view the property.)

Mrs. Henderson stated that this is zoned C-G and is across the street from the Beacon Hill Shopping Center, she did not think there would be any objection to his using this building for a barber shop but there certainly should not be any extension granted.

Mr. Smith felt that Mr. Unciano probably purchased the property without knowing of the restrictions on it. The use is permitted but Mr. Unciano cannot meet setback requirements and this Board could not justify an addition to an already bad situation. The wording of the application does not include "addition" - it should have been for addition and in connection with this, a variance on the existing building.

In the application of Isaac Unciano as stated above, Mr. Smith moved that Mr. Unciano be informed that he would be able to establish any use in conformity with the C-G zone that now exists on this property in any of the constructed buildings as long as the use meets the requirements of the County, but this Board will not approve any addition to the non-conforming building on this lot. He could establish any use in the existing buildings if he can meet the other requirements. Parking will be taken care of by the site plan. Seconded, Mr. Barnes. Carried unanimously.

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POTOMAC BROADCASTING CORP., application under Section 30-133, Group II (c) of the Ordinance, to permit erection of an antenna tower, property 350 ft. east of the end of Augustine Street and adjacent to the park, Lee District (R-12.5) S-101-65

Mrs. Henderson stated that she had received a letter requesting deferral. Mr. Barnes moved to defer to June 22. Seconded, Mr. Smith. Carried unanimously.

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May 25, 1965

TRUMAC, INC., application under Section 30-138, Group VII (d) of the Ordinance, to permit erection and operation of a miniature golf course and golf driving range, S. W. corner of Route 50 and Route 645, Centreville District, (RE-1) S-102-65

(Deferred from previous meeting for more information from the School Board.)

In the application of Trumac, Inc. as stated above, Mr. Barnes moved to deny the application as there is consideration being given by the School Board for use of this site as an intermediate school site. Seconded, Mr. Yeatman. Carried unanimously.

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DR. ROBERT S. MOUSER & I. W. NELSON, application under Section 30-136, Group V (c) of the Ordinance, to permit erection and operation of a special care animal hospital, and permit building closer to property lines than allowed, 1000 ft. west of Union Mill Road southerly side of outlet road, Centreville District (RE-1) S-106-65

(Deferred from earlier meeting to view the property.)

Mr. Smith said he felt this was a good use and Dr. Mouser is a very capable man but he could not justify in his mind the reason for the variance. There are ten acres of land involved in this application and there should be some way to locate the building on the property without a variance.

Mr. Smith moved that the application of Dr. Robert S. Mouser and I. W. Nelson, application under Section 30-136, Group V (c) of the Ordinance to permit erection and operation of a special care animal hospital, and permit building closer to property lines than allowed, 1000 ft. west of Union Mill Road, southerly side of outlet road, Centreville District (RE-1) be granted for the use permit as long as the applicant can meet all other provisions of the Ordinance. The consideration for a variance is not included as part of the granting. Seconded, Mr. Everest. Carried unanimously.

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JAMES R. AND ELIZABETH B. CRIGLER, application under Section 30-36 of the Ordinance, to permit erection of a stable closer to side and rear property lines, SW corner of Arlington Boulevard and Prosperity Avenue, Providence District (RE-1) V-108-65

(Deferred from earlier meeting because of tie vote.)

Mrs. Henderson reviewed the events of the first meeting. Mr. Everest said there appeared to be ample room on the ground to house four horses without a variance so he would vote against the motion to grant.

Mr. Smith moved that the application of James R. and Elizabeth B. Crigler be denied for reasons previously stated. There is an existing use permit for the school which is well run by the owners of this property. The size of the barn request is certainly not in keeping with the size of the Crigler family. This application if granted would be granted for convenience rather than because of hardship. Seconded, Mr. Everest.

Messrs. Smith, Everest and Mrs. Henderson voted for the motion. Messrs. Yeatman and Barnes voted no. Motion carried.

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RANDOLPH CARR, application under Section 30-137, Group VI (c) of the Ordinance, to permit operation of a summer camp (20 adults), SW corner of Route 660 and Route 612, Centreville District (RE-1) S-70-65

(Deferred so Mr. Carr could be present to answer questions, or for a letter from Mr. Carr.)

Mr. Carr was not present. Mr. and Mrs. Mattusch, owners of the property, said they had no correspondence from Mr. Carr.

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May 25, 1965

Randolph Carr - Ctd.

After some discussion about the legality of it, and checking with the Commonwealth's Attorney, the Board agreed to amending the application to read Randolph Carr and Mr. and Mrs. Kurt Mattusch. (Motion by Mr. Yeatman, seconded, Mr. Everest, *Carried.*

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Mr. Mattusch said he has owned the property for fifteen years. Mr. Carr applied for a use permit on this property because he knows it so well. They plan to establish a camp for Peace Corps trainees, training twice a year. There would be no training during the winter. They would probably train during April, May and June, and July, August and September of next year. During these seasons there would be training in languages, Asian language training, and they would bring in experts from all over the country to give lectures on their particular country. They would invite the County Agent over to lecture. The sanitation officer for the County would be invited over to give ideas about sanitation in these countries and there would be some ideas given to them about how to adjust under primitive conditions. They will live in tents - there would be one permanent dwelling for toilet facilities and cooking, and they would have to drill a well for their water supply. They will follow all local regulations on Sanitation.

Since this seems to be a work session rather than a summer camp, Mr. Smith said it should have been filed as a school of special instruction rather than a summer recreation camp.

Mr. Mattusch said the training given in this camp would be the same as that now being given at universities. There will be twenty adult trainees living on the property. Living quarters will be at the corner of the property but they will have access to all the property. They will be fully occupied all day and will have to study two to three hours for themselves. They will live on the premises for the full week period.

No opposition.

Mr. Smith moved that the application of Randolph Carr, ~~be~~ amended to include Mr. and Mrs. K. R. Mattusch, ~~and that the application~~ be amended to read Section 30-137 (c) under VI of the Ordinance, to permit school of special instruction for 20 adults, SW corner of Route 660 and 612 in Centreville District, ^{and} that the application be approved as applied for. This includes the entire tract of land owned by the Mattuschs who are a part of the application along with Mr. Carr. The school shall be constituted of two instructional periods of three months each during the year, one in spring and one in summer or early fall. Instructions to be given to prepare adult individuals for service in the Peace Corps in various areas of the world. Mr. and Mrs. Mattusch and Mr. Carr understand that they must meet all other ordinances and regulations including permission from the Health Department. This will be twenty adults per session. Seconded, Mr. Barnes. Carried unanimously.

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Mr. Rust stated that on March 22, 1965 the Board granted a use permit to Breslauer. The wording of the permit said in accordance with plat submitted; however, the parking will have to be changed in the final site plan - they will still have the same number of spaces.

As long as they can meet the required number of spaces, Mr. Smith felt this was all right. The intent was for the number of spaces only; re-arranging is all right.

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The meeting adjourned at 5:30 P.M.
By Betty Haines

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

August 4, 1965 Date

The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. in the Board Room of the Fairfax County Courthouse. All members were present except Mrs. Henderson. Mr. Smith presided.

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

KENNETH R. WILZER, application under Section 30-36 of the Ordinance, to permit carport with storage room 5 ft. 3 in. from side property line (build over existing concrete slab), Lot 20, Block 9, Section 1, Stratford on the Potomac (2407 Childs Lane), Mt. Vernon District (R-12.5) V-115-65

Mr. Wilzer said he did not know that a variance would be necessary when he bought the house. At that time he was given a copy of an agreement which was recorded and he understood that a carport could be built. The entire lot slopes in the rear and there is no other location in which to build. The concrete slab is in and the driveway is there. He would like to build a storage room in back of the carport for tools, children's toys, etc. He moved into the house in August 1963 at the time it was constructed. The builders were Keen Homes, Inc.

No opposition.

Mr. Everest moved to defer for two weeks to view the property. Seconded Mr. Yeatman. Carried unanimously.

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DOUGLAS D. JOHNSON, application under Section 30-36 of the Ordinance, to permit erection of carport 9.6 ft. from side property lines, Lot 70, Section 3, Mt. Vernon Forest (9119 Volunteer Drive), Mt. Vernon District (RE 0.5) V-116-65

Mrs. Johnson stated that a different type of house had been planned for this lot but somehow the present house was built instead. There is a storm drainage easement across the lot and the driveway is not in the same location as for other houses of this type. They plan to build an open carport, no storage. They have lived here for two years and are the first occupants of the house. The flower box will be removed and the present lines of the porch will be extended out into a carport. The house across the street is the only one nearby with a carport. The neighbors are all in favor.

There was no opposition.

Mr. Everest moved to defer for two weeks to view the property, deferred for decision only. Seconded, Mr. Yeatman. Carried unanimously.

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HUGH B. BYRD, application under Section 30-36 of the Ordinance, to permit erection of a stable 25 feet from side property line, Lot 4, Section 8, Hunter Valley, Providence District (RE-2) V-121-65

Mr. Douglas Mackall represented Colonel and Mrs. Wickens. Mr. Byrd was also present. Colonel Wickens and Mr. Landess are the adjoining owners. Mr. Mackall said. Colonel Wickens is the biggest land owner in Hunter Valley and has developed it to what it is now. Mr. Byrd bought a lot from Mr. Wickens and there is a restriction that every structure must be approved by the Wickens'. Mr. Byrd proceeded to build a barn 80 ft. long before settlement and Mr. and Mrs. Wickens objected to it - they have worked out a solution to move the barn because of topography. The house has not been built.

Mr. Everest asked if there was any structure on Lot 5.

No, it will be sold to Mr. Pete Long, surveyor, Mr. Mackall replied, and he has no objection to the request.

Hugh B. Byrd - Continued

Mr. Smith recalled the amendment now under study to allow barns or stables within 25 ft. of property lines in cases where the applicant owns at least two acres of land.

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Mr. Mackall said there is a contract that the barn must be moved by August 1.

Mr. Everest felt that regardless of the topography, there are alternate locations for the barn; it might not have the approval of the original owners or the neighbors, but again, this Board is governed by a very strict code. There is no way to grant this at the present time. He did not think a month's deferral would hurt anyone. Perhaps Mr. Byrd could put some pressure on the Board of Supervisors and get this amendment through.

No opposition.

Mr. Barnes moved to defer to July 13 for decision only. Seconded, Mr. Yeatman. Carried unanimously.

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PAUL BAKER, INC., application under Section 30-36 of the Ordinance, to permit erection of addition closer to rear property line than allowed, south side of Lee Highway and west side of Fairhill Road, Lots 12, 13 and 14, Fairhill on the Boulevard, Providence District (C-G) V-125-65

Mr. Baker explained that he wishes to put on an addition which would bring him 20 ft. within the property line. Cutting down the size would make it unusable. At present his trucks are kept outside but with this addition, all the trucks would be inside, including delivery trucks.

Mr. Smith asked if Mr. Baker intended to use the original variance which he was granted for a canopy. Mr. Baker said that would not be necessary.

No opposition.

Mr. Rust stated that parking is adequate and the site plan could possibly be waived.

Mr. Baker stated that only three people would work on the premises.

Mr. Smith asked that the Board still require standard screening between the residential and commercial property, on the rear property line, even if the site plan is waived.

Mr. Yeatman moved that the application of Paul Baker, Inc. be approved as applied for. All other provisions of the Ordinance to be met.

Mr. Everest amended the motion to include standard County screening all the way along the residential property and that the original variance for the canopy be withdrawn. Accepted by Mr. Yeatman. Seconded, Mr. Barnes and carried unanimously.

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BOBBIE ROBERTS, application under Section 30-36 of the Ordinance, to permit erection of garage 17 ft. from side property line, Lot 29, Section 4, Pine Ridge (3723 Prosperity Avenue), Falls Church District (RE-1) V-126-65

Mr. Smith asked Mr. Roberts if there were any other possible location for the carport.

Mr. Roberts said the drainfield and septic field is in back of the house; the driveway on the side, and the right side of the house sets back into a hill. The proposed carport would be approximately 19 ft. in width.

Mr. Yeatman suggested bringing the garage over three feet closer to the areaway.

No opposition.

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June 8, 1965

Bobbie Roberts - Ctd.

Mr. Everest said it appeared to him that there was enough room on the property without the variance, but he moved to defer for two weeks in order to view the property. Seconded, Mr. Yeatman. Deferred to June 22 for decision only. Carried unanimously.

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WILLIAM PAGE, (CITIES SERVICE OIL CO.), application under Section 30-141, Group X (a) C-D of the Ordinance, to permit erection and operation of a service station and permit pump islands 25 ft. from right of way line, on W. side of Route 649, approximately 800 ft. south of Route 50, opposite 7-Eleven Store, Falls Church District (C-D) S-117-65

Mr. Hansbarger represented the applicant. He stated that Falls Church Annandale Road is planned to be widened to four lanes at this point and the land required for this side has already been dedicated without charge. Mr. Hansbarger said he wished to amend the application and submit new plats - they have asked for a variance on the pump islands. There is no variance in connection with this.

He showed pictures of the type of station they propose to build - a red, brick station, Colonial type.

No opposition.

Mr. Yeatman moved that the application of William Page, (Cities Service Oil Co.) application under Section 30-141, Group X (a) C-D of the Ordinance, be approved as applied for. Seconded; Mr. Barnes. Carried unanimously.

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HUMBLE OIL & REFINING COMPANY, application under Section 30-36 of the Ordinance, to permit erection of a service station 5 ft. from rear property line, S. side of Route 7, at Dranesville, Dranesville District (C-G) V-118-65

Mr. Hansbarger represented the applicant. The property is zoned C-G and the service station is permitted as a matter of right; the reason for the request is that the State wishes to take part of their frontage for widening Route 7 -- this will be 60 ft. at one point and 80 ft. at another point. Were it not for that, there would be no problem in meeting setbacks. They are giving the land to the State free of cost. Now to accomplish the purpose they set out to accomplish, they must move the station back so that it will be within 5 ft. of the rear property line. The property in the rear was shown as commercial in the 1958 Master Plan and the owners of that property do have other uses than residential in mind for the land. Esso has a 50 ft. slope easement on the property in the rear - a permanent easement, on which nothing can be built.

Considering the permanent easement, Mr. Smith said there are actually 55 ft. which is more than required by the Ordinance so he felt this was actually meeting the setback requirement.

He read a letter from the Highway Department in connection with the property. (Letter on file in the Zoning Office.)

This would be a ranch type station, Mr. Hansbarger continued.

Mr. James W. Moore stated that he lives directly across the street from the property in the application. There are already three Esso stations within four miles - this will make four of them. He has a similar situation on his own property and felt that he should be given the same consideration.

Mr. Smith assured Mr. Moore that the Board judges each case on its own merits. If there are similar cases they will be given consideration.

There is one peculiar thing about this request, Mr. Everest noted, and that is the 50 ft. easement. If the other properties have the same easements they would probably be given the same consideration.

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June 8, 1965

Humble Oil & Refining Company - Ctd.

Mr. Moore said he hoped that the old house on the property would be removed.

Mr. Hansbarger agreed that the house would be torn down before the station is opened.

Mr. Ed Wight said he did not feel that the slope easement meets the County's requirements for setbacks - the land is so steep it could not be used for anything.

Mr. Smith pointed out that if the property in the rear were zoned commercial the area would be filled and they could build right up to the line. There would be no setback problem if the property were rezoned to commercial. If the zoning is changed and there is no longer need for this easement, it might be feasible to have the easement changed. He noted that many other types of business could locate 25 ft. closer to the road than the service station.

Mr. Yeatman moved that the application of Humble Oil and Refining Company be approved as applied for and the old residence on the property will be removed before the station is opened and operated. Granted for gasoline station only. All other provisions of the Ordinance to be met. Mr. Yeatman said it was his opinion that the 50 ft. easement between the filling station and the residential property meets the intent of the Ordinance. Seconded Mr. Everest. Carried unanimously.

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COOPERATIVE SCHOOL FOR HANDICAPPED CHILDREN, INC., application under Section 30-137, Group VI (c) of the Ordinance to permit operation of a school for handicapped children (40 children maximum), Lot 9, Block 54, Section 20, Springfield, (Grace Presbyterian Church), Mason District (R-12.5) S-120-65

Mrs. Levitt stated that they wish to have a second center for their school in the Grace Presbyterian Church. At present they have two centers in Arlington and they wish to move one of them to Springfield mainly because of lack of recreation area at their present location. They operate from 9:30 to 1:30 but the office will stay open until 2:00. Normal school year. No summer school. 40 children ages 3 to 18. They will transport the children in buses. They have had Health Department and Fire Marshal inspect the property. They will lease the property and operate the school.

Paul Echol, minister of the Grace Church, spoke in favor of the application. There was no opposition.

Mr. Everest moved that the application of Cooperative School for Handicapped Children, Inc., application under Section 30-137, Group VI (c) of the Ordinance, Lot 9, Block 54, Section 20, Springfield (Grace Presbyterian Church) Mason District, be granted for 40 children during the normal school year. Hours of operation 9:30 to 1:30; office open till 2:00. Transportation will be supplied by the school. This permit is for this location only. Children will be 3 to 18 years of age. All other provisions of the Ordinance will be met. Seconded, Mr. Yeatman. Carried unanimously.

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DUNN LORING WOODS SWIM CLUB, INC., application under Section 30-137, Group VI (a) of the Ordinance, to permit extension of recreational facilities, Lots 12 and 13, Block 1, Section 6, Dunn Loring Woods, Providence District (R-12.5) S-122-65

Mr. Gordon Dewey, President of the Club, represented the applicant. The club owns 4.9 acres of land and there are two building lots adjoining, presently zoned residential, which were purchased in the original tract in 1962. They would like to fence that area and extend their recreational facilities. There would not be any construction on these two lots, simply a place to play badminton, volleyball, etc. The only hard surface which would be put in would be a small shuffleboard strip - a piece of concrete 30 x 5 ft.

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June 8, 1965

Dunn Loring Woods Swim Club - Ctd.

They have 290 family membership in their present pool, with capacity for 500.

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Mr. Smith said the final plats on the original application have not been received by the Zoning Office. Also they would like to have a current plat of the property.

Mr. Tirelli, member of the pool, said they were asking for the fence to control the activities within the area.

Mr. Jack Aschwege, living immediately adjacent to Lot 12 asked that there be a shield along the lot line between his property and the swimming pool property. He has no opposition to the fencing of the lots but would like to have some screening to allow him more privacy.

No opposition.

Mr. Everest moved that the use permit for Dunn Loring Woods Swim Club originally granted May 8, 1962 be amended to include lots 12 and 13, Section 6, Dunn Loring Woods, and that a wooden fence be erected along the property line between lots 11 and 12 prior to the issuing of the use permit as amended. All other provisions of the Ordinance to be met. Applicant is to furnish proper plats showing this addition and location of all facilities on the property. Seconded, Mr. Yeatman. Carried unanimously.

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HUMBLE OIL & REFINING COMPANY, application under Section 30-141, Group X (a) C-D of the Ordinance, to permit erection and operation of a service station and permit pump islands closer to front property lines, north side of Route 7 and west side of Watson Street, Dranesville District (C-D) S-123-65.

Mr. Hansbarger represented the applicant. He stated that Safeway owns the property surrounding this and this is part of what would be a shopping complex.

Route 7 has been widened at this point and there are no service lanes. There were two old houses on the property the first part of the week, but they have been torn down. The state eliminated one of Esso's sites with the overpass so this is a relocation. They do have a station farther on down on the opposite side of the highway but these will be serving two different directions of traffic. They will erect a ranch type station.

No opposition.

Mr. Yeatman moved that the application of Humble Oil and Refining Company application under Section 30-141, Group X (a) C-D of the ordinance, to permit erection and operation of service station north side of Route 236 approx. 500 ft. W. of Evergreen Lane, Falls Church District be approved for a gas station only. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

// *and permit pump islands closer to front property lines, north side of Route 7 and west side of Watson Street, Dranesville District (C-D), be*

The Board adjourned for lunch until 2:00.

//

TEXACO, INC., application under Section 30-141, Group X (a) of the Ordinance, to permit erection and operation of service station, north side of Route 236, approximately 500 ft. west of Evergreen Lane, Falls Church District (C-D) S-124-65

Mr. Hansbarger represented the applicant. The highway at this point is four lanes and they meet all required setbacks, he explained. They will build a brick, Colonial type station.

No opposition.

Texaco, Inc. - Ctd.

Mr. Everest moved that the application of Texaco, Inc. be approved as applied for, for service station only; all other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

// DEFERRED CASES

SHELL OIL CO., Application under Section 30-36 and 30-7 (c) 2 of the Ordinance, to permit erection of service station 4 ft. from rear property line, N. side of Route 236, approx. 300 ft. W. of Chambliss Street, Mason District (C-G) V-114-65 (from 5/25/65)

A letter from the applicant requested deferral because the property was not properly advertised and posted. Mr. Everest moved to defer to June 22. Seconded, Mr. Barnes. Carried unanimously.

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MCLEAN THEATRE, application under Section 30-141, Group X (d) C-D of the Ordinance to permit erection and operation of a theatre, (700 seating), southerly side of Rt. 123 between Laughlin Ave. and Tennyson Dr., Dranesville District (C-D) S-112.65 (from 5/25/65)

Mr. Dennis Duffy represented the applicant. This would be a 700 seat theatre which will be attached to Dart Drug Store in the shopping center. He showed a plan of the parking, providing 224 parking spaces. This will be similar to the Vienna theatre, they are both owned by the same people.

This theatre will be available to local groups for their use. There will be a "cry room" where children can watch the movie or have parties. It will accommodate twenty to thirty people and will not have regular seats, but tables and chairs which can be tempered to whatever group will be there.

Mr. Everest said there were no certified plats on file - perhaps the Board would be wasting their time to proceed with the hearing at this point.

No opposition.

Mr. Everest moved to defer to the first meeting in July for decision only. Seconded, Mr. Yeatman. Carried unanimously.

//

NAVY MARINE RESIDENCE FOUNDATION, INC., application under Section 30-136 Group V (d) Specific Requirements (c) of the Ordinance, to permit erection and operation of an eleemosynary and charitable institution and permit building five stories within 45 ft., south of Old Dominion Drive, east side of Kirby Road, Dranesville District (RE 0.5) S-127-65 (from 6/2/65)

Mr. Everest stated that the case had been deferred for decision only, and after having read the certificate of incorporation and the qualifications he felt that paragraph (a) in the certificate of incorporation certainly qualifies the applicants. He moved that the application of Navy-Marine Residence Foundation, Inc., be approved as applied for. This will be a building four stories within the 45 ft. height limitations. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried with Messrs. Smith, Everest and Barnes voting in favor; Mr. Yeatman opposed.

Mr. Smith read the following letter dated June 3, 1965, addressed to Mrs. L. J. Henderson, Jr., from W. W. Spilman of McLean, regarding the application:

"Dear Mrs. Henderson:

This has further reference to our telephone conversation concerning the application of the Navy-Marine Foundation, Inc., for tax exempt status for a proposed luxury cooperative apartment establishment to be known as Vinson Hall, at Chesterbrook on Old Dominion Drive.

June 8, 1965

Navy Marine Foundation, Inc. - Ctd.

Since talking to you, I have had the opportunity to talk with Mrs. Harriet F. Bradley; and she very positively is not in sympathy with nor in favor of granting this organization tax-exempt status. She opposes the entire idea and is of the opinion that they do not qualify under the Fairfax County Ordinance as an eleemosynary institution and feels that their application should be denied.

Apparently there has been a rumor in the County that Mrs. Bradley favors this application, which definitely is not correct. She does not oppose the construction of this project in view of certain recent zoning changes in the immediate area, but this decision on her part has no relation to their application for tax-exempt status.

To grant this institution tax-exemption would be most dangerous for Fairfax County taxpayers, since they cannot afford increased taxes. It could result in similar applications from labor unions, veterans organizations, churches, and many other organizations.

I urge and trust, therefore, that you and your Board will deny this application.

Sincerely yours,
(S) W. W. Spillman"

Mr. Smith stated that Mrs. Henderson had called him in connection with the above letter which she just received the day she went away, saying it was her understanding that Mrs. Bradley was certainly not in opposition to it but favored it because it was what the citizens in the area wanted. Last evening Mrs. Bradley had called Mr. Smith and told him that the letter does not reflect her feelings.

The tax-exempt status is something that needs to be taken up by another County agency, Mr. Smith continued, and is not something that should enter into any decision made by this Board.

The application was granted.

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WILLIAM A. KIMMERLING, application under Section 30-137, Group VI (c) of the Ordinance, to permit additional 20 children for half day session, property on south side of Collingwood Road, approx. 1000 ft. west of Fort Hunt Road (134 W. Collingwood Road), Mt. Vernon District, (R-12.5) S-100-65 (from 5/1/65)

Mrs. Kimmerling stated that they have a permit for thirty children; they are requesting an additional twenty children for half-day. They have had the Health Department and the Fire Marshal inspect the property and they have no objections.

Mr. Woodson reported that there had been no complaints from this operation.

Mr. Kimmerling said bluestone had been put on the road and they had put oil over that so there was no dust problem. They are licensed for thirty all-day children - they would continue to have thirty all day, and fifty in the morning.

No opposition.

Mr. Yeatman moved that the application of William A. Kimmerling be approved to permit addition of twenty children for half-day session. This is an extension of present use permit originally dated September 8, 1964. All other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

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June 8, 1965

CHARLES V. LYNCH, application under Section 30-138, Group VIII (d) of the Ordinance, to permit erection and operation of miniature golf course, driving range, 9 hole pitch and putt course, pro shop, 9 hole regulation golf course, property on south Route 50 east of Rt. 656 near Pender, Centreville District (RE-1) S-99-65 (from 5/11/65)

Mr. Everest left the meeting.

(Deferred from previous meeting to allow Mr. Lynch to submit new plats.)

Mr. Lynch said the Board had originally approved a permit for an 18 hole golf course last December but there was not enough room for it.

Mr. Smith asked if the people in the church were notified of this hearing. He had noticed that there were no posting signs on the church side of the property.

Mr. Lynch said he had not contacted them but they were aware of the hearing.

Since there were only three members present, Mr. Smith felt it would be a good idea to defer this until the next meeting. The church people should be notified of the hearing date.

Mr. Yeatman moved to defer to June 22 for decision only. Seconded, Mr. Barnes.

Mr. Smith said he would like to have all dimensions shown on Mr. Lynch's plats. The parking is all right, but the club house is not shown and the distance it is located from the property line, size of the club house, exact location, etc. All uses and buildings on the property should be indicated with distances from property lines, also indicating setback lines. Indicate any wells or existing buildings and show setbacks for parking area. The plats should be certified.

Motion to defer carried unanimously. (3-0)

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Colonel Futtrell asked that he be allowed to increase the number of children allowed by his use permit. The Board agreed that a new application should be filed and it could probably be heard at their last meeting in July or the one meeting in August. Mr. Futtrell should have Health and Fire Department approval before coming up for hearing.

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Mr. Woodson presented a letter from Mr. L. S. Sorber. The Board advised Mr. Woodson to render his own decision on the question and if Mr. Sorber is not satisfied, he could appeal to the Board.

//

Mr. Smith read a letter from the School Board retracting their statements made in an earlier letter regarding the application of TRUMAC, INC. near Chantilly. If the applicants of Trumac care to reactivate the application, Mr. Smith said the Board would be glad to have a rehearing.

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Mr. Barnes moved to extend the application of L. J. WILCOX on Richmond Highway for an additional year since nothing had been done with the use permit. Seconded, Mr. Yeatman. Carried unanimously.

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VETERANS OF FOREIGN WARS, BLUE AND GRAY POST 8469 - Mr. Smith stated that the Board had approved a building 40 x 60 ft.; now Mr. Long indicates that he wishes to construct the entire building - 40 x 100 ft. The membership will not increase. Mr. Barnes moved to allow the construction of a building 40 x 100 ft. Seconded, Mr. Yeatman. Carried unanimously.

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The Board members discussed miniature racing cars - no decision was reached because there were only three members present.

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Mr. Evans appeared before the Board requesting permission to increase his restaurant facilities in McLean. He originally had a permit to build the entire restaurant but could not afford to do it at that time so he only built part of it. Now he would like to finish it.

This Board no longer has control over restaurants, Mr. Smith pointed out, and has had no control since 1959.

The Board agreed that Mr. Evans should apply for a change of zoning on the property to allow him to expand.

//

The Board discussed the possibility of Zoning Inspectors taking cameras with them when they post and take pictures of the posting signs after they have been put up. This would probably back the Board up in a lot of cases.

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Mr. Woodson asked the Board to look at the fence around Freedom Park.

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The meeting adjourned at 3:55 P.M.
By Betty Haines

Mr. Daniel Smith, Vice Chairman

Date

*Approved for typographical errors only
8/4/65 - MCH*

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The regular meeting of the Board of Zoning Appeals was held 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.

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

I. B. WASHBURN, application under Section 30-6.6 of the Ordinance, to permit lot with less width at the building setback line than allowed, Lot 5, Section 3, McLean Woods, Dranesville District (R-10) V-143-65

Mrs. Henderson had to leave the room so Mr. Smith took the Chair.

Mr. Washburn said the problem arose due to the fact that Commander Hook who was buying Lot 4 has a boat and some other equipment which he wished to park behind the house. Mr. Washburn agreed to build him a driveway to the rear of the house. This was before the house was started. After final grading on the house it became evident that a grade separation would be necessary around the carport. They have explored all avenues of relief and have come up with the solution as shown on the plats. They are requesting a variance at the building setback line. The houses are now constructed and meet all requirements on square footage. This is a 2 ft. variance.

No opposition.

Mr. Smith noted a letter from the adjoining property owner stated that he had no objection to the proposal as long as they do not lose any square footage.

Mr. Everest moved that the application of I. B. Washburn be granted as applied for due to the unusual shape of the lot. All other provisions of the Ordinance be met. Seconded, Mr. Yeatman. Carried, all voting in favor except Mrs. Henderson who abstained because she was out of the room and did not hear the entire case.

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Mrs. Henderson resumed the chair.

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KEEN HOMES, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 38.8 ft. from Stirrup Lane, Lot 35A, Block 3, Section 3, Stratford on the Potomac, Mt. Vernon District (R-12.5) V-137-65

Mr. John T. Hazel, Jr. represented the applicant. He said the error was discovered at the time of the wall check on a first deck construction on this lot. The error resulted in a 16 inch violation of the setback. When they discovered the mistake on May 13 they immediately applied for a variance.

Mrs. Henderson noted that this is the third problem for Keen Homes during the past year.

Mr. Hazel said he felt this comes clearly under the hardship section of the Ordinance.

No opposition.

Mr. Yeatman moved that the application of Keen Homes, application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 38.8 ft. from Stirrup Lane, Lot 35A, Block 3, Section 3, Stratford on the Potomac, Mt. Vernon District, be approved as this was a mistake, but not a deliberate mistake. Seconded, Mr. Barnes. Mr. Everest abstained; all others voted in favor. Carried.

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JAMES A. MCWHORTER, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to store closer to street property line than allowed, (9601 Columbia Pike), A&P Store, Falls Church District (C-D) V-136-65

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Mr. Stephen Creeden represented the applicant and presented new plats and a copy of the proposed floor plan. The addition would be used for storage area, he explained, and this would increase the sales area space within the store.

Mrs. Henderson suggested putting the addition in the front of the store but Mr. Creeden felt this would disrupt the parking area. The rear parking area is not used to any extent but the front parking lot is always full.

Mrs. Henderson said she could see no topographic reason for granting the request.

When the building was constructed, Mr. Creeden said the Zoning Ordinance called for a 35 ft. setback and the building was set back 46.2 ft. on the corner. Since then the Ordinance has been changed and requires a 50 ft. setback. They are asking for an extension of their present building and they did not feel that placing it in the rear would harm anyone but if it were put in front of the store it could be detrimental to other stores.

No opposition.

Mr. Everest moved that the application of James A. McWhorter be denied as there has been no reason shown why this should be granted; no proof under the hardship clause of the ordinance for the need for variance. Seconded, Mr. Smith. Carried unanimously.

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STRATFORD RECREATION ASSOCIATION, INC., application under Section 30-7.2. 6.1.1. Group VI of the Ordinance to permit erection and operation of a community swimming pool, acreage at the end of Camden Ct. (formerly Riverside Park, Blks. 7 and 8), Mt. Vernon District (R-12.5) S-135-65

Mr. Thomas Franey, Jr., President of the Association, represented the applicant. Their Association was awarded a charter on June 2, 1964, he said, for the specific purpose of forming a community swimming pool. This land has been set aside for this particular purpose by Keen Homes and the community has been working on the project off and on since November 1958. The land has been designated as a swimming pool area since spring of 1960. Effort has been carried on for the past two years, searching the area, and they can find only this site available within the immediate area. They will not take legal title to the land until obtaining the permit. They have 150 signed pledges from homeowners in Stratford Landing; 50 from Stratford on the Potomac, and have reserved 87 for Keen Homes residents. They will provide adequate on-site parking. Their charter calls for 400 family membership. They only plan a swimming pool at present, eventually they might have tennis courts, but there are no other plans.

Mr. Paul Peterson, President of the Citizens Association of Little Hunting Creek, spoke in favor of the application. There are no supervised recreation facilities available in the community today and their Association urges that the application for the pool be approved.

Mr. J. Warren Stevenson, President of Stratford Landing P.T.A. spoke in favor.

Mr. Smith asked if anyone other than members would be allowed to use the pool. Mr. Franey replied that it would be restricted to members and guests. They will conduct only normal activities of swimming pool and do not intend to have a snack bar. This will be a 'z' shaped pool. They will provide one parking space for each three families.

Mr. Howard Garcia of 8701 Camden Street spoke in favor. He said he bought his house in the spring of 1960 and at that time the builder told him that this area would be used for a community swimming pool.

Stratford Recreation Association, Inc. - Ctd.

Mr. Yeatman asked if the land to be used for the swimming pool was in flood plain. Mr. Franey replied that only one corner of the property was flood plain.

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Opposition: Col. Neff stated that he lives in one of the four houses backing up to the swimming pool property. He asked that the application be denied on the basis of hazardous traffic conditions; because this would reduce the value of their homes; overflow parking would park in front of their homes; and this would be an invasion of their privacy. He presented an opposing petition with 32 signatures. He stated that when he purchased his home no mention was made of a pool in this location.

Mrs. Henderson noted a letter from Mrs. Lester Jones in opposition for the same reasons stated by Colonel Neff.

Mr. Hoover of 8800 Camden Street objected because he felt there was other vacant land in the area that could be used for this purpose.

Mr. Monsbury objected because of noise and nuisance value.

Mrs. Klersten Cannon stated that she took the petition around last night and all on her side of the street signed it with the exception of Mrs. Garcia. No one was aware that the hearing was to be held this soon or that the pool had reached this stage. It has been talked about for a couple of years and a questionnaire had been sent around last summer asking if they were in favor or opposed to a pool but that was all - there was nothing since. They do not belong to a pool at present, she said, but they do have three small children and would like to join. However, not to this particular pool.

Nine people stood in opposition.

Barbara Hoover of 8800 Camden Street stated that even though she realized that all of the members would not be at the pool at one time, most families have three cars and their street could not handle this much traffic.

Mr. Lester Johnson stated that he had been the consulting engineer for Keen Homes since 1961 and he knew for a fact that this tract had been set aside for a swimming pool since that time. There was an alternate location considered in case the pool people could not get organized and use this tract.

Mr. Franey said they have signed a contract to purchase the property - it is not a donation. They are committed to buy the land and they have committed 87 memberships for residents of Keen Homes.

Approximately 17 people stood in favor of the application.

No one has indicated the need for fencing the entire five acre tract, Mr. Smith said, and at this time it might not be the practical thing to do, but there should be screening along the presently occupied dwellings and the intervening vacant lots and there should be no traffic from the pool users through any of the residents' property. It would be up to the Pool Association to see that none of their members trespass on anyone else's property. If it does happen, they would be responsible to the Zoning Administrator.

Mr. Franey said they had checked for other land in the area. The pony farm which Col. Neff spoke of is not the right shape for a swimming pool and the land was too expensive - \$65,000.

In the application of Stratford Recreation Association, Inc., Mr. Smith moved that the application be approved as applied for with a maximum of 400 family membership; parking spaces shall be provided for 135 cars; site plan shall be submitted showing exact location and size of the swimming pool, bath house etc. Screening will be solid fence with screening erected adjoining all existing residences that abut this property and the intervening vacant lots. All other provisions of the Ordinance be met. There shall be no waiver of site plan by the Board of Supervisors. Hours of operation shall be limited from 9 a.m. to 9 p.m. No swimming and no activity at the pool after 9 p.m. All

Stratford Recreation Association - Ctd.

parking shall be contained on the applicant's property. Lights will not be allowed to flood out onto other property. Noise should be kept to very minimum so it will not affect adjoining property. The swimming meets, if they must have loudspeakers, should erect the speakers so that noise will be directed at the pool and not to the surrounding area. They might find they will need several speakers rather than one large one over the pool. Seconded, Mr. Barnes. Carried unanimously.

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AMERICAN TELEPHONE AND TELEGRAPH CO. OF VIRGINIA, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan Area, on W. side of Route 600 approximately 500 ft. south of Gunston Hall property, Mount Vernon District (RE-2) S-128-65

Mr. Richard Hobson stated that he represents all seven applications of AT&T on today's agenda and what he would say at this time would apply to all the applications. They have been before the Board previously on repeater stations and these applications today are the identical type of installation. He summed up as follows: This is part of the Faulkner-Monrovia cable route. There are some seven repeater stations on this route in Fairfax County. All of the applications if granted are subject to Planning Commission review.

Mr. Dave Spiker of AT&T explained the critical tolerances that must be considered in spacing repeater stations. This cable is needed to serve the last quarter of 1965. The cable itself is a 12 tube coaxial cable which carries 1860 telephone conversations simultaneously. As the signal moves along the line it becomes weak and needs to be amplified every 3.86 miles and that is why these repeater stations are located every 3.86 miles to boost the signal power. The buildings are to house the amplifiers.

In this application, Mr. Hobson said they would use a piece of property 100 x 100 ft., with a 16' x 10' building. He showed a picture of what the proposed building would look like. The property is surrounded by woods.

Mr. Bob Scatchard of AT&T stated that the buildings would be of brick veneer and would conform to future residential requirements of the County. Most of the buildings have hip-roof; only one will have a gable roof. The windows are false and are backed up with concrete block. They will landscape and keep the property neat at all times. At this time all the buildings will be located either in the woods or in fields but they are planning the design of the buildings to fit in with future development. They have acquired all rights of way for the stations, either by condemnation or by negotiation.

Mrs. Henderson noted that the Planning Commission would hold a public hearing on all these cases on July 6. Their schedule has not permitted earlier hearing.

No opposition.

In the application of American Telephone and Telegraph Company of Virginia, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan area, on west side of Route 600 approximately 500 ft. south of Gunston Hall property, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for. This would be for a 10,000 sq. ft. area with a 16' x 10' building of brick veneer, to be constructed in conformity with plats and pictures presented to the Board. Granted subject to site plan ordinance and subject to review by the Planning Commission under Section 15.1-456. Seconded, Mr. Barnes. Carried unanimously.

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AMERICAN TELEPHONE AND TELEGRAPH CO. OF VIRGINIA, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan area, intersection of Route 601 and 242, Mt. Vernon District (RE-2) S-129-65

Mr. Hobson stated that this is in the Mason Neck area, on property owned by the C&P Telephone Company near Gunston Elementary School. C&P anticipates that they will need a new building on this property in 1967 and if such a building is built at ^{that} this time, it would accommodate the AT&T structure and the small building would be removed at that time. This is a 100 x 100 ft. site; building 16' x 10'. Same type of building as in the previous application, with hip roof, and would meet all setback requirements.

No opposition.

In the application of American Telephone and Telegraph Company of Virginia, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan area, intersection of Route 601 and 242, Mt. Vernon District, Mr. Smith moved that the application be approved as applied for, for 10,000 sq. ft. area, building of brick veneer, hip roof construction, all other provisions of the Ordinance be met. Granted subject to review by the Planning Commission under Section 15-1.456 of the Virginia Code as amended. Seconded, Mr. Barnes. Carried unanimously.

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AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan area, approximately 2600 ft. north of Lot 1, Calvin Haley Subdv., near intersection of Rts. 612 and 641, Centreville District (RE-1) S-131-65

Mr. Hobson said this location is 2600 ft. back in the woods. Access road would be constructed by AT&T from Rt. 641 along the side adjoining Lot 1. This site is 100 ft. x 100 ft.; 10 x 16 ft. building. He has spoken with Mr. Day, owner of Lot 1, and the owner of Lot 44C is present. They have an option for driveway across Lot 44C. This will be hip roof design, brick veneer building. AT&T feels it would be a good idea to have a gate across the property at the road. The Board agreed that this was a good idea.

The owner of the property was present, stating that she preferred to have the gate installed, and would like it kept locked. She would like for AT&T to make a set of keys available for the owners.

No opposition.

In the application of American Telephone and Telegraph Company of Virginia, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan Area, approx. 2600 ft. N. of Lot 1, Calvin Haley Subdivision, near intersection of Routes 612 and 641, Centreville Magisterial District, Mr. Smith moved to approve the application as applied for, for 10,000 sq. ft. area, building 10 x 16 ft., constructed of brick veneer, hip roof construction; and that a gate be placed at the entrance to the property off Route 641, the gate be locked at all times, and that AT&T furnish a key to the property owners. All other provisions of the Ordinance be met. Granted subject to review by the Planning Commission. Seconded, Mr. Barnes. Carried unanimously.

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AMERICAN TELEPHONE & TELEGRAPH COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems

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furnishing communication service to the Washington Metropolitan area, property off Route 123 and 643, Donovans Corner, Lee District (RE-1) S-130-65

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Mr. Hobson said this site is located 1,000 feet back from Route 643. They will have a 1300 ft. access road to get into the property. This will be a 100 x 100 ft. site; building 16 x 10 ft., hip roof construction. All provisions of the Ordinance will be met. There has been no request for a gate - they will put in one if the people in the area desire it. The site is located in a field that is fenced and is used for grazing cows and horses.

Mr. Scatchard of AT&T said they would cooperate fully with the desires of the owner of the property - if he wants a gate, they will install it.

No opposition.

In the application of American Telephone and Telegraph Company, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan area, property off Route 123 and 643, Donovans Corner, Lee District, Mr. Smith moved that the application be approved as applied for - 10,000 sq. ft. area, 10 x 16 ft. building, hip type roof, subject to review of the Planning Commission. All provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

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AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan area, property approx. 1300 ft. north of Route 620 near Cobbs Corner, Centreville District (RE-1) S-132-65

Mr. Hobson located the property off Braddock Road, explaining that this would be a building 9,590 sq. ft. located in a tract of 3 1/2 acres that will be acquired by AT&T. This is in a wooded area.

Mr. Blevins asked that a gate be put along the access road to prevent people from racing their cars.

The representatives of AT&T agreed to discuss the location of the gate with the property owners in the area and put it wherever the citizens in the area want it.

No opposition.

In the application of American Telephone and Telegraph Company of Virginia, application under Section 30-7.2.2.1.4, Group II of the Ordinance to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan area, property approx. 1300 ft. north of Route 620 near Cobbs Corner, Centreville District, Mr. Smith moved that the application be granted as applied for, that the applicant install a gate at the beginning of the applicant's property, the entrance to the 3 1/2 acre tract of which approximately 9,500 sq. ft. will be used for the installation of the building of brick veneer, hip roof construction, and a gate be installed with agreement of the property owners served by this right of way or access road. Approved subject to review by the Planning Commission. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously.

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AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit

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construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan area, on east side of Route 645 approximately 2,000 ft. south of Route 50, Centreville District (R-T) S-133-65

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Mr. Hobson said this would be an area of 75 x 100 ft. with a gable roof as shown in the picture. This type of roof was requested by the land owner. The building will be 12 x 20 ft.

No opposition.

In the application of American Telephone and Telegraph Company of Virginia, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable systems furnishing communication service to the Washington Metropolitan area, on east side of Route 645 approximately 2,000 ft. south of Route 50, Centreville District, Mr. Smith moved to approve the application as applied for. Leave the setback distance up to the site plan and the Planning Engineer due to the uncertainty of widening Stringfellow Road. This would be an area of 75 x 100 ft. with a 12 x 20 ft. brick veneer building. Gable roof. Granted subject to review by the Planning Commission. Seconded, Mr. Barnes. Carried unanimously.

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AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4, Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable system, furnishing communication service to the Washington Metropolitan area, approximately 1,127 ft. SW of Route 608, Centreville District (RE-1) S-134-65

This is located in an RE-1 zone off Route 608 near Herndon, Mr. Hobson stated, this will be a 16 x 10 ft. building, hip roof construction, on a 100 x 100 ft. piece of ground. It is presently located in an alfalfa field. Access to the site would be along the property line. The special use permit request does include the land for the right of way. There has been no request for a gate.

No opposition.

In the application of American Telephone and Telegraph Company of Virginia, application under Section 30-7.2.2.1.4 Group II of the Ordinance, to permit construction, maintenance and use of an auxiliary repeater station for cable system, furnishing communication service to the Washington Metropolitan area, approximately 1,127 ft. SW of Route 608, Centreville District, Mr. Smith moved that the application be approved as applied for; area 100 x 100 ft.; building 10 x 16 ft. of brick veneer, hip roof construction. Gate shall be placed at the entrance to the access road at Route 608 if agreeable to the property owner, to discourage trespassers from entering the access road. All other provisions of the Ordinance being met. Granted subject to Planning Commission review. Seconded, Mr. Barnes. Carried unanimously.

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The Board adjourned for lunch until 2:15.

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M. SETH HORNE, MAURINE D. GENGERY and WILLIAM N. CAFRITZ (FAIRVIEW FARMS), application under Section 30-7.2.2.1.6, Group II of the Ordinance, to permit erection and operation of sewage treatment plant (850 ac. of land), Centreville District - S-140-65

Mr. James M. Thomson represented the applicant. This is to be located on property zoned R-17 he explained, and would be located within the flood plain area.

Mr. Thomson said that in September 1963 the Water Control Board adopted a 20,000 population limit for Sanitary District #12. Pursuant to that

Horne, Gingery & Cafritz - Ctd.

action, following on the heels of four plants approved by the County. Mr. Horne applied for a permit for a plant. On December 26 of that year the Board stated that they had no objection to private construction of plants provided assurances acceptable to the Board of Supervisors of Fairfax County were given. They submitted preliminary plans and they were approved. In September of 1964 Mr. Gibson submitted rezoning applications for uses ranging from residential to commercial use and at the hearing they explained that they would establish sewerage facilities to serve those persons. At the hearing Mr. Gibson asked Mr. Thomson to present the sewerage situation to the County for their consideration. Afterward, to meet purposes of financing, etc. and to meet requirements of the Water Control Board, they came back to the Board after their rezonings had been approved. On February 3 of this year the Board expressed its approval of treatment plants to serve the property rezoned. The water line is being extended up Stringfellow Road and has almost reached this property. The total area for the plant is 13.2871 acres.

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Mr. Thomson continued: The agreement which the County requests from them states that the applicants will construct the sewer plant and convey it to the County. Residents in the area have requested that they be served by this plant and there is no objection to this.

Mr. Smith felt that a lagoon would serve a very useful purpose here.

Mr. Carl Hellwig was present and stated that the ultimate of this plant in all three stages is 15,000 persons based on the plan approved by the Board of Supervisors. They anticipate 5,000 people in two or two and a half years and 10,000 within the next five or six years.

No opposition.

Mr. Smith said he felt there was no necessity for this plant; a lagoon could serve the same purpose.

Mr. Yeatman moved that the application of M. Seth Horne, Maurine D. Gingery and William W. Cafritz (Fairview Farms) be approved for location according to plat by Springfield Surveys dated June 11, 1965. All other provisions of the Ordinance shall be met. Seconded, Mr. Everest. Carried. All voted in favor except Mr. Smith who voted against the motion because he wished the Board to state that they preferred a lagoon.

// DEFERRED CASES

SHELL OIL COMPANY, application under Section 30-6.6 and 30-3.4.3 of the Ordinance, to permit erection of a service station 4 ft. from rear property line, North side of #236 approx. 300 ft. W. of Chambliss St., Mason District (C-G) V-114-65

Deferred from May 25 and June 8 because attorney could not be present.

Mr. William Winston represented the applicant. He stated that the Lincolnia Plan adopted by the Board designated the adjoining property as C-O. He presented a letter from that property owner, Mr. Johnson, stating that he had no objection to the variance. He also presented a letter from the First Lincolnia Corporation owning property nearby stating that they have no objections.

Mr. Dennis Duffy was present and Mr. Winston said that he would testify that there are no objections from Smith and Decklebaum.

Because of the irregular shape of the land, the lack of depth, this land could not be developed without a variance, Mr. Winston said.

Mr. Smith said there were several businesses that could locate here without a variance.

Mr. Winston said this property is located in the same vicinity as the Morgan-Latshaw property whose application for a pizza shop was denied by the Board in May. He showed pictures of the type of station they propose to build.

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Shell Oil Co. - Ctd.

The Board discussed possible solutions to the problem but could not arrive at a solution suitable to Mr. Winston.

No opposition.

Mr. Duffy stated that Smith and Decklebaum are neither for nor against the application.

Mr. Everest said he was concerned about what was going to be done with this property and the Morgan-Latshaw property. He moved to defer for two weeks to give further study to the application. Seconded, Mr. Yeatman. Carried unanimously.

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DOLORES C. FORMAN, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of a dog kennel on approx. 40 ac. of land, on east side of Route 602, 1.7 mile north of Route 7, Dranesville District (RE-2) S-58-65 *(from 4/3/65 of applicant's request)*

There was a letter requesting deferral because the applicant had not been able to serve proper notices. No one was present who was interested in the application. Mr. Smith moved to defer at the applicant's request - defer to September 28. Seconded, Mr. Barnes. Carried unanimously.

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POTOMAC BROADCASTING CORP., application under Section 30-7.2.2.1.3, Group II of the Ordinance, to permit erection of an antenna tower, property 350 ft. east of the end of Augustine Street and adjacent to the park, Lee District (R-12.5) S-101-65

(Deferred from May 11 for Mr. Hayes to consult with the Park Authority regarding possible easement for tower fall and for drainage solution.)

Mrs. Henderson read the following letter dated June 11 from the Park Authority to Mr. Hayes:

"Mr. Howard B. Hayes
Vice President and General Manager
Potomac Broadcasting Corporation
523 First Street
Alexandria, Virginia

Dear Mr. Hayes:

At the regular meeting of the Fairfax County Park Authority held June 8, your request for the Authority to grant a fall easement on our Hybla Valley Park property was considered and passed. They did request that the following items be reduced to writing and recorded:

1. The 50' fall easement as requested by you for your towers.
2. That an easement be granted of approximately five acres giving the Authority the right to use and to construct facilities not to exceed 15 ft. in height on your property. This easement would be in effect as long as the fall easement was needed. They also stated that we would not place any plant material on the use easement unless approved by your company.
3. That a right of first refusal with a ninety day clause be drawn up to be recorded which would show that we could purchase the land, after a mutually agreed upon appraiser had been obtained and an appraisal giving the fair market value of the land. The agreement will have two clauses to state if you voluntarily vacate the land we would receive a 15% discount on

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Potomac Broadcasting Corp. - Ctd.

the appraisal, or, if you involuntarily have to vacate the land, we would have right of first refusal to acquire based on the hiring of a mutually satisfactory appraiser's report.

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- 4. I realize that the Public Works Department of the County has not completed its study on the drainage problem for the Hybla Valley area, however, the Authority did feel it necessary for you to reduce to writing some type of agreement with the Department of Public Works that you will financially support and grant an easement for the construction of a reasonable drainage program across your property.

If you will draw up a draft on the two easements as described above, we will proceed to have our attorneys draft the right of first refusal for the acquiring of the property.

Sincerely,
(S) James D. Bell, Director of Parks"

Mr. Hayes stated that on June 4 he addressed a letter of intent to the Park Authority in which the letter Mrs. Henderson read was in response. He presented copy of the letter to Mr. Bell setting forth the details of their plans. It was on the basis of this letter, he said, that the Authority granted their request. Letter is quoted as follows:

"Mr. James D. Bell
Director of Parks
Fairfax County Park Authority
Fairfax, Virginia

Dear Mr. Bell:

Relative to our discussion respecting an easement to accommodate the required setback for a proposed radio antenna tower on our property adjacent to the Hybla Valley Park, I should like to present the following as a proposal for your consideration.

Potomac Broadcasting Corporation, licensee and owner of radio station WPIK, will make available to the Park Authority for park purposes portions of its transmitter site which comprises a plot measuring seven hundred feet square, as indicated on the attached plat. This would be accomplished by granting to the Park Authority an easement for a term to be coincident with the period that the lands covered by the easement are utilized by Potomac Broadcasting Corporation as a transmitter site. In return for such an easement, Potomac Broadcasting Corporation desires an easement covering that portion of the Hybla Valley Park encompassed by the arc, having as its radius a distance of 405 ft. from the base of the antenna tower situated at the geographical center of the transmitter site, as falls on said Hybla Valley Park lands. The area involved is likewise depicted on the attached plat.

Inherent in the easements granted by each to the other we propose that such easements would specify that the lands of Potomac Broadcasting Corporation under easement to the Park Authority would provide that the lands be used for recreational purposes under Park Authority administration and that no tall structures would be erected thereon and that no plantings other than shrubs would be made. Further, that the lands of the Hybla Valley Park under easement to Potomac Broadcasting Corporation would remain intact and undisturbed as park land for exclusive use as presently employed or for such future development as park land as may be devised by the Park Authority and under exclusive administration of the Park Authority.

Potomac Broadcasting Corp. - Ctd.

We propose that easements embodying the general terms outlined above be drawn by appropriate Counsel representing the parties thereto subject to mutual acceptance of final terms by the parties involved.

As an inducement to the Park Authority to enter into such an exchange of property rights under easement, Potomac Broadcasting Corporation agrees to assist in any general plan developed by the Park Authority and/or the Department of Public Works to provide drainage of portions of the Hybla Valley Park lands presently subject to the ponding of water. It is understood that the Department of Public Works has made certain studies of the general area but as yet, there has been insufficient time to examine this study or determine the feasibility of developing a satisfactory drainage scheme. Potomac Broadcasting Corporation is ready and willing to cooperate in any equitable arrangement that will accomplish the desired end.

Potomac Broadcasting Corporation will fence the base of its proposed and existing towers including barbed wire overhangs. The fences to be of chain link construction, 8 ft. in height and maintained in sound condition. Similar fences will be erected around guy anchors and guy wires of sufficient size to prevent access by means other than use of a ladder or other scheme devised to purposefully defeat the deterring effect intended by the fencing.

I believe the facts cited above cover the basis of a necessary understanding upon which to enter into the drafting of legal documents to accomplish the exchange of easements.

As a further incentive to the Park Authority to enter into such an arrangement Potomac Broadcasting Corporation will give to the Park Authority a bona fide option, providing the right of first refusal, to purchase all of the lands now occupied by its transmitter installation, as described on the attached plat, should Potomac Broadcasting Corporation determine it necessary or advisable to abandon the site as a transmitter location. The price upon which such option to purchase would be based would be the then existing fair market value as determined by appraisal performed by an independent appraiser mutually satisfactory to the Park Authority and Potomac Broadcasting Corporation, subject to a discount of 15 per cent.

Your consideration of this proposal will be appreciated and I shall await your advice respecting it after the Park Authority has had an opportunity to study the matter.

Sincerely,

(S) Howard B. Hayes"

Mrs. Henderson asked if there had been a draft drawn up on the easements described.

Mr. Hayes said time had not permitted attorneys for either party to reduce the easements to writing.

Mrs. Henderson noted that there was still the problem of storm drainage.

Mr. Hayes said he understood that two or three arrangements could be worked out and he referred to the following letter dated June 22:

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"Mr. James D. Bell
Director of Parks
Fairfax County Park Authority
P. O. Box 234
Annandale, Virginia

Dear Mr. Bell:

Thank you for your letter of June 11, 1965 in which you advise that the Park Authority has considered our request for a fall easement on the Hybla Valley Park lands and granted the request.

Referring to the items enumerated in paragraphs 1 through 4 of your letter, with regard to items 1 and 2, I will arrange to have the drafts of the fall easement which we requested and the construction easement for Park Authority use of WPIK lands drawn by our attorney as soon as possible. I will ask that these be drawn in draft form in order that we may incorporate any modifications required to make them meet the conditions we have discussed and agreed upon. Final forms may then be drawn and signed. We are anxious to go ahead with our project if approval can be obtained before the Board of Zoning Appeals.

You indicate that your attorney will prepare the right of first refusal draft mentioned in item 3 of your letter which is completely agreeable with us.

Respecting item 4 of your letter concerning the drainage question and sharing of expense in the development of a drainage plan and its installation, I have written a letter to Captain Porter of the Department of Public Works wherein I state that we will abide by the terms of the plan developed by the Department of Public Works as regards granting of necessary easements and support of the actual drainage program financially for that portion involving our lands.

I am sorry for the delay in responding to your letter but, I have been away from the city for several days and your letter arrived during my absence.

I feel sure we can work out the mechanics of preparation of the necessary legal documents in a few days and I will be in touch with you to arrange an appointment for discussion of the drafts of each.

With appreciation for your interest and kindest regards, I am,

Sincerely,
(S) Howard B. Hayes"

Mr. Hayes said he had addressed a letter to Capt. Porter on June 21, quoted as follows:

"Capt. C. W. Porter
Department of Public Works
Fairfax County Court House
Fairfax, Virginia

Dear Capt. Porter:

On June 15th I spoke with Mr. Strickhouser of your office and determined that actual costs on the plan to provide drainage of the Hybla Valley Park and adjoining area had not been fully developed.

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I have been out of town since that time until today when I again spoke with Mr. Strickhouser who was kind enough to give me some estimates on cost of that portion of the development involving our land. I understand that one plan would involve a pipe on our property with open ditches on the park land and on the land of Joseph Baker but this would also make the most expensive installation for us. I also understand that an open ditch on our land would be equally satisfactory from the drainage point of view and I have advised Mr. Strickhouser that a ditch would prove to be no obstacle to us in the use of our land and because of the substantially lower cost would be the means we would prefer to see employed.

In any event, please be assured that we are anxious to cooperate in the installation of the necessary system to provide the drainage required and are willing to pay for that portion which crosses our land provided that such costs are proportionately equal to the costs of installation on adjoining lands across which the system must be constructed. Further, we will, of course, grant necessary easements for the installation.

Sincerely,
(S) Howard B. Hayes"

Mrs. Henderson read a memo dated June 22 to the Board of Appeals from B. C. Rasmussen, quoted as follows:

"With reference to Mr. James D. Bell's letter of June 11, 1965, to Mr. Howard B. Hayes, Vice President and General Manager of the Potomac Broadcasting Corporation, please be advised that this office has prepared a preliminary design and construction cost estimate for the work necessary to convey the water through the Potomac Broadcasting Corporation's property. This design consists of approximately seven hundred feet of concrete storm sewer beginning at the northwesterly corner of the Potomac Broadcasting Corporation's property (at northeasterly corner of Park property), and conveying the storm water along the northerly boundary of this property to a proposed outfall ditch approximately 500 feet in length from the northeasterly corner of the Potomac Broadcasting Corporation's property. The cost of this storm drainage facility would be on the order of \$10,000 to \$12,000 and would necessitate acquiring an easement for the outfall ditch referred to above on the Baker property. This storm drainage system was designed as close as possible along the northerly boundary of the Potomac Broadcasting Corporation's property because we were advised by Mr. Hayes that the ground wires extend very close to the northerly property line. The invert of the storm sewer pipe at the northwesterly corner of this property would be approximately five and one-half feet in the ground, and the maximum depth of the outfall ditch beyond this property would be approximately 7½ feet. Considering these depths, it is doubtful if any economy could be realized by constructing a paved invert ditch along the northerly boundary in lieu of the proposed storm sewer pipe.

We are advised by the Fairfax County Planning Engineer that a site plan will be required for this property if a special use permit is granted, and this office could not approve a site plan unless adequate drainage was provided.

The parcel of land between the Potomac Broadcasting Corporation's property and the Mount Vernon Woods Subdivision is now owned by the Fairfax County Park Authority (formerly Baker), who is granting a full easement subject to the conditions set forth in Mr. Bell's letter of June 11, 1965 (including sub-paragraph #4).

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This area is very flat and very difficult to drain. After a rainstorm, the water ponds on both the park property and part of the Mount Vernon Woods Subdivision. As far as we can determine, no work has been done since the erection of the first tower by anyone except the County to alleviate the drainage problem that existed when the first use permit was issued."

Mrs. Henderson stated that she would vote for the tower on condition that drainage across the tower property be constructed in accordance with Subdivision Design or Public Works approval.

The Board could grant the tower, Mr. Yeatman suggested, but Mr. Hayes could not put it up until the drainage problem was solved. He could not get a permit until the site plan has been approved.

Mrs. Klein stated that basically they are content with the statements by Mr. Hayes in his letter to Mr. Bell but they would like to accentuate certain points. There are several items which were discussed -- the exchange of easements, the fall line easement which WPIK will receive granted an area would remain free for park use. The other easement involved contains four to five acres which is restricted by no tall structures and no plantings that have not been approved. They would agree to the easements. They are mostly concerned about the drainage cooperation. They would ask that drainage be determined by the Director of Public Works. They wish to be assured that the fencing will be done as stated in Mr. Hayes' letter. And also the right of first refusal as stated in his letter.

Mrs. Henderson said she was sure that this could be worked out between WPIK and Mr. Rasmussen and that Public Works would have the final say.

Mr. Hayes said they had discussed this with Mrs. Klein and had assured her verbally that WPIK was willing to be bound by the terms of Public Works and in his letter to Captain Porter of June 21 he stated in the last paragraph that they were willing and anxious to cooperate. In Mr. Hayes' letter to Mr. Bell he stated that they would be bound by the terms of Public Works as stated in the letter of June 11.

Mr. Yeatman again suggested granting the permit for the tower but noted that Public Works would not give the permit till the drainage is resolved.

This would entail a substantial delay, Mr. Hayes said. They would like to start construction while the weather is suitable.

Mrs. Henderson asked Mr. Hayes what would happen if the Board allowed him to construct the tower and he did not comply? Would he take down the tower after the Board revokes the permit? It is easier to correct these things beforehand rather than try to do it afterward.

Mr. Yeatman said the site plan would have to be approved before the tower could be built unless there were a waiver of site plan by the Board of Supervisors.

Mrs. Henderson stated that the Board of Appeals is not in favor of waiving site plan requirements on this application.

Mr. Hayes said he felt that the record is clear regarding their intent. Without the easements they know they cannot go ahead. The easements will include these provisions with respect to drainage and it is already a part of the record. They hoped to sign the easements next week and record them.

Mr. Smith noted that Mr. Hayes could be as long as a year getting site plan approval on drainage. He suggested that perhaps the Board could waive the site plan on a temporary basis and have Mr. Hayes submit a performance bond to insure compliance with drainage requirements. He did not think it fair to have Mr. Hayes wait this length of time. There is an agreement between Mr. Hayes and the Park Authority and when it is signed and completed it is binding. It will be recorded.

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Mrs. Klein said she would like it stated in the motion that they would cooperate in the drainage solutions as determined by Public Works and would like the specific amount of acreage involved in the easements granted to the park cited. 367

Mr. Hayes and the Park Authority have agreed on the lease arrangement for the fall radius, Mr. Smith said, and this is a prime factor here. When this is consummated the arrangement with the Park Authority will include recommendations of Public Works on drainage and will take this into consideration. The only thing not mentioned is fencing. Mr. Hayes has agreed to fence both the tower area and guy wire area with 8 ft. fencing (included in June 4 letter). Other arrangements have been made in connection with rights of first refusal, etc. The Board could grant the permit based on final consummation of the agreement between Mr. Hayes and the Park Authority and all the other conditions stated here being met and then if the Board wants to take a look at the final document, they could approve it then.

Apparently the Board feels they want to pin this down and one way to do this is to see the final document and approve it, Mr. Smith said. He moved to grant the permit based on approval of the final document of agreements between Potomac Broadcasting Corporation and the Park Authority. All other provisions of the Ordinance, be met, including drainage. Site plan must be waived temporarily and fencing shall be done as outlined. Seconded, Mr. Everest. The Board should have a copy of the final agreement between the Park Authority and Potomac Broadcasting in the file. These shall be recorded agreements.

Mr. Everest repeated the motion as he understood it -- the permit was approved subject to Board approval of the final agreement. The Board must either approve or disapprove it. Carried unanimously.

The Board agreed to hold informal discussion of this at their first meeting in July.

Mrs. Klein asked if there was anything in the motion regarding the verbal agreements made by Mr. Hayes -- acreage involved in the easements, etc.

Mr. Everest explained that this is the reason the Board wants to see the final agreement to see whether it is adequate where the Park Authority is concerned. The Board cannot tie this down at this particular point. They have no idea of the exact square footage. In order to proceed with the construction of this tower he will have to receive a site plan waiver. He could go to the Board of Supervisors for this.

Mr. Hayes submitted an affidavit from his consulting engineer stating why the tower must be located in this exact spot. (On file with the records of this case.)

1/K Mr. Smith left the room

DOUGLAS W. DALTON, application under Section 30-7.2.6.1.3 Group VI of the Ordinance, to permit operation of special tutoring classes in speech, hearing and reading, Lot 32, Block 3, Section 3, Yates Village (6004 Brandon Avenue), Mason District (R-10) S-79-65

Mr. Dalton said they wish to tutor youngsters in the fields of speech, hearing and reading. This is at the request of fellow colleagues in the teaching profession and all the principals in the area and people interested in this particular service. His wife and he are teachers in Fairfax County public schools and this application is simply to make their services legal. This is done on an appointment basis. Both his wife and he might have one student at the same time. They would not do anything to infringe upon the rights of their neighbors.

No opposition.

Mr. Everest moved that the application of Douglas W. Dalton be approved as applied for. Seconded, Mr. Yeatman. Carried unanimously. (4-0)

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KENNETH R. WILZER, application under Section 30-6.6 of the Ordinance to permit carport with storage room 5 ft. 3 in. from side property line (build over existing concrete slab), Lot 20, Block 9, Section 1, Stratford on the Potomac, Mt. Vernon District (R-12.5) V-115-65

(Deferred from June 8 to view.)

Mrs. Henderson said she had viewed the property and this was exactly like many other houses in the area. There is nothing special about this property.

Mr. Everest moved that the application of Kenneth R. Wilzer be denied as there is nothing to warrant the granting of this application. No evidence of hardship as defined in the Ordinance. Seconded, Mr. Yeatman. Carried unanimously. (4-0)

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DOUGLAS D. JOHNSON, application under Section 30-6.6 of the Ordinance, to permit erection of carport 9.6 ft. from side property line, Lot 70, Sec. 3, Mt. Vernon Forest, Mt. Vernon District (RE 0.5) V-116-65

(Deferred from June 8 to view.)

Mrs. Henderson said she felt that this could be worked around and the carport could be built without a variance. There is definitely a topographic situation here and certainly no alternate location. However, the houses on either side are the same type of house and they have no carports either - this is a new house. If the adjoining houses had carports, or if there were room to put them on without a variance, this would be a different situation, but there is nothing peculiar about this lot; the topography is the same on adjoining lots.

Mr. Everest moved that the application of Douglas D. Johnson be denied as there are houses of similar condition in the area and he could see no justification for granting a variance. Seconded, Mr. Barnes. Carried unanimously. (4-0)

// (Mr. Everest left the room)

BOBBIE ROBERTS, application under Section 30-6.6 of the Ordinance, to permit erection of garage 17 ft. from side property line, Lot 29, Section 4, Pine Ridge (3723 Prosperity Avenue), Falls Church District (RE-1) V-126-65

(Deferred to view the property.)

Mr. Yeatman moved to deny the application of Bobbie Roberts because there has been no hardship or topographic problem. An adequate garage with storage space can be built and meet the setbacks and there is an alternate location for a garage on the property. Seconded, Mr. Barnes. Carried unanimously. (3-0)

// (Mr. Smith and Mr. Everest returned)

CHARLES V. LYNCH, application under Section 30-7.2.7.1.4 of the Ordinance, to permit erection and operation of driving range, pro shop and a 9 hole regulation golf course, property on south side of Route 50, east of Rt. 656 near Pender, Centreville District (RE-1) S-99-65

(Deferred from June 8 for decision and new plats.)

Mr. Lynch said the 9 hole pitch and putt and miniature golf course have been eliminated from the application. This would be for driving range, pro shop and nine hole regulation golf course only.

Mr. Everest asked how much it costs to set up such an operation. Mr. Lynch said they expect to spend \$100,000 on this. They bought the land for a future regional shopping center but it will probably

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June 22, 1965

Charles V. Lynch - Ctd.

be fifteen years before they can use it for this.

Mr. Yeatman moved that the application of Charles V. Lynch, application under Section 30-7.2.7.1.4 of the Ordinance, to permit erection and operation of driving range, pro shop and nine hole regulation golf course, property on south side of Route 50 east of Rt. 656 near Pender, Centreville District, be approved in accord with plat submitted and signed by Richard W. Long, June 19, 1965. All provisions of the Ordinance to be met. Seconded, Mr. Everest.

Mr. Lynch said they had contacted Bethlehem Baptist Church and had given them a plat and they had no opposition because they have purchased ten acres on Route 50 for a new church and are trying to sell their present church.

Mrs. Henderson noted that site plan approval will be required. All lighting from the operation should be directed at their own property.

Mr. Everest amended the motion that lights shall not be objectionable to any of the neighbors and should be turned off at 12:00 at night. Mr. Yeatman accepted the amendment. Carried unanimously.

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Mr. William Day of Family Raceways, Inc. discussed miniature racing cars. They propose to have a family hobby center in the former Kroger Store at Graham Road and Arlington Boulevard, zoned C-D. He had some of his own cars present to show the Board how they operate.

Mr. Smith did not think this would be objectionable. Could be included with bowling alleys and skating rinks.

The consensus of the Board members was that it would be allowed in commercial districts without a special use permit if the primary function of the store or building is retail sales such as a hobby shop.

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The Board discussed the Crouch and Alward junk car lots.

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The Board discussed signs for antique shops.

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Mrs. Henderson stated that Mrs. Bradley wished the Board to hear the application of McLean Boys Club for a camp on Seneca Road as soon as possible.

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The meeting adjourned at 5:30 p.m.
Betty Haines

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

August 4, 1965 date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, July 13, 1965 in the Board Room, Fairfax County Court House. Mr. Everest, Mr. ~~Yeoman~~ Barnes and Mrs. Henderson were present. Mr. Daniel Smith was present only for a short while. Mrs. Henderson, Chairman, presided.

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

HARRY AND MARTHA E. WILDS, application under Section 30-6.6 of the Ordinance, to permit division of property with less area and less frontage than allowed, Parcel A, Block 7, Lane's Resub. of Devines' Chesterbrook, Providence District (RE-1) V-138-65

Mrs. Henderson read the Staff comments: "This property fronts on Old Dominion Drive, which is a primary highway and which has a proposed right of way of 160 ft.. With the required dedication taking place this will reduce the total lot size to approximately 57,048 square feet or 1.31 acres. Also required along Old Dominion would be the construction of a standard service road, sidewalk and road widening."

Mr. Wilds stated that he wished to cut the lot off at the end and put another house there.

Mrs. Henderson noted that the proposed lot would be only about one-half of the required size.

This would, in effect, be changing the zoning of the area, Mr. Everest said and there is no topographic reason for granting this variance.

Mr. Wilds said he was willing to dedicate but could not afford to build the service road.

No opposition.

Mr. Everest moved that the case of Harry and Martha E. Wilds, application under Section 30-6.6 of the Ordinance, to permit division of property with less area and less frontage than allowed, Parcel A, Block 7, Lane's Resub. of Devines' Chesterbrook, Providence District, be denied as it does not meet the criteria in the Ordinance for granting a variance. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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BALDWIN-KRESS CONSTRUCTION CO., application under Section 30-6.6 of the Ordinance, to permit dwelling to be erected 29.75 feet from Centre Street, Lot 5, Oakwood Subdivision, (Mt. Vernon Road and Centre Street), Mt. Vernon District (RE 0.5) V-139-65

Mr. Alfred Heck, real estate agent, represented the applicant.

Mrs. Henderson suggested turning the house around the other way.

Mr. Heck said it would be undesirable to face the house on a non-existing street and the tourist court. This is an old subdivision, formed in 1908. They plan to build a brick house and will stay 14.25 ft. off the line at all times. The house will be parallel with the lot line.

No opposition.

In the application of Baldwin-Kress Construction Co., application under Section 30-6.6 of the Ordinance, to permit dwelling to be erected 29.75 feet from Centre Street, Lot 5, Oakwood Subdivision, (Mt. Vernon Road and Centre Street) in Mount Vernon District, Mr. Everest moved to grant the request as applied for because of the unusual circumstances surrounding this case as previously stated in the testimony. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously. (3-0)

Mrs. Henderson asked for Mr. Heck's proof of notification. Mr. Heck said he was not aware that it was necessary for him to notify anyone.

Mr. Everest moved to rescind his previous motion. He moved to defer the case for four weeks in order that adjoining property owners might be notified in accordance with the Ordinance. Seconded, Mr. Barnes. Deferred to July 27. Carried unanimously. (3-0)

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Mrs. Henderson stated that three houses in Falls Hill have been built within 12 ft. of Route 66 because of the definition of "street" in the ordinance. Mr. Woodson found the mistake in the Ordinance and has proposed an amendment as follows:

"Amend Section 30-1.7.8 of the Code of the County of Fairfax, Virginia, as amended, by adding thereto the following:

"Except, however, that street setback requirements applicable in residential districts shall apply whenever any lot in such districts shall lie contiguous to the right of way line of interstate highways or the airport access road."

Mr. Everest moved that the proposed amendment be forwarded to the Board of Supervisors with the Board of Zoning Appeals approval. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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WILLIAM JENNINGS, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, S.E. corner of Rt. 193 and Rt. 717, Dranesville District (RE-1) V-141-65

Mr. Jennings said he was asking for a .81 ft. variance on the corner lot.

Mrs. Henderson said the only justification here is that it would be unreasonable not to grant the request - not granting would be arbitrary and capricious.

No opposition.

Mr. Everest moved that the application of William Jennings, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage than allowed, S. E. corner of Route 193 and Route 717, Dranesville District be approved as applied for. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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DR. E. JOHN SCHRENZEL, application under Section 30-4.1 of the Ordinance, to permit erection of an addition to animal hospital, Lot 25, Block 4, Hybla Valley Farms, Mt. Vernon District (C-G) S-142-65

Dr. Schrenzel said the building would not be extended forward. The architect had thought of eliminating the porch and putting on the addition as shown on the plat, off to the side.

Mr. Everest said that during the past two years, No. #1 Highway has had a face-lifting and he would like to see it continued.

Dr. Schrenzel said they are trying to upgrade their place and make it look more like a hospital.

There was a discussion on how long Dr. Schrenzel had had the permit for the animal hospital.

Dr. Schrenzel's architect said they propose to modify the front of the building in some sort of colonial architecture with columns similar to Mount Vernon. They would probably put a hip roof over the whole thing. The front of the property is in grass at present but they would blacktop it and make parking spaces available.

Dr. Schrenzel said there is no parking problem at present as he only has three employees.

No opposition.

Mrs. Henderson asked Mr. Woodson's advice on dealing with this application. He suggested treating it as a non-conforming use that may be enlarged but not to exceed 25% of the area of land occupied by such use.

Mr. Everest moved that the application of Dr. E. John Schrenzel, application under Section 30-4.1 of the Ordinance, to permit erection of an addition to animal hospital, Lot 25, Block 4, Hybla Valley Farms, Mt. Vernon District, be granted as applied for; that the construction on the front and side of the new addition conform to the type of brick on the existing structure, that is, old brick, to be specific. All other provisions of the Ordinance be met. This is a non-conforming use that the Board is granting the addition to. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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ALDERSGATE METHODIST DAY SCHOOL, application under Section 30-7.2.1.3 of the Ordinance, to permit operation of a nursery school in existing church building, (64 children), SW corner of Collingwood Road and Fort Hunt Road, Mt. Vernon District (R-12.5) S-144-65

Mrs. Mary Little represented the applicant. She stated that they started with 35 children and they now have 64 with five full time teachers. This is a non-profit church-sponsored school. It has been operating for three years. The children are four and five years old, and their hours are 9 to 12 noon. No transportation is furnished; the children come in car pools. The school will operate from September through May. They are presently installing fencing for the four year old group. The Health Department has stated that they have no objections.

No opposition.

Mr. Everest moved that the application of Aldersgate Methodist Day School, application under Section 30-7.2.1.3 of the Ordinance, to permit operation of a nursery school in existing church building, (64 children), SW corner of Collingwood Road and Fort Hunt Road, Mount Vernon District be approved for hours 9 to 12 noon, September to June; maximum of 64 children, ages four and five. All other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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RICHARD F. BABLER, application under Section 30-6.6 of the Ordinance to permit carport 10 ft. from side property line on existing slab, Lot 643, Block N, Section 6, Monticello Woods, (6424 Meriwether Lane), Lee District (R-12.5) V-145-65

Mr. Babler said he had recently moved to Virginia and had purchased his home last September. At that time he understood there was a covenant that would permit a carport 10 ft. from the property line so he had the concrete slab poured with the intention of putting it under roof at a later date. However, when the builder came out to get the permit he was told that the carport had to be 12 ft. from the line.

Mrs. Henderson stated that there are many 10 ft. carports in the County. Mr. Babler could put the posts 12 ft. in and have a 3 ft. overhang which would give more protection. This would not solve the problem of opening the back door but the carport could be pushed back beyond the door.

Mr. Babler said he did not wish to do it that way -- it would look patched up and would extend into the patio area. The neighbors have stated that they have no objections to the request.

There was no opposition.

After much discussion Mr. Barnes moved that the application of Richard F. Babler, application under Section 30-6.6 of the Ordinance, to permit carport 10 ft. from side property line on existing slab, Lot 643, Block N, Section 6, Monticello Woods, (6424 Meriwether Lane), Lee District, be denied as Mr. Babler can have a 10 ft. carport in the same location by setting the posts back. Seconded, Mr. Everest, because he felt this did not meet the criteria for granting a variance under the Ordinance. Carried unanimously. (3-0)

// DEFERRED CASES

HUGH B. BYRD, application under Section 30-6.6 of the Ordinance, to permit erection of a stable 25 ft. from side property line, Lot 4, Section 8, Hunter Valley, Providence District (RE-2) V-121-65

(Deferred from earlier meeting to await adoption of proposed amendment.)

Mrs. Henderson said the proposed amendment had been ordered for advertisement for August 4 but last Wednesday an objection was raised and now the amendment had been sent back to the Staff and Planning Commission for further study.

Mr. Byrd said he wanted to get the stable built before winter. The other problem is that in order to settle on the land in the first place, he had to agree to move the stable by the first of August.

Mr. Barnes said he would be willing to talk to the Wickens' to see if the time could be extended on moving the stable.

(Mr. Dan Smith came in.)

Mr. Everest said there were no grounds for granting a variance at this time - the Board must either defer the case till the Ordinance is changed, or deny the application.

Mrs. Henderson said she would be willing to defer to July 27 and see if the Board can get some definite information as to when the amendment is going before the Planning Commission again. Mr. Barnes might explain to the Wickens what the problem is so they will not pressure Mr. Byrd.

Mr. Everest moved to defer to July 27. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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July 13, 1965

Mrs. Henderson stated that she had received a court order on the AT&T case and she would like to get this settled while four members of the Board were present. She read the court order, quoted below:

"IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA.

FRANK B. HAND, JR., et al, Petitioners,

vs.

BOARD OF ZONING APPEALS OF In Chancery No. 21355
FAIRFAX COUNTY, VIRGINIA, et al,
Defendants.

ORDER

This matter came on to be heard the 29th and 30th days of June, 1965, upon the petition of the petitioners and the return thereto made by the defendant, upon the evidence presented, and argument of counsel.

And it appearing to the Court that the Board of Zoning Appeals at the conclusion of a hearing on April 13, 1965, granted a use permit to the defendant American Telephone and Telegraph Company, and it further appearing to the Court that the findings referred to in Sections 30-125 and 30-133 (3) a, b of the Fairfax County Zoning Ordinance, do not appear as such in the record of proceedings of the said hearing; and it further appearing to the Court that the said Board may have intended the motion made to grant the permit, the reasons given for the motion and its discussion on the motion and on the application in general as constituting the findings called for by the aforesaid sections of the zoning ordinance, but that this cannot be ascertained with certainty.

In consideration whereof, and to enable the Court to make a proper disposition of the matter, it is adjudged, ordered and decreed that the return previously made be remanded to the Board of Zoning Appeals to make findings in writing in accordance with the aforesaid sections, if such findings were implicit in the proceedings granting the said use permit, or were intended by the Board; or, alternatively, to advise the Court that they did not and do not make these findings, if such be the case.

And the said Board is requested to file its response in the form of an amended return with the Clerk of this Court on or before July 19, 1965. It is directed that a certified copy of this order be served on or delivered to the Chairman of the said Board.

Further proceedings in connection with the present matter will be continued until Friday, July 23, 1965 at 2 P.M.

To the foregoing rulings of the Court the petitioners, by counsel, except.

Enter: July 1, 1965

(S) Calvin Van Dyck; Judge"

Mrs. Henderson stated that after consultation with the Commonwealth's Attorney, she had written a Resolution for consideration of the Board, because in her opinion from all the testimony, the Board did intend to make these findings as stated in the various sections of the Ordinance. She read the Resolution, quoted as follows:

"RESOLVED, that the return heretofore filed with the Circuit Court of Fairfax County in the matter of the special permit granted the American Telephone and Telegraph Company of Virginia on April 13, 1965, to permit a junction station for radio relay and cable systems on the northerly side of Route 7, approximately 4500 feet from the Loudoun County line and remanded to this Board by order entered by the Circuit Court of Fairfax County on July 1, 1965, be and the same hereby is amended as follows:

1. The following findings of the Board of Zoning Appeals were implicit in its original motion to grant the subject case. To confirm its intent the Board hereby more fully sets forth the circumstances of the case, the findings on which the decision was based, and the reasons therefore:

(a) Under the Standards set forth in Section 30-133 a of the Fairfax County Zoning Ordinance, the Board of Zoning Appeals determined that the location proposed is necessary for the rendering of efficient service by the applicant's facility. The determination was made on evidence that the applicant is required to install additional facilities to meet demands for its service; the additional facilities include

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a new Boston-Miami buried coaxial cable route and a new Monrovia, Maryland-Fulkner, Maryland buried coaxial cable route; it is necessary that these cables by-pass the Washington Metropolitan area; they will cross in the Dranesville vicinity; a junction station, such as that proposed, is necessary at this crossing and to carry the service into Washington and Arlington; included in the facility is an underground structure which must have the maximum blast resistant qualities; in order to render satisfactory service the site for this facility must permit the underground building to be built in rock of the type found at the proposed site, the ground surface at the proposed site must be high enough to allow gravity drainage from the building, the site must have good ingress and egress from a major thoroughfare, the site must be large enough and so shaped as to accommodate the facilities under the zoning ordinance requirements. The proposed location meets all of these requirements. It is necessary for the rendering of efficient service by the facility.

(b) Under Section 30-133 (3) b of the Fairfax County Zoning Ordinance, the Board found that there was a substantial showing that it is impossible for satisfactory service to be rendered from an available location in a C or I district within one mile of the proposed location. There is no land zoned industrial ("I") within one mile thereof. There are three separate areas of land zoned commercial ("C") within one mile thereof. None of the "C" sites at Dranesville are large enough for the facility. The "C" site between Dranesville and Herndon junction is not large enough. None of the "C" sites at Herndon junction in Fairfax County are large enough, nor are they high enough to permit gravity drainage under all conditions which should be taken into consideration in planning this facility. None of the "C" sites in Loudoun County nor any of the "C" sites in both counties are high enough to meet that requirement.

2. The Board further intended to express these additional findings in its original motion and hereby records them specifically:

(a) Under Section 30-125 of the Fairfax County Zoning Ordinance the Board made a finding that the use will not be detrimental to the character and development of the adjacent land, and will be in harmony with the purposes of the comprehensive plan of land use embodied in Chapter 30 of the Fairfax County, as amended (the Fairfax County Zoning Ordinance.) The finding was based on evidence presented at the hearing as to the location and type of building and future tower; and on consideration of testimony regarding the nature and intensity of the use, the access to the property, the amount of vehicular traffic engendered by the operation and the proposed landscaping of the use.

(b) From evaluation of the above evidence, the Board concluded that the use met the basic standards for special permit uses in R Districts, as detailed in Section 30-126 of the Fairfax County Zoning Ordinance.

Further RESOLVED, that the Board of Zoning Appeals does hereby reaffirm and hereby make such findings with such reasons therefor as are herein expressed.

Further RESOLVED, that an attested copy of this resolution, together with an attested excerpt of the pertinent portions of the minutes of this meeting, be returned to the Circuit Court of Fairfax County with the return formerly made and remanded to the Board. "

Mr. Smith said the Board had discussed this previously as to the contents, and had gone over it thoroughly, and as maker of the motion granting the use in a residential district, it was certainly his intent at the time to include all of the aspects and conditions as set forth in the Resolution. He moved that the Resolution be made a part of the original hearing and that the court order be followed to the letter of the law. Seconded, Mr. Barnes.

Mrs. Henderson said she wished to comment for the record that in making its decisions, the Board takes into consideration all the testimony given, and its opinion is based on its findings; the evidence is implicit in a motion to grant, even though it does not sum it up.

Mr. Smith said the Board basically feels that the statements made by the applicants are true and they base their decisions on facts presented to the Board with any other evidence they have to substantiate this. In this particular case, much evidence was presented to the Board regarding the great necessity for getting this started immediately.

Mrs. Henderson noted that statements by the opposition are carefully weighed in contrast with the applicant's testimony.

This is particularly true in this case, Mr. Smith said, noting the conditions on the hours of blasting, fencing, screening, landscaping, bringing this facility into harmony with the residential character of the surrounding area. The motion carried unanimously. (4-0).

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MCLEAN THEATRE, application under Section 30-141, Group X (d) C-D of the Ordinance, to permit erection and operation of a theatre, (1000 seating) on southerly side of Route 123 between Laughlin Avenue and Tennyson Drive, Dranesville District (C-D) S-112-65

Mr. Smith left the meeting.

Mr. Everest moved to defer to July 27 so a full Board could be present. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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SHELL OIL COMPANY, application under Section 30-6.6 and 30-3.4.3 of the Ordinance, to permit erection of a service station 4 feet from rear property line, North side of Route 236, approx. 300 ft. W. of Chambliss St., Mason District (C-G) V-114-65

and as the applicant could present new leg. notes.

Mr. Everest moved to defer to July 27 so a full Board could be present. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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MCLEAN BOYS CLUB, application under Section 30-7.2.8.1.4.1 of the Ordinance, to permit operation of a day camp on 155.4475 acres of land, property on east side of Route 602, 1.8 mile north of Route 7, Dranesville District S-158-65 (RE-2)

Mr. Harry Martin, Director, represented the applicant. They are operating a nature type program for boys from McLean and Falls Church. They average from 40 to 45 youngsters per week. Falls Church operates on a weekly basis; McLean on a bi-weekly basis. They operate from 9:00 to 4:00. They will use the property again next year, probably will have 100 boys then. They transport the children by bus. The Health Department has not approved this yet, but they are working on it. There is a barn and enclosure on the property, and a swimming hole.

No opposition.

Mr. Everest moved that the application of McLean Boys Club be approved to operate a summer camp on 155.4475 acres of land, property on east side of Route 602, 1.8 mile north of Route 7, Dranesville District, for hours 9 to 4 for eight weeks, maximum of 100 children, under Section 30-7.2.8.1.4.1 of the Ordinance; that the granting of the permit be subject to Health Department approval and all other provisions of the Ordinance being met. Also it is recommended that the Staff recommend to the Board of Supervisors waiver of the site plan. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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ALBERT LEARY SCHOOL - Mrs. Henderson said she had had some complaints on the school and was very sorry to get them. It had been reported that Mr. Leary was operating a summer school and the application was granted for only nine months.

Mr. Leary said at the first meeting he told the Board that he planned to operate a summer school. That application was denied. At the second meeting of the Board he tried to sum up his plans and stated that he planned the same operation as at the first meeting, however, he failed to mention the summer school specifically.

Mrs. Henderson said another complaint was that children arrive at 7:30. Mr. Leary said he knew of no children arriving at this time.

Mrs. Henderson asked if Mr. Leary had hooked on to sewer yet.

They did not get the easement across the Sleepy Hollow Nursing Home property, Mr. Leary said. They will have to run sewer down the access road. The summer school operation will only last for two more weeks. As for fencing, they promised to put up fencing after the sewer has been put in, but they will put up the fence now if the Board wishes. They have been talking with sewer contractors; one contractor in Fairfax said he could possibly put the sewer in during August but this is their busiest season and they cannot do anything right away.

Mrs. Namanny objected because of the traffic in front of her house. Instead of going down Columbia Pike, she said they pass in front of her property *via the service road.*

Mr. Leary said he would tell the children and their parents to use Columbia Pike rather than coming this way. He has submitted a site plan, he has a temporary occupancy permit, and he has Health Department approval.

Mrs. Henderson felt it would be unreasonable to require the fence before putting the sewer in. However, she did not think that Mr. Leary should open the school in September until the sewer and fence are in, and there should be no summer school next year unless the Board has a full public hearing on the matter. The other Board members agreed.

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July 13, 1965

The Board discussed the Crouch junk yard. Mr. Woodson reported that conditions there are almost identical to last winter. Mr. Crouch had told them that a man in Manassas had bought the cars but just had not moved them.

The Board discussed the possibility of revoking the permit.

Mr. Crouch said he had done the best he could to improve the situation. He had sold the cars to someone in Manassas and fourteen of them had been removed. He has brought in two that he is working on and there are twenty-four cars left. He bought a tow truck and will use this to remove the vehicles from the property. He would like to keep eight cars that are in running condition.

Mr. Everest moved that Mr. Crouch be given written notice of his violations before the Board moves to revoke his permit. After written notice he will have a chance to request a hearing before this Board. If the situation is not cleared up at the time under which the Ordinance says the applicant is allowed, the Board must then revoke the permit. Everything should be moved by August 3. Seconded, Mr. Barnes. Carried unanimously. (3-0)

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Mr. Woodson said that Mrs. Mary J. Healy was asking for an extension of a use permit to operate kindergarten in her home on Cottage Street.

Mr. Covington's report stated that he had inspected the property and had seen twenty children leave the building. The permit was granted for 10 children, including three of her own.

The Board agreed that Mrs. Healy should come back before the Board of Appeals and request the extension.

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Mr. Barnes moved to grant a six month extension to Trey Corporation for a theatre in Springfield. Seconded, Mr. Everest. Mr. Barnes and Mr. Everest voted in favor; Mrs. Henderson was opposed because the permit had expired. No vote. The Board will take this up again on July 27.

The meeting adjourned at 1:10 P.M.
Betty Haines

W. R. Henderson
Mrs. L. J. Henderson, Jr.
Chairman

August 4, 1965 Date

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The regular meeting of the Board of Zoning Appeals was held on July 27, 1965 at 10:00 a.m. in Court Room #4 of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided. No recording was made of this meeting.

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

JUBE SHIVER, application under Section 30-6.6 of the Ordinance, to permit carport to remain 8.3 feet from side lot line, Lot 2, Section 2, Randall (Shiver Place), Mt. Vernon District (R-10) V-148-65

Mr. Shiver said the building is constructed and occupied. There is a sanitary sewer easement on the opposite side of the property and he was trying to keep clear of that. Only the corner of the carport is out of line. The carport was completed in March or April.

The Board discussed the possibility of moving the line over on Lot 3 to make the carport conforming. Mr. Shiver said that Lot 3 is under contract to sell.

Mrs. Henderson suggested getting a commitment from Mr. Shiver, that if the application is granted, he would make the side line between the two lots 12 feet instead of 10 feet. Mr. Shiver said he would agree to do that. Even though Lot 3 is under contract, there is a clause in it giving Mr. Shiver control over the building of the house.

There was no opposition.

Mr. Smith said that Mr. Shiver has several good reasons for requesting the variance and he moved that the application of Jube Shiver, application under Section 30-6.6 of the Ordinance, to permit carport to remain 8.3 ft. from side lot line, Lot 2, Section 2, Randall (Shiver Drive), Mt. Vernon District be approved as applied for. It has been agreed by Mr. Shiver, who is the builder involved, that there will be no construction within 12 ft. of Lot 2 on the Lot 3 side which will allow the required distance between the two dwellings. All other provisions of the Ordinance be met. Seconded, Mr. Barnes. Carried unanimously.

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ROBERT OVERHOLT, application under Section 30-6.6 of the Ordinance, to permit erection of a garage closer to street property line than allowed, Lot 12, Block 2, Section 1, Ravensworth, (5201 Inverchapel Road), Falls Church District (R-12.5) V-153-65

Mr. Overholt said he wished to construct a two car garage on the south side of his house. He realized that the extra 10 ft. would block some of the view from the adjoining neighbor's house. He could not put the garage on the north side of the house because the sewer easement and Braddock Road are on that side.

Mr. Yeatman noted that there were no topographic problems involved in this application.

Mr. Smith suggested constructing a carport with posts set at the 40 ft. line and having a 3 ft. overhang which would give some protection. There is no hardship involved in this application.

Opposition: Mr. Gilliam, representing the adjoining property owner, Mrs. Norfolk, said that granting the application would set a dangerous precedent in the area. It would also block the view from Mrs. Norfolk's home as well as natural currents of air and breezes during the summer. Mrs. Norfolk's son concurred in Mr. Gilliam's statements.

Mr. Overholt said he could plant trees which would block the view and the summer breezes and would not be in violation of any zoning ordinance.

Mr. Smith said he was in sympathy with Mr. Overholt but the testimony of adjoining neighbors has no bearing on the case as far as he was concerned. The Ordinance is the governing factor and there is no section of the Ordinance which would allow the Board to grant this variance under these circumstances. There is no topographic problem and if the application is denied it will not deprive the applicant of a reasonable use of his land. He could possibly have a single carport, setting the posts back 10 ft. from the line and having a 3 ft. overhang.

Mr. Overholt said he had explored the possibility of constructing a garage on the back of his house and coming off of Adair Street. This would be closer to Mrs. Norfolk's property line.

If there is an alternate location, Mrs. Henderson said, there is no justification for granting a variance. The Board cannot take personal circumstances of the owner or next door neighbor into consideration.

Robert Overholt - Ctd.

In the application of Robert Overholt, application under Section 30-6.6 of the Ordinance, to permit erection of a garage closer to street property line than allowed, Lot 12, Block 2, Section 1, Ravensworth, (5201 Inverchapel Road), Falls Church District, Mr. Yeatman moved that the application be denied because there is no hardship or topographic problem involved. Seconded, Mr. Everest. Carried unanimously.

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LLOYD B. AND LEONA P. TAYLOR, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage on Lot 1, SW corner of Route 645 and Route 646, 7380 Clifton Road, Centreville District (RE-1) V-152-65

Mrs. Taylor said they have 134 ft. at the building line and they need 175 ft. The other lot is exactly 150 ft. They live on Lot 1 and they wish to construct another house on Lot 2. They have lived at this location for ten years.

Mr. Smith said he felt this was a reasonable request.

There was no opposition.

In the application of Lloyd B. and Leona P. Taylor, application under Section 30-6.6 of the Ordinance, to permit division of property with less frontage on Lot 1, SW corner of Route 645 and Route 646, 7380 Clifton Road, Centreville District, Mr. Smith moved that the application be approved as applied for reasons stated. Seconded, Mr. Barnes. Carried unanimously.

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THE AQUINAS SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a montessori pre school (ages 3 thru 5, time 9 to 12 and 1 to 4 o'clock) approx. 150 children, (8334 Mt. Vernon Highway), on W. side of Route 235, approx. 600 ft. south of intersection of Rt. 623, Mt. Vernon District (R-17) S-147-65

Col. Futrell said they had an application approved for 60 children, hours of operation from 9 to 12 for children ages 3 to 5. They would like to increase the number of children to 150. There are four assistants and four principals, a total of eight teachers. No transportation is furnished; the children come in car pools. They do not serve lunches, and although a playground is provided, the Montessori system does not allow for outdoor play. They plan to begin operation on September 8.

No opposition.

Col. Futrell said he and his wife were the sole owners of the school.

In the application of the Aquinas School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a Montessori pre-school (ages 3 thru 5) hours 9 to 12 and 1 to 4 o'clock, maximum of 150 children at one time, (8334 Mt. Vernon Highway) on West side of Route 235, approx. 600 ft. south of intersection of Rt. 623, Mt. Vernon District, Mr. Smith moved that the application be approved to Colonel and Mrs. A. F. Futrell. All other provisions of the Ordinance to be met. This application is granted to the applicants only and is non-transferable. There shall be adequate parking with a minimum of ten spaces. If ten spaces are not adequate there will have to be additional spaces provided. This supersedes the original permit that was granted and this will be the permit under which the school is operated. Seconded, Mr. Barnes. Carried unanimously.

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JOHN B. AND B. VIRGINIA PIPER, application under Section 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop in home (2724 Hidden Road), Providence District (RE-1) S-149-65

Mrs. Piper said they moved here eight months ago and she has had previous experience in the antique business. This will be a small operation and the neighbors have no objections.

No opposition.

In the application of John B. and B. Virginia Piper, application under Section 30-7.2.6.1.7 of the Ordinance, to permit operation of antique shop in home (2724 Hidden Road), Providence District, Mr. Smith moved to approve the application as applied for as a home occupation in the home. Only the building shown on the plat can be used for display and sales. Only one sign will be allowed, no larger than two square feet in size. All other provisions of the Ordinance to be met. No parking within any front setback area which would be 50 ft., or within 25 ft. of any property line. Seconded, Mr. Barnes. Carried unanimously.

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ACCOTINK ACADEMY, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of an addition to existing nursery and kindergarten, part Lots 30 and 31, Unit L,

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Fairfax Park, southerly side of Tuttle Road, approx. 377 ft. west of Rolling Road, Lee District (RE-1) S-155-65

Mrs. Mary Stensrud represented the McConnells who were out of town.

Mrs. Henderson read a letter from the McConnells stating the reason for the request. Letter is on file in the folder on this case.

Mrs. Stensrud said there would be forty additional children, a total of 160, two sessions, eighty at a time. Hours would remain the same and ages of the children would remain the same. The original application was granted July 14, 1964.

No opposition.

In the application of Accotink Academy, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection and operation of an addition to existing nursery and kindergarten, part Lots 30 and 31, Unit L, Fairfax Park, southerly side of Tuttle Road, approx. 377 ft. west of Rolling Road in Lee District, Mr. Smith moved that the application be approved as applied for, for a maximum number of eighty students at any one time. There are two sessions - one from 9 to 12 and one from 1 to 4 o'clock. This is granted for nursery and kindergarten only, for children ages three to five. Permit should be issued to Mr. and Mrs. W. H. McConnell, and to the applicants only. In the original granting of the application there was a clause to review it at the end of three years and if there had been no complaints it could be extended. That same clause should be added to this application -- there will be review in three years and if there have been no complaints, it can be extended. Seconded, Mr. Barnes. Carried unanimously.

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COUNTRY PLACES, INC., application under Section 30-7.2.6.1.6 and 30-7.2.6.1.4 of the Ordinance, to permit erection of a private non-commercial boat dock, Parcel F, Fox Lake and permit horse show ring and 1/3 mile hunt course, Parcels A thru E, Fox Lake, Centreville District (RE-1) S-156-65

Mr. Tom Lawson represented the applicant. Mr. Verlin Smith was present also.

Mr. Lawson said this would be a private sailing marina for the people living in Fox Lake. No power operated boats will be allowed in the marina. For the time being, the two operations will be owned by the Corporation but at a later date will be deeded to the community. Mr. Lawson outlined the bridge paths throughout the subdivision. The homes will be in the \$55,000 and up price range. So far there are only four families living there. There will be no swimming in the lake.

Mr. Smith asked if there would be a charge for the pond or the show ring.

Mr. Lawson said that once a person buys a home in the subdivision there is no charge. The Corporation will maintain charge of the operations until some other group can take over and then they may have to assess the people.

Mr. Verlin Smith said there are sixty ~~lots~~ sites in the subdivision, four families already there, and three other families moving in September. About eight or nine homes are completed at this time. Some people are buying two sites so there probably never will be sixty homes built.

No opposition.

In the application of Country Places, Inc., application under Section 30-7.2.6.1.6 and 30-7.2.6.1.4 of the Ordinance, to permit erection of a private non-commercial boat dock, parcel F, Fox Lake, and permit horse show ring and 1/3 mile hunt course, Parcels A thru E, Fox Lake, Centreville District, Mr. Smith moved that the application be approved as applied for as shown on the plat submitted. This is for the benefit of the owners of lots in the Fox Lake Subdivision and for their use and their friends' use only. No commercial activity. All other provisions of the Ordinance to be met. Grant the permit to the Corporation only and if a new group forms within the subdivision to acquire control over these recreational facilities, at that time they would have to make application to this Board for a permit. Granted to the applicant only. Seconded, Mr. Barnes. Carried unanimously.

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PENN DAW VOLUNTEER FIRE DEPARTMENT, INC. AND RESCUE SQUAD application under Section 30-7.2.6.1.2 of the Ordinance, to permit erection and operation of a fire station and permit building 10 feet from Hulvey Terrace, NW corner of Beddoe Street and Hulvey Terrace, Mount Vernon District (R-10) S-151-65

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Penn Daw Volunteer Fire Department - Ctd.

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Mr. Alexander represented the applicant, stating that the Planning Commission had considered the application at their meeting of last night, and had approved the application.

Mr. Lonnie Phillips, President of the Fire Department, and Dwight Chase, architect, were present also.

The purpose of the application, Mr. Alexander said, is to relocate their existing station which has been made somewhat inoperative by the widening of Route 1. They have planned ^{the} building to blend in with the area and wished to retain the front all in grass. They had designed the parking to the rear.

Mr. Smith noted that there could be no parking in the setback area. Mr. Alexander said they would use some of the front area for parking where they had planned to have grass. They have provided 62 parking spaces; the requirement was 60, based on the use of the community hall. This is a drive through station.

Mr. Chase showed a rendering of the proposed building. The building will not have a conventional drying tower; they will dry the hoses by running them from the attic to the basement area. There will not be a tower. This will be a colonial brick building with masonry walls, off-white trim; most they would prefer cast stone trim, but might have to use wood. The roof will be asbestos shingle. The street floor will be occupied by the firemen; all community activity will take place in the level below the street. The community room is designed to hold approximately 150 people.

No opposition.

Mrs. Henderson noted two comments on letters of notification that had been returned, one in objection and one who apparently did not understand what the application was all about. Letters on file with the records of this case.

Mrs. Henderson read the letter from the Fire Administrator verifying the fact that the Fire Commission has approved the station. She also read the Planning Commission recommendation for approval.

In the application of Penn Daw Volunteer Fire Department, Inc. and Rescue Squad, application under Section 30-7.2.6.1.2 of the Ordinance, to permit erection and operation of a fire station and permit building 10 ft. from Hulvey Terrace, NW corner of Beddoe Street and Hulvey Terrace, Mount Vernon District, Mr. Smith moved that the application be approved as applied for, in order that the Penn Daw Volunteer Fire Department will be able to relocate their facilities for the general health and welfare of the citizens in the area and that there be at least 48 parking spaces provided for the use of the firemen and citizens and the community hall, and as many more parking spaces as land area will provide if it becomes necessary. Seconded, Mr. Barnes.

Mr. Alexander said they hoped to be able to leave the siren in its present location. If they do have to move it they will try to put it on commercial property. With respect to sidewalks, they will have sidewalks along all the grassy areas. Carried unanimously.

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TRIANGLE AUTO SUPPLY COMPANY, application under Section 30-2.2.2. of the Ordinance to permit operation of service center for Chesapeake and Potomac Telephone Company, on W. side of #1 Highway, approx. 700 ft. south of intersection #1 Highway and Fordson Road, Lee District (C-G) S-150-65

Mrs. Henderson stated that the attorney has requested deferral of the application. The opposition requested sixty days deferral.

Mr. Yeatman moved to defer to September 14, seconded, Mr. Everest and carried unanimously.

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FAIRFAX COUNTY WATER AUTHORITY, application under Section 30-7.2.2.1.5 of the Ordinance, to permit erection of an addition to storage building, Block C and D, Section 3, Huntington, (Plant #9) Mt. Vernon District (RM-2) V-161-65

Mr. Woodson stated that the application has been withdrawn as it was not necessary. Mr. Smith moved to allow withdrawal. Seconded, Mr. Barnes and carried unanimously.

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BALDWIN-KRESS CONSTRUCTION CO., application under Section 30-6.6 of the Ordinance, to permit dwelling to be erected 29.75 ft. from Centre Street, Lot 5, Oakwood Subdivision, (Mt. Vernon Road and Centre Street), Mt. Vernon District (RE 0.5) V-139-65

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This had been considered at an earlier meeting and deferred for proper notices. At that meeting the hearing was completed and the application granted before it was discovered that notices had not been sent out.

Mr. Everest moved that Baldwin Kress Construction Co., application under Section 30-6.6 of the Ordinance, to permit dwelling to be erected 29.75 ft. from Centre Street, Lot 5, Oakwood Subdivision (Mt. Vernon Road and Centre Street), Mt. Vernon District (RE 0.5) V-139-65 be granted as applied for in accordance with the hearing of July 13. All other provisions of the Ordinance be met.

Seconded, Mr. Barnes and carried. Mr. Smith abstained as he did not hear the entire case.

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HUGH B. BYRD, application under Section 30-6.6 of the Ordinance, to permit erection of a stable 25 ft. from side property line, Lot 4, Section 8, Hunter Valley, Providence District (RE-2) V-121-65

Mr. Mackall stated that they had tried to get the proposed amendment before the Board of Supervisors on August 4 but Mr. Tom Lawson got it postponed. However, he felt that the Board of Appeals had the power to grant the application under Section 30-6.6. This is an area which Colonel Wickens has put in and all buildings must have his approval. The barn in this location ruins the view and it is because of topography. The adjoining property owners want the barn moved because it interferes with adjoining land. Mr. Byrd bought the lot and found out that legally the only place he could put the barn was in this location so he put it there last summer. His problem was caused by the fact that every structure has to be approved by Colonel Wickens and the barn was never approved. It is an eyesore next to a \$52,000 home. Mr. Byrd's contract says the barn must be moved by August 1.

Mrs. Henderson noted that the proposed amendment comes before the Planning Commission on August 2.

Mr. Yeatman moved that the application of Hugh B. Byrd, application under Section 30-6.6 of the Ordinance, to permit erection of stable 25 ft. from side property line, Lot 4, Section 8, Hunter Valley, Providence District, be approved due to the unusual ~~physical conditions~~ ^{physical conditions}. All other provisions of the Ordinance be met. Mr. Smith added - this is granted based on the unusual factor of existing building development on adjacent land as stated in Section 30-6.6 of the Ordinance. Mr. Yeatman accepted the amendment. Seconded, Mr. Barnes. Carried unanimously.

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MCLEAN THEATRE, application under Section 30-7.2.10.3.4 of the Ordinance, to permit erection and operation of theatre, (700 seating) on southerly side of Route 123, between Laughlin Avenue and Tennyson Drive, Dranesville District (C-D) V-114-65

Deferred from meeting of July 13 for full Board to be present.

Mr. Smith moved that the application of McLean Theatre, application under Section 30-7.2.10.3.4 of the Ordinance, to permit erection and operation of a theatre (700 seating), on southerly side of Route 123, between Laughlin Avenue and Tennyson Drive, Dranesville District, be approved as amended - the original application called for 1000 seating and it was amended to 700, and all other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Mrs. Henderson abstained since she did not hear the original case. All others voted in favor.

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SHELL OIL COMPANY, application under Section 30-6.6 and 30-3.4.3 of the Ordinance, to permit erection of a service station 4 feet from rear property line, north side of Route 236, approx. 300 ft. west of Chambliss Street, Mason District (C-G) V-114-65

Deferred for new layouts.

Mr. Winston presented two new layouts for the property. After discussing both of them, Mr. Everest moved that Shell Oil Company be permitted to erect a service station in accordance with the plats submitted to the Board dated 4-21-65, revised 7020-65, #D-65111-1, showing variance of 2 ft. on the building line setback on the front of the property, be approved as applied for. This is located on the north side of Route 236, approx. 300 ft. west of Chambliss Street, in Mason District. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes.

Mr. Smith said it should be pointed out that the rear setback line is 20 ft. due to the property behind being included in the Master Plan for the area as C-O zoning. Carried unanimously.

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July 27, 1965

Mary J. Healy - Requested extension of use permit for school in her home.

Mrs. Henderson noted a letter from Mr. Covington stating that he had observed the school one day in January and from 11:50 to 12:20 he had seen twenty small children leaving the building.

Mrs. Healy said she could not imagine how anyone counted twenty children. She has only fourteen chairs. She has four children of her own and ten children enrolled in the school. She only has morning sessions. On certain days she has visiting days and smaller brothers and sisters are allowed to visit the school.

Mr. Smith moved that Mrs. Healy be allowed to have a one year extension for ten children.

Mr. Wright, representing Mrs. Healy, asked that Mrs. Healy be allowed to have twelve or thirteen children.

Mr. Smith withdrew his motion and moved to defer the matter to the next meeting for Mrs. Healy to decide if she wants additional children and if this is the case, she would be required to file a new application and have a new hearing.

Mr. Wright said Mrs. Healy would not be interested in filing a new application as it would mean that she could not be ready by September.

Mr. Yeatman moved that Mrs. Mary Healy be granted an extension of her permit for no more than ten children as it was in the original permit, and make it for two years instead of one year. This is for 4 1/2 to 6 year olds. Seconded, Mr. Everest.

Mrs. Henderson said she was voting in favor of the application even though she had voted against it three years ago. At that time the subdivision was new, but now this has turned out to be a service to the subdivision. Carried unanimously.

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HARRY CROUCH - Mr. Barry reported that forty per cent of the junk cars had been removed.

Mr. Smith moved to set the date of September 28 for consideration of revocation of Mr. Crouch's permit. Seconded, Mr. Barnes. Carried unanimously.

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SPRINGFIELD THEATRE - Mr. Yeatman moved to grant a one year extension to Springfield Theatre (Trey Corporation). Seconded, Mr. Everest.

Mrs. Henderson voted against the motion; she felt that the permit had expired. Mr. Smith abstained, as he questioned whether the permit has expired; the applicant has made every effort to construct the building, but was held up by site plan and Public Works.

Messrs. Barnes, Everest and Yeatman voted in favor.

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NAVY VALE FIRE DEPARTMENT - Mr. Smith moved that Navy Vale Fire Department be granted an extension of their building to conform with plat submitted. This is an emergency and the procedural requirements of the Ordinance are waived and this is granted. The use is already established. The date of plat is July 26, 1965. Seconded, Mr. Barnes. Carried unanimously.

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Meeting adjourned at 1:45 PM
By Betty Haines

Mary K. Henderson Chairman
August 4, 1965 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 a.m. on Tuesday, August 3, 1964 in Court Room #4. Mrs. Henderson, Mr. Smith and Mr. Everest were present. (Mr. Yeatman arrived late.) Mrs. L. J. Henderson, Jr., Chairman, presided.

* See Attached
Agenda for
Description of
Cases heard Aug. 3, 64
MICH

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

M.P. BUILDERS - Mr. Jack Coldwell represented the applicant. Mr. Mace was also present.

Mr. Coldwell said they have two steep lots that rise from the street upward and they have requested a 40 ft. setback in order that they can grade these lots and preserve the trees that vary from 18" to 30". Most of the trees are oak. This is in what is known as a substandard subdivision; a one-half acre zone with one-half acre front and R-17 side yards. These houses are traditional type houses.

Mr. Mace pointed out that the houses are in the \$55,000 and up price bracket. They have nothing to gain by asking for the variance except to increase the beauty of the area by saving the trees. They are located on a slight curve so the difference between the 40 ft. and the 50 ft. setback would not be noticeable.

No opposition.

Mr. Everest moved that the application of M.P. Builders, application under Section 30-6.6 of the Ordinance, to permit erection of dwellings 40 ft. from front property lines, Lots 9 and 10, Southwood at Mt. Vernon, Mt. Vernon District (RE 0.5) V-154-65, be approved as applied for because of topographic conditions. All other provisions of the Ordinance be met. Seconded, Mr. Smith.

Mr. Smith said it should be pointed out that this was a substandard subdivision in the beginning and the 10 ft. setback will in no way affect adjacent property owners in the area.

In using the word "sub-standard", Mrs. Henderson noted, it might also be advisable to add that these are better than sub-standard houses being put on the lots. Carried unanimously. (3-0)

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HELEN B. AND CHARLES L. SOURS - Mrs. Sours stated that her dining room is 9 ft. 7 in. at present and she has three children and her mother living with her. Now her father-in-law is coming to live with them and she needs additional space. She wishes to extend the dining room and the porch.

Mr. Smith felt that the drainage easement to the rear of the house curtailed the construction area. The location proposed by the applicant seems to be the only practical continuation area that could be used for the addition.

No opposition.

In the application of Helen B. and Charles L. Sours, application under Section 30-6.6 of the Ordinance, to permit erection of an addition 11.1ft. from side property line, Lot 5, Block 38, Section 14, North Springfield, Mason District Mr. Smith moved that the application be approved as applied for due to the unusual circumstances connected with this piece of property - the drainage easement across the property. The variance which the applicant seeks appears to be the minimum variance to alleviate crowded conditions that exist. It is a reasonable request. However, there shall be no further variances granted in connection with construction on this particular lot. All other provisions of the

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HELEN B. AND CHARLES L. SOURS, CTD.

Ordinance be met. Seconded, Mr. Everest. Carried unanimously. (3-0)

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WILLIAM J. BAROODY, JR. - Mr. Shadyac and Mr. Baroody were present. Mr. Shadyac said the lot has a peculiar shape and the houses in the subdivision are placed at funny angles. This is a corner lot. The immediate neighbors have stated that they have no objections. Mr. Baroody plans to build a very substantial home in the area.

No opposition.

Mr. Smith stated that this would not in any way be detrimental to the area; it would be impossible to construct a home on this irregular shaped lot without some kind of a variance. Due to the unusual shape of the lot and the circumstances surrounding it, he would move that the application of William J. Baroody, Jr. application under Sec. 30-6.6 of the Ordinance, to permit erection of dwelling 42 ft. from Bolling Dr., Lot 25A, Section 3, Tauxemont, corner of Accotink Rd. and Bolling Dr., Mt. Vernon District be approved as applied for; all other provisions of the Ordinance be met. Seconded, Mr. Everest. Carried unanimously. (3-0)

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WRAY DAWSON - Mr. Stephen Creedent represented the applicant. Mr. Dawson was present also.

Mr. Creedent stated that they propose to tear down the old building and construct a new one of approximately the same size but with more of an office building look. He showed renderings of the proposed building.

Mr. Smith said he would like to look at the property before voting on it and to go back through the records to see how the building was ^{originally} constructed this distance from Columbia Pike. Apparently it has been due to taking of land for road widening.

No opposition.

Mr. Smith moved to defer to September 14 to view the property and to determine how the ex-gun shop was located in this position. Seconded, Mr. Everest. Carried unanimously. (3-0)

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CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA - Mr. Randolph Church, represented the applicant. The property contains 60,000 sq. ft. This building is on adjacent property from the old Victory Bottling Works near Oakton.

Mr. D.A. Weir from C&P read a prepared statement that dial centers are a necessary part of local telephone service. Rapid growth of Fairfax County has put a burden on every type of public facility. Demand for new telephones is the same as new schools, roads, electrical services, etc. They need to install a new dial center promptly. The company must place these installations at approximately equal distances from each other, taking into account actual population. Locations of centers are closely interrelated.

Mr. Weir showed a picture of the proposed building. Maximum height of the building is 17ft. After completion, the building will be manned by three or four men during regular working hours. No vehicles will be stored at this location and the building will be locked at all times, even when Company personnel is present. All telephone cables will be underground.

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CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA, CTD.

The building will contain emergency generating equipment in order that telephone service may be continued in case of power failure. The equipment when running will not disturb the neighborhood. There will be no smoke, odor, pollution of air, or radioactivity from the operation. They will start construction in the fall of 1965 and will be ready for service by October 1966.

The building will be of concrete and brick construction, and will not have windows.

Mr. N. MCK. Downs gave his report which concluded that there would be no detrimental effects or devaluation of property from this installation.

Mr. Church stated that the building would be approximately 112 ft. x 127 ft.

No opposition.

Mrs. Henderson read the Planning Commission recommendation - unanimous approval.

In the application of C&P Telephone Company of Virginia, application under Section 30-7.2.2.1.4. of the Ordinance, to permit erection and operation of a dial center, approximately 100 ft. south of Route 123, on west side of Maphis Avenue, Rt. 701, Providence District, Mr. Smith moved that the application be approved as applied for with brick and architectural designs as indicated by the drawings for 112 ft. x 127 ft. building. This is necessary to serve the subscribers of the Telephone Company in the Fairfax, Vienna and Lewinsville area. To improve efficiency of service and take care of additional applicants. Seconded, Mr. Everest. Carried unanimously. (3-0)

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GLENN S. AND MARY R. OVREVIK - Mr. Lane, represented the ovreviks, stated that his notices had not been sent out in time. Mr. Smith moved to defer to September 14 to give proper notices. Seconded, Mr. Everest. Carried unanimously. (3-0)

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WISSINGER CHEVROLET - Mr. Austin Thompson represented the applicant. He stated that the existing building shown on the plat is used for parts storage by Wissinger Chevrolet. They propose to put an addition on the front and one on the rear. The proposed building in the rear will be 12 ft. high, of cinderblock construction, with steel deck roof. It will actually be a body shop work room, an enclosure for winter time. It will just cover an area that has been used four to five years for doing body work. The cinderblocks will be painted white. The paint room is in the existing building and they do not plan any additional paint rooms. Body work only would be done in the proposed addition.

Opposition: Mr. T.W.C. Adams, Business Manager of Seven Corners Medical Building Inc., registered objection to the erection of a body shop. The Corporation feels that the neighborhood as developed by them with the erection of three buildings which comprise the Seven Corners Medical Center, ~~they have developed~~ a neighborhood of high character. Erection of a body shop would degrade the character of the neighborhood and any body shop necessarily generates noise. This would be a nuisance.

Mrs. Henderson pointed out the variances that were granted to the Medical Building.

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WISSINGER CHEVROLET, CTD.

Mr. Smith noted that Wissinger Chevrolet was here before any of the construction of the medical center.

Mr. Adams objected to Wissinger Chevrolet using the Medical Building's parking facilities. He stated that they had sent a letter to the manager and the vehicles had been removed.

(Mr. Yeatman entered the meeting at this point.)

Mr. Thompson said they were ready to start construction immediately. The addition would have no windows as their doors are open most of the time.

In the application of Wissinger Chevrolet, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to body shop on the rear property line, Arlington Boulevard at Seven Corners, Mason District, Mr. Smith moved that the application be approved provided the applicant would move the building 6 inches from the property line itself. All other provisions of the Ordinance be met. This is to allow for an addition to house and work on wrecked automobiles, for body shop. No paint shop is involved; the existing paint facilities are adequate to take care of this addition to the building. Granting of this variance would help alleviate unsightly condition now existing there. The bank is a major factor in granting this. Seconded, Mr. Everest. Carried unanimously. (4-0)

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LAURENCE C. ROSENBERG - Mr. and Mrs. Rosenberg stated that they would like to have ten children, three mornings a week, from 9 to 12. This would be on Mondays, Wednesdays and Fridays. Children would be ages four and five years old, neighborhood children. Most of the children are within walking distance. This will be a nine month operation - no summer activities. Mrs. Rosenberg stated that she has had teaching experience in New York Schools. She is replacing someone who did conduct this type of school for the same age group -- Mrs. Peggy Jantzen. This is the only school of this type in Holmes Run Acres to her knowledge. They have had Fire Department and Health Department inspections.

No opposition.

In the application of Laurence C. Rosenberg and Ruth Rosenberg, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school, 10 children, four years old, Lot 21, Block 9, Section 10, Holmes Run Acres (3320 Hartwell Court), Falls Church District Mr. Smith moved that the application be granted for a maximum number of ten children, ages four and five years old, granted as applied for. This will operate on Mondays, Wednesdays and Fridays, from 9 to 12 noon. This will be a nine month per year operation. All other provisions of the Ordinance apply. Seconded, Mr. Everest. Carried unanimously. (4-0)

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Mr. Smith moved that the application of GEORGE PALIN be deferred to September 28 as there was no one present to represent the applicant. Seconded, Mr. Everest. Carried unanimously. (4-0) (See last item discussed at the meeting - granting the application of Mr. Palin.)

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VIRGINIA SOUTHERN BUILDERS, INC. - Mr. Hal Farrell, one of the owners of the property, was present.

Mr. Farrell stated that his engineer prepared a site plan which was approved. He showed the store layout and the building plans which he said were also approved. They now have steel structures up for the canopy and have found that they are beyond their required setback. This is a Standard Seven-Eleven Store, 40 x 60 ft. The Seven-Eleven people feel that this canopy is a very important part of their store. This is the first one they have built, Mr. Farrell said and this was a mistake on their part.

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Mr. Smith felt that the three other stores and the 7-Eleven on one property too much.

Mr. Farrell said it was necessary for them to make concessions to the highway department for widening Cedar Lane and this took away some of their land.

Mrs. Henderson suggesting making a new and different type 7-Eleven by cutting the canopy back to 3 ft. There is no justification for granting the variance - no topographical reasons at all.

The building plans showed a canopy, Mr. Farrell said, the site plan did not and the building permit did not.

Mr. Smith noted that it was shown as a 10 ft. concrete walk on the site plan; there was no mention made of an overhang.

Mr. Lyle P. Smith complained about grading on the side property.

Mrs. Henderson suggested that Mr. Smith contact Public Works on this problem; it has nothing to do with the request for variance. The Board members are not the ones to correct that problem.

Mr. Dan Smith said he was not prepared to vote on this at this time based on the information before the Board.

The building plans did show the canopy, Mr. Farrell stated - the site plan did not. They showed the canopy on the building plans and assumed that the engineer took care of everything properly. They did not intend to deceive anyone or violate the Ordinance. The site plan was not properly presented. They are the owners of the property, however, and they are therefore responsible for the mistake.

Mr. Smith suggested bringing Mr. Korte in to explain how this happened.

Mr. Everest moved to defer to September 28 to discover how the site plan drawings were arrived at. Seconded, Mr. Smith. Carried unanimously (4-0)

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R.B. COLYER - Mr. Colyer said there is no other place to put a carport on the property. The house was built with a carport in mind. They could not afford it at that time so they waited till now to build it. There is a door provided in the house for the carport. The house was built in 1960. The lot was subdivided sometime around 1940. Mr. Gustafson build the house and he told them at that time they could have a carport.

Mrs. Henderson suggested cutting it back 2 ft. so there would be a 3 ft. variance instead of a 5 ft. variance. This would give a 12 1/2 ft. carport instead of 14 1/2 ft. which he has shown on the plat.

August 3, 1965

R.B. COLYER

Mr. Colyer said his home is valued at \$35,000 and they did not intend to construct anything that would be an eyesore.

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Mr. Everest moved that the application of R.B. Colyer, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 ft. from side property line, Lot 15, Mt. Zephyr Park (on Agnew Ave.) Mt. Vernon District, be approved due to the unusual circumstances mentioned in the testimony, topographical condition of the rear of his lot; that he be allowed to erect a carport 12 ft. from the property line and all other provisions of the Ordinance be met. Granted with a 3 ft. variance instead of 5 ft. requested. Carport shall come no closer than 12 ft. to the side line.

Mrs. Henderson noted that she voted in favor of this in view of the general character of the area - the fact that this is close to U.S. #1 where there are precious few nice developments. The condition on the adjoining lot is a factor which she considered - it is unoccupied and is being considered for commercial use.

The salesman told Mr. Colyer that he could place a carport here at a later date, Mr. Smith said. This had some bearing on the purchase of the home. Seconded, Mr. Smith. Carried unanimously. (4-0)

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GEORGE PALIN - Mr. Victor Ghent stated that he was out of the room at the time the case was called and would like the Board to hear it at this time.

In view of the crowded agenda for September 28, Mr. Everest moved that the Board consider the application of George Palin at this time. Seconded, Mr. Yeatman. Carried unanimously. (4-0)

Mr. Ghent said they started the subdivision in 1950. The owner at that time was Mr. Johnson who sold Mr. Palin this portion. At that time they had a preliminary layout and they carved out Steuke's piece and he wanted an additional piece to save a tree on his property. The line was moved around to let him keep the tree to go with his house. At that time everything they were doing was by scale. They ended up with a deficiency on these three lots. Section 1 of Hickory Knolls was done about 13 years ago; Section 2 about 8 years ago. The lots in Section 1 are 80 ft. lots.

Mr. Ghent said they went to Mr. Steuke and offered to shift the lines around but he was not willing to do this. Mr. Palin will have to build the road and put in the utilities and then Mr. Steuke will be able to subdivide his lot.

Mr. Smith said he would like it noted that if the application is granted, there could be no further variances granted for building a house.

Mr. Ghent said they plan to build houses in the \$30,000 and up price range. They fully understand that if this is granted the houses will have to conform to all setbacks.

No opposition.

In the application of George Palin, application under Section 30-6.6 of the Ordinance to permit lots with less width at the building setback line than allowed, proposed Lots 34,35 and 36,

August 3, 1965

GEORGE PALIN, CTD.

Section 3, Hickory Knolls, Lee District, Mr. Yeatman moved that the application be approved according to plat of Cross and Ghent dated June 1965. 4 ft. variance on Lot 34; 6 ft. on Lot 35 and approx. 4 ft. more or less on Lot 36. Granted due to the topography of the land and the cul-de-sac. It is understood that there will be no further variances on the houses. Seconded, Mr. Everest. Carried unanimously. (4-0)

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Mr. Woodson brought up the problem regarding placing gasoline pumps at Downs Store near Chantilly. The Board agreed that Mr. Downs would have to file an application for variance.

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Meeting adjourned at 1:25 PM
By Betty Haines

Walter B. Henderson Chairman

October 29, 1965 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 14, 1965, in the Board Room of the County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presided.

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Mrs. Henderson called the meeting to order. Mr. Smith led in a prayer.

10:00 - JAMES L. MC ILVAINE, application under Section 30-2.2.2, C. C. Col. 5 of the Ordinance, to permit erection of a building 4 stories high, property on southeasterly corner of Leesburg Pike and Juniper Lane, Mason District. (C-D) V-170-65.

Mrs. Henderson disqualified herself due to an affiliation of her husband with the applicant. She stated this was not connected with the case being heard in any way; but to prevent a conflict of interest, she turned the chair over to Mr. Smith.

Mr. John T. Hazel, Jr., Attorney, represented the applicant. Mr. Hazel stated the property in question is located across Juniper Lane from the Lord & Taylor store and is a long, narrow parcel 600 feet from Route 7. The office building is to be 200 x 60 feet in exterior dimensions. There is a topographic situation in that area in that the Route 7 level is below the balance of the property. Juniper Lane comes down at some grade, and there is more than a one-level difference in elevation between Route 7 frontage and midpoint in the property. The land is zoned C-3 and requires that the height limitation of 3 stories and 40 feet be held. The planning staff stated the proposed structure is 39 feet high, so there are no problems in the height limit as to feet. The applicant would like to obtain a variance to permit the structure to be built with 4 stories instead of 3 stories as permitted due to the topographical situation in the area. The building will be an office structure basically, with stores on the main floor and in all other respects, it will comply with all the other County requirements. It will have 4 stories on Route 7 and 3 stories on the south side (Juniper Lane). The building is located on the north side of the ridge line of Route 7.

Mr. Smith stated the intent of the Ordinance was to maintain the height limitation; and if this could be maintained, the intent of the Ordinance is served. There is a topographic situation here where you can utilize the height limitation in another story; and in Mr. Smith's opinion, the proposed building would be in keeping with the intent of the Ordinance.

There was no opposition.

Mr. Everest moved that in the case of James L. McIlvaine, application under Section 30-2.2.2, C. C. Col. 5 of the Ordinance, to permit erection of a building 4 stories high, property on southeasterly corner of Leesburg Pike and Juniper Lane, Mason District, be approved as applied for under Section 30-6.6 of the Ordinance and all other provisions of the Ordinance shall be met.

Mr. Barnes seconded the motion. Motion carried unanimously 4-0; Mrs. Henderson abstaining.

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Mrs. Henderson took over the chair at this time.

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10:10 - HOMATERIA, INC., application under Section 30-6.6 of the Ordinance, to permit lots with less width at the building setback line, Proposed Lots 1, 20, 21 and 24, Woodleigh Woods, Mt. Vernon District. (R-17) V-173-65.

September 14, 1965

HOMATERIA, INC., (Con't.)

Mr. John T. Hazel, Jr., Attorney, represented the applicant. Mr. Hazel stated the lots in question are in the Woodleigh Woods Subdivision, south of Route 1 and Gum Springs. There are 4 corner lots, 2 of which are due to the adding of a street between these 2 lots. The lots all meet the side line requirements. Due to the corner lot situation where the lots have 2 front setbacks, Lots 20 and 21 are short on one side. The lots should have 115 feet of frontage--Lot 20 has 112 feet, and Lot 21 has 109 feet. The frontage of the other side of the lot is all right. The amount of variance on Lot 20 is 3 feet and on Lot 21 approximately 6 feet in the second front.

Mr. Hazel stated that Lot 24 and Lot 1 have the same situation in that corner lots require 2 front setbacks. The frontage on Maryland Street are over the required footage but due to the County wanting to hold the centerline on Mt. Vernon the same it would cut the frontage on that side down to 107 feet instead of 115. Therefore, there would be a difference of about 7½ feet on each lot. All other County requirements are being made with regard to the subdivision.

Mr. Meisell, Gateway Corporation, spoke in favor of the application. He stated his company was interested in property across the street in the Mt. Vernon Hills Subdivision. He stated, as an engineer and builder in the area, this was the only way the tract could be developed. He further stated that the 24 homes needed in the area would benefit the community and the County in every extent.

OPPOSITION:

Mr. George P. Dawson, property owner adjoining the back of the properties in question, came forward, not in opposition, but stated that he did not know exactly the situation in question and wished to see the plats.

Mr. Smith stated that the proposed Gibbs Street runs by his property and would benefit Mr. Dawson by giving him better access to his property.

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Mr. Smith moved the application of HOMATERIA, INC., application under Section 30-6.6 of the Ordinance, to permit lots with less width at the building setback line, Proposed Lots 1, 20, 21 and 24, Woodleigh Woods, Mt. Vernon District, be approved as applied for, and that all other provisions of the Ordinance shall be met.

Mr. Barnes seconded the motion.

Motion carried unanimously 5-0.

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10:20 - WILL CAP CONSTRUCTION CORP., application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 38 feet from rear property line, Lot 66A, Carlyn Park; to permit erection of dwelling 34 feet from Ardley Court, Lot 70A, Carlyn Park, Mason District. (R-T) V-176-65.

Mr. John T. Hazel, Jr., Attorney, represented the applicant. Mr. Hazel stated the property in question is located between the Arlington and Fairfax County lines, off Carlyn Spring Road. The variance requested on Lot 70A is 14 inches, and the variance on Lot 66A is approximately 18 to 20 inches at the point.

Mr. Smith stated this was a topographical situation in these two lots due to the resubdividing of 12 lots in the subdivision.

Mr. Hazel stated that there are 70 lots in the subdivision altogether, and no other variances on any other lot have been noted.

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WILL CAP CONSTRUCTION CORP. (Con't.)

There was no opposition.

Mr. Yeatman moved that the application of Will Cap Construction Corporation, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 38 feet from rear property line, Lot 66A, Carlyn Park; to permit erection of dwelling 34 feet from Ardley Court, Lot 70A, Carlyn Park, Mason District, be approved as applied for and that all other provisions of the Ordinance shall be met.

Mr. Everest seconded the motion.

Motion carried unanimously 5-0.

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10:30 - MANSION HOUSE CLUB, INC., application under Section 30-7.2.6.1 of the Ordinance, to permit erection and operation of a swimming pool and recreational facilities, east side of Route 623, opposite Mt. Grove Subdivision, Mt. Vernon District. (RE-0.5) S-171-65.

Mrs. Henderson read a letter from the applicant's attorney requesting a deferral of the application for 2 weeks.

Mr. Everest moved the application be deferred for 2 weeks at the request of the applicant.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

The case was deferred until September 28, 1965.

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10:40 - DR. JOHN J. FITZSIMMONS, application under Section 30-6.6 of the Ordinance, to permit erection of a carport 5.6 feet from side property line, Lot 21, Block 40, Section 1, Monticello Forest, (7303 Monticello Boulevard), Mason District. R-12.5) V-172-65.

Mr. Rose was present representing the applicant, Dr. Fitzsimmons, who was performing his duties at the hospital.

Mr. Smith stated the proper notification was not given to the property owners involved by this application.

Mr. Yeatman moved the case be deferred for 2 weeks to insure proper notification.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

The case was deferred until September 28, 1965.

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10:50 - HAZELTON LABORATORIES, INC. ^{AND KARLSON Corp.} application under Section 30-7.2.5.1.5 of the Ordinance, to permit erection and operation of a scientific research laboratory and an addition to existing building, N.E. corner Route 7 and Leigh Mill Road, Dranesville District. (RE-1) S-174-65.

Mr. Lytton Gibson was present and represented the applicants. Mr. Gibson stated that all setback requirements were met with regard to the property. The new building proposed and the proposed addition to the existing building cost somewhere in the neighborhood of \$1,180,000. He stated further that sewer is in the process of being put into the property. The new building that is proposed will be of brick faced construction.

There was no opposition.

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September 14, 1965

HAZELTON LABORATORIES, INC. (Con't.)

The Board discussed to an extent the Hazelton Laboratories in general and the ^{position of} integrity they hold in the County.

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Mr. Smith stated that in view of the Planning Commission's approval of the application and due to the overall growth in the County and the need in the community for such organizations as Hazelton, he would move that the application of Hazelton Laboratories, Inc. ^{one of the cases} application under Section 30-7.2.5.1.5 of the Ordinance, to permit erection and operation of a scientific research laboratory and an addition to existing building, N.E. corner Route 7 and Leigh Mill Road, Dranesville District, be approved as applied for in accordance with the Ordinance. Mr. Smith stated that the Board of Zoning Appeals should have a copy of the overall site plan as part of the complete record of Hazelton for referral purposes.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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11:00 - CLIFFORD CRANDALL, application under Section 30-6.6 of the Ordinance, to permit erection of carport 8 feet from side property line, Lot 59, Section 1, Cedar Crest, (7616 Erie Street), Falls Church District. (R-12.5) V-175-65.

It was determined that the case was not to be withdrawn but to be amended.

Mr. Smith moved that action on the application be deferred to give the applicant an opportunity to amend the application at the request of the applicant and that it be readvertised and reposted at the proper time.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

The case was deferred for an indefinite time.

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11:10 - ALEXANDRIA WATER COMPANY, application under Section 30-7.2.2.1.5 of the Ordinance, to permit erection and operation of a booster station on 1 acre of land, property on north side of Telegraph Road east of Route 617, Lee District. (RE-1) S-177-65.

The application was deferred by the Planning Commission on September 7, 1965, due to the lateness of the hour, and was scheduled to be heard on September 16, 1965.

Mr. LaFrankie, manager of the Alexandria Water Company, represented the applicants.

Mr. Smith stated that the action on this case would be pending the Planning Commission's action and a letter from Mrs. Davis, adjoining property owner acknowledging receipt of notification. Mrs. Davis has sent word by Mr. and Mrs. Shaffer, owners of the property which the water company purchased. She had no objection, but ^{stated} stated that there should be a written reply to put in the record.

Mr. LaFrankie stated the Alexandria Water Company has a 30-inch water main which goes from Occoquan some 15 miles traveling cross-country and enters Telegraph Road/the Robinson Gravel Pit area near Ft. Belvoir. The water company serves Ft. Belvoir and the Mt. Vernon area customers with this pipe line. Because of the overload on the pipe line, it is necessary to erect a booster station somewhere along the route where the water can be picked up and kicked along at a higher pressure. This booster station will improve the capacity and pressure along the entire line.

September 14, 1965

ALEXANDRIA WATER COMPANY (Con't.)

The property in question is located close to the Ft. Belvoir railroad track and Backlick Road. The area is heavily wooded and rises from Telegraph Road about 8 feet. The construction will be a faced brick structure, 30 x 45 feet, 60 foot setback from each property line and 50 foot back from the road. There will only be a driveway entrance and a couple of poles coming up the drive for the electrical service; other than that, all the trees will be left intact except for the necessary construction of the building. All the property surrounding the building will be heavily wooded.

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The building will be a one-story structure about 15 feet high. The 2 pumps will have a 20,000,000 gallon capacity. Both pumps will be in operation in the summer. It will be totally automatic and controlled from the main station in Occoquan. The building will be completely insulated from any noise whatsoever. There will be no storage tank. The closest house is on the north side of the station 200 feet from the station and is the only house in the area.

There was no opposition.

Mr. Smith moved that the application of Alexandria Water Company, application under Section 30-7.2.2.1.5 of the Ordinance, to permit erection and operation of a booster station on 1 acre of land, property on north side of Telegraph Road east of Route 617, Lee District, be approved as applied for in accordance with the rendering submitted, the building will be completely enclosed, no windows, brick construction, the drive going into the building be closed to everyone except employees of the Alexandria Water Company and their agents by means of a chain link fence or a chain across the driveway itself to discourage or prevent people from making turns into the property, that this be subject to review by the Planning Commission and all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion.

Motion carried unanimously 5-0.

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11:20 - JOSEPH J. DOUGHERTY, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 feet from side property, Lot 14, Block 14, Section 8, Ravensworth, (5316 Pillow Lane), Falls Church District. (R-12.5) V-178-65.

Mr. Dougherty represented himself. Mr. Dougherty stated he wished to build a 10-foot carport, and the Ordinance stated that he would only be able to build an 8 foot one, which was a little narrow. The back of his property drops off 12 feet from the back of his property line to the property line of his neighbor, and this is the only place the carport could be erected. Mr. Dougherty had no special problem other than the distance and stated he just wanted a carport.

After much discussion on the carports in the surrounding area in Ravensworth, Mr. Smith moved the application be deferred for 2 weeks for decision only in order to view the property and determine how many, if any, houses in the subdivision are constructed in the same manner.

Mr. Barnes seconded the motion.

Motion carried unanimously 5-0.

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September 14, 1965

BELLEAU WOODS, INC. (Con't.)

11:30 - BELLEAU WOODS, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 25.1 feet from Westfield Drive, Lot 104, Section 3, Old Creek Estates, Providence District. (RE-1 Cluster) V-179-65.

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Mr. George Ford represented the applicants.

It was noted that there were no notices from adjoining and adjacent property owners to be found.

Mr. Smith moved the application be deferred for 2 weeks in order to allow the applicants to obtain proper notices.

Mr. Barnes seconded the motion.

Motion carried unanimously 5-0.

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11:40 - ROBERT J. BATAL, application under Section 30-6.6 of the Ordinance, to permit dwelling 13.8 feet from rear property line, Lot 21, West Hill, Centreville District. (RE-1) V-181-65.

John T. Hazel, Jr., Attorney, represented the applicant. Mr. Hazel is building a house next to the applicant on Lot 7. He stated the property was mislocated at the side line by the way the road borders on a cul-de-sac. This is a wooded lot and is in violation 6 feet 2 1/4 inches. This was due to a mistake in the surveyor's measuring of the side and rear lot lines.

Mr. Hazel stated the area immediately adjacent to the violation is heavily wooded, and there will be very little, if any, effect to adjoining property.

Mr. Yeatman moved the application of Robert J. Batal, application under Section 30-6.6 of the Ordinance, to permit dwelling 13.8 feet from rear property line, Lot 21, West Hill, Centreville District, be granted as a side line instead of a rear line as advertised to permit the dwelling to be 13.8 feet from the side property line. To all evidence, it points to be a mistake.

Mr. Smith seconded the motion and stated that Section 30-6.5.4 of the Ordinance specifically deals with variances as outlined in this application.

Mr. Yeatman accepted Mr. Smith's amendment of the motion.

Motion carried unanimously 5-0.

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DEFERRED CASES

11:50 - TRIANGLE AUTO SUPPLY COMPANY, application under Section 30-2.2.2 C-G District, to permit operation of a service center for Chesapeake and Potomac Telephone Company, on west side of #1 Highway, approximately 700 feet south of intersection #1 Highway and Fordson Road, Lee District. (S-150-65)

The case was deferred from July 27, 1965, at the attorney's request.

TRIANGLE AUTO SUPPLY COMPANY (Con't.)

Mr. Cotten represented the applicants and stated the telephone company desires to erect in this location a service center to service the general area of northern Virginia. This property will be used to dispatch service trucks and to park the trucks when not in use. The trucks will be dispatched in the morning about 8:30 and will not return until the afternoon about 5:00. The surrounding property is all zoned C-G, except across Fordson Road which is the Hybla Valley Subdivision. The property will be almost deserted during the day. The total area subject to the application will be 96,417 square feet.

Mr. Cotten further stated that 3 vehicles will be stored in the building proposed, and there will be no repair to the trucks on the property. There will be canopies erected for the protection of the trucks being parked there. The proposed building will be a one-story structure.

Mrs. Henderson read the Planning Commission's recommendation on the screening of the property.

Mr. Cotten stated that there will be 4 entrances to the property; 3 on Fordson Road and 1 on Route #1. There will be 60 vehicles, 2 trailers for poles, and 2 trailers for cable. These trailers are the type that can be hooked on to the back of service trucks for the transportation of the poles and cable. The property will represent a significant improvement of Route #1.

The telephone poles and cables will be stored on the outside of the proposed building in stacks not more than 4 feet high, and the cables will not exceed 6 feet in diameter. The Planning Commission recommended that there will be a 7 foot stockade fence surrounding the property on all sides.

OPPOSITION

Mr. C. H. O'Neil, Vice President of the Hybla Valley Citizens Association was present. Mr. O'Neil stated the organization consists of approximately 300 members. The development of Hybla Valley consists of 217 homes. Mr. O'Neil stated the following reasons for opposition to this application: (1) The number of vehicles on the property would be 60 to start but could go to 90. This would increase the traffic hazard on Fordson Road and a hazard to school buses coming into the subdivision. (2) The poles at a length of 100 feet overall may also create a problem because of the road being only 2 lanes.

Mr. O'Neil also has questions regarding the parking of the private vehicles off-site.

Mrs. Henderson stated that there was a provision in the Use Permit that stated the vehicles have to park on the property or it is a violation of the Use Permit.

In summation, Mr. O'Neil stated the Chesapeake and Potomac Telephone Company has picked an unsuitable location because of so many homes in the area and the congestion on Fordson Road. For this reason mainly, the association opposes the application.

REBUTTAL

Mr. Cotten stated that there are 60 vehicles to be parked at this time on the location. There are parking spaces for 88 private automobiles. (Mr. Cotten presented to the Board a letter from the applicant stating that the application could be conditioned that all employees' vehicles be parked on the premises). There will be 60 truck operators and approximately 15 to 20 people working in the building. There is additional spaces on the premises that could be utilized as needed, but 88 spaces are all that are required at the present.

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TRIANGLE AUTO SUPPLY COMPANY (Con't.)

The employees will be coming up to work at 7:30 to 8:00 a.m. and leaving at 5:00 p.m. Mr. Cotten stated the telephone company has very strict safety rules and included that the elementary school students walk to school away from Fordson Road.

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He also stated that Lockheed Boulevard is being cut through to U. S. #1 and will be 4 lanes. This will permit another exit to Route #1 and would cut off a lot of traffic on Fordson Road.

Mrs. Henderson was quite concerned about the traffic on the road of all the service and private vehicles of the telephone company.

Mr. Yeatman moved that the application of Triangle Auto Supply Co., Inc., application under Section 30-2.2.2, C-G District, to permit operation of a service center for Chesapeake and Petomac Company on the west side of #1 Highway, approximately 700 feet south of intersection of #1 Highway and Fordson Road, Lee District, be granted for a Use Permit, all provisions of the Ordinance shall be met, and that the plats presented to the Board by Mr. Cotten be kept for the record; ~~that 88 parking spaces for the employees of the corporation be required on the property;~~ that all the Planning Commission's screening requirements be met, and all other provisions of the Ordinance shall be met.

Mr. Barnes seconded the motion.

There was a discussion regarding the limitation of service vehicles to 60 by Mr. Everest and Mrs. Henderson. Mrs. Henderson stated that if there were no limitation as to 60, she would not vote for the application. She stated there would be too many vehicles in and out of the center and would cause more congestion in the area.

There was no mention of the limitation in the motion, but Mr. Cotten stated there were parking spaces for 84 service vehicles.

Mr. Yeatman included in his motion that there be 84 vehicle parking spaces for the telephone company service trucks and 88 parking spaces for employees.

Mr. Barnes seconded the amendment.

Motion carried 4-1. Mrs. Henderson voting against the motion.

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The Board recessed at 1:30 for lunch.

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Mr. Everest left the meeting.

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12:00 - WRAY DAWSON, application under Section 30-6.6 of the Ordinance, to permit erection of an office 25.75 feet from Columbia Pike, (existing building to be torn down and this building to be built at same location), on south side of Columbia Pike at Annandale, Mason District. (C-G) V-162-65.

This application was deferred from August 3, 1965.

September 14, 1965

WRAY DAWSON (Con't.)

Mr. Creeden was present, representing the applicant, along with Mr. Dawson, the applicant. Mr. Creeden stated the existing building was built prior to the present zoning ordinance, the one-story cinder block building, which was an addition to the 1 1/2 story building. Mr. Moreland, zoning administrator at the time Mr. Dawson applied for his building permit, stated that because of having the 2 adjoining buildings on each side that it was within his power to allow it to be built as long as it was set back at least the maximum furthest distance of those two adjoining buildings. Mr. Woodson stated, however, there was nothing in the file to substantiate this.

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Mr. Creeden stated that the applicant is proposing to remove completely the 1 1/2 story building and make the building compatible with the existing 1 story brick building. He stated that it will be more compatible with the area in general and as well as aesthetics are concerned will be a benefit to the improvement of the area.

Mr. Smith moved that the application of Wray Dawson, application under Section 30-6.6 of the Ordinance, to permit erection of an office 25.75 feet from Columbia Pike, (existing building to be torn down and this building to be built at same location) on south side of Columbia Pike at Annandale, Mason District, be approved as applied for. This building will conform to the present building setback lines of the adjoining building. This will be an upgrading of the area and an improvement to the existing 1 1/2 story frame building, the building will be used by the ^{Sci}esicians presently occupying the frame structure on the corner, and all other provisions of the Ordinance shall be met.

Mr. Barnes seconded the motion.

Motion carried unanimously 4-0.

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12:10 - GLENN S. AND MARY OVREVIK, to permit operation of a nursery school, 50 students, 2 half day sessions; hours of operation 7 a.m. to 6 p.m., N.W. side of Telegraph Road just south of Roxana Road, Lee District. (RE-1) S-166-65.

The case was deferred from August 3 for proper notification.

Mr. Lane represented the applicants. Mr. Lane stated the applicants wish to amend the application to kindergarten and first grade as the nursery school operators were no longer interested. The school would be on 2 one-half day sessions, from 7:30 a.m. to 6:30 p.m. The first session would be from 8:30 to 11:30 a.m., and the second session from 1:00 to 4:00 p.m., the other hours from 4:00 to 6:30 would be for tutoring.

(Mr. Lane showed the Board photographs of the building existing and an addition to the building). Mr. Lane further stated the maximum number of students would be 75 at any one time. The school will be on the lower level only, with 2 classrooms in the basement 22 x 28. He stated that nature studies would be included in the program because of the 3 acres of land surrounding the property.

The applicants have notified the property owners in the area, and they have stated that there is a need in that area for a school such as this. Mr. Lane presented to the Board a petition from the property owners in the area stating that they had no objection to the school in any way.

The school meets all requirements prescribed by the Health Department for the operation of this school. Mr. Lane stated that, because of the location of the property and the area's expansion, the school would be in the best interest of the community as a whole.

September 14, 1965

GLENN S. AND MARY OVREVIK (Con't.)

Mr. Lane also stated that no one will be living in the building, and it will be used only for the school.

OPPOSITION

Mrs. Foley, adjacent property owner, was present. Mrs. Foley misunderstood the application and thought it was a rezoning in the area. She stated she did not want the area to go commercial and was informed by Mrs. Henderson that this school would be in the residential area and would be applying only to Mr. and Mrs. Ovrevik. If the Ovreviks should sell the property, the Use Permit would be non-transferable.

Mr. Smith moved that the application of Glenn S. and Mary Ovrevik, application to permit operation of a kindergarten and first grade school, be approved as amended; to have a total of 150 students on the roll, no more in the school than 75 at any one time, hours being from 7:30 a.m. to 6:30 p.m., 9 month session; to apply to the applicants only; all other provisions of the Ordinance being met.

Mr. Barnes seconded the motion.

Motion carried unanimously 4-0.

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12:20 - VIRGINIA SOUTHERN BUILDERS, INC., application under Section 30-6.6 of the Ordinance, to permit 7-Eleven Store to remain 45.9 feet from Cedar Lane and 42.68 feet from Lee Highway, Providence District. (C-G)

The case was deferred from August 3 to have the engineer present.

Mr. Hiss represented the applicants. He presented Mr. Korte, the engineer, and Mr. Spaulding, the architect, to the Board. He stated the entire shopping center is in violation of the setback from Lee Highway. He was informed by the builders that the engineer submitted the site plan for approval, which had the exterior lines of the building incorporated and the site plan was approved on this presentation. After the site plan was approved, the applicant submitted the building permit plans to the architect to be processed. At the time the building permit plans were submitted the canopy was shown. The building permit plan was approved, a permit issued, and construction was started. After a call from Mr. Chilton of the Planning Staff it was found that they were in violation of the Zoning Ordinance.

Mrs. Henderson stated the plat submitted to the Zoning Office had no canopy shown.

(Mr. Hiss showed the Board the building plans indicating the canopy).

Mr. Korte, the engineer, stated he had discussed in great detail parking with the architect and the layout of the building. No conversation concerning covering the sidewalk was made. It was indicated as a sidewalk only and had no mention of a canopy.

Mrs. Henderson stated the canopy should come off and the building would then comply.

Mr. Smith stated the Zoning Administrator approved the sidewalk, not a canopy. The canopy being added should have been submitted to the Zoning Administrator to amend.

A discussion followed concerning the association of a building permit with the zoning ordinance setbacks.

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September 14, 1965

VA. SOUTHERN BUILDERS, INC.

Architect Harry Spaulding stated he worked with Mr. Korte on the building and on the parking and setback requirements. He stated he did not realize the difference in the BOCA CODE and the Fairfax County Zoning Ordinance. The site plan did not show the canopy. The primary drawings showed the canopy. Mr. Spaulding then read a letter from Mr. Ward, the builder, stated the mistake made had not been an intentional one. ^{designer,}

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Mr. Farrell, representing the builder, stated the architect felt they could go 8 feet into the setback as the BOCA CODE had stated.

~~Mr. Farrell, connected with the builder, stated the architect felt they could go 8 feet into the setback as the BOCA Code had stated.~~

Mr. Smith stated there was no reason for this variance except for financial hardship which was not substantial grounds for the granting of this variance. If this would meet the section of the Ordinance to give this Board authority to grant this variance, he would be in agreement; but it does not. The mistake was certainly on the part of somebody involved in the construction of the building. The people building in this county should be aware of the Zoning Ordinance. The BOCA Code is certainly not the only Ordinance of the County.

Mr. Barnes and Mr. Yeatman thought the canopy would be of no detriment to the area.

Mr. Smith and Mrs. Henderson thought the building should comply with the zoning ordinance.

Mr. Farrell stated that unless the canopy could remain the 7-Eleven did not wish to have the store there.

Mr. Smith stated that his personal feelings were that the variance does not comply with any section of the Ordinance. The only place in the Ordinance is under Section 30-6.5.4 of the Ordinance and this variance does not comply with this section.

Mrs. Henderson agreed with Mr. Smith in his remarks.

Mr. Yeatman stated he would not vote to see the builder tear the building apart to comply with the Ordinance.

Mrs. Henderson stated it was the architect's mistake and that he should have known the zoning ordinance was to be complied with as well as the BOCA Code.

Much discussion followed regarding the BOCA Code and the Zoning Ordinance.

Mr. Hiss requested Mr. Everest's presence for a full board and asked the Board to defer the case until that time. ^{vote}

Mr. Barnes moved the case be deferred until September 28 for a full Board.

Seconded by Mr. Yeatman. Carried unanimously 4-0.

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Mrs. Henderson read a letter from a property owner in the area of the Penn Daw Fire Department regarding the location of the fire siren on #1 Highway, and was transferred to the Planning Commission for a decision.

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Meeting adjourned at 4:45 p.m.
By Phyllis Proffitt

Wary R. Henderson Chairman

October 29, 1965 Date

The regular meeting of the Board of Zoning Appeals was held on Tuesday, September 28, 1965, in the Board Room of the Court House, Fairfax County, Virginia at 10:00 A.M. All members were present. Mrs. L. J. Henderson, Chairman, presiding.

Mrs. Henderson, Chairman, called the meeting to order.

Mr. Daniel Smith led in a prayer.

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10:00 - COL. SHEPPARD MCKENZIE, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to property line than allowed, on south side of Beacon Hill Road, approximately 100 feet east of Smithway Drive, (2403 Beacon Hill Road), Mt. Vernon District, (R-12.5) V-195-65.

Mr. Lamond was present representing the applicant. Mr. Lamond stated the proposed building would have a 36 foot front on a 50 x 120 foot lot located between 2 subdivisions: Beacon Village and Hazeltrine. The variance would be 8 feet to the west and 4 feet to the east. He stated the lot in question is presently overgrown with trees. The property will get the sewerage and water from Smithway Drive.

Mr. Smith commented the lot was very narrow, and irregular and should be given consideration. It is the same size as the other lots in the area in square footage. The lot was recorded in 1940.

The lot was considered by the property owners in the area when it was put up for sale, but a price was not reached.

OPPOSITION

Mrs. Inman, property owner on the corner of Darrow Road, stated the building on the property in question may tend to disturb the trees at the back of her property since they are located on the property line. She also stated the building on the lot will disturb her pool which is located near the property line in the rear also.

Mr. Cooper, another property owner in the area, was concerned about renting the house and causing the area to be integrated if rented to the colored.

Mr. Haire, adjacent neighbor, stated he thought the house would be too close to the rear property line, and asked if the variance could be turned around.

Mr. Lamond stated the variance could be turned around if so desired. He stated the house would be of frame construction.

Mr. Yeatman stated he thought the house would be an asset to the neighborhood.

Mrs. Henderson stated she thought the house would be more compatible if it were constructed in brick. Mr. Smith concurred.

Mr. Everest stated that denial of the application would be denying the property owner the full use of his land, and moved to defer for 2 weeks to view the property.

Mr. Smith seconded the motion.

Mr. Lamond stated a 10 day extension has been made already on the contract, and he would like a decision today if at all possible.

Mr. Smith stated that since the applicant could reverse the variance, it would be better to move the house back than to tear the trees down.

Mr. Yeatman stated that if they cut the house down and made a greater variance from Beacon Hill Road, he would favor the application and vote against the deferral.

Mr. Smith and Mr. Everest voted for the motion of Mr. Everest to defer for 2 weeks. Mrs. Henderson, Mr. Yeatman and Mr. Barnes voted against the motion. Motion lost.

Mrs. Henderson stated that with a 32 foot wide house there would be 8 feet from each property line and a 2 foot variance on the one side. ~~There would be 40 feet from the side line and 50 feet from rear and front lines.~~

The house would be

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September 28, 1965

COL. SHEPPARD MCKENZIE (Cont.)

Mr. Smith moved that the application of Col. Sheppard McKenzie, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to property line than allowed, on south side of Beacon Hill Road, approximately 100 feet east of Smithway Drive (2403 Beacon Hill Road), Mt. Vernon District, be approved in part. The applicant be allowed to construct a house not closer than 8 feet from each side line; this being for a 2 foot variance in the overall construction of the house, and all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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10:30 A.M. - CARROLL-KIM AND ASSOCIATES, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 23.2 feet apart, Lots 18 and 19, Block 5, Section 1, Cardinal Forest, (8314 and 8316 Botsford Court), Falls Church District. (RPC) V-180-65.

Mrs. Henderson read a request to the Board for a deferral from the applicant stating notices were not sent out in time.

Mr. R. L. Gastineau, Lot 19, was present in support of the application.

There was no opposition to the application.

Mr. Smith moved the request of the applicant be granted for deferral to October 12 for lack of notices.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

The case was deferred until October 12, 1965.

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10:20 A.M. - ARNOLD PROSCHAN, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to dwelling 23.5 feet from rear property line, Lot 21A, Resub. Lots 20, 21 and 31, Glen Park Addition to Sleepy Hollow (6545 South Street), Falls Church District. (R-12.5) V-184-65.

Mr. Proschan was present and represented himself. Mr. Proschan stated he was planning to build a 16 x 24 addition. He stated the addition would be into the rear setback 1.6 feet on one corner of the addition. This was due to an existing window in the main house.

There was no opposition.

Mr. Smith moved the application of Arnold Proschang, application under Section 30-6.6 of the Ordinance, to permit erection of an addition to dwelling 23.5 feet from the property line, Lot 21A, Resub. Lots 20, 21 and 31, Glen Prk. Addition to Sleepy Hollow (6545 South Street), Falls Church District, be approved as applied for and that all other provisions of the Ordinance shall be met. Mr. Smith amended his motion to state 23.4 feet from the rear property line.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

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10:30 A.M. - WINDSOR W. DEMAINE, application under Section 30-6.2.6.1.9 of the Ordinance, to permit erection and operation of a funeral chapel, on Backlick Road, at intersection with Woodland Drive, Lot 9, Leewood Estates, Mason District. (RE-0.5) S-183-65.

Mr. Cotten was present representing the applicants together with Mr. Demaine, Jr. and Sr., and Mrs. Demaine. Mr. Cotten stated the property is located on Backlick Road and contains 45,344 square feet. The application was originally filed for a funeral home; but due to the amendment of the Zoning Ordinance prohibiting the use of a funeral home in a residential area, the application was amended to a funeral parlor. There will be no embalming, crematory, storage ofaskets, etc. The property is located on a four lane highway and across from a church. The property has adequate on-site parking in their lot, but there is an agreement from St. John's church to provide necessary parking in their parking lot in cases of emergency. The church also stated they had no opposition to the application. (Mr. Cotten presented a letter from the church to the Chairman for the record.)

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WINDSOR W. DEMAINE (Cont.)

Mr. Cotten stated further that Mr. DeMaine, Jr. spoke to the citizens of the North Springfield Citizens Association, and they expressed no opposition to the application.

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Mr. DeMaine stated that due to the increased volume in their profession, it would be necessary to add to their services. The funerals per year are limited to 250 in any location, and if this is increased, they would have to secure other locations.

OPPOSITION

Mr. Elmer Hoffnauer, 7116 Woodland Drive, resident of the Leewood Subdivision, represented 100 citizens of Leewood in opposition to the granting of this permit.

The citizens objected for the following reasons: (1) There would be traffic congestion, and even more when Edsall Road and Shirley Highway interchange was complete; (2) Accessibility and parking. The procession could proceed up Woodland Drive. A procession would stop all traffic. Parking on Woodland Drive in emergencies would prevent home owners from parking on the street; (3) Availability of land zoned commercial in Annandale and Springfield. There are over 100 acres of land in Annandale and Springfield that are not being used. They would be permitted a mortuary in a commercial area; (4) Future commercial uses in land adjoining funeral parlor. He stated if the permit were granted, it would open the possibility of future commercial to build in the land that is lying idle. This would result in the degradation of residential land the entire length of Backlick Road, and result in the same thing that exists on Route #1.

(He presented a petition to the chairman stating opposition of the permit.)

Mrs. Henderson stated this petition was not in order; the information contained in the petition was erroneous and did not pertain solely to this particular application.

Mrs. Horton, resident of Woodland Drive, stated the church does not use the parking lot, and she was afraid the funeral parlor would do the same.

REBUTTAL

Mr. Cotten stated that the Board of Supervisors would not let any commercial enterprise such as the 7-11 Stores, etc. move into that area. The traffic moving up Woodland Drive would be inconceivable.

Mrs. Henderson stated that if the permit was granted, it could be stipulated that no short-cut on Woodland Drive be permitted.

Mr. DeMaine, Jr. stated that 97.4 % of funerals take place between 10:00 A.M. and 1:30 or 2:00 P.M., so there will be no heavy traffic during rush hours.

Mr. DeMaine, Sr. stated that with the transient population here, approximately 50% of the funerals would not have a procession at all.

Mrs. Henderson asked about the hours of operation.

Mr. DeMaine, Jr. stated the funeral parlor will be open until 10:00 P.M. at the maximum, but there is never a large crowd in the evening. In Alexandria they only average 19 or 20 cars for the processions and the parking lot is not crowded at all.

Mrs. Henderson stated all lighting and screening provisions are controlled by the Ordinance.

Mr. Smith moved that the application of Windsor W. DeMaine, application under Section 30-6.2.6.1.9 of the Ordinance, to permit erection and operation of a funeral chapel on Backlick Road at intersection with Woodland Drive, Lot 9, Leewood Estates, Mason District, be approved in conformity with the amendment of the Ordinance allowing funeral chapels as uses in residential areas; that no parking or lining up for funeral processions be done on that part of Woodland Drive beyond Woodland Drive's intersection with the proposed funeral chapel; that all funeral processions proceed out Backlick Road exits; and that no funeral procession proceed to the right on Woodland Drive, and that all other provisions of the Ordinance must be met; and the plats complied with.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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10:40 A.M. - ROBERT DILLON AND WILLIAM MITCHELL; application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to Collard Street and Grove Road, Lot 165, Valley View Subdivision, Lee District. (R-17) V-185-65.

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Mr. Dillon was present representing the applicants. Mr. Dillon stated the shape of the lot is somewhat unusual. The contract owner, Mr. Mitchell, plans to build a house 21.33 feet wide. This is based on the setback of 25 feet from Collard Street and 25 feet from Grove Street and maintaining 15 feet from the side line. This is to be with about 8 inches to spare utilizing the building area if the building area were granted on the basis of these setbacks. Facing on Grove Street you have a considerable sweep side to side to each of the corners of the triangle, something like 60 feet to the corner where the radius is. The setting of the house would be quite nice. This would be the only way they could get the best use of the land.

The subdivisions' plats were recorded in 1936.

Mr. Smith stated that the granting of this variance would allow harmonious use of the land. This is a large variance, but the lot is one of the most unusually shaped lots he had ever seen. He further stated this would have no detrimental effect on the adjoining properties. There was no opposition to the application.

Mr. Everest moved that the case of Robert Dillon and William Mitchell, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to Collard Street and Grove Road, Lot 165, Valley View Subdivision, Lee District, be approved as applied for due to the circumstances presented and the irregular shape of the lot in question, and that all other provisions of the ordinance must be met.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

Mr. Everest amended his motion to state the house would not come closer to either Grove or Collard Street than 25 feet, and no further variance would be granted for a garage.

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The Board recessed for lunch.

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10:50 A.M. - LORD ENTERPRISES, INC., application under Section 30-6.6 of the Ordinance, to permit erection of second story closer to U.S. #1 Highway and Beddoe Street, south side of Beddoe Street on east side of U.S. #1 Highway, Mt. Vernon District (C-G) V-185-65.

Mr. Dillon was present representing the applicant. Mr. Dillon stated it was the applicant's understanding there was an automatic setback on U.S. #1 by virtue of the fact that the County in widening the road made this possible. In the application it has been stated that they were asking for this variance, but they are not primarily interested in any other street except Beddoe. A building, not the proposed finished building, exists now. A two-story building to the back is now occupied by offices and up forward is an Esso Station with a garage. The Esso Station is one story. The station has been an eye-sore by the storing of wrecked cars, etc. and from the other structures going up on U.S. #1, Mr. Dillon stated the change would be a great improvement to the area. (Mr. Dillon showed photographs showing the present structure and the plats showing the proposed two-story building.)

The Board discussed the plans with Mr. Dillon.

Mr. Smith was quite concerned with the ability of the existing walls to withstand a second story.

Mr. Everest stated the footings were completely adequate to withstand the second story as were the existing 12-inch walls of the building.

Mr. Everest stated further that what he was concerned with was that this application, if granted, may set a precedent in the area. He stated he would like to take a closer look at the property before making a decision on the application.

Mr. Smith concurred with Mr. Everest in taking another look at the property.

There was no opposition to the application.

Mr. Everest stated that he agreed with the statements made that any upgrading on #1 Highway would be a vast improvement, but was concerned about the variances granted in the area of #1, 60% of the area is non-conforming, so thus would move the application be deferred for further study for a period of 4 weeks.

LORD ENTERPRISES, INC. (Cont.)

Mr. Smith seconded the motion. Motion carried unanimously 5-0.

The case was deferred under October 26, 1965.

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11:00 A.M. - CLYDE R. KENNEDY, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to the side property line than allowed, Lot II, Block 30, Section 20, Monticello Forest, (7323 Monticello Blvd.) Mason District. (R-12.5) V-187-65.

Mr. Kennedy was present representing himself. He stated there are 10 lots on the block and 3 have carports. Most of the houses across the street have carports. He is asking for only 1 foot of variance. He purchased the house 2 years ago.

Mr. Smith stated that there are 3 carports on the block and at least 2 of the 3 are within 10 feet. He stated further that Mr. Kennedy has gone through considerable effort to conform with the Ordinance. The carport would not affect any of the property owners in the area adversely and it would be a hardship to the applicant not to grant this variance and the applicant merits considerable consideration.

Mr. Smith moved the application of Clyde R. Kennedy, application under Section 30-6.6 of the Ordinance, to permit erection of carport closer to the side property line than allowed, Lot II, Block 30, Section 20, Monticello Forest (7323 Monticello Blvd.), Mason District, be approved as applied for. This means posts set at 10.3 feet from the side property line with a roof overhang of 1 foot. He stated further that all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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11:10 A.M. - MCLEAN VOLUNTEER FIRE DEPARTMENT, to permit erection of an addition to fire house, east side of Route 123 south side of Redman Drive, Dranesville District. (C-D) S-188-65.

Mrs. Henderson stated this was a non-conforming use. ^{Fire houses are not now permitted in C-D District.} She stated that this was a non-conforming use. She stated this should be considered under Section 30-4.1 of the Ordinance under "non-conforming uses".

Mr. Ormstrom was present and represented the fire department. He stated this addition would be on the front of the building. It would take care of large equipment to make more length and height in the apparatus room. They would maintain the setback from Chain Bridge Road.

(Mr. Ormstrom presented a letter from Mr. Burton, Fire Administrator, approving the application.)

Mr. Smith stated the distance from the line is 67.9 feet now and the addition will meet the setback line.

There was no opposition to the application.

Mr. Smith moved the application of McLean Volunteer Fire Department, application to permit erection of addition to fire house, east side of Route 123 south side of Redman Drive, Dranesville District, be approved as applied for; that the station maintain a 50 foot setback from Chain Bridge Road, and that all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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11:20 - A.M. - HUMBLE OIL AND REFINING COMPANY, application under Section 30-6.6 of the Ordinance, to permit erection and operation of a service station closer to side and rear property lines, S.E. corner of Route 123 and Old Courthouse Road, Providence District. (C-G) V-192-65.

Mr. Hansbarger represented the applicants. Mr. Hansbarger stated this lot is considered the "ugliest corner in Fairfax County". It contains 24,000 square feet and because of the Master Plan in the area, the Planning Commission can waive setback requirements on properties adjacent to commercial classifications.

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HUMBLE OIL AND REFINING (Cont.)

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Mr. Smith stated this was a 3-bay station and was in complete compliance with the plats submitted. He commended Humble Oil and Refining on the upgrading of the construction of filling stations in Fairfax County and surrounding areas. He stated there will be a maximum of 19 and 22 feet on the sides, permitted because adjoining residential land is planned for commercial on the Master plan for the area.

There was no opposition to the application.

Mr. Smith moved the application of Humble Oil and Refining Company, application under Section 30-6.6 of the Ordinance, to permit erection and operation of a service station closer to side and rear property lines, S.E. corner of Route 123 and Old Courthouse Road, Providence District, be approved as applied for in compliance with the plats submitted. This will be a three bay station, ranch-type, and also moved that all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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11:30 A. M. - CLIFFORD CRANDALL, application under Section 30-6.6 of the Ordinance, to permit erection of a carport 6 feet from side property line, Lot 59, Section 1, Cedar Crest, (7616 Erie Street), Falls Church District. (R-12.5) V-175-65.

Mr. Crandall was present representing himself. He stated the back of his house abuts Annandale High School. The proposed carport would come 1 foot to the left of the driveway attached to the house. Directly across the street is a large home on the corner, a split-level, and the other houses in the neighborhood, are ranch-type and split-foyer.

Mr. Crandall's reason for the variance was that when he bought the house he requested the builder to move it so that the carport could be built. The builder failed to comply with the request. He also stated most of the other lots in the area have 85 feet on the front, and his lot has only 80 feet.

There was no opposition to the application.

Mrs. Henderson stated Mr. Crandall had given no information to warrant granting of a variance for the carport.

Mr. Everest stated that there were certain circumstances under which the Board could grant a variance, and this particular case does not comply with any of the sections of the Ordinance. Esthetics do not justify a variance.

Mr. Everest moved the application of Clifford Crandall, application under Section 30-6.6 of the Ordinance, to permit erection of a carport 6 feet from side property line, Lot 59, Section 1, Cedar Crest. (7616 Erie Street,) Falls Church District, be denied on the grounds the applicant has not shown adequate reason by which the Board could grant the variance.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

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11:40 A.M. - EDNA B. HUNTER (HUNTER MOTEL), application under Section 30-7.2.10.4.1 of the Ordinance, to permit erection of an addition to motel, 21 units, N.E. intersection of Interstate #95 and #877 at Newington, Lee District (CDM) S-207-65.

Mr. Beckner was present and represented the applicant. Mr. Beckner stated the property has 3.94 acres, and was recently the subject of a rezoning application which was granted (CDM). The property is completely surrounded by roads. The addition will be for the second story of the motel. On July 21, 1953, the Board of Zoning Appeals granted the Use Permit to erect 48 units, and 24 units, ground level, were erected at that time. Circumstances of the expiration of the Use Permit in 1953 necessitated the action taken here recently so that the additional 21 units could be added. The 21 units are identically the same as were contemplated in the original Use Permit in 1953. There are 24 units in existence now; 12 units in each wing. There is no problem with septic tanks and no overall problems with regard to the requirements of the Health Department.

EDNA B. HUNTER (HUNTER MOTEL) (CONT.)

There was no opposition to the application.

Mr. Yeatman moved the application of Edna B. Hunter (Hunter Motel), application under Section 30-7.2.10.4.1 of the Ordinance, to permit erection of an addition to motel, 21 units, N.E. intersection of Interstate #95 and #877 at Newington, Lee District, be approved as applied for, and that all other provisions of the Ordinance must be met.

Mr. Smith seconded the motion. Motion carried unanimously 5-0.

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11:50 - A.M.--GERTRUDE W. LEVY, application under Section 30-6.6 of the Ordinance, to permit erection of a store 22.6 feet from Columbia Pike (to be in line with existing stores), Lot 25, Annandale Subdivision, Falls Church District. (C-G) V-189-65.

Mrs. Leavy was present representing herself. She stated there were 3 existing buildings and she wanted to put the new building in line with the other three.

A discussion followed concerning the plats and location of the property.

Mr. Smith stated the cleaners next door was constructed in compliance with the new Ordinance and the 3 existing buildings on the owner's lots were non-conforming because of being built before the new Ordinance was adopted.

Mr. Smith added that if the cleaners were made to be in compliance with the new Ordinance, the new building should be in compliance as well.

Mrs. Henderson stated she felt the same way about Annandale that Mr. Everest does about U.S. #1. That it is such a congested place anyway. ~~By~~ Replacing an existing building at the same setback may be one thing, but putting in a brand new building that close is something else again.

Mrs. Levy thought that putting the new store in line with the existing stores would certainly look better as far as aesthetics were concerned.

Mr. Smith moved the application of Gertrude W. Levy, application under Section 30-6.6 of the ordinance, to permit erection of a store 22.6 feet from Columbia Pike (to be in line with existing stores), Lot 25, Annandale Subdivision, Falls Church District, be deferred for 2 weeks for decision only to study the area.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

The decision was deferred until October 12, 1965.

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12:00 Noon - HARRY CROUCH, REHEARING, repair garage and filling station, property on south side of Route #658, approximately 1/4 mile east of junction of Route #659 and Route #658, Centreville District.

Mr. Crouch was present and represented himself.

Mrs. Henderson read a memorandum from Zoning Inspector William Barry stating the property has been cleaned up considerably, but there were numerous pieces of junk, etc. in a pile on the property.

Mr. Crouch stated the junk referred to were old motors that have not been put inside the building.

Mrs. Henderson stated that Mr. Crouch had plenty of time to clean up the junk since the case was first brought before the Board, but that he waited until the day before the case was to be heard to clean up the debris. She stated she thought this was a lack of cooperation on the part of Mr. Crouch.

Mr. Crouch stated he moved 36 cars on the property plus 10 more since the first time he came before the Board on the revocation of his permit.

Mrs. Henderson asked Mr. Crouch if he had gotten the shed repaired sufficiently to house the motors and assorted junk on the property.

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September 28, 1965

HARRY CROUCH, REHEARING (Cont.)

Mr. Crouch stated all that was left was to put the roof on the building. This would be done within the next 2 weeks.

Mr. Smith stated that Mr. Crouch has been working during the past 2 months to get the property cleaned up.

Mrs. Henderson stated Mr. Crouch has had since December of 1964 to get the place cleaned up and she believed the Board has been very lenient with him.

Mr. Smith stated a certain number of cars should be determined on the property at any one time. He asked Mr. Crouch how many cars he had there at any one time.

Mr. Crouch stated no more than 7 cars there at the most. He stated if the Board gave him 7 cars he would comply.

Mr. Smith stated Mr. Crouch should keep the property cleaned up to Mr. Barry's and Mr. Woodson's satisfaction and he stated 7 cars were a nominal number unless some unusual situation arose where Mr. Crouch is serving a group of cars at one time. Mr. Smith stated he would like to see Mr. Crouch come in in 90 days to get another report from the zoning inspector. This should give Mr. Crouch enough time to finish up the clean-up process.

Mr. Everest moved to defer revocation of the Use Permit for 90 days, and during that time no more than 7 cars shall be parked on the property at any one time.

Mr. Yeatman seconded the motion.

Mrs. Henderson stated that a report from the Zoning Inspector, Mr. Barry, would be sufficient and Mr. Crouch need not appear again.

Motion carried unanimously 5-0.

The revocation was deferred for 90 days (second meeting in December).

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12:10 PM. - DOLORES C. FORMAN, application under Section 30-7.2.8.1.1 of the Ordinance, to permit operation of a dog kennel on approximately 4.0 acres of land, on east side of Route 602, 1.7 mile north of Route 7, Dranesville District. S-58-65.

Mrs. Henderson read letter from the applicant requesting the application be withdrawn due to lack of information regarding adjoining and adjacent property owners in the area of the application.

Mr. Smith moved the application be withdrawn without prejudice on the applicant's request. The applicant may re-apply at a future date.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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12:20 P.M. - MANSION HOUSE CLUB, INC., application under Section 30-7.2.6.1 of the Ordinance, to permit erection and operation of a swimming pool and other recreational facilities, east side of Route 623 opposite Mt. Vernon Grove Subdivision, Mt. Vernon District. (RE-0.5)

Mrs. Henderson stated it was the Board's feeling that this case was a completely new application under the Ordinance, since the expiration of the year from the original denial has passed and the Commonwealth's Attorney concurred with the decision.

Mr. Majer was present representing the applicants. He stated this was an application for the operation of a community privately owned swimming club and recreational facilities. The site is on approximately 5 acres of land. The club will be limited to 300 family memberships and will be comprised of an olympic-sized pool, tennis courts, basketball play area, and a possible club room. (Mr. Majer presented a plat of the layout of the area to the Board members for their review.)

The Board discussed the plat and the surrounding area in detail.

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MANSION HOUSE CLUB, INC. (Cont.)

Mr. Majer stated the area was heavily wooded. Letters from architects and engineers were read to the Board stating the area required little or no filling and the parking for a sufficient number of automobiles would be no problem and would still be preserving the beauty of the area.

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The letters also stated the traffic problem was not a great one as the ingress and egress to the property would be by Old Mt. Vernon Road, which will be widened by the adding of the new subdivision and the pool. The noise of the swimming pool will be blocked because of the heavily wooded area surrounding the proposed pool so that there will be no nuisance from this source to the neighbors. There will be no drainage or sewage problems. Water facilities are close to the proposed use.

(Mr. Majer presented photographs of entrance ^{to} ^{area} of pool from Mt. Vernon Road to the Board.)

He then presented plats on the proposed widening of the Mt. Vernon Road to the Board for their review.

Mr. Majer stated parking facilities were shown on the plats for 125 cars, which he considered to be adequate.

Mr. Majer presented several letters that have been received from developers in the area stating that the proposed pool will be an asset to the development of adjacent property and also letters from various citizens' associations in the area stating the need for such facilities as the aforementioned swimming pool is great in the Mt. Vernon Magisterial District, and that they would support the application.

Mr. Majer stated that the Mt. Vernon Master Plan in the area shows the area in question for recreational facilities.

Mr. Majer summarized that this is a recreational area sought after by the citizens in the area, being done without any profit, and to satisfy a need ^{for} the people in the area for an operation of this kind, and that it would be of no detriment to the property owners in the area.

FAVOR

Mr. Lloyd Wood, resident in Mt. Vernon Forest, and member of the Board of Trustees for the pool, came forward in support of the application in behalf of the residents in the Mt. Vernon Forest Subdivision. The areas the pool will serve will be Mt. Vernon Forest, West Gate, Belle Rive, Vernon Square, Sulgrave Manor and South Wood. All of the communities are within walking distance (1/2 mile) of the pool, except Sulgrave Manor and South Wood. South Wood is under construction and Belle Rive is almost ready for construction. With the development projected in the Mt. Vernon area, there will be future needs for pools on both the north and the south of Route #235. In the 5 subdivisions mentioned there will be perhaps 500 houses.

(Mr. Majer presented a copy of the charter of the association and the by-laws to the Board.)

The Board discussed the by-laws in detail.

There were 17 people present in support of this application.

Mr. John Taylor, past president of the Sulgrave Manor Civic Association, was present and spoke in favor of the application. Mr. Taylor stated that at the last meeting of the Sulgrave Manor Civic Association, the application was approved unanimously without any argument whatsoever. He stated 50 people attended the meeting of the association.

Mrs. Henderson stated there were 16 letters in the file in favor of the application and she stated she received countless telephone calls in support at her home.

OPPOSITION

Mr. Charles Radigan was present representing his grandmother, Mrs. Virginia McDonald. Mrs. McDonald is concerned with the traffic problem, the parking problem and the effect on adjoining property, and the fact that there have been no cost estimates presented to the Board.

Mr. Everest stated it was not the Board's decision on the economic feasibility of the operation.

Mrs. Henderson stated that the problem of cost has not arisen in the other pools in the County, and assured Mr. Radigan this would probably not happen with this pool.

MANSION HOUSE CLUB, INC. (Cont.)

Mr. Radigan stated there have been 5 accidents on this corner where the entrance to the pool is located within the past year. This is only a 30 foot road, not widened at this point yet, and the problem of children riding or walking on the road seems to create a hazardous traffic condition. The effect on Mrs. McDonald's house would be great. The pool is 100 yards from her back door. The noise problem from that alone is quite considerable. If the pool went in Mrs. McDonald would probably have to sell her property due to lack of privacy. Mt. Vernon Yacht Club and Woodlawn Country Club both have memberships available and are within about a mile of all of these subdivisions.

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Mr. Radigan stated in the reading of last year's minutes of the Board of Zoning Appeals, parking spaces were discussed at an absolute minimum of 165. The parking spaces of 125 are considerably below what the Board considered last year.

Mr. Smith stated that things have changed in the area in the past year and the opinion of the Board now would be different than what it was a year ago. He felt the 125 is adequate at the present time.

Mr. Radigan stated that there were some sections of the Ordinance he thought would be highly difficult for the applicants to meet. One is the lighting requirements. Mrs. McDonald's house is so close to the property it would be difficult to shield the lights so that they do not shine on the property.

A fence, Mrs. Henderson stated, would cut off the lights shining on the property as the pool is higher up than McDonald's house.

Mr. Smith stated he would not be a party to granting a permit if he thought the lights would not be shielded correctly as to not shine on Mrs. McDonald's house.

A discussion followed concerning the widening of the road.

Mrs. McDonald came forward and stated it was a shame that after she had been living there 20 or 25 years someone else could come in and spoil the tranquility of the area. It seems that outsiders that have lived there only a short length of time come in there and spoil this whole area.

Mr. Smith appreciated Mrs. McDonald's interest in the area, but stated this is one of the things that is taking place all over the County and the growth of the County is overwhelming. The subdivisions surrounding the area have to have some recreational facilities in the area. Mr. Smith further stated that if the permit is granted, he would assure Mrs. McDonald that the lights of the pool will not bother her, and the noise should be no factor to her as the property is at least 700 feet from the pool, and the area will still be heavily wooded.

Mr. Bernard Gallagher was present in opposition. He stated the citizens in the area could use Mt. Vernon Yacht Club and Woodlawn Country Club for their swimming. Mr. Gallagher is a resident of Mt. Vernon Grove Subdivision and lives approximately 1 city block from the entrance to the pool. Mr. Gallagher stated he is a member of the Woodlawn Country Club and they have memberships available for anyone wanting to join.

Mr. Smith stated the potential need of the swimming pool in the area is great and Woodlawn and Mt. Vernon Yacht Club would not have memberships sufficient to include the citizens in the new subdivisions being constructed in the area.

Mr. Gallagher stated that if there is a need for another swimming pool in the area, there is property available adjacent to the school in the immediate area which would provide all the parking spaces needed.

He also stated the traffic in the area would be great with this pool at this site.

Mrs. Thomas, property owner across from the swimming pool and not in the new subdivision, came forward in opposition. She stated the traffic problem was one of the major problems; however, there is a 65 foot right-of-way to provide for widening of the road in the future. Even with the widening of the road, this corner will be considerably dangerous to the children in the area. She also stated the lights of the cars coming in and out of the pool at night would be undesirable to her property. She also stated it would disrupt the atmosphere of the area to have an operation such as this. Mrs. Thomas further stated that she was not against a community pool, but she thought this was not the most suitable spot for it.

MANSION HOUSE CLUB, INC., (Cont.)

REBUTTAL

Mrs. Henderson stated the Board wanted to know what the proposed building on the property will be used for other than a locker room, etc.

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Mr. Majer stated as far as he knew it was to be used for a bath house, locker room, etc. at the present time.

Mr. Arkwright stated that in the future they would like to make the addition to the building a club room.

Mrs. Henderson stated she would like to know whether the building would be an all-weather building or one specifically used in the summer months.

Mr. Majer stated that for the future the builders are contemplating a club room with the addition to the side of the building, but for the present time this building will only be used for a bath house, locker room, etc. and only used in the summer months.

Mr. Smith stated the plat did not show the dimensions of the building and the purpose. Mr. Smith further stated the building is not included in the application and if they wished to make the building an allweather one it would have to come before the Board on a new application.

Mr. Majer stated that the opposition had every right to oppose any application in the area, but the area is changing every day and the need for this facility is very great in the area.

He stated the builders and the community will try in every way to make this club compatible with the area.

Mr. Smith was concerned about the headlights of the cars coming into the entrance.

Mr. Majer stated Mrs. Thomas lives about 200 feet from the entrance and there are woods between her house and the entrance and he did not think the lights would tend to shine on her house. With the hours being limited, headlights would not be on but one hour or so before the pool closed.

Mr. Yeatman moved the application be deferred for decision only to take a look at the property and road and to decide on opening and closing hours, and to determine other uses, if any, and the stipulations.

Mr. Everest seconded the motion, and added he would like to see the plot plan brought up to date showing the setbacks of the parking and the preliminary building size for the bath house.

Mrs. Henderson supported the motion.

Mr. Smith and Mrs. Henderson added the Board would like to have submitted a list of present directors and the person being responsible for the zoning administration of this pool. They also stipulated that a plat be brought up to date showing the use of each building on the property and dimensions of the building or buildings and the setback of the parking from the nearest property line.

Motion carried unanimously 5-0.

The case was deferred for decision only until October 12, 1965.

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12:30 P.M. - DR. JOHN J. FITZSIMMONS, application under Section 30-6.6 of the Ordinance, to permit erection of a carport 5.6 feet from side property line, Lot 21, Block 40, Section 1, Monticello Forest (7303 Monticello Blvd.), Mason District (R-12.5) V-172-65.

A gentleman was present from the company contracted to build the carport to represent the applicant.

The gentleman stated that Dr. Fitzsimmons wanted to erect the carport because in inclement weather the doctor finds it quite difficult to get the car ready for an emergency call because of accumulation of ice, etc. on the windshield. He stated this was a great hardship on the doctor as well as on the recipients of his services.

The variance to the property line is a great one as there is an air conditioner compressor unit on the side of the house.

DR. JOHN J. FITZSIMMONS (Cont.)

There was no compressor shown on the plats.

Mrs. Henderson stated she would be willing to grant this case exactly the same way as the Board did Mr. Kennedy's application; in other words, a side line of 10 feet. It would be up to Dr. Fitzsimmons to figure out where he is going to put the compressor unit and the carport.

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There was no opposition to the application.

Mr. Smith moved the application of Dr. John J. Fitzsimmons, application under Section 30-6.6 of the Ordinance, to permit erection of a carport 5.6 feet from side property line, Lot 21, Block 40, Section 1, Monticello Forest (7303 Monticello Blvd.), be granted in part; that he be allowed to construct a carport no closer than 10 feet from the adjoining side property owners on Lot 20, and that all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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12:40 P.M. - JOSEPH J. DOUGHERTY, application under Section 30-6.6 of the Ordinance, to permit erection of a carport 10 feet from side property line, Lot 14, Block 14, Section 8, Ravensworth (5316 Pillow Lane), Falls Church District (R-12.5) V-178-65.

Mrs. Henderson stated the particular type house does not have any carports throughout the entire subdivision. She stated she did not think there was anything special about this application. The style of the house in which Mr. Dougherty resides appears to be the type that was not designed with a carport in mind.

Mr. Smith moved the application of Joseph J. Dougherty, application under Section 30-6.6 of the Ordinance, to permit erection of a carport 10 feet from side property line, Lot 14, Block 14, Section 8, Ravensworth (5316 Pillow Lane), Falls Church District, be denied on the grounds that the applicant has failed to present evidence of hardship as decreed by the Ordinance, and does not meet the requirements of Section 30-6.6 of the Ordinance. This is a new subdivision and there are similar homes with similar situations in the subdivision. This house was apparently not designed for a carport, and all other houses in the subdivision of this type have no carports.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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12:50 P.M. - BELLEAU WOODS, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 25.1 feet from Westfield Drive, Lot 104, Section 3, Old Creek Estates, Providence District (RE-1 Cluster) V-179-65.

Mr. Ford presented the case in behalf of the applicants. The applicants are asking for a front setback variance for reasons due to an error in staking the property. The house was apparently laid out wrong. During the stake-out, it was not apparent to the surveyor that the curvature of the street did not line up in compliance with the Ordinance.

The front of the house is in violation 3.6 feet.

There was no opposition to the application.

Mr. Smith moved the application of Belleau Woods, Inc., application under Section 30-6.6 of the Ordinance, to permit dwelling under construction 25.1 feet from Westfield Drive, Lot 104, Section 3, Old Creek Estates, Providence District, be approved as applied for and that all other provisions of the ordinance must be met.

Mr. Barnes seconded the motion.

Motion carried unanimously 5-0.

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2:00 P.M. - VIRGINIA SOUTHERN BUILDERS, INC., application under Section 30-6.6 of the Ordinance, to permit 7-Eleven Store to remain 45.9 feet from Cedar Lane, and 42.68 feet from Lee Highway, Providence District (C-G) V-169-65.

413

The case was deferred from September 14 for a full Board vote.

Mr. Ward, designer of the shopping center, was present and stated that if his math was correct, the only portion of the canopy under violation is 1.1 feet at the wide end, tapering out to zero over the length of roughly 8 to 9 feet, and there is only 4 to 5 square feet of the 7-Eleven canopy in violation. This is under 1% of the entire canopy area. This was not an intentional violation. The developers could have easily moved the building toward the rear line and easily avoided the violation had they known of the violation before the construction was begun. Mr. Ward stated that a failure to consider the overlapping of the Ordinances in the County resulted in an error by all of the people involved in the development. He stated it would be a combination of Mr. Korte, and the developers not coordinating.

Mr. Everest read the portion of the minutes relating to the application stating Mr. Korte did not know the canopy was to be installed.

Mr. Korte stated that Mr. Woodson would have denied the plat had he (Mr. Korte) included the note "with canopy". The only way Mr. Woodson could have known the building would have a canopy would be if Mr. Korte put the note on the plat.

Mrs. Henderson and Mr. Smith stated that they did not think Mr. Korte had made the error. How could he add the note if he did not know the canopy was to be added.

Mr. Korte stated he had drawn plans up for a 7-Eleven Store in the past.

Mrs. Henderson stated she wondered how Mr. Korte was to know if the 7-Eleven had changed their minds about the canopy.

Mr. Everest stated the conversations between the architect and the engineer were about the dimensions of the building, in order to draw it up to begin with. He thought the error occurred on the part of the architect for not telling the engineer, or on the part of the engineer for not asking, but would be inclined to point the finger at the architect in this particular case from the previous testimony at the earlier hearing.

Mrs. Henderson stated she thought the canopy on the Lee Highway side should come down.

Mr. Everest concurred with Mrs. Henderson for a variance in part.

Mr. Smith moved the application of Virginia Southern Builders, Inc., application under Section 30-6.6 of the Ordinance, to permit 7-Eleven Store to remain 45.9 feet from Cedar Lane, and 42.68 feet from Lee Highway, Providence District, be approved in part; that the part pertaining to the 7-Eleven Store fronting on Cedar Lane be granted as applied for; that the portion relating to the 42.68 feet from Lee Highway denied; that before occupancy of the stores in the development, the canopy be completely removed from the sidewalk on the Lee Highway frontage and the violations be cleared, and that all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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Mrs. Henderson asked if there were any objections to changing the December meetings to the first and third weeks in December so they would not have to meet in Christmas week. That would be December 7 and December 21.

The Board had no objections and agreed with Mrs. Henderson.

Mr. Smith stated Mr. Woodson ^{should} notify the applicants of the change in the meetings.

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The meeting adjourned at approximately 7:00 P.M.

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Minutes taken by: Phyllis Proffitt

Mary K. Henderson Chairman
October 29, 1965 Date

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The regular meeting of the Board of Zoning Appeals was held at 10:00 A.M. in the Board Room of the Fairfax County Courthouse. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presiding.

Mr. Smith opened the meeting with a prayer.

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10:00 - GEORGE WASHINGTON POST #66, AMERICAN LEGION, application under Section 30-7.2.5.1.4 of the Ordinance, to permit erection of a post home closer to property line than allowed, Lot 15, Blk. 2, Rolling Hills, Lee District. (R-12.5) S-190-65.

A representative from the organization was present and requested an extension of 30 days because of lack of sufficient time to get proper notices mailed.

Mr. Smith moved the application be deferred for a period of 30 days at the applicant's request due to lack of notices.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

The case was deferred until November 9, 1965.

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10:10 - ROBERT D. AND BARBARA H. HOLLAND, application under Section 30-6.6 of the Ordinance, to permit erection of carport 5.4 feet from side property line, Lot 1, Block A, Resub. Lot 6, Block A, and Lot 5, Block B, Section 1, Sleepy Hollow Woods (6710 Fern Lane), Falls Church District. (R-12.5) V-191-65.

Mr. Holland was present representing himself. He stated the reason for the request for a variance was the topography of the lot precluded the building elsewhere due to a hilly nature of the land. Also, he could not build on the site he wanted because of County land dedicated for public use adjoining his property. He further stated there was not over 15 to 20 percent of the houses in the area that have carports. The house was constructed in 1960.

Mrs. Henderson stated the lot has a topographical problem but that the other lots don't have room for a carport either.

Mr. Smith stated the applicant's intent was good. The fact the area adjoins public use property puts the applicant in a position for the variance, and merits consideration. This variance could not effect anyone adversely.

Mr. Smith moved the application of Robert D. and Barbara H. Holland, application under Section 30-6.6 of the Ordinance, to permit erection of carport 5.4 feet from side property line, Lot 1, Block A, Resub. Lot 6, Block A, and Lot 5, Block B, Section 1, Sleepy Hollow Woods. (6710 Fern Lane), Falls Church District, be approved as applied for. The applicant has shown no other location on the lot to construct the carport; there are topographical problems, and the adjoining land is dedicated to public use. He further moved the other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion.

Motion carried unanimously 5-0.

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October 12, 1965

10:20 - CHARLES M. NEVIASER, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station on north side of Chain Bridge Road adjoining the Town of Vienna, Providence District (C.N.) S-193-65.

415

Mr. Robert C. Fitzgerald, Attorney, represented the applicant.

(Mr. Fitzgerald showed slide photographs of the subject property.)

Mr. Fitzgerald stated the property has been zoned C-N for some time. The four-laning of Route 123 begins at the property in question. Mr. Fitzgerald stated that due to the apartments being built in the area there will be a great deal of traffic in the area going towards Route 66. He stated this is the most logical place for a gasoline station. It would not be detrimental to the neighborhood. He stated that if the station is built in this location the station would improve the intersection. It is a very bad intersection at the present time. Setbacks will be maintained in accordance with the Zoning Ordinance.

Mr. Yeatman agreed with the fact that the improvement the station will make to the intersection will help the sight from Madison Street and Route 123.

There was no opposition to the application.

Mr. Yeatman moved the application of Charles M. Neviaser, application under Section 30-7.2.10.2.2 of the Ordinance, to permit erection and operation of a service station on north side of Chain Bridge Road adjoining the Town of Vienna, Providence District, be granted as applied for, and that the applicant use a colonial type station, pitch roof, and provide a site plan for the station, and that a service drive should be required on Route 123. This use permit is for a service station only, and all other provisions of the Ordinance must be met.

Mr. Everest seconded the motion.

Motion carried unanimously 5-0.

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10:30 - ELDEN G. MARQUARDT, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10.1 feet from side property line, Lot 623, Block N, Section 6, Monticello Woods, (6006 Thomas Drive), Lee District (R-12.5) V-194-65.

Mr. Marquardt was present and represented himself. Mr. Marquardt stated the stoop drops to the property line and the side kitchen door is the reason for the variance. Due to the peak of the drive, with a 12 foot carport it would blind the entrance to the kitchen and would be unsightly in the front yard. Mr. Marquardt stated he would like to put 2 steps into the carport and to drop the roof and put in a 26 inch brick-trimmed wall. There are many carports in the area under construction.

Mrs. Henderson stated the applicant has room for a 12 foot carport, and there is no reason for the variance just because the applicant wanted to build the carport that way.

Mr. Smith stated he appreciated the concern of the applicants and stated the arrangement was good. He further stated that by maintaining the roofline to maintain the setback of 9 feet would alleviate his problem. There is a topographical problem in the area that would lead the applicant to plan the carport as he has.

There was no opposition to the application.

416

Mr. Smith moved the application of Elden G. Marquardt, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10.1 feet from side property line, Lot 623, Block N, Section 6, Monticello Woods, (6006 Thomas Drive), Lee District, be approved with the understanding that the posts be allowed to be placed no closer than 10 feet 1 inch from the property line and that the overhang not be allowed to extend any closer than the Ordinance required (9 feet) to retain the general appearance required by the Ordinance. This would allow the applicant to place a wall at the 10 foot 1 inch distance and wrought iron posts. All other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion.

Motion carried 4-1.

Mrs. Henderson voting "no". She thought the posts set at 12 feet would accomplish the purpose.

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10:40 - GEORGE AND MARGARET COOMBER, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a school of music and dancing and recital hall, east side of Route 28, approximately 1000 feet north of Herndon Town Limits, Centreville District. (RE-1) S-196-65.

Mr. Roy Spence, Attorney, represented the applicants.

(Mr. Spence presented to the Board a petition of friends and neighbors in the area supporting the application.)

Mr. Spence stated the Coomers want to renovate one of the barns on the property for the operation of a school and recital hall. The music school is in operation now. Mrs. Coomber teaches piano lessons in her home for approximately 40 students. Mr. Coomber's dancing school is at present operating in Washington D. C. with a total of 40 students. All activities will be in the barn, and there will be none in the house. The dancing school will be moved in the future. The location is very suitable, Mr. Spence stated, because of the new Herndon High School which is being built right next to the subject property. Mr. & Mrs. Coomber anticipate the number of students in the school to increase in a number of years to 200 students.

There was no opposition to the application.

(Mr. Spence presented to the Board letters from two ministers of churches stating this school will be a cultural asset to the County.)

Mr. Coomber stated the combination of music and dancing school will total 200 students in the near future, and would operate 6 days a week, from 2:00 or 3:00 in the afternoon until 10:00 P.M. (or later for the recitals), and on Saturday the hours would be from 9:00 A.M. to 6:00 P.M.

Mr. Smith moved the application of George and Margaret Coomber, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a school of music and dancing and recital hall, east side of Route 28, approximately 1000 feet north of Herndon Town Limits, Centreville District, be approved as applied for; that the hours of activities and recital hall would be from 9:00 A.M. to 11:00 P.M., 6 days a week, 12 months a year; and that all other provisions of the Ordinance must be met. Mr. Smith also included in his motion the Board recommend the site plan be waived.

Mr. Barnes seconded the motion.

Motion carried unanimously 5-0.

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October 12, 1965

10:50 - FRANCIS WALTHALL, application under Section 30-6.6 of the Ordinance, to permit erection of porch closer to Chevell Court than allowed, Lot 16, Section 4, Ridge View, (5915 Ridge View Drive), Lee District (R-12.5) V-197-65.

417

Mr. Walthall was present and represented himself.

Mrs. Henderson wanted to know why Mr. Walthall was seeking for a variance as he has an extra lot to the side of his property on which to build.

Mr. Walthall stated in the contract when the house was built a concrete slab was poured for a carport. The engineer made an error when the house was built and did not have enough room to build the carport. This was the reason for the variance request.

Mr. Walthall stated he wanted to build a screened-in porch in the form of a carport where the front opens and can be used for a carport in the winter and a screened-in porch in the summer. He stated it would be in conformity with the other split level houses in the area.

Mrs. Henderson stated he had plenty of room on the other lot in which to build the proposed porch. She also stated the carport would stick out from the others in Chevell Court.

Mr. Smith stated there was no topographical problem at all and the variance the applicant is seeking is a tremendous one and is beyond the scope of the Board to grant a variance under these circumstances. He stated, however, that he would like to take a look at the property to see if any other circumstances exist.

Mr. Smith moved to defer the application of Francis Walthall for 2 weeks to view the property in question.

Mr. Yeatman seconded the motion.

Motion carried unanimously 50.

The case was deferred until October 26, 1965.

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The Board recessed at this point for 5 minutes.

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11:00 - ST. MATTHEWS METHODIST CHURCH, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a kindergarten in existing church building (70 children), Lots 13, 14, 15, 16, 17, 18, 19, 22, 23, 24 and part Lot 25, Section 1, Wakefield Forest, (8617 Little River Turnpike), Providence District. (RE-1) S-198-65.

Reverend Winfreed, pastor of St. Matthews, was present. Reverend Winfreed stated the church wanted to increase the capacity from 48 students to 70 students. He stated a Use Permit was granted in November 10, 1964 for the 48 students.

Mrs. Henderson stated this school was operating from 9:00 A.M. to 12 noon for the regular school year. This was only an extension to the existing Use Permit for the number of students only.

There was no opposition to the application.

Mr. Smith moved the application of St. Matthews Church be granted as requested. This is actually an amendment to an existing Use Permit increasing the number of children from 48 to 70 students. The hours will remain the same for a kindergarten and all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion.

Mr. Everest amended Mr. Smith's motion to state "subject to health and fire department approval". Mr. Smith accepted the amendment.

October 12, 1965.

Motion carried unanimously 5-0.

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11:10 - WILLIAM E. BURNETT, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10.7 feet from side property line, Lot 251, Section 4, Springvale, Mason District. (6504 Terry Drive) RE-1 V-199-65.

Mr. Burnett was present and represented himself. He stated at the present time he has to cut through a church parking lot adjoining his property in order to get to the existing garage on his property. He has tried to purchase 2 vacant lots adjacent to his property but the owner refuses to sell because of potential commercial in the area as compiled in the Springfield Master Plan.

Mrs. Henderson stated because of the commercial potentials in the area, this was a very different situation. She stated it would be very unlikely any houses would be built on the 2 vacant lots.

Mr. Smith stated the size of the applicant's lot, the Springfield Master Plan's commercial development for the area, an unusable situation where the applicant's garage was concerned, all merit consideration.

There was no opposition to the application.

Mr. Smith moved the application of William E. Burnett, application under Section 30-6.6 of the Ordinance, to permit erection of carport 10 foot 7 inches from side property line, Lot 251, Section 4, Springvale, Mason District (6404 Terry Drive) RE-1, be approved as applied for in accordance with the reasons previously stated, and all other provisions of the Ordinance must be met.

Mr. Barnes seconded motion. Motion carried unanimously 5-0.

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11:20 - EDGAR E. AND BARBARA L. CARVER, application under Section 30-6.6 of the Ordinance, to permit erection of carport 1.0 feet from side Property line, Lot 162, Section 6, Mantua Hills (3717 Acota Road), Providence District. (RE-0.5) V-200-65.

Mrs. Carver was present representing her husband and herself. Mrs. Carver stated the reasons she desired the variance and photographs of the property were sent to the Board at a previous date.

Mrs. Carver stated there are topographical problems for the variance. There is a 5 foot drop-off at the back of the slab, so if there were any ice or snow on the slab there would be a danger of going directly forward and dropping off 5 feet or to the side and dropping off about 3 feet into the neighbor's house. She stated they do have a garage, but it is located to the side of the house, in the framework of the house, and it is impossible to make the turn into the garage. Mrs. Carver stated they would like to put up a brick wall on the side where the carport is desired, and put a carport on top to keep the ice and snow off the area at the top of the driveway.

Mr. Smith asked why Mrs. Carver was asking for a 20 foot carport.

She stated the carport would be for 2 cars.

Mrs. Henderson stated there was no justification for granting a 2-car carport.

Mr. Smith concurred and stated he would not consider anything but a 1-car carport.

Mrs. Henderson stated she could build a 7 foot brick wall as long as it stays beyond the building setback line without the carport.

There was no opposition to the application.

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Mr. Smith moved the decision of the Board be deferred on the application of Edgar E. and Barbara L. Carver for 2 weeks to view the property.

Mr. Barnes seconded the motion.

Motion carried unanimously 5-0.

The case was deferred for decision only until October 26, 1965.

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11:30 - JOSEPH S. KENDALL, application under Section 30-6.6 of the Ordinance, to permit an addition 30.40 feet from Quander Road (901 Radcliffe Drive), Mt. Vernon District. (RE-1) V-182-65.

Mr. & Mrs. Kendall were both present.

Mrs. Kendall stated her husband applied for a permit to build a garage. They had the permit approved and started to build. Her husband did not build the garage according to the setbacks, instead of measuring from the lot line, he measured from the center of the street. The addition was a sizable one. She stated they had been to court and the court ordered removal of a portion of the addition. The decision of the court on this case will be brought up on October 28 after a decision from the Board of Zoning Appeals is made in the case.

Mr. Covington, Assistant Zoning Administrator, stepped forward to clarify the situation. He stated that on May 8, 1964, an application was applied for for an addition showing a 33 foot setback from the rear, but the plat did not show Quander Road. The plat was approved for 33 feet when it should have been 35 feet. Upon completion of the construction of the building, it was constructed 16.6 feet from the street. In view of the fact the permit was issued in error, because of no street shown, the judge originally said they could go along with the 33 feet of setback, but now they want to leave enough room to allow the door to remain, and consequently are asking a variance for an addition 3 feet. The permit and plans were both violated and the applicant was fined \$100 in addition to tearing down a considerable amount of the addition.

Mr. Covington stated if the Board of Zoning Appeals could find a justifiable reason to grant the addition 3 feet, the Court would honor the decision.

Mr. Smith stated he saw no reason for justifying an addition 3 feet of variance to the Court's decision, and was concerned about not having a directive from the Court to appeal to this Board for a decision.

Mr. Covington stated Mrs. Kendall had talked with the Commonwealth Attorney, Mr. Louk, and Mr. Louk stated she could ask the Board of Zoning Appeals for this variance, and would be within her legal rights.

Mr. Smith stated the Court has allowed the applicant relief for the error made in issuing the permit, and there is no error beyond that.

Mrs. Henderson stated she could see no justifiable reason for granting the variance.

FAVOR

Mr. Gendt, Surveyor, spoke in behalf of the applicant by stating that the lot in question does have three frontages which is unusual because the rest of the lots on the block front on the other street; none front on Quander Road.

OPPOSITION

Mr. Jones, adjoining property owner at 6719 Radcliffe Drive, spoke in opposition. Mr. Jones stated this building is unsightly at the present time, but if Mr. Kendall would fix the cinder block wall and provide sufficient drainage he would have no opposition to the additional 3 feet of variance. He had tried to get some satisfaction from both Mr. Kendall and Mr. Kendall's attorney with no satisfaction.

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A discussion was held between Mr. Jones and Mr. Kendall.

Mrs. Henderson stated the 2 gentlemen should discuss this problem further outside of the hearing room.

Mr. Smith stated that the applicant's appeal to the Board of Zoning Appeals should have been made before a decision was made by the Court, unless it was a Court directive.

Mr. Smith moved the application of Joseph S. Kendall, application under Section 30-6.6 of the Ordinance, to permit an addition 30.40 feet from Quander Road (901 Ratcliffe Drive), Mt. Vernon District, be granted in part; that the applicant be allowed to leave that portion of the building that was originally granted by the Court, namely all of the building removed back to 33 feet due to an error in the issuance of the permit, and that all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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The Board then recess for lunch.

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11:40 - KARL KEEVER, application under Section 30-6.6 of the Ordinance, to permit an addition to carport 15.9 feet from the side property line, Lot 63, Section 5, Mantua Hills (3607 Prince William Drive), Providence District (RE-0.5) V-201-65.

Mr. Keever was present and represented himself. Mr. Keever stated he wished the variance for coverage for 2 cars. He wanted to extend the existing carport to cover the concrete apron already intact. He wished to protect his second car and to continue the lines of the house.

Mr. Everest stated the reasons given by Mr. Keever were not grounds for granting a variance. There were notopographical problems and he had an alternate location in which he could build the carport.

Mrs. Henderson concurred with Mr. Everest in stating that the applicant could build his carport at another location on the property.

Mr. Everest moved the application of Karl Keever, application under Section 30-6.6 of the Ordinance, to permit an addition to carport 15.9 feet from side property line, Lot 63, Section 5, Mantua Hills (3607 Prince William Drive), Providence District, be denied as there were no grounds given in which the Board could grant the variance.

Mr. Yeatman seconded the motion. Motion carried unanimously 4-0. Mr. Smith out of the room.

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DEFERRED CASES

11:50 - CARROLL-KIM AND ASSOCIATES, application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 23.9 feet apart, Lots 18 and 19, Block, 5, Section 1, Cardinal Forest (8314 And 8816 Botsford Court), Falls Church District (RPC) V-180-65.

Mr. Kim was present at the hearing.

(Mr. Smith returned to the hearing at this point.)

Mr. Kim stated the reason for the variance request was due to a mistake. He could not locate where the mistake had taken place. The houses were built on a cul-de-sac. The error was a total of 10 inches; 5 inches on each house. The only thing in error is a post. He stated that when a wall check was taken the error was not found, possibly due to the post not being shown on the wall check.

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Mrs. Henderson stated the variance qualified under Section 30-6.6.5.4 of the Ordinance, specifically.

Mr. Everest moved the application of Carroll-Kim Associates, application under Section 30-6.6.5.4 (specifically) of the Ordinance, to permit dwelling to remain 23.9 feet apart, Lots 18 and 19, Block 5, Section 1, Cardinal Forest, (8314 and 8316 Botsford Court), Falls Church District, be approved as applied for and that all other provisions of the Ordinance must be met.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

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12:00 - GERTRUDE W. LEVY, application under Section 30-6.6 of the Ordinance, to permit erection of a store (22.6 feet from Columbia Pike, (to be inline with existing stores), Lot 25, Annandale Subdivision, Falls Church District (C-G) V-189-65.

(Letter was mailed to all the Board members by Mrs. Levy explaining why she desired the variance, and was put in the record.)

Mrs. Levy was present. Mrs. Levy stated that if the store was put in line with the cleaners you would not be able to see it. She further stated that there was no vacant land between her stores and the Safeway and no other variances in that area could be granted.

Mrs. Henderson stated that there was no justification to set it in front of the cleaners. A sign could be put in the front of the building so it could be seen from a distance. She stated it would be a mistake to put a new building on the corner setting further out than the cleaners.

Mr. Smith stated the Board is giving a 17½ foot variance by putting it back to the cleaners.

Mr. Korte, Engineer, stated that in order to see the store driving down Columbia Pike, you would not be able to see it until you are 45 feet from the corner of the building.

Mr. Barnes stated he would not vote for a variance any further out than the cleaners.

Mr. Smith reluctantly made a motion to bring the store up to the Power Cleaners but no further. This would be a 17½ foot variance, being 32.6 feet from Columbia Pike in line with the adjoining building Powers Cleaners), and that the applicant be required to meet all other provisions of the Ordinance.

Mr. Barnes reluctantly seconded the motion. He stated this was a very great variance (17½ feet).

Motion carried unanimously 5-0.

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12:10 - MANSION HOUSE CLUB, INC., application Section 30-7.2.6.1 of the Ordinance, to permit erection and operation of a swimming pool and other recreational facilities, east side of Route 623 opposite Mt. Vernon Grove Sub., Mt. Vernon District (RE-0.5) S-171-65.

Mr. Majer presented to the Board the charter of the association, two copies of the up-to-date site plan, and names and addresses of directors of the corporation, stating also the hours of operation from 11:00 A.M. to 9:00 P.M.

Mr. Smith stated he was concerned with the number of parking spaces shown on the revised site plan, and asked if any additional spaces could be provided. He stated he would not vote for the Use permit for the pool unless adequate parking was provided.

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Mr. Arkwright stated the basketball and tennis courts could be used in a double capacity, and if additional parking spaces were needed the cars could be parked on either or both courts.

Mrs. Henderson, Mr. Barnes and Mr. Everest spoke in favor of this suggestion and stated this would provide all the parking spaces that were needed.

Mr. Everest suggested the Board require a site plan showing 150 parking spaces so the Board will know the parking spaces are there whether they are used for parking or for the tennis and basketball courts. If they do not put the 150 parking spaces on now it would be hard to do so at a later date.

The Board agreed with Mr. Everest's suggestion.

The Board discussed the use of the basketball and tennis courts for the entire year, even after the swimming pool season is closed.

Mr. Smith stated there should be supervision on the tennis and basketball courts and that there should be no night use of either.

The Board discussed the use of the accessory building.

Mr. Smith stated he would not support the application for anything other than swimming pool facilities.

Mr. Yeatman stated the building be cut down to 30 x 60 feet in dimension, eliminating the game room, and leaving the office space and snack bar (for vending machine use only), together with the necessary bath house.

Mr. Everest stated that since there was further discussion on the stipulations of the Use Permit, the opposition present should have a chance to be heard.

Mrs. Henderson agreed and stated that any opposition present would have 10 minutes to be heard.

OPPOSITION

Mr. Radigan came forward and stated he was in accord with the Board as to the building being used for swimming pool facilities only, and not a game and party room.

He stated the traffic problem still exists and had not been alleviated.

Mrs. Henderson stated the problem on Mrs. Thomas's corner could be alleviated and there was a discussion being made with the Highway Department regarding the cutting of the trees on the corner.

Mr. Everest stated if this operation did go in the members of the club would try everything to get the traffic problem alleviated, and assured him it would be done if at all possible.

Mr. Radigan stated that there should be a fence running along the common boundary line between the pool facilities and Mrs. McDonald's property to eliminate trespassers.

The Board discussed types of fencing.

Mr. Yeatman suggested the pool directors erect a 4 foot high cattle or poultry fence to run down the boundary line as far as Mt. Vernon Road. He stated this type of fence would serve the purpose intended and would be economical.

The Board agreed with this suggestion.

Mr. McCandish came forward and stated he was representing Mr. Bostick, an opposing neighbor. He had no comments to make.

427

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Mr. Smith moved the application be approved in conformity with modifications; that the swimming pool be granted as applied for, with an accessory building for bath house, office and snack bar (to use vending machines only) 30x60 feet in dimension; that 150 parking spaces be shown on the site plan with basketball and tennis courts being used in double capacity with the parking; that the area be fenced as shown on the preliminary site plan, a stockade fence to be along portion of the property where swimming pool is located, and a four (4) foot high cattle or poultry fence be erected along the common boundary line with the McDonald Property down to Mt. Vernon Road; that the hours of operation be from 11:00 A.M. to 9:00 P.M. every day from Memorial Day to Labor Day, with a provision made that the pool may open at 10:00 A.M. for official swimming instructions only; that any use of the basketball and tennis courts beyond the pool season be supervised; no night use of either the basketball or the tennis courts will be permitted; that any noise from loud speakers be confined to the property, none may be heard beyond the property line; that the club advise the Zoning Administrator of any change in the directors of the club or the president or membership, and that the membership not exceed 300 members; all other provisions of the Ordinance must be met.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

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12:20 - ALBERT F. ZIMBRICH & MICHAEL A. RODDY, application under Section 30-7.2.8.1.4 of the Ordinance, to permit erection and operation of a rifle range on west side of Route 616, approximately 700 feet south of Route 658, Centreville District (RE-1) S-37-65.

Mr. Smith read to the Board a letter received from the applicants requesting to delay the continuance of the application for the rifle range.

Mr. Smith moved the application with withdrawn without prejudice at the request of the applicants.

Mr. Everest seconded the motion. Motion carried unanimously 5-0.

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Mr. Everest stated that in the Virginia Southern Builders, Inc. case Mr. G. T. Ward, developer, submitted to him evidence rebutting the minutes of the last meeting of September 28.

(Mr. Everest then read the minutes concerning the error made concerning the canopy to the Board.)

Mr. Ward also submitted a copy of the letter written to Mr. Korte, the engineer, stating there was a discussion of the canopy.

This, Mr. Everest stated, in no way effects the decision of the Board on the application, but he wished to make it a matter of public record.

Mrs. Henderson stated this was in her opinion a total misunderstanding between the architect and the engineer.

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Mr. Woodson submitted a letter from the Karloid Corporation stating they wished to have the Hazelton Laboratories, Inc., application made in their name rather than Hazelton. They stated that they were the owners of the property and Hazelton only leased the land from them. The matter was discussed and was decided that it be brought up further at the next meeting.

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Market Tire was discussed as to whether or not it could be put in a C-N zone.

No decision was made at this time.

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Mrs. Henderson then read a letter from the Mason's Neck owners concerning the American Telephone and Telegraph Company's cable line interfering with the foliage in the area.

Mrs. Henderson stated that the Board of Zoning Appeals has no authority to do anything with respect to this and suggested the citizens try and discuss the situation further with the American Telephone and Telegraph Company.

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The meeting adjourned at 4:25 P.M.

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Minutes taken by Mrs. Phyllis proffitt

Mary K. Henderson Chairman
December 16, 1965 Date

424

October 26, 1965

The regular meeting of the Board of Zoning Appeals was held in the Courthouse, Fairfax, Virginia, on October 26, 1965, at 10:00 a.m. All members were present. Mrs. L. J. Henderson, Jr., Chairman, presiding.

425

Mr. Smith led in a prayer.

10:00 - COL. PAUL HINKLEY, application under Section 30-6.6 of the Ordinance, to permit erection of carport 49 feet from street property line, Lot 81, Section 2, Rutherford (4407 Argonne Drive), Providence District. (RE-0.5) V-202-65.

AMENDED BY THE BOARD TO
READ:

COL. PAUL HINKLEY, application under Section 30-6.6 of the Ordinance, to permit erection of carport 49 feet from Argonne Drive and 27.9 feet from Guinea Road, Lot 81, Section 2, Rutherford (4407 Argonne Drive), Providence District. (R-17) V-202-65.

Col. Hinkley was present representing himself. He stated he wished the carport to provide coverage for 2 cars that are sitting near Guinea Road. He stated the carport would protect the cars from accumulating dust in the summer on the windshield from the heavily traveled Guinea Road, and the ice on the windshield in the winter.

The Board then proceeded to review the plat of the property in question. Mr. Smith stated the plat did not coincide with the property line stated in the application. After Mr. Woodson rechecked records in the zoning office, it was noted that the proposed carport was located 27.9 feet from Guinea Road and 49 feet from Argonne Drive, and it was noted the zoning should be R-17 instead of RE-0.5.

There was no opposition to the application.

Mr. Smith stated there was an error made, but moved that since there was no opposition to the application and proper notice had been sent out as to the hearing, the Board changed the application to read 49 feet from Argonne Drive and 27.9 feet from Guinea Road and changed the zone from RE-0.5 to R-17.

The Board proceeded to discuss the case further.

Mrs. Henderson asked Colonel Hinkley if there was any reason why he couldn't build the carport on the rear of the house and enter off Guinea Road.

Colonel Hinkley stated that Guinea Road was a heavily traveled and dangerous road and it would be hazardous to enter from it, and there is a basement entrance in the rear of the house.

Mr. Smith stated that Col. Hinkley's 25-foot carport was a rather wide one and that it had never been a policy of the Board to grant a variance for a two-car carport. If the Board granted any variance, it would have to be for a one-car carport.

Mrs. Henderson stated she would like to look at the property with relation to Lot 82. She stated she knew of no reason why this situation would be any different from any other situation in the neighborhood.

Mr. Smith stated he would like also to take a look at the property.

October 26, 1965

Mr. Smith moved the application be deferred for 2 weeks to view the property and for further consideration made by the Board for decision only.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

The case was deferred for decision only until November 9, 1965.

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10:10 - H. D. HALL, TRUSTEE, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of a service station, property on west side of Telegraph Road, approx. 800 feet south of intersection of Kings Highway and Telegraph Road, Lee District. (C-D) V-203-65.

Mr. Robert Fitzgerald, attorney, was present representing the applicants.

(Mr. Fitzgerald showed slides of the property in question to the Board).

Mr. Fitzgerald stated the property in question is next to the American Oil Company land which was recently rezoned. At the present time the property is zoned C-D. Since it was zoned C-D, adjoining property was rezoned for gasoline stations. There are several gasoline stations in a row in this location.

The gasoline station proposed to be built by the applicants will be a Hess Station. There will be no servicing, no bays, no repairs, just the dispensing of gasoline. The road in front of the property is being widened to a four-lane highway. All of the stations are located right off the Beltway access. The area is already committed to gasoline stations. The property to the south is being considered for development into stores of a small shopping center nature.

Mr. Fitzgerald stated that the station will meet all of the setback requirements of the Ordinance.

Mr. Yeatman stated there is quite a bit of flood plain in the rear of the station. Mr. Fitzgerald stated there was a sewer easement in the rear of the property and the portion of the property in which the gas station applies would be for the front portion only excluding the sewer easement.

There was no opposition.

Mr. Smith moved the application of H. D. Hall, Trustee, application under Section 30-7.2.10.3.1 of the Ordinance, to permit erection and operation of a service station, property on west side of Telegraph Road, approx. 800 feet south of intersection of Kings Highway and Telegraph Road, Lee District. (C-D), be approved as applied for. Mr. Smith stated it is understood the applicant will meet the Ordinance requirements as to setbacks, and the permit covers only the front portion of the property involved and does not concern the land beyond the sewer easement to the rear of the property; that it will be for a gasoline station only, and that all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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October 26, 1965

10:20 - DOROTHY B. MACLENN, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day school--pre school (10 children), Lots 9 thru 15, Roberts Place Sub-division, (4416 Roberts Avenue), Mason District (R-17) S-204-65.

427

Mrs. McLean was present representing herself.

Mr. Woodson, Zoning Administrator, stated the Health Department reports they recommend deferral or denial until the Health Department can contact the applicant with regard to inspecting the premises.

Mrs. McLean stated that she did not know the County Health and Fire Marshall had to inspect the property before the permit was to be heard by the Board of Zoning Appeals. She had had the property inspected by the State Health Department and State Fire Marshall.

Mr. Smith stated that Health Department and Fire Marshall have to have their approval of the application before the Board of Zoning Appeals could act on the application.

There was no opposition.

Mr. Smith moved the application be deferred for 2 weeks pending approval of the County Health Department and the Fire Marshall, and for further discussion.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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10:30 - RESTON, VIRGINIA INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school and kindergarten (14 children, maximum number), ages 3 to 5 years, two half-day sessions 9 to 12 and 1 to 4 -- 5 days a week, (1603 Washington Plaza), Centreville District (RPC) S-205-65.

and

10:40 - LAKE ANNE CENTER, application under Section 30-7.2.6.1.1 of the Ordinance, to permit operation of a community center for public meetings, plays, concerts, and dinners. (1633 Washington Plaza), Centreville District. (RPC) S-206-65

Mr. McArver was present representing the applicants on both cases.

Mr. McArver, attorney, stated he would like to discuss a jurisdictional matter with the Board on both applications.

He stated that these applications were initially filed by representatives of Reston before consulting their attorneys. After the filing of the applications, the attorneys were consulted. Upon reviewing the Ordinance referring to RPC zoning, the attorneys wished to bring the jurisdictional matter to the Board's attention. Mr. McArver then read to the Board the section of the Ordinance referring to "uses by permit" and "Uses by right" in RPC zones which read as follows:

"Column 2 - Uses by permit
No uses are permitted by special use permit in RPC Districts.

"Column 1 - uses permitted by right
(2) Uses in an RPC District shall be permissible only in the location shown on the approved preliminary plan required by section Item B (2)"

Mr. McArver then presented the preliminary plans filed with the RPC rezoning application showing the community center.

Mr. McArver stated he did not think it necessary to come before the Board of Zoning Appeals or any other body to get the application approved when it was shown on the original plan.

428

Mr. Smith stated it should be cleared up by the Board of Supervisors. It appeared to him that the community center was laid out before the Board at the time of the application for rezoning.

Mrs. Henderson asked if the nursery school was included in the preliminary plan also.

Mr. McArver stated the nursery school was not shown on the preliminary plan. He then referred back to the Ordinance (Column 1 (3)) which read as follows:

" (3) The initial use of any area within an RPC District shall be shown by the plan required in section Item B (2) Thereafter, the use of neighborhood commercial property shall be governed by the uses allowed in the C-N District, and the use of all dwelling units shall be governed by the uses allowed in the R-12.5 District"

He stated the above mentioned section of the Ordinance would govern the nursery school application as there was nothing shown in the particular area showing this type of operation on the preliminary plan. But because the Ordinance stated no uses are permitted by special use permit in an RPC District (Column 2) it is not clear just how the change is made. He stated he submitted that the Ordinance does not tell him where to go but tells where not to go and not to go to the Board of Zoning Appeals.

He stated the attorney's decision on the application for the nursery school was that the Board of Zoning Appeals has no jurisdiction to hear the application.

Mrs. Henderson stated the center did not need a use permit and the nursery school could ^{not} be had at all as it did not appear on the plan and no uses are permitted with special use permits in the RPC zone. The R-12.5 uses are governed by needing a use permit for a nursery school.

Mr. Yeatman stated the application should go back to the Board for clarification and the Board of Zoning Appeals has no jurisdiction to hear either application.

Mr. McArver stated it would be unnecessary to go back to the Board of Supervisors but believed it should go back to the Planning Commission.

Mrs. Henderson stated the Planning Commission is only an advisory commission and has no jurisdiction at all. Mrs. Henderson stated it was her opinion the language of the Ordinance was conflicting, but the Board of Supervisors would have to clear it up.

Mr. Everest moved both applications be deferred for 2 weeks to refer back through proper County channels for local interpretations.

Mr. Smith stated he thought the case should be referred to the Planning Commission as they had written the Ordinance, and any changes that would take place would be initiated by them. This would bring it to the attention of the planning staff. He stated further that he thought the Planning Commission and staff would be where the Board of Zoning Appeals could get a clarification. It was his opinion that they would need a permit for the nursery school. The nursery school is not a planned school in the community and should be subject to a Use Permit.

Mr. Everest stated the community center should be allowed by right according to the way the Ordinance is written now, and the way Mr. Everest interpreted the Ordinance, there are no means where you can put the nursery school in there now, it having not been shown on the original plan.

429

Mrs. Henderson concurred with Mr. Everest.

Mr. Smith stated he felt they needed a Use Permit for the nursery school, but it should be cleared up now so there would be no problem in the future with situations such as this one.

Mr. Yeatman seconded Mr. Everest's motion. Motion carried unanimously 5-0.

The cases were deferred until November 9, 1965, for clarification.

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10:50 - CHARLES A. DODSON, application under Section 30-6.6 of the Ordinance, to permit patio with roof 6.3 feet from side property line, Lot 18, Section 17, Kings Park (8510 Thames Street), Falls Church District (R-12.5) V-210-65.

Mr. Dodson was present representing himself. Mr. Dodson stated the patio is on the side of the house. He stated the patio had been covered without a building permit. It was put up by the awning company. There is one other patio covered in this manner around the corner from his house. He stated the reason for the variance is that the morning sun blasts into the sliding doors on the side of the house where the patio is located, and he also stated the neighbors could look into the house from the patio without the cover.

The awning company representative was present and stated there was a misunderstanding between the owner, Mr. Dodson, and the company as to which one had gotten the building permit. It was noted that both thought the other had gotten the permit.

Mr. Smith stated the County is trying to endeavor to establish a better understanding between the contractor and the consumer so that no problem like this would ensue.

The awning representative stated that had the company known there was no permit, they would have certainly obtained one. Mr. Dodson was out of town when the awning was installed and the company had the understanding Mr. Dodson had obtained the permit.

Mr. Dodson stated that if the posts were moved back, they would be located in the middle of the patio. They would not look attractive and would be structurally unsound.

Mrs. Henderson stated it was her feeling that if they had come in before construction she still would not have voted in favor of the variance, and there was no reason to grant the variance because it has already been constructed. There was no justification whatsoever.

Mr. Dodson stated there is no other way to screen the sun other than covering the patio.

Mr. Smith stated the overhang is in violation 6 feet.

There was no opposition to the application.

Mr. Everest stated there were no grounds to grant the variance, and if granted, it would set a precedent in the County, and would move that the case be denied.

Mr. Yeatman seconded the motion.

Motion carried unanimously 5-0.

Mrs. Henderson stated the posts should be set at 12 feet from the property line.

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October 26, 1965

11:00 - PAUL O. PARRAMORE, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 30-29 feet from Alexandria Avenue, Lot 74A, Resub. of Wellington #2, Wellington subdivision, Mt. Vernon District (RE-0.5) V-211-65.

430

Mr. White, representative from the real estate firm of Charles R. Hoff, represented the applicant.

Mrs. Henderson stated that if the house was turned around to face Alexandria Avenue, they would have plenty of room without a variance.

Mr. White stated nobody would be affected by the house facing Wellington Avenue.

Mr. Yeatman stated he would like to take a look at the property.

FAVOR

Mr. and Mrs. McCoach, neighbors on Wellington Avenue, stated if the house faced Wellington Avenue, it would face houses valued at \$50,000 and if facing Alexandria, it would face houses of \$30,000 value. If the house were facing Alexandria Avenue, it would decrease the value of the home considerably.

Mr. Smith stated this was an unusual situation as no other lots were vacant to be utilized to this degree. He stated that some consideration should be given but would be hesitant to give a variance of this size without viewing the property in question.

Mr. Everest moved the application be deferred for 2 weeks to view the property.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

The case was deferred until November 9, 1965.

Mr. Everest stated there were no grounds he could see at the present time to justify the granting of a variance on this particular lot.

Mrs. Henderson agreed with Mr. Everest.

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11:10 - ROBERT H. ARMSTRONG, application under Section 30-6.6 of the Ordinance, to permit erection of carport 8.6 feet from side property line, Lot 4, Block 14, Section 7, North Springfield, (7433 Axton Street), Mason District. (R-12.5) V-208-65.

Lt. Colonel Armstrong was present representing himself. (He presented pictures of the property to the Board for review). Lt. Col. Armstrong stated there is a terrain problem with the lot, as there are with many lots in the area. He stated that in some cases 10 foot variances were granted in the area.

Mr. Everest stated it was obvious there was no alternative location on the lot to construct the carport due to a topographical situation. He stated this case merits consideration for those reasons.

Mr. Smith stated that there would be a 6 inch variance if the carport was cut down to 11 feet.

October 26, 1965

Mr. Everest moved the application of Robert H. Armstrong, application under Section 30-6.6 of the Ordinance, to permit erection of carport 8.6 feet from side property line, Lot 4, Block 14, Section 7, North Springfield (7433 Axton Street), Mason District, be approved in part; that the carport set no closer than 9 feet 6 inches from the property line, and the overhang be 8 feet 6 inches from the property line. He stated there are topographical problems in the area and to deny the applicant his variance would be denying him the full use of his land.

431

Mr. Yeatman seconded the motion.

Motion carried unanimously 5-0.

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11:20 - HERMAN GRENADIER, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling closer to property lines than allowed by the Ordinance, Lots 55, 56, 57 and 58, Thornrose, Mt. Vernon District (R-12.5) V-209-65.

Mr. Herman Grenadier was present representing himself.

Mrs. Henderson stated Mr. Grenadier had only 2 notifications to property owners and was required to have 5 notifications.

Mr. Smith moved the application be deferred until November 23 due to improper notices.

Mr. Everest seconded the motion.

Motion carried unanimously 5-0.

The case was deferred until November 23, 1965.

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11:30 - CIVIC ASSOCIATION OF HOLLIN HILLS, INC., (A non-profit membership corporation), application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of two community tennis courts on 1 acre of land, on west side of Ft. Hunt Road, approximately 500 feet south of Paul Spring Road, Mt. Vernon District (R-17) S-212-65.

Mr. David Sutherland was present representing the civic association.

(He presented the plat of the one acre proposed to the Board for their review.)

Mr. Smith stated he desired the charter and by-laws of the association to be put into the record. He also stated the plats of the entire piece of property owned by the association be included in the record showing both pieces of the property and the proposed and existing uses thereon. He further stated that notification of any change of directors, etc. of the club be given the Zoning Administrator immediately.

Mr. Smith moved the application of the Civic Association of Hollin Hills, Inc., (A non-profit membership corporation,) application under Section 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of two community tennis courts on 1 acre of land, on west side of Ft. Hunt Road, approx. 500 feet south of Paul Spring Rd., Mt. Vernon District, be approved as applied for. He stated this was actually an extension of the adjoining tennis courts and swimming pool. Mr. Smith wanted to point out to the applicant that the applicant include in the record a copy of the corporation by-laws and a new plat stating uses proposed for the entire strip of land owned by the corporation (including the tennis courts and swimming pool already there); he stated that the new tennis courts will be 25 feet from Ft. Hunt Road and parking 25 feet from the south property line as shown on the plot, and that all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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11:40 - C & P TELEPHONE COMPANY OF VIRGINIA, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of a repeater hut, on northwesterly side of Route 657, approx. 1000 feet north of intersection of Prince Route 28, Centreville District (RE-1) S-215-65.

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Mr. Church was present representing the C & P Telephone Company. Mr. Church stated that a permanent easement was granted to erect the station. He stated the station will tend to increase calls from Centreville to Manassas. The increase required 2 repeater stations; one in Fairfax County, and one in Prince William County. The station will be 8½ x 11 x 9½, and will be entirely closed and used only for equipment to boost the power.

He stated there is one house near the property in question, and all other surrounding land is vacant. The station will be un-manned and will produce no traffic hazard. He stated it will be entirely safe and will be locked; at all times.

Mrs. Henderson stated the Planning Commission has not heard the application, but it will be scheduled on October 28. This application will be subject to their approval.

Mr. Smith moved the application of C & P Telephone Company of Virginia, application under Section 30-7.2.2.1.4 of the Ordinance, to permit erection and operation of a repeater hut, northwesterly side of Route 657, approximately 1000 feet north of intersection of Route 28, Centreville District, be granted as applied for. He stated this would be a repeater station to house equipment to service the immediate area of Centreville and Manassas, the building will be 8½ x 11 x 9½, and it would be understood the granting of the application would be subject to the approval of the Planning Commission; all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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11:50 - BOBBE'S PRIVATE SCHOOL, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection of an addition to existing school building, and permit addition closer to street property line than allowed, Lot 6, John L. Klein Subdivision (820 S. Carlyn Rd.), Mason District, (R-12.5) S-218-65.

Mr. William Hansbarger was present representing the applicants.

Mr. Hansbarger stated the Arlington County--Fairfax County lines go through the middle of the subject property. The original permits for the school were granted in Arlington County, although a part of the school is in Fairfax County. The property is taxed by both counties; land is taxed in Fairfax County, and the building in Arlington County. Mr. Hansbarger stated further that Klein Drive is a "paper road" as the affect to the property is concerned. Arlington County stated it will not open the road and that in the future it will be vacated.

Mr. Runyon, operator and owner of the school, was present and stated there is an 85 student restriction as to the number of students in the school at the present time.

Mr. Smith stated the application should be treated as a school rather than an addition to operate in Fairfax County.

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Mr. Hansbarger stated the school has been in operation for 7½ years under an Arlington County Use Permit. The expansion will involve the addition of 4 more classrooms, which will bring the total of students on the roll to 225 students, maximum.

He stated the school presently operates from 7:00 a.m. to 6:00 p.m. and is used as a nursery, pre-kindergarten, kindergarten and first grade, and the ages run from 2 to 8 years. Katherine and Russell Runyon are the owners and operators. The Fairfax County Health Department, as well as the Arlington County Health Department, have inspected the operation and have no objection; however, the Fairfax County Health Department wished the school to be consolidated in Fairfax County.

Mr. Hansbarger further stated in his presentation that the school provides adequate parking under the Arlington County Zoning requirements.

Mr. Smith moved the application of Bobbe's Private School, application under Section 30-7.2.6.1.3 of the Ordinance, to permit erection of an addition to existing school building, and permit addition closer to street property line than allowed, Lot 6, John L. Klein Subdivision, (820 S. Carlyn Spring Road), Mason District, be approved (for the entire school); that the school have a maximum number of 225 students on the roll, ages 2 to 8, hours from 7:00 a.m. to 6:00 p.m., nursery through first grade; that the addition to the building would be constructed of brick and cinder block, the outer wall of the building being brick-faced. He stated there are unusual conditions existing as the school is located both in Arlington County and Fairfax County. Klein Drive will be vacated in the future by Arlington County and a variance is hereby granted to permit the addition to the building to be 8 feet from this unopened road. He further moved ^{that} the application be granted to Katherine and Russell Runyon only, and that all other provisions of the Ordinance must be met. Mr. Smith stated it was understood that the parking requirements are properly met in Arlington.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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DEFERRED CASES

12:00 - LORD ENTERPRISES, INC., application under Section 30-6.6 of the Ordinance, to permit erection of 2nd story closer to #1 Highway and Beddoo Street, south side of Beddoo Street on east side of #1 Highway, Mt. Vernon District. (C-G) V-186-65.

Mr. Dillon was present, as was Mr. Lord, to represent the applicants.

Mr. Lord stated the property has been owned by Lord Enterprises since March of 1965. At the present time, the property consists of four offices, garage and gasoline station. He stated they wish to discontinue the gasoline station and the garage. He stated the County took some of the setback to widen U.S. #1 and decreased the setback to 40 feet. The gasoline station plans to move across Beddoo Street in the near future, and are presently leasing the property from month to month until completion of the new station.

Mr. Smith was concerned about the garage being eliminated.

Mr. Lord stated the wrecked cars parking at the gasoline station and garage are detrimental to the offices in the building, and it would increase the value of the property \$18,000 if the garage and station were removed. He stated that within a year Beddoo Street should be opened because of the Penn Daw Fire Department's construction of a new fire house on the street.

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Mr. Woodson stated the building is non-conforming in the setbacks.

Mrs. Henderson stated it would be close to Beddoo Street, but would tend to improve the area.

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Parking was discussed.

Mrs. Henderson stated the three parking spaces on the Beddoo Street side of the building should be taken out and put elsewhere.

In the discussion on the parking, it was determined not to be adequate. There are 35 parking spaces required, and only 33 are shown (excluding the proposed spaces to be taken out on the Beddoo Street side).

Mr. Smith stated he was concerned in knowing where the applicants were going to put the 2 spaces needed or whether they plan to cut down the square footage of the building. He suggested the application be deferred for 2 weeks to go back to the Planning staff and come out with a solution eliminating the parking spaces on Beddoo Street and come up with enough parking to be adequate.

Mr. Everest moved the application be deferred for 2 weeks for decision only for new plans showing parking in the rear, but not along Beddoo Street, or to cut square footage of the building.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

The case was deferred for decision only until November 9, 1965.

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12:10 - FRANCIS WALTHALL, application under Section 30-6.6 of the Ordinance, to permit erection of porch closer to Chevell Court than allowed, Lot 16, Section 4, Ridge View, (5915 Ridge View Drive), Lee District. (R-12.5) V-197-65

Mrs. Henderson stated that covering the patio in the rear would be better than a porch on the side. The porch would tend to stick out from the other houses on Chevell Court. Since there is a vacant lot on the side of the property, she stated she saw no justification to grant the variance. By covering the patio in the rear the applicant could get a porch, but no carport, unless a cut could be made off Chevell Court in the back.

Mr. Walthall stated that would cut too much off of the house.

Mr. Everest stated there are many cases in the County where the builder had made a mistake such as this, but he saw no reason to grant a variance on this assumption.

Mr. Smith stated there was no justification of the variance, especially one this great. There are unusual situations throughout the County such as this. There are no topographical problems; the only problem was that the builder apparently set the house over too far.

Mr. Smith moved the application of Francis Walthall be denied as it did not meet any of the criteria of the Ordinance.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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12:20 - EDGAR E. AND BARBARA L. CARVER, application under Section 30-6.6 of the Ordinance, to permit erection of carport 1.0 feet from side property line, Lot 162, Section 6, Mantua Hills, (3717 Acosta Road), Providence District, (RE-0.5) V-200-65.

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Mrs. Henderson stated there are 6 houses on the block with a garage on the side of the house. Of the 6 houses, 3 of the people couldn't get into their garages. She stated there was nothing unusual about this particular lot that differed from the other houses in the block.

Mr. Everest stated that a 10 foot variance would be needed even with a 10 foot carport.

Mr. Smith stated that the builder of the subdivision has utilized the building area to the greatest extent.

Mr. Yeatman moved the application be denied as they have not shown any hardship. He stated a garage is on the side of the house and there is plenty of room to get in and out of the garage.

Mr. Everest seconded the motion. Motion carried unanimously 5-0.

Mr. Smith stated that the applicant could build protecting wall on the property up to the property line.

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Mrs. Henderson read a letter from Mrs. R. F. Rogers complaining about an operation of a camping facility on the Crippen land adjoining that land covered by a Use Permit granted by the Board on December 10, 1957.

There were 4 persons present at the meeting to complain about this operation. They stated there were 153.21 acres being used for camping that is not covered by the Use Permit.

Mr. Woodson stated Mr. Crippen has filed an application for a Use Permit scheduled to be heard by the Board on November 23 for the area in question.

It was noted this area had been used in 1965 without a Use Permit and advertised nationally as a camping site. It was stated in the testimony of one of the complainants there was an operation of a heliport on the property in question.

The persons in opposition stated they would return on November 23 to voice their opposition to the permit.

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Mr. Ferguson of Streets and Drainage was present and stated the County was to construct a channel in Pimmit Hills Subdivision to be along the rear of the land in which the Virginia Electric and Power Company has constructed their building.

He stated that VEPCO, if they wished to enlarge the building in the future, would have to have a variance of 10 feet because of the channel in question on the rear of their property.

Mr. Smith stated an application should be advertised for a variance of 10 feet from the rear property line for future construction.

The Board determined the application would be heard at the meeting of November 23, 1965.

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Mr. Knowlton, Planning Engineer, was present and discussed a matter of an apartment complex with the Board, as to whether the buildings in the complex should be considered one building or a number of buildings because of certain small passageways between the same.

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The Board determined the buildings should be more than one, but should be redesigned by the architects.

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Mrs. Henderson brought up that Karloid Corporation and Hazelton Laboratories applications should be filed together in both names. She noted the previous applications filed by either would be changed to read "Karlold Corporation and Hazelton Laboratories."

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The meeting adjourned at 3:45 p.m.

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Minutes taken by Mrs. Phyllis Proffitt

Wasey K. Henderson Chairman
December 16, 1965 Date

The regular meeting of the Board of Zoning Appeals was held in the Courthouse, Fairfax, Virginia, on November 9, 1965, at 10:00 A.M., all members were present. Mrs. L.J. Henderson, Jr., Chairman, presiding.

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Mrs. Henderson called the meeting to order.

Mr. Daniel Smith led in a prayer.

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10:00 - BEN J. AND GLADINE MC CARTIN, application under Section 30-7.2.6.1.5 of the Ordinance, to permit operation of a beauty shop in home as a home operation, Lot 34, Sulgrave Village (1900 Prices Lane), Mt. Vernon District (R-12.5) S-218-65.

There was no one present to represent the application at this time.

Mr. Everest moved the case be considered at the bottom of the agenda as the applicants were not present at this time.

Mr. Smith seconded the motion. Motion carried unanimously 5-0.

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10:10 - JAMES T. OWENS, application under Section 30-6.6 of the Ordinance, to permit addition to dwelling 12 feet from side property line, Lot 15, Annandale Acres, (7229 Calvert Street), Mason District (RE-1) V-214-65.

Mr. Owens was present representing himself. He stated he would like to extend the living room out 14 feet and have a bedroom on the other side on the back of the living room. He had 5 children and would like to have more room. If the addition could not be built he would have to move.

Mrs. Henderson asked why the addition could not be put on the back of the house or to the side by the garage.

Mr. Owens stated that if he built it on the side he requested he would have twice the floor space and he could not afford to build the room on the side next to the garage because of the well.

Mr. Smith stated the applicant had a well behind the garage for his source of water and he could not build the addition over the well. Also, the house would not look right with the addition anywhere but where the applicant intends to build it.

There was no opposition to the application.

Mr. Yeatman stated the addition would be to house the family and it would be a hardship to the applicant not to grant the variance. He stated the addition would not be detrimental to the neighborhood. He could not build the addition in another place because of the well on his property.

Mrs. Henderson asked the applicant if he could cut the size of the addition down.

Mr. Owens stated that he could use all of the space but could make out with a 12 x 12 addition.

Mr. Smith stated he felt the 12 feet would be the minimum amount the applicant could live with, and the maximum amount the Board would justify. If the applicant needed additional space he could go to the back of the house with the addition and pick up extra square footage.

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Mr. Everest moved the application of James T. Owens, application under Section 30-6.6 of the Ordinance, to permit addition to dwelling 12 feet from side property line, Lot 15, Annandale Acres, (7229 Calvert Street), Mason, be granted in part, for a 6 foot variance on the west property line (14 feet from the side property line) to erect an addition to the house, consisting of a bedroom, for reasons brought out on previous testimony. He stated that denying this applicant the request would be bordering on the confiscation of the property and would be a hardship. He further moved the other provisions of the Ordinance must be met.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

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10:20 - EDWARD B. GILLER, application under Section 30-6.6 of the Ordinance, to permit erection of a barn 38.6 feet from Roberts Road, (4520 Roberts Road), Providence District (RE-1) V-216-65.

Mr. Giller was present representing himself. He stated he was seeking a variance to build a one horse barn and tack room. He was intending to build the barn and tack room next to an existing 2 car garage to blend it with the topography of the land and the fact that it is to be in the woods. He stated it was the best location to enhance the property values in the neighborhood.

Mr. Giller showed the Board a map of the layout of the land and the proposed barn and tack room.

Mrs. Henderson stated the variance was a great one (50 feet).

Mr. Smith stated the applicant should set the barn to the rear of the house.

Mr. Giller stated the house has 2 fronts and by putting the barn on the back of the house the horse would be in one of the front yards.

Mr. Barnes stated there was no justification to grant the variance because of the amount of acreage in which he would be able to build the barn without any variance whatsoever.

(Mr. Barnes suggested some possibilities of building the barn in several different locations on the property.)

There was no opposition to the application.

Mr. Everest moved the application be denied on the grounds that there are alternate locations for the barn on the property to meet all the requirements of the Ordinance without a variance.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

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10:30 - HENRY PAUL JUSTICE, application under Section 30-6.6 of the Ordinance, to permit addition to repair garage 22 feet from the rear property line (1387 Old Chain Bridge Road), Dranesville District. C-G. V-219-65.

Mr. Martin G. Morris was present representing the applicant. Mr. Morris stated the property in question comes under Section 30-6.6.5.1 of the Ordinance, specifically, because it is commercial area abutting public property (school). There are 3 gasoline stations and a laundry in area that are located 25 feet from the line all the way down Chain Bridge Road. Mr. Morris stated the building was constructed with

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4 bays. The proposed 1 story addition to the rear of the existing building will house 2 more bays. The original Use Permit was granted by the Board of Zoning Appeals in 1961. The lot is a narrow one and the addition will be fully utilizing the building already there. The applicant does not sell gasoline.

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Mr. Morris further stated that of the 4 existing bays one is used for inspection purposes only and not for repairs. He stated there is only one other inspection station in the McLean area and the need was great for establishments of this kind. By installing the 2 new bays it will enable the applicant to bring more repair work inside the building.

Mr. Smith stated the applicant warranted consideration.

There was no opposition to the application.

Mr. Smith moved the application of Henry Paul Justice, application under Section 30-6.6 of the Ordinance, to permit addition to repair garage 22 feet from rear property line, (1387 Old Chain Bridge Road) Dranesville, be approved as applied for and that all other provisions of the Ordinance must be met. Mr. Smith stated there is a great need for repair facilities in the area and apparently the applicant has done a great job for the past 15 years in the servicing of a growing number of people in the area.

Mr. Everest seconded the motion. Motion carried unanimously 5-0.

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10:40 - GEORGE M. MARAVAS, application under Section 30-6.6 of the Ordinance, to permit erection of carport 5 feet from the side property line, Lot 6, Block 1, 1st addition to Plymouth Haven, (8417 Standish Road), Mt. Vernon District (R-12.5) V-220-65.

Mr. Maravas was present representing himself. He stated the reason for the carport would be to house his car; to allow the children to play in inclement weather; to enhance the property, and to enable him to do maintenance on his car inside rather than outside. Mr. Maravas stated the builder told him he required 20 feet from the side property line on the bedroom side of the house, so the applicant told the builder to take off 4 feet from the house so he would be able to build a carport at a later date. The builder went bankrupt without going through with the contract to take 4 feet off the house, so the applicant proceeded to do this himself at quite a financial loss. The applicant stated the width of the intended carport was 20 feet.

Mrs. Henderson stated he could have almost a 14 foot carport without a variance.

Mr. Maravas stated that when the 4 feet were cut off the house it was done so to enable him to build a carport to be 20 feet wide.

Mr. Everest stated it appeared to him that the original intention was to put this sized carport on the house. A mistake had been made by the builder and he had taken advantage of the citizen, and he thought the applicant is entitled to some relief under the mistake section of the Ordinance.

FAVOR

Mr. Charles E. Knupfer, property owner in the rear of the applicant, spoke in favor of the application. Mr. Knupfer stated he would like to see the applicant granted the variance because of the "whipping" he had received from the builder. He stated the other neighbors in the area all support the variance in every way.

There was no opposition to the application.

Mr. Everest stated the property was viewed last year by the Board on a variance for Mr. Maravas for this same carport, which was denied. He stated he had voted to deny the application at that time and felt he had made a mistake by not digging into the background of the case.

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(Files were checked and revealed the case was denied by the Board on January 28, 1964 stating there was room for a 13.5 carport at an alternate location on the property.)

Mrs. Henderson stated that except for the applicant's trouble with the builder, the Board found no other factors involved that would be different from those already heard in the 1964 hearing. The carport could be built larger than a lot of the carports built in the County, and that if the Board finds most of the carports built there are under the old Ordinance, she would be willing to grant the applicant the same thing: 10 feet from the line, not 5 feet.

Mr. Everest made a motion that the application be granted as applied for. He stated there was a mistake made in the lay-out of this house. The owner originally intended to build a house with a carport on it of this nature that would fit on the property, so Mr. Everest felt the owner was qualified for some relief, and in this particular case, for full relief.

Mr. Smith seconded the motion. Motion carried 4-1.

Mrs. Henderson voting "No". She stated this sized carport is not justified under the circumstances, and that other houses have carports that are not as large as this, and this would be granting the applicant a special privilege.

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10:50 - WELLINGTON CONSTRUCTION CO., application under Section 30-6.6 of the Ordinance, to permit dwelling to remain 14.47 feet from side line, Lot 85, Section 3, Kirkside and permit porch 11.25 feet from side line, Lot 59, Section 3, Kirkside, Mt. Vernon District (R-17) V-223-65.

Mr. Gendt, Surveyor, was present representing the applicants.

LOT 85

Mr. Gendt stated they took the back distances as the overall distance in the staking out of the property; however, the lines converge. On the wall check it was determined there were as much as 1/2 feet too close to the front. He stated this was made due to the error which occurred in the staking out.

There was no opposition to the application.

Mr. Yeatman moved the application on Lot 85 be granted as applied for and all other provisions of the Ordinance must be met. He stated the reason for the variance, he believed, was due to an honest mistake in the field by the surveyor.

Mr. Everest seconded the motion. Motion carried unanimously 5-0.

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LOT 59

On Lot 59, Mr. Gendt stated, there was slightly a different situation. They built 2 houses to conform with the topography, Lots 58 and 59. The original plans did not have the porch on the houses, instead they had a stoop shown: Between the original plans and the final plans the porch was put on them. Even though the permit was granted

the plot plan showed a stoop and not a porch. At the wall check of the property the mistake was not caught until the final plans were made. Mr. Gendt stated the only obstruction is a post.

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Mr. Everest stated that had this case come before the Board for a variance every consideration would be made because of the topographic situations and the location of the lots. There has been a mistake made because the porch was not shown on the plat as a covered porch. Mr. Everest felt the case deserved consideration and would have been granted as a variance to begin with.

Mr. Everest moved the application on Lot 59 be granted under the mistake provision of the Ordinance, and that all other provisions of the Ordinance must be met.

Mr. Yeatman seconded the motion.

Mr. Smith stated he was not convinced the application meets all the requirements of that particular section of the Ordinance. Had the porch been shown as a covered porch originally he would go along with this, but this mistake was made ^{on} the original plan given to the Zoning Administrator. He was concerned about the builders building a porch and covering it when it shows open space, and then coming to the Board to correct this mistake. He stated he was convinced this was an honest mistake, but not the kind of mistake the mistake section of the Ordinance is concerned with.

Mrs. Henderson agreed with Mr. Smith.

Mr. Smith stated there are too many mistakes happening like this where the builder is asking for a variance to correct his error.

Mr. Everest entertained a substitute motion on a topographic situation.

Mr. Smith stated that if the builder had followed the building plans he would be the first to rectify the mistake, but because the building plans were not followed, he felt there was no justification for the variance.

The motion of Mr. Everest was voted on as follows:

- 2 members voting for the motion (Mr. Everest and Mr. Yeatman)
- 2 members voting against the motion (Mr. Smith and Mrs. Henderson)
- 1 member abstained (Mr. Barnes)

The motion was lost.

Mr. Smith moved the deferral of the second part of the application (Lot 59) for decision only until December 7 for further study and to view the property.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

The variance on Lot 59 was deferred for decision only until December 7.

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11:00 - LLOYD W. GAYLOR, application under Section 30-6.6 of the Ordinance, to permit carport 15 feet from side property line, Lot 9, W. Gibbs--Oakwood (3613 Surrey Drive), Mt. Vernon District (RE-0.5) V-221-65.

Mr. Sharood was present representing the application, as well as the applicant, Mr. Gaylor.

Mr. Sharood stated Mr. Gaylor purchased the house in January, 1964. The owner prior to Mr. Gaylor constructed an enclosed carport, except for the roof. Mr. Gaylor did not know the carport was in violation and proceeded to put on the roof. At that time he was informed the carport was in violation of the Zoning Ordinance. It was in violation

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of the side lot line 5 feet in the front and was in violation of the rear line about 2½ feet because of the lot not being parallel. The previous builder constructed without a building permit, but the applicant assumed the carport was approved because of the fact it was constructed.

Mr. Smith stated the carport could be very easily considered a garage.

FAVOR

Mr. Fletcher, 3618 Surrey Drive, a property owner across the street from the applicant, came forward and spoke in favor of the application.

Mr. Fletcher stated a Mr. Chalik applied for a permit to build a carport. He stated that when Mr. Chalik's application was brought before the Board he came forward and spoke in favor of it at that time as well. Unfortunately, Mr. Chalik's application was denied.

Mr. Everest stated he would like to take a look at the property.

Mr. Smith stated he would like to do a little research into the case. He was concerned about the carport being built after the variance had been denied.

Mr. Smith moved the application be deferred until December 7 for decision only.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

The case was deferred until December 7 for decision only.

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11:10 - GRAHAM VIRGINIA QUARRIES, to permit extension of quarry permit (issued by the Board of Zoning Appeals, November 13, 1962), property on Route 123 at Occoquan, Lee District (RE-1) S-233-65.

Mr. Lytton Gibson was present representing the applicants. He stated they had not received any complaints directly and no complaints were made to the Zoning Administrator on the operation.

(Mr. Gibson presented to the Board a summary of the financial status of the quarry operation for their review.)

He stated that there were problems with the dust still in the quarry and also with mud washing down on Route #123, which he is going to look into further. The Planning Commission last week heard the application to move the asphalt plant to a new location which would be further from Occoquan and further from Route #123. This new location should benefit the area to the fullest extent and would reduce the dust and mud conditions.

(The Board reviewed the restrictions made in 1959 and 1962 and discussed same. It was noted there were no changes in the restrictions to be made.)

Mr. Smith asked Mr. Gibson about whether the blasting restriction has been complied with.

Mr. Gibson stated that no 10,000 pound blasts had been set off. He stated the blasts were limited to 8,000 pounds instead of 10,000 pounds.

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OPPOSITION

Mrs. Walter Lynn came forward and voiced her opposition. Mrs. Lynn had the following objections:

- (1) The conveyor belts were not being covered;
- (2) The dust was at times unbearable;
- (3) There were still problems with the silt after storms;
- (4) That she still suffers from the shock of the blasts;
- (5) She felt her property is becoming of less and less value.

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Mr. Smith stated the property in the area was decreasing in value before the operation of the quarry. The silt could be coming from the water company construction and from the asphalt plant as well as the quarry.

Mrs. Lynn stated she did feel the asphalt plan could have contributed to the amount of silt and dust blowing on her property. She stated that grass needed to be replanted on the upper portion of the slope. All of her trees are dying from the amount of silt around the property.

She stated she did not know she was supposed to complain to the Zoning Administrator but would do so in the future.

Mr. Walter Lynn then came forward in opposition. (He read an article to the Board concerning the detrimental affect of silt which was published in a national magazine.) One of the pipes on his property is 6 feet under silt.

He stated there were problems with the blowing of rocks off the stock pile at the quarry onto Route #123 and blocking the road. He wanted to know the strength of the blasting also.

Mr. Smith stated the Streets and Drainage Division reported in July of 1960, the maximum blasts were approximately 6,300 pounds with 5.0025 second delays. (He went on to read the ingredients in the dynamite blasted.)

Mrs. Henderson stated there was a problem involved in policing so many things of this nature in the County because of lack of personnel, so therefore when there are no complaints on an operation of this nature, there are no investigations.

Mr. William Lynn, representative of the Town Council of Occoquan, came forward in opposition. He stated the dust in the town is very great and as the manager of the Prince William Marina, the company has gone to additional expense in trying to keep the boats new. They are constantly getting saturated with dust and it depreciates the value of the boats. The people of Occoquan are concerned with the land values decreasing and not moving ahead with the rest of the County. The only property which has changed hands in the past 3 years has been the purchasing of the Methodist Church in Occoquan by the Town. He stated the town only paid \$10,000 for the church and the land on which it stands.

REBUTTAL

Mr. Gibson stated it was brought up at the Barnes hearing the value of the land in Occoquan did not depreciate due to the operation of the quarry. He stated the town just has not grown in the past 100 years.

He stated that as far as the health problem was concerned, the State Health Department made a study in 1962 or 1963 and stated the quarry was operating under the standards required. Every six months each employee in the quarry has a chest xray and there have been no cases of lung diseases reported. The employees do not wear dust masks at any time.

He stated there are times when the company has trouble with the operation but they are trying the best way humanly possible to comply with all the restrictions set down for the quarry. The company appreciates the help in policing the area and letting them know of any violations as to compliance of the restrictions.

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Mr. Gibson further stated as for the rocks from the stock pile blowing on the road, they can only water down so much of the stock pile.

He stated he will check into the covering of the conveyor belts. It may be possible that the belt was being repaired or the cover would not fit properly.

Mrs. Henderson stated the applicants should try more to comply with the restrictions without anyone reminding them to do so. She realized the silt problem is beyond the realm of economics and that it could not be controlled completely. There should be some provision made in the motion for periodic checks by the Zoning Office of the quarry operation.

Mr. Smith moved the application be approved for a 3 year extension on the quarry operation and all of the restrictions laid down on the original granting (1959) and supplemental conditions requested and approved by the Board of Zoning Appeals in 1962 be made also a part of the granting of the extension. Also, he moved the Zoning Administrator, within the next 10 days, make an inspection of the quarry as to compliance with these restrictions, and make periodic inspections every 30 days from henceforth and during any time within the next 3 years a violation is found, and not corrected within a reasonable period of time, the Board be informed. He further moved all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

PROVISIONS (1959)

1. Treat roads within quarry confines with calcium chloride as often as needed.
2. Install dust control covers on conveyor belts.
3. Install within six months the Johnson--Marsh, or other dust control system -- to collect at least 95% of dust.
4. No blast shall exceed 10,000 pounds and the average shall be no more than 6,000 pounds.
5. There shall be no operations before 7:00 A.M. and none after 6:00 P.M., and no drilling or blasting on Saturday.
6. There shall be no further removal of trees within 50 feet of Route 123, nor rock removal within this limit.
7. Supervision during blasting and discipline of personnel shall be exercised vigilantly to prevent flying rock.
8. All operations at this plant shall conform to the applicable performance standards detailed in Section 9 of the Fairfax County Zoning Ordinance.
9. At the end of nine months from the issuance of the permit extension, the Zoning Administrator shall make a thorough check on compliance with the restrictions herein detailed.
10. Provisions of Section 12.8.1 (2) (b) (Special requirements in Stone Quarrying), and Section 11.6.2. of the Ordinance relating to the revocation of permits will be strictly enforced.

SUPPLEMENTAL (1962)

The applicant should contact the Northern Virginia Soil Conservation Agency regarding statement of siltage and follow any steps that they may suggest.

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If additional methods of control of this operation come to the attention of the Company or if additional technological advances come about in the industry which will make this operation a more pleasant neighbor, then this Board would urge the applicant that they immediately put these advances into effect, and is understood this is a condition of the permit and the applicant is obligated to put these things into effect.

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11:20 - COL. PAUL HINKLEY, application under Section 30-6.6 of the Ordinance, to permit erection of carport 49 feet from Argonne Drive and 27.9 feet from Guinea Road, Lot 81, Section 2, Rutherford (4407 Argonne Drive), Providence District (RE-0-3) V-202-65. ¹⁷

Mrs. Henderson stated this was a brand new subdivision and only one style house has a carport. Most of the houses in the subdivision do not have carports. She stated that certainly a 2 car carport was out of the question.

Mr. Smith stated that the carport access off of Guinea Road is a hazard because of the road being one of high speed. The variance should be for a one car carport only and it could be constructed with only one variance from Guinea Road. He stated a 12 foot carport should suffice. He had no objection if the applicants built the carport tandem style without requiring another variance. This would be a variance 40 feet from Guinea Road and no closer than 50 feet from Argonne Drive. He stated it would have no adverse affect on the area. This lot was one of unusual shape and there was no other location which would be suitable for the carport on the lot.

Mr. Smith moved the application of Col. Paul Hinkley, application under Section 30-6.6 of the Ordinance, to permit erection of carport 49 feet from Argonne Drive and 27.9 feet from Guinea Road, Lot 81, Section 2, Rutherford (4407 Argonne Drive), Providence District, be granted in part; that Col. Hinkley be allowed to construct a carport no closer than 40 feet from Guinea Road and meet the setback requirements from Argonne Drive; all other provisions of the Ordinance must be met.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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11:30 - DOROTHY MAC LEAN, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a day school--pre school (10 children), Lots 9 thru 15, Roberts Place Sub-division, (4416 Roberts Avenue,) Mason District (R-17) S-204-65.

Mrs. MacLean stated she has a lease for 1 year contingent upon a lease for another 5 years. She stated there will be no one living on the premises and that the school will have 10 children, from 2½ to 5 years of age.

Mrs. MacLean stated the parents of the children would bring them in private cars and pick them up every day. This would be a 12 month operation.

Mr. Smith stated it would be a good thing to have someone living in the house to help prevent vandalism and to keep up the premises.

Mr. Smith moved the application of Dorothy MacLean be approved for a maximum of 10 students, ages 2½ through 5 years, hours from 7:00 A.M. to 6:00 P.M., for a 12 month session. He further moved that Mrs. MacLean must meet all Health and Fire Department requirements prior to the issuance of this permit; this permit being for a period of 5 years issued to the applicant only and non-transferable; and that all other provisions of the Ordinance must be met.

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Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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11:40 - RESTON, VIRGINIA, INC., application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a nursery school and kindergarten (84 children, maximum number), ages 3 to 5 years, two half day sessions 9 to 12 and 1 to 4 -- 5 days a week, (1603 Washington Plaza), Centreville District (RPC) S-205-65.

and

11:50 - LAKE ANNE CENTER, application under Section 30-7.2.6.1.1 of the Ordinance, to permit operation of a community center for public meetings, plays, concerts and dinners (1633 Washington Plaza), Centreville District (RPC) S-206-65.

Mrs. Henderson stated there was no need to hear either case.

She stated it came out that the kindergarten is to be in a C-W zone and no permit is needed, and Lake Anne Center showed on the RPC approved plans for a community center and does not need a Use Permit.

Both cases were dropped.

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12:00 - PAUL O. PARRAMORE, application under Section 30-6.6 of the Ordinance, to permit erection of dwelling 30.29 feet from Alexandria Avenue, Lot 74A, Resub. of Wellington #2, Wellington Subdivision, Mt. Vernon District (RE-0.5) V-21165.

Mr. Everest stated he had not had the opportunity to view the property and moved deferral of the application until December 7.

Mr. Smith seconded the motion. Motion carried 4-1.

Mrs. Henderson voted "No.". She stated the application should be denied today.

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12:10 - LORD ENTERPRISES, INC., application under Section 30-6.6 of the Ordinance, to permit erection of 2nd story closer to U.S. #1 Highway, and Beddoe Street, south side of Beddoe Street and east side of U.S. #1, Mt. Vernon District (C-G) V-186-65.

Mr. Dillon stated the plans were cleared by the Planning staff for 33 parking spaces. They have cut the spaces off the Beddoe Street side of the building, put in planting on that side, and had the Planning Staff approve the rest of the lay-out of the building.

Mr. Lord stated they plan to build a retaining wall in the back next to the Dixie Pig.

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Mr. Smith stated it was a worthwhile thing to leave an access between the Dixie Pig and the applicant's property. He stated they had corrected his objections to the application and was ready to make a motion.

Mrs. Henderson asked the applicants when the wrecked cars will be removed.

Mr. Lord stated that an extension has been given to the station because of the Use Permit on the new station, but they are supposed to be off the property the 30th of November.

Mr. Smith moved the application be approved in accordance with the plans submitted, as amended to the satisfaction of the Planning Department, on November 9, 1965, initialed by C.R.R. This is to include an existing building non-conforming as to setbacks. It is understood that there will be no parking between the building and Beddoe Street, and all parking to be used for the building will be on the rear of the building on the assigned parking lot in the assigned parking area, and the building will be completed in accordance with the drawing submitted to the Board. The necessary conditions must be met in order for the variance to be granted. He moved all other provisions of the Ordinance must be met and all wrecked cars parked on the applicant's property be removed immediately after the applicant takes possession of the property.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

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12:20 - GEORGE WASHINGTON POST #66, AMERICAN LEGION, application Under Section 30-7.2.5.1.4 of the Ordinance, to permit erection of a post home closer to property lines than allowed, Lot 15, Blk. 2, Rolling Hills, Lee District (R-12.5) S-190-65.

Mr. Crawford was present representing the applicants.

Mr. Smith stated the existing building is in a better location on the lot than the one that is proposed.

Mrs. Henderson stated that they are asking for variances of 30 feet from the front property line, 90 feet from the side and 19.3 feet from the rear. This was too great a variance for the Board to grant and the building plans should be revised and the proposed building situated in another location on the lot.

Mr. Everest stated he could not entertain an application of this magnitude and would not even consider it. He stated he would consider a minimum variance. He moved the application be deferred until revised plans are submitted showing the minimum variances possible on the property.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

Mr. Smith stated he wished the applicant to find out when the original permit was granted and also wished to see the 1965 membership of the post and the names of the post officers. He stated the applicant must try to utilize the property without a variance of such a size.

Mr. Everest stated the applicant must show the number of parking spaces and the setbacks of the parking. He stated he should get together with the Planning Staff to work out a more reasonable layout of the building and the parking.

The case was deferred until a later date (no definite date set).

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12:30 - NORTHERN VIRGINIA APARTMENT OWNERS ASSOC., AND LAFAYETTE ESTATES HOUSING CORP., application under Section 30-1.8.9 of the Ordinance, to permit erection and operation of a low cost housing project by an eleemosynary or charitable institution on east side of Holland Road and south side of Accotink Road, Route 626, Mt. Vernon District (R-12.5) S-222-65.

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Mr. Oren Lewis, Jr., Attorney and Mr. Moore, representative of the Northern Virginia Apartment Owners Association ^{was} present.

Mrs. Henderson stated the Chair declared the Board not hear the case as there were no proper plats on file.

Mr. Smith requested the Board have a charter and by-laws of an eleemosynary institution for the record.

Mr. Lewis stated copies of the by-laws and charter will be mailed to each member of the Board.

Mr. Everest moved the application be deferred until December 7 for proper certified plats showing setbacks of buildings, dimensions of buildings, parking and number of units in each building, metes and bounds, the relationship of land with the proposed health center, proposed play areas and open space and ingress and egress.

Mr. Yeatman seconded the motion. Motion carried unanimously 5-0.

The case was deferred until December 7, 1965.

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10:00 - BEN J. AND GLADINE MC CARTIN (previously mentioned on page 1)

Mr. Smith moved the application be placed on the bottom of the deferred cases on December 7, and unless the applicants or a representative is present the case will be dismissed for lack of interest.

Mr. Barnes seconded the motion. Motion carried unanimously 5-0.

The case was deferred until December 7, 1965.

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The meeting adjourned at 3:30 P.M.

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Minutes taken by Phyllis Proffitt

Mary K. Henderson Chairman

December 16, 1965 Date

The regular meeting of the Fairfax County Board of Zoning Appeals was held at 10:00 A.M. on Tuesday, November 23, 1965 in the Board Room, County Courthouse. All members were present except Mr. Everest. Mr. L. J. Henderson, Jr., Chairman, presided.

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

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10:00 - DR. WILLIAM N. ELAM, JR., application under Section 30-6.6 of the Ordinance, to permit connection of two buildings, with an addition 34.1 feet from Lafayette Drive, Lot 605 and 606, Section 3, Hollin Hall Village, (1300 Lafayette Drive), Mt. Vernon District (C-0 & C0-L) V-227-65.

Dr. Elam stated that he now has his office for the practice of medicine at the corner of Lafayette Drive and Fort Hunt Road. He owns the house on the lot next to his office. In back of his property is the Hollin Hall Shopping Center. He plans a simple connection between his office and the house on the next lot, to form a waiting room. One lot is zoned C-0 (granted in 1959) and the other lot is zoned C-0L (granted in 1964). The two structures are duplicates, have the same elevation and are lined up exactly the same. Dr. Elam said that he had finally located a partner and he needs the extra space. The connection is the only feasible solution. No one would live in either building. They would employ three nurses and a bookkeeper. These are one-story buildings. Fifteen parking spaces can be provided with room for more if necessary.

Mr. Rust of the Planning Staff stated that the Staff would recommend waiver of the site plan requirement on condition that adequate off-street parking be provided.

No opposition.

Mr. Smith said he felt that the applicant had shown some unusual circumstances. It was the first case the Board had had since he had been a member where there was compatible zoning on two separate lots and there was an attempt by the individual owning both lots to connect the two buildings for the general health and welfare of the community that surrounds it. The circumstances warrant favorable consideration under Section 30-6.6 of the Ordinance to give relief so the two buildings may be connected to form a common waiting room for the two doctors. This would be in harmony with the existing structures in the area.

In the application of Dr. William N. Elam, Jr., application under Section 30-6.6 of the Ordinance, to permit connection of two buildings with an addition 34.1 feet from Lafayette Drive, Lots 605 and 606, Section 3, Hollin Hall Village (1300 Lafayette Drive), Mt. Vernon District, Mr. Smith moved that the application be granted as applied for and that the recommendation as to parking be left up to the Planning Staff. It is understood that the Planning Staff has recommended under certain conditions a waiver of site plan to the Board of Supervisors -- that the waiver be granted on condition that adequate off-street parking be provided. All other provisions of the Ordinance applicable to this application shall apply. Seconded, Mr. Barnes. Carried unanimously (4-0).

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10:10 - HERBERT N. MORGAN, application under Section 30-6.6 of the Ordinance, to permit erection of building closer to front and rear property lines, north side of Route 236, approx. 500 feet west of Chambliss Street, Mason District (C-W) V-224-65.

Mr. Morgan stated that the property involved in this application was a portion of property that had been before the Board previously in a request for a pizza restaurant. That request had been denied

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but the Board had suggested at that time that perhaps a small office building on the property might be compatible with the area. Since then a variance was granted to allow a service station on a portion of Mr. Morgan's property. This office building would serve as a buffer between the service station and the apartments. It would be the same height as the apartment buildings in the rear and would be constructed of tan brick facing. The building is planned to be 50 feet wide and 121 feet long. They are seeking a 5 foot variance in the front and 20 feet in the rear. They will provide adequate parking space and there is no drainage problem. Screening would be provided at the property line.

Mr. Dennis Duffy, representing the owners of the adjoining apartments, stated that they were not opposed to the application.

No opposition.

This is certainly an improvement over what Mr. Morgan previously presented to the Board. Mr. Smith said, and he would commend Mr. Morgan on the excellent job he has done with this small piece of property. This is compatible with the area and will serve as a buffer between the service station and the apartments.

In the application of Herbert W. Morgan, application under Section 30-6.6 of the Ordinance, to permit erection of building closer to front and rear property lines, north side of Route 236, approximately 500 feet west of Chambliss Street, Mason District, Mr. Smith moved that the application be approved as applied for, this being a variance of 5 feet on the front setback and a maximum of 20 feet in the rear setback. All other provisions applicable to this application shall be met. Due to the distance in the rear of the building at one point, it certainly would be advisable to modify the standard screening requirement. This should be done and screening should be placed on the property line rather than the 12 feet set-in that is normally part of the screening requirements. The Planning Staff and Engineer can work this out in accordance with plat submitted to the Board. Seconded, Mr. Barnes. Carried unanimously (4-0).

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10:20 - SAUNDERS B. MOON COMMUNITY ACTION ASSOCIATION, application under Section 30-7.2.6.1.3 of the ordinance, to permit operation of a pre-school, and day care center in church and in dwelling, ages 3 and 4 year olds -- 5 days a week, 8 A.M. to 6 P.M. (45 children), 7729 and 7730 Fordson Road, Mt. Vernon District (R-17) S-225-65.

Mr. John Quinn represented the applicant. He stated that the Health Department and Fire Marshal have given approval for the use of the Church annex for 15 children. The children would be 3 and 4 years old. The day care center is already in use in the church. They do not have cooking facilities at this location but use the facilities of the Drew Smith School. These children are all from this area. The school went into operation last Wednesday. The most they have had at any one session has been 13 but they have approximately 45 three and four year olds in the area who need this program.

Mr. Smith asked if both structures had been approved by the Fire Marshal and Health Department. Mr. Quinn replied that only the church had been approved so far. They have several problems with the other structure -- the heating unit is old and will not pass inspection. There is a lady living in a second floor apartment in this structure and the code says a building cannot be used for multiple purposes. They cannot evict this lady from her apartment. The upstairs apartment is heated through a hole between the first and second floor and the fire regulations say there must be a separation between the two units.

Sewer and water are available and ^{building of} there are two bathrooms in the house. There is no institutional quality in Gum Springs which they could use for this purpose.

Apparently we are talking about two different applications, Mr. Smith said. One in the church and one in the house and since there is some question as to whether the requirements on the house can be met, he would suggest that the Board treat these as separate applications.

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Mr. Leon Braxton, member of the Trustee Board at Woodlawn Methodist Church, spoke in favor of the application.

There was no opposition.

In view of the fact that this is in two different locations and the fact that there is some question as to whether or not this organization could meet the Health and Fire standards in one of the locations, Mr. Smith moved that there be two separate permits granted -- one for the house, and one for the church.

In the application of Saunders B. Moon Community Action Association, application under Section 30-7.2.6.1.3 of the Ordinance, to permit operation of a pre school and day care center in the church, ages 3 and 4 years old, five days a week, 8 A.M. to 6 P.M. at 7730 Fordson Road, Mt. Vernon District, a total of 15 children, Mr. Smith moved that the application be granted as applied for. All other provisions of the Ordinance to be met. Seconded, Mr. Barnes. Carried unanimously (4-0).

In the second part of the application, Mr. Smith moved that the application of Saunders B. Moon Community Action Association, be approved to permit operation of pre school and day care center, to allow 30 children, ages 3 and 4 years, five days a week, 8 A.M. to 6 P.M., in the house at 7729 Fordson Road, Mt. Vernon District, subject to Fire Department and Health Department approval. All other provisions of the Ordinance applicable to this application shall be met. Seconded, Mr. Barnes, Carried unanimously (4-0).

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10:30 - SAFEWAY STORES, INC., application under Section 30-6.6 of the Ordinance, to permit construction of a Safeway Food Store and Drug Store closer to Watson Street, Route 7 and Watson Street, Lots, 2, 3, 4, 5, 6, 17, 18, 19 and 20, Apple Grove, Dranesville District (C-D) V-226-65.

Mr. W. W. Koontz represented the applicant. He stated that they are requesting a variance because of the location of the property. It is bounded on three sides by streets and if they enforce the 50 foot setback from all streets, it takes up about twenty per cent of their property and prevents its maximum utilization. Safeway determines their stores by surveys and studies and unless they can erect the store on the property as they plan, they would have to put up a smaller inadequate store on the property. They will put up any type of fence or shrubbery that the Board feels is proper. They have fronted the store on Leesburg Pike and Safeway must have its parking in front of the store.

Mrs. Henderson suggested turning the store around on the property.

Mr. Rust of the Planning Staff said the building would fit on the property but it would have to be turned around.

Mr. Thomas of Safeway Stores said the modern concept in modern shopping sales is to put the building on the rear property line with parking in front. This property was very expensive in the first instance and that is one reason they put the service station in. They will also have a Drug Fair. Safeway gave the County 6,000 square feet for the road, they have to put in a service road in front, and now with these three setbacks it totals up to between 25,000 and 30,000 square feet of unusable property.

Mr. Yeatman said the problem of Safeway seemed to be a financial problem rather than a topographical one. The building will fit on the property without granting a variance.

Mr. Smith said it seemed that Safeway was trying to overdevelop the property.

OPPOSITION:

Mr. George Schmyth, owner of property directly across Watson Street on the north side, spoke for himself and three neighbors. When the property was rezoned for commercial use, they did not oppose it because they knew the property would soon be commercial anyway. He had talked with Mr. Koontz earlier and suggested that perhaps the building could face on both streets, but he objected to the back of the building facing his property. They did not oppose the service station because it does not back up to their property. He showed pictures of the property and asked that Safeway clean it up and get rid of the trash.

Mr. Thomas said the first notice they had of the trashy condition was from the Health Director of Fairfax County. They had begun to take measures to correct the situation when the Dunn Loring Fire Department asked that they be allowed to conduct a program on the property over a period of eight to ten weeks. They wrote to Dr. Kennedy and told him that the Fire Department was given permission to conduct their program there. He was satisfied that the condition need not be corrected at that time since the Fire Department was using the property. They were burning the houses and conducting classes there. November 12 was their last day. They just received notice that there were some chimneys sticking up and are now taking measures to correct them.

In the application of Safeway Stores, Inc., application under Section 30-6.6 of the Ordinance, to permit construction of a Safeway Food Store and Drug Store closer to Watson Street, Route 7 and Watson Street, Lots 2, 3, 4, 5, 6, 17, 18, 19 and 20, Apple Grove, Dranesville District, Mr. Smith moved that the application be denied on the grounds that Safeway has not shown hardship as defined by the Ordinance. The Planning staff has noted on this particular application: "It appears that the building can be moved and redesigned to meet the required setbacks." After hearing from Safeway, Mr. Smith said he felt that the staff's thinking and recommendation in this case should be followed. Through moving or redesigning the buildings, he thought Safeway could adequately develop this property. Seconded, Mr. Yeatman. Carried unanimously (4-0).

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10:40 - DAVE SAVILLE, application under Section 30-6.6 of the Ordinance, to permit division of lot with less frontage at the building setback line than allowed, Lot 1, Annandale Gardens, Falls Church District (R-12.5) V-228-65.

Mr. Aldrich represented the applicant. They recently acquired the property, he said, and had renovated the existing residence on it. Water and sewer are available to this property but the present home is not connected to it as yet. They wish to divide the lot with a slight variance at the building line and would connect both lots to sewer and water. They plan to erect a 28 ft. x 45 ft. brick rambler on one lot. The present house is non-conforming in location on the front setback; the new lot conforms. The residents in the area are not opposed to the request.

There was no opposition.

Mrs. Henderson noted the staff comment: "Required setback 105 ft., shown 86.91 ft., however this dimension does not scale correctly on plat."

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Mr. Smith moved to defer the application for decision only to December 21 for additional information from the engineer and corrected plats to show exact distances. Seconded, Mr. Barnes. Carried unanimously (4-0).

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10:50 - R. AND D. HOMES, INC., application under Section 30-6.6 of the Ordinance, to permit dwelling 48.7 feet from Minburn Street, Lot 57, Oliver Estates, (9901 Minburn Street), Dranesville District (RE-1) V-229-65.

The applicant's representative stated that there was an error on the blueprints; the surveyor laid the house out with one floor plan and the house was built with another floor plan which resulted in the error. This is an open carport -- the roof only comes out even with the top of the house. Part of what is shown as carport on the plat actually is concrete slab. The car runs along the concrete slab into the carport.

There was no opposition.

Mrs. Henderson suggested deferring decision on this until the Zoning Administrator has had a chance to check into this - it may not be a violation and could be removed from the agenda.

Mr. Yeatman moved to defer to December 21. Seconded, Mr. Smith. Carried unanimously. (4-0)

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11:00 - BOYS CLUB OF FAIRFAX AND NORTH SPRINGFIELD LITTLE LEAGUE, application under Section 30-7.2.8.1.4 of the Ordinance, to permit operation of a football and baseball field, on north side of Braddock Road between Route 650 and Route 733, Falls Church District. (R-17) S-230-65.

Mr. Robert Ellis represented the applicant.

Mr. Smith said he was familiar to some extent with this program and was aware that the North Springfield Little League will have to vacate their present field for warehousing. This is an ideal location, centrally located between Fairfax and Springfield. They have been using this for the past several weeks now for football and have done an excellent job of developing it.

Mr. Ellis said the property contains 16+ acres; the ground slopes toward Braddock Road. There are no drainage or parking problems. They have not had Health Department approval yet but will comply with their requirements. They plan to have a small concession stand which will be operated by the League for the benefit of the League.

No opposition.

In the application of Boys Club of Fairfax and North Springfield Little League, application under Section 30-7.2.8.1.4 of the Ordinance to permit operation of football and baseball field on north side of Braddock Road between Route 650 and Route 733, Falls Church District, Mr. Smith moved that the application be approved as applied for, in conformity with plats dated February 21, 1963, by Greenhorne, O'Mara, Dewberry & Nealon, and all applicable provisions of the Ordinance shall be met. He suggested that they apply for site plan waiver in this case. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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11:10 - MACK S. AND IRENE CRIPPEN; JR., application Section 30-7.2.8.1.5 of the Ordinance, to amend existing use permit additional seasonal camping facilities, west side of Hunter Mill Road at Colvin Run, Centreville District. (RE-2) S-231-65.

Mr. William Hansbarger represented the applicants. Mr. Crippen was present also. Mr. Hansbarger called Mr. Mark L. Money to speak in favor of the application as he had an appointment and could not stay for the entire hearing.

Mr. Money said he had lived in this area all of his life. He owns approximately 90 acres about one-half mile from Lake Fairfax. He said he had camped all over the United States and had had occasion to visit Lake Fairfax on many occasions over the past two summers. He found it to be a well managed, well supervised and well run organization and was in favor of granting the permit. He did not feel that it would have any effect on the value of his property, either for or against. He felt that Lake Fairfax has been performing a great service to people. Mr. Money said he had traveled with his family in this manner and they had been very pleased with treatment they received from all sections of the country. In his seven years of camping experience, he had yet to see a drunk at a camp site or to hear of any theft occurring in a camp site. Mr. Crippen's enterprise is outstanding in its management and cleanliness in the area.

In December 1957 Lake Fairfax was granted a use permit for a general recreation area including a lake and a number of other uses, one of which was camping which at that time was purely incidental and perhaps an afterthought as far as the applicant was concerned, Mr. Hansbarger stated, because at that time it was not known how much this facility was needed in the Washington Metropolitan area. At that time the permit was for boy scout camping on an area of some 80 acres. The project has grown in popularity and also in extent of operation since that time. Some of the complaints the Board will hear, Mr. Hansbarger, continued, are: There are not boy scouts camping there, but camping which caters to not only the people of Fairfax County but for people coming from all over the country to visit their Nations's capital. Mr. Hansbarger said he saw no difference between boy scout camping and camping of families no matter where they came from so long as they were people who were presentable and did not injure the location. Camping is camping, irrespective of boy scouts or otherwise.

The first campers who came to Lake Fairfax were sent there from Burke Lake Park when they were too crowded. Mr. Crippen was not set up for camping but he allowed them to stay and from that it has grown into one of the finest recreation areas in the country. Mr. Woodson called Mr. Crippen and told him that he was in violation. At that time they got together and since camping season was almost over (May to October) they were allowed to finish and then were to file an application for use permit and get the situation corrected. This summer was Mr. Crippen's third season. IN THE CAMPING GROUNDS

Mr. Hansbarger stated that they were asking for a use permit under Section VII Uses in the Zoning Ordinance and ^{ONE OF} the specific requirements of this permit is that: No permit shall be issued on a tract containing less than 20 acres. The permit they are asking for is on 46 acres and not only is it 46 acres but 46 acres surrounded by property of the applicant and his father. One of the other specific requirements of the Ordinance is that they be located not nearer than 200 ft. from property lines. Plats indicate that they have stayed off adjacent property lines at least that amount.

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Mrs. Henderson asked why the entrance off Hunter Mill Road was not put in. This was not necessary, Mr. Hansbarger replied, it was better as far as traffic circulation was concerned, not to put it in.

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Is this 46 acre camping ground part of the original 80 acres. Mrs. Henderson asked? Some is and some is not, Mr. Hansbarger said.

The present camping ground is not where the boy scout camping area was, Mrs. Henderson stated.

Mr. Crippen said he felt this was a more suitable location for camp sites.

Mr. Smith felt that the Board should have plats to show the exact acreage involved in the application to get a better idea as to where the line was on the original permit.

Family camping is a much better operation than Boy Scout camping, Mr. Hansbarger said, here you have parents to watch over the children. There is no difference as far as the law is concerned between camping and boy scout camping. As far as Hunter Mill Road is concerned, until the County put the sewer line through there, Hunter Mill Road was concealed by woods and trees. Mr. Crippen gave the sewer easement and then for the first time those that used the road could see into the camping area. The area included in the application is down in a valley and there are streams nearby.

Mr. Hansbarger stated that they had checked with the Health Department and Mr. Crippen's sanitary facilities comply with their requirements.

The Health Department has no real regulations regarding camping sites, Mr. Crippen said, and have asked him to work with them in setting up some. The camp site did have sanitary facilities during the last season; the permanent bath house had flush toilets and warm showers.

The motion states "80 acres approximately", Mr. Smith said. Now we are talking about more and it would appear that Mr. Crippen should have come to the Board for the additional facilities.

Mrs. Henderson pointed out that Boy Scout camping was allowed in a different location and this particular type of camping was not included in the permit. Whether or not this is a good operation, she said she had no idea, but she was concerned about the violations of use permits.

The Board discussed the bath house that had been constructed; it was in the wrong location and should not have been allowed.

Mr. Crippen complied with all County requirements, Mr. Hansbarger stated, and he had a building permit for the bath house.

Mr. Smith said if Mr. Crippen had a permit to construct the bath house, he was not to blame, but he could not understand how the zoning office issued the permit knowing that this was not covered in the use permit.

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This is the first bath house in the County for campers, Mr. Crippen said; he wanted to see how this one worked out and if this permit is granted, he will construct two more next year.

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They are only asking the permit for two years, Mr. Hansbarger said, and they are willing to come back to the Board for review. Mrs. Wright, adjoining property owner, has requested Dr. Kennedy to advise her whether or not there were violations as far as sanitation was concerned. Mr. Hansbarger read a letter dated 3 September 1965 from Dr. Kennedy stating that they were satisfied that the operation was satisfactory. (Letter on file in zoning office.) The only complaint was regarding trash and garbage and that has been corrected. The Health Department has requested that all flush toilets be put throughout the camping area. Mr. Crippen has agreed to do this at a cost of \$50,000. The camping grounds are policed daily.

On the question of the bath house, Mrs. Henderson agreed that it was necessary for the family camping, but that was not approved in the first place.

Mr. Hansbarger read letters from the following in favor of the application: (Letters on file in the Zoning Office.) Fairfax County Park Authority, Glenn W. Saunders of Reston, and the Fairfax Hunt Club. A letter from Burns M. Gibson, Jr. of Mt. Vernon Bank, Mortgage Loans Department, advised that Mr. Gibson had inspected the property and it was his opinion that the presence of the camping area "does not and will not have a detrimental or adverse effect on property values in the adjoining area."

What is the fee for camping trailers over a 24 hour period, Mr. Smith asked?

\$4.00 for the first night and \$3.00 each additional night, Mr. Crippen replied. Burke Park can only handle 25 families. People will be coming to the camp site and if Mr. Crippen cannot allow them to stay, they will be scattered all over County roads. Fifty per cent of his people are sent there from Burke Park.

Mr. Crippen said his gates are locked at 12:00 midnight and no one is allowed in or out. He has a night watchman who rides in a jeep all night long and watches these camps. The night watchman disposes everyone at 11:00 and they go back to their camp sites. A doctor is on call 24 hours a day.

What is the greatest number of campers you have had in this area at any one time, Mr. Smith asked? 400 to 450 families in one night, Mr. Crippen answered. He had 20 Sanacan units, water throughout the area, and a dump for the trailers, which was sufficient for the last season.

How many people would the present permanent facilities take care of without additional \$50,000 installations, Mr. Smith asked?

Mr. Crippen said about 100 families.

On the amended permit, Mr. Yeatman asked how many families would be allowed. Approximately 600, Mr. Crippen said, although they would probably have only about 450. This would give room for expansion. He said he had kept the campers separated from the picnickers -- you cannot mix the two.

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How many bath houses are on the premises now, asked Mr. Smith? Three, Mr. Crippen said; one for the lake swimmers, one for the pool swimmers and one for the campers. The first year the permit was granted they constructed the bath house for the lake. The pool has been in operation three years and the bath house for the pool was constructed at the time it began operation. The third one was constructed last winter.

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Mr. Kendall of History Tours Information Center at Camp Washington stated that Mr. Crippen's camp site was a "Godsend" to them. They liked doing their part in taking care of the ten million people who come to this area to see the sites and they were glad to have a place to send them.

Mr. Bob Regan, Pastor of the Methodist Church spoke neither for or against the application. It had been his experience, he said, that people camping as families were persons of church going families basically. There is a need for such facilities in the County and this provides an excellent service for people coming from all over the country.

Opposition: William W. Morrison stated that he had been negotiating for 202 acres of property directly across Hunter Mill Road, owned by Mrs. Wright, with the idea of building homes in the \$50,000 class.

However, when he found out about the campers, he was no longer interested in the property as he was afraid the homes would not sell. He did not do any surveying on the property itself, only on plats, dividing the property into one acre lots.

Mr. Smith asked if Mr. Morrison were affiliated with Mrs. Wright in any real estate venture. No, he replied, only that he and Mrs. Wright work for the same operation.

Mrs. Eva Wright, owner of 202 acres directly on Hunter Mill Road directly across from the Crippen property, read from the minutes of the original application and from the original use permit. The permit states that there should be no other use in the recreation area other than those shown on the plat. The snack bar seems to have become a grocery store with a license for general merchandise which covers everything. They sell canned goods, milk, dog supplies and things for general camping. She presented two camping magazines with ads for Mr. Crippen's camp site -- The CAMPGROUND ATLAS OF THE UNITED STATES & CANADA, 1964-65 edition, reads as follows: "Lake Fairfax: 11 mi. NW of Falls Church, St. 7, W. 2 mi. St. 606 (200), tables, Flush Toilets; Trailers, Showers, Swimming, bath house, boating, fishing, groceries, Play area, (500 acres.)" The ad in the other magazine referred to "laundry".

Mrs. Wright said she had visited the property on one occasion and found a grocery store operating in the building shown as the bath house. Mr. Crippen has also been operating a small train on the property. Mr. Crippen told her that under his recreation license he could have roller coasters if he wanted it but did not want it.

Mr. Smith asked if Mrs. Wright lived on her property; she said she did not, but visited it quite often. She has a house on the property which is rented. On the day she observed the store she saw potato chips on the shelf, canned goods, and someone buying milk. She did not know how or when Mr. Crippen had permission to have the train installed. He did have a helicopter service operating there, she had heard, but this was no longer operating. She felt that this camp site was not needed in the area and listed other places where campers might stay -- Shenandoah Valley parks, Prince William, etc.

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Mr. Crippen says he only has 400 sites, Mrs. Wright continued; she showed pictures of a stake which had the number "840" on it and she wondered if this meant 840 camp sites. When she went to make her inspection that day, she did not feel that Dr. Kennedy had made a very thorough inspection -- she saw beer cans in the stream and in the mud puddle in the middle of the camping area; gin bottles in the dump. Mr. Crippen had told her that he did not allow alcoholic beverages in his camp.

Mr. Crippen does not intend to keep the land very long, Mrs. Wright continued: it will be resold and they are afraid that someone else might take over the camping area and violate the permit also. This camp site depreciates property values on Hunter Mill Road. Also, she would like to know who patrolled the camp -- was it a 15 year old or children? She asked that the Board make certain that Mr. Crippen abides by the use permit issued to him in 1957.

Do you know of any disturbances that have taken place during the past two years from the campers, Mr. Smith asked?

Only some dogs barking and cars parking on Hunter Mill Road, Mrs. Wright replied, although the parking had been discontinued. As for Mr. Money speaking in favor of the application, Mrs. Wright said that his property was on Route 7 and this would have no effect on his property.

Mr. L. A. Bockman of 1610 Hunter Mill Road, spoke in opposition. He said he could hear the "toot toot" of the train on the Crippen Property and frequently has heard the loudspeakers. He can always tell when Mr. Crippen has had a good day because of the large amount of traffic coming down Hunter Mill Road from Lake Fairfax and because of the unusually large quota of soft drink bottles and beer cans, etc. thrown out of cars. Hunter Mill Road is narrow with a one lane bridge, blind curves, and the additional traffic would increase the hazards on that road.

Mr. Shane said he had lived in the area for 18 years, and now lived at Reston. Within this community for six months a year, one can establish under the guise of camping, what is essentially residence of 2500 people on 46 acres. This is a density of 50 people per acre. It is true this is not a rezoning request. Is this appropriate for this area? Is it equitable to the residents of this community? Is it compatible with houses that are not very far away? The original plan very carefully sketched out a picnic area and play area -- these have been put under macadam for a parking area.

Mrs. R. F. Rogers presented an opposing petition. (on file in Zoning Office.) Her property backs up to Mrs. Wright's property and although she cannot see the camp site from her home, she can hear the noise from it. She did not feel that the use permit should be given to Mr. Crippen since he violated the original one. She did not feel that such a violation should be rewarded by making legal what has been done illegally for two years. The Hunt Club was not opposed, but they do not live in the area.

Mr. Charles Macado said he agreed with statements that had been made by others in opposition. This section of Route 7 is quite congested and all these trailers and other traffic would increase the hazards.

Mr. Sullivan stated that he built a new house on Hunter Mill Road adjoining the Crippen property. He can walk into his back yard any summer day and look down the hill at the tents. The camp is a nuisance to the area. He can hear the noise of the campers as well as the loudspeakers.

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Mrs. Trickett said she had lived in the area for 35 years and her husband's family had owned land near Mr. Crippen's for 50 years. They just built a new home here; the lake is in back of it. They object to the burning of trash and the noise from the campers. They own 14 acres.

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Ten people stood in opposition.

Mr. Hansbarger said the camp operates from May through September. The pictures which Mrs. Wright showed were taken in November after the camp was closed. The policy of Lake Fairfax and the camp is that no alcoholic beverages be sold on the premises and consumed on the premises -- if this happened, they would be in violation of the Alcoholic Beverage Control Bureau. As far as trash is concerned, the burning is in accord with sanitary practices of the County. However, it could be hauled away next season; this could be made a condition of the use permit.

Mr. Sullivan said the tents were up to Hunter Mill Road, Mr. Hansbarger continued. When Mr. Woodson's office notified them of this, the tents were removed immediately. The application does not ask for tents in this location - they will stay 200 feet off the nearest point of Hunter Mill Road. The camp was there for three seasons and there were no complaints from anyone until the sewer line went in and trees were removed to make the camp visible. The view from Hunter Mill Road could be remedied by a stockade fence 200 ft. off the line. Route 7 is a dangerous highway, Mr. Macado says, and all highways are dangerous. However, Route 7 has one advantage -- it has been designated as the only arterial highway in the County and appropriations for its improvement come first. Plans are in existence for the widening of Route 7 into four lane-divided. This is a public highway, not only for the benefit of people living here, but for people all over the country.

This facility is not bad, Mr. Hansbarger continued. No one has indicated with any degree of certainty that this has been a bad operation. It is a good one. As far as youngsters, ^{are} concerned in the operating Lake Fairfax, great effort was made in the Federal Government to give jobs to young people. Mr. Crippen employed 80 youngsters. The federal government thought this was serious enough to expend great funds in the process of getting jobs for youngsters. Of the 80 youngsters, about 20 required a working permit. The night watchman was from the Great Falls Rescue Squad and was 23 years old. Gasoline is not sold on the premises. The ads which Mrs. Wright referred to were not paid ads. There are minor items sold in the front part of the bath house. It is also used as an information booth. It is 25 ft. wide and 12 ft. deep approximately. When the building permit was obtained for this bath house, this area was shown as "storage area".

The store is a violation, Mrs. Henderson said, and should be closed up.

It is an "accessory use", Mr. Hansbarger argued.

Mrs. Henderson read the following letter from Mr. C. E. Kisner, opposing the application:

"I am a property owner in close proximity to Lake Fairfax. Since I am unable to be present because of recent surgery I wish to present certain items which I believe are pertinent to Lake Fairfax's application for extension of a camping use permit.

1. "The minutes of the hearing on 10 December 1957 indicate an area above the Lake as being set aside for Boy Scout camping and I quote, 'this would be for Boy Scouts only'. This stipulation has been disregarded to the extent that this year (1965) the camping has been expanded to follow Colvin Run easterly to within a few feet of Huntermill Road.

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2. "It was stated by Mr. Moreland that the operation would not be visible to anyone except the Hunt Club. There is no record of a qualification of this statement by Lake Fairfax. This stipulation has likewise been disregarded as indicated above.
3. "The minutes of the same 10 December meeting state that there shall be no operations in recreational area other than those specified on the plat, viz., among others, "Boy Scout Camping Area'. This is apparently a restatement of the restriction limiting camping to Boy Scouts which, as stated previously, was disregarded.
4. "The above instances indicate a foot-in-the-door approach as a means of obtaining a permit for camping which was advertised nationally to attract campers in violation of the permit as granted. I believe the board will wish to consider whether the noted violations of permit can be excused by Lake Fairfax as not being aware that the camping permit did not provide for general camping. I believe it should not. A lack of respect and consideration for the permit is indicated by Lake Fairfax's conduct in these instances.
5. "This lack of compliance with zoning regulations increases the cost of enforcing zoning regulations and also serves to increase county tax rates. In fact, I understand that it was only after considerable agitation from interested citizens that the Zoning Administration took action in the summer of 1965 toward enforcing the regulations. However, I am not aware of the reasons for the delay.

"From the record, I submit that Lake Fairfax does not appear to be trustworthy and that granting of this permit would require increased zoning surveillance and as a consequence increased costs. In addition, granting of this permit would be contrary to the considered judgments of the majority of property owners in close proximity to Lake Fairfax as indicated by signatures on the petition which has been circulated."

/s/ C. E. Kisner

What are the operating hours of Lake Fairfax, Mrs. Henderson asked?

Swimming hours are from 10:00 a.m. to 9:00 p.m. Mr. Crippen said; gates are unlocked in the morning at 6:00 and relocked at midnight for the campers. The lake opens May 23, closes 12th or 13th of September. There is no activity going on after September.

What kind of surfacing is proposed for the camping roads, Mrs. Henderson asked?

Crush run gravel, approximately 6 inches, with an oil topping to keep down dust, Mr. Crippen replied. As to the noise of the loudspeakers, they can turn the volume down. They have never had music nor dancing.

This is a difficult case on which to make a decision, Mr. Yeatman said, and he felt the Board should have the advantage of looking at the property. He moved to defer decision until after the property has been viewed by the Board members. The Board agreed to meet at 10:00 a.m. on the site, November 30. Decision will be made on December 7 if possible. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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11:20 - HUMBLE OIL & REFINING CO. & WALTER C. & FLORA CRATER, application under Section 30-7.2.10.1.1.1 of the Ordinance, to permit erection and operation of a service station and permit closer to side property line than allowed by the present Zoning Ordinance, south side of Route 7 opposite Patterson Road, Dranesville District. (C-N) S-232-65

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Mr. Hansbarger represented the applicant. He stated that this would be the nearest service station for traffic coming off the interchange of Route 66. They have not yet submitted a site plan. This is included in the Route 7-66 Interchange Plan which was adopted. They will build a ranch type or colonial type station.

No opposition.

In the application of Humble Oil & Refining Company and Walter C. and Flora Crater, application under Sec. 30-7.2.10.1.1.1 of the Ordinance to permit erection and operation of service station and permit closer to side property line than allowed by the present zoning ordinance, south side of Route 7 opposite Patterson Road, Dranesville District, Mr. Smith moved that the application be approved as applied for. It is understood that the variance could be granted automatically by the Planning Engineer. This Board grants it for the same reason that under the present Ordinance and adopted plan, the Hall property adjoining this is recommended for C-N zoning. All other applicable provisions of the Ordinance shall be met. Granted for gas station only, station to be either colonial or ranch type design. Seconded, Mr. Barnes. Carried unanimously. (4-0)

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11:30 - HERMAN GRENADIER, application under Section 30-6.6 of the Ordinance, to permit erection of dwellings closer to property lines than allowed, Lots 55, 56, 57 and 58, Thornrose, Mt. Vernon District. (R-12.5) V-209-65.

This application was deferred from October 26 for proper notification.

Mr. Grenadier said the lots were formed in 1928. He wished to put houses on the lots, specially built houses resting on steel beams, taking up a small area. The houses come in two sections and are complete -- even with furniture and curtains. He wants to build to help the colored people in the area who cannot afford more expensive houses. These would sell for \$15,000 for a three bedroom furnished house and lot. VEPCO guarantees that the heating bill for a house such as these will not exceed \$120.00 per year. The houses are 20 ft. wide, 52 ft. long and have a full basement. There will be 15 ft. between houses. These can be sold through FHA or VA with no down payment.

No opposition.

In the application of Herman Grenadier, application under Sec. 30-6.6 of the Ordinance to permit erection of dwellings closer to property lines than allowed, Lots 55, 56, 57 and 58, Thornrose, Mt. Vernon District, Mr. Yeatsman moved to approve the application as shown on the plats submitted, dated September 8, 1965, by Cross & Ghent. Seconded, Mr. Smith, who added that the variance is 2 ft. on one side and 7 ft. on the other, and that he be permitted to construct within 10 ft. of the property line on one side and 5 ft. on the other as shown on the plat. The house will be at least 20 ft. wide and 52 ft. long to meet FHA, VA and Fairfax County housing standards as to construction and design. There is a need in this area for houses in this price range. These lots were set up before 1928. This is granted in order that Mr. Grenadier may make use of the lots as individuals in the County need them. This will help alleviate hardships. It is in the public interest and the general health and welfare. Not to grant this would effectively prohibit and unreasonably restrict the use of the property. Carried unanimously. (4-0)

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The Board discussed the Nassif property near Bailey's Crossroads.

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The Board discussed a music school with thirty pupils, one at a time. Is this a home professional office? (It ^{is}) permitted by right as a home occupation? It was decided that the applicant should come before the Board.

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The Board discussed houses displayed for advertising purposes. It was decided that the Board would look at the property mentioned by Mr. Woodson for a possible site.

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Meeting adjourned at 6:30 p.m.

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Minutes taken by Betty Haines

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Wm. E. Henderson Chairman
December 16, 1965 Date

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